



STATEMENT OF RESULTS

CONSULTATION ON CONTENT REGULATION: PROCESS FOR DEVELOPING CODES OF PRACTICE

ECS 21/2010

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UTILITIES REGULATION & COMPETITION AUTHORITY

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A. INTRODUCTION

The Utilities Regulation and Competition Authority (URCA) issued a public consultation on 3 February 2010 on Content Regulation: Process for developing Codes of Practice. The deadline for submission of responses was 12 March 2010.

URCA came into effect on 1 August 2009 as the new converged regulator of the electronic communications sector (ECS) covering broadcasting, radio spectrum and electronic communications. URCA regulates the ECS through the Communications Act, 2009 (“Comms Act”) which came into force on 1 September 2009.

Part IX of the Comms Act mandates URCA to issue new Codes of Practice (Codes) for audiovisual media services and to develop a complaints handling procedure for dealing with complaints by the public regarding alleged breaches of the Codes. The new Codes are intended to replace the Interim Code of Practice for Political Broadcasts (ECS 01/2010) and Interim Code of Practice for Broadcasting Content (ECS 10/2010), which URCA issued in January and April 2010, respectively. The Codes would apply to the state-owned broadcaster, ZNS, and to private radio and television broadcasters operating in The Bahamas as well. It should be noted that prior to the Comms Act coming in effect, Broadcasting Rules were in place under the Broadcasting Act and its subsidiary legislation. These former Rules remained in place for most of the last two decades, up to the repeal of the Broadcasting Act and its subsidiary legislation by section 120 (1) of the Comms Act in 2009. Therefore, Codes for broadcasting content are not by any means a new concept to The Bahamas.

Further, the Comms Act gives URCA the authority to delegate to industry groups the development, and the monitoring, of compliance with the Codes. URCA believes that the Codes should be developed with the maximum involvement of all stakeholders. The purpose of the public consultation was to set out URCA’s initial proposals to (i) exercise its powers of delegation by establishing an industry Working Group to develop the new Codes; (ii) assess potential for the Working Group to play an ongoing role relating to the future development and compliance monitoring of the Codes. Industry representatives would thus be directly involved in the creation of the Codes, while all interested stakeholders would have the opportunity to participate in the formal public consultation on the draft Codes that are developed.

This is a summary of responses to the consultation. The full text of the submissions can be found at www.urbahamas.bs.

B. OVERVIEW

URCA wishes to thank all respondents for their participation in the consultation process. Responses were received from four persons (2 companies, 1 group and an individual) namely:

- The Bahamas Telecommunications Company Limited (BTC);
- IP Solutions International Ltd. (IPSI);
- Bahamas Coalition of Evangelical Pastors (BCEP); and
- Dr. Dexter Johnson

Nonetheless, URCA is disappointed with the low number of responses received to an important consultation that will affect all Bahamian radio and TV broadcasters. It is particularly discouraging that none of the broadcasters took the opportunity to formally respond to the consultation. As URCA is proposing a co-regulatory framework to develop the Codes of Practice, it does not auger well for the proposed framework if the industry did not respond to the public consultation, the first phase of the process. For such a model to be effective, it is necessary for regulated companies to participate actively in the regulatory process, for example by responding to consultations that directly affect them. The fact that no broadcasters responded to URCA's consultation on developing Codes of Practice highlights the fact that Bahamian companies might not yet be accustomed to playing their required role in the development and implementation of public policy.

The Bahamas also suffers from a lack of scale. In the largest countries with the most developed broadcasting infrastructure, broadcasters employ dedicated policy experts – either in-house or through industry groups – to manage regulatory affairs. In smaller countries such as The Bahamas, companies have limited resources, making it harder for them to devote time and effort to regulatory affairs.

For these reasons, it follows that while regulatory bodies in larger countries where broadcasting is more established can expect the full participation of industry in relevant policy consultations, in smaller countries broadcasters cannot immediately be expected to have the processes in place to routinely manage public policy consultations.

The lack of response to the consultation highlights the need for URCA to carefully manage and ensure industry participation in the Working Group to develop the Codes. It also has implications for the likelihood and extent to which industry participants might be granted additional roles as part of any ongoing regulatory system. Broadcasters and other stakeholders will need to demonstrate to URCA that they have the commitment to engage in any co-regulatory system covering the entire process of drafting, developing, consulting and enforcing compliance of the Codes. While URCA could develop the Codes without any assistance from a Working Group (i.e., statutory regulation), URCA believes that a co-regulatory system is a better method to develop the Codes.

