

TONGA GOVERNMENT GAZETTE SUPPLEMENT EXTRAORDINARY

No. 12

21st May

2003

AN ORDINANCE

for

THE IMPOSING OF RESTRICTIONS ON OWNERSHIP OF LICENCE BY MEDIA OPERATORS IN THE KINGDOM

BE IT ORDAINED by the King and the Privy Council in pursuance of the powers conferred by the Act of Constitution of Tonga and by the Government Act as follows:

1. This Ordinance may be cited as the Media Operators Ordinance 2003.
2. In this Ordinance unless the context otherwise requires—

"alien" means a person who is not a Tongan subject;

"media operation" means the operating of a newspaper;

"newspaper" includes a publication issued periodically or at intervals whether regular or irregular containing news, intelligence, reports of occurrence or any remarks, observation or comments, in relation to such news, intelligence, reports of occurrence or to any other matter of public interest printed in any language and published for sale or free distribution, but does not include any publication published by or for the Government.

3. Any licence required by law for trading or operating of any media operation shall not be granted to or held by:
 - (a) an alien or representative of any alien;
 - (b) any corporation incorporated under the laws of any foreign state;

- (c) any corporation of which more than 20 percent of the shares is owned or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation incorporated under the laws of a foreign country;
 - (d) any corporation directly or indirectly controlled by any other corporation of which more than 25 percent of the shares is owned or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation incorporated under the laws of a foreign country.
4. An existing licence for a media operation held by a person referred to in section 3, when this Ordinance comes into effect, is hereby revoked.
 5. Any media operator who contravenes this Ordinance commits an offence and is liable upon conviction to a fine not exceeding \$5,000 or imprisonment for a term not exceeding 3 years and in the case of a corporation to a fine not exceeding \$20,000.

Made at Nuku'alofa this 16th day of May, 2003.

By Order

Hon. Ma'afu
Acting Clerk to Privy Council

FAKALAHI KI HE KASETE 'A E PULE'ANGA TONGA KASETE MAKEHE

Fika 12

21 Me

2003

KO HA TU'UTU'UNI

ki he

FAKANGATANGATA 'O E MA'U LAISENI KI HE KAU FAKAHOKO ONGOONGO 'I HE PULE'ANGA

'OKU TU'UTU'UNI 'e he Tu'i mo e Fakataha Tokoni 'i he fakahoko 'o e ngaahi mafai kuo hilifaki 'i he Lao ki he Konisitutone 'o Tonga mo e Lao ki he Pule'anga 'o pehe:

1. 'E ui 'a e Tu'utu'uni ko 'eni ko e Tu'utu'uni ki he Kau Fakahoko Ongoongo 2003.
2. 'I he Tu'utu'uni ko 'eni tukukehe ka 'i ai ha 'uhinga kehe—

<i>"taha muli"</i>	'oku 'uhinga ki ha taha 'oku 'ikai ko ha Tonga;
<i>"fakahoko ongoongo"</i>	'oku 'uhinga ki hono fakalele 'o ha nusipepa;
<i>"nusipepa"</i>	'oku kau ki ai ha me'a 'oku pulusi fakataimi pe 'i ha vaha'a taimi tatau ai pe 'oku fakataimi pau pe 'ikai 'oku 'i ai ha ongoongo, fakamatala, lipooti 'o ha me'a 'oku hoko pe ngaahi lea (remarks), vakai (observation) pe ngaahi lau (comments) 'o felave'i mo e ngaahi ongoongo, fakamatala, lipooti 'o e ngaahi me'a 'oku hoko pe ha me'a kehe 'oku mahu'inga ki he kakai 'oku paaki 'i ha fa'ahinga lea pea pulusi ke fakatau atu pe tufaki ta'e totongi, ka 'oku 'ikai ke kau ki ai ha me'a 'oku pulusi 'e he pe ma'a e Pule'anga.
3. Ko ha laiseni 'oku fiema'u 'i he lao ki he fefakatau'aki pe fakalele 'o ha fakahoko ongoongo kuo pau ke 'ikai tali pe ma'u 'e ha:
 - (a) taha muli pe ko hano fakafofonga;
 - (b) kautaha 'oku lesisita 'i he lao 'o ha Pule'anga muli;

- (c) kautaha 'a ia 'oku lahi hake he peseti 'e 20 'o e kautaha 'oku ma'u pe fili 'e he kau muli nofo Tonga pe ko 'enau ngaahi fakafofonga pe ko ha Pule'anga muli pe fakafofonga 'o ia pe ko ha kautaha 'oku lesisita 'i he lao 'o ha Pule'anga muli;
- (d) kautaha 'oku pule'i hangatonu pe ta'ehangatonu 'e ha kautaha kehe 'a ia 'oku lahi hake he peseti 'e 25 'o e kautaha 'oku ma'u pe fili 'e ha kau muli, ko 'enau ngaahi fakafofonga, pe ko ha pule'anga muli pe fakafofonga 'o ia, pe ko ha kautaha 'oku lesisita 'i he lao 'o ha fonua muli.
4. Ko ha laiseni lolotonga fakahoko ongoongo 'oku ma'u 'e ha taha 'oku lave ki ai 'a e kupu 3, 'i he kamata ngaue'aki 'o e Tu'utu'uni ko 'eni, 'oku fakata'e'aonga'i ia heni.
5. Ko ha taha fakahoko ongoongo 'oku ne maumau'i 'a e Tu'utu'uni ko 'eni 'oku ne fakahoko 'a e hia pea 'e ala tautea pa'anga ki ha mo'ua 'e 'ikai laka hake he \$5,000 pe ngaue popula 'o 'ikai laka hake he ta'u 'e 3 pea kapau ko ha kautaha 'e mo'ua 'o 'ikai laka hake he \$20,000.

Na'e fakahoko 'i Nuku'alofa 'i he 'aho ni 16 'o Me, 2003.

'I he Fekau,

Hon. Ma'afu
Kalake Le'ole'o ki he Fakataha Tokoni