

BILL NO. 39 OF 2022

A BILL

FOR AN ACT TO REPEAL THE TELEVISION (CROSS-CARRIAGE OF DESIGNATED EVENTS) ACT 2014

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Television (Cross-Carriage of Designated Events) (Repeal) Act 2022.

(2) This Act comes into force on 1 August 2022.

Interpretation

2. In this Act, unless the context otherwise requires—

“licensee” includes a free-to-air television licensee or a subscription television licensee licensed under the Television and Online Streaming Act 1992.

Repeal

3. The Television (Cross-Carriage of Designated Events) Act 2014 is repealed.

Savings and transitional

4. Notwithstanding the repeal of the Television (Cross-Carriage of Designated Events) Act 2014—

- (a) any cost sharing amount for a combined bid determined by the Ministry under section 8 of the Television (Cross-Carriage of Designated Events) Act 2014 prior to the commencement of this Act, must be paid by a licensee in accordance with the Television (Cross-Carriage of Designated Events) Act 2014;
- (b) any principal broadcaster for a designated event prior to the commencement of this Act, must comply with the obligations of a principal broadcaster in accordance with section 12 of the Television (Cross-Carriage of Designated Events) Act 2014;
- (c) any cost sharing amount to compensate a principal broadcaster determined by the Ministry under section 13 of the Television (Cross-Carriage of Designated Events) Act 2014 prior to the commencement of this Act, must be paid in accordance with the Television (Cross-Carriage of Designated Events) Act 2014;
- (d) any lead broadcaster for a designated event prior to the commencement of this Act, must comply with the obligations of a lead broadcaster in accordance with section 15 of the Television (Cross-Carriage of Designated Events) Act 2014; and
- (e) any cost sharing amount to compensate a lead broadcaster determined by the Ministry under section 16 of the Television (Cross-Carriage of Designated Events) Act 2014 prior to the commencement of this Act, must be paid in accordance with the Television (Cross-Carriage of Designated Events) Act 2014.

July 2022

**TELEVISION (CROSS-CARRIAGE OF DESIGNATED EVENTS) (REPEAL)
BILL 2022**

EXPLANATORY NOTE

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

1.0 BACKGROUND

- 1.1 The Television (Cross-Carriage of Designated Events) Act 2014 (**‘Act’**) was enacted to *inter alia* ensure that designated events are broadcast on free-to-air television for the benefit of all Fijian viewers, enable and maintain fair market conduct and effective competition in Fiji’s broadcast media industry and ensure the availability of a comprehensive range of quality television services in Fiji.
- 1.2 The objectives of the Act guaranteed the availability of a comprehensive range of high-quality television services and provision of an effective means of upholding competitiveness and fair market practices in the broadcasting sector.
- 1.3 Many Fijians did not have access to subscription television or channels from all free-to-air television broadcasters and would only receive channels from one or two free-to-air television broadcasters depending on where a person lived or what kind of antenna a person had available. Therefore, the Act ensured that anyone who had access to at least one of the channels from a free-to-air television broadcaster would be able to view coverage of designated events.
- 1.4 With the implementation of the National Digital Television Platform (**‘Walesi’**) and the mandatory analogue to digital switchover, every free-to-air television broadcaster has 100% coverage throughout Fiji through terrestrial, satellite and over-the-top means which allows Fijians to view all channels from the free-to-air television broadcasters using Walesi.
- 1.5 The Television (Cross-Carriage of Designated Events) (Repeal) Bill 2022 (**‘Bill’**) therefore seeks to repeal the Act as there is no longer a need to designate events or have the same event broadcast on channels from all free-to-air television broadcasters as Fijians can now use Walesi to view an event.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the new legislation will come into force on 1 August 2022.
- 2.2 Clause 2 of the Bill provides for the definition of a licensee to include a free-to-air television licensee or a subscription television licensee licensed under the Television and Online Streaming Act 1992.
- 2.3 Clause 3 of the Bill repeals the Act.
- 2.4 Clause 4 of the Bill provides for savings and transitional provisions to ensure that any existing cost sharing amount or obligation of licensees, principal broadcasters and lead broadcasters in place prior to the repeal of the Act are paid or fulfilled in accordance with the Act.

3.0 MINISTERIAL RESPONSIBILITY

- 3.1 The new legislation comes under the responsibility of the Minister responsible for communications.

A. SAYED-KHAIYUM
Attorney-General