

No. 37 of 1986.

Television (Prohibition and Control) Act 1986.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Television (Prohibition and Control) Act 1986,

Being an Act to make provision for the control of the operation of television stations, including the prohibition of the operation of television stations, and for related purposes.

1. COMPLIANCE WITH CONSTITUTION REQUIREMENT.

(1) This Act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C (*qualified rights*) of the *Constitution*, namely the right to freedom of expression conferred by Section 46 of the *Constitution*, is a law that is made for that purpose.

(2) For the purposes of Section 29 of the *Organic Law on Provincial Government*, it is hereby declared that this Act relates to a matter of national interest.

2. INTERPRETATION.

In this Act unless the contrary intention appears—

“broadcasting service” means a radiocommunication service in which the transmissions (whether sound transmissions, television transmissions or other transmissions) are intended for direct reception by the general public;

“radiocommunication” means any transmission, emission or reception of signs, signals, impulses, writings, images or intelligence of any nature by means of electromagnetic waves between 10kHz and 3,000,000kHz over paths that are not provided by a material substance constructed or arranged for that purpose, and includes transmission for the actuation, control or observance of machinery or other equipment;

“**station**” means one or more transmitters or receivers at a single location, including the accessory equipment needed for carrying on a radiocommunication service;

“**television station**” means any station, including any translator relay or repeater station which provides a broadcasting service by way of television transmissions being the transmission by way of wireless telegraphy of television programmes of images and/or associated sound intended for reception by the general public.

3. PROHIBITION ON OPERATION OF A TELEVISION STATION PRIOR TO 31 JANUARY 1988.

(1) A person who operates a television station in Papua New Guinea before 31 January 1988 is guilty of an offence.

Penalty: A fine not exceeding K1,000,000.00.

Default penalty: A fine not exceeding K500,000.00.

(2) It shall not be a defence to a prosecution under Subsection (1), that a person—

- (a) holds a licence under any other Act; or
- (b) has entered into an Agreement with the State,

authorizing the operation of a television station.

4. LICENCE TO OPERATE TELEVISION STATION AFTER 31 JANUARY 1988.

(1) The Head of State, acting on advice, may issue to a person a licence to operate a television station after 31 January 1988.

(2) A licence under Subsection (1)—

- (a) shall be in the prescribed form; and
- (b) shall be for such period as is specified therein; and
- (c) may contain such conditions as the Head of State, acting on advice, determines; and
- (d) is not transferrable.

(3) An application for a licence under Subsection (1) shall be—

- (a) made in the prescribed manner; and
- (b) accompanied by the prescribed fee.

5. PROVISIONS OF THIS ACT ADDITIONAL.

The provisions of this Act are in addition to the provisions of any other Act relating to television stations or broadcasting services and do not derogate from the

provisions of any other such Act except in so far as is required to give effect to this Act.

6. OFFENCE.

(1) A person who, after 31 January 1988, operates a television station—

(a) without a valid licence under this Act; or

(b) except in accordance with the conditions of a licence under this Act,

is guilty of an offence.

Penalty: A fine not exceeding K1,000,000.00.

Default penalty: A fine not exceeding K500,000.00.

(2) It shall not be a defence to a prosecution for an offence under Subsection (1), that a person—

(a) holds a licence under any other Act; or

(b) has entered into an Agreement with the State,

authorizing the operation of a television station.

7. FORFEITURE OF TELEVISION STATION.

Where a court convicts a person of an offence against—

(a) Section 3(1); or

(b) Section 6(1),

the court shall order the forfeiture to the State of the television station in respect of which the offence was committed.

8. FORFEITED TELEVISION STATION.

A television station ordered by a court to be forfeit under this Act becomes the property of the State and shall be disposed of or dealt with in accordance with the direction of the Minister.

9. REGULATIONS.

The Head of State, acting on advice, may make Regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or are convenient or necessary to be prescribed including the levying of fees for licences under this Act.