



# Broadcasting Amendment Act (No 2) 2007

Public Act 2007 No 112  
Date of assent 19 December 2007  
Commencement see section 2

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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”.

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### Legislative history

11 December 2007	Divided from Electoral Finance Bill (Bill 130–2) as Bill 130–3A
18 December 2007	Third reading
19 December 2007	Royal assent

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This Act is administered by the Ministry of Economic Development.

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