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1990, No. 103

An Act to amend the Broadcasting Act 1989

[28 August 1990]

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

1. Short Title—This Act may be cited as the Broadcasting Amendment Act (No. 2) 1990, and shall be read together with and deemed part of the Broadcasting Act 1989.

PART I

AMENDMENTS TO BROADCASTING ACT 1989

2. This Part to be read with Broadcasting Act 1989—This Part of this Act shall be read together with and deemed part of the Broadcasting Act 1989 (in this Part referred to as the principal Act).

3. Interpretation—(1) Section 2 of the principal Act is hereby amended by repealing the definition of the term “broadcaster”, and substituting the following definition:

“‘Broadcaster’ means, subject to subsection (2) of this section, a person who broadcasts programmes.”

(2) Section 2 of the principal Act is hereby further amended by repealing the definition of the term “Minister”, and substituting the following definition:

“‘Minister’ means the Minister of Communications.”

(3) Section 2 of the principal Act is hereby amended by adding, as subsection (2), the following subsection:

“(2) For the purposes of this Act, a person who supplies transmission services to a person who broadcasts programmes is not, by reason only of the provision of those services, a broadcaster within the meaning of this Act unless the person who provides the transmission services is, where the person who broadcasts programmes is a company, in a position to exercise control, either alone or in association with any other person, of—

“(a) The operations of that company; or

“(b) The management of any broadcasting station operated by that company; or

“(c) The management of programmes broadcast by that company; or

“(d) The selection or provision of programmes to be broadcast by that company.”

4. Admissibility of evidence—The principal Act is hereby amended by inserting, after section 19, the following heading and section:

“Evidence

“19A. Except in any proceedings for perjury within the meaning of the Crimes Act 1961 in respect of sworn testimony

given before the Authority or in any proceedings for the enforcement of an order made under this Part of this Act,—

“(a) No response made by a broadcaster to any complaint made under this Part of this Act; and

“(b) No statement made or answer given by any person—

“(i) In the course of the consideration of any complaint made under this Part of this Act; or

“(ii) In the course of any proceedings before the Authority in relation to any complaint made under this Part of this Act; and

“(c) No decision of the Authority on any complaint made under this Part of this Act; and

“(d) No determination of the High Court on any appeal made under section 18 of this Act,—

shall be admissible in evidence against any person in any Court or in any inquiry or other proceedings.”

5. Consequential amendments to principal Act—

(1) Section 62 (1) of the principal Act is hereby amended by repealing paragraphs (a) to (d), and substituting the following paragraphs:

“(a) The operations of a company that is a broadcaster of programmes; or

“(b) The management of any broadcasting station operated by a company that is a broadcaster of programmes; or

“(c) The management of the programmes broadcast by a company; or

“(d) The selection or provision of programmes to be broadcast by a company that is a broadcaster of programmes.”

(2) Section 62 of the principal Act is hereby further amended by omitting from subsections (2) to (4) the word “broadcasts” wherever it appears, and substituting in each case the words “is a broadcaster of”.

(3) Section 63 (1) of the principal Act is hereby amended by omitting the word “broadcasts”, and substituting the words “is a broadcaster of”.

(4) Section 64 (1) of the principal Act is hereby amended by omitting the word “broadcasts”, and substituting the words “is a broadcaster of”.

(5) Section 65 (2) of the principal Act is hereby amended by omitting the word “broadcasts”, and substituting the words “is a broadcaster of”.

(6) Section 68 of the principal Act is hereby amended by omitting the word “broadcasts”, and substituting the words “is a broadcaster of”.

6. Amendments to New Zealand Symphony Orchestra Act 1988—(1) Section 3 of the New Zealand Symphony Orchestra Act 1988 is hereby amended by omitting from the definition of the term “shareholding Ministers” the words “Minister of Broadcasting”, and substituting the words “Minister of Communications”.

