Issues facing broadcast content regulation –

Appendices

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APPENDIX 1: NEW ZEALAND

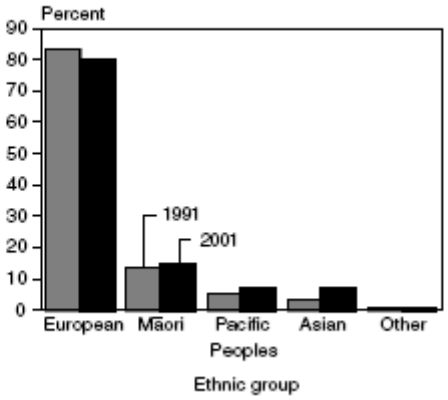
Country	New Zealand
Demographics[1]:	
Population size	4.1m (2006 est.)
Languages spoken	English, Maori and others
Electronic communications:	
Broadband penetration[2]	12%
Internet users	3m (2005)
Mobile cellular users	3m(2004)

Population Trends in New Zealand

(taken from *Demographic Trends 2005*, Statistics New Zealand)

- The estimated resident population of New Zealand was 4.10 million at 30 June 2005, having reached four million in the first half of 2003
- The median ages for men and women were 34.6 and 36.4 years, respectively, at 30 June 2005.
- Children (0–14 years) made up 21.5 percent of the New Zealand population, the working ages (15–64 years) 66.4 percent, and those aged 65 years and over 12.1 percent at 30 June 2005.
- The Mäori ethnic group estimated resident population of New Zealand at 30 June 2005 was 635,100 (15%).
- The Mäori population is much younger than the total population. The median age of the Mäori ethnic group was 22.7 years of age at 30 June 2005, 12.8 years younger than that of the total population.

Ethnic Group as a Percentage of the Total Population, 1991 and 2001



Source: Ethnic Groups, Census of Population and Dwelling, Statistics New Zealand, 2002

[1] Data on demographics and basic statistics taken from the CIA World Factbook https://www.cia.gov/cia/publications/factbook/geos/al.html

[2] Data based on broadband penetration per '00 inhabitants , OECD June 2006 http://www.oecd.org/document/9/0,2340,en_2649_34225_37529673_1_1_1_1,00.html

The 'browning' of the New Zealand population refers to accelerating population growth amongst Maori and Pacific Island sectors. In their projections of demographic change, Statistics New Zealand point out that,

> *The Maori and Pacific populations, which are currently much younger than the European population, will still have younger age structures in 2050 than the European group now does. The fastest population growth will be experienced by the Pacific community, whose higher fertility will result in them increasing their share of the total population, up from six to 13 per cent. Like the Maori and Pacific populations, the Asian population is younger than the European population , has significant built-in momentum for further growth, and is projected to grow at a faster rate than the total population.*
>
> *…through higher fertility and a significantly younger age mix, Maori and Pacific births are a growing share of all births.*

(www.stats.govt.nz/analytical-reports/looking-past-20th-century/demographic-change/default.htm. Downloaded 23 August 2006)

The multi-ethnic and culturally diverse nature of contemporary New Zealand has led to the success of locally-produced film and television productions such as *bro'Town* (the third series to go to air on TV3 in October 2006) and feature film releases such as *No. 2* and *Sione's Wedding* (the latter an extraordinary popular success).

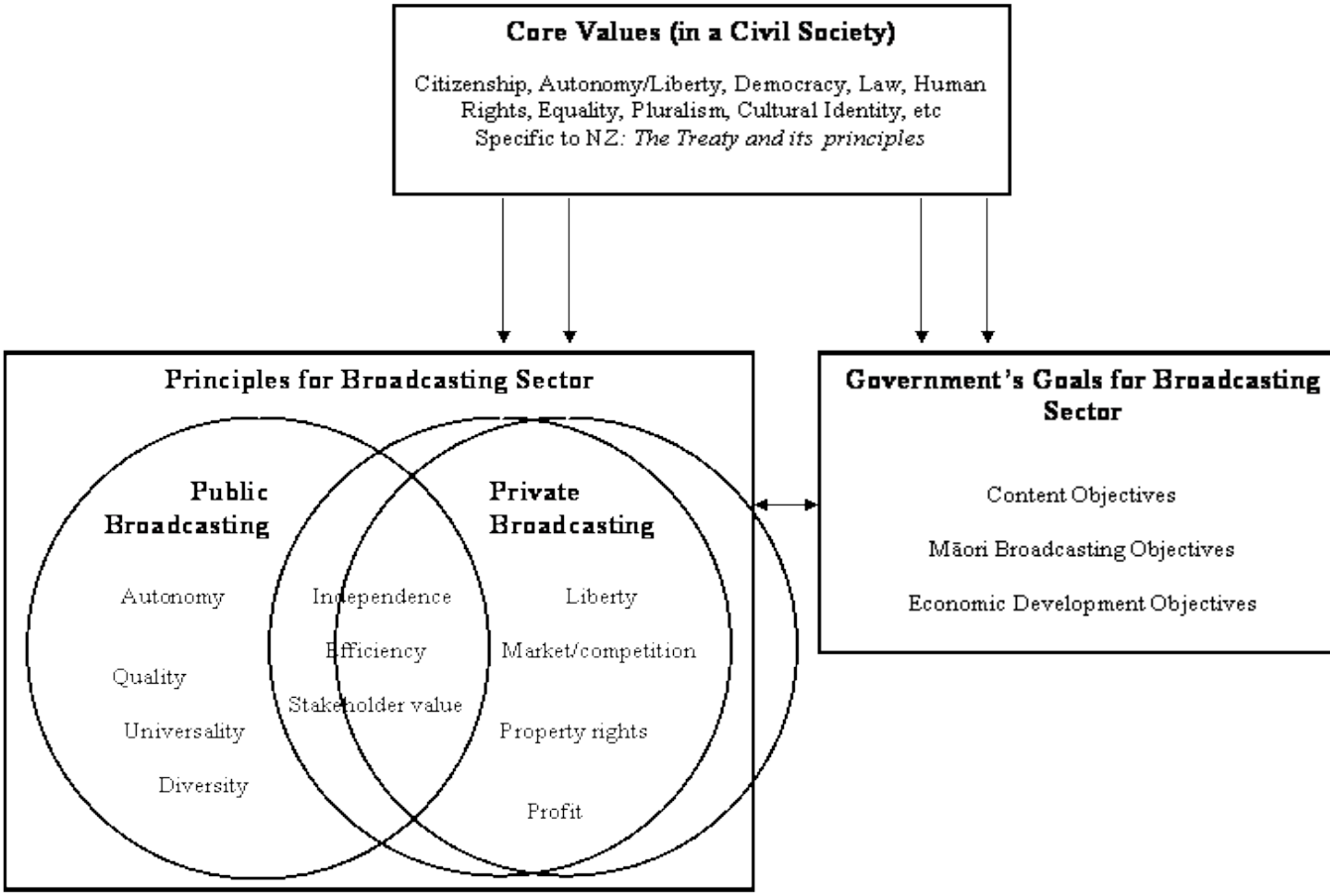
In addition to implications for the future economic shape of New Zealand (in education and training, for example), it most probably will also mean further monitoring and assessment of the cultural and social roles of the media in New Zealand. This will involve provision of more specific content for new audiences but may also involve increased monitoring and assessment of audience responses to current content—as well as special consideration of cultural needs (and sensitivities?), and the development of efficient avenues of communication between audience sectors, content providers, and regulatory bodies.

Overview of New Zealand media

Public/Private Broadcasting

The government report, *Broadcasting in New Zealand: A 2003 Stocktake*[3], describes the role of the public broadcaster as different from that of the private broadcaster who operates in a commercial market. Indeed, in many countries there are different regulations that apply to public broadcasters and commercial or private broadcasters because of their differing requirements to meet the 'public interest'. It is not true however, that only public broadcasters must serve a broader social or cultural purpose. In many of the countries surveyed for this report there are demands placed on private broadcasters as well, in terms of news reporting or children's programming quotas, what may be described as 'proactive regulation'. This is not the case in New Zealand where there are no programming requirements placed on private broadcasters, merely expectations, and self-regulation (including decisions on types or quantities of programme genres) remains central.

[3] http://www.mch.govt.nz/publications/broad-2003/broad-cast-2003.html



Source: *Broadcasting in New Zealand: A 2003 Stocktake*, Ministry of Culture and Heritage, 2003

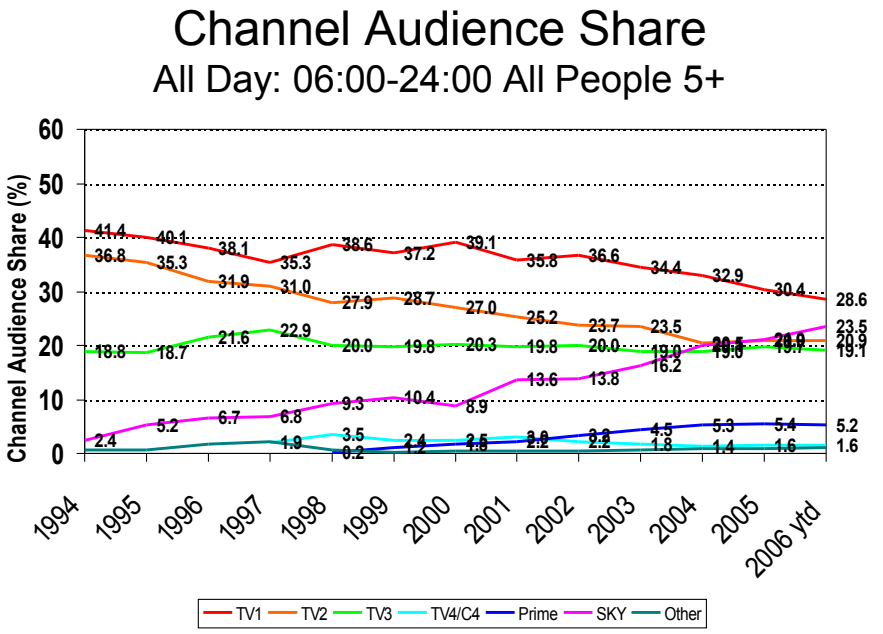
Television

Almost all (98.5%) of New Zealand households own one or more television sets (2001 Census).

The trend over the last decade has been the decline of the leading free-to-air channels (those operated by TVNZ) and the corresponding rise of pay TV (Sky).

Table NZ1: Television Audience Share (January to June 2006)

TV One	29%
Sky	23%
TV 2	20%
TV 3	19%
Prime	5%
C4	1.6%



Note: 2006 ytd covers January to August

Source: AGB Nielsen Media Research

1. TVNZ

TVNZ is the state-owned broadcaster, operating TVOne and TV2. The Labour government refocused TVNZ in the period after 1999 by changing its status from that of State-Owned Enterprise to Crown Owned Company. TVNZ moved away from a primarily commercial focus to more emphasis on public service objectives, but is still expected to remain commercially profitable. TVNZ has a Charter, effective from March 2003, embracing a broad range of programming objectives including the requirement to inform, educate and entertain.

It was also given direct government funding, initially $15 million per year, rising to $16 million in FY 2005, to assist in fulfilling Charter objectives. The previous requirement to return a dividend to the government as an SOE, usually 70% of profits, was amended to a requirement to return to the government any cash surplus to operations.

The TVNZ Act 2003 requires TVNZ to balance dual objectives – to maintain commercial performance at the same time as fulfilling its Charter.

2. CanWest TVWorks

CanWest TVWorks, which operates TV3 and C4, is the television arm of Media Works, majority-owned by the Canadian conglomerate CanWest. 30% of CanWest MediaWorks was successfully floated on the New Zealand stockmarket in 2004. CanWest TVWorks has become increasingly profitable in recent years, notably since the change to C4 as a music channel for youth.

3. Prime

Prime, previously owned by Prime Australia, and unprofitable for its owners (a $NZ76m loss between 1998 and 2005) was purchased by Sky in 2005. The deal was cleared by the Commerce Commission in 2006, after opposing submissions from TVNZ and CanWest. This is a most unusual merger between a pay TV provider and a free-to-air operator. Sky has said it intends to use the channel for free-to-air replays for many of the key sports fixtures for which it holds rights. It hopes to increase Prime's current 5% audience share.

4. Maori Television

After a long and difficult period of gestation, Maori Television launched in March 2004, arguably the purest example of public television in New Zealand in that almost all its income is public funding. It also screens the highest level of local content (around 90%) of all New Zealand channels.

Maori Television is delivered by satellite on Sky Digital, and also on UHF. It broadcasts for around 8 hours a day, a mix of Maori and English language programmes, attracting many non-Maori viewers (non-Maori made up 77% of viewers in Q4 2004).

5. Sky

Sky provides both content and distribution. As New Zealand's major pay TV provider, it has offered satellite delivery by UHF since 1990 and digital services since 1998. In 2004, Independent News Limited (INL), sold its newspaper interests to Fairfax, and bought a majority shareholding in Sky. INL and Sky formally merged in July 2005. Rupert Murdoch's News Corporation owns 44% of Sky.

In August 2006 Sky had 667,270 subscribers – 42% of New Zealand households. Of these some 600,000 were digital subscribers – 34% of homes.

After considerable losses since its beginning in 1990, Sky returned a profit of $35 million in FY 2004, rising to $60 million in FY 2006.

Sky Digital offers 84 channels, including 25 radio and audio channels. All the free-to-air television channels are available on Sky Digital, although TV3, C4 and Prime are encrypted. Sky's capacity will increase by 25% when it moves on to the new Optus D1 satellite in October 2006.

All set-top-boxes required to access Sky are leased to viewers by Sky. A limited amount of interactive programming is available. Sky introduced its MySky box, incorporating PVR functionality, in 2005.

6. Regional broadcasters

There are also a number of regional or community broadcasters scattered around the country, varying in aspiration, size and profitability. Notable among them are Southland TV, which broadcasts on the Sky satellite as well as UHF, Dunedin's Channel 9 and Christchurch's CTV The Auckland station, Triangle TV, follows the

access model of providing paid airtime to various community groups, and describes itself as a mix of access, public service and ethnic broadcasting. Triangle launched a Wellington service in late 2006.

In 2005, for the first time, the government provided funding ($NZ1m approx) to assist regional broadcasters, administered by NZ On Air.

Radio

New Zealand is a radio-saturated country, with a wide range of public service stations, commercial stations, and iwi/community (local) radio services. In August 2004, for example, there were 49 FM stations operating in the Auckland market.

