

ANNUAL REPORT



Broadcasting Authority
Malta

2004

**PUBLISHED IN 2005 BY THE
BROADCASTING AUTHORITY
MILE END ROAD, HAMRUN HMR 02, MALTA
TEL: 2122 12181, 2124 7908
FAX: 2124 0855
E-MAIL: INFO@BA-MATA.ORG
WEB: [HTTP://WWW.BA-MALTA.ORG](http://WWW.BA-MALTA.ORG)**

**GRAPHICS, DESIGN & SET-UP:
MARIO AXIAK B.A. (HONS), M.I.M.
HEAD, RESEARCH AND COMMUNICATIONS**



The Hon. Dr Lawrence Gonzi LL.D., M.P.
Prime Minister
Auberge De Castille
Valletta

30th March 2005

Honourable Prime Minister,

In accordance with sub-article (1) of article 30 of the Broadcasting Act, Chapter 350 of the Laws of Malta, we have pleasure in forwarding the Broadcasting Authority's Annual Report for 2004.

Yours sincerely,

A stylized, handwritten signature in dark ink, consisting of several vertical strokes.

Chief Justice Emeritus Dr Joseph Said Pullicino
Chairman

A handwritten signature in dark ink, appearing to read 'Kevin Aquilina'.

Dr Kevin Aquilina
Chief Executive

CONTENTS

	PAGE
1. MESSAGE FROM THE CHAIRMAN	1
2. REVIEW OF THE YEAR BY THE CHIEF EXECUTIVE	5
2.1 THE BROADCASTING AUTHORITY	5
2.2 BROADCASTING ADVISORY COMMITTEES	5
2.3 THE AUTHORITY'S STAFF	5
2.4 REORGANISATION OF THE PROGRAMME MONITORING DEPARTMENT	5
2.5 COST-CUTTING EXERCISE	6
2.6 STAFF TRAINING AND DEVELOPMENT	6
2.7 PUBLIC SERVICE ANNOUNCEMENT ON THE ROLE OF THE BROADCASTING AUTHORITY	7
2.8 APPOINTMENT OF NEW AUDITORS	7
2.9 BROADCASTING AUTHORITY COMPACT DISKS	8
2.10 EQUALTY COMMITTEE	9
2.11 DIGITISATION OF BROADCASTING AUTHORITY EQUIPMENT	9
2.12 USE OF STUDIO BY EDUCATION 22	9
3. BROADCASTING REGULATION	10
3.1 ALLOCATION OF A NATIONAL RADIO AND TELEVISION LICENCE: BUSINESS STUDY	10
3.2 APPROVAL OF BROADCASTING LICENCES	11
3.3 CESSATION OF TRANSMISSIONS	13
3.4 DIGITAL TERRESTRIAL TELEVISION	13
4. PROGRAMME COMPLAINTS	14
5. BROADCASTING LEGISLATION	17
5.1 AMENDMENT TO THE BROADCASTING ACT	17
5.2 INFORMATION TECHNOLOGY TERMINOLOGY IN THE MALTESE LANGUAGE	17
5.3 DISTINCTION BETWEEN A RIGHT OF REPLY AND A COMMENT	17
5.4 DIRECTIVE ON OPINION POLLS	17
5.5 DRAFT GUIDELINES	18
5.6 RACIAL HATRED	18
5.7 REVISION OF THE BROADCASTING CODE FOR THE PROTECTION OF MINORS	18
6. BROADCASTING CASE LAW	19
7. INTERNATIONAL RELATIONS	20
7.1 MEDITERRANEAN NETWORK OF REGULATORY AUTHORITIES	20
7.2 EUROPEAN PLATFORM OF REGULATORY AUTHORITIES	21
7.3 THE COMMONWEALTH BROADCASTING ASSOCIATION	22
7.4 THE EUROPEAN INSTITUTE FOR THE MEDIA	22
8. GHARGHUR TRANSMITTING TOWER	24
9. RADIO AND TELEVISION AUDIENCES IN MALTA	25
9.1 RADIO LISTENING PATTERNS	25
9.2 TV VIEWING PATTERNS	26
9.3 PROGRAMME PREFERENCES	26
9.4 FAVOURITE RADIO AND TELEVISION STATION	27
9.5 RADIO LISTENING AND TELEVISION VIEWING	28
9.6 LISTENING BY RADIO STATION	30
9.7 VIEWING BY TV STATION	31



10. POLITICAL BROADCASTING	33
10.1 PARTY POLITICAL BROADCASTS	33
10.2 EUROPEAN UNION PARLIAMENTARY ELECTION BROADCASTS	33
10.3 ANNIVERSARY MESSAGES	34
10.4 MINISTERIAL BROADCASTS	34
11. ADMINISTRATIVE OFFENCES	35
12. QUALITATIVE RESEARCH	36
12.1 THE EFFECTS OF BROADCASTING ON THE YOUNG CONSUMER	36
12.2 GENDER PORTRAYAL IN NEWS BULLETINS	38
13. PUBLIC SEMINARS	41
14. STAFF PUBLICATIONS AND PAPERS	44
15. POLITICAL CONTENT OF TVM NEWS	45
ANNEXES	47
I INFORMATION TECHNOLOGY TERMINOLOGY IN THE MALTESE LANGUAGE	49
II DIRECTIVE ON OPINION POLLS	50
III SMASH TV'S ROLE IN DISSEMINATING RACIAL HATRED	53
IV PROCEDURE GOVERNING E.U. PARLIAMENTARY ELECTION BROADCASTS	56
V B.A. DIRECTIVE FOR PROGRAMMES AND ADVERTISEMENTS BROADCAST DURING THE PERIOD 17TH MAY 2004 TO 12TH JUNE 2004	61
VI FREEDOM OF EXPRESSION AND RACIAL HATRED	68
VII CHIEF EXECUTIVE'S PRESENTATION AT EPRA ON BROADCASTING CODE OF PRACTICE ON DISABILITY AND ITS PORTRAYAL IN THE BROADCASTING MEDIA	74
VIII 'REAL LIVE MEDIA' EUROPEAN SEMINAR	83
IX PORTRAYAL OF WOMEN IN SPORT NEWS ITEMS	86
X POLITICAL CONTENT OF TVM NEWS	96
XI GENERAL PICTURE – TOTAL COVERAGES 2004	98
XII NEWS ON TVM: COVERAGES – POLITICAL CONTENT 2004	99
XIII POLITICAL CONTENT – TOTAL COVERAGES 2004	100
XIV NEWS ON TVM COVERAGES: MINISTERIAL ACTIVITIES 2004	100
XV NEWS ON TVM COVERAGES: POLITICAL ACTIVITIES 2004	101
XVI NEWS ON TVM COVERAGES: TRADE UNION ACTIVITIES 2004	101
XVII NEWS ON TVM COVERAGES: PARLIAMENTARY ACTIVITIES 2004	102
XVIII NEWS ON TVM COVERAGES: OTHER ACTIVITIES 2004	102
XIX NEWS ON TVM: GENERAL PICTURE BAR GRAPH – BY COVERAGES 2004	103
REPORT AND FINANCIAL STATEMENTS FOR THE YEAR ENDING 31ST DECEMBER 2004	105



1. MESSAGE FROM THE CHAIRMAN

Controversial decisions, when motivated by conviction and not arrogance, require courage. They are taken at the risk of incurring the displeasure of those who mistakenly believe they are adversely hit by them. Those who take them in the course of duty often have to bear the cost of losing favour with the high and mighty - those who wield the sword and the pen, the politician and the media. They are often taken at considerable personal sacrifice.

The Authority has during its term that expires this year taken controversial decisions. They were the right decisions taken in the national interest to further democracy. We do not regret having taken them without fear or favour. It was our duty to do so.

I have always considered that it was the Authority's unwritten function in our country's polarised scenario to coax the political forces to reach democratic maturity; to realize that public opinion is swayed by true facts and sound arguments and not by manipulated bias and hollow propaganda. I believe we are making slow but significant progress in this direction. Small steps which shall eventually contribute to a healthier democratic environment. We are becoming more tolerant of the views of others, more civil in debate, more conscious of content rather than style. Thankfully, more and more people expect to be exposed to various sides of an argument. They are more interested in what is said than in who says it or how long one takes to say it. Party strategists in charge of media would do well to take note of this development.

Much more however needs to be done to achieve an acceptable level of debate that satisfies minimum standards in other European democracies. Apart from some notable exceptions, the approach is still essentially populist both in choice of subject and in treatment. Economic considerations remain the overall determining factor in programming and this inevitably begets sensationalism and a general lowering of standards.

The Authority has been quietly introducing novel elements in its political party programmes in an attempt to upgrade their democratic credentials and, in the process, making them more interesting and palatable to viewers. The rigid time frame regulating the contributions of the speakers of different parties has been done away with. A participating chairman has been given a free hand to conduct the debate among participants while keeping in mind the political strength of the parties they represent. This ensures greater exposure to the smaller parties that are given an equal opportunity to choose subjects for debate. The Authority has to evaluate whether these and other changes, done with the acquiescence if not the approval of all political parties, contribute towards a material improvement in the quality of party political programmes.



*Chairman
Chief Justice Emeritus
Dr Joseph Said
Pullicino*



I note with satisfaction that the Authority has now reached a high level of co-operation with political parties in the run up of political campaigns. During the last triennium, the Authority has had to manage campaigns in five popular consultations. These included a general election, a referendum, an election for European Parliamentarians and two local elections. All political parties have scrupulously honoured their commitments under rules ironed out between them and the Authority. The number of complaints was practically nil. This compares very favourably with the large number that used to be lodged with the Authority previously. Hopefully, a sign of political maturity.

These were not easy years. It is difficult to convince an essentially bipartisan Authority to distance itself from political pressures. It is gratifying that during these years the Authority worked as a team and generally principles prevailed over party prejudice. No major decision, however controversial, was taken on the strength of my casting vote. The seed of constitutional autonomy has been sown. One trusts it will take root and flourish.

I reiterate my conviction that the time is ripe for a rethinking on the composition of the Authority. The practice limiting members to representatives of the political parties in government and opposition might have been acceptable before the advent of pluralism. Considering that parties have their own media structures, it is today anachronistic. It is conceptually jarring that the Authority, essentially a regulator, is made up exclusively of members chosen by political parties which, as media owners, are amongst those regulated.

The defence of true democratic values require a strong and effective Authority. Political parties realise that this is in the country's interest but often expediency prevents them from putting what they preach into practice. Understandably other regulated persons like broadcasters and production houses, intent on defending vested interests, favour a weak, ineffective regulator. It is against this background that the Authority's future role should be assessed. A role that will be enhanced by the challenges and opportunities that the advent of digital broadcasting will inevitably bring about. Developments that will increase accessibility to radio and television transmission tenfold and that will inevitably lead the Authority to shift emphasis from its traditional roles to greater consumer protection. In this regard it should be noted that frequent consultation with the Malta Communications Authority has led to close collaboration and the path forward has now been well traced and defined.

Politics apart, the Authority carries on sterling work in many other spheres of broadcasting. Monitoring of programmes, licensing and ensuring adherence to regulations are ongoing and efficiently run processes. The Authority has had the good fortune to have in Dr Kevin Aquilina and his predecessor Mr Antoine Ellul two very capable, dedicated and upright Chief Executives. Ably supported by a small but qualified staff, they have managed to set up an institution that is an



effective watchdog of democratic values that commands the respect of people that matter and ensures continuity. Mr Ellul, undoubtedly an authority on Authority matters continued to give sterling service as a member of the Board. It will be a sad loss were the Authority to be deprived of his valuable advice.

Financial constraints have during this last year regrettably required the Authority to restructure or discontinue a number of its activities. The Authority's annual Programme Awards for radio and television was not held this year, the Authority has had to suspend specialised advisory committees on quality and ethics in broadcasting, on news and current affairs and on gender issues. No new initiatives in qualitative research have been undertaken this year.

Audience surveys have had to be restructured and done by the Authority itself in collaboration with the National Statistics Office. A positive experiment that was not only cost saving but also challenging. With fine tuning, the end result should be a marked improvement on previous surveys more acceptable to the players in the trade.

No doubt the extensive review of the year by the Chief Executive will give substance to my brief comments. I thank all the staff for their loyalty and hard work during the last three years. They were in this respect trouble free years. It has been a pleasure working with them.

Chief Justice Emeritus
Dr Joseph Said Pullicino B.A. (Hons.), LL.D.
30th March 2005





**Chairman,
Chief Justice
Emeritus Dr Joseph
Said Pullicino
B.A. (Hons.), LL.D.**



**Member
Mrs. Rose Sciberras
B.A (Hons.), L.P.**



**Member
Dr Joseph Pace
Asciak B.A. (Hons),
D.Litt. (Firenze)**



**Member
Mr. Antoine J. Ellul**



**Member
Dr. Reno Borg
B.A. (Hons.), M.A.,
LL.D.**



**Chief Executive
Dr. Kevin Aquilina
Dip. Phil., B.A., B.A.
(Hons.), M.A., LL.M.,
LL.D., Ph.D. (Lond)
(L.S.E.)**



**Secretary
Mr. Edgar P. Cassar**



2. REVIEW OF THE YEAR by the Chief Executive

2.1 - The Broadcasting Authority

During the year 2004, the Authority was composed as follows:

- Chairman: Chief Justice Emeritus
Dr Joseph Said Pullicino B.A. (Hons.), LL.D.
- Members: Dr Reno Borg B.A. (Hons.), M.A., LL.D.
Mr Antoine J. Ellul
Dr Joseph Pace Axiak B.A. (Hons), D.Litt. (Firenze)
Mrs Rose Sciberras B.A., L.P.



A total of 34 meetings of the Authority were held during the year under review.

2.2 - Broadcasting Authority Committees

During 2004 the Authority did not appoint any Advisory Committees.

2.3 - The Authority's Staff

During the year under examination, no vacant posts were filled.

The Authority concluded discussions for a fresh collective agreement. A new collective agreement was signed with the *Union Haddiema Maghqudin* on 17th August 2004 covering the period 2003 – 2006.

2.4 - Reorganisation of the Programme Monitoring Department

In order to reduce its recurrent expenditure, the Authority decided not to fill future vacancies for the time being and to redeploy existing staff according to the exigencies of the workload concerned. This meant that the vacancies of one Office Assistant and two Programme Monitors which arose during the years 2003 and 2004 were not filled. However, as another Programme Monitor is due to retire on pension in the near future, the Authority has approved that one post of Programme Monitor be filled by means of an internal call for applications from Monitoring Officers and that a Personal Secretary be redeployed as a Monitoring Officer.



2.5 - Cost-Cutting Exercise

The Authority embarked on a severe cost-cutting exercise during early 2004 where all of the Authority's operations and activities were put under a rigorous scrutiny to identify and implement cost reduction and consistently monitor all sectors of its expenditure, whilst at the same time safeguarding its income.

This exercise yielded results wherein the Authority's expenditure in 2004 was drastically reduced by 12% from the previous year. Needless to say, the Authority had to abandon certain initiatives which it had set in motion during the previous years and regrettably retain only those operations which it is statutory bound to carry out in terms of the Constitution and the Broadcasting Act. Among these initiatives which had to be axed were the annual Programme Awards - an activity aimed to boost local programmes' production standards - and also the termination of the appointment of all advisory committees specifically commissioned to investigate, report and devise guidelines on various media-related issues to broadcasting.