(2) Section 6 of the New Zealand Symphony Orchestra Act 1988 is hereby amended by omitting the words “Minister of Broadcasting” wherever they appear, and substituting in each case the words “Minister of Communications”.

PART II

AMENDMENTS TO BROADCASTING ACT 1989 THAT RELATE TO PARLIAMENTARY ELECTION PROGRAMMES

7. This Part to be read with Broadcasting Act 1989—This Part of this Act shall be read together with and deemed part of the Broadcasting Act 1989 (in this Part referred to as the principal Act).

8. New Part VI substituted—The principal Act is hereby amended by repealing Part VI (as amended by sections 4 to 13 of the Broadcasting Amendment Act 1990), and substituting the following Part:

“PART VI

“PARLIAMENTARY ELECTION PROGRAMMES

“69. **Interpretation**—In this Part of this Act, unless the context otherwise requires,—

“‘Candidate’ means any person who has been nominated as a candidate for a seat in the House of Representatives:

“‘Election’ means a general election or by-election within the meaning of the Electoral Act 1956:

“‘Election period’, in relation to an election, means the period—

“(a) Beginning with writ day; and

“(b) Ending with the close of the day preceding polling day:

“‘Election programme’ means a programme—

“(a) Used or appearing to be used to promote or procure the election of any person at an election; or

“(b) Advocating support for a candidate or for a political party to which a candidate belongs; or

“(c) Notifying meetings held or to be held in connection with an election:

“ ‘Free-to-air television broadcasting’ means broadcasting of television programmes by means of radio waves propagated in space without artificial guide, where persons wishing to view such programmes are not required to pay to do so:

“ ‘General election’ means a general election within the meaning of the Electoral Act 1956:

“ ‘Major political party’ means a political party classified under section 73 (2) (a) of this Act as a major political party:

“ ‘Production costs’, in relation to an opening address or a closing address, includes the costs of linking between venues and broadcasting studios.

“70. Prohibition on paid election programmes—

(1) Except as provided in subsection (2) of this section, no broadcaster shall permit the broadcasting, within or outside an election period, of an election programme.

“(2) Nothing in subsection (1) of this section applies in respect of—

“(a) An election programme broadcast by a political party during broadcasting time allocated to that political party under section 73 (1) of this Act; or

“(b) An election programme broadcast by a political party and paid for with money paid to that political party under section 74A of this Act; or

“(c) An election programme—

“(i) Broadcast for a fee or other consideration; and

“(ii) Relating solely to one named candidate as a candidate for a particular electoral district; and

“(iii) Used or appearing to be used to promote or procure the election of the candidate; and

“(iv) Broadcast by the candidate or with the candidate’s authority within the 3 months preceding polling day for the election; or

“(d) Any advertisement placed by the Chief Registrar of Electors, the Chief Electoral Officer, a Registrar of Electors, a Returning Officer, or other official for the purposes of the Electoral Act 1956; or

“(e) Any non-partisan advertisement broadcast, as a community service, by the broadcaster.

“(3) Nothing in subsection (1) of this section restricts the broadcasting, in relation to an election, of news or of comments or of current affairs programmes.

“70A. **Obligation of political parties to give notice to Authority**—(1) In the year 1990 and thereafter in every year in which a Parliament is due to expire, the Authority shall specify, by notice in the *Gazette*, a date by which any political party that considers that it will qualify for an allocation of time under section 73 of this Act, in respect of the election period that will apply in relation to the general election to be held in that year, must notify the Authority in writing that it considers itself to be so qualified.

“(2) The date specified under subsection (1) of this section may be a date before the beginning of the election period.

“(3) Each political party that considers that it will qualify for an allocation of time under section 73 of this Act in respect of an election period shall notify the Authority in writing that it considers itself to be so qualified.

“70B. **Time by which notice must be given**—Every notice given under section 70A (3) of this Act shall be given,—

“(a) Where a date has been specified under section 70A (1) of this Act, not later than that date; and

“(b) In any other case, as soon as practicable after writ day and before noon on nomination day.