Non-commercial public radio networks

1. Radio New Zealand

RNZ is a fully-funded public broadcaster, operating two networks – National Radio (predominantly news, current affairs, documentaries and drama) and Concert FM (serious music). Funding is from the Crown, dispersed through NZ On Air (see below, section 8). RNZ's budget for 2006/7 is $34m.

RNZ has taken the initiative in live streaming its programmes, also making them available online on-demand and via podcasting.

Commercial radio networks

Radio's share of the advertising market has been declining slowly since 2001 (13.2%). In 2005 it stood at 11.5%.

Ownership of New Zealand's commercial radio stations has consolidated in the period since deregulation in 1989. By 2006 it was concentrated in two companies, The Radio Network and CanWest RadioWorks.

2. The Radio Network (TRN)

The Radio Network has 118 stations and eight major national brands. The core of its network is the stations bought from Radio New Zealand when it sold off its commercial network in 1995. Stations under The Radio Network's banner command 46% of all listeners.

TRN is a wholly owned subsidiary of Australian Radio Network (ARN). The shareholders in ARN are APN News & Media and Clear Channel Communications, USA .

TRN operates the leading talk station, Newstalk ZB, fed by its news operation Newstalk ZB News.

3. CanWest RadioWorks

CanWest RadioWorks operates 152 commercial stations, acquired in consolidating purchases since 1995. There are eight national brands. The majority shareholder (70%) is the Canadian media conglomerate, CanWest Global, with 30% owned by private shareholders. It has 48% of the national commercial audience, and runs its own news operation, Radio Live News. For the 6 month period to 28 February 2006, revenue was $56.9m, with profits $17.9m.

Print

There is no national daily newspaper, and 26 daily newspapers, the majority of which are morning editions. Eight of these have circulation of more than 25,000.

The New Zealand Herald (Auckland) has the highest circulation: 200,309 (Mar 2006).

The Waikato Times has the largest provincial circulation.

There are three Sunday papers, with the Sunday Star-Times having the highest circulation: 200,991 (Mar 2006).

There are two national business weeklies.

Most newspapers are foreign owned. The largest group is Fairfax, owned by Fairfax Australia, with 62.9% of daily and weekly newspaper circulation (May 2005). The second group is APN News & Media, part of the Irish-owned O'Reilly group, with 28.5% of daily and weekly newspaper circulation (May 2005). APN also has interests in radio (see TRN above).

8.6% of New Zealand newspapers are independently owned (May 2005). The leading independent daily is the Otago Daily Times.

Magazines

6,000 titles are available in New Zealand; 850 are either published in New Zealand or are New Zealand editions.

Top titles include: NZ Woman's Weekly, TV Guide, AA Directions, Woman's Day, Skywatch. Some important local titles are overseas-owned e.g. Metro, North & South (Australian Consolidated Press); Listener, New Zealand Women's Weekly (Wilson & Horton/APN)

Advertising

The 2005 total advertising spend was more than $NZ2.2 billion, with 30% ($666m) spent on TV and 37% ($830m) placed in newspapers. On-line advertising is the strongest growth sector, but is only 2%.

There are close to 150 advertising agencies in New Zealand, most of which are overseas affiliates of global companies.

Telecommunications

The estimated value of the New Zealand telecommunications market, in July 2006, was $NZ5.3 billion.

1. Telecom

Telecom is fully privatised and New Zealand's largest telecommunications company, the owner of the national telephone network (1.7 million fixed lines and 1.8 million mobile customers, in July 2006). Telecom earns $NZ2.4 billion annually from local service and calling revenue. It has most of the country's broadband subscribers, through its Jetstream services. It was the first to launch a 3G network in October 2004.

In 2006 the government lost patience with Telecom's slow progress on the penetration and speeds of broadband and announced that it would regulate to end Telecom's monopoly of the local loop (i.e. permit competitors to access Telecom's copper wire network). Its competitors had long accused it of anti-competitive behaviour and attempting to retain its monopoly power as long as possible. As a result of this announcement, Telecom's share price was dramatically affected. It is likely the company will be split into three.

Although essentially a network provider, Telecom is alert to the need to ensure attractive content for its networks. In one respect Telecom sees itself as an aggregator of content. It has an arrangement with Sky, retailing Sky Digital bundled with its phone services. This arrangement could see Sky content carried on

Telecom's broadband video services as they develop. Discussions with the Freeview consortium have also been reported.

In April 2005 Telecom began streaming short news and sports video clips, acquired from TVNZ and Sky, on its 3G network, accessible by some mobile phones.

2. TelstraClear

TelstraClear is New Zealand's second largest full service telecommunications company. In addition to its voice services, it offers a triple service package of voice, video and data (phone, television and internet) in parts of Auckland, Wellington and Christchurch. Its cable television offering, under the banner of Saturn TV, now takes its content from Sky.

TelstraClear has been demonstrating triple play using IP technology in its Auckland headquarters. It sees IP, broadband, mobility and ICT as the 'four pillars' of successful telecommunications operations in the 21st century[4].

TelstraClear was formed from the merger in 2001 of the former TelstraSaturn and Clear Communications. It has been a 100% subsidiary of Australia's number one telecommunications company, Telstra, since 2003 when Telstra bought the last 42% from its Australia parent Austar.

After several years of losses, TelstraClear turned the corner and declared its first profit in FY 04 – $2.7m. Among the key issues facing the company is whether to commit to building its own 3G network or whether to rely on its partner Vodafone.

3. Vodafone

Vodafone, the third telco, focuses solely on mobile communications. A subsidiary of Vodafone Group in the UK, Vodafone New Zealand has a market share of 55% and a reputation for innovation and aggressive marketing amongst its 2.1 million subscribers (figures as at 30 June 2006). It can be expected to be at the forefront of developments in the delivery of video to mobile devices. It has invested hundreds of millions of dollars upgrading to a 3G network. In 2006 it purchased the pioneer ISP ihug.

Technology developments

Broadband

New Zealand has had a relatively slow uptake of broadband, because of relatively slow speeds, pricing and restrictive caps. According to OECD figures in June 2006, New Zealand had 11.7% of the population on broadband, placing it at 22nd in the OECD. The Government has indicated a target of New Zealand's uptake reaching that of the OECD's top half by 2007 and top quarter by 2010. This seems optimistic, despite the Government's decision to unbundle the local loop.

Telecom plans to invest $1.4bn in upgrading to a faster, new-generation ADSL2+ network, which should enable some users to experience peak speeds of 24mbps. The network roll-out is to begin in 2007 in Auckland, Hamilton, Wellington, Christchurch and Dunedin.

[4]Norris, P. and Pauling, B. *Public Broadcasting in the Digital Age: Issues for New Zealand* http://www.nzonair.govt.nz/images/media/about/digi-age_may05.pdf

Digital TV

Sky has been offering a digital service for some years. It also intends to switch its free-to-air channel Prime to HD when it moves to digital terrestrial.

In June 2006 the Government announced a framework for the transition to digital of the free-to-air channels. A consortium of free-to-air broadcasters, including TVNZ, CanWest, Maori TV and Radio New Zealand, intend to introduce a digital free-to-air service via satellite by mid-2007, and via terrestrial (DTT) by late 2007.

It is expected that there will be at least four new channels in the early stages, two from TVNZ and two from CanWest. Funding arrangements are not yet determined.

None of the free-to-air broadcasters appears to have plans for HDTV at this stage.

IPTV

Sky has been trialling, with Telecom, hybrid boxes capable of receiving both satellite and broadband. This would enable the delivery of a service combining pay TV, VOD and live streaming. Sky has announced it is launching IPTV in early 2008.

Woosh Wireless has also expressed interest in IPTV, and has purchased spectrum from Sky. It intends to use Wimax, a high-speed wireless broadband technology.

Video-on-Demand

There is currently a limited amount of VOD available in New Zealand, consisting almost entirely of short news clips. These are available from broadcaster sites such as TVNZ, or aggregator sites including mobile delivery such as Telecom' s xtra or Vodafone Live! (for example, clips from TVNZ and TV3 news, and from Reuters on xtra). Sky is planning to launch a full VOD movie service in May 2007.

Broadcasting regulatory mechanisms

Codes are developed by broadcasters and then approved by the Broadcasting Standards Authority. Unlike some other countries, there is no difference between commercial and public broadcaster obligations.

There are separate Codes for free-to-air (FTA) television, pay television and radio. Each Code has a set of principles or standards, plus associated guidelines.

Many of the principles or standards are common across the Codes as required by the Broadcasting Act 1989:

- Good taste and decency
- Law and order
- Privacy
- Balance
- Accuracy
- Fairness
- Restrictions on promotion of liquor
- Social responsibility (Radio Code only: covers denigration, children and scheduling and pre-transmission warnings)

- Programme classification (TV only)
- Programme information (TV only)
- Children's interests (TV only, includes issues such as participation in programmes)
- Violence (TV only)

Free to air television

- The FTA code is at http://www.bsa.govt.nz/freetvcode.htm
- The free to air broadcasters employ censors (referred to as "appraisers"). They view all programmes, other than News and Current Affairs, to ensure that the content complies with the Code and its guidelines. In addition the censors offer editorial advice, order edits where material is to be removed, and classify programmes (G, PGR, or AO).
- The FTA classifications refer to themes rather than specific areas and define the time at which classified programmes may be shown

Table NZ2: Classifications for free to air television

Label	Meaning
G	**General** Programmes which exclude material likely to be unsuitable for children. Programmes may not necessarily be designed for child viewers but must not contain material likely to alarm or distress them. G programmes may be screened at any time.
PGR	**Parental Guidance Recommended** Programmes containing material more suited for mature audiences but not necessarily unsuitable for child viewers when subject to the guidance of a parent or an adult. PGR programmes may be screened between 9am and 4pm, and after 7pm until 6am.
AO	**Adults Only** Programmes containing adult themes and directed primarily at mature audiences. AO programmes may be screened between midday and 3pm on weekdays (except during school and public holidays) and after 8.30pm until 5am.

- In addition to the visual classifications, pre transmission warnings are used
- There is an 8.30pm watershed on FTA television after which material classified as suitable for Adults Only can be shown. There is a later watershed for stronger material at 9.30pm

Pay television

- The pay television Code (www.bsa.govt.nz/paytvcode.htm) was revised in 2006 into a single code which differentiates between services where filtering technology is offered and services which do not offer this.
- The pay tv channels use a classification system based on cinema classifications, which are more closely defined than those used by free to air television.

Table NZ3: Classifications for pay television

Label	Meaning
G	Approved for general viewing
PG	Parental Guidance recommended for young viewers
M	Suitable for mature audiences 16 years and over
16	People under 16 years should not view
18	People under 18 years should not view

- For UHF subscription channels (which do not have filtering technology), programmes classified 18 may only be broadcast between 8.00pm – 6.00am, and 9.00am – 3.00pm other than weekends, school and public holidays.
- This time restriction is not applied to digital channels with additional conditional access facilities.
- The Code states that "Visual warning labels should be broadcast immediately prior to content which is likely to distress or offend a substantial number of viewers, particularly where it is likely that viewers would not anticipate this effect due to the context or the nature of the content". The labels are:

Label	Meaning
C	Content may offend
L	Language may offend
V	Contains violence
VL	Violence and language may offend

S	Sexual content may offend

Radio

- The radio code is at http://www.bsa.govt.nz/radiocode.htm
- There is no radio watershed. Contextual factors are taken into account for good taste and decency: time of broadcast, whether children are likely to be listening, the target audience.

Film and Publications regulation

- Legislation is the Films, Videos and Publications Classification Act 1993
- All films (including videos and DVDs) intended for public supply must go to the Film and Video Labelling Body. If the film has been assigned an unrestricted rating in particular countries (e.g. Australia, the UK) then a label can be issued by the Labelling Body
- If there is any question about the material it must go to the Office of Film and Literature Classification (OFLC) which will either assign a label allowing general release, classify it as Restricted, excise it or ban it as objectionable.
- OFLC decisions can be appealed to the Film and Literature Board of Review.
- Film labels are colour coded:
  - G (green) means anyone can view a film
  - PG, M (yellow) means that anyone can view the film, but the film may contain material, such as violence or sexual themes, which may offend or upset some people. Parental guidance is advised.
  - R13, R15, R16. R18, R (red) means that the film is legally restricted and can only be viewed by the audience specified.
- Publications other than film (e.g. books, computer games, posters, computer disks) can be submitted to the OFLC which classifies them as unrestricted, restricted or objectionable (banned).
- Some types of material, e.g. child pornography, are automatically banned with criminal offence provisions for both possession and supply.

Appendix 2: AUSTRALIA

Country	Australia
Demographics[5]:	
Population size	20.3 m (2006 est.)
Languages spoken	English 79%, Chinese 2%, Italian 2%, other 11%, unspecified 6% (2001 Census)
Electronic communications:	
Broadband penetration[6]	17%
Internet users	14.2 m (2005)
Mobile cellular users	16.5m (2004)

Public broadcasting in Australia

The Australian Broadcasting Corporation is the national non-commercial public television and radio broadcaster and also offers online content. It is funded by the government. It operates two nationwide TV channels, ABC TV, and the digital-only, ABC2.

The Special Broadcasting Service – SBS – is also funded by the government. Its stated purpose is '*to provide multilingual and multicultural radio and television services that inform, educate and entertain all Australians and, in doing so, reflect Australia's multicultural society.*"

The Aboriginal commercial television network, Imparja Television carries indigenous programming.

Regulatory environment

In 2006 the Australian Government announced plans to deregulate the media industry (estimated to be worth A$12 billion) in 2007 by allowing cross-media ownership. Significant mergers and acquisitions activity began almost immediately.

[5] Data on demographics and basic statistics taken from the CIA World Factbook https://www.cia.gov/cia/publications/factbook/geos/al.html

[6] Data based on broadband penetration per '00 inhabitants , OECD June 2006 http://www.oecd.org/document/9/0,2340,en_2649_34225_37529673_1_1_1_1,00.html

Regulator

Television and radio

The Australian Communications and Media Authority. ACMA, became operational in July 2005 and is the newest of the combined content and platform regulators. ACMA was created by merging the Australian Broadcasting Authority and the Australian Communications Authority. Part of its remit is to foster '*an environment in which electronic media respects community standards and responds to audience and user needs'*.

ACMA has an active research function and consults widely about issues concerning content matters and other areas within its remit. It also undertakes media literacy projects and awareness-raising initiatives about rights or safeguards.

