



Broadcasting and Television Amendment (Election Blackout) Act 1983

No. 37 of 1983

An Act to amend section 116 of the *Broadcasting and Television Act 1942*

[Assented to 19 June 1983]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

1. (1) This Act may be cited as the *Broadcasting and Television Amendment (Election Blackout) Act 1983*.

(2) The *Broadcasting and Television Act 1942*¹ is in this Act referred to as the Principal Act.

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Broadcasting or televising of political matter or controversial matter

3. Section 116 of the Principal Act is amended—

- (a) by omitting sub-sections (4) and (4A) and substituting the following sub-sections:

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“(4) Where—

- (a) the writ for an election has been issued; and
- (b) the Tribunal is of the opinion that programs broadcast from a particular broadcasting station or televised from a particular television station are ordinarily received in the whole or in a part of the area of Australia to which the election relates,

the Tribunal shall, by notice in writing served on the licensee that operates the broadcasting station or television station, as the case may be, not later than 14 days before the commencement of the period that is the relevant period in relation to that election, require the licensee to refrain from broadcasting or televising from that broadcasting station or television station election advertisements in relation to that election during that relevant period.

“(4A) A licensee upon which a notice has been served pursuant to sub-section (4) in relation to an election shall not broadcast or televise an election advertisement in relation to that election in contravention of the notice.”; and

- (b) by omitting sub-section (6) and substituting the following sub-section:

“(6) In this section—

‘broadcasting station’ includes a broadcasting translator station but does not include a station operated under Part III or IIIA;

‘election’ means an election of members, or of a member, of—

- (a) the Senate or the House of Representatives; or
- (b) a House of the Parliament of a State;

‘election advertisement’, in relation to an election, means—

- (a) an advertisement—
 - (i) that contains election matter that relates to that election; and
 - (ii) in respect of the broadcasting or televising of which the licensee that operates the relevant broadcasting or television station has received or is to receive, directly or indirectly, any money or other consideration;

- (b) an announcement containing a statement to the effect that a program that is to be or has been broadcast or televised is or was sponsored by a particular person or persons and indicating that the person is a candidate, or one or more of the persons is or are candidates, at the election; or

- (c) an announcement containing a statement to the effect that a program that is to be or has been broadcast or televised is or was sponsored by a particular political

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party, where a candidate at the election belongs to that political party;

‘election matter’, in relation to an election, means matter of any of the following kinds:

- (a) matter commenting on, or soliciting votes for, a candidate at the election;
- (b) matter commenting on, or advocating support of, a political party to which a candidate at the election belongs;
- (c) matter commenting on, stating or indicating any of the matters being submitted to the electors at the election or any part of the policy of a candidate at the election or of the political party to which a candidate at the election belongs; or
- (d) matter referring to a meeting held or to be held in connection with the election;

‘election period’, in relation to an election, means the period that commences on the day on which the writ for the election is issued and ends at the close of the poll on the polling day for the election;

‘licensee’ means the holder of a licence within the meaning of Part IIIB;

‘relevant period’, in relation to an election, means the period that commences at the expiration of the Wednesday next preceding the polling day for the election and ends at the close of the poll on that polling day;

‘television station’ includes a television repeater station and a television translator station but does not include a station operated under Part III or IIIA.”

NOTE

1. No. 33, 1942, as amended. For previous amendments, see No. 39, 1946; No. 64, 1948; No. 80, 1950; No. 41, 1951; No. 12, 1953; No. 82, 1954; Nos. 33, 65 and 92, 1956; No. 36, 1960 (as amended by No. 32, 1961); No. 96, 1962; No. 82, 1963; Nos. 67 and 121, 1964; Nos. 38 and 120, 1965; No. 57, 1966; No. 47, 1967; No. 69, 1968; Nos. 21 and 31, 1969; Nos. 8, 72 and 136, 1971; No. 49, 1972; No. 50, 1973; No. 216, 1973 (as amended by No. 20, 1974); No. 55, 1974; No. 56, 1975; Nos. 89, 157 and 187, 1976; No. 160, 1977; Nos. 36, 52 and 210, 1978; Nos. 143 and 177, 1980; Nos. 61, 113 and 153, 1981; and No. 154, 1982.