

REPUBLIC OF VANUATU

BILL FOR THE

BROADCASTING AND TELEVISION (AMENDMENT)

ACT NO. OF 2022

Explanatory Note

This Bill amends the Broadcasting and Television Act [CAP 214](“the Act”).

As part of the 2017 Strategic Review of the Vanuatu Broadcasting and Television Corporation, the Government requested that legislation specific to the Vanuatu Broadcasting and Television Corporation (“the Corporation”) be assessed for its contemporary relevance with regard to the broadcast regulatory environment, organisational structure, governance, resourcing, financial viability and sustainability.

The main policy reason for these proposed amendments to the Act are as follows:

- (a) achieve legal recognition of the status of the Corporation as Vanuatu’s premier public service broadcaster;
- (b) ensure the Corporation’s editorial independence from Government and from commercial and other interests;
- (c) ensure the Corporation is able to develop and achieve the highest degree of professionalism and governance;
- (d) ensure that all internal processes, procedures and mechanisms relating to the Corporation’s functions reflect high standards of transparency, efficiency and accountability; and
- (e) ensure that the Corporation is able to adapt to new means of delivering programming and content, such as digital and online platforms.

Prime Minister



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An Act to amend the Broadcasting and Television Act [CAP 214].

Be it enacted by the President and Parliament as follows-

1 Amendment

The Broadcasting and Television Act [CAP 214] 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 BROADCASTING AND TELEVISION ACT [CAP 214]

1 Long title

Repeal the long title, substitute

“An Act to establish the Vanuatu Broadcasting and Television Corporation as the independent national public service broadcaster and for other related matters.”

2 After section 1 (in Part 1)

Insert

“1A. Purposes of the Act

The purposes of the Act are as follows:

- (a) to achieve legal recognition of the status of the Corporation as Vanuatu’s premier public service broadcaster; and
- (b) to ensure the Corporation’s editorial independence from the Government and from commercial and other interests; and
- (c) to ensure the Corporation is able to develop and achieve the highest degree of professionalism and governance; and
- (d) to ensure that all internal processes, procedures and mechanisms relating to the Corporation’s functions reflect high standards of transparency, efficiency and accountability; and
- (e) to ensure that the Corporation is able to adapt to new means of delivering programming and content, such as digital and online platforms.”

3 Subsection 3(1)

Repeal the subsection, substitute

“(1) The Corporation consists of 7 members.

(1A) Subject to subsections (1B) and (1C), the Minister may, by Order, on the recommendation of the Council of Ministers, appoint the members of the Corporation.

- (1B) A person is eligible for appointment as a member of the Corporation if that person has reasonable experience in:
- (a) the broadcasting sector; or
 - (b) the television sector; or
 - (c) engineering (especially in telecommunications, electronics or computer technology); or
 - (d) journalism; or
 - (e) public relations; or
 - (f) the communications sector other than those listed in paragraphs (a) and (b); or
 - (g) administration; or
 - (h) the finance sector; or
 - (i) law; or
 - (j) accounting; or
 - (k) the private sector; or
 - (l) any other related sector.
- (1C) At least 1 member of the Corporation must be a woman.”

4 Section 10

Repeal the section, substitute

“10. Functions of the Corporation

The Corporation has the following functions:

- (a) to provide high quality public broadcasting service to the general public; and
- (b) to provide high quality programmes and content services that are intended to inform and educate the general public; and

- (c) to ensure that its programmes and other services reach and are accessible to the general public having regard to the physical, technical and financial circumstances of the Corporation; and
- (d) to broadcast news, news features and current affairs to the general public; and
- (e) to ensure that the broadcasting of all news:
 - (i) is provided with sufficient amount of time with due regard to the public interest; and
 - (ii) is presented with due accuracy and impartiality; and
- (f) to develop the television and broadcasting services to the best interest of Vanuatu subject to such directions of the Minister; and
- (g) to ensure that the following are not included in the programmes broadcast by the Corporation:
 - (i) indecent and improper content; or
 - (ii) any content that may:
 - (A) incite crime or lead to disorder; or
 - (B) offend any racial group or promote ill will between different races or different groups of people; or
 - (C) offend the followers of any religious faith or order; or
 - (D) cause public outrage; and
- (h) to ensure that its content and programming reflects the cultural, social, religious and linguistic diversity of Vanuatu; and
- (i) to promote Vanuatu's national heritage and identity; and
- (j) to contribute to the national effort in spreading literacy, improving public health and raising awareness on the importance of social cohesion; and
- (k) to provide to the Government and other public agencies such assistance as it reasonably can during times of crises or national emergencies; and

- (1) to ensure through its policies and services that the Corporation does not discriminate between persons or groups on racial, religious, linguistic or other grounds.

10A. Independence of the Corporation

- (1) The Corporation must act independently and impartially from Government or the private sector in performing its functions under this Act and any other Act.
- (2) To avoid doubt, the Corporation, when performing its functions, may:
- (a) consider any policies that has been approved by the Council of Ministers; or
 - (b) consult with or take advice from, any person on any matter; or
 - (c) act in co-ordination with any other countries, international agencies or international standards.
- (3) Despite subsection (1), the Minister may direct the Corporation to undertake emergency broadcasting or to commit to programming when it is deemed to be in the national interest of Vanuatu.
- (4) If a direction is made under subsection (3), the Minister must ensure that he or she informs Parliament at the next available sitting of that direction.