Internet

ACMA is involved with the Internet through a 'co-regulatory' scheme. It seeks to address concerns about offensive and illegal material on the Internet and, in particular, to protect children from exposure to material that is unsuitable for them. ACMA operates a complaints mechanism for the public to complaint about internet content. If the content is likely to be ruled prohibited, an Australian content host will be directed to remove it. An offshore site with such content will be notified to the filter providers.

The co-regulatory scheme encourages the development of codes of practice - for Internet content hosts (ICHs) and Internet service providers (ISPs).

The codes apply to all Australian ISPs and ICHs. ACMA may direct an ISP or ICH to comply with a code if satisfied that they are not doing so. Failure to comply with such a direction may amount to an offence under the Act.

There are no codes of practice developed for content providers.

There has also been an Internet Industry Seal of Approval developed which acts as a quality mark for users.

iia | family friendly ISP

Mobile services

Mobile operators subscribe to the Mobile Content and Premium Rate Services Code co-regulatory code. More recently a Review of the Regulation of Content Delivered Over Convergent Devices said that there is a need for regulation to be extended from broadcasting and the internet to convergent mobile devices. Additional mobile regulation is likely to be three-fold:

- Content rated X18+ and above is to be prohibited
- Age verification measures are to be put in place to restrict access by minors
- Consumer awareness initiatives are to be put in place.

Film and publications regulation

Every film, video and computer game must be classified by the Office of Film and Literature Classification (OFLC) before it can be made available to the public. Some text publications also need to be classified.

Content regulatory mechanisms: Protective regulation

Broadcasting

ACMA uses a variety of means to regulate content, including licence conditions and industry-developed Codes. There are separate codes for public and commercial broadcasters.

Table A1: Broadcasting Codes coverage

Coverage	Free to Air	Pay TV[7]	Radio
Taste and decency[8]	✓	✓	✓
Watershed	✓ (9.30pm)	×	✓ (9.30pm for sexual themes)
Programme classification[9]	✓	✓	×
Mandatory programme information	✓	✓	×
Conditional access	×	✓	×
Children's participation	✓	×	×
Privacy	✓	×	×
Accuracy	✓	✓	✓

[7] As with New Zealand, subscription television is allowed greater freedoms in the way content is scheduled because of the direct contractual relationship between the service provider and the subscriber.

[8] Referred to as 'community standards'

[9] The classifications use the OFLC system

The programme classification system in place for commercial television (with news, sports and information programming exempt from classification) is based on a matrix of time and likely composition of the audience, with especial attention paid to children.

Table A2: Australian Commercial TV Classification System

As of March 2004, these are classifications used for Children's (C) and Pre-school (P) programming. These classification zones overlap other classification zones and have precedence over them.

It is important that the programmes are recognised as being made specifically FOR children and pre-school children, rather than for family audiences that might include a wider variety of age groups and interests. So the programmes must be '*conceived, developed and produced'* for a specific age range.

The General (G) classification zone operates around pre-school and post school times (up to 7.00pm) and in the mornings at weekends. During this zone only programmes classified as G, P, or C may be shown.

The PG classification zones are split into schooldays and holidays and weekends. At this time only programmes classified, PG, G, C or P may be shown

The Mature (M) classification zones operate as a Watershed, starting at 8.30pm each day, regardless of school holidays and the like. However programming rated M can also be shown between 12.00 noon – 3.00pm in the week.

The Mature Audience (MA) is for adults, defined as those aged 15 years and over. It operates from 9.00pm to 5.00am. In MA zones, any material that qualifies for a television classification may be broadcast, except that material classified AV (see below) may only be broadcast after 9.30pm.

This is a classification zone for material thought to be particularly violent although still acceptable for broadcast. It operates from 9.30pm.

In addition to the standardised classification symbols, consumer advice must be broadcast at the start of classified programmes, in both spoken and written form. The written consumer advice must be in a readily legible typeface, and must remain visible for at least five seconds.

All programs on subscription television have to be classified according to the classifications of the OFLC and must have the classification symbol displayed at the start of a program and in promotional material:

Table A3: OFLC Classifications for pay television

Label	Meaning
G	General and suitable for all
PG	Parental guidance recommended for persons under 15 years
M 15+	Recommended for mature audiences 15 years and over
MA 15+	Persons under the age of 15 must be accompanied by a parent or adult guardian
R 18+	Restricted to adults, applicable only to films

Material rated R requires additional conditional access systems.

Complaints must go first to the broadcaster or industry body. ACMA will only consider complaints not resolved satisfactorily. Most complaints are determined at staff level, not by the ACMA board.

Advertising

The Advertising Standards Bureau (ASB) of Australia runs a self-regulatory system. Television advertising in Australia is also bound by the ACMA's Commercial Television Industry Code of Practice which applies to all aspects of commercial television. There are additional guidelines and regulations laid down by both the ASB and ACMA for advertising to children.

Commercials Advice Pty Ltd (CAD) offers a ratings and information to advertisers, and all commercials and infomercials must be classified before they can be broadcast on television

Film, video and DVD

There is a unified rating system for film administered by the Office for Film and Literature Classification. It uses age –based classifications (as shown in Table A3).

Table A4: OFLC Classifications for film

Label	Meaning
G	General Exhibition
PG	Parental guidance recommended for persons under 15 years
M 15+	Recommended for mature audiences 15 years and over
MA 15+	Persons under the age of 15 must be accompanied by a parent or adult guardian
R 18+	Restricted to adults, 18 years and over
X 18+	Restricted to adults 18 years and over. Children may be disturbed by exposure to this film. X18+ films cannot be publicly exhibited.

Proactive Regulation

There is a detailed system of local content genre quotas applied to commercial television broadcasters.

Pay TV is required to commit 10% of the channel's annual programme expenditure on drama to be spent on Australian produced drama content.

All free-to-air broadcasters have to caption news and current affairs programs and all programmes shown in prime time (6.00 pm to 10.30pm) "*as far as is practicable*".

APPENDIX 3: UNITED KINGDOM

Country	United Kingdom
Demographics[10]:	
Population size	60.6m(2006 est.)
Languages spoken	English, Welsh (about 26% of the population of Wales), Scottish form of Gaelic (about 60,000 in Scotland)
Electronic communications:	
Broadband penetration[11]	19%
Internet users	38 m (2005)
Mobile cellular users	61m(2004)

Public broadcasting in the UK

The BBC, the public broadcaster, is changing its governance structure and will be overseen by a Trust rather than the traditional Board of Governors. This is to ensure structural separation between the Trust, which will set the BBC's strategy and hold it to account, and the management.

S4C is a commercial broadcaster that transmits in the Welsh language. It is paid for by government grant and also receives programming from the BBC. There is also a part-time Gaelic digital channel called TeleG which is broadcast on digital terrestrial.

Regulatory environment

Regulator

Television and radio

Ofcom (the Office of Communications) is the combined content and platform regulator in the UK. Its remit includes:

- Ensuring a wide range of TV and radio services of high quality and wide appeal
- Maintaining plurality in the provision of broadcasting
- Applying adequate protection for audiences against offensive or harmful material
- Applying adequate protection for audiences against unfairness or the infringement of privacy

[10] Data on demographics and basic statistics taken from the CIA World Factbook https://www.cia.gov/cia/publications/factbook/geos/al.html

[11] Data based on broadband penetration per '00 inhabitants , OECD June 2006 http://www.oecd.org/document/9/0,2340,en_2649_34225_37529673_1_1_1_1,00.html

In addition to Ofcom there is a self-regulatory body for the regulation of audiovisual on-demand services, the Association for Television On-Demand. This was set up at the same time as Ofcom.

Internet

Ofcom has no jurisdiction over the Internet except insofar as it has a remit for media literacy. The industry has a self-regulatory system, the Internet Service Providers Association.

Mobile services

Premium rate telephony services (fixed and mobile) are regulated by a co-regulatory body, ICSTIS (backed by Ofcom). In the UK, mobile operators have joined together to devise a system of self-regulation and have supported the creation of an independent classification body, the Independent Mobile Classification Body. The IMCB provides an important function in self regulation. In essence, its role is to identify content that is unsuitable for customers under the age of 18. Together with age verification measures to be put in place, the new system should help reduce access by minors to unsuitable content.

Film regulation

Film and videos are classified by the British Board of Film Classification. The classifications are voluntary and local bodies can reject the classifications.

Content regulatory mechanisms: Protective regulation

Broadcasting

Ofcom's prime regulatory mechanism for content is the Broadcasting Code, adopted in 2005 after consultation with a variety of stakeholders. This single code covers all radio and television content. Standards covered are:

- protecting the under-18s
- harm and offence
- crime
- religion
- impartiality and accuracy
- elections and referendums
- fairness
- privacy
- sponsorship
- commercial references

FTA television has a watershed of 9pm. Material unsuitable for children should not be screened prior to 9pm or after 5.30am. Pay TV has a general 8pm watershed for premium content channels with some relaxation for PIN-protected channels. BBFC-rated R18 material may not be broadcast at all.

Although Ofcom has asked the industry to consider a pan-platform content labelling system, there is no such procedure in place currently.

The BBC is experimenting with a labelling system for content that is downloaded. It will alert parents to content that may include sex, strong language or violence. There is to be no age-based classification as in other countries but a parental guidance or 'G' rating.

The system run by ATVOD allows on demand services to choose which system of content classification is offered to the user. These may be scheduling restrictions or age-based classifications.

Complaints must go first to the broadcaster and Ofcom's Content Board will only consider complaints not resolved satisfactorily. Ofcom has the ability to fine broadcasters and, in extreme cases, to revoke licences.

Similarly ATVOD has the ability to fine members who do not comply with the Code and to withdraw membership from the organisation.

Ofcom has an active research function and consults widely about issues concerning content matters and other areas within its remit. Within its remit is a requirement for media literacy and awareness raising initiatives, including the Internet.

Advertising

Advertising in the UK is generally subject to the self-regulatory body, the Advertising Standards Authority (ASA). Broadcast advertising is an exception, falling within Ofcom's remit, however Ofcom has 'outsourced' it to the ASA, under a co-regulatory scheme.

Similarly ATVOD has outsourced to the ASA complaints it might receive about advertising on audiovisual on-demand services.

Film, video and DVD

There is a unified rating system for film administered by the BBFC, which uses age – based classifications.

Label	Meaning
	Universal. Particularly suitable for very young children. (Advisory – video only)
	Universal. Suitable for all
PG	Parental Guidance. Some scenes may be unsuitable for young children. Parental guidance "implies both guidance to parents about the nature of the film, and guidance by parents of their children's viewing."
	Used only for videos and DVDs, it is a criminal offence to supply 12 rated videos/DVDs to children under the age of 12.
12A	Children of 12 and over can see 12A rated films unaccompanied, but children under 12 can see 12A films, provided that they are accompanied by an adult.
	Suitable only for those persons aged 15 years and over
18	Suitable only for persons of 18 years and over.
R18	For restricted distribution only through specifically licensed premises (cinemas or sex shops) to which no one under the age of 18 is admitted.

Proactive regulation

European productions should account for over 50% of the transmission hours of each broadcaster established in the UK (subject to certain exclusions) and European independent productions should account for at least 10% of transmission hours.

APPENDIX 4: CANADA

Country	Canada
Demographics[12]:	
Population size	33.1 m
Languages spoken	English (official) 59.3%, French (official) 23.2%, other 17.5%
Electronic communications:	
Broadband penetration[13]	22%
Internet users	20.9 m (2005)
Mobile cellular users	15 m (2004)

Public broadcasting in Canada

The Canadian Broadcasting Corporation (CBC) is the public broadcaster and operates television and radio networks in both official languages. A number of the provinces also run public service broadcasting services.

The regulator, the CRTC (see below), regulates broadcasting services serving a variety of communities such as the Aboriginal Canadians. Most of these services are community based radio stations in small remote locations, although the public service broadcaster operates a station transmitting in English, French and eight Aboriginal languages. There are however 9 originating aboriginal language television services, and one national Aboriginal television network - Aboriginal Peoples Television Network (APTN) which falls under a must-carry rule for cable and satellite.

There are currently 21 licences granted to private commercial over-the-air ethnic radio stations and the CRTC regulates for the number of ethnic groups to be served and the number of languages in which broadcasts should be made. There are four licensed television channels serving ethnic communities, as well as subscription services for these communities.

Regulatory environment

Regulator

The Canadian Radio-television and Telecommunications Commission (CRTC) was established in 1968 to regulate and supervise the Canadian broadcasting and telecommunications system. It is a converged regulator.

The CRTC has set up a public process system and consults widely on issues through the media, through public service announcements made on community channels if there is a particular geographical area affected, and – in some cases – through

[12] Data on demographics and basic statistics taken from the CIA World Factbook https://www.cia.gov/cia/publications/factbook/geos/al.html

[13] Data based on broadband penetration per '00 inhabitants , OECD June 2006 http://www.oecd.org/document/9/0,2340,en_2649_34225_37529673_1_1_1_1,00.html

industry billing systems. The CRTC uses both public hearings and a written process to consult.[14]

Content regulatory mechanisms: Protective regulation

Broadcasting

The Canadian Association of Broadcasters (CAB) created the Canadian Broadcast Standards Council (CBSC), a self-regulatory, independent organisation created to administer standards established by its members, Canada's private broadcasters. The CSBC has four codes, covering ethics, violence, sex-role portrayal and journalism ethics. See http://www.cbsc.ca/english/codes/index.htm

The CAB also has an active, if small scale, research function to help inform the development of its codes.

The CBC, the public television and radio broadcaster, has a code of journalism ethics.

There is also a program classification system in place (with news, sports and information programming exempt from classification). The classification has been developed by the Action Group on Violence on Television which is made up of representatives from the industry (broadcasting and advertising) and from consumer groups. The age-based classification is embedded in to programmes and private broadcasters display on-screen icons.

Table C1: Canadian Classification System

C	Children
C8	Children eight years and older
G	General programming, suitable for all audiences
PG	Parental guidance (not suitable for younger children and may contain elements unsuitable for unsupervised viewing by 8-13 year olds)
14+	Viewers 14 years and older

[14] For a comprehensive examination of the CRTC's role and the way in which it evaluates content against its regulations see http://www.crtc.gc.ca/eng/publications/reports/PolicyMonitoring/2006/bpmr2006.pdf

Adult programming

Unlike most other countries offering video on demand services, VOD programming services have to be licensed by the CRTC and are subject to the same regulations as broadcast services of Canadian content, linguistic codes and so on. They are not allowed to carry advertising.

