



REPUBLIC OF VANUATU

**TELECOMMUNICATIONS AND
RADIOCOMMUNICATIONS REGULATION
(AMENDMENT)
ACT NO. 22 OF 2018**

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REPUBLIC OF VANUATU

Assent: 06/07/2018
Commencement: 27/07/2018

TELECOMMUNICATIONS AND RADIOCOMMUNICATIONS REGULATION (AMENDMENT) ACT NO. 22 OF 2018

An Act to amend the Telecommunications and Radiocommunications Regulation Act No. 30 of 2009.

Be it enacted by the President and Parliament as follows-

1 Amendment

The Telecommunications and Radiocommunications Regulation Act No. 30 of 2009 is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

AMENDMENTS OF TELECOMMUNICATIONS AND RADIOCOMMUNICATIONS REGULATION ACT NO. 30 OF 2009

1 Heading of Act

Delete “and Radiocommunications”, insert “, Radiocommunications and Broadcasting”

2 References to “telecommunications and radiocommunications”

Delete “and radiocommunications”, insert “, radiocommunications and broadcasting”

2A References to “telecommunications or radiocommunications”

Delete “or radiocommunications”, insert “, radiocommunications or broadcasting”

2B References to “radiocommunications or telecommunications”

Delete “or telecommunications”, insert “, telecommunications or broadcasting”

3 After subsection 7(2)

Insert

“(2A) In addition to subsection (2), the Regulator is to:

- (a) exercise licensing and regulatory functions in respect of the sale and use of television receivers and broadcasting receiving apparatus; and
- (b) act internationally as the national authority or representative of Vanuatu in respect of matters relating to broadcasting; and
- (c) regulate and set ethical standards for broadcasting and media services; and
- (d) secure proper standards of television and sound broadcasting with regard to both the programme content and technical performance of broadcasts; and

- (e) advise the Minister in respect of matters relating to broadcasting;
and
- (f) implement the policies of the Government in relation to
broadcasting.”

5 After Part 3

Insert

“PART 3A BROADCASTING LICENCE

Division 1 General prohibition and exemption

16A Prohibition

- (1) A person must not:
 - (a) install or use any broadcasting apparatus in any place in Vanuatu or on board any ship, aircraft or vehicle registered in Vanuatu; or
 - (b) offer for sale, sell or have in his or her possession, with a view to sell, any broadcasting apparatus; or
 - (b) establish or maintain a broadcasting station,unless the person is issued with a valid broadcasting licence under section 16C.
- (2) Subsection (1) does not apply to any person who uses a broadcasting apparatus:
 - (a) in the course of his or her duty as a member of the Vanuatu Police Force; or
 - (b) for the purposes of carrying out his or her functions at any Government Ministry or Department; or

- (c) on board any ship registered in Vanuatu for the purposes of carrying out transmission of broadcast matter outside the territorial waters of Vanuatu.
- (3) To avoid doubt, this section applies in relation to a broadcasting apparatus whether used or installed before, on or after the commencement of this Act.
- (4) The Regulator may prescribe different fees in relation to licences for different broadcasting apparatus and licences for different classes of broadcasting apparatus.
- (5) A person who contravenes this section, commits an offence punishable on conviction to a fine not exceeding VT 5,000,000 or to imprisonment for a term not exceeding 5 years and in either case is liable to forfeit any broadcasting apparatus sold, installed or used without a licence.

16B Exemption

- (1) Despite section 16A, the Minister may, after consultation with the Regulator grant an exemption to any person or class of persons from any licensing requirements under this Act, in the following circumstances:
 - (a) if it is in the public interest to grant that exemption; or
 - (b) if it is reasonable to grant an exemption in the context of the business and market environment; or
 - (c) if there is a natural disaster or an emergency; or
 - (d) if there is a sports event; or
 - (e) for the purposes of national security.
- (2) An exemption granted under this section must not distort competition in the broadcasting market.

Division 2 Licensing

16C Broadcasting Licence

- (1) A person who intends to:
 - (a) install or use any broadcasting apparatus in any place in Vanuatu or on board any ship, aircraft or vehicle registered in Vanuatu; or
 - (b) offer for sale, sell or have in his or her possession, with a view to sell, any broadcasting apparatus; or
 - (b) establish or maintain a broadcasting station,must apply to the Regulator for a broadcasting licence.
- (2) An application under subsection (1), must be in the form and must be accompanied with the fees, as determined by the Regulator.
- (3) The Regulator may require such other documents as are necessary to assist him or her in making a determination under this section.
- (4) The Regulator must not issue a broadcasting licence under this section unless he or she is satisfied that the person applying for a licence has such technical, financial and professional qualifications as may reasonably be required for the purpose of that application.
- (5) The Regulator may at any time determine the terms and conditions that will be applicable to each broadcasting licence.

16D Validity of licence

A broadcasting licence is valid for a period not exceeding 10 years from the date of the issue of that licence.

16E Power of Regulator to vary or revoke existing conditions and to impose further conditions

- (1) Subject to subsection (2), the Regulator may:

- (a) vary or revoke any existing conditions; or
- (b) impose any further conditions,

On a broadcasting licence .

- (2) The Regulator must give 14 days written notice of his or her intention to vary or to impose a further condition on a broadcasting licence and must specify in the notice the proposed variation or the conditions to be revoked or imposed.

16F Revocation or suspension of licence

- (1) Subject to subsection (2), the Regulator may, by notice in writing to the licensee, suspend or revoke a broadcasting licence granted under this Part if he or she is satisfied that any of the following grounds exists:
 - (a) the licensee has failed to comply with the provisions of this Act; or
 - (b) the licensee is no longer a fit and proper person to hold the licence; or
 - (c) the licensee no longer has the financial, technical and management capacity which are necessary to operate the broadcasting station; or
 - (d) the licensee has failed to comply with any direction given by the Regulator; or
 - (e) the licensee has failed to comply with any conditions of the licence; or
 - (f) it is in the public interest, to do so.
- (2) The Regulator must, before suspending or revoking any licence under subsection (1), give the licensee notice in writing of his or her intention to do so and must provide a reasonable opportunity for the licensee to respond to any allegations being made against the licensee.

16G Requirement to provide information

The Regulator may, by notice in writing, require a licensee to provide him or her with any information as the Regulator considers necessary to enable him or her to regulate licensees under this Act.”