

REPRINT

BROADCASTING ACT (CAP. 112)

As in force at: 1 March 1996

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AN ACT TO PROVIDE FOR THE ESTABLISHMENT IN SOLOMON ISLANDS OF A BROADCASTING CORPORATION AND FOR MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH

BROADCASTING ACT (CAP. 112)

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BROADCASTING ACT (Cap. 112)

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PART I PRELIMINARY

1 Short title

This Act may be cited as the *Broadcasting Act*.

2 Interpretation

In this Act, unless the context otherwise requires:

“broadcasting” means the transmission by radio or television of any message or other matter, whether in a spoken, visual or other form, for information, education or entertainment of the public or any class of the public whether resident within or outside Solomon Islands;

“chairman” means the chairman of the Corporation appointed under section 4 and includes the deputy chairman;

“Corporation” means the Solomon Islands Broadcasting Corporation established under section 3;

“deputy chairman” means the deputy chairman of the Corporation appointed under section 4;

“manager” means the manager of the Corporation appointed under section 10;

“secretary” means the secretary of the Corporation appointed under section 10.

PART II ESTABLISHMENT, INCORPORATION AND CONSTITUTION OF THE CORPORATION

3 Establishment and incorporation of the Solomon Islands Broadcasting Corporation

(1) There is hereby established a Corporation to be known as the

Solomon Islands Broadcasting Corporation which shall be a body corporate under that name with perpetual succession and a common seal and which may, in such name, sue and be sued and may enter into contracts, and may acquire, purchase, take, hold and enjoy real and personal property of every description, and may convey, appoint, surrender and yield up, charge, mortgage, transfer or otherwise dispose of, or deal with or in, real or personal property vested in the Corporation upon such terms as the Corporation deems fit.

- (2) All deeds, documents and other instruments required to be sealed with the common seal of the Corporation shall be sealed therewith in the presence of the chairman and of the secretary or some other person authorised by the Corporation to act in that behalf, who shall sign every such deed, document or other instrument to which such seal is affixed, and such signing shall be sufficient evidence that such seal was duly and properly affixed and that the same is the lawful seal of the Corporation.
- (3) Service of any document upon the Corporation shall be deemed to be effected by delivering the same or by sending it by registered post to the secretary.

4 Constitution of the Corporation

- (1) The Corporation shall consist of a chairman and deputy chairman, and not less than six nor more than seven other members appointed by the Minister after consultation with the Cabinet.
- (2) The Minister may appoint any person to act in the place of the chairman, or any other member of the Corporation in the case of his absence or inability to act as such member.
- (3) The powers of the Corporation shall not be affected by any vacancy in the membership thereof.

5 Disclosure of interest in contract by member of the Corporation

A member of the Corporation, if he has any interest in any company or undertaking with which the Corporation proposes to make any contract, or has any interest in any such contract, shall disclose to the Corporation the fact of such interest and the nature thereof, and

such disclosure shall be recorded in the minutes of the Corporation, and, unless specifically authorised thereto by the chairman, such member shall take no part in any deliberation or decision of the Corporation relating to such contract.

6 Tenure and vacation of membership

- (1) A member shall hold office for such period, not exceeding five years, as is specified in the instrument appointing him to be a member:

Provided that, if the Minister after consultation with the Cabinet is satisfied that a member:

- (a) has been absent from meetings of the Corporation for a period longer than three consecutive months without the permission of the Corporation; or
- (b) has become bankrupt; or
- (c) is incapacitated by physical or mental illness; or
- (d) is otherwise unable or unfit to discharge the functions of a member,

the Minister may by notice declare his office as a member of the Corporation to be vacant and thereupon his office shall become vacant.

- (2) Notwithstanding the foregoing provisions of this section any member may resign his office by giving written notice to the Minister.
- (3) If the chairman or deputy chairman ceases to be a member of the Corporation he shall cease to be chairman or deputy chairman, as the case may be.
- (4) A member of the Corporation who ceases to be a member shall be eligible for re-appointment.

7 Meetings and proceedings

- (1) The quorum at all meetings of the Corporation shall be three members present in addition to the chairman.

- (2) At all meetings of the Corporation the chairman, or, in his absence the deputy chairman, or, in his absence, such member as the members present may select, shall preside.
- (3) All questions coming or arising before a meeting of the Corporation shall be decided by a majority of the members present and voting thereon at the meeting, and, in the case of an equality of votes, the person presiding shall have a second or casting vote.
- (4) Subject to the provisions of this Act, the Corporation may regulate its own procedure and, in particular, may regulate the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes, the custody, production and inspection of such minutes, and the opening, keeping, closing and audit of accounts.
- (5) All orders and directions of the Corporation shall be made or given under the hand of the chairman or secretary of the Corporation.