As the prime complaints body for broadcasts, the CBSC has an adjudication process in place. Should it decide that there has been a violation of one of the codes, the broadcaster must twice announce this on air. One transmission should occur in prime time soon after the announcement of the decisions, and again within seven days of the decision but at the time that the complained-of content was broadcast. It must also write to the complainant(s) within 14 days telling them the announcements have been made. The CBSC requires that it has a copy of that letter and copies of the announcements to hold on file. Only if a complaint is not satisfactorily resolved by the CBSC does it go to the CRTC.

Advertising

The Advertising Standards Council (ASC) is a self-regulatory body covering advertising across all the media. The main instrument of self-regulation is the Canadian Code of Advertising Standards.

Internet and mobile telephony

The CRTC applies the New Media Exemption Order to internet and mobile telephony services offering content. This Order means that these services are not subject to licensing or other regulatory measures under the Broadcasting Act. However the Canadian Association of Internet Providers (CAIP) offers a Code of Conduct and advice on Internet issues. It has recently supported a hotline: Cybertip.ca for reports from the public on child exploitation. Cybertip.ca then makes referrals to appropriate law enforcement agencies.

cybertip!ca

webAWARE is a parent and child focussed safety on the internet awareness site. Canada has a significant media literacy industry.

Film, video and DVD

There is no national classification system in Canada for films for theatrical release (although such a system is under discussion). Instead each province or territory has its own system.

There is a unified rating system for home videos which produces ratings by averaging the classifications given to the content by the film classification boards in each province.

The ratings use age –based classification systems, and give some content description.

Table C2: Classification System for Film

G	**General (G)** General viewing. Suitable for all audiences. (Similar to U.S. "G")
PG	**Parental Guidance (PG)** Parental guidance advised. Theme or content may not be suitable for all children. (Similar to U.S. "PG")
14A	**14A** Suitable for people 14 years of age and older. Those under 14 should view with an adult. No rental or purchase by those under 14. Parents cautioned. May contain: violence, coarse language and/or sexually suggestive scenes. (Similar to a U.S. "PG 13" or "R")
18A	**18A** Suitable for people 18 years of age and older. Persons under 18 should view with an adult. No rental or purchase by those under 18. Parents strongly cautioned. Will likely contain: explicit violence, frequent coarse language, sexual activity and/or horror. (Similar to U.S. "R")
R	**Restricted (R)** Restricted to 18 years of age and over. No rental or purchase by those under 18. Content not suitable for minors. Video contains frequent use of sexual activity, brutal graphic violence, intense horror and/or other disturbing content. (Similar to U.S. "NC-17")
E	**Exempt (E)** Contains material not subject to classification

Proactive regulation

The CRTC has set out an Action Plan for the implementation of the Official Languages Act, which commits to '*enhancing the vitality of English and French linguistic minority communities in Canada*'.

The CRTC has made a public commitment to encouraging broadcasters to devote programming time to Canadian content and offers 'credits' to encourage such content to be produced and scheduled attractively. Canadian content productions (drama, children and youth, documentary and variety/performing arts) are funded via the Canadian Television Fund (CTF), which is a public/private partnership supported by the government, cable companies and direct-to-home satellite service providers.

The CRTC also applies requirements for levels of subtitling or closed captioning for persons who are deaf or hard of hearing. Lower levels of audio description are

required for persons with visual impairments but the CRTC is active in increasing accessibility for these groups.

APPENDIX 5: UNITED STATES OF AMERICA

Country	United States of America
Demographics[15]:	
Population size	298.4m (2006 est)
Languages spoken	English 82.1%, Spanish 10.7%, others (7.2%)
Electronic communications:	
Broadband penetration[16]	19%
Internet users	203.8m (2005)
Mobile cellular users	194.5m (2005)

Regulatory environment:

Regulator

The Federal Communications Commission (FCC) regulates all communications - including broadcasting and telecommunications. Rules are in place regarding children's educational programming, local news and public affairs, but broadcasters are responsible for selecting the material they transmit.

The FCC can fine stations or revoke licenses and it cannot adopt regulations without first notifying and seeking comment from the public.

Content regulatory mechanisms: Protective regulation

Broadcasting

The First Amendment and the Communications Act prohibit pre or post-transmission censorship, and action may only be taken by the FCC for channels on public platforms. Different rules and regulations apply to broadcast and other forms of television distribution (such as cable television).

Despite the restrictions on broadcast content regulation the FCC has begun to enforce regulations covering 'obscenity and indecency'[17]. It has also recently created a website aimed at the public to explain the obscenity and decency rules[18].

> ***Obscene speech*** *is not protected by the First Amendment and cannot be broadcast at any time. To be obscene, material must have all three of the following characteristics:*
>
> *an average person, applying contemporary community standards, must find that the material, as a whole, appeals to the prurient interest;*

[15] Data on demographics and basic statistics taken from the CIA World Factbook https://www.cia.gov/cia/publications/factbook/geos/al.html

[16] Data based on broadband penetration per '00 inhabitants , OECD June 2006 http://www.oecd.org/document/9/0,2340,en_2649_34225_37529673_1_1_1_1,00.html

[17] http://www.fcc.gov/mb/audio/decdoc/public_and_broadcasting.html#OBSCENITY

[18] http://www.fcc.gov/eb/oip/

the material must depict or describe, in a patently offensive way, sexual conduct specifically defined by applicable law; and

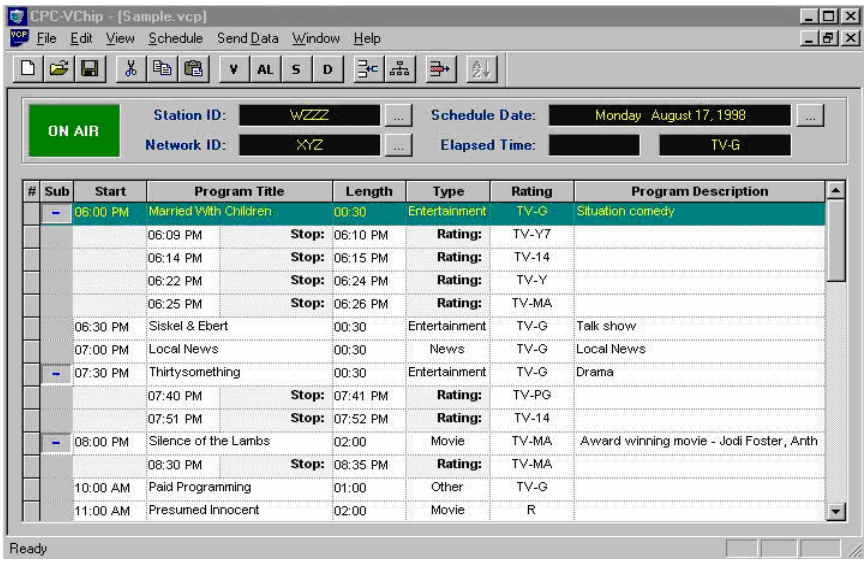
the material, taken as a whole, must lack serious literary, artistic, political, or scientific value.

***Indecent speech** is protected by the First Amendment and cannot be outlawed.*

While the First Amendment applies to indecent speech there are restrictions nevertheless that apply to times when children may be viewing (6:00 am and 10:00 pm).

There is also a law that requires television sets with screens larger than 13” to be equipped with "v-chip technology" which links programme classifications with programme blocking technology.

Table US1: Example of an EPG with V-Chip technology



#	Sub	Start	Program Title	Length	Type	Rating	Program Description
	–	06:00 PM	Married With Children	00:30	Entertainment	TV-G	Situation comedy
		06:09 PM	Stop:	06:10 PM	Rating:	TV-Y7	
		06:14 PM	Stop:	06:15 PM	Rating:	TV-14	
		06:22 PM	Stop:	06:24 PM	Rating:	TV-Y	
		06:25 PM	Stop:	06:26 PM	Rating:	TV-MA	
		06:30 PM	Siskel & Ebert	00:30	Entertainment	TV-G	Talk show
		07:00 PM	Local News	00:30	News	TV-G	Local News
	–	07:30 PM	Thirtysomething	00:30	Entertainment	TV-G	Drama
		07:40 PM	Stop:	07:41 PM	Rating:	TV-PG	
		07:51 PM	Stop:	07:52 PM	Rating:	TV-14	
	–	08:00 PM	Silence of the Lambs	02:00	Movie	TV-MA	Award winning movie - Jodi Foster, Anth
		08:30 PM	Stop:	08:35 PM	Rating:	TV-MA	
		10:00 AM	Paid Programming	01:00	Other	TV-G	
		11:00 AM	Presumed Innocent	02:00	Movie	R	

Table US2: V Chip Classification System

TV Y	suitable for young children
TV Y7	may not be suitable for children under 7
TV Y7 FV	As TV-Y7 but fantasy violence may be more intense than for other programs in the same category
TV G	suitable for all audiences
TV PG	parental guidance suggested
TV 14	parental guidance suggested for children under 14
TV MA	suitable for mature audiences or adults only

Internet and mobile telephony

The Government has sought to bring in two laws to censor offensive online content. But both have been struck down on the grounds of the First Amendment. One was the Communications Decency Act and the other was the Child Online Protection Act. In 2002 a kids.us domain was created which creates an internet space only appropriate for children under 13. It does not allow access to chat rooms.

Recently a bid to create a .xxx adult content domain was rejected by ICANN despite significant worldwide support for this initiative.

There are also a number of media literacy and consumer-driven initiatives to create greater awareness of net safety.

Safe Surf is a member of the international hotline association for illegal content on the Internet. It also offers a self-certification system for the Internet, allowing material to be rated as ‘suitable for all’ as well as allowing ‘adult’ sites to be rated differently.

Film

The Motion Picture Association of America runs a voluntary ratings scheme:

Table US3: MPAA Classification System for Film

G	general, suitable for all ages
PG	parental guidance: children admitted but parents are advised that some material may be unsuitable for young children
PG-13	some material may be inappropriate for children under 13
R	children under 17 must be accompanied by an adult
NC-17	children aged 17 and under are not admitted

Proactive regulation

Public broadcasting in the US receives some government support but the majority of funding comes from community support. The Corporation for Public Broadcasting (CPB) is a private non-profit corporation which is funded by the Government to promote public broadcasting. It runs the Public Broadcasting Service (PBS) and also provides some funding for National Public Radio (NPR).

PBS is not a broadcast network but provides programming to its member stations.

The Television Decoder Act requires all televisions that are 13”+ and sold in the USA to have built-in decoder circuitry. All programs transmitted in peak time (8-11pm) on the commercial networks and PBS must be captioned

APPENDIX 6: MALAYSIA

Country	Malaysia
Demographics[19]:	
Population size	24.4m (2006 est)
Languages spoken	Bahasa Melayu (official), English, Chinese (Cantonese, Mandarin, Hokkien, Hakka, Hainan, Foochow), Tamil, Telugu, Malayalam, Punjabi, Thai
Electronic communications:	
Broadband penetration	N/A
Internet users	10.0m (2005)
Mobile cellular users	14.6m (2004)

Public broadcasting in Malaysia

Radio Televisyen Malaysia (RTM) is the Malaysian government-owned television network which owns and operates two television stations and 32 radio stations – it has just celebrated sixty years of broadcasting. RTM is the only public broadcaster in this sample that is overseen directly by the Ministry of Information, and the broadcasting content regulator has no jurisdiction over it.

Regulatory environment

Regulator

While the Ministry for Information regulates the public broadcaster, the Malaysian Communications and Multimedia Commission (MCMC) is the regulator for 'the converging communications and multimedia industry'. It has licensing functions at its core, so that economic regulation and technical regulation form part of its remit. In addition consumer protection and social regulation are part of its role, including content regulation. Media literacy forms part of its remit.

With this social and society-facing aspect of its remit, the MCMC has been described as *'a promoter of the communications and multimedia industry than a regulator in the traditional sense. As the industry matures and self-regulation takes hold, the role of the MCMC as promoter, developer and facilitator will become more dominant. In the transition period, the focus of the MCMC is on education in order to change the mind-set of industry and the community as well as other agencies. Pursuance of legal remedies is likely to be a less favoured option in the interim. This relaxed approach is designed to give all parties the time to come to terms with the change, not least of all the MCMC, which has to prepare regulatory processes and procedures that will be respected by all stakeholders'*[20].

At the time of writing there is a Cabinet Committee being chaired by the Deputy Prime Minister is looking into the role and responsibility of the broadcasting stations/ electronic media on the advancement of the national agenda and the establishment

[19] Data on demographics and basic statistics taken from the CIA World Factbook https://www.cia.gov/cia/publications/factbook/geos/al.html

[20] http://www.itu.int/asean2001/reports/material/MYS%20CS.pdf

of a national identity and what policies or regulations are required to support such an agenda. Policies and guidelines are being considered to define or clarify the meaning of 'national agenda' and 'local culture and Malaysian identity' and this is being worked out by the relevant Ministries, namely the Ministry of Information and Ministry of Culture, Arts and Heritage.

Content regulatory mechanisms: Protective regulation

The MCMC has 'outsourced' the development of Codes and their management to industry. The Communications and Multimedia Content Forum of Malaysia (CMCF) is the body charged with the creation of a Content Code [21] which covers both programming content and advertising. The Forum also takes complaints relating to the Code.

While the Code covers all audiovisual media content, regardless of delivery platform, the IASP (Internet Access Service Provider Sub-Code) Sub- Code covers Internet content, recognising the difficulties of monitoring the internet.

Table M1: MCMC Broadcasting Code

Coverage	Media
Taste and decency[22]	✓ (No sexual or nudity scenes unless explicitly approved)
Family values[23]	✓
Religion	✓
Watershed	✓ 7.30pm. /10.00pm.
Programme classifications	✓
Mandatory programme information	✓
Conditional access	×
Children's participation	×
Privacy	✓

[21] http://www.cmc.gov.my/facts_figures/codes_gl/guidelines/pdf/ContentCode.pdf

[22] The code states that the standards applied will be '*viewed in the context of the country's social, religious, political and educational attitudes and observances*.'

[23] Programming on Islam must be approved by religious authorities prior to broadcast. There can be no propagation of religions other than Islam

Accuracy	✓

Like ACMA in Australia, the MCMC states that, as a general principle, if something is illegal offline, it will be illegal online.

