

APPENDIX 25: LEGISLATIVE ASSEMBLY (BROADCASTING) ACT 2001

Australian Capital Territory

**Legislative Assembly (Broadcasting) Act
2001**

A2001-69

Republication No 5

Effective: 12 April 2007

Republication date: 12 April 2007

Last amendment made by A2007-3

Unauthorised version prepared by ACT Parliamentary Counsel's Office

About this republication

The republished law

This is a republication of the *Legislative Assembly (Broadcasting) Act 2001* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 12 April 200. It also includes any amendment, repeal or expiry affecting the republished law to 12 April 2007.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Legislative Assembly (Broadcasting) Act 2001

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Australian Capital Territory

Legislative Assembly (Broadcasting) Act 2001

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

1 Name of Act

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

3 Dictionary

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

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

Note 2 A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

4 Notes

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

Note See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

5 Broadcasting of proceedings

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

6 Withdrawal of rights to broadcast

- (1) The Legislative Assembly may, by resolution, withdraw the right of a person to broadcast, or record for broadcast, public proceedings of the Legislative Assembly or a committee of the Assembly.
- (2) The Legislative Assembly may, by resolution, delegate to the Speaker the power to withdraw the right of a person to broadcast, or record for broadcast, public proceedings of the Legislative Assembly or a committee of the Assembly.
- (3) The Legislative Assembly may, by resolution, delegate to a committee of the Assembly the power to withdraw the right of a person to broadcast, or record for broadcast, public proceedings of the committee.
- (4) A resolution under subsection (1), (2) or (3) may state the way in which a right to broadcast or record may be withdrawn.

7 Electronic access to proceedings given by clerk

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

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

- (2) The clerk must give the access requested in an application under subsection (1) if—

- (a) the clerk is satisfied that the recording and transmission facilities of the Legislative Assembly have the capacity to satisfactorily support the equipment the applicant proposes to connect to them; and
- (b) the clerk is satisfied the mode of access requested is reasonable for the purpose for which it is sought; and
- (c) the applicant's right to broadcast the proceedings for which the application is made has not been withdrawn under this Act; and
- (d) the applicant enters into a written agreement with the Territory to—
 - (i) comply with any determination in effect under section 5 (2); and
 - (ii) provide, or arrange for the provision of, the telecommunication lines and other equipment necessary for the access (the *access equipment*); and
 - (iii) pay the costs and expenses of connecting the access equipment to the recording and transmission facilities of the Legislative Assembly; and
 - (iv) pay the costs and expenses of maintaining the access equipment; and
 - (v) pay the costs and expenses of the Legislative Assembly secretariat in giving access to the proceedings of the Legislative Assembly and its committees by the access equipment.

8 Withdrawal of electronic access by clerk

- (1) The clerk may withdraw electronic access to proceedings given to a person under section 7 if the person—
 - (a) ceases to be entitled to broadcast, or record for broadcast, proceedings of the Legislative Assembly or a committee of the Assembly under this Act; or
 - (b) does not comply with the person's agreement under section 7 (2) (d).
- (2) If a person's electronic access to proceedings is withdrawn under subsection (1) (a), the clerk must restore the access if the person again becomes entitled to broadcast, or record for broadcast, proceedings of the Assembly or a committee of the Assembly under this Act and applies to the clerk in writing for restoration of the access.
- (3) If a person's electronic access to proceedings is withdrawn under subsection (1) (b), the clerk must restore the access if the person remedies his or her breach of the agreement and applies to the clerk in writing for restoration of the access.

8A Electronic access to proceedings given by Speaker

- (1) The Speaker may, in writing, direct that a person be given access to the recording and transmission facilities of the Legislative Assembly for transmission to the person of public proceedings of the Assembly or a committee of the Assembly.

Note The power to make a direction includes the power to amend or repeal it (see Legislation Act, s 46 (1)).

- (2) The Speaker must give a copy of the direction to the person.
- (3) The direction is a disallowable instrument.

Note 1 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

Note 2 An amendment or repeal of a direction is also a disallowable instrument (see Legislation Act, s 46 (2)).

9 Privilege for broadcasts

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

10 Approved forms

- (1) The clerk may, in writing, approve forms for this Act.
- (2) If the clerk approves a form for a particular purpose, the approved form must be used for that purpose.

Note For other provision about forms, see *Legislation Act 2001*, s 255.

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

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

Dictionary

(see s 3)

Note 1 The *Legislation Act 2001* contains definitions and other provisions relevant to this Act.

Note 2 In particular, the *Legislation Act 2001*, dict, pt 1, defines the following terms:

- function
- Legislative Assembly
- person
- Speaker.

broadcast includes—

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

clerk means the clerk of the Legislative Assembly.

Legislative Assembly secretariat—see the *Public Sector Management Act 1994*, dictionary.

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

rebroadcast means to broadcast from a recording.

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

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Legislative Assembly (Broadcasting) Act 2001 No 69

notified 10 September 2001 (Gaz 2001 No S66)

s 1, s 2 commenced 10 September 2001 (IA s 10B)

remainder commenced 10 March 2002 (s 2 and LA s 79)

as amended by

Statute Law Amendment Act 2002 No 30 pt 3.41

notified LR 16 September 2002

s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))

pt 3.41 commenced 17 September 2002 (s 2 (1))

Legislative Assembly (Broadcasting) Amendment Act 2002 No 52

notified LR 20 December 2002

s 1, s 2 commenced 20 December 2002 (LA s 75 (1))

remainder commenced 21 December 2002 (s 2)

Public Sector Management Amendment Act 2005 A2005-42 sch 1 pt 1.2

notified LR 31 August 2005

s 1, s 2 commenced 31 August 2005 (LA s 75 (1))

sch 1 pt 1.2 commenced 1 September 2005 (s 2)

Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.59

notified LR 22 March 2007

s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))

sch 3 pt 3.59 commenced 12 April 2007 (s 2 (1))

4**Amendment history****Commencement***s 2* *am LA s 89 (4)***Electronic access to proceedings given by clerk***s 7 hdg* *sub 2002 No 52 s 4***Withdrawal of electronic access by clerk***s 8 hdg* *sub 2002 No 52 s 5***Electronic access to proceedings given by Speaker***s 8A* *ins 2002 No 52 s 6***Approved forms***s 10* *am 2002 No 30 amdt 3.571***Repeal of Legislative Assembly (Broadcasting of Proceedings) Act***s 11* *om LA s 89 (3)***Dictionary***dict* *am 2002 No 30 amdt 3.572*
*def Legislative Assembly secretariat sub A2005-42 amdt 1.2; A2007-3 amdt 3.332***5****Earlier republications**

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	10 March 2002
2	Act 2002 No 30	17 September 2002
3	A2002-52	21 December 2002
4	A2005-42	1 September 2005