

Broadcasting Amendment Act (No 2) 2007

Public Act 2007 No 112
Date of assent 19 December 2007

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Broadcasting Amendment Act (No 2) 2007.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act amended

This Act amends the Broadcasting Act 1989.

4 Interpretation

Section 2(1) is amended by inserting the following definition in its appropriate alphabetical order:

“**election programme**,—

“(a) in the definition of **advertising programme** and in sections 8 and 21, means a programme broadcast under Part 6; and

“(b) in Part 6, has the meaning given to it by section 69”.

5 Right of complainant to refer formal complaint to Authority

(1) Section 8 is amended by repealing subsections (1) and (1A) and substituting the following subsections:

“(1) A complainant must refer the complaint directly to the Authority if the complaint is that an election programme did not meet 1 or more of the standards in section 4(1)(a) to (c) and (e).

“(1A) A complainant may refer the complaint directly to the Authority if—

“(a) the complaint is that a broadcaster failed to comply with section 4(1)(c); and

“(b) the complainant chooses to refer the complaint directly to the Authority.

“(1B) A complainant may refer the complaint to the Authority if the complainant—

“(a) made the complaint under section 6(1)(a); and

“(b) is dissatisfied with—

“(i) the decision of the broadcaster; or

“(ii) the action taken by the broadcaster.

“(1C) A complainant may refer the complaint to the Authority if—

“(a) the complaint is about a programme other than an election programme; and

“(b) at least 20 working days have passed since the broadcaster received the complaint; and

“(c) the broadcaster has not notified the complainant of—

“(i) the decision of the broadcaster; or

“(ii) the action taken by the broadcaster; and

- “(d) the broadcaster—
 - “(i) has not given the complainant a notice under subsection (1D); or
 - “(ii) has given the complainant a notice under subsection (1D) but has not complied with the statement under subsection (1D)(c).
- “(1D) A broadcaster that receives a complaint under section 6 may give the complainant a notice in writing or electronically within 20 working days after receiving the complaint—
 - “(a) stating that the broadcaster will be unable to make a decision or take action on the complaint within 20 working days after receiving the complaint; and
 - “(b) stating the reasons why the broadcaster will be unable to do so; and
 - “(c) stating that the broadcaster will tell the complainant about its decision or action on the complaint within 40 working days after the broadcaster received the complaint.”
- (2) Section 8(2) is amended by omitting “Subsection (1) of this section” and substituting “Subsections (1) to (1D)”.

6 New section 9 substituted

Section 9 is repealed and the following section substituted:

“9 Time limits

- “(1) The Authority must not accept a complaint made outside the period specified for the complaint in this section.
- “(2) A complaint under section 8(1) must be made to the Authority in the period—
 - “(a) starting on the first working day after the broadcast of the programme that the complaint is about; and
 - “(b) ending 60 working days later.
- “(3) A complaint under section 8(1A) must be made to the Authority in the period—
 - “(a) starting on the first working day after the broadcast of the programme that the complaint is about; and
 - “(b) ending 20 working days later.
- “(4) A complaint under section 8(1B) must be made to the Authority in the period—

- “(a) starting on the first working day after the day on which the complainant received notice of the broadcaster’s decision or action on the complaint; and
 - “(b) ending 20 working days later.
- “(5) A complaint under section 8(1C) must be made to the Authority in the period—
- “(a) starting on the first working day after the broadcast of the programme that the complaint is about; and
 - “(b) ending 60 working days later.”

7 Functions of Authority

Section 21(1) is amended by repealing paragraph (b) and substituting the following paragraphs:

- “(b) to receive and determine complaints that election programmes did not meet 1 or more of the standards in section 4(1)(a) to (c) and (e); and
- “(ba) to receive and determine complaints when—
 - “(i) the complaint is that a broadcaster failed to comply with section 4(1)(c); and
 - “(ii) the complainant has chosen to refer the complaint directly to the Authority; and”.

8 Prohibition on paid election programmes

Section 70(2)(c)(iv) is amended by omitting “3 months preceding polling day for the election” and substituting “election period”.

Legislative history

11 December 2007

Divided from Electoral Finance Bill (Bill 130-2)
as Bill 130-3A

18 December 2007

Third reading
