

APPENDICES





SUBSIDIARY LEGISLATION 350.25

REQUIREMENTS AS TO ADVERTISEMENTS METHODS OF ADVERTISING AND DIRECTIONS APPLICABLE TO GAMBLING ADVERTISEMENTS

22nd March, 2007

Government Notice 407 of 2007.

Citation. The title of these requirements is the Requirements as to Advertisements, Methods of Advertising and Directions applicable to Gambling Advertisements.

1. Introduction

1.1 These Requirements as to Advertisements, Methods of Advertising and Directions have been made by the Broadcasting Authority in virtue of article 19(3) and (5) of the Broadcasting Act, Chapter 350 of the Laws of Malta.

2. Objectives

2.1 The main objective of these Directions is to ensure that gambling advertisements in the local broadcasting media are socially responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harmed or exploited by advertising that features or promotes gambling. The Directions also seek to promote appropriate ethical standards in the content of this category of advertising.

2.2 These Directions do not cover the advertising of a casino since any such advertising is prohibited in terms of article 49 of the Gaming Act (Chapter 400 of the Laws of Malta).

3. Applicable Legal Provisions

3.1 The applicable legal provisions are article 19(3) and (5) of the Broadcasting Act (Chapter 350) of the Laws of Malta.

4. Definitions

4.1 For the purpose of these Directions, "gambling" means gaming or remote gaming or betting or playing an authorised game under the Lotteries and Other Games Act, the Gaming Act and, without prejudice to the generality of the foregoing, includes the national lottery, commercial bingo halls, Internet gaming, betting and other forms of licensed gaming; but does not include gaming carried out for a philanthropic or charitable or other social purpose which the Authority may from time to time approve, as well as such gaming which is carried out in conformity with and is regulated by the Broadcasting Authority's directive on Conduct of Competitions and the Award of Prizes on the Broadcasting Media or any other provision in the Lotteries and other Games Act or any subsidiary legislation made thereunder regulating broadcasting media games.

5. Directions

5.1 Television stations shall not broadcast any gambling advertisements between 6:00am and 7:00pm. When gambling advertisements are broadcast between 7:00pm and 6:00am, they shall not be broadcast during, or immediately prior to or after, children's programmes or those programmes directed at or likely to be of particular appeal to children.

5.2 Radio stations shall not broadcast any gambling advertisements between 6:00am and 9:00am and between 2:00pm and 7:00pm. When gambling advertisements are broadcast between 9:00am and 2:00pm and between 7:00pm and 6:00am they shall not be broadcast during, or immediately prior to or after, children's programmes or those programmes directed at or likely to be of particular appeal to children.

5.3 When gambling advertising is not allowed in terms of paragraphs 1 and 2 above, the sponsorship by any gambling licensee of any programme or advert aired on any radio or television station is prohibited.



5.4 When gambling advertising is allowed in terms of paragraphs 1 and 2 above, broadcasters shall not air any advert that:

- i. encourages any person to contravene a gaming law; or
- ii. shows persons under eighteen years or other vulnerable persons gambling; or
- iii. encourages or targets persons under eighteen years or other vulnerable persons to gamble; or
- iv. is likely to be of particular appeal to persons under eighteen years or other vulnerable persons, especially by reflecting or being associated with youth culture; or
- v. exploits the susceptibilities, aspirations, credibility, inexperience or lack of knowledge of persons under eighteen year or other vulnerable persons; or
- vi. is false or untruthful, particularly about the chances of winning or the expected return to a gambler; or
- vii. suggests that gambling is a form of financial investment; or
- viii. portrays, condones or encourages gambling behavior that is socially irresponsible or could lead to financial, social or emotional harm; or
- ix. suggests that skill can influence games that are purely games of chance; or
- x. promotes smoking or the abuse of the consumption of alcohol while gambling; or
- xi. implies that gambling promotes or is required for social acceptance, personal or financial success or the resolution of any economic, social or personal problems; or
- xii. contains endorsements by well-known personalities or celebrities that suggest gambling contributes to their success; or
- xiii. exceeds the limits of decency; or
- xiv. suggests that gambling can provide an escape from personal, professional or educational problems such as loneliness or depression; or
- xv. portrays gambling as indispensable or as taking priority in life, for example over family, friends or professional or educational commitments; or
- xvi. suggests that gambling can enhance personal qualities, for example that it can improve self-image or self-esteem, or is a way to gain control, superiority, recognition or admiration; or
- xvii. links gambling to seduction, sexual success or enhanced attractiveness.

6. These Directions apply also to teletext services on television and to the radio data system (RDS) on radio services.

7. These directions do not prohibit the announcement of gambling results during any time of the day.



BROADCASTING ACT (CAP. 350)

BROADCASTING (JURISDICTION AND EUROPEAN CO-OPERATION) REGULATIONS, 2000

TRANSMISSION OF MAJOR EVENTS

Government Notice 86 of 2007

IN exercise of the powers conferred by sub-regulation (1) of regulation 6 of the Broadcasting (Jurisdiction and European Co-operation) Regulations, 2000, the Broadcasting Authority has drawn up hereunder a list of designated events, national or non-national, which it considers to be of major importance for the Maltese society:

Cultural Events

1. The Malta Song for Europe: final and qualifying nights.
2. The Eurovision Song Festival: final night but qualifying event also included in case of Maltese participation.
3. The Malta Carnival: Saturday Carnival for Children, Carnival Sunday and Tuesday Floriana Carnival.

Sports Events

4. The Maltese national football team's competitive home matches.
5. The Maltese national football team's competitive away matches.
6. The final and semi-final games of the U.E.F.A. Cup and of the U.E.F.A. Champions League.
7. The opening ceremony, the opening game, the quarter-finals, the semi-finals, the game for third place and the final of the FIFA World Cup.
8. The opening ceremony, the opening game, the semi-finals and the final of the U.E.F.A. European Football Championship.
9. The opening ceremony and Maltese participation in the Summer Olympic games.
10. The opening ceremony and the finals taking place on the last day of the Games of the Small States of Europe.
11. The March and September regattas.

Coverage

1. In the case of the events listed above, coverage shall be direct and in full except in the following cases:
 - a) The Maltese national football team competitive home matches which could be aired on a deferred basis within 24 hours from the time that the match has ended.
 - b) The Malta Carnival held on Saturday afternoon is to be broadcast on a deferred



basis and in full on Carnival Sunday afternoon only if the actual Carnival Sunday event has been cancelled.

Transitory Provision

2. The semi-final of the U.E.F.A. Cup and of the U.E.F.A. Champions League shall be considered a major event with effect from the football season 2007-2008.