The Forum is in the process of consulting on the setting up of a Content Advisory Centre (CAC) to provide industry with information, including clarification about the code if required.

Complaints are considered by a Complaints Bureau and if a breach of the content code is found a number of sanctions are available: a written reprimand, financial penalties and/or the removal of the content complained of.

Film, video and DVD

The Ministry of Information rates films, but only for people aged 18 years and under.

- **U (Umum)** (General in Malay Language) - General viewing for all ages.
- **18SG -** Movies for persons above 18 with non-excessive violent/horrifying scenes.
- **18SX -** Movies for persons above 18 with non-excessive sex scenes or drug use.
- **18PA -** Movies for persons above 18 with religious/political/counter-culture/mature thematic elements.
- **18PL -** Movies for persons above 18 with the combination of two or more elements (18SG, 18SX or 18PA).

The Film Censorship Board[24] is a body under remit of the Ministry of Home Affairs and its remit is *to safeguard racial harmony in the country against negative influences that may be shown in certain films*.

[24] http://www.kdn.gov.my/bm/perkhidmatan/bah_c_lembagafilem.html

APPENDIX 7: FINLAND

Country	Finland
Demographics[25]:	
Population size	5.2 m (2006 est.)
Languages spoken	Finnish 92% (official), Swedish 5.6% (official), other 2.4% (small Sami- and Russian-speaking minorities) (2003)
Electronic communications:	
Broadband penetration[26]	25%
Internet users	3.3 m (2005)
Mobile cellular users	5m (2004)

Public broadcasting in Finland

In Finland private terrestrial broadcasters must have a licence from the government. The public broadcaster, YLE, does not need to be granted an operating licence. YLE, which may not carry advertising, is funded through the licence fee and a fee levied on private broadcasters. As Finland has two official languages YLE offers a radio and television channel in Swedish, with much of the programming having Finnish subtitles. YLE is also legally bound to provide services in the Sami, Romany, and sign languages.

In Finland there are four analogue television channels (two of which are run by YLE). There are also some regional broadcasters. The government has decided on an analogue switch off date of 2007.

Regulatory environment

Regulator

Television and radio

The Finnish Communications Regulatory Authority. FICORA, is a combined content and platform regulator. It advocates self-regulation but does have a monitoring role over broadcast content.

Internet

There are a number of advocacy bodies and media literacy groups as well as self-regulation of the Internet industry.

Mobile services

[25] Data on demographics and basic statistics taken from the CIA World Factbook https://www.cia.gov/cia/publications/factbook/geos/al.html

[26] Data based on broadband penetration per '00 inhabitants , OECD June 2006 http://www.oecd.org/document/9/0,2340,en_2649_34225_37529673_1_1_1_1,00.html

There is self-regulation of the industry.

Film

The Finnish Board of Film Classification classifies material for those aged 18 and under, although content only suitable for adults must be registered with the Board.

Content regulatory mechanisms: Protective regulation

Broadcasting

The broadcasters have agreed a staggered age-related watershed system:

K-11 (under 11 years)	5pm and later
K-15	9pm and later
K-18	11pm and later

Complaints must go first to the broadcaster or industry body and FICORA will only consider complaints not resolved satisfactorily.

FICORA consults occasional research projects and consultations – and mentions meetings with industry to ensure the self-regulatory systems work.

Advertising

The MEN or Council of Ethics in Advertising is a self-regulatory body that applies codes of conduct to advertising practice in Finland.

Internet and mobile telephony

There are a number of self-regulatory bodies that monitor harmful content on the Internet or apply codes – these include the Council for Mass Media in Finland and the Finnish Information Processing Association's Ethics Advisory Committee.

Film, video and DVD

The Finnish Board of Film Classification classifies material using an age-based system and only content that is for those aged 18 years and under is classified:

Table F1: Finnish Film Classification system

General audience	no restrictions
7	Only for persons aged 7+
11	Only for persons aged 11+
15	Only for persons aged 15+
18	Only for adults

If an adult is accompanying the minor then the child may be up to two years younger than the classification label suggests.

Proactive regulation

In keeping with other countries in the European Union, there is a requirement that – where practicable - 10% of transmission time or programme budget should be reserved for independent European productions.

APPENDIX 8 : SOUTH AFRICA

Country	South Africa
Demographics[27]:	
Population size	44.2m (2006 est)
Languages spoken[28]	IsiZulu 23.8%, IsiXhosa 17.6%, Afrikaans 13.3%, Sepedi 9.4%, English 8.2%, Setswana 8.2%, Sesotho 7.9%, Xitsonga 4.4%, other 7.2% (2001 census)
Electronic communications:	
Broadband penetration	N/A
Internet users	3.6m (2005)
Mobile cellular users	19.5m (2004)

Public broadcasting in South Africa

The public broadcaster, the South African Broadcasting Corporation, operates both public and commercial channels, in a number of the official languages. SABC 1 broadcasts in the Nguni languages and English, and SABC 2 broadcasts in Afrikaans, Sesotho, Setswana, Sepedi, xiTsonga, tshiVenda and English.

Public broadcasting radio stations also transmit in the official languages – there are 11 full-spectrum stations (one for each of the official languages), a station for the Indian community broadcasting in English, and a community station broadcasting in the !Xu and Khwe languages of the KhoiSan people of the Northern Cape.

Regulatory environment

Regulator

The Independent Communications Authority of South Africa (ICASA) regulates the telecommunications and broadcasting industries. A recent ICASA Amendment Act has been rejected by the Prime Minister (2006) – this would have strengthened government influence over the appointment of board members among other things. It would also have secured independent funding for ICASA.

Under discussion is the Electronic Communications Act (previously the Convergence Bill) which will cover the convergence of all types of communication on one digital network comprising voice, data, Internet and other communication technology platforms. It refers to a complaints and compliance committee. However, the commencement date has not been set because of its reliance on the ICASA Amendment Bill.

[27] Data on demographics and basic statistics taken from the CIA World Factbook https://www.cia.gov/cia/publications/factbook/geos/al.html

[28] South Africa has 11 official languages

Content regulatory mechanisms: Protective regulation

Broadcasting

The ICASA Code, as with the code in Finland, has freedom of expression as a key principle, but war, propaganda, incitement to violence and incitement to hatred (based on race, ethnicity, gender or religion) are expressly excluded from this freedom.

Table SA1: ICASA Broadcasting Code

Coverage	Broadcasting
Taste and decency	✓
Watershed	✓(9.00pm)
Programme classifications	×
Mandatory programme information	✓
Conditional access	×
Children's participation	×
Privacy	✓
Accuracy	✓

Both ICASA and the Broadcasting Complaints Commission of South Africa (BCCSA) can adjudicate complaints, and ICASA accepts the code and disciplinary mechanisms of the BCCSA, so that all broadcasters must be accountable to one or other of these bodies.

Advertising

The Advertising Standards Authority of South Africa (ASA) is an independent body set up and paid for by the marketing communications industry to regulate advertising in the public interest through a system of self-regulation. The ASA works closely with government, statutory bodies, consumer organisations and the industry to ensure that the content of advertising meets the requirements of the Code of Advertising Practice.

Internet

Internet content is not regulated although legal restrictions apply to child pornography, for example.

A self-regulatory body for mobile content is run by the industry called the Wireless Application Service Providers Association. This has a code of conduct.

Film, video and DVD

An age-based classification system is run by the Film and Publications Board:

- **A** suitable for all audiences
- **G** parental guidance
- **10** unsuitable for children under 10
- **13** unsuitable for children under 13
- **16** unsuitable for children under 16
- **18** unsuitable for children under 18

Proactive regulation

One of ICASA's duties is to promote and encourage the ownership and control of telecommunication and broadcasting services by '*people from historically disadvantaged groups*' and it has recently published a consultation document raising the percentage of South African content in certain programming strands to 55%.

APPENDIX 9: SPAIN

Country	Spain
Demographics[29]:	
Population size	40.4m (2006 est)
Languages spoken	Castilian Spanish 74%, Catalan 17%, Galician 7%, Basque 2%; note - Castilian is the official language nationwide; the other languages are official regionally
Electronic communications:	
Broadband penetration[30]	14%
Internet users	17.2m (2005)
Mobile cellular users	38.6m (2004)

Regulatory environment

Due to its history as a dictator-led country until 1975, there is considerable reaction against any idea of censorship, especially within the media. Nonetheless the Spanish Constitution does recognise that the rights to freedom are limited by the need for 'the protection of youth and childhood'.

Spain is divided into autonomous regions, and there are three regional regulatory authorities: the Consell de l'Audiovisual de Catalunya (CAC) in Catalonia, the Consejo Audiovisual de Navarra in Navarra and there is the Consejo Audiovisual de la Comunidad de Madrid.

Regulator

Television and radio

There is no independent national broadcasting content regulatory authority in Spain, although there is discussion of reforming the Spanish audiovisual structure which might bring such a body into being. The independent Comisión del Mercado de las Telecomunicaciones (Telecommunications Market Commission) has some powers concerning the audiovisual sector while the Secretaría de Estado de Telecomunicaciones has powers to enforce provisions related to Spanish broadcasting law, which are framed by the EU Television Without Frontiers Directive and include provision to protect minors as well as laws against discriminatory activities.

Regional structure: within Catalonia Catalan is promoted as a 'normal language'. There are four public television channels in Catalonia territory: two broadcast exclusively in Catalan and 80 to 85% of their advertising is in Catalan. TVE (the national public broadcaster) broadcasts 37 hours of programmes per week in Catalan in that region. Another three private channels broadcast some of their output in Catalan.

[29] Data on demographics and basic statistics taken from the CIA World Factbook https://www.cia.gov/cia/publications/factbook/geos/al.html

[30] Data based on broadband penetration per '00 inhabitants , OECD June 2006 http://www.oecd.org/document/9/0,2340,en_2649_34225_37529673_1_1_1_1,00.html

Content regulatory mechanisms: Protective regulation

Broadcasting

The broadcasting regulator in Catalonia has the most developed regulatory structures and uses age based classifications (8 for television), utilising visual on-screen symbols and acoustic signals. Catalonia has also adopted an earlier Watershed at 2000, although national laws recommend 2230 and X-rated programmes have an even later Watershed in place. Programmes are classified against two variables:

- Social behaviours (including violence)
- Conflict (including sex, hate speech)

Label	Meaning
No symbol	For general viewing
Green circle (optional)	Especially recommended for children
7	Not recommended for children under 7
10	Not recommended for children under 10
13	Not recommended for children under 13
16	Not recommended for children under 16

18	Not recommended for people under 18
X	X-rated programme

There is an understanding that the watershed should also be used for radio but there are no specific obligations placed upon the broadcaster.

Internet

IQUA, the Internet Quality Agency, is essentially a self-regulatory body partnered by the regional regulatory authorities with Codes that cover the protection of minors and other web-based issues. It operates a trustmark system so that internet users may see if a website has signed up to the IQUA code of conduct.

Film, video and DVD

The classification system for film also follows an age-based system and is voluntary, and each of the autonomous regions has its own classification authority.

The Instituto de la Cinematografía y de las Artes Audiovisuales for the Ministry of Culture suggests classification guidelines:

- **TP** suitable for all audiences
- **7** suitable for children aged seven and over
- **13** suitable for children aged 13 and over
- **15** suitable for children aged 15 and over (some regions only)
- **16** suitable for children aged 16 and over (some regions only)
- **18** suitable for adults aged 18 and over
- **X** pornography

APPENDIX 10: BOTSWANA

Country	Botswana
Demographics[31]:	
Population size	1.64m
Languages spoken	Setswana 78.2%, Kalanga 7.9%, Sekgalagadi 2.8%, English 2.1% (official), other 8.6%, unspecified 0.4% (2001 census)
Electronic communications:	
Broadband penetration	N/A
Internet users[32]	60,000 (2002)
Mobile cellular users	823,000 (2005)

Public broadcasting in Botswana

The national broadcaster is Botswana TV (BTV). Its stated aim is to '*celebrate and develop the civic values that the nation hold common, while reflecting and enjoying the diversity of culture within Botswana'*. BTV broadcasts in Setswana and English, but has made a commitment to introduce broadcasting in the other languages common in Botswana.

Regulatory environment

Regulator

The National Broadcasting Board (NBB) was set up by an Act of Parliament in 1998 and its functions are[33]:

> (a) to issue broadcasting licences,
> (b) to exercise control over and to supervise broadcasting activities, including the relaying of radio and television programmes from places in and out of Botswana to places in and outside Botswana,
> (c) to allocate available spectrum resources in such manner as to ensure the widest possible diversity of programming and optimal utilisation of the spectrum resources.
> (d) The Board is also responsible for monitoring and handling complaints against broadcasting stations.

At the time of writing the Broadcasting Policy which will further define the role of the NBB is still before Parliament. Within this the NBB is likely to be able to license public broadcasters, private broadcasters and community broadcasting services. It is expected that the community broadcasters will offer media content in languages

[31] Data on demographics and basic statistics taken from the CIA World Factbook https://www.cia.gov/cia/publications/factbook/geos/al.html

[32] The number of users within a country that access the Internet ever - statistics vary from country to country and may include users who access the Internet at least several times a week to those who access it only once within a period of several months.

[33] http://www.bta.org.bw/pubs/Broadcasting%20act%20of%201998.pdf

other than Setswana, but this provision is not obligatory on the public service broadcaster.

Content regulatory mechanisms: Protective regulation

Broadcasting

The NBB uses the licence conditions placed on broadcasters to guide standards.

Table B1: Botswana: Broadcasting Codes

Coverage	Television	Radio
Taste and decency	✓	✓
Watershed[34]	N/A	N/A
Programme classifications	×	×
Mandatory programme information	×	×
Conditional access	×	×
Children's participation	×	×
Privacy	✓	✓
Accuracy	✓	✓
Advertising or other commercial messages	✓	✓

Film, video and DVD

A censorship board pre-approves film content before distribution.

[34] Broadcasters asked to exercise care '*at times where a large number of children may be expected to be watching or listening to radio or television programmes*'.

APPENDIX 11: INDIA

Country	India
Demographics[35]:	
Population size	1.1 bn
Languages spoken	English is the prime language for communication; Hindi is the national language (30% of people); there are 14 other official languages: Bengali, Telugu, Marathi, Tamil, Urdu, Gujarati, Malayalam, Kannada, Oriya, Punjabi, Assamese, Kashmiri, Sindhi, and Sanskrit
Electronic communications:	
Broadband penetration	N/A
Internet users	50.6 m (2005)
Mobile cellular users	69.2m (2006)

Public broadcasting in India

Doordarshan is the public broadcaster offering both television and radio services. It operates 19 channels – two are national and 11 are regional language satellite channels.