2.6 - Staff Training and Development

During 2004 the Authority continued to invest in its human resources by assisting its employees in developing their intellectual faculties. Members of staff were encouraged to study various subjects relevant to their duties ranging from management to law so that they would be in a better position to perform their duties more efficiently and effectively. The following members of staff have benefited from the Authority's Training and Development Plan:

Mr Simon Manicolo, Head of Monitoring	Graduated Diploma of Notary Public in 2004 Reading for a Doctor of Laws degree
Mr Mario Axiak, Head, Research & Communications	In his final year reading for a Master's degree in Business Administration
Ms Joanna Spiteri, Supervisor, Monitoring Department	Concluded a Master of Arts degree in Communications Studies Reading for a Doctor of Philosophy degree in Film and Media Studies
Ms Shirley Sultana Rizzo, Programme Monitor	Reading for a Diploma in Diplomatic Studies
Ms Marisa Borg, Programme Monitor	Following the European Computer Driving Licence course
Ms Natalie Debono, and Mr Ian Sammut Programme Monitors	Reading for a Master's degree in Creativity and Innovation
Mr Lawrence Buhagiar, Programme Monitor	Concluded a Diploma in Public Administration Reading for a Master's degree in Public Policy and Management
Mr Daniel Delia, Senior Accounts Officer & I.T. Administrator	Following the European Computer Driving Licence course



Mr Chris Sciberras, Senior Technical Officer	Reading for an Advanced Diploma in Computer Studies
Ms Charmaine Grech, Monitoring Officer	Reading for a Diploma in Management Studies
Ms Sonya Agius, Clerk	Concluded the European Computer Driving Licence course Following the Advanced European Computer Driving Licence course
Ms Rosienne Spiteri, Clerk	Following a beginner's course in the Spanish language

In addition, Mr Gordon Vassallo, Director Finance, and Mr Daniel Delia, Senior Accounts Officer, regularly attended the obligatory continual professional development courses organised by the Institute of Accountants.

During the current year, the Chief Executive also followed the Malta Institute of Management's Foundation Course in Management.

2.7 - Public Service Announcement on the Role of the Broadcasting Authority

During 2004 the Broadcasting Authority sought and obtained the assistance of the University of Malta's Centre for Communication Technology in order to prepare a 30 second public service announcement on the Broadcasting Authority's role within the Maltese community. Thanks to the prompt co-operation of the Director of the Centre, Rev. Professor Saviour Chircop, Mr David Vella, an under-graduate student was tasked with the preparation of this announcement under the supervision of Mr Daniel Zerafa, a lecturer at the C.C.T.

In December the Authority started screening this public service announcement on TVM in order to inform the public about the Authority's role and functions. This announcement consisted of five variations of the same spot each ending with a different text message to highlight five different aspects of the Authority's regulatory functions. The first spot was broadcast on TVM on 6th December 2004 and all five versions of this public service announcement were scheduled for broadcast on later dates.

These spots were also broadcast on Super 1 TV and NET TV in January 2005 and on Smash TV and Channel 22 in February 2005.

2.8 - Appointment of New Auditors

On 10th November 2004, the Authority issued a call for quotations for the provision of audit services of its annual financial statements. This decision was taken in line with Ministry of Finance

circular 13/97 dated 30th May 1997, concerning auditing of Corporations and other Government-Controlled Companies and in terms of article 28 (2) of the Broadcasting Act.

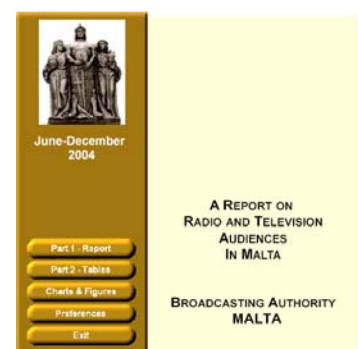
Five quotations were received and after adjudication by the Authority and approval by the Prime Minister, provision of audit services was awarded to Horwath (Malta). Horwath (Malta) is a full member of Horwath International, a leading firm of accountants serving a broad range of clients in major markets worldwide.

The outgoing firm of auditors, Grant Thornton Malta, was thanked for the efficient service rendered to the Authority during the previous ten years.

2.9 - Broadcasting Authority Compact Disks

During 2004 the Broadcasting Authority has produced in-house three compact disks for public consumption. The first compact disk contains all the Annual Reports published by the Broadcasting Authority covering the period 1961 to 2003, the second compact disk contains all the reports on audience research commissioned by the Broadcasting Authority between 1990 and 2003 whilst the third compact disk covers the latest audience survey for the months June to September 2004.

The Authority is in the process of compiling further compact disks which will contain all qualitative research it has carried out, the laws, regulations, codes, guidelines and directives regulating the broadcasting media and other disks holding material for purely internal consumption of the various departments of the Authority.



2.10 - Equality Committee

Following a request from the National Commission for the Promotion of Equality for Men and Women, an Equality Committee was set up within the Broadcasting Authority to ensure that the communication between the Broadcasting Authority and the National Commission becomes easier and to co-ordinate better on subjects of mutual interest to both organisations. The Equality Committee incorporates the previous set-up of Gender Focal Point at the Broadcasting Authority. In fact, Mrs Joanna Spiteri used to perform the duties of Gender Focal Point. Now the Broadcasting Authority Equality Committee is constituted as follows:

Chairperson: Mrs Joanna Spiteri, Supervisor

Members: Dr Kevin Aquilina, Chief Executive
Mr Mario Axiak, Head, Research and Communications
Ms Natalie Debono, Programme Monitor

2.11 - Digitisation of Broadcasting Authority Equipment

The Authority is also considering what action to take to change all its video recorders with digital versatile disk recorders in view of the fact that video recorders are being phased out by the industry to be replaced by digital versatile disk recorders.

2.12 - Use of Studio by Education 22

The Authority, during 2004, was negotiating an agreement with cable channel 22, the Education Channel, in terms of which Education 22 began using the Authority's studio for its programmes with effect from 7th January 2005.



3. BROADCASTING REGULATION

3.1 Allocation of a National Radio and Television Licence: Business Study

As stated in the previous Annual Report, the Authority had commissioned Grant Thornton to carry out a business study on national radio and television services. This study was completed in July 2004. The main findings were the following:

Key findings

The key findings underlying our conclusions are outlined below.

- With a population of just 390,000 and radio and TV advertising revenues in the region of Lm4 million Malta's broadcasting industry is the smallest among the new EU member states. There are already thirteen radio stations and four terrestrial TV stations competing in this limited market.
- The market is predominantly dominated by the state and political stations, which collectively capture around 53% of radio and 98% of TV audiences, and control 78% of radio and TV advertising revenues.
- There are clear indications that the market has reached maturity and offers little growth prospects beyond that spurred on by normal economic growth. Following a period of stable growth up to 1999, radio/ TV's share of the total advertising market remained relatively constant during the ensuing years. There is also a strong correlation between radio/TV advertising revenues and GDP based on statistics for the period 1995–2002.
- All station operators describe the market as 'cut-throat' or extremely competitive. There is little differentiation in supply, particularly in radio, and most stations have resorted to competing purely on price, a strategy with very damaging implications for the industry.
- The share of advertising revenues captured by the public and political stations has not changed much during the past eight years and it is therefore doubtful whether new stations would be able to attract revenues away from these dominant stations.
- The advertising market available to non-political private stations is just Lm800,000, presently shared by some ten players. Hence, even if new stations were to succeed in capturing say 10% of this market (an optimistic assumption) the historical financial performance of exiting stations shows that this would not be enough to make a station feasible. Naturally, given the level of market saturation, capturing such a market would be at the detriment of existing stations and would represent no real value added for the industry as a whole.
- Success in the industry, from a financial perspective, is not entirely dependent on audience shares. Our study shows significant disparities between shares of the audience market and shares of advertising revenues. Therefore, even if new stations manage to capture a reasonable share of audiences, this will not necessarily guarantee a corresponding share of advertising revenues and make them viable. The dominant



political and public stations will continue to enjoy strong advertising revenues even if they were to lose some audience shares to other stations.

- The high degree of competitive rivalry in the industry has been further accentuated by the advent of community radio stations, with some twenty-two stations currently operating across the Islands. Our survey indicates that around 26% of listeners tune in to community radio. Operating with substantially lower overheads, community stations can afford to offer very cheap advertising rates. Despite the clauses outlined in the legislation governing advertising on community radio stations, it is evident that these stations are engaging in this practice. This is perceived as a very real competitive threat by some nationwide stations.
- In thirteen years of pluralism in broadcasting, despite the precarious financial situation of the industry, only two radio stations have closed down to cut their losses (Island Sound and Radju MAS). This indicates that exit barriers are quite high. As one interviewee pointed out: “after having invested huge sums of money you do not consider closing down a station”.
- On the basis of our survey, there does not seem to be sufficient demand by audiences for more local radio and TV stations. In the case of radio, 82% said that they do not see the need for new stations, despite the fact they believe that there are less stations than there actually are (the mean number of stations cited was 9.4 compared to an actual of 13). In the case of TV this lack of need was expressed by 63% of respondents.
- For radio, we could not identify sufficient demand for new programme genres that could signify the existence of niche markets large enough to sustain new entrants. As regards TV, although a strong demand was expressed for more films, documentaries and comedy programmes, it is unlikely that new stations would be able to afford the production and/or purchase of such programmes and face the stiff competition posed by foreign stations.
- There is a severe shortage of talent in the industry. In the absence of professional training which, in any case, stations do not have the resources to finance, new stations will have to poach talent from existing stations or make do with personnel who lack the necessary skills and experience. In either case, the quality of programming is bound to suffer.
- The view that the market can hardly sustain existing stations, let alone new entrants, is strongly supported by existing stations and also the two main advertising agencies interviewed.

3.2 - Approval of Broadcasting Licences

Once again, as in previous years, the Authority was very much involved in licensing the local broadcasting media, namely nationwide television free-to-air stations, nationwide radio services and community radio services, both permanent and for a short duration not exceeding one month of broadcasting.



The following broadcasting licences have been approved by the Authority in 2004:

STATION	DURATION	VALID FROM	FREQ (MHz)	POWER WATTS	DATE OF ISSUE	TYPE
Radju Hompesch	2 years	20/3/04	90	3.8	28/1/04	Community
Radju Belt Rebbieha	14 days	29/3/04	97	2	3/3/04	Community
Radju Banda San Filep	8 days	30/5/04	106.3	4	5/4/04	Community
Radju Hal Tarxien	1 month	24/4/04	99	3	8/4/04	Community
Kiss FM	2 years	1/5/04	89.3	5	29/4/04	Community
Radju 15 t'Awissu	1 month	28/7/04	98.3	3.5	17/5/04	Community
Radio Valentine Balzan	1 month	13/6/04	99.2	3	27/5/04	Community
Christian Light Radio	2 years	17/6/04	105.4	2	27/5/04	Community
Lehen il-Belt Victoria	2 years	25/6/04	104	2	27/5/04	Community
Radju Lehen il-Guzeppini	10 days	28/5/04	90.6	5	27/5/04	Community
Lehen il-Karmelitani	10 days	16/7/04	101.4	2.5	3/6/04	Community
Radju Margerita	29 days	30 /6/04	96.1	2	8/6/04	Community
Radju Kottoner	2 years	29/7/04	98	2.8	14/7/04	Community
Central FM	1 month	25/7/04	93.3	4	21/7/04	Community
Radju Santa Katarina	16 days	21/8/04	90.6	4	9/8/04	Community
2004 District Convention of Jehovah's Witnesses	3 days	10/9/04	108	0.2	10/8/04	Community
Radio Sacro Cuor 105.2FM	2 years	15/11/04	105.2	2	15/9/04	Community
2004 Circuit Assembly of Jehovah's Witnesses	2 days	7/11/04	108	0.2	19/10/04	Community
Calypso FM	2 years	26/10/04	99.8	3	22/10/04	Community
Eden FM Radio	2 years	17/11/04	107.6	3	22/10/04	Community
Deejays Radio 956FM	2 years	23/11/04	95.6	3	22/10/04	Community
Radju Katidral	2 years	1/12/04	90.9	6	25/10/04	Community
Radju Bambina	2 years	13/12/04	98.3	2	28/10/04	Community
Radju Luminaria	2 years	14/12/04	106.9	2.8	28/10/04	Community
Radju Belt Rebbieha	1 month	1/12/04	97	2	2/11/04	Community
Lehen il-Karmelitani	7 days	17/12/04	101.4	2.5	3/11/04	Community
Radju Vizitazzjoni	1 month	12/12/04	92.4	3	3/11/04	Community
Radju għall-Providenza	8 days	18/12/04	90.3	2.5	12/11/04	Community
Radju Mhabba	1 month	1/12/04	89.2	4.5	18/11/04	Community
Radju Xodus	3 weeks	14/12/04	107	4	1/12/04	Community
Radio TZ	20 days	13/12/04	98.5	3.5	10/12/04	Community
Radju Valentine Balzan	23 days	10/12/04	99.2	3	10/12/04	Community



3.3 - Cessation of Transmissions

During 2004 three nationwide broadcasting stations ceased transmitting. These consisted of two radio stations and a cable television station. The table hereunder gives the relative details:

STATION	TYPE	DATE OF LAST TRANSMISSION
Radio Calypso	Nationwide Radio	17/6/04
FM Bronja	Nationwide Radio	1/6/04
Channel 12	Nationwide Cable Television	1/6/04



3.4 - Digital Terrestrial Television

During 2004 the Authority continued to follow the developments which were taking place both in Malta and abroad with regard to digital terrestrial television. In so far as Malta was concerned, the Authority was being constantly kept briefed by the Malta Communications Authority on the Government's digital strategy. Both authorities have begun to meet at regular intervals in order to discuss matters of regulation of mutual interest. These meetings have proved to be very fruitful and useful to co-ordinate strategy especially in view of the wealth of experience that both authorities have in the broadcasting and technical sector. A division of duties was also agreed to by both authorities in terms of which the Broadcasting Authority will specifically concentrate on programme content monitoring and licensing whilst the Malta Communications Authority will be regulating and licensing the technical aspect.

Moreover, in view of the fact that in July 2004 the Department of Wireless Telegraphy – the Broadcasting Authority's technical advisor – ceased to exist, the duties hitherto carried out by this Department vis-à-vis the Broadcasting Authority are now being performed by the Malta Communications Authority. Indeed on 30th July 2004, the Department of Wireless Telegraphy was integrated with the Malta Communications Authority in terms of Government Notice 835 of 2004. The Minister for Competitiveness and Communications authorised the Chairman of the Malta Communications Authority to carry out on his behalf the functions assigned to him by the Wireless Telegraphy Ordinance where a frequency assignment is required.



4. PROGRAMME COMPLAINTS

During 2004 the Authority was asked to consider and adjudicate on a number of complaints mainly concerning partiality and unfair treatment in news reporting and current affairs programming.

Out of a total of 11 cases which the Authority considered during the year under review, only one concerned a complaint about a programme which was not a news or a current affairs programme.

There were three letters of complaint received by the Authority which referred to the same complaint and another two were likewise considered to be one complaint and included as such in the following tables.

Three other requests presented to the Authority for adjudication were not decided upon by the Authority for the reasons stated further below.

Table 1 hereunder illustrates the number, sources, and adjudication results with regard to news and current affairs programme complaints and Table 2 to other programme complaints. Table 3 shows the total number of complaints made about each particular station.