Government Notice No. 900 of 2001 is hereby revoked.

29th January, 2007



GUIDELINES ON GENDER EQUALITY AND GENDER PORTRAYAL IN THE BROADCASTING MEDIA

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5. Legal FRAMEWORK

1. Executive Summary

1.1. These guidelines apply to all programmes, including news and advertisements, broadcast on radio and television stations and are intended to make the broadcasting media more sensitive to gender equality. These guidelines are directed to the people in production, decision-makers of programme structures and producers of advertisements, amongst others.

1.2. These guidelines aim to sensitise producers to use gender inclusive vocabulary and images.

1.3. These guidelines deal with sex-role portrayal in television and radio programming and attempt to address the issue of stereotyping in the broadcast media. Media images and productions should provide an equal representation of women and men in roles of authority in characterization and in production as well as in caring situations.

1.4. Also these guidelines are targeted to broadcasting stations to sensitise licensees to the issue and to reduce the incidence of unequal portrayal of the sexes in broadcast programming.

1.5. These guidelines focus on the equal representation of men and women in the broadcasting media. Such representation should be recognized and the portrayal of men and women should reflect their actual social and professional achievement, career, interests and roles. The broadcasting media should reflect the continuous change in Maltese society with regard to the professional roles of men and women.

1.6. Such guidelines provide guidance for broadcasters who should portray the role diversity for both genders. These guidelines guide broadcasters on how to use media as a tool to promote equality and thus promote change rather than perpetuate gender stereotypes.

1.7. Radio and television broadcasters should eliminate media representations which encourage discrimination and degradation on the basis of gender. It is to be emphasised that such an approach is illegal.

1.8. Since negative portrayal and representation of one sex may be linked to the lack of gender policy guidance, these guidelines are intended to advance the awareness of, and sensitivity to, the problems related to the negative or inequitable sex-role portrayal of persons. These guidelines aim to help producers develop positive images of men and women and eliminate systematic discrimination.

1.9. These guidelines recommend that production of programmes targeted mainly to one sex should be given general titles incorporating the family or the home and in this way such programmes would appeal to a wider range of listeners and viewers.



2. Portrayal

2.1 Broadcasters should ensure that the portrayal, reporting and representation of women and men respect their dignity. Television and radio programming should promote equal opportunities for men and women.

2.2 Men and women should be portrayed in a wide range of roles, both traditional and non-traditional, in paid work, social, family and leisure activities. Men and women should both be seen as taking decisions to support the family and in household tasks and home management.

2.3 Television and radio programming should portray diversity in family structures, that is, not only marriages between woman and man but the portrayal of single parenting and adopted children. Indeed, the portrayal of different family structures should be done in such a manner as to avoid 'victimisation' of atypical structures. It is imperative that these are not depicted in a pitiful state.

2.4 Broadcasters should promote recognition of tasks usually associated with women and portray them equally important as traditional male tasks and which should be carried out by both genders.

2.5 Certain subjects like family planning, welfare, health of the mother and the child, education and upbringing of children, should be directed at both men and women.

2.6 Broadcasters should ensure diversity in portrayal of men and women with diversity in age, abilities, physical appearance, occupation and family status. Broadcasters should emphasize gender equality and non-stereotyped gender roles of men and women within the family.

2.7 Media should eliminate sex-role stereotyping.

2.8 Broadcasters are encouraged to refrain from presenting women as inferior beings and exploiting them as sexual objects as it is illegal to do so.

2.9 Broadcasters should eliminate negative sex-role portrayal. This refers to the representation which associates particular roles, types of behaviour and characteristics to people on the basis of gender without considering the characteristics of each individual.

2.10 Moreover, negative comments on the role of women, men or children should be eliminated.

2.11 Programmes should not reinforce the patriarchal power relation of society where men are seen to be more powerful. The broadcasting media should not over emphasise certain roles of women mainly the domestic and sexual role and portray as submissive.

2.12 Men and women should be portrayed in both public and private spheres.

2.13 Radio and television programmes should not ridicule and stigmatise people on the bases of gender and sexual orientation.

2.14 Women should appear more on the screen and should not be seen in limited roles. Women's thinking abilities and men's caring abilities should also appear on the screen.

2.15 Women should not be segregated in one type of programme known as women's programmes. Such programmes should be also targeted to men. Subjects of interest to women are also interesting to the fathers of the children. Such programmes are to be categorized as 'family programmes' and not 'women's programmes'.



3. Gender inclusive Language

3.1 These guidelines ensure that non-sexist language, that is the exclusion of one sex on the basis of gender, is not used in radio and television programming. Sexist language reflects the idea that one sex is superior to the other. Such language contributes, promotes or results in the oppression of one of the sexes to the detriment of the other and exploits an unfair distinction between sexes. Sexist language imposes stereotypes.

3.2 Also radio and television productions should not use language that can be offensive, misrepresents and excludes women or men. Generic terms which include both sexes should be used with regard to the question of language in the media.

3.3 All discussion programmes' panels should be constituted of both genders.

4. Human Resources in Media Organisation

4.1 Television and radio stations should increase the participation and involvement of both sexes in broadcasting as producers or decision makers in the industry. Men and women should have equal responsibilities in the broadcasting industry. Broadcasters should ensure both sexes equal access to all areas and levels of the broadcasting media.

4.2 Broadcasting companies should recruit a gender-balanced staff.

4.3 Broadcasting organisations should adopt an equality policy and a structure for the employment of both sexes in key sectors and in managerial level.

4.4 Both sexes need to be involved in decision-making to promote an active and visible policy of mainstreaming a gender perspective in the broadcasting media.

5. Legal Framework

Although the above paragraphs are intended to serve as guidelines to the broadcasting industry, it must be borne in mind that Maltese law also contains provisions which prohibit discrimination in the media. In particular, reference is made to article 10 of the Equality for Men and Women Act, Chapter 456 of the Laws of Malta, which reads as follows:

Discriminatory Advertisement. Cap. 452. **10.** (1) Without prejudice to the provisions of article 26 of the Employment and Industrial Relations Act, it shall be unlawful for persons to publish or display or cause to be published or displayed any advertisement, or, otherwise to advertise a vacancy for employment which discriminates between job seekers or to request from job seekers information concerning their private life or family plans:

Provided that the provisions of this subarticle shall not apply in such cases where employers prove that the work in connection with the situation advertised can only be performed by a person of a specific sex.

(2) It shall not be lawful for persons to publish or display or cause to be published or displayed any advertisement which promotes discrimination or which otherwise discriminate.

(3) Persons who act in breach of subarticle (1) and (2) shall be guilty of an offence against this article and shall, on conviction, be liable to the penalties established for contravention.