“70C. **Contents of notice**—Every notice given under section 70A (3) of this Act shall state, among other things,—

“(a) The full name of the political party; and

“(b) In respect of each person belonging to the political party who has declared his or her intention of becoming a candidate at that election,—

“(i) The full name of that person; and

“(ii) The electoral district for which that person intends to be a candidate.

“70D. **Persons deemed to be candidates**—Where a political party states, pursuant to section 70C (b) of this Act, that a person has declared his or her intention of becoming a candidate at an election, that person shall, until noon on nomination day for that election, be deemed, for the purposes of subsections (1) (c) and (1) (d) (i) of section 75 of this Act, to be a candidate at that election, whether that person is nominated or not.

“71. **Invitation to broadcasters**—(1) The Authority may from time to time invite broadcasters to permit political parties

to broadcast election programmes free of charge or at discounted rates in an election period.

“(2) Notwithstanding subsection (1) of this section, but subject to subsection (3) of this section, the Authority shall during the term of each Parliament issue an invitation under subsection (1) of this section not earlier than 9 months and not later than 8 months before the date on which that Parliament is due to expire.

“(3) Nothing in subsection (2) of this section applies in relation to the Parliament that is due to expire in the year 1990.

“71A. **Replies to invitation**—(1) Every broadcaster who receives an invitation under section 71 of this Act shall reply to that invitation by giving a written reply to the Authority within 20 working days after the day on which the invitation is received by the broadcaster.

“(2) The reply—

“(a) Shall state—

“(i) The amount of time that the broadcaster is prepared to make available in the election period free of charge; and

“(ii) The amount of time that the broadcaster is prepared to make available in the election period at discounted rates; and

“(iii) The discounted rates (if any); and

“(iv) Any conditions proposed in relation to the scheduling and duration of election programmes within the time that the broadcaster is prepared to make available; and

“(b) May indicate the broadcasting stations or networks on which the broadcaster is prepared to make the time available; and

“(c) May indicate separately the amount of time that the broadcaster is prepared to make available free of charge or at discounted rates for—

“(i) Opening addresses; and

“(ii) Closing addresses; and

“(d) May, in relation to time that the broadcaster is prepared to make available, include proposals for the allocation of that time to political parties.

“(3) Notwithstanding anything in subsections (1) and (2) of this section, a broadcaster—

“(a) Shall, in stating discounted rates under subsection (2) (a) of this section, have regard to the provisions of section 79B of this Act; and

“(b) Shall, in making proposals under subsection (2) (d) of this section, have regard to the provisions of section 75 of this Act.

“72. Duty of Authority to refer replies to political parties—(1) The Authority shall, in accordance with this section, give to—

“(a) Each political party that has given a notice to the Authority under section 70A (3) of this Act; and

“(b) The Minister,—
a copy of each reply given to the Authority under section 71A of this Act.

“(2) The Authority—

“(a) Shall accumulate the replies received under section 71A of this Act; and

“(b) As soon as all of the broadcasters have replied or the period of 20 working days specified in section 71A (1) of this Act has expired, whichever is the sooner, shall comply with subsection (1) of this section in respect of each reply given to the Authority under section 71A of this Act.

“(3) Where a reply is received after the expiration of the period of 20 working days specified in section 71A (1) of this Act, the Authority shall, as soon as practicable after that reply is received, comply with subsection (1) of this section in relation to that reply.

“(4) The Authority shall, in complying with this section, ensure, so far as practicable, that, when copies of a reply are sent to political parties and the Minister, each of the intended recipients receives a copy of the reply on the same day.

“73. Allocation of time to political parties—(1) Subject to subsection (2) of this section and to sections 75, 75A, and 76 of this Act, the Authority shall, in respect of each election period, allocate to political parties, in such proportions as the Authority thinks fit, the time that broadcasters have offered, in response to an invitation under section 71 of this Act, to make available to political parties for the broadcasting of election programmes free of charge or at discounted rates.