Regulatory environment

Regulator

Broadcasting content regulation falls within the Ministry of Information and Broadcasting.

A proposed Broadcasting Services Regulation Bill 2006 has been pulled from the current Parliament session. The Bill would set up a Broadcasting Regulatory Authority of India (BRAI) to regulate private broadcasters and would set limits on cross-media ownership for example, as well as applying a Content Code, currently being prepared.[36]

In 2006 the Ministry of Information and Broadcasting opened up licences for community radio stations. These free-to-air services have strict rules on what they may or may not transmit:

> *The programmes on the community radio service will focus on issues relating to education, health, environment, agriculture rural and community development. The content must be confined to social, cultural and local issues and the format, subject, presentation and language must reflect and exude the local flavour and fragrance.*

[35] Data on demographics and basic statistics taken from the CIA World Factbook https://www.cia.gov/cia/publications/factbook/geos/al.html

[36] There is considerable controversy about the extent of the Broadcasting Content Code which is thought to be overly restrictive by a number of broadcasters and other stakeholders. This is being debated at the time of writing.

The licensee shall not be permitted to broadcast any news and current affairs programmes and shall not air election and political broadcasts.[37]

Content regulatory mechanisms: Protective regulation

Broadcasting

The public service broadcaster, Doordarshan, has to follow both advertising and broadcasting codes. The Cable Television Network Rules also created a programme and advertising code for cable operators.

The code for Doordarshan is based around issues such as national security and sedition (such as the prohibition of attacks on religions or communities), although reference is made to obscene or defamatory content. Incitement to violence is also prohibited.

The draft proposed Code talks of

- The importance of context and audience expectations
- Suggests the use of a staggered watershed (7pm, 7-11pm and post 11pm)
- The use of labels and warnings

It also says television services with additional access management systems may show edited adult material.

Advertising

While there is a self-regulatory body for advertising - the Advertising Standards Council of India (ASCI) – which has created codes for certain sectors, the creation of advertising codes means that the regulation of broadcast advertising is, at best, co-regulatory.

Film, video and DVD

An age-based classification system is administered by the Indian Film Censor Board

- **U** universal: suitable for all audiences
- **U/A** universal with adult/parental guidance; unsuitable for children under 12
- **A** adult: may only be watched by audiences ages 18 and over

[37] http://mib.nic.in/informationb/ABOUT/frames.htm

APPENDIX 12: IRELAND

Country	Ireland
Demographics[38]:	
Population size	4.1 m (2006 est.)
Languages spoken	English, Gaelic
Electronic communications:	
Broadband penetration[39]	9%
Internet users	2.1 m (2005)
Mobile cellular users	3.8m (2004)

Public broadcasting in Ireland

RTE, the public broadcaster, operates three national channels, with the Gaelic language channel (TG4) run through a subsidiary. In addition there is a national private broadcaster, TV3. RTE also operates 4 national radio stations, including one in Gaelic. There are 29 licensed commercial stations available to the listening audience, including radio offered over the internet and through cable and satellite television.

Regulatory environment

Regulator

Television and radio

The Broadcasting Commission of Ireland is a licensing and regulatory body overseeing independent broadcasting services (television and radio) in Ireland. Key functions include licensing independent broadcasting services including the additional licensing of television services on digital, cable, MMDS and satellite systems; the development of codes and rules in relation to programming and advertising standards and the monitoring of all licensed services to ensure that licence holders comply with their statutory obligations and terms of their contracts

Communications regulation is undertaken by the Commission for Communications Regulation, a statutory body responsible for the regulation of the electronic communications sector (telecommunications, radiocommunications and broadcasting transmission) and the postal sector.

Comreg's remit covers all kinds of transmission networks including traditional telephone wire, traditional television and radio, cable, radio communications including fixed wireless, MMDS and deflector operators providing TV services, mobile operators providing voice and data services, the licensing framework for satellite services and the postal delivery network.

Internet

[38] Data on demographics and basic statistics taken from the CIA World Factbook https://www.cia.gov/cia/publications/factbook/geos/al.html

[39] Data based on broadband penetration per '00 inhabitants , OECD June 2006 http://www.oecd.org/document/9/0,2340,en_2649_34225_37529673_1_1_1_1,00.html

A self-regulatory board, the Internet Advisory Board was set up following a government report on illegal and harmful material available through the Internet in 1998.

Mobile services

Industry driven self-regulatory codes are in place. RegTel regulates the area of premium rate calls and complaints about receiving unwanted material (i.e. self-regulation).

Film

The Censor is responsible for certifying that all films, videos and DVDs intended for public distribution in Ireland are fit to be viewed by members of the public.

Content regulatory mechanisms: Protective regulation

Broadcasting

The BCI is consulting widely on a proposed code on taste and decency as required under the Broadcasting Act 2001. Until that time commercial broadcasters operate under the Radio and Television Act 1988 which states that each independent broadcaster must ensure that '*anything which may reasonably be regarded as offending against good taste or decency, or as being likely to promote, or incite to, crime or as tending to undermine the authority of the State, is not broadcast by him'* (s.9.1(d)).

Table IR1: BCI Broadcasting Codes (proposed)

Coverage	Commercial television	Radio
Taste and decency[40]	✓	✓
Watershed	✓(9.00pm)	×
Programme classifications	×	×
Mandatory programme information	✓	×
Conditional access	×	×
Children's participation	×	×
Privacy	✓	×
Accuracy	✓	✓

RTE, the public service broadcaster, publishes its own guidelines for programme makers and until the BCI publish their rules on taste and decency (described above) these will apply. The RTE guidelines are designed to offer advice and guidance. Where rules are mentioned, these are based on legislation or other regulation and the guidelines draw attention to these.

Since 2001 RTE has been experimenting with on screen symbols on some of their channels (RTE One and Network 2). The symbols appear at the start of a programme for twenty seconds but do not stay on the screen.

GA **General Audience (GA)** - a programme that would be acceptable to all ages and tastes.

Ch **Children (Ch)** - a programme aimed specifically at children, i.e. the pre-teenage or very young teenage audience.

YA **Young adult (YA)** - a programme aimed at a teenage audience. It might deal with issues which affect the teenage audience, e.g. relationships, sexual activity,

[40] *Programme material must not offend against commonly held standards of what is acceptable in contemporary Irish society.*

sexuality, soft drugs. Parents and guardians could expect that "YA" programmes might contain such material and may choose to limit their children's access.

PS **Parental supervision (PS)** - a programme aimed at a mature audience, i.e. It might deal with adult themes, be moderately violent, frightening or contain an occasional swear word.) and the classification label invites parents or guardians to consider restricting children's access.

MA for **mature audience (MA)** - a typical "post-watershed" programme which might contain scenes of sexual activity or violence, or the dialogue might be profane.

A television watershed operates at 2100.

Complaints must go first to the broadcaster or industry body and the BCI will only consider complaints not resolved satisfactorily.

Advertising

The Advertising Standards Authority for Ireland (ASAI) is a self-regulatory body covering all advertising in Ireland. It produces a code that its members sign up to.

Film, video and DVD

The Film Censor's Office applies age-based classifications. At some of the higher ages (12+) these are advisory in the cinema but legally binding on video, as it is felt that in home viewing may be less regulated (because of the manner of viewing such as the ability to view particular scenes repeatedly).

Label	Meaning
G	General: This is applicable both to feature films in the cinema and to video
PG	Parental guidance: This is applicable both to feature films in the cinema and to video
12A	Only suitable for those aged 12 +. On video sleeves this is marked as 12.
15A	Only suitable for those aged 15 +. On video sleeves this is marked as 15.

16	Only suitable for those aged 16+
18	Only suitable for those aged 18+

Proactive regulation

The Broadcasting (Funding) Act 2003 for private broadcasters makes requirements regarding national culture and identity. The BCI funds *'new television or radio programmes on Irish culture, heritage and experience'* from 5% of the licence fees collected. The content that is funded must have a commitment from a broadcaster that it will transmit the programme at peak viewing or listening hours.

European Union quotas are applied in Ireland

APPENDIX 13: JAPAN

Country	Japan
Demographics[41]:	
Population size	127.7m (2006)
Languages spoken	Japanese
Electronic communications:	
Broadband penetration[42]	19%
Internet users	86.3m (2005)
Mobile cellular users	91.5m (2004)

Public broadcasting in Japan

NHK (Nippon Hōsō Kyōkai), is Japan's public television and radio broadcaster and is licence-fee funded.[43] It has clear content standards set out by the Broadcast Law which sets out the terms under which domestic broadcasters must make their programs.

They are required to:
1-1. Uphold public security, morals and good behavior
1-2. Pursue political impartiality
1-3. Present news without distorting the facts
1-4. Present the widest possible range of viewpoints when dealing with controversial issues.

2. Maintain a balanced output featuring culture, education, news and entertainment

NHK has established separate standards for its domestic and international operations and adheres to them in program production. The Broadcast Law further obliges broadcasters to set up consultative committees to ensure that programs meet the prescribed standards. In the case of NHK, such committees monitor nationwide broadcasts, regional broadcasts and international broadcasts. Opinions forwarded by each committee are reflected in NHK's programs.[44]

[41] Data on demographics and basic statistics taken from the CIA World Factbook https://www.cia.gov/cia/publications/factbook/geos/al.html

[42] Data based on broadband penetration per '00 inhabitants , OECD June 2006 http://www.oecd.org/document/9/0,2340,en_2649_34225_37529673_1_1_1_1,00.html

[43] NHK is under some pressure following the alleged 'staging' of some documentaries etc., leading to the resignations of the top executives in 2005 and a planned restructuring of the organisation. The pressure is most clearly seen in the non-payment of the licence fee and NHK is threatening to take legal action against people who do not pay.

[44] http://www.nhk.or.jp/pr/english/annual/2006/index.html

Regulatory environment:

Regulator

The Ministry of Internal Affairs and Communications (MIC) is responsible for broadcast content. The MIC requires commercial broadcasters to develop and publicise "Standards of Broadcast Programs for Domestic Broadcasting" [45]. Broadcasters also have to create public consultation committees so that the 'appropriateness' of the standards may be monitored.

Content regulatory mechanisms: Protective regulation

Broadcasting

The National Association of Commercial Broadcasters (NAB) produces the broadcast standards which include a code of conduct for the protection of minors – these cover areas such as scheduling as well as the depiction of sex. There is a watershed at 9pm, and the broadcast standards say that broadcasters *are required to pay particular attention to children watching programmes from 17:00 to 21:00*. There is no universal classification system that applies across all broadcast television. Parental block facilities are offered on pay TV services for more explicit adult content.

NHK, the public broadcaster, is required by its statute to undertake research.

Advertising

The Japan Advertising Review Organization, Inc. (JARO) is the self-regulatory body for advertising complaints. JARO has a set of Advertising Review Principles which include a consideration of the impact on young people and children as well as a requirement to be decent.

Internet

The Internet Association, Japan, is the self-regulatory body for the Internet, approved by the MIC and are developing online filtering technologies as well as a hotline for the reporting of illegal material. The Telecoms Association of Japan has adopted a range of guidelines for ISPs. There is legislation to ban pornography being provided to minors (under 18) and adult content on the Internet is clearly marked.

[45] http://www.soumu.go.jp/joho_tsusin/eng/Resources/Legislation/BroadcastLaw/BroadcastLaw.pdf

Film, video and DVD

Films are classified by EIRIN (Administration Commission of Motion Picture Code of Ethics) which is an independent self-financing organisation. The classifications are advisory and are age-based. They take account of certain themes such as sexual depictions and violence.

G	:	General Audiences. All ages admitted.
PG-12	:	Parental guidance requested. Some material may be unsuitable for children under 12. Accompanying parent or adult guardian is desirable.
R-15	:	Restricted to mature audiences 15 years and over. No one younger than 15 admitted.
R-18	:	Restricted to adults 18 years and over. No one younger than 18 admitted.

APPENDIX 14: JAMAICA

Country	Jamaica
Demographics[46]:	
Population size	2.7m (2006 est.)
Languages spoken	English
Electronic communications:	
Broadband penetration	N/A
Internet users	1.1m (2005)
Mobile cellular users	2.2m (2004)

Public broadcasting in Jamaica

The Public Broadcasting Corporation of Jamaica (PBCJ) is a television channel funded by the private sector and civic organisations that started transmission in early 2006. It is being carried by nine cable services in the country and its remit is to offer public education, information and entertainment, with a specific focus on national/Jamaican issues.

Jamaica has significant penetration by American programming due to the satellite footprints of US-based content providers.

Regulatory environment:

Regulator

The Broadcasting Commission of Jamaica is an independent statutory body offering advice to the Ministry of Information about the granting of licences, including advice about programme standards. It also performs an evaluative function to ensure that the terms of licences are being maintained.

Content regulatory mechanisms: Protective regulation

Broadcasting

The BCJ has guidance on 'illegal content' which includes offences against national security, indecency, accuracy as well as images of disfigured bodies and violence offending against '*good taste, decency or public morality'.*

While the Commission does not develop codes but offers guidance about programme standards in general, it has introduced a Children's Code for Programming. The Code is '*to assist broadcasters and subscriber television providers recognise their responsibility to help parents protect children from potentially harmful programming'*. The Code concentrates on graphic violence, sex and language and uses advisories and scheduling practices to shield children from inappropriate content. It also requires television operators to rate cable channels which allows for the blocking of 'A' rated channels.

[46] Data on demographics and basic statistics taken from the CIA World Factbook https://www.cia.gov/cia/publications/factbook/geos/al.html

The Code sets out a requirement for:

- The rating of all free to air programming including newscasts
- A watershed at 9pm
- A requirement for content labels and advisories – the labels will show the overall rating and then add descriptor-labels for elements such as violence (e.g. V2= medium level violence and can only be shown post 9pm)

While licensees are the first port of call for complainants, if a matter is not resolved then the Commission can adjudicate. It can require a broadcaster to air an apology, and it can also recommend the revocation or suspension of a licence.

The Commission also has a mandate to carry out or commission research on all areas relating to the electronic media in Jamaica. Such information guides the Commission when proposing policy changes, and formulation of standards for licensees' operations.

Advertising

Advertising is regulated through the Fair Trading Commission which applies the Fair Competition Act.

