

# BILL NO. 15 OF 2015

## A BILL

FOR AN ACT TO AMEND THE MEDIA INDUSTRY DEVELOPMENT DECREE 2010

ENACTED by the Parliament of the Republic of Fiji—

*Short title and commencement*

1.—(1) This Act may be cited as the Media Industry Development (Amendment) Act 2015.

(2) This Act shall come into force on the date of its publication in the *Gazette*.

(3) In this Act, the Media Industry Development Decree 2010 shall be referred to as the “Decree”.

*New section inserted*

2. The Decree is amended by inserting the following new section after section 42—

*“Telecommunications service provider*

42A.—(1) Any foreign person or any media organisation registered under this Decree may provide subscription based pay television services through satellite or terrestrial transmission provided that—

- (a) such television services are limited to entertainment and sports programmes or channels sourced from any other country;

- (b) no local content including local news is aired or shown by any such provider except commercial advertisements which exclude advertisements by any political party, foreign government, inter-governmental organisation, non-government organisation or multi-lateral agency; and
- (c) such provider obtains a special licence approved by the Minister, which shall be subject to such conditions as determined by the Minister.

(2) Any person intending to provide subscription based pay television services under subsection (1) using telecommunications network may do so provided that person has obtained a special licence approved by the Minister, which shall be subject to conditions as determined by the Minister.”

*Section 65 amended*

**3.** Section 65 of the Decree is amended in subsection (1) by deleting paragraphs (c) and (g).

*Section 66 amended*

**4.** Section 66 of the Decree is amended in subsection (2) by deleting the words “a journalist, to a fine of \$1,000 and in a case of”.

## **MEDIA INDUSTRY DEVELOPMENT (AMENDMENT) BILL 2015**

### **EXPLANATORY NOTE**

*(This note is not part of the Bill and is only intended to indicate its general effect)*

#### **1.0 BACKGROUND**

- 1.1 The Media Industry Development Decree 2010 (**‘Decree’**) was promulgated in 2010 and provides the regulatory framework for the media industry.
- 1.2 The Decree establishes the Media Industry Development Authority to *inter alia* facilitate the provision of a quality range of media services and to ensure that such services in Fiji are maintained at a high standard.
- 1.3 To further improve the media industry in Fiji and increase viewer or programming options for Fijians, it is essential that the Decree be amended to cater for foreign-based pay per view service providers as well as cross ownership of these services thereby encouraging more investment in the broadcasting sector, and to remove penalties in the Decree which apply to journalists.

#### **2.0 CLAUSES**

- 2.1 The Bill seeks to amend the Decree.
- 2.2 Clause 1 provides for the short title and the commencement provision.
- 2.3 Clause 2 amends the Decree by inserting a new section 42A which allows foreign based pay per view service providers as well as media organisations under the Decree to provide subscription based pay television services through satellite or terrestrial transmission provided that—
  - (a) such television services are limited to entertainment and sports programmes or channels sourced from any other country;
  - (b) no local content including local news is aired or shown by any such provider except commercial advertisements which exclude advertisements by any political party, foreign government, inter-governmental organisation, non-government organisation or multi-lateral agency; and

(c) such provider obtains a special licence approved by the Minister, which shall be subject to such conditions as determined by the Minister.

2.4 The new section 42A also provides that where any person is intending to provide subscription based pay television services using telecommunications network, they may do so provided that person has obtained a special licence approved by the Minister, which shall be subject to conditions as determined by the Minister.

2.5 Clauses 3 and 4 amend sections 65(1)(c) and (g), and 66 by removing penalty provisions which make reference to journalists.

### **3.0 MINISTERIAL RESPONSIBILITY**

3.1 The Act comes under the responsibility of the Minister responsible for the Media Industry Development Authority.

A. SAYED-KHAIYUM  
Attorney-General