TABLE 1 - NEWS AND CURRENT AFFAIRS PROGRAMME COMPLAINTS ANALYSED BY SOURCE

SOURCE	NUMBER	ADJUDICATION RESULTS		
		UPHELD	PARTLY UPHELD	NOT UPHELD
Malta Labour Party	1		1	
Alternattiva Demokratika	6	3		3
Department of Health	1			1
Renato Costigan	1	1		
Saviour Balzan	1		1	

TABLE 2 - OTHER PROGRAMME COMPLAINTS ANALYSED BY SOURCE

SOURCE	NUMBER	ADJUDICATION RESULTS		
		UPHELD	PARTLY UPHELD	NOT UPHELD
Nidal Binni	1			1

TABLE 3 - COMPLAINTS ANALYSED BY STATION / ENTITY

STATION / ENTITY	NUMBER	ADJUDICATION RESULTS		
		UPHELD	PARTLY UPHELD	NOT UPHELD
Super 1 TV	2	1		1
TVM/PBS	4	1	2	1
NET TV	4	1		3
Radio 101 & NET TV	1			1

The Malta Labour Party requested the right to reply to a Press Conference addressed by the Prime Minister and broadcast live by TVM in its news bulletin on 23rd March, 2004, claiming that



the Prime Minister had spoken about his cabinet formation and items of general interest to the country and had at times referred specifically to the Malta Labour Party. The Authority partly upheld the Malta Labour Party's request and ordered PBS to broadcast the Labour Party's reaction to the Press Conference where first preference was to be given to the Leader of the Opposition.

Alternattiva Demokratika had complained that Net TV had not even mentioned two of the Party's exponents, Dr. Harry Vassallo and Prof. Arnold Cassola, in connection with a bio-diesel recycling project organized by Alternattiva Demokratika at Edible Oil Ltd., in its news coverage on 8th April, 2004. Alternattiva Demokratika's complaint was upheld.

The Authority upheld another complaint by Alternattiva Demokratika regarding lack of video coverage in a news report about a party activity organized in Valletta together with representatives of the Green party in the European Parliament and carried in the TVM news which was broadcast on 6th March, 2004.

Alternattiva Demokratika had also claimed that NET News were broadcasting false news about Alternattiva Demokratika and that this had happened again on 10th May, 2004, when NET News broadcast a misleading statement issued by the Nationalist Party regarding Alternattiva Demokratika without airing Alternattiva's reply. The complaint was upheld.

The Authority did not uphold a complaint by Alternattiva Demokratika against NET TV regarding the broadcasting of speeches made by Nationalist Party exponents at the Nationalist Party's General Council which Alternattiva claimed contained false and misleading statements about Alternattiva Demokratika.

On 18th May, 2004, Alternattiva Demokratika complained that PBS was not mentioning Alternattiva Demokratika's candidates for the European Parliament Elections thereby putting the party at a disadvantage as the names of the candidates of the other political parties were continually being mentioned on the other political parties' television stations. Two other letters of complaint from Alternattiva Demokratika dated 21st and 22nd May also referred to Alternattiva Demokratika candidates standing for the European Parliamentary elections and were included with that of 18th May, 2004. The complaint was not upheld.

Two other letters of complaint from Alternattiva Demokratika regarded the programmes *Nghiduha Kif Inhi* broadcast of Radio 101 on 26th May, 2004, and *Ghax Nemnu fl-Ewropa* broadcast on NET TV on 30th May, 2004. Both these letters referred to allegations made in these programmes to an alliance between the Malta Labour Party and Alternattiva Demokratika and both were considered as a single complaint which was not upheld by the Authority.



On 1st October 2004, the Health Department wrote to the Authority regarding a complaint it had lodged against Super 1 TV objecting to video shots of hospital scenes broadcast in a television news feature on 31st August 2004 without obtaining prior permission from St Luke's Hospital authorities. The complaint was not upheld.

The Authority upheld a complaint by Mr. Renato Joseph Costigan that in their news coverage on Saturday 29th November, 2003, One News had misrepresented comments he had made in the programme Xarabank broadcast on 28th November, 2003, about the treatment he received from the Dockyard Management.

Mr Nidal Binni had complained that comments made by a psychologist in the programme *Andrea* broadcast on NET TV on 25th February 2004 could have been taken to refer to dietary pills which he imported. The complaint was not upheld.

The Authority partly upheld a complaint by Mr. Saviour Balzan regarding the programme *Bondi Plus* which dealt with the purchase of the building housing Malta's embassy in Brussels and which was broadcast on TVM on 5th October, 2004. The Authority concluded that Mr Balzan had been unfairly treated and misquoted on two points and directed TVM to broadcast the Authority's findings in the next edition of the programme.

The Authority did not continue with its hearing of a complaint from Mr. Edric Micallef, Deputy Mayor of Marsaxlokk Local Council, after the station broadcast a remedy on 24th April, 2004. Mr Micallef had objected to a news commentary broadcast on Radio 101 on 17th March, 2004, which he alleged had insinuated that failure to show Independence Day as a public holiday in calendar that he had published was disrespectful.

Fr. Dionysius Mintoff and Mr. Joseph Abela, M.P., Director of the Peace Laboratory and Coordinator of the Peace Laboratory, respectively, asked the Authority to provide a remedy in respect of remarks made by Minister Tonio Borg during the programme *Bondi Plus* broadcast on 1st June, 2004. Complainants were asked by the Authority to refer their request for a remedy to the station concerned in terms of article 21 of the Press Act.

The Authority did not take cognizance of a complaint from the Malta Labour Party regarding misrepresentation of film material of a Labour Party mass meeting in a programme shown on NET TV on 10th June, 2004, as the complaint was not sent in writing to the station in accordance with the procedure set out in the Authority's Code for the investigation of such complaints.



5. BROADCASTING LEGISLATION

5.1 - Amendment to the Broadcasting Act

By means of the Communication Laws (Amendment) Act, 2004 – Act No. VII of 2004 – the Broadcasting Act was amended in the sense that the duties hitherto carried out by the Department of Wireless Telegraphy were henceforth assumed by the Malta Communications Authority. This amendment to the Broadcasting Act was required due to the merger of the Department of Wireless Telegraphy with the Malta Communications Authority. Hence, the Broadcasting Authority's technical consultant is now the Malta Communications Authority.

5.2 - Information Technology Terminology in the Maltese Language

The Broadcasting Authority continued to co-operate with the *Akkademja tal-Malti* in order to raise the level of both spoken and written Maltese on the broadcasting media. To this effect, the *Akkademja tal-Malti's Kummissjoni Lingwa*, composed of Mr Carmel Azzopardi as Chairman and Dr Charles Briffa, Mr Mario Serracino Inglott, Mr Mario Cutajar, Fr Victor Xuereb and Dr Anthony Aquilina as Members, drew up a compendium of information technology terminology to be used by the broadcasting media. This compendium is contained in Annexe I to this Annual Report.

5.3 - Distinction between a Right of Reply and a Comment

The Authority thought it fit to draw the attention of broadcasters to the distinction between a right of reply and a comment. The Authority noted that a right of reply is to be granted only in those cases where it is proved that a person has been aggrieved.

On the other hand, when certain declarations of national importance are made, the broadcasting media were directed to, voluntarily, as far as possible, request a short comment in reaction to such a declaration from the other political parties. This was after all a journalistic practice accepted as fair in such cases.

5.4 - Directive on Opinion Polls

The Authority had been discussing for quite some time the need to regulate the potential influence which opinion polls had on viewers and listeners. Hence the Authority decided to conduct a survey of the situation in foreign jurisdictions with regard to the coverage of various types of polls broadcast in the media. Following discussion, the Authority adopted a Directive on the various types of polls broadcast on radio and television services, the text of which is found in Annexe II of this Report.



5.5 - Draft Guidelines

The Authority was in the process of compiling guidelines on the following subjects:

- on the participation in media programmes of vulnerable persons;
- on gender equality and gender portrayal in the media;
- on racial equality and racial portrayal in the broadcasting media;
- on the reporting of news and the production of programmes on the commission of offences, their investigation and court proceedings.

5.6 - Racial Hatred

During 2004 the Authority dealt with the first case of incitement to racial hatred. This concerned a charge issued by the Chief Executive in terms of article 13 (2)(a) of the Broadcasting Act read in conjunction with article 82A of the Criminal Code which prohibits racial hatred. The text of the Authority's decision is found in Annexe III to this Report. The Authority fined Smash TV Lm500 but the station has requested the court to review the Authority's decision of 1st July 2004. To date the case has not yet been appointed for hearing.

5.7 - Revision of the Broadcasting Code for the Protection of Minors

The Broadcasting Authority had approved the Broadcasting Code for the Protection of Minors in 2000. It had transmitted the Code to the Minister responsible for culture – who is the Minister responsible for broadcasting – who also approved it. The Code was published as a Legal Notice in 2000.

Since then the Authority has felt the need to revise this Code in order to provide further extensive protection to children. Following a paper drawn up by the Chief Executive on the subject, the Authority decided to get in touch with the newly appointed Commissioner for Children so that the Commissioner would assist in this matter. As a result of the ensuing fruitful discussion which took place, a sub-committee was set up between the Broadcasting Authority and the Children's Council which during 2004 began discussing a strategy aimed at updating the said Code by focussing primarily on providing guidelines for good quality programmes for children.



6. BROADCASTING CASE LAW

The Civil Court, First Hall, had on 29th July 2004 rejected a warrant of prohibitory injunction filed by Smash Communications Ltd. against the Broadcasting Authority. In its decree the court refused an application for the issue of a prohibitory injunction by Smash TV to prohibit the Authority from hearing a charge issued by the Chief Executive against the Broadcasting Authority concerning Smash TV's *Minibus* programme of 1st April 2004. The court stated that it did not result at face value that there were any grounded reasons for the issue of such warrant.

Although following this court decree, the Authority appointed the charge for hearing on 28th September 2004, Smash Communications Ltd. sued out another warrant of prohibitory injunction to withhold the Authority from holding its 28th September 2004 sitting. Once again, the Authority made its case before the Civil Court, First Hall, and in its decree the court, for the second consecutive time, rejected Smash Communications Ltd.'s request for the issue of a prohibitory injunction. In its 18th October 2004 decree, the Court held as follows:

[1] Illi l-vertenza li għandha quddiemha din il-Qorti kienet diġa' giet definittivament deċiża b'digriet mogħti minn din il-Qorti, diversament presjeduta, fid-29 ta' Lulju 2004 [Mandat 1355/2004 fl-istess ismijiet]; u għalhekk il-mertu, in kwantu jikkonċerna il-gustifikazzjoni o meno ta' ħruġ ta' mandat ta' inibizzjoni definittiv, huwa eżawrit;

[2] Illi pero' mhux inopportuna l-osservazzjoni li din il-Qorti taqbel pienament mas-sottomissjoni ta' l-intimati li ma jirriżultax li, f'każ li tigi miċħuda t-talba rikorrenti, is-soċjetà rikorrenti ser issofri preġudizzju rrimedjabbli; stante li l-istess rikorrenti għandha rimedji oħra legali disponibbli għaliha kif jirriżulta mill-Artikolu 41 [6] tal-Kap. 350, u l-Artikolu 469A tal-Kap. 12 li jagħti ġurisdizzjoni ġenerali, għalkemm limitata, lil qrati ordinarja biex jistħarrġu għemil amministrattiv fit-termini ta' l-istess artikolu.

Dan premess u kunsidrat, mhux opportun li f'dan l-istadju din il-Qorti timpedixxi lill-Awtorità intimata tkompli teżerċita l-funzjoni legali tagħha fil-konfront tas-soċjetà rikorrenti.

Għaldaqstant din il-Qorti, filwaqt li tirrevoka contrario imperio id-digriet fuq citat, tipprovdi definittivament dwar it-talba tar-rikorrenti billi tiċċad l-istess. Bl-ispejjeż a kariku ta' l-istess rikorrenti."



7. INTERNATIONAL RELATIONS

7.1 - Mediterranean Network of Regulatory Authorities

The sixth Meeting of the Mediterranean Network of Regulatory Authorities took place in Nicosia, Cyprus on 22-23 January 2004, under the presidency of Mr. Alecos Evangelou, Chairman of the Cyprus Radio Television Authority.

During the Meeting it was unanimously agreed that Mr. Alecos Evangelou will continue to hold the presidency of the Mediterranean Network until the organization of the next Network Meeting which will take place in France in 2005. It was further agreed that Mr. Evangelou, in consultation with the Secretariat, will prepare suggestions regarding the structure of the Network.

The regulatory authorities of Catalonia, Cyprus, France, Greece, Israel, Italy, Malta, Portugal and Turkey are Members to the Mediterranean Network of Regulatory Authorities.

The Network, during its Meeting in Nicosia, agreed to extend membership to the National Council for Radio and Television of Albania and the Telecommunications Market Commission of Spain. Furthermore, representatives from the Second Radio and Television Authority of Israel, the Ministry of Information of the Palestinian National Authority and the Egyptian embassy in Cyprus, participated as guests to the Meeting.

During the Meeting, papers concerning the Regulation of Satellite Broadcasting in France and in the European Union and the transition from Analogue to Digital Broadcasting were discussed. Moreover, there was a discussion and exchange of views regarding the enlargement and the reinforcement of the Network, so that independent regulatory authorities belonging to other countries of the Mediterranean basin, could also become members of the Network.

The Mediterranean Network of Regulatory Authorities was established on 29 November 1997 in Barcelona and it provides a platform for discussion and exchange of information and research on issues regarding broadcasting regulation. Its mission station is to reinforce cultural and historical links between Mediterranean countries and identify common challenges against the backdrop of globalization.

The Permanent Secretariat of the Network (which was agreed to be renamed as General Secretariat) is provided by the French Conseil Supérieur de l'Audiovisuel in association with the Catalonia Broadcasting Council and the Cyprus Radio Television Authority.



7.2 - European Platform of Regulatory Authorities

On 3rd and 4th June 2004 the Chief Executive of the Broadcasting Authority, Dr Kevin Aquilina, participated in the 19th Meeting of the European Platform of Regulatory Authorities held in Stockholm. Amongst other matters, this meeting discussed matters of privacy, protection of minors and the regulation of radio.

The Authority also participated during the 20th Meeting of the European Platform of Regulatory Authorities held in Istanbul, Turkey between 14th and 15th October 2004. The Chairman and Chief Executive participated in all sessions of the conference. Items discussed during this meeting included the European Commission's Interpretative Communication on Advertising, the control of broadcasts inciting to racial hatred and rules to provide access to television and radio programmes for people who are aurally and visually impaired. Dr Kevin Aquilina delivered a presentation on the situation in Malta with regard to the Broadcasting Authority's Code of Practice on Disability and its Portrayal on the Broadcasting Media.

The European Platform of Regulatory Authorities which now comprises 49 regulatory authorities from 39 countries in Europe was set up in Malta in 1995 and provides an open platform for discussion and exchange of views on a wide variety of relevant topics to regulators.

During 2004 the Authority answered numerous requests for such exchanges of information from regulatory bodies in member countries in the form of questionnaires about common issues relating to the interpretation and application of broadcasting legislation at national and European level and other subjects pertaining to local broadcasting matters and current broadcasting policy in Malta.