8 No personal liability to attach to members

No personal liability shall attach to any member of the Corporation in respect of anything done or suffered in good faith and without negligence under the provisions of this Act.

9 Proceedings not to be invalidated by reason of vacancy

No act or proceeding of the Corporation shall be invalidated in consequence of there being a vacancy in the number of members of the Corporation at the time of such act or proceeding.

10 Appointment of officers and servants

- (1) The Corporation may, from time to time and on such terms as to remuneration and otherwise as may from time to time be approved by the Minister, appoint and employ a manager, a secretary, and such other officers, agents, servants and advisers as it may deem necessary for the efficient discharge of its functions under this Act and may dismiss any person so appointed.
- (2) The Corporation may by notice delegate its power of appointment and dismissal to the manager.

- (3) The manager shall be entitled to attend and take part in meetings of the Corporation, and to have any advice he may give at any such meeting recorded in full in the minutes of such meeting:

Provided that, in relation to the manager:

- (a) nothing contained in this section shall be deemed to imply a right to vote at any meeting of the Corporation; and
- (b) the provisions of section 5 shall apply.

PART III GENERAL FINANCIAL PROVISIONS

11 Power to borrow

- (1) The Corporation may, from time to time, with the approval of the Minister of Finance, borrow money by the issue of debentures or debenture stock or in whatsoever manner and subject to such terms, security, guarantee, mortgage, pledge or charge as may be so approved, for all or any of the following purposes:
- (a) the provision of working capital;
 - (b) for performing the functions of the Corporation under this Act;
 - (c) the acquisition of undertakings;
 - (d) any other expenditure properly chargeable to capital account; and
 - (e) any other purpose whatsoever which the Minister of Finance after consultation with the Cabinet may by notice specify.
- (2) Subject to the approval of the Minister of Finance, the Corporation may make rules, not inconsistent with the provisions of this Act, to provide for the issue of debentures or debenture stock, or in connection with any other purpose mentioned in subsection (1) or which may be specified by the Minister of Finance from time to time, and, in particular, for regulating the issue, transfer, redemption or other dealing with debentures or debenture stock.

12 Temporary loans or overdrafts

The Corporation may borrow by way of temporary loan or overdraft such sums of money as it deems fit not exceeding an amount approved by the Minister of Finance.

13 General duties and powers of Corporation in financial matters

It shall be the policy of the Corporation so to exercise and perform its functions under this Act as to secure that the total revenues of the Corporation are sufficient to meet its total outgoings properly chargeable to revenue account, including depreciation, loan redemption and interest on capital, taking one year with another.

14 Exemption from income tax

That part of the income of the Corporation which is derived from broadcasting, including the broadcasting of advertisements and messages shall not be liable to income tax.

15 Annual subsidy

The Government shall pay to the Corporation any annual subsidy which the Minister of Finance after consultation with the Minister and the Corporation may determine appropriate to compensate the Corporation for any loss, actual or anticipated, which has been or might be sustained by the Corporation in the operation of its functions under this Act.

16 Superannuation schemes, etc.

The Corporation may, subject to the provisions of the *Solomon Islands National Provident Fund Act*, establish or cause to be established such scheme or schemes for the payment of superannuation allowances, pensions or gratuities to officers and servants of the Corporation who retire from the service of the Corporation, or otherwise cease to hold office, by reason of age, infirmity of body or mind or abolition of office as it considers necessary.

17 Application of revenue

- (1) The revenue of the Corporation for any financial year shall be applied in defraying the following charges:
 - (a) the salaries, fees, remuneration, pensions, superannuation allowances and gratuities of the officers, agents and servants and technical or other advisers of the Corporation, or any payment due under any scheme established under the provisions of section 16;
 - (b) allowances and expenses of the members of the Corporation;
 - (c) interest on any debentures and debenture stock issued, and on any loan raised, by the Corporation;
 - (d) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the redemption of debentures or debenture stock or the repayment of other borrowed moneys;
 - (e) such sums as it may deem appropriate to set aside in respect of depreciation on the property of the Corporation out of revenue;
 - (f) such contributions to charitable objects as the Corporation, with the approval of the Minister of Finance, may, from time to time, determine;
 - (g) any other expenditure authorised by the Corporation and properly chargeable to revenue account.
- (2) The balance of the revenue of the Corporation shall be applied to a general reserve or to such other reserves as the Corporation, with the approval of the Minister of Finance, may determine.
- (3) Any general or other reserve formed under subsection (2) shall be applied in such manner as the Corporation may, with the approval of the Minister of Finance, from time to time determine:

Provided that no part of the moneys comprised in such general or other reserve shall be applied otherwise than for the purposes of the

Corporation.