Turning to the substance of the responses, from the submissions that were received URCA is pleased that there seems to be general support for a co-regulation approach to the regulation of content, as

proposed by URCA in its consultation document. At the same time, URCA notes that there were material disagreements between respondents on some key points. This highlights the challenge that URCA and the industry will face when they begin developing the new Codes. It will be necessary to achieve compromises that balance the diverging, and at times strongly-held, views of different parties.

C. GENERAL COMMENTS

- (1) A number of comments made by respondents to this consultation make it clear that further clarification of URCA's proposed approach is needed. In particular, there appears to be some confusion amongst respondents about what co-regulation actually involves, what the Communications Act permits, and the implications of URCA's proposals for its own role and the role of industry participants in the development of the Codes.
- (2) URCA's responses to these and other points are set out below (a number of comments made by respondents which were outside the scope of this consultation are not discussed). We first set out in more detail how co-regulation works in general and how co-regulatory models have developed over time in other countries, before going on to explain the details of the co-regulatory approach proposed by URCA for the development of Codes in The Bahamas.
- (3) Statutory regulation is the traditional form of regulation for utilities and other sectors where state intervention is warranted. Rules are defined and enforced by the Government and/or regulatory body with very limited or no consultation with the industry. Self regulation occurs when the industry collectively develops a regulatory system that governs its member companies, and takes full responsibility for monitoring and administering compliance, including the potential imposition of sanctions. The Government or regulator has no formal oversight in self regulation. Co-regulation involves a combination of self and statutory regulation. The split of responsibilities between the industry and regulatory bodies can vary, and a wide range of approaches involving different degrees of industry participation are possible.
- (4) Diagram I below highlights how regulation evolves from statutory regulation to self regulation.

Diagram I



- (5) The Comms Act 2009 established a new regulatory model in The Bahamas, placing greater emphasis on rigour, transparency and accountability. This is exemplified by the increased use by URCA of public and industry consultations to develop policy, in line with best practice around the world.
- (6) URCA has a statutory obligation to develop new Codes of Practice for content. As part of this mandate, URCA has the option to allow a co-regulatory approach (i.e., working with an industry group).
- (7) International comparisons indicate that broadcasting regulations have developed over a significant period of time in many countries (see Table 1), and have traditionally been mostly statutory in nature, with some gradual movement towards models of co-regulation in the last 20 years. URCA is cognizant of this and is willing to work with the industry to develop a co-regulation approach that is fit for purpose and proportionate for The Bahamas.

Table 1: Summary of history of TV broadcasting and regulation in selected countries

Country	First television broadcasts		Introduction of and consultation (partial) co-regulation
	Public TV	Private TV	
Canada	1952	1960	1991
Australia	1956	1956	1992
South Africa	1976	1986	1995
United Kingdom	1936	1954	2004
Trinidad and Tobago	1962	1991	2005

- (8) It is clear from the international comparisons that a co-regulatory model would need to be developed carefully and cautiously in The Bahamas. Looking at other countries, when relatively modern regulatory techniques such as co-regulation have been implemented, broadcasters were often able to build on long-standing skills and experience in regulatory affairs. As a general rule, co-regulation has operated for longest, or most extensively, in larger countries (whose broadcasters can afford dedicated policy resources) and those with well-established regulatory practices. Australia and Canada are good examples of this – both introduced private television in the late-1950s/early 1960s and both developed relatively extensive co-regulatory models in the early-1990s. Equally, there are countries – such as South Africa – where co-regulatory models were successfully introduced less than a decade after the establishment of private broadcasting. As The Bahamas is a relatively small territory and broadcasting, and private broadcasting in particular, developed much more recently than in countries such as Australia and Canada, URCA believes that, at least initially,