The numerous questionnaires on a vast range of topics which the Authority answered included those from the National Broadcasting Council of Poland about frequency allocation, about the dangers to pluralism and free competition from media concentration from Navarra, Spain, co-productions between broadcasters and non-commercial or commercial organisations from Italy, pornography and adult content on television from Austria, convergence of broadcasting and telecommunication technologies from Cyprus, sponsorship regulations from Norway, regulations pertaining to the right of privacy with regard to the preparation of an EPRA background document, from Stockholm, subliminal and surreptitious advertising directed at children from Hungary, on the interpretation and implementation of the Television Without Frontiers Directive from the U.K., electronic pay services piracy from Finland, financing of monitoring services from Slovenia, political advertising from Norway, impact of transnational media concentrations in Europe and their impact on media pluralism and diversity, from the Council of Europe, request from the Netherlands on theme channels, webcasting and internet activities on public service broadcasting as well as advertising and sponsoring at sport events shown on television, on the interpretation of the European Commission's Television Without Frontier Directive in the light of the Commission's



Communication on Advertising aspects from Latvia, regarding the attainment of a geographic market definition and market analysis of products and services in the network and electronic communications services sector from Belgium, establishment of satellite broadcasters from Hungary, the principle of country of origin jurisdiction for television services in the E.U. from U.K., commercials which prejudice respect for human dignity from Cyprus, offer of services via stand alone channels from Israel, cable issues from Montenegro, and from Bulgaria a questionnaire on broadcasting of shocking scenes.

7.3 - The Commonwealth Broadcasting Association

The Commonwealth Broadcasting Association (CBA) is funded by subscription from members of the major public service broadcasters of the Commonwealth. The main objectives of the CBA are as follows:

- to secure funds for training in developing Commonwealth countries for management and broadcasting skills.
- to foster freedom of expression and the right to communicate.
- to extend the Association's database about members.
- to further the concept of public service broadcasting.
- to provide a point of contact and a forum for discussion.

Full membership is open to radio and television stations both public and private within the Commonwealth. Also, affiliate membership is open to radio and television stations, and any broadcast related organisation in any country. Existing members include most major public radio and television stations (some private). Membership is not open to individuals. The CBA has about 100 members in over 50 countries.

7.4 - The European Institute for the Media

The European Institute for the Media (EIM) gives expression to the growing interdependence of European countries in the field of communications.

The EIM's main areas of research are the impact of convergence on the media, cross-border developments in the media and their role in the process of European integration; the public interest aspects of (new) media developments and the growth of the Information Society.

The EIM is a non-profit research organisation which acts independently and in the public interest. It makes an important contribution to the development of appropriate media policies on the basis of objective research and open discussion.



The Authority was in close contact with the Director General of the EIM following reports late in the year that a restructuring process had begun at the Institute. The Authority is still waiting to learn of the final outcome of the restructuring process.

8. GHARGHUR TRANSMITTING TOWER

During 2004 the Authority continued with the maintenance on the tower structure which is expected to be finalised by early 2005. The Authority has also installed a new security system at the new Gharghur Tower as well as carried out maintenance works to the building which houses the broadcasting equipment. Negotiations were also underway for enabling *Go Mobile* to install their broadcasting apparatus on the transmitting tower. These negotiations in fact were concluded in January 2005.

The Authority in conjunction with the Malta Communications Authority is currently examining the feasibility of using the tower for digital broadcasting.

2004 brought to a successful conclusion the Authority's investment in the Gharghur site. Since 1998, the Authority had embarked upon a costly exercise to upgrade its premises at Gharghur by building a more secure boundary wall, installing new lights throughout the whole perimeter area of the site as well as a new earthing system. New lighting for the tower to make it more visible for aircraft cruising in the vicinity of the tower will be installed during 2005 after the much needed maintenance to the tower structure comes to an end.



9. RADIO AND TELEVISION AUDIENCES IN MALTA

Article 30(2) of the Broadcasting Act requires the Broadcasting Authority to make and transmit to the Prime Minister a report that would include the results of independent audience research which ascertains:

- (a) the state of listenership or viewership of broadcasting services provided in Malta;
- (b) the state of public opinion concerning programmes included in broadcasting services provided in Malta;
- (c) any effects of such programmes on the attitudes or behaviour of those who watch them; and
- (d) the types of programmes that members of the public would like to be included in broadcasting services provided in Malta.

From this year, a new methodology was used to gather audience data ruling out the risk of producers knowing in advance when the audience would take place – data was collected on a daily basis thus avoiding stage-managed productions designed to boost radio listening and television viewing during any given period.

In order to give effect to the above, the Broadcasting Authority has engaged the National Statistics Office in order to compile data representative of the whole population through telephone interviews during the period June-December 2004.

Audience data collection started on 1st June 2004 on a daily basis through telephone interviews and the sample was selected from a list of individuals residing in private households. The replies collected were forwarded to the Broadcasting Authority and the Authority's Head of Research and Communications Department compiled two Continuous Audience Reports which were published on CD by the Authority. Through this process, the Authority is now in a position to provide data on the state of radio listening and television viewing of broadcasting services on a quarterly and bi-annually basis that is representative of the whole period and no longer of a "photo-image" for a particular week.

91 - Radio Listening Patterns

Participants were asked whether they consume broadcasting services regularly, viewing local stations only, foreign stations only, or both.

Regular Radio listening during the period June to December reached 75.6%. While 63.3% listen to local radio stations only, 0.5% listen to foreign stations only, 11.9% listen to both local and foreign stations, and the remaining 24.4% stated that they do not listen to radio.

For the whole period of June-December, regular radio listening is consumed by 75.6% - being slightly favoured by those in the 12-29 age group [75.9%]. Regular radio listening decreased from June-September [80.1%] to October-December [69.8%].

Regular local radio was followed mostly by those having secondary schooling [38.3%] followed by primary school leavers [33.4%]. House persons [37.0%] and those employed [35.7%] registered the highest levels of radio listening. Regular local radio station listening exceeds by more than 51% in all of the categories classified by economic status.

68.6% of all interviewed in the Northern district and 66.9% of those living in the Western district follow local radio stations, and the least following [55.0%] was amongst those living in Gozo where regular "local and foreign station" listening got the highest ranking at 13.3%.

9.2 - TV Viewing Patterns

Regular television viewing reached 97.1% with 2.9% stating that they never watch TV. While for June to September those watching only local TV stations were at 15.6%, during October to December this figure rose to 17.3% and the figure for those watching "Foreign Stations Only" rose from 10.3% to 18.7%. The percentage of those respondents who regularly watch both local and foreign stations has dropped from 71.2% in June/September to 61.2% in October/December.

The Western district [72.2%] was the region where regular TV viewing for both local and foreign stations was highest while Gozo was the region where regular "local only" was highest at 21.7% from amongst the six districts. Persons of over 50 years are more propensive to watch "local television stations only" than the other age groups while regular "foreign stations only" viewing is more tracked among the 12-29 age group. Those who "never attended school" [31.3%] and "primary school leavers [22.2%] are more apt to follow "local stations only" while "foreign stations only" are more followed by those who have attained tertiary education.

On the other hand, those unemployed [72.4%] view more "both local and foreign" stations than any other group.

9.3 - Programme Preferences

Radio and television programmes were categorised in ten and fourteen different types of programmes respectively and respondents were asked which programmes they preferred to listen/view on their broadcasting media.

News and Current Affairs [88.7%] are the most preferred media of all radio listeners, followed by Musical Programmes [84.6%], Health and Beauty programmes [68.1%], Religious programmes



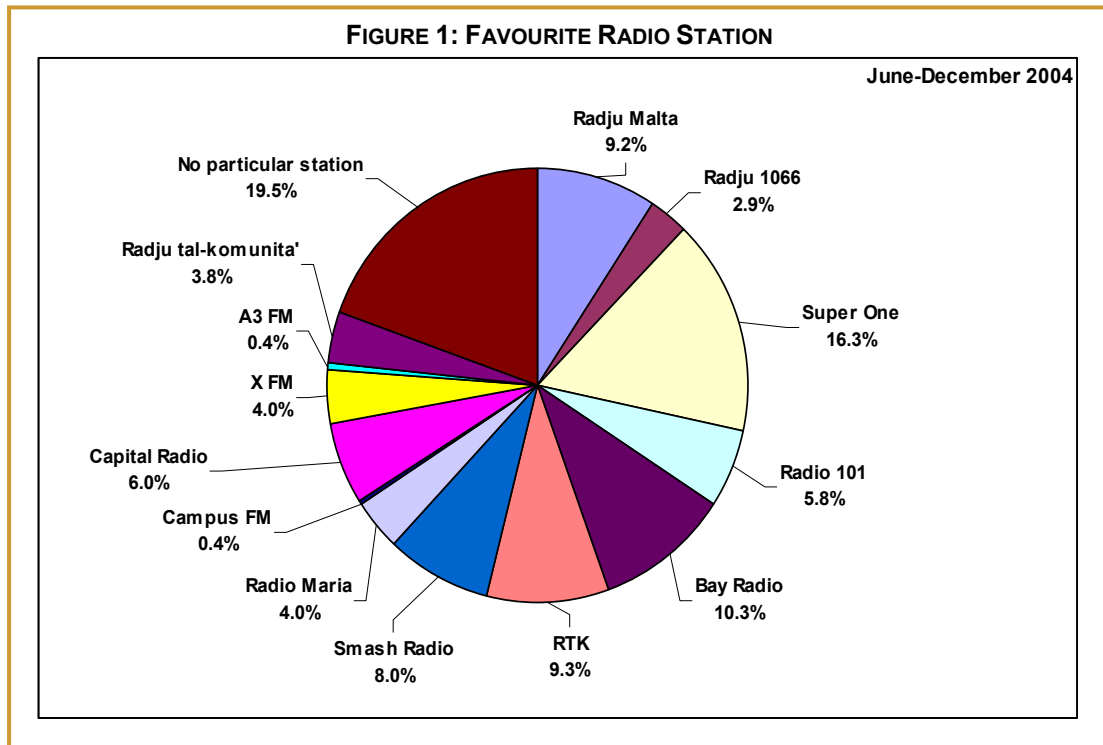
[57.8%] and Discussion programmes [54.1%]. Of all the ten radio programmes, Sport programmes are more preferred by males than by females [67.5%/M – 32.5%/F]. All the other programme sectors are more favoured by females than males.

For programmes broadcast on television, News and Current Affairs [90.0%] is the most consumed type of programme followed by Weather [85.5%], Plays/Drama [76.9%], and Discussion programmes [72.8%]. Sport programmes are more preferred by males than females [64.6%/M – 26.9%/F].

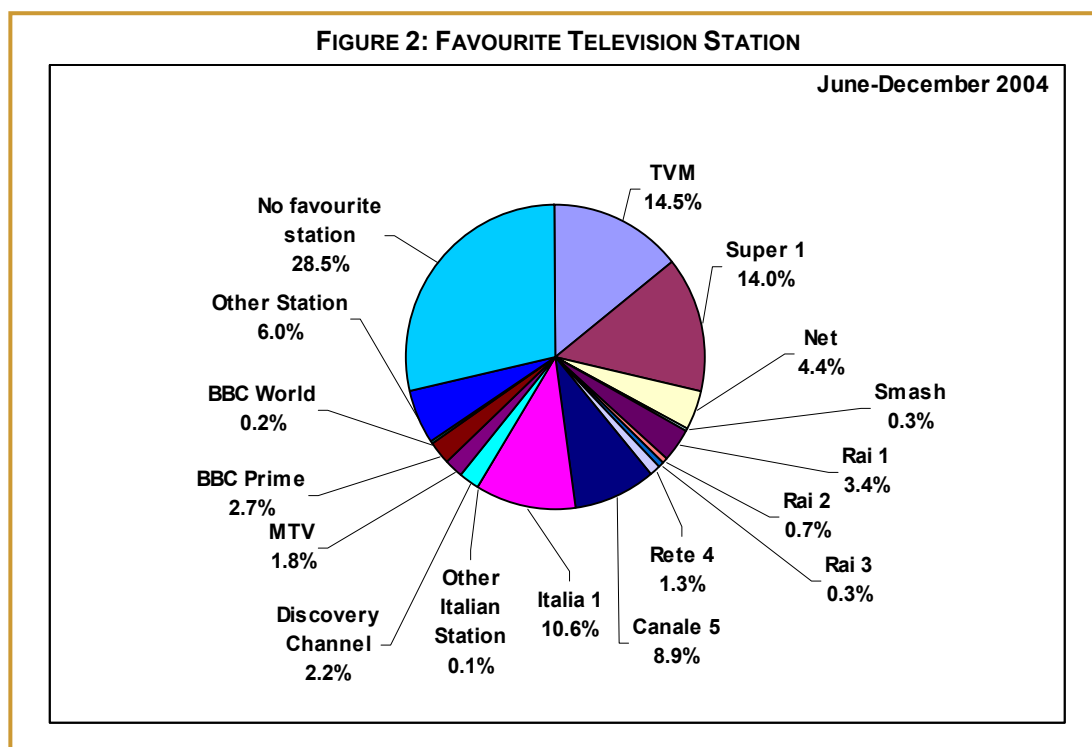
9.4 - Favourite Radio and Television Station

Respondents taking part were asked to state their preferred radio and television broadcasting station. Of all those who listen to radio, 19.5% stated that they do not have a particular preferred radio station.

Super One Radio [16.3%] is the most preferred station, followed by *Bay Radio* [10.3%], *RTK* [9.3%], *Radju Malta* [9.2%] and *Smash Radio* [8.0%] – see figure 1 below. Radio listening varied by district. *Super One Radio* was given first preference in three districts [Southern Harbour, Northern Harbour and South Eastern District], *RTK* in Gozo, *Radju Malta* in the Western District and *Bay Radio* in the Northern District.



Of all those interviewed, 28.5% stated that they do not have any particular preferred television station. *TVM* [14.5%] is the most preferred station, followed by *Super One TV* [14.0%], *Italia 1* [10.6%] and *Canale 5* [8.9%] – see Figure 2 below.



TVM ranked as the most favourite station in three districts [Northern Harbour, Western District, and Northern District] and second in the rest of the districts. *Super One TV* ranked first in Southern Harbour and South Eastern districts and second in the rest of the districts with the exception for Gozo where it ranked third. Television preferences in Gozo were given to *Canale 5*, followed by *TVM* and *Super One TV* in that ranking order.

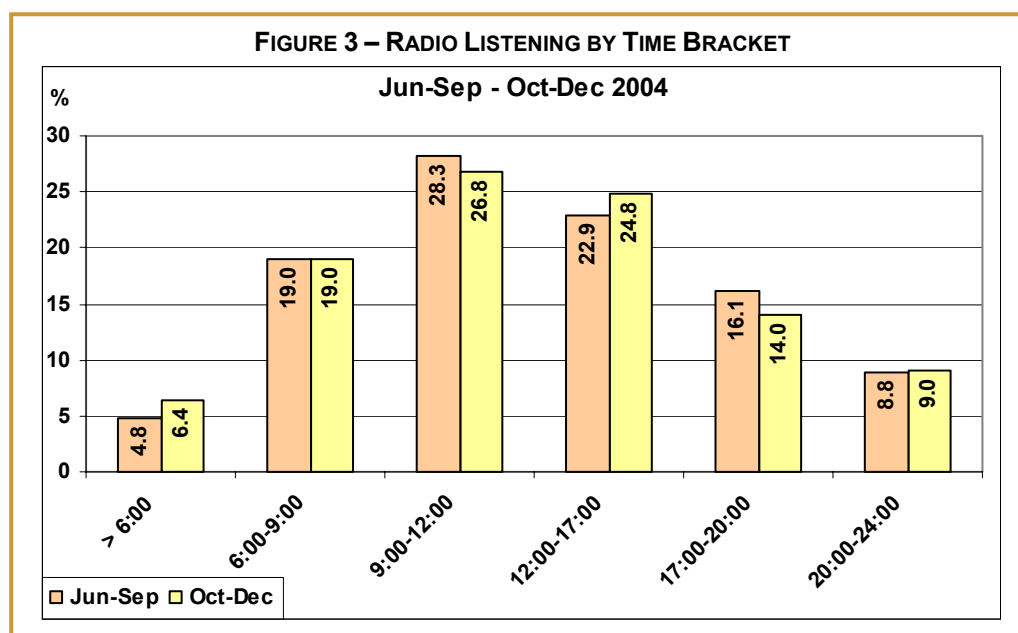
9.5 - Radio Listening and Television Viewing

Respondents were also requested to state whether they had utilised any broadcasting services the day prior to the interview, for how many hours, which time bracket, and which station they had listened/viewed for at least ten minutes.

