



ANALYSIS

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1989, No. 69

An Act to amend the Broadcasting Act 1989

[25 September 1989]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Broadcasting Amendment Act 1989, and shall be read together with and deemed part of the Broadcasting Act 1989 (hereinafter referred to as the principal Act).

2. Interpretation—Section 54 of the principal Act is hereby amended by inserting, before the definition of the term “overseas person”, the following definition:

“‘Company’—

“(a) Has the meaning given to it by section 2 of the Companies Act 1955; and

“(b) Includes a company incorporated outside New Zealand.”.

3. Restriction on broadcasting by overseas person—The principal Act is hereby further amended by repealing section 61, and substituting the following section:

“61. (1) Subject to subsection (2) of this section, no overseas person shall broadcast programmes in New Zealand.

“(2) Nothing in subsection (1) of this section applies to any company.”

4. Restriction on overseas ownership of broadcaster—

Section 62 of the principal Act is hereby amended by adding the following subsections:

“(4) An overseas person shall not be prevented by subsections (1) to (3) of this section—

“(a) From holding any note, debenture, mortgage, or other security under which a company that broadcasts programmes is a debtor or the debtor; or

“(b) From exercising any of the rights or remedies under any note, debenture, mortgage, or other security under which a company that broadcasts programmes is a debtor or the debtor.

“(5) Where voting rights in a company that broadcasts programmes are conferred by any note, debenture, mortgage, or other security, being rights exercisable in one or more of the following circumstances:

“(a) During a period in which any payment on the note or the debt secured by the debenture, mortgage, or other security is in default:

“(b) On a proposal to reduce the capital of the company:

“(c) On a proposal that affects rights attached to the note, debenture, mortgage, or other security:

“(d) On a proposal to wind the company up:

“(e) On a proposal for the disposal of the whole of the property, business, and undertaking of the company:

“(f) During the winding-up of the company,—

an overseas person shall not be prevented by subsections (1) to (3) of this section from holding those voting rights or from exercising those voting rights.

“(6) The holding of—

“(a) Any note, debenture, mortgage, or other security under which a company that broadcasts programmes is a debtor or the debtor; or

“(b) Any voting rights specified in subsection (5) of this section,—

shall not be, for the purposes of subsection (2) of this section, the control of the exercise of voting power and shall not be, for the purposes of subsection (3) of this section, the holding of a shareholding interest.”

5. Special provision in respect of ownership by insurance company of shareholding interest in company that broadcasts programmes—Section 65 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) In this section, ‘insurance company’ means a company that is carrying on in New Zealand the business of insurance.”

This Act is administered in the Ministry of Commerce.