“(2) The Authority, in allocating time to political parties under subsection (1) of this section,—

“(a) Shall classify as major political parties for the purposes of this Part of this Act, the political parties that, in the opinion of the Authority, are entitled to a maximum allocation of broadcasting time; and

“(b) Shall consider whether the proposals made under section 71A (2) (d) of this Act for the allocation of broadcasting time can be adopted either—

“(i) In full; or

“(ii) With modifications specified by the Authority; and

“(c) Shall modify proposals made under section 71A (2) (d) of this Act if, in the opinion of the Authority, the proposals are not consistent with the provisions of section 75 of this Act.

“74. Amount of public money to be allocated to political parties—(1) The Minister shall notify the Authority, in respect of each election period, of the amount of money appropriated by Parliament for the purpose of enabling political parties to meet all or part of the costs of broadcasting election programmes.

“(2) Where a general election takes place after the year 1990, an amount of money equal to the amount of public money allocated under section 74A of this Act in respect of the broadcasting of election programmes at the immediately preceding general election shall, unless an Act of Parliament expressly provides otherwise, be deemed to have been appropriated by Parliament for the purpose of enabling political parties to meet all or part of the costs of broadcasting election programmes at the first-mentioned general election.

“(3) Where an amount of money is deemed by subsection (2) of this section to have been appropriated by Parliament for the purpose specified in that subsection, that amount shall be payable out of public money for that purpose without further appropriation than this subsection.

“74A. Allocation of money to political parties—(1) The Authority shall, in respect of each election period, decide the allocation to political parties of the amount of any money appropriated by Parliament for the purpose of enabling political parties to meet all or part of the costs of broadcasting election programmes during that election period.

“(2) The decision made under subsection (1) of this section—

“(a) Shall set out the allocations; and

“(b) May include conditions concerning the manner in which any political party is to expend its allocation.

“(3) Where the Authority decides under subsection (1) of this section to allocate a sum of money to a political party, the Authority shall supply a copy of its decision to—

“(a) That political party; and

“(b) The Secretary of Commerce.

“74B. **Application and payment of allocation**—(1) Every political party to which an amount of money is allocated under section 74A of this Act—

“(a) Shall expend that money only for the purpose of meeting—

“(i) The production costs of any election programme broadcast by the political party during the election period; or

“(ii) The cost of the broadcasting time of any election programme broadcast by the political party during the election period; and

“(b) Shall, in expending that money for the purpose specified in paragraph (a) of this subsection, observe any conditions imposed by the Authority under section 74A of this Act.

“(2) Every political party shall submit to the Authority, together with such information as the Authority may require from time to time, accounts issued to the political party in respect of the expenditure by that political party of its allocation.

“(3) Any account submitted to the Authority under subsection (2) of this section may be in respect of—

“(a) The production costs of any election programme broadcast by the political party during the election period; or

“(b) The cost of the broadcasting time of any election programme broadcast by the political party during the election period; or

“(c) Both.

“(4) When the Authority is satisfied in relation to any account that the account or any part of the account should be paid, the Authority shall give to the Secretary of Commerce a written direction requiring the Secretary of Commerce to pay to the person who issued the account the amount approved by the Authority for payment.

“(5) The Secretary of Commerce shall comply with any direction given to the Secretary of Commerce under subsection (4) of this section.

“75. **Criteria in relation to allocation of money and time to political parties**—(1) The Authority shall not allocate any time to a political party under section 73 of this Act or make under section 74A of this Act an allocation of money to a political party unless—

“(a) That political party conducts its affairs throughout New Zealand and has a national organisation; and

“(b) That political party has consistently expressed philosophies or policies on a range of issues over the period of 12 months immediately preceding the issue of the writ for the election; and

“(c) In the case of a general election, persons belonging to that party are candidates at that general election for at least 10 seats in the House of Representatives; and

“(d) In the case of a by-election,—

“(i) A person belonging to that political party is a candidate at that by-election; and

“(ii) Persons belonging to that party were candidates at the immediately preceding general election for at least 10 seats in the House of Representatives.