Radio listening decreased from 45.1% to 41.2% of all those interviewed from June-September to October-December. While 51.4% of all listeners in June-September employed radio services for one hour or less, this figure dropped to 39.0% during October-December.

While more people [4.8%(Jun-Sep) – 6.4% (Oct-Dec)] listen to the radio in October-December before 06:00a.m., for the same period less people listen to radio between 09:00a.m. to noon but radio listening increased from noon to 5:00 p.m. – see Figure 3 below.





Radio listening decreased on Mondays and Tuesdays during the last three months of the year but listening during the rest of the week was higher than that for June to September during the mornings. Radio listening in the afternoon was generally less for October-December than that for June-September - see tables 1 and 2 below

TABLE 1: RADIO LISTENING BY TIME-BRACKET BY WEEKDAY - JUN-SEP 2004

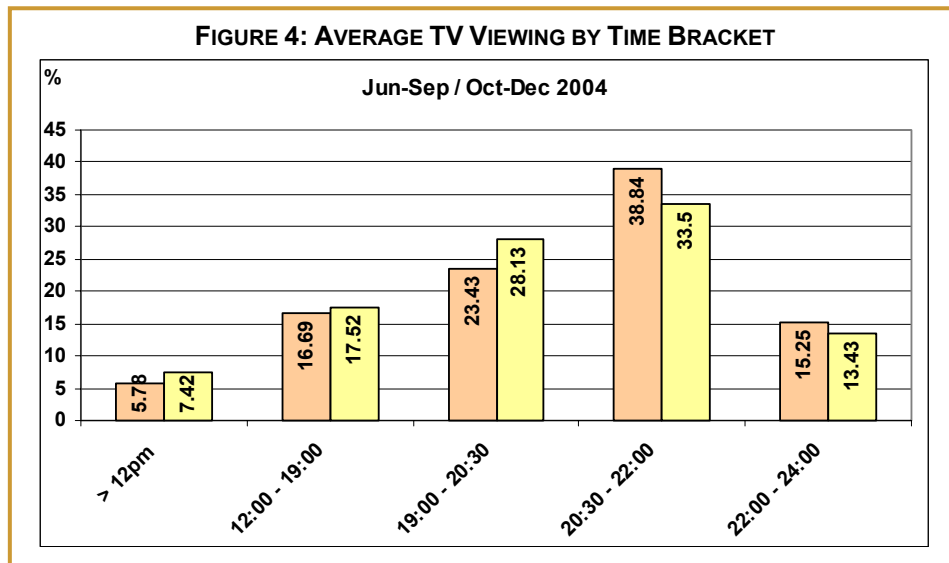
TIME BRACKET	SUN %	MON %	TUE %	WED %	THU %	FRI %	SAT %
> 6:00	2.4	6.3	5.8	6.3	4.1	3.2	3.9
6:00 - 9:00	7.3	23.4	17.4	17.5	17.8	25.4	21.6
9:00 - 12:00	31.7	28.1	31.9	25.0	26.0	22.2	37.3
12:00 - 17:00	26.8	18.8	21.7	21.3	26.0	28.6	17.6
17:00 - 20:00	19.5	14.1	15.9	17.5	19.2	11.1	15.7
20:00 - 24:00	12.2	9.4	7.2	12.5	6.8	9.5	3.9

TABLE 2: RADIO LISTENING BY TIME-BRACKET BY WEEKDAY - OCT-DEC 2004

TIME BRACKET	SUN %	MON %	TUE %	WED %	THU %	FRI %	SAT %
> 6:00	6.4	4.0	3.1	9.2	2.9	6.0	7.7
6:00 - 9:00	19.0	16.0	18.8	21.1	14.7	20.0	19.2
9:00 - 12:00	26.8	36.0	21.9	21.1	38.2	26.0	24.4
12:00 - 17:00	24.8	28.0	25.0	25.0	23.5	26.0	23.1
17:00 - 20:00	14.0	4.0	25.0	15.8	8.8	14.0	15.4
20:00 - 24:00	9.0	12.0	6.3	7.9	11.8	8.0	10.3

Television viewing, on the other hand, increased from 72.2% to 77.5% of all respondents from June-September to October-December. More females than males watch television and the greatest count was in the 50+ age group. Those who “never attended school” ranked highest in television viewing with 81.3% in that category while “pensioners” ranked highest with 80.9% when the interviewees were classified by economic status. The “Southern Harbour” and “Western” district ranked highest in TV viewing with 77.4% when classified by district

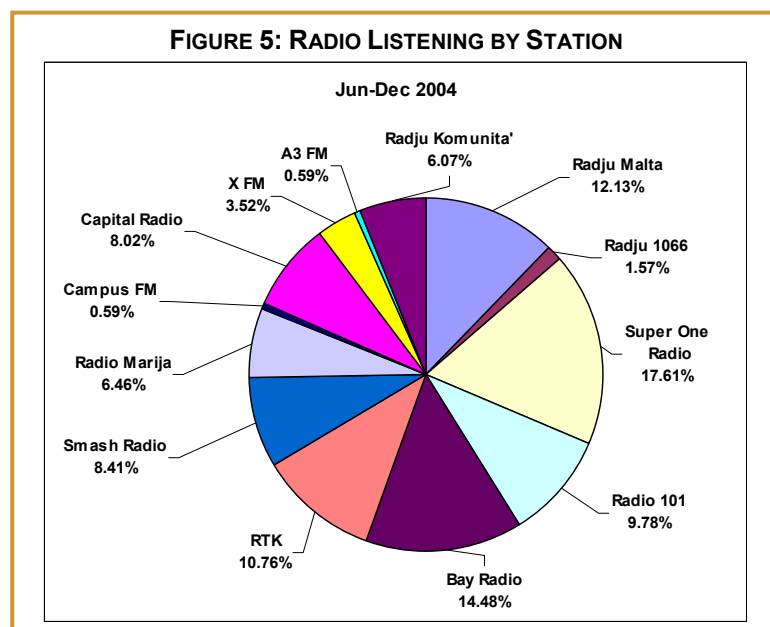
6.69% stated that television was watched before 12:00; 17.15% between 12:00hrs and 19:00hrs; 26.05% between 19:00-20:30hrs; 35.87% between 20:30-22:00hrs and 14.23% between 22:00-24:00hrs - see Figure 4 below



Overall, TV viewing increased from June/Sep to Oct/Dec reaching a highest peak of 73.68% [20:30-22:00] on Fridays in Jun/Sep to 81.4% [20:30-22:00] on Saturdays in Oct/Dec – see Figure 6.2 below.

9.6 – LISTENING BY RADIO STATION

Participants were asked which station they had listened to the day before the interview for at least ten minutes. For the whole period Super One Radio ranked first at 17.6%, followed by Bay Radio [14.5%], Radju Malta [12.1%], RTK [10.8%] and Radio 101 [9.8%] – see Figure 5 below. The counts for Radju 10.66 [Parlament], Campus FM, XFM and A3 FM did not qualify as data representatives.



Analysing radio listening by month, Super One Radio maintained its first position for nearly all the months with the exception of September where it lost its place to Bay Radio. Bay Radio's weakest month was in July but regained position with a first ranking in September. RTK lost its second position in June during July/August but regained a third position during the last month of the year. Radju Malta maintained its third/fourth position for nearly the whole period with a second place ranking in September. Radio 101 got a second place in July, losing its place in August and regaining a fourth position during September to November. – see Table 3

TABLE 3: RADIO STATION LISTENING BY MONTH

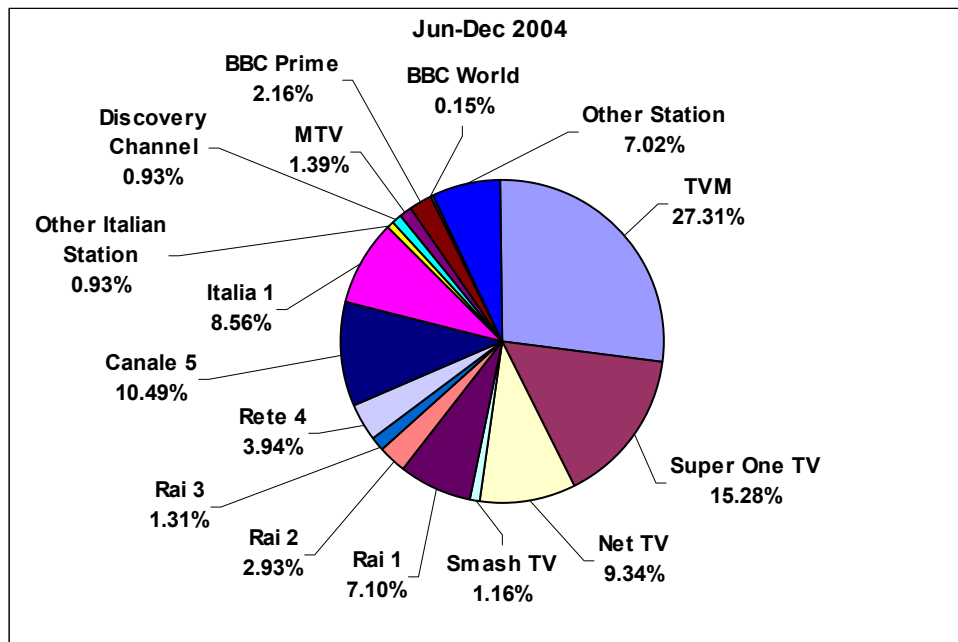
RADIO YESTERDAY	TOTAL %	JUN %	JUL %	AUG %	SEP %	OCT %	NOV %	DEC %
Radju Malta	12.13	14.10	15.07	12.07	10.87	9.33	11.29	12.33
Radju 10.66	1.57	[]	[]	[]	[]	[]	[]	[]
Super 1 Radio	17.61	17.95	17.81	22.41	9.78	17.33	22.58	19.18
Radio 101	9.78	11.54	16.44	6.90	8.70	9.33	9.68	5.48
Bay Radio	14.48	11.54	5.48	17.24	17.39	16.00	17.74	16.44
RTK	10.76	15.38	6.85	6.90	9.78	12.00	9.68	13.70
Smash Radio	8.41	7.69	10.96	10.34	7.61	9.33	3.23	9.59
Radio Marija	6.46	3.85	6.85	6.90	8.70	2.67	6.45	9.59
Campus Fm	0.59	[]	[]	[]	[]	[]	[]	[]
Capital Radio	8.02	7.69	9.59	8.62	7.61	8.00	8.06	6.85
X FM	3.52	[]	[]	[]	[]	[]	[]	[]
A3 FM	0.59	[]	[]	[]	[]	[]	[]	[]
Radju Komunita'	6.07	8.97	4.11	3.45	7.61	5.33	6.45	5.48
	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

[] = unqualified as data representatives

9.7 – VIEWING BY TV STATION

For the period June/December TVM ranked first with 27.3%, followed by Super One TV [15.3%] and Net TV [9.3%] from the local broadcasting stations. From foreign stations, Canale 5 ranked first with 10.5% followed by Italia 1 [8.6%]. “Other Station” includes any other station not included in the list mentioned by the interviewee and includes Education 22, cable re-transmissions and satellite stations. As directed by the National Statistics Office, counts of less than 30 were not deemed to be data representative and are grouped together under “unqualified”. These include Smash TV, RAI 3, Discovery Channel, MTV, BBC World, BBC Prime, and Other Italian Station – see Figure 6 below.

FIGURE 6: TV VIEWING BY STATION



Analysing television audiences by month, TVM, Super One TV and Net TV maintained their position throughout the whole period – see Table 4 below

TABLE 4: TV STATION VIEWING BY MONTH

TV Yesterday	TOTAL %	JUN %	JUL %	AUG %	SEP %	OCT %	NOV %	DEC %
TVM	27.31	32.34	22.68	26.80	25.99	27.36	33.53	22.22
Super 1	15.28	14.93	21.13	18.04	10.73	16.92	11.38	12.35
Net	9.34	8.96	12.89	8.76	9.04	5.47	10.78	9.88
Smash	1.16	[]	[]	[]	[]	[]	[]	[]
Rai 1	7.10	7.46	4.12	6.70	10.73	6.47	7.19	7.41
Rai 2	2.93	4.98	1.55	1.55	2.26	2.49	2.99	4.94
Rai 3	1.31	[]	[]	[]	[]	[]	[]	[]
Rete 4	3.94	5.47	3.61	3.61	2.82	4.48	2.99	4.32
Canale 5	10.49	8.96	8.76	12.89	14.12	9.95	10.18	8.64
Italia 1	8.56	5.97	8.76	9.28	9.60	7.46	7.19	12.35
Other Italian Station	0.93	[]	[]	[]	[]	[]	[]	[]
Discovery Channel	0.93	[]	[]	[]	[]	[]	[]	[]
MTV	1.39	[]	[]	[]	[]	[]	[]	[]
BBC Prime	2.16	[]	[]	[]	[]	[]	[]	[]
BBC World	0.15	[]	[]	[]	[]	[]	[]	[]
Other Station	7.02	5.97	9.28	5.15	5.65	6.47	7.19	9.88
	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

[] = unqualified as data representatives



10. POLITICAL BROADCASTING

10.1 - Party Political Broadcasts

On 12th April 2004 the Authority launched a scheme of party political broadcasts which consisted of Party Productions and Political Spots as follows:

	PN	MLP	AD
Party Productions	10 minutes	10 minutes	10 minutes
Political Spots	1 minute per day	1 minute per day	20 seconds per day

This scheme came to a natural end on 10th June 2004, that is, two days prior to the European Union Parliamentary Elections.

10.2 - European Union Parliamentary Election Broadcasts

Following Malta's accession to the European Union, Malta held its first election in order to elect five Members of the European Parliament. This election was held on Saturday, 12th June 2004.

Even the local council elections which had to be held in March 2004 were held on the same date of the European Union Parliamentary Elections. The Authority had to devise a new scheme of broadcasts for the E.U. Parliamentary Elections which consisted only of party productions. Airtime was distributed as follows:

PN	MLP	AD	ALPHA
40 minutes	40 minutes	10 minutes	10 minutes

The Nationalist Party and the Malta Labour Party were entitled to four party productions each of not more than 10 minutes whilst Alternattiva Demokratika and Alpha Partit Politiku were entitled to one party production each of the same duration. On the other hand each independent candidate was allowed a five minute broadcast. All broadcasts were transmitted on TVM. The Scheme of E.U. Parliamentary Elections is found in Annexe IV to this Report.

The Authority also issued a directive on programmes broadcast during the period 17th May to 12th June 2004. The text of this Directive is contained in Annexe V to this Report.