18 Investment of funds

Any funds of the Corporation not immediately required to be expended in the meeting of any obligations or the discharge of any functions of the Corporation may be invested from time to time in securities authorised for the time being for the investment of trust funds or in such other investments and securities as may be approved from time to time by the Minister of Finance.

19 Accounts and audit

- (1) The Corporation shall keep proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of account in respect of each financial year.
- (2) The accounts of the Corporation shall be audited annually in accordance with the provisions of the *Public Finance and Audit Act*.
- (3) After the end of each financial year, as soon as the accounts of the Corporation have been audited, the Corporation shall cause a copy of the statement of account to be transmitted to the Minister of Finance together with a copy of any report made by the auditor on that statement or on the accounts of the Corporation and such explanation of any matters referred to in the auditor's report as may be necessary.

20 Annual report

- (1) The Corporation shall, as soon as practicable after the end of each financial year, cause to be made and transmitted to the Minister a report dealing generally with the activities of the Corporation during the preceding financial year and containing such information relating to the proceedings and policy of the Corporation as the Minister may from time to time direct.
- (2) A copy of the report shall be printed and laid before the National Parliament by the Minister as soon as may be after the close of the financial year to which the report relates.

PART IV TRANSFER TO CORPORATION OF GOVERNMENT UNDERTAKINGS

21 Vesting assets in the Corporation

The Prime Minister may by order vest in the Corporation such assets as he may from time to time think fit subject to such terms as may be specified in such order.

22 Existing contracts

All deeds, bonds, agreements, instruments and working arrangements subsisting immediately before the commencement of this Act, affecting any of the undertakings which may be transferred to the Corporation from time to time by the Government shall be of as full force and effect against or in favour of the Corporation and enforceable as fully and effectually as if, instead of the Government or any person acting on behalf of the Government, the Corporation had been named therein or had been a party thereto.

23 Pending proceedings

Any proceedings or cause of action pending or existing immediately before the commencement of this Act by or against the Government or any person acting on behalf of the Government in respect of any of the transferred undertakings specified in section 22 may be continued or enforced by or against the Corporation as it might have been by or against the Government or such person, if this Act had not been enacted.

PART V MISCELLANEOUS

24 Minister's right to prohibit material etc.

- (1) Subject to this Act, the Minister may from time to time prohibit the Corporation from broadcasting any matter, or matter of any class or character, specified in the notice, or may request the Corporation to refrain from broadcasting any such matter. Such requests by the Minister shall be confirmed in writing within twenty-four hours of being made.
- (2) Where the Minister has prohibited the broadcasting of any matter or

has made any request under subsection (1), he shall report the same in writing to the first sitting of the National Parliament held after the request is made.

- (3) The Corporation shall broadcast or televise from all stations under its control, or from such of them as the Minister specifies, any matter the broadcasting of which is directed by the Minister as being of national interest. Such requests shall be confirmed by the Minister in writing within twenty-four hours of being made.
- (4) The Corporation shall furnish the Minister with such returns, accounts and other information with respect to its property and activities as he may from time to time require.

25 Regulations

- (1) The Corporation may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, for carrying out or giving effect to this Act.
- (2) The Corporation shall:
 - (a) provide adequate transmission of news and current affairs from within Solomon Islands and in other parts of the world; and
 - (b) employ adequate staff in Solomon Islands, and overseas for the purpose of collecting the news and information to be broadcast in pursuance of this section; and
 - (c) procure news and information relating to current events in other parts of the world from such overseas news agencies, services and other sources as it thinks fit.

ENDNOTES

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KEY

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| amd = amended | Pt = Part |
| Ch = Chapter | rem = remainder |
| Div = Division | renum = renumbered |
| exp = expires/expired | rep = repealed |
| GN = Gazette Notice | Sch = Schedule |
| hdg = heading | Sdiv = Subdivision |
| ins = inserted | SIG = Solomon Islands Gazette |
| lt = long title | st = short title |
| LN = Legal Notice | sub = substituted |
| nc = not commenced | |

NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 112 of the Revised Edition of the Laws of Solomon Islands.

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LIST OF LEGISLATION

Broadcasting Act (Cap. 112)

Constituent legislation: 15 of 1976 (Commenced 1 January 1977)
LN 46A of 1978

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LIST OF AMENDMENTS