

2001

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Chief Minister)

Legislative Assembly (Broadcasting) Bill 2001

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2001 104B

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THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Chief Minister)

Legislative Assembly (Broadcasting) Bill 2001

A Bill for

An Act about broadcasting of proceedings of the Legislative Assembly and
its committees

The Legislative Assembly for the Australian Capital Territory enacts as
follows:

2001 104B

1

2 **1 Name of Act**

3 This Act is the *Legislative Assembly (Broadcasting) Act 2001*.

4 **2 Commencement**

5 (1) This Act commences on a day fixed by the Minister by notice in the
6 Gazette.

7 (2) The Minister must consult the Speaker before fixing a day for
8 subsection (1).

9 *Note 1* The naming and commencement provisions automatically commence on
10 the notification day (see *Legislation Act 2001*, s 75).

11 *Note 2* A single day or time may be fixed, or different days or times may be
12 fixed, for the commencement of different provisions (see *Legislation*
13 *Act 2001*, s 77 (1)).

14 *Note 3* If a provision has not commenced within 6 months beginning on the
15 notification day, it automatically commences on the first day after that
16 period (see *Legislation Act 2001*, s 79).

17 **3 Dictionary**

18 The dictionary at the end of this Act is part of this Act.

19 *Note 1* The dictionary at the end of this Act defines certain words and
20 expressions used in this Act.

21 *Note 2* A definition in the dictionary applies to the entire Act unless the
22 definition, or another provision of the Act, provides otherwise or the
23 contrary intention otherwise appears (see *Legislation Act 2001*, s 155
24 and s 156).

25 **4 Notes**

26 A note included in this Act is explanatory and is not part of the Act.

27 *Note* See *Legislation Act 2001*, s 127 for the legal status of notes.

1 **5 Broadcasting of proceedings**

- 2 (1) A person may broadcast, or record for broadcast, all or part of
3 public proceedings of the Legislative Assembly or a committee of
4 the Assembly.
- 5 (2) The Legislative Assembly may, by resolution, determine the way
6 rights given by subsection (1) must be exercised.
- 7 (3) If the Legislative Assembly makes a determination under
8 subsection (2), a person exercising rights under subsection (1) must
9 comply with the determination.

10 **6 Withdrawal of rights to broadcast**

- 11 (1) The Legislative Assembly may, by resolution, withdraw the right of
12 a person to broadcast, or record for broadcast, public proceedings of
13 the Legislative Assembly or a committee of the Assembly.
- 14 (2) The Legislative Assembly may, by resolution, delegate to the
15 Speaker the power to withdraw the right of a person to broadcast, or
16 record for broadcast, public proceedings of the Legislative
17 Assembly or a committee of the Assembly.
- 18 (3) The Legislative Assembly may, by resolution, delegate to a
19 committee of the Assembly the power to withdraw the right of a
20 person to broadcast, or record for broadcast, public proceedings of
21 the committee.
- 22 (4) A resolution under subsection (1), (2) or (3) may state the way in
23 which a right to broadcast or record may be withdrawn.

24 **7 Electronic access to proceedings**

- 25 (1) A person may apply in writing to the clerk for access to the
26 recording and transmission facilities of the Legislative Assembly for
27 transmission to the applicant of public proceedings of the
28 Legislative Assembly or a committee of the Assembly.

29 *Note* If a form is approved under s 10 (Approved forms) for an application,
30 the form must be used.

- 1 (2) The clerk must give the access requested in an application under
2 subsection (1) if—
- 3 (a) the clerk is satisfied that the recording and transmission
4 facilities of the Legislative Assembly have the capacity to
5 satisfactorily support the equipment the applicant proposes to
6 connect to them; and
- 7 (b) the clerk is satisfied the mode of access requested is reasonable
8 for the purpose for which it is sought; and
- 9 (c) the applicant's right to broadcast the proceedings for which the
10 application is made has not been withdrawn under this Act; and
- 11 (d) the applicant enters into a written agreement with the Territory
12 to—
- 13 (i) comply with any determination in effect under
14 section 5 (2); and
- 15 (ii) provide, or arrange for the provision of, the
16 telecommunication lines and other equipment necessary
17 for the access (the *access equipment*); and
- 18 (iii) pay the costs and expenses of connecting the access
19 equipment to the recording and transmission facilities of
20 the Legislative Assembly; and
- 21 (iv) pay the costs and expenses of maintaining the access
22 equipment; and
- 23 (v) pay the costs and expenses of the Legislative Assembly
24 secretariat in giving access to the proceedings of the
25 Legislative Assembly and its committees by the access
26 equipment.

27 **8 Withdrawal of electronic access**

- 28 (1) The clerk may withdraw electronic access to proceedings given to a
29 person under section 7 if the person—

- 1 (a) ceases to be entitled to broadcast, or record for broadcast,
2 proceedings of the Legislative Assembly or a committee of the
3 Assembly under this Act; or
- 4 (b) does not comply with the person's agreement under
5 section 7 (2) (c).
- 6 (2) If a person's electronic access to proceedings is withdrawn under
7 subsection (1) (a), the clerk must restore the access if the person
8 again becomes entitled to broadcast, or record for broadcast,
9 proceedings of the Assembly or a committee of the Assembly under
10 this Act and applies to the clerk in writing for restoration of the
11 access.
- 12 (3) If a person's electronic access to proceedings is withdrawn under
13 subsection (1) (b), the clerk must restore the access if the person
14 remedies his or her breach of the agreement and applies to the clerk
15 in writing for restoration of the access.

16 **9 Privilege for broadcasts**

- 17 (1) Neither civil nor criminal proceedings may be brought against a
18 member of the Legislative Assembly secretariat for transmitting or
19 broadcasting proceedings of the Legislative Assembly, or a
20 committee of the Assembly, in carrying out the member's duties.
- 21 (2) It is a defence to an action for defamation for matter in a broadcast
22 of proceedings of the Legislative Assembly, or a committee of the
23 Assembly, made in the exercise of a right given by this Act that the
24 defamatory matter was broadcast by the defendant without adoption
25 by the defendant of the substance of the matter and the defamatory
26 matter was part of a fair and accurate report of the proceedings.
- 27 (3) Subsection (2) does not deprive a person of a defence that the
28 person has apart from this section.
- 29 (4) Subsection (2) does not apply to a person for a broadcast made by
30 the person while the person's right to make the broadcast was
31 withdrawn under section 6 (Withdrawal of rights to broadcast).

1 **10 Approved forms**

2 (1) The clerk may, in writing, approve forms for this Act.

3 (2) If the clerk approves a form for a particular purpose, the approved
4 form must be used for that purpose.

5 (3) An approved form is a notifiable instrument.

6 *Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

7 **11 Repeal of Legislative Assembly (Broadcasting of**
8 **Proceedings) Act**

9 The *Legislative Assembly (Broadcasting of Proceedings) Act 1997*
10 No 31 is repealed.

1

2

Dictionary

3

(see s 3)

4

broadcast includes—

5

(a) transmission to the public by radio, television, landline, the Internet or any other electronic means; and

6

7

(b) rebroadcast.

8

clerk means the clerk of the Legislative Assembly.

9

Legislative Assembly secretariat means the clerk and the public servants who assist the clerk in the exercise of the clerk's functions.

10

11

public proceedings, of the Legislative Assembly or a committee of the Assembly, means proceedings of the Assembly or committee open to the public.

12

13

14

rebroadcast means to broadcast from a recording.

15

record, proceedings of the Legislative Assembly or a committee of the Assembly, means make a sound or visual recording of the proceedings.

16

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