“(2) The Authority shall, in allocating time to a political party under section 73 of this Act or in making under section 74A of this Act an allocation of money to a political party, have regard to—

“(a) The number of persons who voted at the immediately preceding general election for candidates belonging to that political party; and

“(b) The number of persons who voted at any by-election held since the immediately preceding general election for any candidate belonging to that political party; and

“(c) The number of members of Parliament who,—

“(i) In the case of a general election, were members of that political party immediately before the expiration or dissolution of Parliament; and

“(ii) In the case of a by-election, were members of that political party immediately before the date on which the vacancy occurred; and

“(d) Any other indications of public support for that political party such as the results of public opinion polls and the number of persons who are members of that political party.

“(3) Notwithstanding anything in subsection (1) or subsection (2) of this section, an allocation made under section 73 of this Act of time in an election period or a decision made under section 74A of this Act in respect of an election period may be made before the beginning of the election period.

“75A. Consultation with broadcasters—(1) The Authority shall not allocate time under section 73 of this Act or make an allocation of money under section 74A of this Act or make a determination under section 77A of this Act unless—

“(a) The Authority has consulted with such broadcasters as are likely to be affected by the allocation or determination and those broadcasters have had the opportunity to give their comments on the proposed allocation or determination to the Authority; and

“(b) The Authority has considered any such comments.

“(2) Where the Authority adopts in full, pursuant to section 73 of this Act, a proposal made by a broadcaster under section 71A (2) (d) of this Act, the Authority shall not be required by subsection (1) of this section to consult with that broadcaster.

“(3) The modification of any allocation or determination by the Authority after complying with subsection (1) of this section shall not require the Authority to grant to any broadcaster any further opportunity to give the comments of the broadcaster on the modified allocation or determination to the Authority.

“(4) The failure of any broadcaster to avail itself of the opportunity to consult with, or to give comments to, the Authority under subsection (1) of this section, or to comply with any other request of the Authority—

“(a) Shall not prevent the making of—

“(i) Any allocation of time under section 73 of this Act; or

“(ii) Any allocation of money under section 74A of this Act; or

“(iii) Any determination under section 77A of this Act; and

“(b) Shall not affect the validity of—

“(i) Any allocation of time under section 73 of this Act; or

“(ii) Any allocation of money under section 74A of this Act; or

“(iii) Any determination under section 77A of this Act.

“76. Consultation with political parties—(1) The Authority shall,—

“(a) Before allocating time to a political party under section 73 of this Act; and

“(b) Before allocating any money under section 74A of this Act; and

“(c) Before making any determination under section 77A of this Act,—
grant to every political party that has notified the Authority under section 70A (3) of this Act that it considers that it will qualify for an allocation of time under section 73 of this Act the opportunity to meet with and be heard by the Authority.

“(2) The modification of any allocation or determination by the Authority after complying with subsection (1) of this section shall not require the Authority to grant to any political party any further opportunity to meet with and be heard by the Authority.

“(3) The failure of any political party to give a notice under section 70A (3) of this Act or to avail itself of the opportunity to meet with and be heard by the Authority under subsection (1) of this section, or to comply with any other request of the Authority,—

“(a) Shall not prevent the making of—

“(i) Any allocation of time under section 73 of this Act; or

“(ii) Any allocation of money under section 74A of this Act; or

“(iii) Any determination under section 77A of this Act; and

“(b) Shall not affect the validity of—

“(i) Any allocation of time under section 73 of this Act; or

“(ii) Any allocation of money under section 74A of this Act; or

“(iii) Any determination under section 77A of this Act.

