



# Broadcasting Amendment Act 2000

Public Act 2000 No 3  
Date of assent 29 February 2000  
Commencement see section 2

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## The Parliament of New Zealand enacts as follows:

### 1 Title

- (1) This Act is the Broadcasting Amendment Act 2000.
- (2) In this Act, the Broadcasting Act 1989 is called “the principal Act”.

### 2 Commencement

This Act comes into force on 1 July 2000.

### 3 Interpretation

- (1) Section 2(1) of the principal Act is amended by inserting, in its appropriate alphabetical order, the following definition:  
“**individual** has the same meaning as in section 2(1) of the Privacy Act 1993”.
- (2) Section 2(1) of the principal Act is amended by repealing the definition of **Minister**, and substituting the following definition:  
“**Minister** means, in relation to a Part of this Act, the Minister of the Crown who, under the authority of any warrant or with

the authority of the Prime Minister, is for the time being responsible for the administration of the Part”.

#### **4 Functions of Authority**

- (1) Section 21(1)(e) of the principal Act is amended by adding the following subparagraph:

“(vii) the privacy of the individual:”.

- (2) Section 21 of the principal Act is amended by adding the following subsection:

“(4) When performing its functions under subsection (1)(e), (f), or (g) in relation to a code of practice of the kind described in subsection (1)(e)(vii), the Authority must consult with the Privacy Commissioner appointed under the Privacy Act 1993.”

#### **5 Rules in relation to retention of recordings of programmes**

- (1) Section 30 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:

“(1) The Authority may from time to time make and promulgate rules in relation to broadcasters to ensure that recordings of programmes broadcast by them are retained by the broadcaster or some other person, and are able to be obtained by the broadcaster when required to do so by the Authority.”

- (2) Section 30 of the principal Act is amended by repealing subsection (3), and substituting the following subsection:

“(3) Any rules made under this section may require a broadcaster, when requested to do so by the Authority, to obtain recordings of programmes broadcast by that broadcaster and to make suitable arrangements to enable the Authority to view or hear any recordings held or obtained by the broadcaster.”

#### **6 Functions of Commission**

- (1) Section 36 of the principal Act is amended by repealing paragraph (c), and substituting the following paragraph:

“(c) to ensure that a range of broadcasts is available to provide for the interests of—

“(i) women; and

“(ii) youth; and

“(iii) children; and

- “(iv) persons with disabilities; and
- “(v) minorities in the community including ethnic minorities; and”.

(2) Section 36 of the principal Act is amended by inserting, after paragraph (c), the following paragraph:

- “(ca) to encourage a range of broadcasts that reflects the diverse religious and ethical beliefs of New Zealanders; and”.

## **7 Crown entity**

Section 53Q(2) of the principal Act is amended by omitting the words “of Communications”.

## **8 New section 53S inserted**

The principal Act is amended by inserting, after section 53R, the following section:

### **“53S Te Reo Whakapuaki Irirangi to have regard to Government policy**

- “(1) When carrying out its function, duties, powers, rights, and authorities under this Act, Te Reo Whakapuaki Irirangi must comply with any direction given to it jointly by the Minister and the Minister of Maori Affairs in accordance with this section in relation to the general policy of the Government on the promotion, by means of broadcasting, of Maori language and Maori culture or the function, duties, powers, rights, and authorities of Te Reo Whakapuaki Irirangi.
- “(2) The Minister and the Minister of Maori Affairs may not give a direction in respect of—
  - “(a) a specific programme; or
  - “(b) the gathering or presentation of news or the preparation or presentation of current affairs programmes.
- “(3) The Minister and the Minister of Maori Affairs, acting jointly, must—
  - “(a) give the direction to Te Reo Whakapuaki Irirangi by notice in writing; and
  - “(b) as soon as practicable after giving the written notice,—
    - “(i) publish a copy of it in the *Gazette*; and
    - “(ii) present a copy of it to the House of Representatives.”

### **Legislative history**

4 August 1998	Introduction and first reading (Bill 177-1)
4 November 1998	Second reading and referral to Commerce Committee
27 April 1999	Reported from Commerce Committee (Bill 177-2)
15 June 1999	Consideration of report
23 February 2000	Committee of the whole House (Bill 177-3)
24 February 2000	Third reading
29 February 2000	Royal assent

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This Act is administered in the Ministry of Economic Development.

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