(4) For the purposes of subarticle (1), advertising includes disseminating information about the vacancy by word of mouth from person to person.

3rd July 2007



SUBSIDIARY LEGISLATION 350.26

REQUIREMENTS AS TO STANDARDS AND PRACTICE ON THE PROMOTION OF RACIAL EQUALITY

30th April, 2007

Government Notice 413 of 2007.

Citation. The title of these requirements is the Requirements as to Standards and Practice on the Promotion of Racial Equality.

International Law

Crimes of racial hatred as a limitation or restriction to freedom of expression are referred to in Article 4 of the UN Convention on the Elimination of All Forms of Racial Discrimination - which Convention has been adhered to by Malta - when it provides that:

"State parties condemn all propaganda and all organisations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, ... shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof ...".

The international community views with great alarm activities based on racial hatred so much so that the United Nations requires Member States to outlaw such conduct. There is also no doubt that such laws do impinge on freedom of expression. However, the mere fact that racist speech is involved does not automatically mean that a state can punish such discourse. If there is a threat to the democratic order or to the basic assumption of democratic states so that the interference with a person's speech is necessary for the protection of the rights of others and in the interest of national security, then the matter might take a different twist. In other words, freedom of expression as contained in both article 41 of the Constitution of Malta and article 10 of the European Convention of Human Rights and Fundamental Freedoms (as well as other international instruments such as the United Nations International Covenant on Civil and Political Rights, etc.) allows as an exception thereto certain discourse which falls within the limitations referred to in article 41(2) of the Constitution of Malta and article 10(2) of the European Convention of Human Rights and Fundamental Freedoms.

European Law

Apart from Article 10 of the European Convention on Human Rights and Fundamental Freedoms, reference is to be made to Article 7, paragraph 1 of the Council of Europe's Trans-frontier Television Convention which states that:

"All items of programme services, as concerns their presentation and content, shall respect the dignity of the human being and the fundamental rights of others. In particular, they shall not ... give undue prominence to violence or be likely to incite to racial hatred".

On the other hand, the European Union's Television Without Frontiers Directive states in Article 22a that:

"Member States shall ensure that broadcasts do not contain any incitement to hatred on grounds of race, sex, religion or nationality."



During the meeting of the High Level Group of Regulatory Authorities in the Fields of Broadcasting held in Brussels on 17th March 2005, it was agreed between the European Commission and Regulatory Authorities in Europe that effective supervision of hate speech can only be guaranteed through strong cooperation between Regulatory Authorities in Europe.

Maltese Law

Maltese Law regulates racial hatred in the following laws:

Article 45 of the Constitution of Malta which prohibits discrimination on the grounds of race. No law can make any provision that is discriminatory either of itself or in its effect. Article 45 (3) defines discrimination as follows:

"45.(3) In this article, the expression "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description."

Article 14 of the European Convention of Human Rights and Fundamental Freedoms also prohibits discrimination as follows:

"14. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

Article 82A of the Criminal Code reads as follows:

"82A. (1) Whosoever uses any threatening, abusive or insulting words or behaviour, or displays any written or printed material which is threatening, abusive or insulting, or otherwise conducts himself in such a manner, with intent thereby to stir up racial hatred or whereby racial hatred is likely, having regard to all the circumstances, to be stirred up shall, on conviction, be liable to imprisonment for a term from six to eighteen months.

(2) For the purposes of the foregoing subarticle "racial hatred" means hatred against a group of persons in Malta defined by reference to colour, race, nationality (including citizenship) or ethnic or national origins.

The Criminal Code also provides that in the case of several specified crimes* the punishment is increased by one or two degrees when the offence is racially or religiously aggravated, that is,

- a) if at the time of committing the offence, or immediately before or after the commission of the offence, the offender demonstrates towards the victim of the offence hostility based on the victim's membership which in relation to a racial or religious group, includes association with members of that group, or presumed membership (that is, membership presumed by the offender) of a racial or religious group; or
- b) the offence is motivated, wholly or partly, by hostility towards members of a racial group based on their membership as presumed by the offender to that group.

*The specified crimes where the punishment is increased as aforesaid are the case of wilful offences against the person (bodily harm, whether grievous or slight); threats; blackmail; private violence; causing explosion likely to endanger life or property; where death or grievously bodily harm is caused by the explosion; discharge, etc., of lethal device; arson endangering life; arson to the common danger; arson without danger of life; arson of vineyards, etc.; destruction by the springing of a mine; and spoil, damage or injury in general.



For the purposes of the Criminal Code, "racial group" means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins, and "religious group" means a group of persons defined by reference to religious belief or lack of religious belief.

Article 6 of the Press Act reads as follows:

"6. Whosoever, by any means mentioned in article 3, shall threaten, insult, or expose to hatred, persecution or contempt, a person or group of persons because of their race, creed, colour, nationality, sex disability as defined in article 2 of the Equal Opportunities (Persons with Disability) Act, or national or ethnic origin shall be liable on conviction to imprisonment for a term not exceeding three months and to a fine (multa).

Article 13(2)(a) of the Broadcasting Act reads as follows:

"13.(2) It shall be the duty of the Authority to satisfy itself that, so far as possible, the programmes broadcast by persons providing sound or television broadcasting services in Malta comply with the following requirements, that is to say:

- (a) that nothing is included in the programmes which offends against religious sentiment, good taste or decency or is likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling.

Legal Interpretation

In this respect, article 13(2)(a) of the Broadcasting Act when read in conjunction with article 82A of the Criminal Code do not violate freedom of expression even if they tend to restrict its exercise within a democratic society which is based on the rule of law.

Bearing the above international, European and national law on the subject, the Authority has adopted these Requirements as to Standards and Practice hereunder in virtue of article 20(3) of the Broadcasting Act, Chapter 350 of the Laws of Malta, to assist local producers and broadcasters in their civic obligation to promote racial equality as well as when dealing with matters which might relate to racial hatred.

Requirements

1. *Promotion of Racial Equality, Tolerance and Diversity*

1.1 Broadcasters must be proactive by promoting racial equality in their programming.

1.2 Broadcasters must exert a judicious decision when selecting presenters and participants during a programme dealing with racism. In making such a selection, broadcasters must not invite persons with racist ideas and opinions.

1.3 In their programming, broadcasters are to foster a multicultural society. This could be done, for instance, by ensuring, as far as possible, that racial groups are represented by members of the racial groups themselves, and by providing space to inform on other cultures present amongst the Maltese population and their perception of the Maltese culture and attitudes.

1.4 When discussing multicultural issues, broadcasters are to include the views of persons from different ethnic and religious backgrounds rather than report their views second hand. Broadcasters must take into account the linguistic and cultural differences which may be experienced by the interviewee and all necessary steps must be taken to place the interviewee at ease and to reflect the interview faithfully.

2. *Prohibition of Illegal Content*

2.1 No programme may contain any matter contrary to law.



3. *Respect for Human Dignity and Treatment of Racial Groups*

3.1 Viewers and listeners have a right to expect that broadcasters will assume their responsibility to respect and to promote human dignity, in respect of both individuals and individuals as members of groups.

3.2 Individuals must not be exploited or caused unnecessary distress, nor should the audience be made to feel that they are mere voyeurs of others' distress.

3.3 The likely effects of both misrepresentation and under-representation must be taken into account when portraying vulnerable racial groups.

4. *Racial Hatred*

4.1 Programmes that are likely to stir up racial hatred should not be transmitted. Programme schedules must give a fair reflection of the contribution of all races to society.

4.2 Racist terms are to be avoided. As insensitive comments or stereotyped portrayal cause offence, their inclusion is acceptable only where it can be justified within the context of the programme.

4.3 Careful account has to be taken of the possible effect upon the ethnic group concerned, as well as the population as a whole, and of changes in public attitudes to what is, and is not, acceptable.

5. *Discrimination and respect for National and Ethnic Values*

5.1 The presentation or portrayal of people in a way which is likely to encourage denigration of or discrimination against any person or section of the community on account of race, ethnicity, nationality or colour must be avoided. This requirement is not intended to prevent the broadcast of material which is factual, or the expression of genuinely-held opinion in a news or current affairs programme, or in the legitimate context of a humorous, satirical or dramatic work.

5.2 The broadcasting media must at all times be aware of the danger that arises when media, deliberately or by inadvertence, encourages discrimination and intolerance. Mindful of this danger, the broadcasting media have to be aware of the fact that they cannot incite or inflame hatred or inequality on grounds of ethnicity, nationality, race or colour, or incite criminal acts of violence as all these are prohibited by law.

5.3 The act of remaining impartial when citing events of racial hatred may be tantamount to supporting them. Hence all broadcasters must clearly state their position against racial discrimination.

5.4 Broadcasters are to avoid prejudicial or insulting references to a person's ethnic group, nationality, race or colour. Reference to a person's ethnic group, nationality, race or colour must be made only when directly relevant to the event being reported.

5.5 A broadcaster has to respect national and ethnic values. In doing so, a broadcaster must not air material, which encourages discrimination on the grounds of ethnicity, race, nationality or colour.

6. *Violence against specific groups*

6.1 Broadcasters must not air programmes which sanction, promote or glamorise violence based on race, nation or ethnic origin or colour.

7. *Political Opposition and Refugees*

7.1 When reporting on countries where opposition to the government entails a risk to life and limb, broadcasters must always consider whether mentioning names or visual images could lead to the identification and persecution of the persons concerned. The same applies to reports on refugees. The broadcast of details identifying refugees, their escape routes and the manner in which they prepared and executed their escape might endanger the families and friends those refugees left behind or close escape channels for other refugees. Where in doubt the broadcasters



should exercise utmost diligence to protect the identity of the refugee or asylum seeker. In accordance with the Data Protection Act, legally permission is to be sought for the printing or the broadcasting of a photograph of any person, and therefore such permission is to be sought beforehand.

8. Acts of violence covering ethnic disputes or clashes

8.1 News, views or comments relating to local ethnic or religious disputes or clashes must only be broadcast after proper verification of facts and must be presented with due caution and restraint and in a manner which is conducive to the creation of an atmosphere congenial to national harmony, amity and peace.

8.2 Sensational, provocative and alarming headlines and programming must be avoided.

8.3 News reports of commentaries must not be written in a manner likely to inflame the passion, aggravate the tension or accentuate strained relations between the communities concerned. Hence the use of inflammatory language and terms which put ethnic or religious groups into a negative light should also be avoided.

8.4 Programmes which could potentially exacerbate communal trouble must not be broadcast.

8.5 The juxtaposing of programmes aimed at reporting of negative news and promoting racial equality must be dealt with sensitively, bearing in mind the final impact on viewers and listeners.

9. What Broadcasters Ought To Do

9.1 Steer clear of exploiting prejudice.

9.2 Check the facts.

9.3 Do not let the broadcaster's news agenda be driven by the way others are handling the issue.

9.4 Look behind the story line.

9.5 Listen to the people the broadcaster is writing about.

9.6 Do not label if it is not relevant.

9.7 Take the longer term view into account.

9.8 Remember each person of different ethnic or religious background is entitled to respect of human dignity. Hence, they should be addressed with the same respect accorded to others.

9.9 Racial equality is a fundamental human right which the broadcaster and all viewers and listeners have a duty to observe.

10. Self-Regulation by the Broadcasting Media

10.1 Broadcasters should set up an easy-access complaints procedure and pro-actively inform the public and specifically vulnerable groups as to such procedure.

10.2 Media owners and registered editors should strongly support these Requirements.

10.3 Media owners should promote ethical standards amongst editors and journalists and raise awareness about these Requirements. Training on these Requirements should be a standard element of journalistic training.



SUBSIDIARY LEGISLATION 350.27**REQUIREMENTS AS TO STANDARDS AND PRACTICE
APPLICABLE TO THE PRICE OF TELEPHONE CALLS AND SMS'S
IN THE BROADCASTING MEDIA**

15th May, 2007

Government Notice 458 of 2007.

Citation. The title of these requirements is the Requirements as to Standards and Practice applicable to the Price of Telephone Calls and SMS's in the Broadcasting Media.

1. Purpose

1.1 These Requirements as to Standards and Practice have been made by the Broadcasting Authority in virtue of article 20(3) of the Broadcasting Act, Chapter 350 of the Laws of Malta.

2. Cost of Telephone Call and SMS to be made known

2.1 Where the cost of a telephone call or sms is higher than the normal published tariff, then the broadcaster has to inform the viewer or listener, as the case may be, of the price of that phone call or sms.

2.2 If a proportion of the cost of the call or sms, as the case may be, is intended for any non-profit making cause, then that proportion must also be specified.

2.3 In the case of a television programme, the information referred to in paragraphs 2.1 and 2.2 shall be given by means of a caption which shall comply with the Requirements as to Standards and Practice applicable to Crawls and Captions in Television Programmes.

2.4 These Requirements apply to any programme broadcast on radio and television.



**REGULATION OF BROADCASTING AND ICTS – ISSUES AND CASE STUDIES
CONVERGENCE, OBJECTIVES, MEANS AND INSTRUMENTS**

By

**Dr. Kevin Aquilina
Chief Executive
Broadcasting Authority**

29th May 2007

**A Malta - Commonwealth Third Country Training Programme
LEGAL FRAMEWORK FOR INFORMATION AND COMMUNICATION TECHNOLOGIES
21st May – 1st June 2007
The Victoria Hotel, Sliema**

1. Introduction to the Broadcasting Authority

I will open this presentation by first discussing the Broadcasting Authority (BA), its history, composition and method of removal, problems which this composition brings about, its functions, its financing and the new challenges for the Authority in so far as institutional convergence is concerned.

2. History

The Broadcasting Authority was established on 29th September 1961 under the Broadcasting Ordinance. When Malta became an independent state in September 1964, the Broadcasting Authority was established by the Constitution of Malta.

3. Composition

The Authority is composed of a Chairman and four members. All members are appointed by the President of Malta on the advice of the Prime Minister after he has consulted the Leader of the Opposition.

In practice this has worked out as follows: the Prime Minister chooses two members; the Leader of the Opposition chooses another two; whilst the Chairman is agreed to between the Prime Minister and the Leader of the Opposition. If no agreement is reached, then it is up to the Prime Minister to advise the President on the nomination of the Authority.

4. Removal

A member of the Broadcasting Authority may be removed from office by the President, acting in accordance with the advice of the Prime Minister, but he may be removed only for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

5. Problems with this Procedure

It is not the first time that the discussions between the Prime Minister and the Leader of the Opposition as to the choice of the Members of the Authority take more time than is expected. This means that the appointment of the incumbent Members would have to be renewed beyond the lapse of the term of office or else no such extension takes place and the Authority is left unconstituted for a couple of weeks not to say months as well. For instance, in 2005, the Authority was not in office for roughly six months, even if the appointments - when made - were backdated.



6. Financing

The Authority is mainly financed through two sources:

- a) an annual subvention which is appropriated by Parliament and which can never be less than Lm 250,000 (around €600,000) per year;
- b) broadcasting fees and administrative penalties which it keeps for its own purposes.

Should the Authority require additional money to carry out its Constitutional function but does not have any revenue for that purpose, it is authorised by law to incur such expenditure.

7. Institutional Convergence

In Malta there are two separate authorities which regulate broadcasting: the Broadcasting Authority which regulates programming content on radio and television and the Malta Communications Authority which regulates the technical side of broadcasting. Both Authorities are independent of each other even if there is a healthy working relationship between the two.

At the present moment in time there has been no discussion on the part of Government of converging both authorities. Although convergence in the communications field seems to be the trend in the world, Malta has not yet taken any initiatives in this sense. Moreover, even if this discussion were to take place, there are certain factors which might make convergence more complicated. I have in mind the fact that the Broadcasting Authority – contrary to the Malta Communications Authority which is established by ordinary law – is established by the Constitution of Malta which is the supreme law of the land and the provisions of the Constitution dealing with the Broadcasting Authority require a two-thirds majority of the members of the House of Representatives – of M.P.s – to amend those provisions. Further, in Malta the two main political parties represented in Parliament – that is, the Government (Nationalist Party) and the Opposition (Malta Labour Party) – have their own radio and television station and hence they would want in all probability to preserve the status quo which is in their interest. So for convergence at the institutional level to take place it is necessary to have both Government and Opposition in agreement as to the new institutional set up.

8. Functions

The Authority was originally established in 1961 both as a broadcaster and as a regulator.

9 BA as a Broadcaster

Since 1991 it can be stated that the Authority is primarily a regulator and very marginally a broadcaster. The only case where the Authority is a broadcaster is in the case of schemes of political broadcasts. Indeed, the Authority organises the following schemes of political broadcasts:-

- a) General election broadcasts held normally every five years;
- b) Local council election broadcasts held every February-March of each year;
- c) European Union Parliamentary election broadcasts held normally every five years;
- d) Referenda broadcasts held every time a referendum is called (the last one was held in 2003 so that the people could decide whether Malta should join or not the European Union)

10. BA as a Regulator

As a regulator, the BA has a twofold function:

- a) a Constitutional function;
- b) a Legal function.

11. The Constitutional Function

The constitutional function is set out in article 119 of the Constitution and provides as follows:

'It shall be the function of the Broadcasting Authority to ensure that, so far as possible, in such sound and television broadcasting services as may be provided in Malta, due impartiality is preserved in respect of matters of political or industrial controversy or



relating to current public policy and that broadcasting facilities and time are fairly apportioned between persons belonging to different political parties.’

12. The Legal Function

The Constitution further provides that the constitutional function of the Broadcasting Authority is without prejudice to such other functions and duties as may be conferred upon it by any law for the time being in force in Malta. The main legal function of the Authority is set out in the Broadcasting Act. Essentially this function can be subdivided into the following categories:

- a) Licensing of Radio and Television;
- b) Regulation of Programme Content;
- c) Developing broadcasting standards;
- d) Carrying out Research;
- e) Enforcing the provisions of the law;
- f) Other miscellaneous functions (training of staff and broadcasters, reporting to Parliament, etc.).

13. Licensing of Radio and Television

The Authority licences the following:

- a) Community Radios – Analogue;
- b) Nationwide Radio Stations – Analogue and Digital;
- c) Nationwide Television Stations – Analogue and Digital.

The Authority has been delegated by Government on an *ad hoc* basis to licence Satellite Broadcasting.

Cable broadcasting is licensed by the Malta Communications Authority but the BA supervises programme content on the cable network.

The MCA has also licensed a digital radio platform and the BA is currently in the process of drawing up regulations to be able to licence programme content on this network.

Apart from traditional radio and television broadcasts, the BA does not monitor other media which might contain broadcasting such as mobile telephony, the internet, etc. For the time being such content is not being monitored at all in Malta.

14. Media Concentration

In order to avoid media concentration, the Broadcasting Act establishes the following rules:

- a) Government can provide broadcasting services only through a company which provides public service broadcasting and Government may not, through any of its other companies, own voting shares in a company providing any broadcasting services;
- b) no organisation, person or company may own, control or be editorially responsible for more than
 - (i) one terrestrial or cable, radio broadcasting service, and
 - (ii) one terrestrial or cable, television broadcasting service, and
 - (iii) one terrestrial or cable, radio or television broadcasting service devoted exclusively to teleshopping.

15. The Current Broadcasting Landscape

In Malta the current broadcasting scenario is divided as follows:

- a) six nationwide television stations, four of which are free-to-air, one is carried both by the cable operator and the digital terrestrial operator and another station which is carried only by the cable operator;
- b) thirteen nationwide analogue radio stations;
- c) twenty-seven permanent analogue community radio stations;
- d) around twenty-two short-term analogue community radio stations;



- e) a digital cable system which carries 85 television channels and 61 radio channels and an analogue cable system which carries 55 television stations ;
- f) a digital terrestrial television network which carries 48 television stations;
- g) a digital radio network which will commence operations in December 2007.

Malta has not yet licensed any satellite channel.

There is also one teleshopping television station which is available only on the cable system.

16. Analogue Switch off Date

No date has been established for analogue radio switch off. On the other hand, the Malta Communications Authority has established 2010 as the year for switch off for analogue television.

17. Regulation of Programme Content

Programme content is regulated through European and Maltese Law.

In so far as European law is concerned, this is divided into two:

- a) the Council of Europe's European Convention on Transfrontier Television;
- b) the European Union's Television Without Frontiers Directive.

European law applies only to television broadcasts; radio broadcasts are not covered by the legislation of the Council of Europe and the European Union.

As to Maltese Law, the main provisions governing the regulation of programme content are found in:

- a) the Constitution of Malta – article 119(1);
- b) the Broadcasting Act;
- c) the subsidiary legislation made under the Broadcasting Act (Regulations, Codes, Requirements, Directives).

18. Advertising, Sponsorship and Teleshopping

The rules regulating Advertising, Sponsorship and Teleshopping are found:

- a) in the Third Schedule of the Broadcasting Act;
- b) in Requirements adopted by the Broadcasting Authority.

The Third Schedule – in so far as television is concerned faithfully transposes the European Union Television Without Frontiers Directive. The regulation of advertising and sponsorship on radio is also contained in this Third Schedule but does not reflect European Union law on the subject as there are no such rules regulating radio broadcasts at EU (or Council of Europe) level.

19. Protection of Minors

The Authority plays an important role in the protection of minors from harmful broadcasting content. Such content can be found in programmes and in advertisements. In so far as advertising and teleshopping content are concerned the Authority has developed a Broadcasting Code For The Protection of Minors.

As to other programming, the Authority has produced Requirements as to Standards and Practice applicable to Family Viewing and Listening, 2007, and the Television Programmes (Classification Certificates) Regulations in terms of which cinematographic works and any creative audiovisual work are classified.

20. Correct Use of the Maltese Language

The Authority has adopted a Broadcasting Code on the Correct Use of the Maltese Language on the Broadcasting Media. In terms of this Code, broadcasters have to safeguard the Maltese language, stop persons who abuse the Maltese language on their media from participating, and



ensure that the Maltese spoken is clear and easy to understand apart from being properly used as to diction, semantics, grammar, syntax, morphology and content.

21. Programme Complaints

Although the BA has its own in-house Programme Monitoring Department, it is not possible bearing in mind the above described audiovisual landscape to be in a position to monitor all broadcasts locally originating in Malta let alone foreign rebroadcasts. Hence the Programme Monitoring Department has to randomly monitor programmes and to prioritise what is to be monitored and what not.

For this purpose the BA has adopted a policy in terms of which all news bulletins and all current affairs programmes are monitored whilst in the case of all other programming at least one episode of each programme is monitored and an appraisal made as to whether that programme would require continuous or random monitoring.

This procedure is supplemented by a Complaints procedure. For this purpose the Authority has in place a Code For The Investigation and Determination of Complaints in terms of which members of the public can first complain to a broadcasting station in writing with a copy to the BA and if the complaint is not solved by the station then the complainant can bring his or her case before the BA for its decision.

A complaint has to fall within the parameters of article 34 of the Broadcasting Act, that is, the complainant must be subjected to unjust and unfair treatment or there must have been an infringement of his or her privacy. In other cases, it is up to the Programme Monitoring Department to take action if the complaint does not fall under article 34 of the Broadcasting Act but under any other provision in terms of which the Chief Executive of the BA may issue a charge against a broadcasting station.

22. Programme Schedules

All radio and television stations have to provide the Authority with their programme schedules. As a rule the Authority does not approve these schedules except those of the public service broadcaster. However, when a general election is called, following the publication of the writ by the President of Malta calling a general election and the actual date of the elections – usually a five week period – the Authority would approve all programme schedules in order to ensure that all programming is impartial. The Authority also would approve any changes to programme schedules during this five-week period.

23. European Union Television Without Frontiers Directive

The European Union's Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting services, otherwise known as the Television Without Frontiers Directive, was amended in 1997 through Directive 97/36/EC of 30 June 1997 and is currently up for review again.

This Directive contains provisions which deal with major events, quotas, advertising, sponsorship and teleshopping, protection of minors, the right of reply, jurisdictional matters and other aspects relevant to broadcasting. Hereunder I will address a few of these issues.

24. Major Events

Malta's first list of major events dates back to 2001. This list has been revised in 2007 and provides a list of designated events, both Maltese and foreign, which the BA considers to be of major importance for Maltese society. Essentially this list consists in cultural and sports events which vary from the Malta Carnival to the World Cup, from the Malta Song for Europe to the Games of the Small States of Europe. The new list now contains 3 cultural events and 10 sports events.



25. Short News Reporting

Although the EU TWF Directive is silent on the point of short news reporting, the Authority has just approved a proposal which it will soon forward to the Prime Minister so that the latter can make regulations under the Broadcasting Act so that short news reporting is regulated in Malta.

26. Jurisdiction

Although the TWF Directive deals with jurisdictional issues in its articles 2 and 3 and applies the country of origin principle, it cannot be said that there have been any cases in Malta where this provision has had to be applied. This is mainly due to the fact that Maltese television and radio does not produce a transboundary effect: its range is limited to the Maltese islands.

27. Quotas: European Works and Independent Productions

The TWF Directive does oblige Malta to report to the EU Commission as to the compilation of statistics concerning European works and independent productions. Indeed, the TWF Directive requires Member States to ensure that at least 51% of their programming is European in origin and that 10% of a station's programming derives from independent production houses.

28. Developing standards

The Authority has been in the business of developing standards for broadcasting stations for quite some time. For instance, at the moment it is in the process of approving standards as to gender portrayal in the broadcasting media and will be probably discussing quality in broadcasting in the near future. These standards are found in the following documentation.

29. Requirements as to Standards and Practice

The Authority has issued Requirements as to Standards and Practice on various aspects in order to regulate programming content on the broadcasting media. These standards apply to:

- a) GN 257 of 2007 - Requirements as to Standards and Practice applicable to News Bulletins and Current Affairs Programmes, 2007;
- b) GN 258 of 2007 - Requirements as to Standards and Practice applicable to Participation in Media Programmes of Vulnerable Persons, 2007;
- c) GN 259 of 2007 - Requirements as to Standards and Practice applicable to the Coverage of Tragedies in Broadcasting, 2007;
- d) GN 260 of 2007 - Requirements as to Standards and Practice applicable to Disability and its Portrayal in the Broadcasting Media;
- e) GN 261 of 2007 - Requirements as to Standards and Practice applicable to the Family Viewing and Listening, 2007;
- f) GN 262 of 2007 - Requirements as to Standards and Practice applicable to Phone-ins in Programmes aired on the Broadcasting Media, 2007;
- g) GN 263 of 2007 - Requirements as to Standards and Practice applicable to Crawls and Captions in Television Programmes, 2007;
- h) GN 264 of 2007 - Requirements as to Standards and Practice applicable to various types of Polls broadcast on Radio and Television Services, 2007;
- i) GN 265 of 2007 - Requirements as to Standards and Practice applicable to the Conduct of competitions and the award of prizes, 2007;
- j) GN 266 of 2007 - Requirements as to Advertisements, Methods of Advertising and Directions applicable to Tattoo Advertising, 2007;
- k) GN 267 of 2007 - Requirements as to Advertisements, Methods of Advertising and Directions applicable to Alcoholic Drink Advertising, Sponsorship and Teleshopping, 2007;
- l) GN 407 of 2007 - Requirements as to Advertisements. Methods of Advertising and Directions applicable to Gambling Advertisements, 2007;
- m) GN 413 of 2007 - Requirements as to Standards and Practice on the Promotion of Racial Equality, 2007;
- n) GN 458 of 2007 - Requirements as to Standards and Practice applicable to the Price of Telephone Calls and SMS's in the Broadcasting Media, 2007.



30. Directives

The Authority issues, from time to time, directives to broadcasting stations. These are usually issued in connection with

- a) general elections;
- b) local council elections;
- c) European Union Parliamentary elections;
- d) referenda.

31. Guidelines

The Authority also publishes guidelines in order to assist broadcasting stations in ameliorating the quality of their programming. Guidelines exist on:

- a) audio-visual programme content created for children;
- b) advertising concerning medicines, treatments, health claims, nutrition and dietary supplements;
- c) advertising of financial services and products;
- d) programme participants speaking a foreign language in news bulletins;
- e) reporting of news and the production of programmes on the commission of offences, their investigation and court proceedings;
- f) technical words translated into Maltese (IT terminology).

32. Circulars

The Authority issues circulars to broadcasting stations in terms of which it informs them of how it is interpreting certain provisions of the law. In this way all stations would be aware of what is allowed or not on their broadcasting media. Recently, the Authority has issued two such interpretations dealing with programmes on motor vehicles and programmes on immovable property.

33. Research

The Authority is entrusted by law for carrying out research of a quantitative and qualitative nature. However, on this point, my colleague Mr. Mario Axiak, the Authority's Head of Research and Communications, will give you a separate presentation on this subject.

34. Enforcement

Up till 2000, any infringement of the Broadcasting Act constituted a criminal offence. However, since July 2000, the vast majority of the offences committed under the Broadcasting Act have now been depenalised and are thus punishable through an administrative sanction.

Article 41 of the Broadcasting Act authorises the Chief Executive of the Broadcasting Authority to issue a charge against a broadcasting station who is allegedly in breach of the Broadcasting Act. If the station admits the charge it pays a reduced penalty which is established in the Fifth Schedule to the Broadcasting Act. If the station elects to contest the charge, then it will have to attend a BA meeting and put its case before the Authority after the BA Chief Executive would have read out and explained the charge. If the station is not found guilty, it is acquitted; if it is found guilty, depending on the seriousness of the case, the Authority may award any one or more of the following administrative measures:-

- a) a warning (usually administered for first time offenders);
- b) a penalty which cannot exceed Lm 15,000 (around € 36,000);
- c) a suspended penalty which cannot exceed Lm 15,000 (around € 36,000);
- d) putting off the station for such time as the Authority might determine.

In addition to the above, for more serious offences, the Authority can suspend a broadcasting licence or even revoke it.



35. Judicial Review

Where the Authority inflicts an administrative measure as per paragraphs (a) to (d) above, the station can seek judicial review of that decision first before the Civil Court and, if unsuccessful, then before the Court of Appeal.

36. Appeal

Where the Authority suspends or revokes a broadcasting licence, the station can appeal that decision directly to the Court of Appeal.

37. Other Miscellaneous Functions

Other miscellaneous functions of the Authority include the following:

- a) Training;
- b) Reporting to Parliament;
- c) Giving evidence in Court.

38. Training

The Authority organises training both for its staff as well as for broadcasters. Just to give a few examples. Currently the Authority is organising a short course for its staff on 'Environmental Studies for Broadcasters'. Last year we had a course on 'Economics for Broadcasters' and this November there will be another course on 'International Relations for Broadcasters'.

Apart from these courses the Authority organises seminars on topics which are of more direct relevance to broadcasters such as on the Broadcasting Law and several of its aspects such as Advertising, Sponsorship and Teleshopping; Protection of Minors, etc.

39. Reporting to Parliament

As the Authority is a creature of Parliament, the Authority has on a yearly basis to draw up a report and submit it to Parliament. This report is then discussed by the Public Accounts Committee which is one of the six standing committees of the House of Representatives.

40. Giving Evidence in Court

As the Authority records all local nationwide radio and television programmes, Authority staff have to call at the Courts in order to exhibit an authentic copy of the recordings of those programmes subject to court proceedings.

41. Compact Disc

The compact disk which my colleague Mr. Mario Axiak has developed provides the text of all the laws, requirements, directives and guidelines I have referred to in this presentation. More information is available on our website www.ba-malta.org which is currently in the process of being revamped by the end of June 2007.



DRITTJIET MHUX KARITÀ – 10TH DECEMBER 2007

1. Introduction.

The European Commission designated 2007 as the *European Year of Equal Opportunities for All* with the aim of “making people in the European Union more aware of their rights to equal treatment and to a life free of discrimination”.² This year is also the 20th anniversary of the National Commission for Persons with Disabilities (KNPD) and as part of the activities for the commemorative week organized by the Commission, a national seminar was organized on 10th December 2007 for the launching of a new publication by the Commission titled *Drittijiet mhux Karità (Rights not Charity)*.

Drittijiet mhux Karità is a set of guidelines towards an inclusive society and a positive difference in the lives of Maltese and Gozitan disabled people. This publication has various formats: in large print, an easy-to-read version, and an audio version. These guidelines were compiled from two sources: data collection from specialized publications and sources of information; and through consultation with NGOs and contribution of activists in the disability sector.

