

Public Consultation on Draft Code of Practice for Content Services and Audiovisual Media Services

**Presentation by the Utilities Regulation and
Competition Authority (URCA)**



Consultation Period: 9th November to 30th December, 2011

Agenda

- Welcome and Introductions
- Content Regulation in The Bahamas
- Communications Act 2009
- Role of URCA and Industry Working Group
- High-level Principles
- Categories for the draft Code of Practice
- Public Consultation
- What you can do to respond



Welcome and Introductions

- Welcome – Opening Remarks
- Introduction of URCA's team
- Introduction of Working Group members in attendance



Content Regulation in The Bahamas

- Piecemeal approach towards broadcasting and content regulation through primary and subsidiary legislation over the years
- Legislation primarily directed at ZNS as sole broadcasting entity
- Situation changed in 1993 with licensing of privately owned radio station and later with introduction of cable television
- Regulations were created, but unknown if ever applied



Co-Regulatory Model for The Bahamas

- URCA's obligations under Communications Act
- Consultation on establishment of Working Group
- Benefits of co-regulatory approach
 - Collaboration between industry and regulator
 - Commitment by WG members to participate constructively in the process



Communications Act 2009

- Requires URCA to issue codes of practice [s. 53; s. 52]
- Gives URCA the power to allow Industry Groups
 - Potentially to play a major role in the development of codes for content provision
 - To help monitor compliance [s. 55]



Role of URCA and Industry Group

- Role of URCA
 - Manage and administer Working Group
 - Provide research material which aided group's discussions
 - Consult on full draft of Code and complaints-handling process
 - Publish codes and complaints handling process
- Role of Industry Working Group
 - Be focused and goal-oriented
 - Share their views
 - Seek consensus



High-level principles of the draft Code

- Objectives:
 - Meet standards and expectations of residents of The Bahamas through a combination of:
 - Positive rules, e.g. Promoting accuracy and fairness
 - Negative rules, e.g. Restrictions on some content
 - Information and tools to empower viewers and listeners
 - Ensure level playing field for broadcasters
 - Reflect impact of convergence
- Overarching themes:
 - Freedom of expression
 - Respect
 - Context



Categories for Code of Practice

Categories for inclusion in Code of Practice

General laws and standards

- Law and order
- Harm and offence
- Crime and violence
- Contests and promotions
- Positive rules
- Operational rules

News, factual and political broadcasts

- Accuracy and impartiality
- Fairness and privacy
- Elections and referendums
- Natural emergencies and disasters

Advertising

- Advertising and sponsorship

Children

- Protection of young people
- Advisory assistance, classifications

Miscellaneous

- Listed events
- Access services (subtitling, etc)
- Ancillary services (e.g. teletext)
- Competition issues

Social values

- Taste and decency
- Discrimination and denigration
- Religion



About the Public Consultation

- The consultation began on 9th November and ends on 30th December 2011
- URCA proposes to issue its Statement of Results and the final Code of Practice by 31st January 2012
- URCA expects responses from all stakeholders potentially affected by the Code (broadcasters and the public)



PART 1: Interpretation, Purpose and Applicability

- Sets out definitions, such as “watershed” when broadcast material unsuitable to children (9:00 PM to 5:00 AM)
- Code applies to ‘audiovisual media service’ and ‘content service’
- Code will be reviewed every 3 years



PART 2: Operational and Technical Rules

- Licensee responsible for what is broadcast, whether it is live or pre-recorded
- Must comply with the Code
- Required to keep recordings broadcastings for 6 weeks, and in special circumstances up to 1 year



PART 3: Underlying Principles for Broadcasting in The Bahamas

- Content should appeal to a diversity of interests and different audiences, and can have a Bahamian-based focus
- Content should seek to be consistent with standards of good taste and decency in Bahamian society



PART 4: Harm and Offence

- Prohibits broadcasts of certain types of material: criminal, sexual content, violence, malicious/scandalous, etc.
- Exceptions may be allowed during the watershed (5:00 AM to 9:00 PM) for comedic, dramatic or educational purposes but care must be taken, particularly if near to start or end of watershed



PART 5: Protection of Young Persons

- Scheduling of programmes and advertisements is critical issue here
- Must provide visual and/or verbal warnings, advisories, classifications for nudity, sexual content, coarse/ offensive language, violence, etc.
- Filtering technology through remote control should also be available for subscribers



PART 6: Political Broadcasts and Political Advertising

- Broadcasters decide how much time to allocate to paid political broadcasts but reporting/coverage must be fair and balanced
- Must identify political broadcasts as such
- Must retain recordings in event of complaints



PART 7: Advertising and Sponsorships

- Advertisements should not mislead or deceive consumers and comply with Bahamian laws and the Code
- Care required in advertisements directed at children or likely to influence them
- Sponsorships should be clearly identified



PART 8: News and Factual Programmes

- Expectation is for fairness, accuracy, objectivity, impartiality, sensitivity
- Must clearly distinguish commentary and personal views from reporting and analysis with disclosures, advisories and warnings
- Must obtain interviewee's consent before airing recorded conversation



PART 9: Access Services

- Provision of closed captioning, signing and audio description for hearing and visually impaired
- PSBs expected to provide closed captioning or signing of nightly news and current affairs programmes
- Emergency, disaster or safety announcements should be visual and spoken



PART 10: Complaints Handling Process

- Have 30 days to resolve written complaints from audience
- Must provide 360 on-air announcements each year about how audience can submit complaints to broadcaster
- Unresolved complaints may be referred to URCA for decision



Responding to the Consultation

By Hand	URCA, UBS Annex Building, East Bay Street, Nassau
By Mail	URCA, P.O. Box N-4860, Nassau
By Fax	(242) 393 0153
By E-Mail	info@urcabahamas.bs



How to respond to the Consultation

- YES: “I agree/disagree with Clause xx of the draft Code for the following reasons/because ...”
- YES: “Part XX of the draft Code should include/not include a clause dealing with because ...”
- NO: “I disagree with Clause xx of the draft Code” or “The draft Code should not include Clause xx”



Timeframes for responding



Public
Consultation
begins

Public
Consultation
ends

Statement of
Results and
Code of
Practice
published



QUESTIONS

- **Any Questions?**



THE END

Thank You for attending!