- it would be necessary for it to maintain a hands-on role in the management and operation of a co-regulatory model.
- (9) In its consultation document, URCA proposed a co-regulatory approach for the development of the Codes, through the establishment of an industry Working Group. The proposal identifies two distinct phases of work for the Working Group. Phase I would focus on the development of the new Codes, while Phase II would focus on compliance and enforcement. URCA intends to assess the effectiveness of the Working Group during Phase I before determining if the Group should play an ongoing role in Phase II.
- (10) URCA will act as chair and manager (2 URCA representatives) of the Working Group in order to:
- i. Manage and provide administrative support for the group;
 - ii. Chair discussions with the aim of obtaining consensus among the group;
 - iii. Conduct research and provide the group with information on international experiences and best practices on content regulation and codes of practice.
- (11) It should be stressed that URCA has ultimate statutory responsibility for developing and publishing the Codes. If the group cannot reach consensus then URCA **shall** make the final decision on any issue.
- (12) In the consultation document, URCA proposed the following composition for the Working Group:
- ZNS as the state owned public service broadcaster
 - Cable Bahamas Ltd. as the largest private broadcaster and platform operator
 - 1 – 2 representatives of private Bahamian TV and radio channels
 - A representative of independent production companies supplying content to broadcasters
 - A representative of mainstream public opinion
 - A representative of minority views
 - 2 representatives to cover the views of people in the Northern and Southern Family Islands
 - A representative of views of young people
- (13) Based on the comments made in response to the consultation, URCA has agreed that it would be beneficial to convene additional sub-groups covering particular aspects of the Codes, each of which would include specialist involvement by stakeholders in relevant areas. URCA believes managing the Working Group and convening additional sub-groups (in addition to the main Working Group) to permit greater stakeholder involvement would provide an optimal co-regulatory model for developing Codes fit for purpose for The Bahamas.
- (14) BTC suggested the use of media literacy and a consumer panel to assist with content regulation. URCA will look at both of these suggestions later on in its work on content regulation. URCA notes the importance of consumers and has indicated its intent to

organize a Consumer Advisory Committee during 2011. Such a committee is expected to be a voice for consumers that URCA can use in the implementation of policy.

- (15) BTC asked about payment to the members of the group. Membership on the group is voluntary and therefore URCA does not intend to pay members of the Group, as this would unnecessarily increase regulatory costs. However, URCA may reimburse (in full or in part) the travel and accommodation expenses for Family Island members. URCA does not anticipate any significant expenses to be incurred by itself for the convening of the Working Group. Nominal administrative expenses, which have already been included in URCA's 2010 budget, are expected to be incurred for the management of the Group.
- (16) BTC also made mention of the amount of user-generated content that is currently being produced. URCA acknowledges that user-generated content plays an increasingly important role in the media consumption of Bahamians, and that this issue needs to be addressed. But, along with other issues relating to mobile and online content, URCA is mindful of the need to deal with the issue of user content at a later stage in the development of content regulation.
- (17) Both BTC and IPSI note the level of piracy of audiovisual content in The Bahamas. URCA acknowledges that piracy is an important issue but notes that this issue is outside the scope of URCA's duties. However, URCA is willing to work with concerned parties such as the industry, but within a multi-agency approach to deal with piracy of audiovisual content in The Bahamas.
- (18) Dr. Dexter Johnson responded to the consultation but did not respond to any of the questions asked in the consultation document. Instead he provided suggestions for codes on political broadcasts. URCA is grateful for Dr. Johnson's suggestions and will take them into account when it develops the codes dealing with elections and referendums which include political broadcasts.

D. SUMMARY OF RESPONSES RECEIVED

Question 1. Do you agree that the criteria set out in Table 1 (above) are the correct ones against which to assess suitability for a co-regulatory regime in The Bahamas? If not, why not? Should any additional criteria be added (or any removed)?

BTC

- (19) BTC has no objections to the criteria as outlined in the table.

BCEP

- (20) BCEP believes that the criteria set out in the table are good and reasonable. However, BCEP questions the incentive of broadcasters to self or co-regulate themselves. BCEP fears that if left to broadcasters, the current base standards would become the norm for content. BCEP supports a quasi-government approach towards content regulation that takes into account the views of all stakeholders.

IPSI

- (21) IPSI agrees with the criteria as proposed. Further, IPSI is concerned about the possibility of non-aligned or conflicting decisions by the Working Group that can make it difficult for licensees to meet their commercial responsibilities and obligations.

URCA's Proposed Further Action/Comment

- (22) URCA notes BTC's and IPSI's support for the proposed criteria and BCEP's view that the criteria are reasonable.
- (23) BCEP questions the incentive for broadcasters to self or co-regulate themselves prior to now. URCA is mindful of this point and acknowledges that broadcasters need to be encouraged to buy-in and participate in a co-regulatory approach. Please refer to paragraph 10 on URCA's role on the Working Group. URCA, in accordance with section 54 of the Comms Act, has to develop a complaints handling procedure for programme content or compliance with the Codes of Practice. As indicated in the consultation document, URCA will take full responsibility for developing a complaints handling procedure, which will be consulted on alongside the new Codes of Practice.
- (24) With regards to the "base standards" becoming the norm, URCA's proposed approach is to take into account the views and perspective of various groups including the broadcasting industry. URCA will develop codes that are fit for purpose and proportionate seeking to strike a reasonable balance of all the different views presented.

