

EXTRAORDINARY



REPUBLIC OF FIJI GOVERNMENT GAZETTE
PUBLISHED BY AUTHORITY OF THE FIJI GOVERNMENT

Vol. 13

THURSDAY, 21st JUNE 2012

No. 88

[696]

GOVERNMENT OF FIJI

TELEVISION (AMENDMENT) DECREE 2012
 (DECREE NO. 52 OF 2012)

IN exercise of the powers vested in me as the President of the Republic of Fiji and the Commander in Chief of the Republic of Fiji Military Forces by virtue of the Executive Authority of Fiji Decree 2009, I hereby make the following Decree—

Short title and commencement

1.—(1) This Decree, may be cited as the Television (Amendment) Decree 2012, and shall come into force on the date of its publication in the *Gazette*.

(2) In this Decree, the Television Decree 1992 is referred to as the “Principal Decree”.

Section 4 amended

2. Section 4 of the Principal Decree is amended by inserting the following new subsection after subsection (2)—

“(2A) Any person applying for a licence, shall satisfy the Minister that he or she has obtained a spectrum licence under the Regulation of National Spectrum Decree 2009.”

New section 4A inserted

3. The Principal Decree is amended by inserting the following new section after section 4—

“Compliance with the Media Code of Ethics and Practice

4A. If a licensee is found to have breached the Media Code of Ethics and Practice under the Media Industry Development Decree 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 shall 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.”

New section 34 inserted

4. The Principal Decree is amended by inserting the following new section after section 33—

“34.—(1) No Court, Tribunal, Commission or any other adjudicating body shall have the jurisdiction to accept, hear, determine or in any other way entertain any challenges by any person or body, or to entertain or grant any remedy to any person or body, which seeks or purports to challenge or question—

- (a) any decision of the Minister made under this Decree;
- (b) any decision, action or omission made under or arising out of the provisions of this Decree;
- (c) the validity of the process of the grant or issuance of any licence or other instrument made under this Decree;
- (d) the grant, issuance or any agreement to grant or issue any licence under this Decree; or
- (e) any condition imposed by the Minister in granting a licence.

(2) Any proceeding, claim, challenge or dispute of any nature whatsoever in any Court, Tribunal, Commission or before any other person or body exercising a judicial function, in respect of any of the subject matters in subsection (1) that had been instituted before the commencement of this Decree but had not been determined at that date, shall wholly terminate immediately upon the commencement of this Decree, and all orders whether preliminary or substantive made therein shall wholly terminate upon the commencement of this Decree, and a certificate to that effect shall be issued by the Chief Registrar, Tribunal, Commission or any other person or body exercising a judicial function.

(3) A certificate under subsection (2) is, for the purposes of any proceedings in a Court, Tribunal, Commission or any other person exercising a judicial function, conclusive of the matters stated in the certificate.

(4) A decision of the Chief Registrar, Tribunal, Commission or any other person exercising a judicial function to issue a certificate under subsection (2) is not subject to challenges in any Court, Tribunal, Commission or any other adjudicating body."

GIVEN under my hand this 21st day of June 2012.

EPELI NAILATIKAU
President of the Republic of Fiji