



Regulation of streaming media

What is the status of streamed Internet services in the regulatory scheme administered by the ABA? Where do they fit in the three main kinds of services regulated by the ABA — broadcasting services, datacasting services and online services?

These were the main issues addressed by Professor Flint in an address to the Streaming Video World conference in Sydney on 25 October.

'Until last month it was a moot point whether streamed Internet services fell within the definition of broadcasting. However, with effect from 24 September 2000, the Minister for Communications Information Technology and the Arts determined that Internet services do not fall within the definition,' Professor Flint said.

'So, even if an Internet service passes the 'look and feel' test of broadcasting, as far as the ABA is concerned it is definitely not broadcasting — unless the service uses the broadcasting services bands. These bands are the parts of the radiofrequency spectrum that are used by free-to-air radio and television in Australia.'

'Datacasting via the broadcasting services bands is a potential new medium for delivery of streamed services. It is a potential competitor to the Internet. Alternatively it may be a means for delivering the Internet.'

'There has been some confusion about the scope of the rules governing datacasting, with a concern in the industry that these same limitations are intended to apply more generally to Internet services. This is not the case.'

'Datacasting' refers to any digital data transmission using the broadcasting services bands, other than those converting television services are required or permitted to transmit. Datacasting does not refer to any other kind of streamed media. For example, if a television receiver is able to access streamed media the special rules governing 'datacasting' would only apply where the material is delivered via the broadcasting services bands.'

'As you can see most streaming will fall outside of broadcasting and datacasting regulation.'

'It is likely that streaming will fall under the content regulation of online services. This is directed to community concerns about illegal and offensive material, for example child pornography. It is unlikely that any civilised society would tolerate such material. The fact that this material emanates from a foreign source may not

and probably will not ensure that this can be perpetrated with impunity.'

'In addition, other aspects of content regulation may be, and in some way already are being addressed by international co-operation.'

'For example, the Asia-Pacific Regulatory Roundtable considered a paper, *Principles for Transborder Satellite Television Broadcasting in the Asia-Pacific Region*, in September 1999.'

'These principles are now being considered by various governments in the region. They set out appropriate standards, for example that children be protected, and that news and current affairs should aim to be accurate, fair and balanced, and respectful of the privacy of individuals. Also, the principles provide that advertisements, including those for products such as tobacco, alcohol and medicines should comply with the domestic rules of the transmitting country.'

'It is likely that there will be more international co-operation in ensuring that children are protected, and a broad consensus is observed on such matters as sex, violence, criminal activity and drug abuse.'


The full text of Professor Flint's address is available on the ABA web site at www.aba.gov.au/about/public_relations/speeches/index.htm.

Regulators from Asia and the Pacific

The Fifth Regulatory Roundtable for Asia and the Pacific was hosted by the Broadcasting Standards Authority in Wellington, New Zealand, from 2 to 4 October 2000. There were representatives from Australia, Hong Kong SAR China, Indonesia, Korea, Malaysia, New Zealand, Philippines, Singapore, Sri Lanka and Taiwan.

The Roundtable discussed different regulatory responses to topics such as:

- the convergence of broadcasting and telecommunications;
- freedom of expression and the dissemination of information;
- Internet content;
- the introduction of digital television; and



News Update



Participants at the fifth Regulatory Roundtable, Wellington, NZ.

- public service broadcasting versus public broadcasting service.

The ABA was represented by Professor Flint, and Phyllis Fong, Manager Policy/Research. They informed the Roundtable of progress in regulatory responses in Australia, including:

- progress regarding the Asia-Pacific Regulatory Roundtable's transborder satellite television broadcasting principles, and in particular their incorporation as guidelines for international broadcasting services;
- the enactment of the *Broadcasting Services Amendment (Digital Television and Datacasting) Act 2000*, which provides the legislative framework for datacasting services; and
- the findings of the commercial radio inquiry and remedial action that has been proposed.

The next Roundtable will be hosted by the Malaysian Communications and Multimedia Commission.

On expiry of the memorandum of understanding between the Singapore Broadcasting Authority and the ABA in June 2000, both parties were keen to see the continuation of their cordial relations. Consequently, the the Singapore Broad-



Mr Niam Chiang Meng, SBA Chairman, and Professor Flint after signing the memorandum of understanding, Wellington, NZ.

casting Authority and the ABA renewed their relations by signing a memorandum of understanding on 1 October 2000. Both parties took advantage of the presence of the chairs of the two agencies in Wellington and the signing took place before the commencement of the Roundtable.

Conference report: National Indigenous Media Association of Australia Conference

Jonquil Ritter, Director, Planning and Licensing and Rick O'Brien, Manager, Licensing attended part of the National Indigenous Media Association of Australia Conference which was held in Broome from 16 to 20 October 2000. Here is a brief report.

We gave a presentation on current planning and licensing issues as well as outlining some keys rights and responsibilities of community broadcasters. We then took questions from the floor.

Key discussion points during the days of the conference we attended were:

- the problems of the limited resources indigenous broadcasters have;
- the relationship between NIMAA and the National Indigenous Radio Service;
- the feasibility study that is being undertaken into a National Indigenous Broadcast Service;
- the recent National Indigenous Media Olympic Project broadcast from the Central Australian Aboriginal Media Association studios; and
- the planned production of a definitive Australian Indigenous Almanac.

Our attendance at the conference, visits to Goolari TV and Radio and the many informal discussions we had in Broome proved to be enormously informative. We are hoping to continue with an ongoing successful and productive relationship with NIMAA.



Delegates at the NIMAA conference table