- (25) When it makes reference to a “quasi-government” approach as the best form of regulation, URCA is not sure whether BCEP is referring to statutory or co-regulation. As stated in the consultation document, URCA’s proposed approach is a co-regulatory one that would use the Working Group and consultation taking into account the views of the industry, stakeholders, and the public.
- (26) IPSI’s concern on the non-alignment of views of the group and that of the broadcasters is noted. As such, URCA’s role as chair and manager of the group is intended to seek compromise where there is no consensus of views. Where the compromise of views is not possible, it will be URCA’s role to take a view that balances the range of views expressed consistent with the principles that underpin the Codes and the Comms Act. The intent is to also have broadcasters and others represented on the group to balance the views of all stakeholders.

Question 2. Do you agree with URCA’s assessment that a co-regulatory model in The Bahamas would be appropriate for content regulation? If not, why not?

BTC

- (27) BTC generally supports a co-regulatory approach for content regulation in The Bahamas. However, BTC is also of the view that, over time, media literacy programmes can reduce intervention and the responsibilities of the Working Group may be delegated to a Consumer Panel.

BCEP

- (28) BCEP refers to its response to Question 1.

IPSI

- (29) IPSI opines that a co-regulatory approach is acceptable but not without pitfalls. For the complaints handling procedure, IPSI feels that complaints should be dealt with by the licensee in the first instance and satisfactorily resolved at this level. IPSI feels that The Bahamas is too small to establish a separate Trade Body to handle complaints. Therefore, IPSI suggests that URCA should only be involved in complaints handling as a final appeal body.

URCA’s Proposed Further Action/Comment

- (30) Please refer to URCA’s comments on media literacy and a Consumer Advisory Committee discussed in paragraph 14 in the “General Comments” section above.
- (31) URCA refers to its response in paragraphs 23 to 25 above on BCEP’s response to this question.

- (32) URCA notes IPSI's suggestions on the complaints handling procedure. URCA agrees with the principles suggested by IPSI for a complaints handling procedure and has adopted them as such in its appeals process for both the Interim Codes of Practice for Political Broadcasts (ECS 01/2010) and the Interim Codes of Practice for Broadcasting Content (ECS 10/2010).
- (33) URCA will look at international best practice for both a complaints handling procedure and appeals, and seek to develop procedures for both that are proportionate and fit for purpose for The Bahamas. URCA will consult on the draft complaints handling procedure along with the draft Codes before finalizing and publishing them.

Question 3. Do you agree that the criteria set out in Tables 2 and 3 (below) are appropriate to ensure a fit-for-purpose Working Group in The Bahamas that adheres to best practice? If not, why not?

BTC

- (34) BTC has no objections to the criteria set out by URCA as they are consistent with Ofcom's guidelines which are in keeping with international best practice. BTC believes that the use of Key Performance Indicators is important in assessing the ongoing role of the group.

BCEP

- (35) BCEP continues to disagree with the co-regulation approach and thinks that the Working Group is too narrow. Further, they feel that there needs to be wider public discussion, in the form of public town/community meetings, prior to the Working Group developing the Codes.

URCA's Proposed Further Action/Comment

- (36) URCA notes BCEP's comments. URCA agrees that the widest possible public discussion is very valuable but also very costly given the geography of The Bahamas. Public discussions and forums can only be part of the approach used to develop Codes. URCA believes that a group of at least nine members, excluding URCA representation, from a wide cross section of Bahamian society, supplemented with sub-groups with special and general interests will provide some wider public discussion in drafting the codes. URCA has decided to create sub-groups in addition to the main Working Group to allow for more specialist and general input and views to be considered in a practical way.
- (37) Once the Codes are drafted they shall be open to consultation and comments by the industry, stakeholders and the public at large. Further, URCA is of the strong view that interested parties would need some proposals on which to debate and comment. URCA has begun research with the general public on Public Service Broadcasting (conducted in New Providence and eight Family Islands) and some of the research is relevant to Content Regulation. URCA is also directly engaging broadcasters and other stakeholders on the

Codes. The sub-groups will also provide a forum through which even a wider representation of society can discuss and put forward proposals that they would want included in the Codes.