Internet and mobile telephony

There are no current regulatory policies for either the Internet or content delivered via mobile telephones.

Film, video and DVD

The Jamaican Cinematographic Authority applies an island-wide classification system.

APPENDIX 15: MAJOR TECHNOLOGICAL TRENDS

Expanding choice

Expansion of choice is being enabled by the move to digital content distribution technologies. A wide range of digital platforms is appearing across most of the world. The following table shows how they compare with older analogue equivalents.

Table T1: Distribution Platforms

Platform	Channel capacity	Coverage	Interactivity potential	Business model	Notes
Analogue terrestrial	< 10 channels	Near universal in developed world	Non-integrated	Mostly FTA	Will disappear with switchover
Digital terrestrial	10s of channels	Limited	Mixed integration	Mostly FTA	Needs switchover for extending coverage
Analogue cable	10s of channels	Mostly urban areas	Limited	Subscription	Being phased out
Digital cable	100s of channels (Standard def.)	Mostly urban areas	Flexible, but standards fragmentation limits exploitation	Subscription	Digital enables interactive services
Analogue satellite	10s of channels	Near universal	Limited	FTA and Subscription	Being phased out
Digital satellite	100s of channels (SD)	Near universal	Content rich, but lacks fast integrated return path	FTA/Subscription + PPV	
Broadband /IPTV	Unlimited*	Limited – mostly urban areas	Use of IP standards enables a wide range of services/content	Subscription and PPV	Can be used in conjunction with other platforms such as DTT
Mobile TV (broadcast)	3-20 per available spectrum channel	Limited – mostly urban areas	Ideal for personal interaction	Subscription (emerging)	
Mobile content	Unlimited**		Ideal for personal interaction	Subscription and PPV	

Key: FTA = Free-to Air; PPV = Pay Per View

*The choice of channels is theoretically unlimited with point to point networks such as telecommunications networks, though the network capacity limits how many different channels can be delivered to the user simultaneously e.g. for multi-room viewing.

**Mobile communication networks have limits on the number of users within each cell for mobile TV. Mobile broadcasting overcomes this issue, but channel choice is restricted, reflecting the limited availability of spectrum.

In the UK television and mobile telephone usage have increased, but the greatest increase in time spent within a particular technology comes from use of the Internet[47]. Ofcom suggests this could reflect the increase in user-generated content sites such as YouTube.

Table T2: Comparison of time spent with key media

Usage per week	2001	2005	*Change*
TV viewing hours	25:23	25:34	*+11 mins*
Radio listening hours	20:30	20:06	*-24 mins*
Telephone call minutes			
fixed	1:11	1:10	*-1 min*
mobile	0:20	0:22	*+ 2 mins*
Number of SMS texts	5.5	11	*+ 5.4*
Internet hours	2:10	2:29	*+ 19 mins*

Source: Ofcom / operators / RAJAR / BARB / TGI-BMRB
Note: TV and radio hours are per individual; call minutes and SMS text messages are per connection; weekly internet hours are for Q4 of each year for adults 15+ who have used the internet in the last 12 months.

Underlying developments

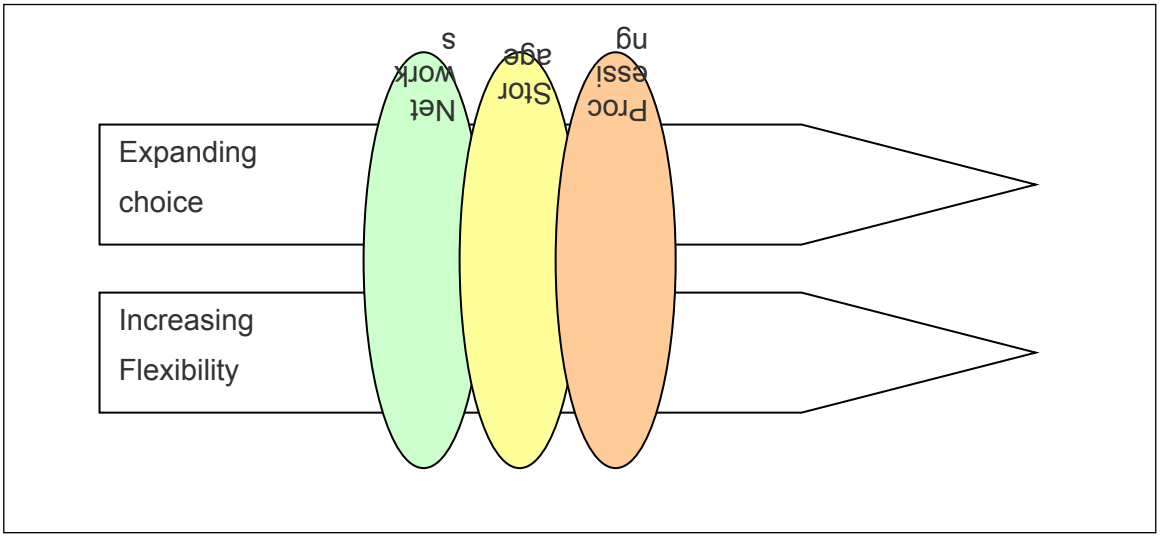
Underlying the advances in platform capabilities are substantial and continuing advances in three fundamental technologies:

- Networking
- Storage
- Processing

Other technologies have an important role too, particularly device displays for mobile devices.

[47] Ofcom, *Communications Market Report 2006,* Ofcom 2006

Figure T1: Key pressures on content regulation are enabled by advances in fundamental technologies



Networks

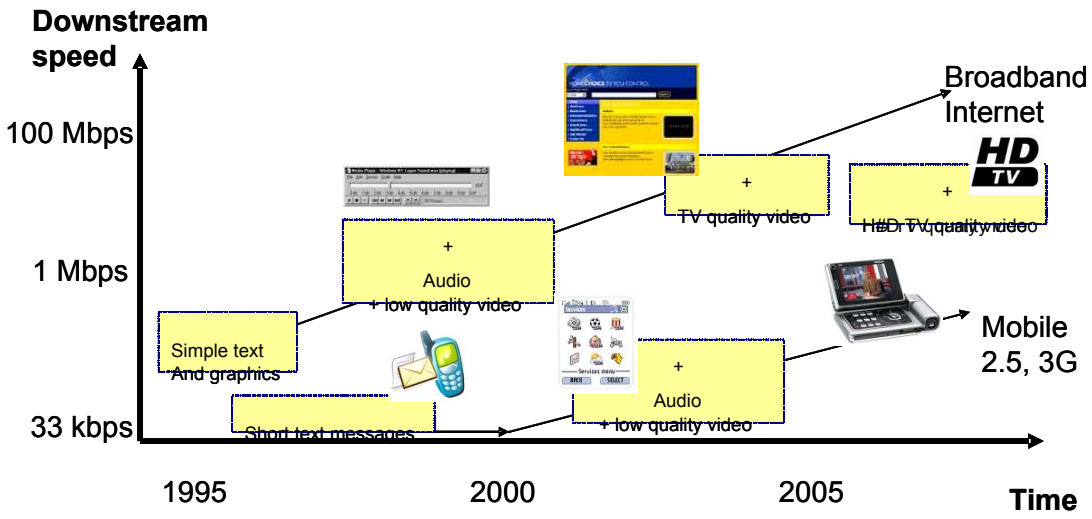
Networks enable the communication of data (audio, video, text etc.) between devices. This includes, for example, between:

- Studios and the viewers' televisions (using broadcast networks)
- Personal computers connected to the Internet
- Mobile phones and mobile operators' video servers

Network technology embraces both fixed and wireless transmission media and the technology advances have resulted in:

- Increases of transmission capacity, supporting more services and/or improved quality
- Increases in flexibility of use – the type of service that can be carried, the choice of device supported, the time and place of viewing or listening
- Improvements in coverage – which can often be traded off against capacity
- Improvements in ensuring the necessary quality of service for satisfactory video quality over broadband
- Better techniques for detecting and filtering content, including spam and viruses
- Improved security – protecting content carried over a network (e.g. through Digital Rights Management)
- Ability to obtain content directly from content providers, bypassing traditional content aggregators such as the broadcasters

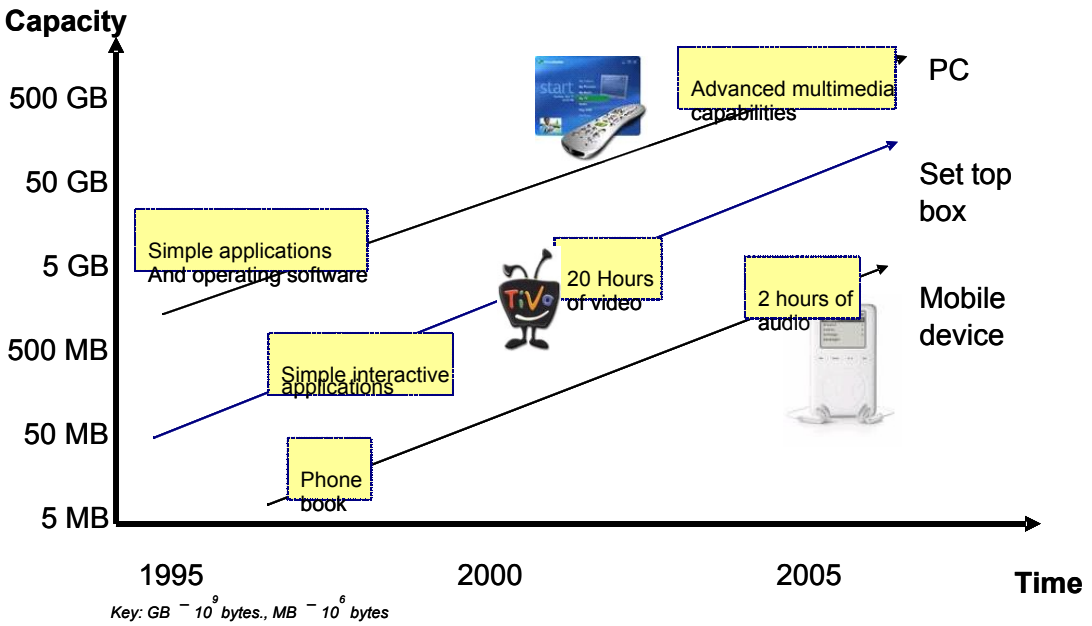
Figure T2: Increases in network capacity over the last decade



Storage

Storage technology advances enable increasing quantities of data to be stored within a given size of device (such as an IPOD hard drive) for a given price. Improvements in storage technology can benefit both service providers and consumers of content.

Figure T3: Increases in storage densities over the last decade



Storage enables service providers to optimise the use of their network, delivering greater value to customers for the same platform cost. Sky+ is a personal video recorder service available in the UK which enables BSkyB to offer a near video-on-demand facility, helping to compensate for the limitations of a broadcast platform in catering for personal choice.

Consumers benefit from having an increasing choice of content and increased flexibility to consume it. For example iPOD owners can keep their entire music collections in the device and enjoy listening wherever they happen to be. Thus customers' pre-owned content sits alongside whatever service providers and broadcasters may have on offer at any given time. In this way, storage can provide a substantial degree of independence from broadcast and other network-based services.

One key opportunity for service providers to regain control lies in providing a service which helps users navigate content and highlights items which may be of particular interest. This is the role currently played by electronic programme guides and web portals, as well as broadcasters (through their on-air promotions). Speech and other technology advances enable content navigation facilities to be extended to those with sensory impairments.

Some content owners see increasing consumer-end storage as a threat to their business because users might fill the storage by 'borrowing' rather than buying content.

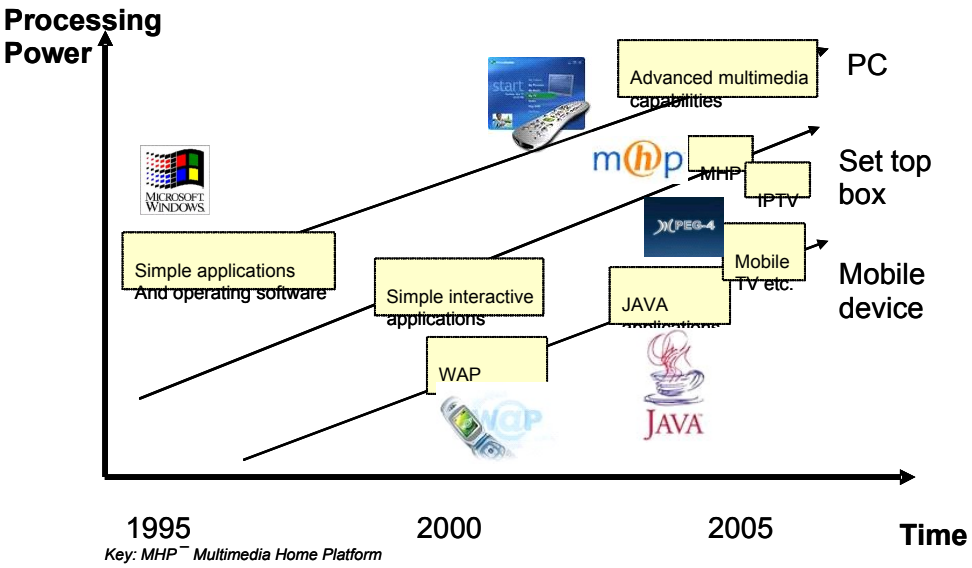
The emerging response to this concern is the use of Digital Rights Management (DRM), which enables service providers to define limits on the use of content. For example, the user might only be allowed to view a TV programme once or within a 5 day window. DRM can also restrict the user's ability to copy content and transfer it between devices.

Processing

Increases in processing power enable the developments in networking and storage to be used to greater effect. The functions dependent on processing power include:

- Source encoding – increasing platform capacity (MPEG-4 etc.)
- Interaction – e.g. enabling users to participate in programmes
- Service/content navigation – enabling users to manage enormous choice
- Security/content protection – e.g. using digital rights management

Figure T4: Increases in storage densities over the last decade



Home hub

The home hub/media centre is a concept which integrates networking, storage and processing power to provide a full content service to any device in the home. As well as drawing on content stored internally, the home-hub would be able to select incoming channels from satellite, terrestrial, cable and broadband platforms – depending on which services the user has signed up for.

The home hub would be linked by wireless or other home networks to 'terminals' located where users want to access content. Some of these terminals are likely to be portable.