10.3 - Anniversary Messages

The following three anniversary messages were broadcast on TVM during 2004:

DATE	TIME	DURATION	MESSAGE
05/06/2004	19:10	6' 45"	World Environment Day – Min. George Pullicino
27/09/2004	19:50	9'	World Tourism Day - Min. Francis Zammit Dimech
03/12/2004	18:15	8' 25"	International Day for Disabled People - Min. Dolores Cristina

10.4 Ministerial Broadcasts

Only two Ministerial broadcasts were aired on TVM during the period under review:

DATE	TIME	DURATION	MINISTER
24/03/2004	19:50	9' 56"	Prime Minister, Dr L. Gonzi
01/05/2004	19:00	9' 16"	Prime Minister, Dr L. Gonzi



11. ADMINISTRATIVE OFFENCES

During the year 2004 there were cases of administrative penalties inflicted upon broadcasting stations by the Broadcasting Authority for various infringements of the Broadcasting Act as per tables hereunder:

YEAR	NUMBER OF INFRINGEMENTS OF THE BROADCASTING ACT
2000	17
2001	64
2002	53
2003	2
2004	65

A breakdown of the figure for 2004 of infringements of the Broadcasting Act is as follows:

STATION	NUMBER
NET TV	11
Super1 TV	14
TVM	21
Radio 101	3
Smash TV	3
Channel 12	2
Super 1 Radio	1
Bay Radio	3
RTK	1
Capital Radio	6
Total	65

Comparative tables for administrative offences which have been confirmed by the Authority for television and radio follow:

ADMINISTRATIVE OFFENCES [2001-2004] - TV STATIONS

STATION	2001	2002	2003	2004
Max Plus ¹	1	4	0	0
TVM	11	11	1	21
NET TV	14	9	0	11
Smash TV	3	0	0	3
Super 1 TV	28	20	1	14
Education 22	0	1	0	0
Channel 12 ²	0	0	0	2
TOTAL	57	45	2	51

¹ Ceased operating in November 2002

² Ceased operating in June 2004

ADMINISTRATIVE OFFENCES [2001-2004] – RADIO STATIONS

STATION	2001	2002	2003	2004
Super 1 Radio	1	1	0	1
Radju Parlament	1	1	0	0
RTK	1	0	0	1
Capital Radio	1	2	0	6
Bay Radio	1	0	0	3
Radio Calypso ¹	1	3	0	0
Radio 101	1	0	0	3
Radju Vilhena	0	1	0	0
TOTAL	7	8	0	14

¹ Ceased operating in 2004

12. QUALITATIVE RESEARCH

12.1 - The Effects of Broadcasting on the Young Consumer

Dr Joe Grixti concluded his qualitative research on the effects of broadcasting on the young consumer. This research, which was published by the Authority in book format, was discussed during a seminar held on 31st January 2005.

Dr Grixti's eightfold findings are summarised below:

1. Commercial media are selling the young more than brands of products – they are selling a whole way of life. Judging by the ways Maltese youth talk about themselves and their relation to their cultural environment, the sales pitch appears to be working.
2. The majority of Maltese youth are very much aware of the fact that they are living in a consumption-driven environment, and they appear to have internalised the values which underscore most Western-style consumer cultures.
3. Media images of “beautiful people” can lead to insecurity or unrealistic expectations and even self-punishing behaviour among many young people.
4. Young people with disabilities face unique problems of self-image and adjustment in commercially-oriented media cultures.
5. As in other countries, the evidence from Malta indicates that the young are being specifically targeted by alcohol and tobacco advertisers.
6. Though young people's attitudes to sex and sexual behaviour appear to have changed dramatically, these changes are also marked by ongoing conflicts, contradictions and double standards.
7. Maltese youth culture is not so much getting replaced by global mass culture as mutating by interacting with it.
8. There is a need for more systematic and widespread programmes of education about the media.



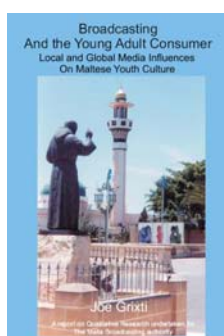
BROADCASTING AND THE YOUNG ADULT CONSUMER



The panel [left to right]: Chief Justice Emeritus, Dr. J. Said Pullicino, Chairman of the Broadcasting Authority; Dr. Paul E. Micallef, Consumer Affairs Council; Ms. Sylvana Debono, Broadcaster; Dr. Paul Bartolo, Chairperson; Mr. Jean-Paul de Lucca, President, Kunsill Nazzjonali taż-Żgħażaġh; and Dr. Anthony E. Azzopardi, Youth Studies Programme Coordinator, University of Malta



Some of the participants at Robert Samut Centre, Floriana



The publication



*The Author
Dr. J. Gixti*



12.2 - Gender Portrayal in News Bulletins

Ms Joanna Spiteri wrote an M.A. thesis on 'A Comparative Study of the Portrayal of Gender Issues in News Bulletins between a Northern and a Southern European country (Ireland and Cyprus) and the Maltese Islands'.

This study found that gender equality is still not being reflected in news bulletins not only in Malta but also in the other European countries analysed – Ireland and Cyprus. This study acknowledges the skewed representation of women and men in the news media in Cyprus, Ireland and Malta. Across the three countries studied statistics of women and men are not balanced out.

Women are dramatically under represented in news. Women appear on screen in smaller numbers and in limited roles. They are rarely the main focus of a news item and are not frequently portrayed or reported in news headlines. Very often when women are reported, they are projected as part of the general public without any prominent role in society. Sometimes they are also reported when occupying the role of entertainers and artists. They play a peripheral role in the news items.

Men are generally reported as those in power and authority and are described as the politicians or top administrators. However, women are excluded in positions of social and political power.

Although women have entered male-dominated professions, the gender gap is still reflected in barriers for advancing careers. Women are still under represented in the highest level of their profession. Women in business and women in family, the problems of childcare facilities and the position of single mothers are completely absent from the news in the three countries analysed.

The study confirms the differences in visibility of women and men in news bulletins. In the three countries, women are treated as minority groups and are under represented in news reports as well as in news visuals. Women are rarely seen in interviews and in voice clips because they are rarely asked for their opinions as experts. However, women are often interviewed in *vox pops* when portrayed as consumers or as members of the general public. This study confirms that television news “symbolically annihilates women”.

The news bulletins analysed confirm patriarchy and reinforce traditional and sex role stereotypes. This study stresses Gerbner's argument that “the mass media cultivate attitudes and values which are already present in a culture”. This study notes that while in Malta and in Cyprus women are invisible as political leaders, results for RTÉ news showed that there were a number of women as politicians who were being reported.



In all three countries, however, women mainly appear in domestic settings and men in the public sphere. News bulletins continue to perpetuate a range of stereotyped images of women. Women are mainly reported as an appendage unlike men who are portrayed as the 'independent gender'. Also women are mainly found in less dominant news items which deal on traditional 'women's topics' such as social and health issues.

News images tend to define women within the narrow confines of her traditional domestic roles and sexual appeal to men. For instance, blonde women are filmed in close ups in the two Southern European countries – Cyprus and Malta. The age criterion is also significant in the portrayal of news bulletins. Young women are mainly pictured most, but on CyBC it is interesting to note that old women are depicted in news items which deal on consumer-related news. It shows that the majority of consumers depicted are pensioners and not young or middle aged people. This probably happened because the consumer related news focused on the high prices of vegetables.

This study also investigated the human resources in the newsrooms and the relationship between the news production team and the content itself. In many instances, findings showed that female reporters are not 'ghetto-ised' on women's issues and stories but women report a wider variety of issues. However, in some cases, women reporters still tend to be assigned 'soft' issues such as culture, arts and women's health, while men are assigned 'more important' issues like politics.

In news organisations studied, it was observed that women do not occupy top posts and a few number of women are found in middle management such as desk officers in Malta and producers at RTÉ. There is vertical segregation because the higher up one looks at the ladder of news management, the less women one finds. Although there are quite a good number of female journalists, and in some cases women outnumber men, women constitute a minority in top or managerial posts.

This study does not give empirical support to assume that a significant increase in female participation in news organisations would result to change in the news and women would be more reported or portrayed (Van Zoonen, 1998, 1991 referred by McQuail, 1994). Also little proof was found that female images differ in news visuals when produced by a female and not a male journalist. However, interviews conducted indicate that journalists do not have enough autonomy and independence to decide for themselves, but it is the management who has the last word of what should be in the news. The study shows that the number of female journalists is a necessity but not a sufficient condition for changes in the portrayal of women and men in news. In fact the study's findings confirm what was discussed in The Beijing Platform for Action (BPFA) 1995, that the increase in the number of women in newsrooms does not translate into the increased access to power and decision making in media organisations.



With regard to news casting, female newscasters are the most popular throughout the three countries. On the other hand, the majority of sportcasters are men. Television sport news is built around men and not female preferences. In fact this study found a lot of coverage of 'men's sport' in contrast to the lack of coverage of 'female's sport'.



13. PUBLIC SEMINARS

During 2004, the Broadcasting Authority organised four public seminars as follows:

DATE	SUBJECT
26 th March 2004	Launching of the Broadcasting Authority's commissioned study on 'Broadcasting Pluralism in Malta – Ten Years Later: A Qualitative Perspective'
26 th July 2004	Launching of Grant Thornton's Business Study on national radio and television services
30 th September 2004	Draft Guidelines on the Portrayal of Vulnerable Persons in the Broadcasting Media
10 th November 2004	The Law of Sponsorship of Programmes

With regard to the 26th March 2004 seminar, the Authority discussed Ms Marika Fsadni's qualitative research on broadcasting pluralism. The Rev. Professor Saviour Chircop, Dr Josann Cutajar and Dr Edward Warrington gave their reactions to this study after Ms Fsadni gave a presentation on her study's conclusions and recommendations.

In the second seminar, the Authority invited all those persons who had expressed an interest for both nationwide television and radio stations to attend for Grant Thornton's presentation on their business study and to react thereto.

The third seminar discussed the draft guidelines regarding participation in media programmes of vulnerable persons. These guidelines were eventually approved by the Broadcasting Authority on 25th January 2005.

The fourth seminar focused on the provisions of the Broadcasting Act on the law of sponsorship. Several queries were raised by broadcasters on the proper interpretation of these provisions. Following research and consultation with European broadcasters, the Authority clarified the interpretation of the legal provisions on sponsorship on 15th March 2005.

Three out of four of these seminars were also filmed by Education 22.

BROADCASTING PLURALISM IN MALTA



The panel [left to right]: Ms Marika Fsadni, the author; Dr. Edward Warrington; Chief Justice Emeritus, Dr. Joseph Said Pullicino, Chairman Broadcasting Authority, Dr. Josann Cutajar; and Rev. Prof. Saviour Chircop



Some of the participants at "Erin Serracino Inglott" Hall, University of Malta – Friday 26th March 2004

40

THE TIMES, SATURDAY, MARCH 27, 2004

Broadcasting Authority head slams political television stations

Broadcasting Authority chairman Joseph Said Pullicino yesterday expressed disappointment that television stations owned by political parties have been turned into propaganda machines.

"It is a pity that pluralism in Malta has amplified political polarisation; TV stations owned by political parties were, and still are, considered to be propaganda machines. They still fail to understand that it is only in their interest to give a balanced and objective service to people," he said.

During a seminar yesterday evening, the Broadcasting Authority presented findings of a qualitative survey on pluralism in Malta, 10 years after it was introduced.

Marika Fsadni, who conducted the research, identified the positive and negative effects that pluralism has brought about in public broadcasting.

Massimo Farrugia

Ms Fsadni took into account a number of considerations: the diversity of programmes and their content, broadcasting standards, the limits and implications of farming out of programmes as well as the role of the Broadcasting Authority and its relevance in society today.

In his opening speech, Chief Justice Emeritus Said Pullicino said everything indicated that the relevance of television in future would depend on the quality of news bulletins and current affairs programmes.

"In this context, the role of the authority should be to ensure that balance and impartiality are observed rigorously," he said. He said those who considered

the authority as an obstacle in a liberalised and competitive market today were questioning the relevance of the Broadcasting Authority in Malta. "Recent experience has shown that the BA plays a vital role in our country's democracy," he said.

This applied especially when it came to ensuring impartiality in public broadcasting. "The authority should not give in to those who are suggesting that Malta can do without independent public broadcasting," he said.

"If this is not ensured, news and current affairs programmes will be monopolised by people with partisan interests or hidden agendas," he said.

The BA chairman said that whatever form the state television station would take after restructuring, the constitutional functions of public broadcasting must be respected.



The Author
Ms Marika Fsadni



The Publication



BUSINESS STUDY ON NATIONAL RADIO AND TELEVISION SERVICES



Presentation by Grant Thornton of a Business study on National Radio and Television Services – 26th July 2004

PORTRAYAL OF VULNERABLE PERSONS IN THE BROADCASTING MEDIA



Opening Speech by Chief Justice Emeritus, Dr. Joseph Said Pullicino; Rev Fr. Joe Borg, Chairperson, Bord Editorjali, PBS Ltd.; and Ms Christina Borg, Member of Advisory Committee



[Left to Right]: Ms Sonja Camilleri, Chairperson tal-Kunsill tat-Tfal; Ms Sylvana Cristina, Manager Programming, PBS Ltd., Rev. Fr. Joe Borg; and Ms Ruth Sciberras, Service Manager, Aġenzija Appoġġ



Some of the participants at the workshop held at the Studio of the Broadcasting Authority



14. STAFF PUBLICATIONS AND PAPERS

During 2004, the following papers were presented during conferences or were published or compiled:

NAME	CONFERENCE/ PUBLICATION	TITLE OF PAPER	DATE
Dr Kevin Aquilina, Chief Executive	The Times	Freedom of Expression and Racial Hatred (vide Annexe VI)	15 th July 2004
Dr Kevin Aquilina, Chief Executive	European Platform of Regulatory Authorities	Broadcasting Code of Practice on Disability and its Portrayal in the Broadcasting Media (vide Annexe VII)	14 th October 2004
Mario Axiak, Head Research and Communications	Real Live Media European Seminar	Disability and its Portrayal in the Broadcasting Media: The Maltese Experience (vide Annexe VIII)	28/29 th October 2004
Joanna Spiteri, Supervisor Monitoring	Sport Conference	Portrayal of Women in Sport News Items (vide Annexe IX)	29/30 th October 2004

Dr Kevin Aquilina wrote a paper on children's rights which is currently being discussed with the Commissioner for Children's office as part of the Authority's contribution in the revision and updating of the Broadcasting Authority's Code for the Protection of Minors 2000.



15. POLITICAL CONTENT OF TVM NEWS

The Authority compiled statistics on the political content of the news on TVM as found in Annexes X to XIX of this report.

With effect from next year these tables will no longer be published as following an internal re-organisation of the Monitoring Department the Authority will no longer continue to duplicate the statistics held by PBS Ltd.





ANNEXES





TERMINILOGIJA TA' L-INFORMATIKA

Ingliż		Malti	Ingliż		Malti
1	computer	kompjuter	23	software	Softwer
2	module	modjul	24	programme	programm / tipprogramma
3	execute	tagħmel/twettaq	25	surf	Tisserfja
4	motherboard	<i>motherboard</i>	26	internet	Internet
5	earth	ert	27	load	Tillowdja
6	to earth	tertja	28	hang	Tiñhengja
7	megahertz	<i>megahertz</i>	29	tower	Torri
8	megabytes	<i>megabytes</i>	30	network	Network
9	gigabytes	<i>gigabytes</i>	31	download	Tniżżel
10	byte	<i>byte</i>	32	upload	ittella'
11	web site	websajt	33	search engine	<i>search engine</i>
12	laptop	leptop	34	key board	Kibord
13	data base	<i>data base</i>	35	to key	Tikkija
14	save	tissejvja	36	to format	Tiformattja
15	drag	tiddreggja	37	bullet	Built
16	log	tilloggja	38	font/s	Font/s
17	delete	tħassar	39	to chat	Tiċċettja
18	paste	tippejstja	40	to click	Tikklikkja
19	cut	taqta'	41	cursor	Kerser
20	copy	tikkopja	42	mouse	Maws
21	hard disk	ħardisk	43	window	Tieqa
22	memory	memorja			

BROADCASTING AUTHORITY DIRECTIVE ON THE VARIOUS TYPES OF POLLS BROADCAST ON RADIO AND TELEVISION SERVICES

1. INTRODUCTION

1.1. The specific issue of broadcasting of the various types of polls listed in this Directive carried out is worth mentioning because of its potential influence on viewers and listeners. The Broadcasting Authority has thus surveyed the situation in foreign jurisdictions and has drawn up the following rules to be followed by local broadcasting stations.