Question 4. Do you agree with URCA's assessment of how its proposals for content regulation in The Bahamas, including the establishment of an industry Working Group, address these criteria? If not, why not?

BTC

- (38) BTC is of the view that URCA's influence on the chairperson (URCA appointed) and an URCA representative will impact the line of demarcation between URCA's role and responsibilities and that of the Working Group resulting in the potential to compromise decisions taken by the group.
- (39) Further, BTC is of the view that the three (3) criteria of adequate resource commitment, audit of members and scheme, and regular review of objectives and aims ought to be given consideration at the initial stage of the group, rather than later on depending on the group's ongoing role. BTC further notes that it may be useful to make the assumption now that the group will have an ongoing role and develop the framework as such now. However, BTC does acknowledge the need to periodically assess the group's ongoing role.

BCEP

- (40) BCEP suggests that URCA should learn from other countries and develop our own content regulation approach.

URCA's Proposed Further Action/Comment

- (41) BTC's comments on URCA's potential influence on two (2) members of the group and the potential to compromise the decisions of the group are noted. However, URCA's proposals are a direct consequence of the Comms Act, which makes clear that URCA has the ultimate responsibility to develop and issue the Codes. While URCA has the power (under section 55 of the Comms Act) to allow industry Working Groups, in consultation with URCA, to develop codes of practice and monitor compliance with such codes, URCA is given the freedom to choose the extent of industry participation. The poor industry response rate to this consultation demonstrates that, for now, URCA needs to maintain clear control of the process to ensure it is implemented in an appropriate and timely manner. At this time, URCA shall **not** allow the group to develop the codes without any consultation or input from URCA. Therefore, URCA will maintain its proposal to appoint the chairperson and an URCA representative on the group. Please refer to paragraph 10 for further details on URCA's role on the Working Group.

- (42) With respect to consideration of the three criteria now instead of later on if the group is given an ongoing role, URCA believes that approach would be premature. As stated earlier, URCA will have to assess how well the group functions during the development of the codes before establishing any ongoing role of the group, a factor partly acknowledged by BTC.
- (43) URCA notes BCEP's comments on learning from other countries and agrees with it. URCA is reviewing several countries' approach to content regulation and will use the comparisons to assist in developing codes of practice that are fit for purpose and proportionate for The Bahamas.

Question 5. Do you agree with URCA's proposals regarding the initial terms of reference for the Working Group, with a specific focus on the development of new Codes of Practice? If not, why not? Should any other tasks be included (or any removed)?

BTC

- (44) BTC has no objection to URCA's proposed initial terms of reference for the Working Group. However, BTC does raise a concern that the regulatory framework should not be so onerous that it stifles innovation of content providers.

BCEP

- (45) BCEP has grave concerns that "sexual preference" is one on the categories for which content will be regulated. BCEP feels that "sexual preference" is a cosmetic category thrown in with legitimate categories of persons who are already protected under the Constitution of The Bahamas. A press release, dated February 27, 2010, issued by BCEP stated among other things that homosexuality is sinful and unnatural and as such BCEP is concerned that such a view may be categorized as denigrating and vilifying homosexuals under the new Codes and seeks clarification.

URCA's Proposed Further Action/Comment

- (46) URCA notes BTC's agreement with the proposed initial terms of reference. However, it will be the Working Group's remit, in consultation with URCA, to develop Codes fit for purpose and proportionate for The Bahamas. URCA shall ensure that the Codes meet the criteria established in the Comms Act by allowing persons with sufficient interest a reasonable opportunity to comment on the draft Codes. URCA shall give due consideration to all comments received prior to finalizing the Codes.
- (47) URCA takes note of BCEP's comments. Section 53(3) (iv) of the Comms Act lists "sexual preference" as one of the categories that must be considered with respect to "matter that is likely to incite or perpetuate hatred against, or vilifies, any person", along with ethnicity, nationality, race, gender, age, religion and physical or mental disability. Sexual preference

is a good illustration of an area where different people may hold strikingly different views. As noted in paragraph 37, URCA's approach will include a full public consultation on the draft Codes in order to seek the full range of views on issues like this, which will be considered before finalizing the Codes. In developing the Codes, URCA will also take into consideration relevant responses to the detailed audience research that it has conducted. The review of international Codes that URCA will undertake, as proposed by BCEP, will also provide benchmarks on the range of categories that it considers would be appropriate for the Codes to cover.