“76A. **Power of Authority to vary allocations**—(1) If, after any allocation is made under section 73 or section 74A of this Act,—

“(a) A broadcaster in respect of which an allocation of time has been made ceases to be a broadcaster; or

“(b) The number of persons who are candidates belonging to a political party changes,—

the Authority may, subject to subsection (4) of this section, vary the allocation under section 73 or section 74A of this Act, as the case may require.

“(2) The varying of any allocation pursuant to this section shall not require the Authority to grant to any political party the opportunity to meet with and be heard by the Authority.

“(3) The Authority shall, in varying any allocation pursuant to this section, have regard to—

“(a) The views of political parties received by the Authority in the course of consultations undertaken in accordance with section 76 of this Act; and

“(b) Such of the matters referred to in sections 73, 74A, and 75 of this Act, as the case may require.

“(4) Where effect has been given in whole or in part to an allocation made under section 74A of this Act to a political party, the Authority shall not vary the allocation pursuant to this section unless it is satisfied—

“(a) That a false representation in relation to the number of persons belonging to the political party who were to be candidates for seats at the election was made by or on behalf of the political party; or

“(b) That the number of seats for which persons belonging to the political party are nominated as candidates at the election is less than 10.

“76B. **Recovery of money from political party—**

(1) Where effect has been given in whole or in part to an allocation made under section 74A of this Act and the Authority, acting under section 76A of this Act varies that allocation, the Authority may determine that the whole or part of the money paid by or on behalf of the political party or to the political party as a result of that allocation be repaid to the Crown by the political party.

“(2) Where the Authority makes a determination under subsection (1) of this section,—

“(a) The Authority shall give a copy of that determination to both the political party and the Secretary of Commerce; and

“(b) The Secretary of Commerce may recover from the political party as a debt due to the Crown the amount specified in the determination as being repayable to the Crown by the political party.

“77. **Broadcasting of election programmes—**(1) Subject to this section and to section 77A of this Act, every broadcaster who has, in response to an invitation under section 71 of this Act, offered to permit political parties to broadcast election programmes free of charge or at discounted rates, shall broadcast election programmes on behalf of every political party allocated time for the broadcasting of election programmes free of charge or at discounted rates, as the case may require, on stations operated by the broadcaster.

“(2) Subject to section 77A of this Act, every broadcaster to which subsection (1) of this section applies shall act in accordance with the allocation of time under section 73 of this Act applying to the broadcaster.

“(3) In the event of any dispute between—

“(a) Any broadcaster and any political party; or

“(b) Any broadcaster and any other broadcaster; or

“(c) Any political party and any other political party—

concerning the time at which any election programme is to be broadcast free of charge, the Authority shall decide the matter in dispute.

“(4) Every decision of the Authority under subsection (3) of this section shall be final.

“77A. **Opening addresses and closing addresses—**

(1) Where time is allocated to a political party under section 73 (1) of this Act for the broadcasting of television programmes free of charge or at discounted rates, part of that time may be allocated to that political party for—

“(a) The broadcasting of an election programme consisting of an opening address on behalf of that political party; and

“(b) The broadcasting in the last week of the election period of an election programme consisting of a closing address on behalf of that political party.

“(2) Every opening address and every closing address broadcast pursuant to subsection (1) of this section—

“(a) Shall be broadcast on—

“(i) All free-to-air television broadcasting stations during time made available (in response to an invitation under section 71 of this Act) for the broadcasting of opening addresses and closing addresses; and

“(ii) National Radio; and

“(b) Shall not be broken by advertising programmes.

“(3) The Authority shall determine, in relation to each political party to which time is allocated under section 73 (1) of this Act, the free-to-air television broadcaster which is to produce the opening address and the closing address of that political party.

“(4) A sum on account of the production costs shall be paid by the Secretary of Commerce out of public money appropriated by Parliament for the purpose to the free-to-air television broadcaster or radio broadcaster by which an opening address or a closing address is produced.