2. OPINION POLLS

2.1. Opinion polls are a useful tool to inform the audience of voting intentions. However, they can also be used as a tool of manipulation of the viewers and listeners - especially if they are, for instance, broadcast on the last days before a general election, a European Union parliamentary election or a referendum.

2.2. A broadcaster who broadcasts the results of an opinion survey must broadcast the following information with the results of the survey:

- the name of the sponsor/originator/originator of the survey;
- the name of the individual or organization who conducted the survey;
- the dates when the survey was conducted;
- to the extent that the information is applicable to the survey, the number of individuals contacted for the survey and the percentage of those who refused to take part in the survey;
- to the extent that the information is applicable to the survey, the margin of error for the survey;
- the exact wording of each question for which data are reported;
- for each question for which the margin of error is greater than that reported, the margin of error for the question;
- a mailing address or telephone number, indicating it as the address or telephone number at which the sponsor/originator can be contacted to obtain a written report regarding the survey.

2.3. The person carrying out the survey should provide to the station a copy of a written report on the results of the survey, including the following information to the extent that it is applicable to the survey:

- the name and address of the sponsor/originator of the survey;
- the name and address of the individual or organization who conducted the survey;
- the dates when the survey was conducted;



- the exact wording of each question for which data are reported;
- the method used to collect the information;
- the population from which the sample was drawn;
- the size of the initial sample and the number of individuals contacted for the survey;
- the number and percentage of individuals contacted who answered the survey;
- the number and percentage of individuals contacted who refused to take part in the survey;
- the method used to recalculate percentages when those who expressed no opinion or those who did not respond are omitted;
- the times of any interviews;
- the sampling method;
- the number of ineligible individuals contacted;
- any weighting factors or normalization procedures used;
- the margin of error for the survey.

2.4. Further, programmes reporting polls are to ensure that they:

- never rely on the interpretation given to a poll's result by the publication or organisation which commissioned it: look at the questions, the data, and the trend;
- never use language which gives greater credibility to the polls than they merit - results never "prove" or even "show", they simply "suggest";
- always report the expected margin of error, and where the gap between the two leading contenders is within the combined margin of error say so;
- always say if it was a telephone poll;
- never be tempted to single out one as more "newsworthy".

2.5. Time must be allowed in programmes for all the proper details to be given.

3. TELEVOTING AND INTERNET POLLS

3.1. When reporting ring-in (also known as 'televoting' or 'phone-in') polls or internet polls (that is, those where readers are given a number or address to register a vote), it should be made clear that, as the results have been generated by self-selected respondents, and not by proper statistical sampling, they are not necessarily representative of the whole population. In reporting the results of such polls, expressions such as "most people" and "the public" should be avoided if likely to give a misleading opinion that the poll results are representative of public opinion.

3.2. These may accurately be called "straw polls" even when the subject is serious. Programmes which want to carry them out need to understand their severe limitations. They do not sample opinion: they are simply a programme device which illustrates certain viewpoints.

3.3. Phone-in polls must never be used by programmes as a means of gathering serious



information on party political support. In other contexts, phone-in polls may produce interesting, even impressive results. But it must not be implied that those results have any wider significance.

3.4. Questions in phone-in polls should be as neutrally worded as the context calls for. Slanted questions give slanted results.

4. VOX POPS

4.1. Vox pop interviews with people in the street do not even *indicate* what the public generally is saying. They are too small in number to be representative and they are not selected as a quota sample. Vox pops may sometimes be used to illustrate the kind of things people are saying in properly conducted political opinion polls. They can also be used in a wide variety of non-political contexts, provided there is no suggestion that they represent the views of the population at large. Thus, each vox pop should be preceded by an announcement that the methodology followed is not a scientific and reliable one.

5. EXIT-POLLS

5.1. Exit polls, which are conducted outside polling stations on voting day and assess what people have actually voted, are to be broadcast only after the closure of the polling booths as, if they are given during the election or referendum itself, they could have an influence on the outcome of the elections and would also be in breach of Maltese law.

6. PROHIBITION OF BROADCAST OF POLLS ON THE DAYS IMMEDIATELY PRECEDING POLLING

6.1. Some countries have regulations restricting the dissemination of poll results on the day or the immediate days preceding the election. As with the general prohibition of electoral activity on 'reflection day', the reasoning behind such rules is to enable the public to take a decision on their vote without external influences, such as the predicted results which opinion polls indicate.

6.2. It is therefore prohibited to broadcast the results of any of the above-mentioned polls that would identify a political party or a candidate or are in favour or against a referendum question from Monday immediately preceding polling day till the close of the polling booths.

17th May 2004



SMASH TV'S ROLE IN DISSEMINATING RACIAL HATRED

The Broadcasting Authority's Chief Executive had instituted administrative proceedings against the Chairman of Smash Communications Ltd. before the Broadcasting Authority in conjunction with the programme "Minibus" broadcast on 15th June 2004 on Smash TV. In his charge, the Chief Executive held that the one hour programme in question which was broadcast after the result of the EU Parliamentary elections had become known was entirely dedicated to an interview with candidate Norman Lowell who was contesting these elections on behalf of the party called "Imperium Europa". The Chief Executive alleged that the programme was in breach of article 13 (2) (a) of the Broadcasting Act particularly because the last part of the programme was full of content which was likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling. The Chief Executive also referred to article 82A of the Criminal Code which punishes as a criminal offence the crime of racial hatred. This provision 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 Authority was also requested by the Chief Executive to note that Mr Lowell had already made similar remarks during the electoral campaign in the same programme of 29th April, 6th May, 1st and 8th June 2004.

The B.A. held a sitting during which the Chief Executive briefed it of the administrative charge levelled against Smash Communications Ltd. After the Chief Executive read the charge, the Authority requested Smash TV to make its submissions.

At the beginning of the Authority's sitting, the station pleaded that the Authority could not hear the administrative proceedings as it was both a prosecutor and a judge in the same case. The Authority however rejected this plea precisely because the Broadcasting Act expressly provides for a fair hearing during which the person who issues the charge does not participate in the deliberations and determination thereof.

The Authority also took cognisance of that part of the *Minibus* programme which was brought in evidence by Smash TV wherein the presenter had declined any station responsibility for Mr Lowell's assertions. The Authority also had the opportunity to view the last part of the programme as this was referred to during the submissions made to it by both parties.

The Authority, after having heard the parties' submissions considered that Mr Lowell had filed his candidature for the E.U. parliamentary elections on behalf of a political party called "Imperium Europa". The Authority opined that in such a situation it was relatively difficult for it to carry out its functions especially in view of its obligation to fairly apportion broadcasting time and facilities as required by article 119 (1) of the Constitution of Malta between persons belonging to different political parties because:

1. although the Constitution, the General Elections Act and the Broadcasting Act, among others, refer to political parties, there does not appear to be in these laws a definition of what is a political party and what are the requirements necessary for its recognition as such. The General Elections Act however provides that any one person may form a political party;
2. the law does not provide for the formalities required for the setting up of a political party and no law regulates the rights, obligations and financing of such parties. Nor is there the need for its registration with a competent authority;
3. the law does not provide for the prohibition of a political party by a competent judicial authority in the case of certain determinate circumstances.

Moreover, the Authority also considered that:

- a) no criminal proceedings had been instituted by the competent authority against Mr Lowell for violation of the Criminal Code as a result of the above-mentioned programmes;
- b) it was bound to proceed with the hearing of the charge levelled by the Chief Executive against Smash TV independent of any other proceedings instituted against Mr Lowell. The Authority stated that it had the function to safeguard the interests of the viewer irrespective of whether it was proved that Mr Lowell was effectively found to have violated the Criminal Code;
- c) freedom of expression has to be exercised with due respect to the human rights and fundamental freedoms of the individual. This restriction is reasonably justifiable in a democratic society;
- d) it has to view in a serious manner broadcasts which incited to racial hatred and ensure that stations do not consider such content lightly or sensationallly;



- e) the programmes which were mentioned in the charge, particularly that of 15th June 2004 contained material which was clearly in violation of the law in the last part of the programme;
- f) contrary to previous programmes, the last programme was broadcast when the electoral campaign was over and was excessively long (around half an hour) during which Mr Lowell expressed the declared policy of his political party. It also contained appeals and incitements which were markedly racist;
- g) the station knew quite well what the declared policy of Mr Lowell's party was and it therefore was duty bound to take those necessary measures to ensure that no objectionable content was broadcast. This was clear from similar references of a grievous nature which were broadcast in the other programmes during the electoral campaign.

The Authority also noted that there was a serious omission on the part of Smash TV when it permitted the interviewer to ask questions which were aimed at provoking an objectionable reaction which the presenter should have foreseen. Smash TV could not exonerate itself from responsibility by simply declaring that the station's presenter was not responsible for Mr Lowell's statements.

Therefore, the Authority concluded that the administrative charge had been proved and that article 13 (2) (a) of the Broadcasting Act was breached.

Finally, the Authority considered also that in terms of the Fifth Schedule to the Broadcasting Act, the maximum administrative penalty to be imposed was in such a case that of Lm 200. The said Schedule, however, empowers the Authority to impose a higher penalty where the circumstances of the case are so grievous to warrant such increase in penalty. The Authority considered Smash TV's violation to be a grievous one and it therefore imposed a fine of Lm500 which had to be paid by the station within a month's time.

The station has however instituted judicial proceedings to have the Authority's decision reviewed. Dr Bezzina refers to the court case he has instituted as legal counsel of Smash Communications Limited against the Broadcasting Authority. He also raises various issues in his article concerning that case. The Authority bears respect to the sub judice principle and hence does not consider it ethical on its part to delve into the merits of this case in your newspaper. Nor will it allow itself to be dragged into a polemic. The Authority will refrain from addressing all the points raised by Dr Bezzina in his contribution which concern pending litigation but let your readers be assured that the Authority will be replying to all these claims before the appropriate forum.



PROCEDURE GOVERNING EUROPEAN UNION PARLIAMENTARY ELECTIONS BROADCASTS

PART 1

1. GENERAL

- 1.1 This series of European Union Parliamentary Elections consists only of party productions. This scheme commences on 20th May and ends on Thursday, 10th June 2004.
- 1.2 All party productions are transmitted under the auspices of the Broadcasting Authority.
- 1.3 This scheme of European Union Parliamentary Elections Broadcasts consists of airtime apportioned between the Malta Labour Party, the Nationalist Party, Alternattiva Demokratika and Alpha Partit Politiku. Airtime is distributed as follows:

PN	MLP	AD	Alpha
40 minutes	40 minutes	10 minutes	10 minutes

- 1.4 Party Productions will be transmitted on TVM during the period mentioned in paragraph 1.1.
- 1.5 Party productions shall be transmitted as per schedule contained in Appendix I.
- 1.6 Airtime for party productions which is not utilized by the party concerned on the date such airtime is allocated will be forfeited. Airtime cannot be accumulated to be used on another day/s if it is not used on the allocated day.
- 1.7 Political Parties shall abide by the provisions of the law and the rules issued by the Authority from time to time. The Authority's decision on any points which may arise in connection with these transmissions will be final.
- 1.8 Neither the Broadcasting Authority nor Public Broadcasting Services Ltd. will accept any responsibility for any interference with or breakdown of the television or radio services and cannot bind themselves to repeat any broadcast that suffers as a result of such interference or breakdown.
- 1.9 Political parties participating in this series may request a recording of any party production after it has been broadcast subject to the payment of the relative fee as prescribed in the



Dubbing of Tapes Regulations, 2000. A period of seven days from the date of the broadcast is allowed for such requests.

- 1.10 All parties participating in the scheme shall bind themselves in terms of the indemnity form attached as Appendix II to this scheme. Failure to sign this indemnity forms indicates lack of interest in participation in the scheme as a whole.
- 1.11 Party productions are allotted on the basis of the number of candidates submitted for the E.U. Parliamentary Elections as follows:
- a) Political parties with more than five candidates are entitled to a total of 40 minutes of party productions;
 - b) Political parties with less than five candidates are entitled to a total of 10 minutes of party productions.
- 1.12 Party productions shall be allotted as follows:
- a) 4 productions to the PN; each production of not more than 10 minutes;
 - b) 4 productions to the MLP; each production of not more than 10 minutes;
 - c) 1 production of not more than 10 minutes to the AD;
 - d) 1 production of not more than 10 minutes to the Alpha Partit Politiku.
- 1.13 Each party production shall not exceed 10 minutes in duration.

PARTY PRODUCTIONS

- 1.14 Party productions vary from the straight talk to an elaborate television production or to an interview with a candidate for the EU Parliamentary elections.
- 1.15 Party productions will be provided by the parties themselves and video tape recordings must comply with the station's technical requirements. The visual material provided is to be delivered on a Beta tape to the Authority not later than two clear working days before the date of transmission. A VHS copy is also to be delivered to the Authority at least two clear working days before the selected transmission date. **Failure to comply with the above time limit will amount to the non-broadcast of the said political spot and message by candidate.**
- 1.16 Party productions shall include the respective party logo which will be shown throughout in a corner of the screen.

- 1.17 No close ups shall be permitted in party productions of members of the public unless their written consent has been requested by the political party concerned and communicated to the Authority.
- 1.18 The Authority is hereby directing PBS Ltd. to broadcast all party productions and all messages by candidates without the need of vetting them.
- 1.19 The Authority reserves the right to modify this scheme of broadcasts at any stage and to supplement the provisions of this scheme by means of directives which it may issue from time to time.

PART II

2. INDEPENDENT CANDIDATES

- 2.1 Each independent candidate shall be allowed a five minute broadcast on TVM.
- 2.2 The broadcast by independent candidates shall be held as per Schedule III.

APPENDIX I - SCHEDULE OF BROADCASTS: POLITICAL PARTIES PARTY PRODUCTIONS

DATE	PARTY
20/5/04	M.L.P.
21/5/04	P.N.
27/5/04	M.L.P.
28/5/04	P.N.
2/6/04	M.L.P.
3/6/04	P.N.
4/6/04	Alternattiva Demokratika
7/6/04	Alpha Partit Politiku
8/6/04	M.L.P.
9/6/04	P.N.

Party productions shall be broadcast on TVM after the 8.00p.m. news bulletin.



APPENDIX II

FORM OF INDEMNITY IN CONNECTION WITH EUROPEAN UNION PARLIAMENTARY ELECTIONS BROADCASTS

Today the _____ day of May 2004, each of the parties here undersigned taking part in the scheme of European Union Parliamentary Elections Broadcasts organized by the Broadcasting Authority for the period 20th May to 10th June 2004 shall not knowingly include in any political spot or message by a candidate provided by them in any manner whatsoever and in particular whether by way of visual images, sounds, words, music, pictorial representations or actions any defamatory, seditious, libellous, offensive or any matter which constitutes an injurious falsehood or slander of title or any tort or of an infringement of any monopoly, copyright, trademark, patent or other similar criminal offence or contempt of court or breach or Parliamentary privilege or which violates the provisions of any law and shall at all times indemnify and keep the Authority, the PBS Limited and the other parties participating in this scheme indemnified from and against all claims, costs, damages, penalties, expenses and proceedings occasioned to or incurred by the Authority and the parties in consequence of the inclusion (whether knowingly or not) in any party production or political spot provided by them of any such matter.

Provided that this indemnity is being limited to the extent that the Broadcasting Authority, PBS Limited and the other parties participating in this scheme may have as a result of the above been ordered to pay such claims, costs, damages, penalties, and expenses, judicial or otherwise, by a court of law in a final judgement.

Provided also that the Broadcasting Authority, PBS Limited and/or the other parties, as the case may be, shall not later than eight days after a claim is made inform the party concerned of the claim and/or judicial or other proceedings against them as aforesaid, and such party shall be entitled to assist and defend jointly with the Broadcasting Authority, PBS Limited and/or other party, the said claim.

For and on behalf of (insert name of party)

Name and surname

Official Position in the Party

Date

Signature



APPENDIX III

SCHEDULE OF BROADCASTS: INDEPENDENT CANDIDATES

DATE	CANDIDATES
24/5/04	Baron Mark von Brockdorff Norman Lowell
25/5/04	Victor M. Zammit Damian Iwueke
29/5/04	Nazzareno Bonnici Cecil Herbert Jones
1/6/04	Lino Farrugia Christopher Sciberras

Interviews shall be broadcast on TVM after the 8.00p.m. news bulletin.



**DIRETTIVA TA' L-AWTORITÀ TAX-XANDIR
DWAR PROGRAMMI U REKLAMI MXANDRA MATUL
IL-PERJODU 17 TA' MEJJU SAT-12 TA' ĠUNJU 2004**

BIS-saħħa tas-setgħat mogħtija lilha bl-artiklu 15 ta' l-Att dwar ix-Xandir, l-Awtorità tax-Xandir qed toħroġ din id-direttiva:

1. (1) Din id-Direttiva tissejjaħ id-Direttiva ta' l-Awtorità tax-Xandir dwar *Isem u dhul fis-seħħ.* Programmi u Reklami mxandra matul il-perjodu 17 ta' Mejju sat-12 ta' Ġunju 2004.

(2) Din id-Direttiva tibda sseħħ minn nhar it-Tnejn, 17 ta' Mejju 2004.

2. (1) Għall-għanijiet ta' din id-Direttiva:

Tifsir.

“l-Att” ifisser l-Att dwar ix-Xandir;

“l-Awtorità” tfisser l-Awtorità tax-Xandir imwaqqfa bl-artiklu 118 tal-Kostituzzjoni;

“Direttiva” tfisser id-Direttiva ta' l-Awtorità tax-Xandir dwar Programmi u Reklami mxandra matul il-perjodu 17 ta' Mejju sat-12 ta' Ġunju 2004;

“elezzjonijiet” tfisser l-elezzjonijiet għall-Parlament ta' l-Unjoni Ewropea u l-elezzjonijiet għall-kunsilli lokali li se jinżammu nhar is-Sibt, 12 ta' Ġunju 2004 fiż-żewġ każijiet;

“programm” jinkludi *spots* sew jekk ikunu informattivi sew jekk ikunu xort'oħra.

(2) Il-kliem u l-frażijiet użati f'din id-Direttiva jfissru l-istess bħal dak li ngħatalhom fl-Att.

3. (1) Mhux aktar tard minn nofsinhar ta' nhar it-Tnejn, 17 ta' Mejju 2004, kull stazzjon tax-xandir irid jagħti lill-Awtorità skeda dettaljata tal-programmi u reklami biex tiġi approvata mill-Awtorità. Din l-iskeda trid tkopri l-perjodu 17 ta' Mejju sat-12 ta' Ġunju 2004. Fejn l-istazzjon ikun bi ħsiebu li jxandar

Għoti ta' Skedi ta' Programmi lill-Awtorità.





programmi ta' ġrajjet kurrenti, programmi ta' diskussjoni, programmi ta' ġurnalizmu investigattiv, u programmi ta' natura simili għal dawn, irid jibgħat lill-Awtorità s-suġġett ta' dak il-programm u dettalji dwar min ser jieħu sehem fih bid-dettalji kollha tal-preżentatur u l-produttur biex din tkun tista' tagħti l-approvazzjoni tagħha.

(2) Wara li l-Awtorità tapprova din l-iskeda ta' programmi l-istazzjon tax-xandir ma jkunx jista' jagħmel bidliet fl-iskeda msemija flief eċċezzjonalment, wara li jittlob għal dan bil-kitba u jagħti d-dettalji kollha meħtieġa u bl-approvazzjoni ta' l-Awtorità. Din it-talba għal tibdil fl-iskeda ta' programmi trid tasal għand l-Awtorità mhux anqas minn sebat ijiem utli qabel id-data tal-bidla proposta u trid issir skond il-formola annessa. L-Awtorità mhux se tapprova tibdil għall-perjodu 5 ta' Ġunju sa l-10 ta' Ġunju 2004.

(3) Bla ħsara għas-subartikolu (7) ta' dan l-artikolu, l-ebda programm jew reklam b'xejra politika ma jista' jixxandar minn stazzjon tax-xandir qabel ma tingħata l-approvazzjoni msemija fil-paragrafi (1) u (2) ta' dan l-artiklu sakemm dan ma jkunx parti fi skema approvata mill-Awtorità. Sakemm tiġi approvata l-bidla mitluba fl-iskeda ta' programmi mill-Awtorità, l-istazzjon tax-xandir m'għandux ixandar *promotional material* dwar il-programmi li qed jiġu proposti li jixxandru mill-istazzjon in kwistjoni. L-ebda programm jew reklam ma jista' jinkoraġixxi lill-poplu li jivvota b'mod partikolari. Għandha tingħata attenzjoni biex jiġi żgurat illi l-programmi kollha u r-reklamar kollu ma jkunx fih materjal li jista' jiġi nterpretat li qed jiffavorixxi jew li qed jagħti *exposure* mhux f'waqtu lil xi partit politiku jew kandidat jew li jista' raġonevolment jitqies li huwa mmirat lejn għan politiku.

(4) Kull programm li jkollu x'jaqsam ma' xi materja ta' kontroversja politika jew industrijali jew li jirreferi għall-*policy* pubblika kurrenti li jixxandar matul il-perjodu 5 ta' Ġunju sa l-10 ta' Ġunju 2004 jrid ikun bilanċjat. Fi programmi hekk jeħtieġ li jiddaħħlu l-opinjoni kollha differenti dwar is-suġġett li jkun qed jiġi diskuss.

(5) Fil-każ tas-subartikolu (4) hawn fuq, l-Awtorità tista' tapprova skedi ta' programmi proposti minn stazzjonijiet tax-xandir wara li tkun sodisfatta li dan jaqbel ma' dak li hemm provdut f'artiklu 119 tal-Kostituzzjoni. L-Awtorità tara, b'mod partikolari li, fejn għandu x'jaqsam ma' l-għażla tas-suġġetti u ta' dawk li jkunu ser jieħdu sehem, l-istazzjonijiet jimxu ma' dak li hemm maħsub fl-artiklu msemmi.

(6) Għall-fini ta' din id-direttiva "natura politika" jew "xejra politika" jfissru opinjoni kontroversjali marbuta fil-qofol tagħha mas-soċjetà moderna li tkun fil-qalba ta' dibattitu politiku u jinkludi wkoll il-kampanja għall-elezzjonijiet.

(7) Waqt li l-Awtorità, b'konformità mal-liġi, tinsisti fuq iż-żamma ta' bilanċ u l-imparzjalità, l-Awtorità tifhem ukoll li jkun prattiku u fl-istess ħin konformi mal-liġi li l-kontenut tal-programmi skond l-iskedi sottomessi lilha fuq l-istazzjonijiet politiċi jitqies fid-dawl tad-disposizzjoni fakoltattiva mogħtija lill-Awtorità skond l-artikolu 13 (2)(f) ta' l-Att dwar ix-Xandir. Dan t'hawn fuq m'għandux jiġi interpretat b'hekk li l-istazzjonijiet tal-partiti politiċi mhumie x marbuta li josservaw il-liġi. Għall-fini ta' dan is-sub-artikolu, l-istazzjonijiet tal-partiti politiċi huma: Capital Radio, Super 1 Radio, Radio 101, Super 1 TV, NET TV.

4. Dawn it-tibdiliet għandhom japplikaw matul il-perjodu 17 ta' Mejju sat-12 ta' Ġunju 2004 għall-Kodiċi għall-Investigazzjoni u d-Determinazzjoni ta' l-Ilmenti:

Applikazzjoni tal-Kodiċi għall-Investigazzjoni u d-Determinazzjoni ta' l-Ilmenti.

(a) l-ilmenti jkunu indirizzati lill-Awtorità u mhux lill-istazzjonijiet tax-xandir;

(b) L-Awtorità tista' titlob spjega mill-istazzjon tax-xandir dwar l-ilment imsemmi skond kemm t'hoss hi li din tkun meħtieġa gall-każ;

(c) kull spjega jew tagħrif b'hekk dan irid jingħata lill-Awtorità mill-istazzjon tax-xandir mhux aktar tard minn nofsinhar ta' l-għada jew qabel, skond kif tordna l-Awtorità.

5. (1) Matul il-jum qabel l-elezzjonijiet u dakinhar tal-votazzjoni (minn issa 'l quddiem magħruf b'hekk "il-kampanja ta' żmien is-skiet"), ma jista' jsir ebda xorta ta' xandir li b'xi mod jista' jinfluenza l-votanti.

Regolamenti li l-istazzjonijiet tax-xandir iridu jobdu matul il-ġurnata qabel l-elezzjoni ġenerali u dakinhar tal-votazzjoni.

(2) Bla ebda ħsara għas-sub-artiklu (1) ta' dan l-artiklu, matul il-kampanja ta' żmien is-skiet ser jidhru fis-seħħ dawn ir-regolamenti:

(a) għandhom jiġu evitati sitwazzjonijiet minn stazzjonijiet tax-xandir li matul il-perjodu ta' żmien is-skiet ikunu trasmessi programmi li jistgħu raġonevolment jiġu interpretati li qed jixxandru bil-ħsieb li jinfluwenzaw il-votanti;

(b) trid tiegħi kull xorta ta' preżentazzjoni mix-xandir tal-partiti politiċi,



kandidati u ta' movimenti u organizzazzjonijiet oħra li għandhom x'jaqsmu ma' l-elezzjonijiet;

(c) l-istazzjonijiet tax-xandir ma jxandru tagħrif, dikjarazzjonijiet, stqarrijiet tal-gvern lill-istampa u lix-xandir, kif ukoll dawk ta' l-oppożizzjoni, tal-kandidati, tal-partiti politiċi u ta' organizzazzjonijiet u movimenti li għandhom x'jaqsmu ma' l-elezzjonijiet, u kull xorta ta' xandir ieħor li bil-miftuħ jew bil-moħbi għandu natura politika jew li tista' b'xi mod tinfluenza d-deċiżjoni tal-votanti;

(d) dan li ġej ma jistax isir:

(i) propaganda,

(ii) tagħrif li għandu x'jaqsmu mal-kampanja elettorali, u

(iii) avviżi maħsuba għall-preżentazzjoni ta' programmi, *logos*, *mottos* u simboli ta' partijiet politiku jew ta' kandidat;

(e) ma tistax issir kull xorta ta' preżentazzjoni fix-xandir li b'xi mod hi dwar il-kampanja elettorali (bħalma huma preżentazzjonijiet, propaganda politika, programmi ta' diskussjoni, intervisti, eċċ);

(f) fir-rapporti dwar il-votazzjoni u attivitajiet oħra dwar l-elezzjonijiet, l-istazzjonijiet jithallew ixandru bil-prudenza kollha tagħrif dwar fatti li jkollhom valur ta' aħbar evidenti bħal ksur li seta' sar fil-proċeduri tal-votazzjoni kif ukoll dwar xi incidenti li jinqalgħu fil-post tal-votazzjoni jew barra u wkoll dikjarazzjonijiet uffiċjali dwar kif inhi sejra l-votazzjoni hekk kif dawn joħorġu minn ħin għall-ieħor mill-Kummissjoni Elettorali basta li ma tkunx aħbar maħruġa mill-partiti politiċi jew mill-kandidati nfushom jew aħbar ipprovokata jew ġenerata mill-partiti politiċi jew mill-kandidati jew għall-gwadann politiku.

(3) Jistgħu jixxandru, dikjarazzjonijiet u stqarrijiet dwar xi incidenti msemmija f'paragrafu (f) ta' sub-artiklu (2) ta' dan l-artiklu li joħorġu matul il-kampanja ta' żmien is-skiet, meta jkunu għalqu l-postijiet kollha tal-votazzjoni.

(4) Għall-għan ta' dan l-artiklu:

"propaganda" favur jew kontra, tfisser kull xorta ta' preżentazzjoni ta' xandir li għandha x'taqsam b'xi mod mal-kampanja elettorali. Tixwix tinkludi wkoll kull preżentazzjoni fuq il-mezzi kollha tax-xandir ta' kandidati, simboli, sinjali jew għeliem oħra u materjal propagandistiku ta' partiti politiċi u movimenti u organizzazzjonijiet li għandhom x'jaqsmu ma' l-elezzjonijiet.



"tagħrif li għandu x'jaqsam ma' kampanja elettoral" tfisser gabriet ta' aħbarijiet u programmi oħra li jagħtu:

(a) tagħrif dwar kull xorta ta' ħidma ta' propaganda li saret qabel ma waslet biex tibda l-kampanja ta' żmien is-skiet;

(b) dikjarazzjonijiet u stqarrijiet tal-partiti politiċi, kandidati u organizzazzjonijiet u movimenti li għandhom x'jaqsmu ma' l-elezzjonijiet;

(c) tagħrif dwar x'jagħmlu dawk li għandhom funzjoni fl-uffiċji tal-Gvern u l-uffiċjali li għandhom x'jaqsmu mal-kampanja ta' l-elezzjonijiet (ftuħ ta' bini ġdid u affarijiet ta' l-infrastruttura, varar ta' proġetti, riżultati u kisbiet, jew bħala rapporti f'xandiriet regolari jew speċjali, eċċ.);

"avviżi maħsuba biex jidhru fi programmi, *logos*, *mottos* u simboli/għeliehem ta' partit politiku, kandidat, moviment u organizzazzjoni oħra li għandhom x'jaqsmu ma' l-elezzjonijiet" tfisser kull xorta ta' propaganda politika (avviżi, stqarrijiet, reklamar politiku, rekordings jew siltiet minn xi rekordings ta' ġemgħat ta' nies u dehriet oħra fil-pubbliku ta' dawk li qed jiehdu sehem fil-kampanja ta' l-elezzjonijiet).

(5) Mingħajr ħsara għal dak li jingħad fis-subartikoli preċedenti ta' dan l-artikolu, l-ebda stazzjon m'għandu jxandar materjal dwar l-elezzjonijiet matul il-perjodu ta' żmien is-skiet. Dan japplika għal kull programm tat-televiżjoni u radju, inkluż l-aħbarijiet u japplika kemm għall-kontenut lokali u għall-kontenut barrani.

(6) F'jum il-votazzjoni hu permess li jixxandar dan li ġej:

i) l-andament tal-votazzjoni, jiġifieri informazzjoni dwar kemm ivvutaw nies u informazzjoni dwar x'ikun qed jiġri fil-postijiet tal-votazzjoni;

ii) kull meta jissemmev il-kandidati ta' l-elezzjonijiet, l-istazzjonijiet tal-partiti politiċi (NET TV, