

## **Broadcasting Amendment Bill (No 3)**

Government Bill

As reported from the committee of the whole House

This bill was formerly part of the Electoral Finance Bill as reported from the Justice and Electoral Committee. The committee of the whole House has further amended the bill and divided it into the following bills:

- The Electoral Finance Bill, comprising Part 1, Part 2, Part 3 (except subparts 4 and 5), and the Schedule
  - This bill, comprising subpart 4 of Part 3
  - The Electoral Amendment Bill, comprising subpart 5 of Part 3.
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## **Key to symbols used in reprinted bill**

### **As reported from the committee of the whole House**

<i>&lt;Subject to this Act,&gt;</i>	Words struck out by a majority
<u>&lt;Subject to this Act,&gt;</u>	Words inserted by a majority

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*Hon Annette King*

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### **Contents**

	Page
1 Title	1
2 Commencement	1
. . . . .	
132 Principal Act amended	1
133 Interpretation	1
134 Right of complainant to refer formal complaint to Authority	2
135 New section 9 substituted	3
9 Time limits	3
136 Functions of Authority	4
137 Prohibition on paid election programmes	4

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### **The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Broadcasting Amendment Act (No 3) **2007**.
- 2 Commencement**  
This Act comes into force on the day after the date on which it receives the Royal assent. 5
- . . . . .
- 132 Principal Act amended**  
This subpart amends the Broadcasting Act 1989.
- 133 Interpretation**  
Section 2 is amended by inserting the following definition in its appropriate alphabetical order: 10

“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

### 134 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). 10

“(1A) A complainant may refer the complaint directly to the Authority if— 15

“(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— 20

“(a) made the complaint under section ~~4~~ 6(1)(a); and

“(b) is dissatisfied with—

“(i) the decision of the broadcaster; or

“(ii) the action taken by the broadcaster. 25

“(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 30

“(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 35

“(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 5
  - “(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.” 10
- (2) Section 8(2) is amended by omitting “Subsection (1) of this section” and substituting “**Subsections (1) to (1D)**”.
- 135 New section 9 substituted** 15  
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— 20
    - “(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— 25
    - “(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— 30
    - “(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. 35
  - “(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.”

**136 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 5

“(ba) to receive and determine complaints when—

“(i) the complaint is that a broadcaster failed to comply with section 4(1)(c); and 10

“(ii) the complainant has chosen to refer the complaint directly to the Authority; and”.

**137 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”. 15

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**Legislative history**

11 December 2007

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

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