2. Background.

In December 2002, the Broadcasting Authority published a *Code of Practice on Disability and its Portrayal in the Broadcasting Media*. These guidelines, which were drawn up with the collaboration of the National Commission Persons with Disability, are based on the social model of disability and although intended for broadcasters, the Commission recognized the importance of media and its considerable influence on how people develop opinions and attitudes. These guidelines were incorporated in the publication *Drittijiet mhux Karità*.

During 2007 the Broadcasting Authority published these guidelines as part of its subsidiary legislation through Government Notice 260 of 22nd March titled *Requirements as to Standards and Practice applicable to Disability and its Portrayal in the Broadcasting Media*. To complement these requirements, the Broadcasting Authority also published another set of subsidiary legislation through Government Notice 730 on 7th August titled *Requirements as to Standards and Practice Applicable to Participation in Media Programmes of Vulnerable Persons*. While the former set of subsidiary legislation directly concerns disability and its portrayal, the second set has a wider population reach since it includes all forms of vulnerability, including “persons having a mental or physical impairment” and requires broadcasters and producers to coordinate with other national agencies when involving specific groups of the population.

Thus, while the subsidiary legislation published through G.N. 260 on 22nd March is directly aimed at media practitioners, the regulation published through G.N. 730 of 7th August is directed at the rights of vulnerable persons in broadcast media which have to be respected by broadcasters in the portrayal of such persons. Both such requirements set the minimum standards which broadcasters have to follow even if the rights contemplated may be somewhat wavered by participants in broadcast programmes.

3. Conference presentation of guidelines.

For the launch of this manual of guidelines, the National Commission for Persons with Disability organised a seminar on 10th December at *Dar L-Istudent*, University of Malta. The discussion panel was composed by the Hon. Clyde Puli M.P., Mr. J. M. Camilleri, Chairman of KNPD; Rev. Prof. S. Chircop, Director of the Centre for Communication Technology, University of Malta; Rev. Fr. Joe Borg, consultant at the Ministry for Tourism and Culture; a representative of the Institute of Maltese Journalists; a representative of the Federation of Industries, and Mr. Mario Axiak, Head of Research and Communications, Broadcasting Authority.

The guidelines published by the National Commission are a great step forward in the proper representation of persons with disabilities. These guidelines cover seven spheres: language;

² http://ec.europa.eu/employment_social/eyeq/index.cfm



pictorial representation; etiquette; public activity organisation; radio and TV productions and programme scripts; printed matter; and guidelines for websites. Political correctness, positive portrayal, equal treatment, accessibility, inclusiveness, and technology divide are all areas considered in this publication.

The portrayal of disability in broadcast media has been on the Broadcasting Authority's agenda since 2002 with the first publication of such guidelines. The formulation and publication of the 2002 guidelines came into being following complaints by the KNPD on the negative portrayal of persons with disability during fund-raising programmes. Such programmes were considered to be an affront to human dignity as they stressed the helplessness of people with disability; used the repetition ad nauseam of the same objectionable clip during the whole fund-raising programme; made use of slow motion; and used sensationalism. The Broadcasting Authority's Advisory Committee on Quality and Ethics drew up the code after various consultations with broadcasters, the KNPD, professionals involved with persons with disability, and the general public.

Although this may have seemed a breakthrough for the proper portrayal of persons with disability; considering the broadcasting rules and regulations of broadcasting authorities set up in both European Countries as well as in other regions, the Broadcasting Authority is the only authority that has ever published such rules, regulations, and directives. While self-advocacy is the norm in most, if not all, of the European Countries, portrayal of disability in local broadcast media has been manipulated albeit with all good intent and purpose.

The publication of such guidelines covering aspects of portrayal of disability in various social activities should greatly improve representation. However, the subsidiary legislation published by the Broadcasting Authority only sets the lowest level of portrayal below which it would be both unacceptable and punishable under the Broadcasting Act. Besides, the guidelines published by the KNPD are directed at people whose responsibility is towards vulnerable persons and people with disability.

4. Conclusion.

The methods used by the Broadcasting Authority and the KNPD of regulation and information are unidirectional – they are directed at persons and/or institutions which would make use of vulnerable persons and persons with disability. A further step is required. Vulnerable persons and persons with disability lack a set of guidelines to prepare them for proper representation not only in media broadcasts but in all the other aspects contemplated in the publication *Drittijiet mhux Karità*. This aspect has, so far, been excluded by both organizations. Although self-advocacy is a regular issue by KNPD especially for persons with intellectual disability, the education and preparation for proper representation is a continuous process; while media awareness and education for vulnerable people and persons with disability requires much further resources than may be available to both institutions. Having said this, it is important that analysis be made of the various initiatives taken over the past years by all stakeholders concerned; while priorities and benchmarks are set against the availability of pooled resources.



BROADCASTING AUTHORITY RECRUITMENT POLICY

GRADES WHICH REQUIRE A DEGREE

Grades which require possession of a degree in the case of an eventual vacancy are the following:

Chief Executive
Director Administration
Director Finance
Head of Monitoring
Head of Communications & Research
Supervisor in the Monitoring Department
Senior Programme Monitor
Senior Accounts Officer
Programme Monitor

For the purpose of this policy, a degree means a degree awarded by the University of Malta or any other degree awarded by another university or institute which is evaluated and certified as equivalent to a degree conferred by the University of Malta in terms of article 26(1) of the Education Act.

Grades which require a diploma.

In so far as the posts of Personal Secretary and Secretary are concerned, future incumbents should possess a Diploma in Secretarial Studies or equivalent.

In so far as the Senior Technical Officer is concerned, a Higher Technician's Diploma or a Diploma in Information Technology with specialisation in technical backup or a diploma in a technical subject with a minimum of 5 years experience in the technical field is required.

In the case of an Accounts Officer, an accounting technician diploma or equivalent is required.

In the case of a Senior Accounts Clerk on BA Scale 5, a minimum of 'A' level Accounts is required.

In the case of the following posts, no degree or diploma are required:

Clerks (including Receptionist / Clerk)
Officer in charge of Minor Staff
Senior Office Assistant
Office Assistant
Charwoman/Janitor

However, in the case of the above posts, the Authority should require the analogous qualifications and/or experience required in Government service.

In the case of recruitment of a Monitoring Officer, a diploma is required.

A first degree or diploma which should be considered to be a pre-requisite as aforesaid should preferably be in the following subjects:

- [a] law;
- [b] management, public administration or commerce;
- [c] communications or journalism or media studies;
- [d] accountancy or finance;
- [e] social work, social studies, sociology or psychology;

or equivalent professional qualifications to any of the above.