Question 6. Do you agree with URCA's proposal that the Working Group should be given the opportunity to establish itself, and to form its own view as to its future responsibilities, before URCA makes decisions regarding the Working Group's ongoing role? If not, why not?

BTC

- (48) BTC agrees with URCA's proposal to allow the Working Group to establish itself before a decision is made on its ongoing role.

BCEP

- (49) BCEP refers to its earlier comments (responding to Question 3) on the Working Group. Please refer to paragraph 35 for the comments.

URCA's Proposed Further Action/Comment

- (50) URCA notes the responses to this question. Based on the poor level of response to the consultation, it is too soon to assess the likely success of any ongoing role for the Working Group.
- (51) As such, URCA has not been persuaded by the BCEP's earlier responses that there is a reason to change its initial position. Therefore, URCA will adopt its proposal to allow the Working Group an opportunity to establish itself, and to form its own view as to its future responsibilities, before URCA makes a decision regarding the Working Group's ongoing role.

Question 7. Do you agree with the proposed composition of the Working Group? If not, why not? Are there any other people, sectors or organizations that you believe should be represented? Are there any people, sectors or organisations proposed by URCA that you do not think need be represented on the Working Group?

BTC

- (52) BTC is of the view that it should be a part of the Working Group as it anticipates providing non-traditional services in the converged environment. BTC feels that its inclusion on the Working Group will provide a perspective not provided by other representatives.
- (53) BTC notes that a representative from the hearing impaired community is absent from the proposed list. While BTC acknowledges that URCA has proposed representation of minority views and interests, BTC opines that there may be a need for more than one such representative among minority groups and that it is important for the hearing impaired to be represented.
- (54) The periodic re-examination of the composition of the Working Group is suggested by BTC. BTC notes that there is no mention of consumer groups in the proposed composition of the Working Group.
- (55) BTC proposes a clearer line of demarcation between URCA and the Working Group. The intent of the Working Group, BTC surmises, is to have representation from a broad cross section of the community including industry.
- (56) BTC notes URCA's intent to appoint the chairperson as well as having a representative on the group. BTC believes it is important for the group members to be involved in the appointment of the chairperson and as such URCA's role should be advisory and not one of representation.

BCEP

- (57) BCEP believes that the Working Group should include a representative for parents, teachers, the Bahamas Christian Council (BCC) and the Commissioner of Police.

URCA's Proposed Further Action/Comment

- (58) URCA notes BTC's desire to be a member of the Working Group and will give BTC's suggestion due consideration.
- (59) URCA has taken note of BTC's point to include a hearing impaired representative on the Working Group. URCA acknowledges that there are particular issues - e.g. relating to subtitling and other access services – that are relevant primarily to people with hearing difficulties or other disabilities. As noted in the consultation document, URCA may convene sub-groups if it so chooses. URCA agrees that there would be benefits to ensure

representatives from disability groups, including the hearing and visually impaired, have the chance to participate in the process, and URCA considers it might be appropriate to include such representatives on a sub-group.

- (60) BTC's point on the periodic re-examination of the composition of the Working Group is noted and welcomed. URCA will seek to re-examine the role and composition of the group once the Codes have been published.
- (61) As noted earlier, URCA has the power to allow the Working Group to develop, in consultation with URCA, Codes of Practice in accordance with section 55 of the Comms Act. Therefore, while the Working Group will work in consultation with URCA, it is URCA that has the ultimate responsibility to develop and issue the Codes. As such, BTC's proposal that URCA should only play an advisory role on the group is not feasible. URCA's position remains that it will appoint the chairperson and have an URCA representative as chair and manager sitting on the group. URCA has previously stated above that it needs to maintain clear control of the process to ensure it is implemented in an appropriate and timely manner.
- (62) URCA notes BCEP's suggestions for representatives such as parents, teachers, the BCC and the Commissioner of Police to be included on the Working Group. These are helpful suggestions, and URCA will take them into consideration for the main group as well as any possible sub-groups that may be formed.

Question 8. Do you have any suggestions for how best to ensure that the full range of interests of the Bahamian public – including people on different islands, those who belong to minority groups, and young people – are properly represented on the Working Group (or any sub-groups that are formed)?

