



ANALYSIS

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1997, No. 8

An Act to amend the Broadcasting Act 1989

(8 May 1997)

BE IT ENACTED by the Parliament of the Cook Islands in Session assembled, and by the authority of the same, as follows:

1. Short Title - This Act may be cited as the Broadcasting Amendment Act 1997 and shall be read together with and deemed part of the Broadcasting Act 1989 (hereinafter referred to as "the principal Act").

2. Interpretation - The principal Act is amended by inserting the following definitions: "person", or "persons" includes an individual, firm, company, corporation or unincorporated body of persons, or any Government Department as that term is defined in the Ministry of Finance and Economic Management Act 1995-96."

3. Prohibition on provision of television or radio service - The principal Act is amended with effect from 30 August 1996 by repealing section 4 and substituting the following new section -

"4. Prohibition on provision of television or radio service - No person shall operate a transmission installation for the purpose of providing:

- (a) a television service; or
- (b) a radio service

except as authorised by a licence granted under this Act."

4. Functions and powers of the Corporation - (1) Section 7 of the principal Act is amended by deleting from subsection (1) the words "The functions of the Corporation are to provide" and substituting the following words:

"The functions of the Corporation are to implement, or assist third parties to implement, the provision of".

(2) Section 7 of the principal Act is further amended by deleting paragraph (b) of subsection (2) and substituting the following new paragraph:

"(b) in connection with the provision of any radio or television service, to acquire, hold and dispose of real or personal property and to transfer or assign to third parties, by lease or otherwise, such property or any part of it."

5. Objective of Corporation to be successful business - Section 8 of the principal Act is amended to read as follows -

"8. Objectives of Corporation -

- (a) It shall be an objective of the Corporation to operate as a self-funding operation and, to this end, to engage persons to provide television or radio services on its behalf, and to make available to such persons such of its real or personal property as the Corporation considers necessary or desirable;
- (b) it shall be a further objective of the Corporation, and of any other provider for the time being of television or radio services, to exhibit a sense of social responsibility by having regard to the interests of the community in which it operates and by endeavouring to accommodate or encourage these interests when able to do so."

6. Broadcasting fees - Section 9 of the principal Act is amended by the addition in the first line of the final paragraph of the words "to mean" after the words "be taken", and by the deletion of the comma after "not" in the second line of that paragraph.

7. Delegation - Section 18 of the principal Act is amended by deleting from the third line of subsection (1) the words "to the General Manager".

8. Grant and renewal of radio and television licences - Section 27 of the principal Act is amended -

- (a) by deleting the words "Grant and renewal, of and Radio Television licences" and substituting the following new words "Grant and renewal of radio and television licences";
- (b) by adding in subsection (1) the word "such" before the words "terms and conditions";
- (c) by deleting from subsection (3) the words "one year" and substituting the words "five years";
- (d) by deleting from subsection (4) the words "1 year" and substituting the words "not exceeding five years".

9. Specifications attaching to a broadcasting licence or permit - Section 33 of the principal Act is amended by deleting from the third line of subsection (1) the words "acting on the advice of the Director General of Posts and Telecommunications" and substituting the words "or his duly authorised representative acting under delegated authority".

10. Repeals - The principal Act is amended by repealing sections 16, 17, 36, 40, and 43.

This Act is administered by the Cook Islands Broadcasting Corporation