“(5) The amounts to be paid under subsection (4) of this section shall be determined in each case by the Authority.

“79. **Programme standards in relation to election programmes**—Nothing in section 4 (1) (d) of this Act applies in relation to an election programme broadcast pursuant to this Part of this Act.

“79A. **Hours during which election programmes prohibited**—(1) No broadcaster shall broadcast election programmes on television—

“(a) During the hours between 6 a.m. and noon on—

“(i) Sunday; or

“(ii) Anzac Day; or

“(b) On—

“(i) Christmas Day; or

“(ii) Good Friday; or

“(iii) Easter Sunday.

“(2) No broadcaster shall broadcast election programmes on sound radio on—

“(a) Christmas Day; or

“(b) Good Friday; or

“(c) Easter Sunday.

“79B. **Obligation to give identical terms to each political party or candidate**—(1) No broadcaster shall offer or give to any political party, whether by way of a reply under section 71A of this Act or otherwise, net terms for broadcasting time that are more favourable than those offered or given to any other political party that buys or expresses an interest in buying comparable time from that broadcaster.

“(2) No broadcaster shall offer or give to any candidate net terms for broadcasting time that are more favourable than those offered or given to any other candidate who buys or expresses an interest in buying comparable time from that broadcaster.

“79C. **Returns in relation to broadcasting time**—Every broadcaster shall, within 5 working days after polling day for any election, give to the Authority a complete and accurate written statement, signed by or on behalf of the broadcaster, setting out in relation to election programmes broadcast by that broadcaster during the election period for that election,—

“(a) The candidate or political party for whom or for which each election programme was broadcast:

“(b) The length of each election programme and the time at which it was broadcast:

“(c) The amount paid for the broadcasting of each election programme and the rate or rates by which that amount was fixed.

“80. **Offences**—Every person commits an offence and is liable on summary conviction to a fine not exceeding \$100,000 who—

“(a) Fails to comply with section 70 or section 77 (1) or section 77 (2) or section 79A or section 79B or section 79C of this Act; or

“(b) In an election period,—

“(i) Broadcasts an election programme for or on behalf of a political party; or

“(ii) Arranges for the broadcasting of an election programme for or on behalf of a political party—other than pursuant to, and in conformity with, this Part of this Act.”

9. Right of complainant to refer formal complaint to Authority—Section 8 of the principal Act is hereby amended by repealing paragraph (b) (as amended by section 2 of the Broadcasting Amendment Act 1990), and substituting the following paragraph:

“(b) The broadcaster has not, within 60 working days after receiving the complaint, or, in the case of a complaint in relation to an election programme broadcast pursuant to Part VI of this Act, within 48 hours after receiving the complaint, notified the complainant of—

“(i) The decision of the broadcaster; or

“(ii) The action taken by the broadcaster in relation to the complaint; or”.

10. Repeal—The Broadcasting Amendment Act 1990 is hereby consequentially repealed.

11. Transitional provision in relation to actions taken before commencement of Act—(1) Every action taken by the Authority before the commencement of this Act which would have been valid if Part VI of the principal Act (as enacted by section 8 of this Act) had been in force when that action was taken is hereby declared to be and always to have been valid.

(2) Notwithstanding anything in the principal Act or in subsection (1) of this section, every action taken by any person before the commencement of this Act which would have been valid if, when that action was taken,—

- (a) Part VI of the principal Act (as enacted by section 8 of this Act) had been in force; and
 - (b) The Minister had been authorised by Part VI of the principal Act (as enacted by section 8 of this Act)—
 - (i) To exercise the power conferred on the Authority by section 71 of the principal Act (as so enacted); and
 - (ii) To both receive replies given under section 71A of the principal Act (as so enacted) and to refer those replies to the Authority,—
- is hereby declared to be and always to have been valid.

This Act is administered in the Ministry of Commerce.