BTC

- (63) BTC advocates public awareness and education of the role of the Working Group as important. The awareness should be targeted to the constituents whose interests should be represented including the Family Islands, particularly the southern islands; high school and College of The Bahamas students (young people); and organizations that support the disabled (minority representation).

BCEP

- (64) BCEP encourages public discussion to take into account widespread views.

URCA's Proposed Further Action/Comment

- (65) URCA notes BTC's and BCEP's comments. URCA agrees that it would be helpful to include public awareness and education initiatives during the development of the Codes, and that these ought to include public meetings in New Providence and a few Family Islands.

Question 9. Do you have any further comments to make on the proposals in this consultation document that are not covered or raised by the other consultation questions?

BTC

- (66) BTC is of the view that there should have been more discussion on the former rules on content regulation to allow a better assessment of what rules would be practical going forward.
- (67) BTC feels that the issue of user produced content should have been discussed more in the consultation document as increasingly content is being provided by users vis-a-vis traditional content providers.
- (68) The inclusion of a representative with disabilities (hearing and visual impairment) was not referenced in the consultation document and BTC feels that such representation on the working Group is needed similar to that of Ofcom being required to take such representation (hearing and visual disabilities) into account.
- (69) Further, BTC questions how the Working Group will be remunerated and funded; and if members are remunerated whether URCA will fund the operations of the Working Group from URCA's existing budget. BTC opines that funding from URCA's existing budget for the remuneration of Working Group members places a significant burden on licensees like itself.

BCEP

- (70) BCEP would like widespread public consultation to be adopted and implemented so they and other Bahamians would have an opportunity to comment.

URCA's Proposed Further Action/Comment

- (71) URCA notes BTC's concerns in paragraph 66 on the lack of discussion on the former rules on content regulation. URCA recently published the former rules with the rationale for any changes made (see ECS 01/201 and ECS 10/2010). It is envisaged that the Working Group will review and assess the reinstated rules to assist in developing new Codes of Practice. Further, as the consultation document sought to address URCA's proposals on co-regulation

and the establishment of the Working Group, URCA felt that it was not the appropriate time to discuss and assess the former rules.

- (72) URCA notes BTC's comment on user produced content in paragraph 67. Please refer to paragraph 16 above for more details on URCA's position.
- (73) URCA will aim to include the views of as many constituents as possible, to address the issues raised by BTC in paragraph 68, in the development of the Codes of Practice. Please refer to paragraphs 13 and 59 for more on URCA's thinking.
- (74) As to BTC's comment in paragraph 69 on the remuneration of the Working Group members and if so how it will be funded, please refer to paragraph 15 in the general comments section for URCA's response.
- (75) With regard to BCEP's comment on the opportunity to comment as part of widespread public discussion, URCA intends to put the draft Codes of Practice up for public consultation so that persons with sufficient interest shall have an opportunity to comment on the Codes. URCA intends to supplement the public consultation with community meetings in New Providence and a few Family Islands.

E. CONCLUSION AND NEXT STEPS

URCA is grateful to those respondents who provided comments on the questions raised in the consultation. With general support for its proposals, URCA will now press on with the establishment of a Working Group to develop Codes of Practice. Its original plans set out in the consultation document for the organisation of the Working Group, and for its proposed composition, remain for the most part intact. Based on the responses received to this consultation and subsequent engagement with the broadcasting industry, URCA agrees that it would be appropriate to convene sub-groups to look at particular aspects of the Codes. The composition of these sub-groups will take into account helpful suggestions made by the respondents.

URCA intends to convene the first Working Group meeting in June. URCA encourages those persons and organizations that would like to be involved in a subgroup to contact URCA to register their interest. It is anticipated that it will take some months to develop the draft Codes. The assistance of the industry Working Group and sub-groups will ensure that there is widespread input from different interest groups in the development of the Codes before they are subject to public consultation.

URCA will also develop a complaints handling procedure that will be subject to public consultation. The draft Codes and the complaint handling procedure will be subject to consultation simultaneously and URCA intends to have community/town meetings in New Providence and a few Family Islands to allow interested persons an opportunity to comment on the drafts. While URCA would like to have town meetings on the draft Codes and complaints handling procedure in most of the Family Islands, from a financial and practical point of view that is not possible. URCA will publicize in the media and on its website when the draft Codes and complaint handling procedure are open to consultation and looks forward to receiving comments from the industry, stakeholders and the public.