

**ACT NO. 32 OF 2020**

I assent.

J. K. KONROTE  
President

[4 September 2020]

**AN ACT****TO AMEND THE TELEVISION ACT 1992**

ENACTED by the Parliament of the Republic of Fiji—

*Short title and commencement*

- 1.—(1) This Act may be cited as the Television (Amendment) Act 2020.
- (2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.
- (3) In this Act, the Television Act 1992 is referred to as the “Principal Act”.

*Long title amended*

2. The Principal Act is amended in the long title after “TELEVISION” by inserting “AND CERTAIN ONLINE”.

*Section 1 amended*

3. Section 1 of the Principal Act is amended after “Television” by inserting “and Online Streaming”.

*Section 2 amended*

4. Section 2 of the Principal Act is amended by inserting the following new definitions—

““commercial gain”, in relation to broadcasting a live sporting event, means the receipt of payment from any person so that the person may view the live sporting event;”;

““live sporting event” means any live sporting event in Fiji;”;

““online streaming” means the transmission of data over the Internet for aural or visual reception;”;

““online streaming service” means a service that at any time broadcasts through online streaming a live sporting event for commercial gain;”.

*Section 4 amended*

5. Section 4 of the Principal Act is amended by deleting subsection (2A).

*Part 2A inserted*

6. The Principal Act is amended after section 9 by inserting the following new Part—

**“PART 2A—LICENCE TO BROADCAST THROUGH ONLINE  
STREAMING**

*Licence to broadcast through online streaming*

9A.—(1) No person may broadcast through online streaming a live sporting event for commercial gain except under or in accordance with a licence granted under this Part.

(2) Every such licence is to be in such form and may contain such terms and conditions as the Minister may determine.

(3) In granting a licence under this Part, the Minister may require the licensee to pay a premium for the issue of the licence or such annual fee, rent or royalty as the Minister may determine.

(4) Any person who contravenes subsection (1) is guilty of an offence under this Part and, on conviction, is liable to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 years or to both.

*Compliance with the Media Code of Ethics and Practice*

9B. If a licensee is found to have breached the Media Code of Ethics and Practice under the Media Industry Development Act 2010, the Minister may, by notice revoke the licensee’s licence or vary the licence, provided however, that before making any decision under this section, the Minister must provide the licensee with such opportunity as determined by the Minister, to provide a written explanation as to why the licence should not be revoked or varied as the case may be.

*Validity of licence*

9C. A licence granted under this Part may be subject to conditions and may, unless sooner revoked or suspended, be valid for a period not exceeding 12 years

from the date of the granting or issue of such licence, or at any rate for such shorter period as may be specified in the licence.

*Power of the Minister to vary, revoke or impose further conditions*

9D.—(1) Subject to subsection (2), the Minister may, during the currency of a licence, by notice in writing to the licensee, vary or revoke any of the conditions upon which the licence is granted under this Part or impose further conditions.

(2) The Minister must give not less than 14 days' notice in writing of his or her intention to vary or to impose a further condition and must specify in the notice the variation proposed or the conditions to be revoked or imposed.

*Revocation or suspension of licence*

9E.—(1) Subject to subsection (2), the Minister may, by notice in writing to the licensee, suspend or revoke a licence granted under this Part where he or she is satisfied that one of the following grounds exists—

- (a) the licensee has failed to pay an amount as stipulated in the licence;
- (b) the licensee has failed to comply with the provisions of this Act;
- (c) the licensee is no longer a fit and proper person to hold the licence;
- (d) the licensee no longer has the financial, technical and management capabilities necessary to operate the online streaming service;
- (e) the licensee has failed to comply with any direction given by the Minister;
- (f) the licensee has failed to comply with the conditions specified in the licence; or
- (g) it is advisable in the public interest, for a special reason, to do so.

(2) The Minister must before suspending or revoking any licence under the provisions of subsection (1), give the licensee notice in writing of his or her intention to do so and calling upon the person concerned to show cause to him or her why such licence should not be suspended or revoked, as the case may be.”

*Section 10 amended*

7. Section 10 of the Principal Act is amended by—

- (a) in subsection (1) after “matter”, inserting “or live sporting event”; and
- (b) in subsection (2)—
  - (i) deleting “by telegram or”;
  - (ii) after “television station”, inserting “or online streaming service”;
  - (iii) after “any matter”, inserting “including a live sporting event”;
  - (iv) after “a station”, inserting “or service”; and
  - (v) after “the station”, inserting “or service”.

*Section 11 amended*

**8.** Section 11 of the Principal Act is amended after “station” by inserting “or a Fiji office of an online streaming service”.

*Section 28A inserted*

**9.** The Principal Act is amended before section 29 by inserting the following new section—

*“Offence to engage unlicensed broadcasting station or online streaming service*

28A.—(1) No person may engage the services of an unlicensed broadcasting station to broadcast any broadcast matter by television, or unlicensed online streaming service to broadcast a live sporting event through online streaming, as required under this Act.

(2) Any person who contravenes subsection (1) is guilty of an offence under this Part and, on conviction, is liable to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 years or to both.”.

*Consequential amendments*

**10.**—(1) The Media Industry Development Act 2010 is amended in section 21(2)(e) after “Television” by inserting “and Online Streaming”.

(2) The Television (Cross-Carriage of Designated Events) Act 2014 is amended in section 2 by deleting “Television Act 1992” wherever it appears and substituting “Television and Online Streaming Act 1992”.

Passed by the Parliament of the Republic of Fiji this 3rd day of September 2020.