



AUSTRALIAN CAPITAL TERRITORY

Legislative Assembly (Broadcasting of Proceedings) Act 1997

No. 31 of 1997

An Act relating to the broadcasting of proceedings of the Legislative Assembly

[Notified in ACT Gazette S185: 16 July 1997]

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

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Legislative Assembly (Broadcasting of Proceedings) Act 1997*.

Commencement

2. (1) Sections 1 to 6 (inclusive) commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

(3) The Minister shall consult with the Speaker before fixing a day for the purposes of subsection (2).

(4) If a provision referred to in subsection (2) has not commenced before the end of the period of 3 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

Interpretation

3. In this Act, unless the contrary intention appears—

“broadcast” means to transmit sound or visual images by radio, television, landline or any other electronic means;

“government office” means a place where officers or employees of the Public Service perform their duties;

“Speaker” means the person elected under section 11 of the *Australian Capital Territory (Self-Government) Act 1988* of the Commonwealth.

PART II—BROADCASTING OF PROCEEDINGS TO GOVERNMENT OFFICES

Authorisation of broadcasting to government offices

4. (1) The Speaker may, in writing, authorise the broadcasting of proceedings of the Legislative Assembly or a committee of the Assembly to specified government offices.

(2) An authorisation is subject to any conditions specified in it.

(3) The Speaker shall, within 3 sitting days of the Legislative Assembly after an authorisation is given, varied or revoked, cause a copy of the authorisation, variation or revocation to be laid before the Legislative Assembly.

(4) The validity of an authorisation, or a variation or revocation of an authorisation, is not affected by a failure to comply with subsection (3).

Compliance with conditions of authorisation

5. A person who broadcasts proceedings of the Legislative Assembly, or a committee of the Assembly, pursuant to an authorisation under section 4 shall comply with any conditions to which the authorisation is subject.

No action for broadcasting proceedings under this Part

6. No proceedings, civil or criminal, lie against a person for broadcasting proceedings of the Legislative Assembly or a committee of the Assembly in accordance with an authorisation under section 4.

PART III—BROADCASTING OF PROCEEDINGS TO THE PUBLIC

Guidelines for authorisations

7. (1) The Standing Committee on Administration and Procedure of the Legislative Assembly shall consider, and report to the Assembly on, the principles on which broadcasting to the public of proceedings of the Assembly or a committee of the Assembly should be authorised.

(2) The Legislative Assembly may adopt, with or without modification, the principles contained in a report under subsection (1).

(3) The Legislative Assembly may vary or revoke any principles adopted under subsection (2), adopt additional principles on which broadcasting to the public of proceedings of the Legislative Assembly or a committee of the Assembly should be authorised or vary or revoke any additional principles so adopted.

Authorisation of public broadcasts

8. (1) The Speaker may, by writing, authorise a person to broadcast to the public—

- (a) proceedings of the Legislative Assembly, or a committee of the Assembly, that are in the opinion of the Speaker, having regard to any relevant principles in effect under section 7, of sufficient significance to warrant broadcasting; or
- (b) a recording of any such proceedings.

(2) An authorisation is subject to any conditions specified in it.

(3) The Speaker shall not grant an authorisation under subsection (1) otherwise than in accordance with any relevant principles in effect under section 7.

(4) The Speaker shall, within 3 sitting days of the Legislative Assembly after an authorisation is given, varied or revoked, cause a copy of the authorisation, variation or revocation to be laid before the Legislative Assembly.

(5) The validity of an authorisation, or a variation or revocation of an authorisation, is not affected by a failure to comply with subsection (3) or (4).

Unauthorised broadcasting of proceedings

9. (1) A person shall not broadcast to the public—

- (a) proceedings of the Legislative Assembly or a committee of the Assembly; or
- (b) a recording of any such proceedings;

unless he or she has been authorised to do so under section 8.

(2) A person who has been granted an authorisation under section 8 shall, in making a broadcast under the authorisation, comply with any conditions to which the authorisation is subject.

Privilege in respect of authorised broadcasts

10. (1) It is a defence to an action for defamation in respect of matter contained in a broadcast of proceedings of the Legislative Assembly, or a committee of the Assembly, made in accordance with an authorisation under section 8 that the defamatory matter was broadcast by the defendant without any adoption by the defendant of the substance of the matter and the defamatory matter was contained in a fair and accurate report of the proceedings.

(2) This section does not deprive a person of any defence that would have been available to him or her if this section had not been enacted.

[Presentation speech made in Assembly on 18 June 1997]

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