

Narrowcast television standards to reflect anti-terrorism laws

ACMA is proposing to determine new standards for subscription and open narrowcasting television services that aim to prevent the retransmission or broadcast from within Australia of programs that directly support terrorist organisations and terrorist activities.

The proposed standards reflect existing Commonwealth anti-terrorism laws. Key features are:

- open and subscription narrowcast television services must not broadcast programs that can reasonably be construed as:
 - directly recruiting persons to join, or participate in, the activities of a terrorist organisation or
 - soliciting or assisting in the collection or provision of funds for a terrorist organisation
- the definition of ‘terrorist organisation’ is linked to the list of terrorist organisations prescribed in the Commonwealth Criminal Code Regulations 2002
- the standards place the obligation on television narrowcasters to ensure that prohibited programs will not be broadcast, and
- program content that is part of a bona fide report, comment on a matter of public interest, or political opinion, will not be prohibited, ensuring that freedom of expression is not unduly restricted
- the current television narrowcast codes of practice

already limit the ability of narrowcasters to broadcast views that are likely to incite or perpetrate hatred towards, or vilify particular groups, and they provide adequate safeguards.

ACMA decided to determine standards because it is satisfied that the television narrowcast codes of practice and the class licence conditions do not address certain matters in the anti-terrorism legislation.

A GAP IN THE REGULATORY FRAMEWORK

ACMA decided to start the process for imposing standards after an investigation, by the former ABA, into the broadcast of Al Manar programming by TARBS in 2004. Al Manar is a channel based in Lebanon and was being delivered by TARBS, a subscription narrowcasting television service based in Australia.

The investigation highlighted a gap in the regulatory framework. Under the class licence condition, narrowcasters only commit an offence and breach the class licence condition if they intend to use a broadcasting service to commit the offence, or are reckless in their knowledge of whether the service is being used to commit the offence.

The proposed standards address these concerns by prohibiting programs that directly recruit participants or solicit donations for terrorist organisations, regardless of a narrowcaster’s intention or knowledge about the program content.

Closing date for comment is 9 December 2005. More information about the proposed standard is available on the ACMA website (go to Radio & TV > Content regulation > Codes and standards > Narrowcasting). Send written comments to the Manager, Industry Review, or email broadcasting@acma.gov.au.

ARNHEM LAND MAY HAVE NEW COMMUNITY RADIO SERVICE

ACMA is proposing to make a new community radio service available in north-east Arnhem Land in the Northern Territory.

The proposal follows a submission from the Aboriginal Resource and Development Services Inc (ARDS). ARDS is interested in establishing a community broadcasting service in the Yolngu Matha language to be based in Nhulunbuy with AM translator services across north-east Arnhem Land and Darwin.

The proposal is contained in an explanatory paper and draft licence area plan for Arnhem Land. The proposed service would operate on the AM radio band with transmitters at Nhulunbuy, Darwin, Yathalamarra, Elcho Island and Gapuwiyak.

In its submission, ARDS states that English literacy

among the Yolngu is very low. There are no existing broadcasting services specifically targeting the Yolngu people in any of the areas proposed to be served. ARDS has been operating on temporary community broadcasting licences at Nhulunbuy and Darwin since May 2004, although the Nhulunbuy service is off air at present due to antenna problems.

The closing date for comments was 25 November 2005. The explanatory paper, draft licence area plan and draft variation to the frequency allotment plan are on the ACMA website, www.acma.gov.au (go to Latest > For comment > Broadcasting > Draft licence area plans) or telephone 1800 810 241.

Plan for additional national radio services in Dubbo

ACMA is proposing to make additional channel capacity available for the full suite of ABC radio services in Dubbo.

Dubbo is located approximately 100 km from the nearest high power transmitter for national services at Mt Cenn Cruaich (Central Western Slopes) and these services do not provide an adequate level of coverage in Dubbo.

ACMA is also proposing to make additional channel capacity available for the 2ZOO commercial radio service at Dubbo and Wellington.

The proposals will allow

the national and commercial broadcasters to provide adequate coverage of their services to Dubbo.

The proposals are contained in an explanatory paper and draft variation to the radio licence area plan for Central Western Slopes.

COMMENT
The closing date for comments was 25 November 2005. The explanatory paper and the draft licence area plan are on the ACMA website (go to Latest > For comment > Broadcasting > Draft licence area plans) or telephone 1800 810 241.