

EXPLANATORY STATEMENT

A.C.T. Self-Government (Consequential Provisions) Regulations

1989 No.3

Subsection 31(1) of the A.C.T. Self-Government (Consequential Provisions) Act 1988 (the Consequential Provisions Act) provides that the Governor-General may make regulations making provision (including provision by way of modifications of an Act) in relation to:

- (a) any matter arising from, connected with or consequential upon the establishment of the Territory as a body politic under the Crown; or
- (b) any matter arising from, connected with or consequential upon the conversion of a law into an enactment.

The Minister for the Arts and Territories has, under subsection 10(3) of the Australian Capital Territory (Electoral) Act 1988, declared 4 March 1989 to be the date for the first election for the Legislative Assembly for the Australian Capital Territory (the Assembly).

Section 116 of the Broadcasting Act 1942 (the Broadcasting Act) concerns the broadcasting or televising of political matter. The section requires that a licensee broadcasting electoral matter allow all political parties contesting the election a reasonable opportunity to broadcast such matter. This obligation on the licensee is cast for a period the commencement of which is defined by reference to the issuing of writs, and is limited to parties with representation in an existing legislature.

Section 117 of the Broadcasting Act imposes certain obligations concerning the identification and keeping of records in relation to the broadcasting of political matter. The conclusion of the period for which these records must be kept is described, in part, by reference to the day on which the writ for an election is returned.

Elections for the Assembly will, however, be conducted without election writs. The various time limits usually determined by reference to the issuing of election writs are set by reference to the date fixed for polling. Accordingly, the proposed Regulations modify sections 116 and 117 of the Broadcasting Act to take account of the fact that the election on 4 March is the first election for the Assembly and of the fact that the election is to be conducted without election writs.

The details of the provisions of the Regulations are as follows.

Regulation 1 - Citation

Formal. Provides for the citation of the Regulations.

Regulation 2 - Broadcasting Act - Modifications

This regulation provides that the Broadcasting Act 1942 is modified in the manner set out in the Schedule.

The following modifications are made to the Broadcasting Act.

- (a) After subsection 116(3) a new subsection (3A) is inserted the effect of which is to omit from subsection (3), for the purposes of the first Assembly election, the words which limit the section's application to political parties with existing representation in the legislature for which the election is to be held.
- (b) Paragraph 116(4)(a) triggers the Australian Broadcasting Tribunal's obligation to notify licensees of the broadcasting blackout by referring to the issuing of the election writ. The paragraph is modified for the purposes of Assembly elections by including a reference to the beginning of the pre-election period (defined to mean the 36 day period immediately before polling day).
- (c) The definition of election period in subsection 116(6) is modified to mean for the purposes of Assembly elections the period beginning on the first day of the pre-election period.
- (d) Subparagraph (b)(ii) of the definition of 'required period' in subsection 117(4) provides for the conclusion of this period by referring to the day on which the election writ is returned. The subparagraph is modified for the purposes of Assembly elections by including a reference to the day on which the result of a general election is declared by the ACT Electoral Officer.