

REPUBLIC OF KIRIBATI

(No. 14 of 2002)

Assented to by
the Beretitenti
on 29/10/2002

AN ACT TO AMEND THE NEWSPAPER REGISTRATION ACT

Commencement:
2002

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short Title

1. This Act may be cited as the Newspaper Registration (Amendment) Act 2002.

Insertion of new definitions

2. Section 2 of the principal Act is amended by –

- (a) inserting a new definition of the word “Commission” immediately before the definition of the word “newspaper” as follows –

“Commission” means a Newspaper Complaints Commission established under section 18.

- (b) inserting a definition of the word “Minister” and “Ministry” immediately before the definition of the word “newspaper” as follows –

“Minister” means a Minister responsible for newspaper and media matters;

“Ministry” means a department or agency of the Government for the time being responsible for dealing with newspaper and media matters

- (c) repealing the definition of the word “Registrar” and substituting the following –

“Registrar” means the Registrar of Newspapers appointed by the Beretitenti acting in accordance with the advice of the Public Service Commission;”.

New Section

3. The principal Act is hereby amended by adding after section 15 the following sections –

“16. (1) It shall be the duty of proprietor, publisher or printer to ensure as far as possible that the contents of a newspaper comply with the following requirements –

- (a) that nothing is printed which offends against good taste or decency or is likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling;
- (b) that the content is presented with due accuracy and impartiality; and
- (c) where an article contains matters affecting the credibility of reputation of any person. that opportunity is preserved on the part of persons named or affected by to have this response included in the said article.

(2) In applying subsection 1(c), a series of articles may be considered as a whole.

Failure to comply with section 16

“17.(1) If a proprietor, publisher or printer fails to comply with the provisions of section 16, the Registrar shall on the recommendation of the Newspaper Complaints Commission in accordance with the provisions of this Act, strike the affidavits relating to that newspaper off the affidavits register and that newspaper shall therefore cease to operate.”

(2) Any proprietor, publisher or printer who does not comply with the provisions of section 16 or continue to operate after the Registrar has struck off its affidavits from the register is guilty of an offence under this Act and in the case of a continuing offence an additional fine of \$500 for every offence committed.

Establishment of a Commission

18. (1) There is hereby established for the purposes of the Act a Newspaper Complaints Commission.

(2) The Commission shall be responsible to the Minister in the exercise of its powers and the performance of its functions under this Act.

(3) The Ministry shall provide the Commission with secretarial and administrative services.

Members of the Commission

19. (1) The members of a Commission shall comprise a Chairman, a Vice Chairman who shall, in the absence or unavailability of the Chairman, exercise all the functions of a Chairman, and 3 other members.

(2) The Minister may be notice in writing appoint the members of the commission.

(3) A member of the Commission may, with the approval of the Minister in writing, appoint an alternate who shall in the absence of the Member, stand in the place of that member for all purposes of this Act and who shall be eligible to vote in any meeting of the Commission which he attends.

Meetings of the Commission

20. (1) Meetings of the Commission shall be convened on the instructions of the Chairman and shall be held on such dates and such times as the Chairman or in his absence the Vice Chairman shall direct.

(2) The quorum necessary for the transaction of business at any meeting shall be 3 members.

(3) Every matter before a meeting of the Commission shall be decided by a majority of the members present.

(4) Subject to the provisions of this Act, the Commission may regulate its procedure in such manner as it thinks fit.

Functions of the Commission

21. (1) The Commission shall –

- (a) receive, consider and assess all complaints against the proprietor, publisher or printer relating to their failure to comply with section 16 of this Act;
- (b) inquire into the causes and circumstances of such a complaints or complaints under section 16 of this Act against the proprietor, publisher or printer of a newspaper;
- (c) conduct hearings to bring about a settlement relating to such complaint or complaints;
- (d) recommend to the Registrar, for approval or otherwise, the striking off the affidavits register the names of the newspaper whose proprietor, publisher or printer have been the subject of a complaint under section 16 of this Act.

Remuneration of Commission members

22. The Minister, acting in accordance with the advice of the Cabinet may from time to time determined the remuneration and allowances to be paid to the members of the Commission.

Savings and Transfer

23. Consequent to the repeal of the definition of the word “Registrar” the affidavits of

the register is hereby transferred from the Registrar of Companies to the Ministry and any act done by the Registrar of Companies in his capacity as the Registrar under this Act shall for the purposes of this amending Act continue to be in force.”

NEWS PAPER REGISTRATION (AMENDMENT) ACT 2002**EXPLANATORY MEMORANDUM**

With the emergence of several newspapers whose affidavits of publication need to be registered under section 4 of the Newspaper Registration Act there need to be emphasised certain standards to be complied with respect to the contents of such newspaper. The new section 16 seeks to achieve that by outlining certain requirements for a newspaper to follow in the articles that it publishes. Failure to comply with those requirements may entitle the Registrar to strike off that newspaper affidavits from the register and thereafter that newspaper ceases to operate, or that news paper risks being prosecuted under the Act.

Titabu Tabane
Attorney General
8 April 2002