Given the huge array of content to which it could provide access, the home hub is likely to need its own electronic programme guide. This guide would be the key to finding pieces of local and remote content and could help the user by displaying content labelling and providing parental controls. This labelling will become increasingly important as there may be little else to link content to any particular broadcast channel or other service provider.

The home hub epitomises the challenge to content regulation from growing choice and flexibility. Consumption can now be more personal, with home hubs feeding a range of devices around the home, including handheld devices.

Web technologies

Web technology advances have been considerable over the last decades, with powerful new techniques appearing for interpersonal communication as well as for content distribution.

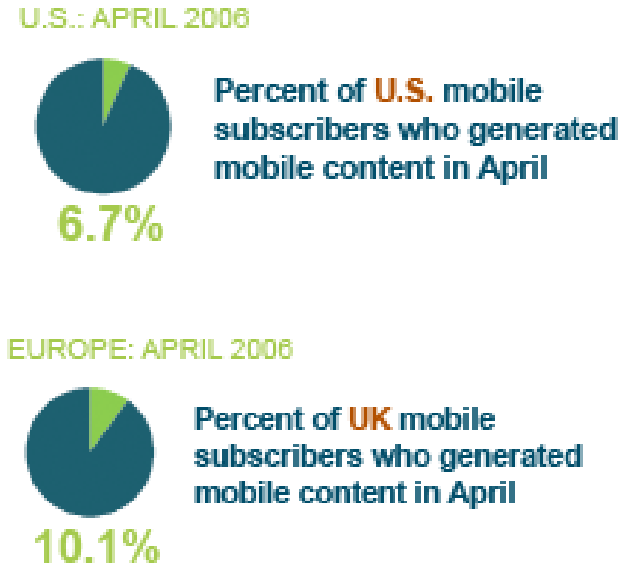
Peer to Peer technologies appear to have an important role in enabling mass content distribution over the Internet, overcoming some of the scaling issues that broadcasters have faced with conventional audiovisual streaming solutions.

'Web 2.0' technologies are enabling end-users to be more effective providers of content and whole new business models are emerging around communities that can

be built in this way. YouTube and MySpace are just two examples of such communities. Recent submissions to YouTube have catapulted previously obscure private individuals to the attention of millions of viewers worldwide.

There are some regional variations in the use of mobile technology as illustrated by the figure below showing user generation of content in the US and the UK.

Figure T5: Generation of mobile content: USA vs. UK



Source M:Met

Other device technologies

Developments in display, camera, battery life, location sensing and other technologies enable an increasing range of content to be enjoyed and created using mobile devices such as camera phones. Combined with the technology advances listed above, these support the extension of choice and consumer control.

Figure T6: A portable media centre

Source: Creative Inc

Local loop unbundling

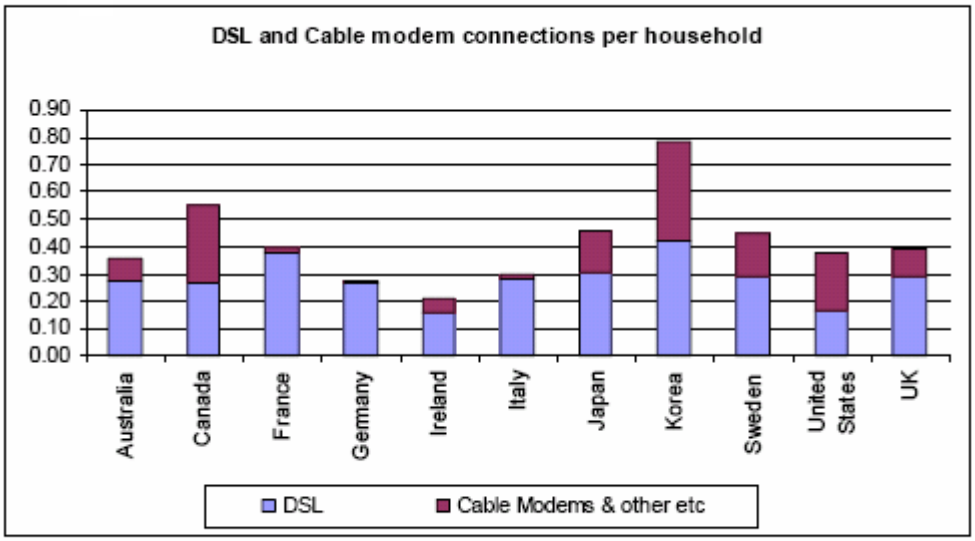
- Broadband Internet access opens a vast array of content to consumers and empowers them to be content providers too.
- To achieve this, broadband needs to be available widely and with sufficient capacity to support 'TV' grade video services

Where does local loop unbundling come in?

The telephone network provides the fastest means of achieving a reasonable quality of broadband access for the largest number of households[48] – at least in developed countries such as NZ. The technology used to provide broadband access over a telephone line is called Asymmetric Digital Subscriber Line (ADSL) and its latest variant ADSL2+ allows access speeds up to 24 Mbps for those fortunate enough to live close to a telephone exchange.

Whilst cable TV[49] and wireless networks[50] have a role in providing broadband Internet access, these technologies tend to lack the near universal presence of the telephone network.

Figure 17 Broadband subscribers by technology per household, December 2005



Source: Point Topic

From : http://www.broadbanduk.org/reports/dti/0603%20InternationalBBMarketComparisons.pdf

Because the telephone network exists, using DSL presents a much more economic approach than laying down a new network infrastructure – such as fibre to the home.

The two major problems with the telephone network as a means of introducing broadband are:

- the network is typically under the control of the incumbent

[48] According to In-Stat, in 2005, there were 153.1 million total ports of DSL shipped worldwide, including CO and CPE for ADSL, VDSL, and SHDS, with the number of ports shipped expected to grow to 185.5 million in 2010.

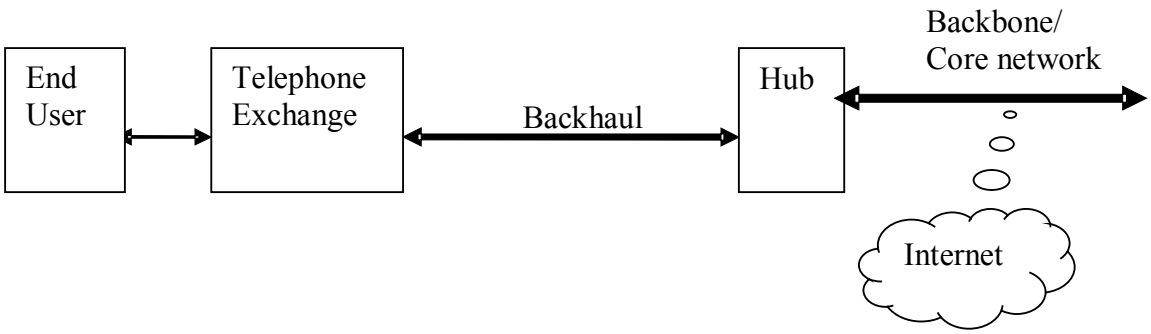
[49] Cable TV-based broadband technology has lagged DSL technology in terms of price and performance due to the smaller more fragmented market represented by 'cabled' homes.

[50] Wireless networks have an increasing role in filling DSL coverage holes, enabling mobile access and providing a service to those households which are not connected to the fixed telephone network

- performance degrades with distance from the exchange

The problem with incumbent control of the network is that, in the absence of competition, the operator has little incentive to upgrade equipment in the network to provide a high quality broadband service. This can both delay availability of the service and restrict the performance available to consumers.

A most effective way of combating this 'blockage' is to introduce competition in broadband access provision. Of the most effective forms of competition is enabled by providing access to the physical copper wires connecting telephone exchanges to customer premises (the local loop). Referred to as local loop unbundling (LLU), this allows alternative service providers to offer broadband access and provides them with an incentive to fund installation of the latest broadband equipment and communication links.



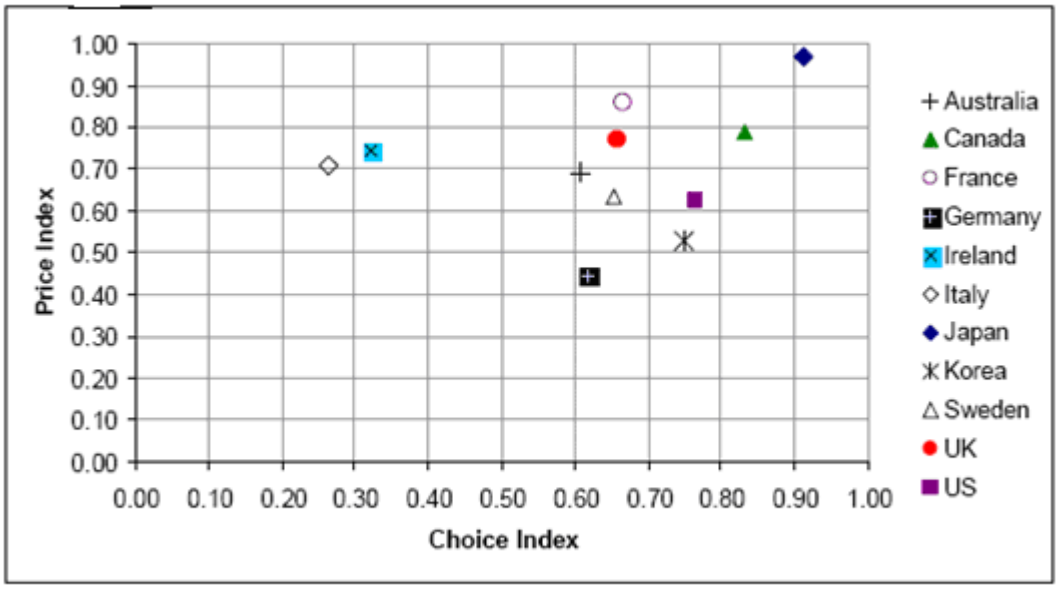
In order to justify the investment in infrastructure, the competitors will usually price the access services attractively and offer content-based services on top of access. A key service of this type is IPTV (Internet Protocol TV), through which telecom service providers aim to provide a 'Cable TV+' offering a range of live channels alongside video on demand services. Because LLU enables service providers to install their own equipment, they can offer advanced services such as TV as well as advanced filtering/network management technologies. The latter could be a useful tool in restricting the distribution of certain types of content, though also offer the owning operator opportunities to give its own content services a performance advantage over those from other content providers.

Alongside regulation requiring access to exchanges, regulators in France and the UK, for example, had to put pressure on the incumbents to install processes which will ensure a rapid response to requests for unbundling – which France Telecom and British Telecom now have.

Since broadband access is now widely accepted as a key success factor for future economic prosperity, governments across the world are looking at how to speed its introduction. Local loop unbundling will be a key policy tool for many, encouraging investment in upgrading infrastructure. Billions of pounds are now being invested by UK service providers in upgrading exchanges.

However there will be a substantial fraction of the population untouched directly by the benefits of local loop unbundling, since there are many rural telephone exchanges where the number of homes connected would not support a commercial case for investment. In the UK, for example, around 30% of exchanges are likely to remain BT-only. BT did roll out broadband to exchanges reaching 99% of the population, but this was at its own discretion.

Figure 18 Choice versus price

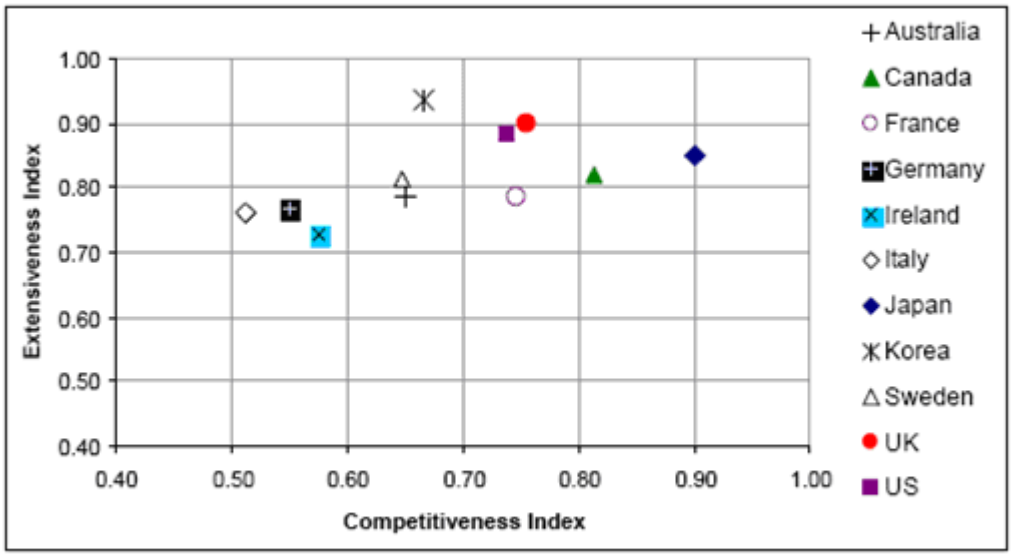


Source: Ovum

From : http://www.broadbanduk.org/reports/dti/0603%20InternationalBBMarketComparisons.pdf

The following figure shows that competitive intensity does not necessarily ensure the most extensive broadband coverage.

Figure 19 : Extensiveness versus competitiveness



Source: Ovum

From : http://www.broadbanduk.org/reports/dti/0603%20InternationalBBMarketComparisons.pdf

The table below shows the strong position of South Korea and Canada with respect to broadband penetration. Ireland followed by Australia show the most rapid growth in this area. However it should be noted that these data apply to penetration expressed as a percentage of households rather than of population. The OECD data given in the per country Appendices (1-14) are based on population.

Figure T10 Broadband lines and penetration Quarter 4, 2005

Country	Broadband lines	Households (000)	Penetration (%)	Growth in lines since Q1 2005
Australia	2,741,000	7,534	36%	33%
Canada	6,855,000	12,047	57%	14%
France	9,957,400	25,067	40%	23%
Germany	10,706,600	39,346	27%	30%
Ireland	263,000	1,369	19%	42%
Italy	6,733,000	23,192	29%	22%
Japan	22,146,000	49,120	45%	11%
South Korea	12,200,000	17,000	72%	1%
Sweden	1,958,000	4,223	46%	27%
US	43,360,000	111,220	39%	16%
UK	9,828,300	25,440	39%	27%

Source: Point Topic, Ovum

From : http://www.broadbanduk.org/reports/dti/0603%20InternationalBBMarketComparisons.pdf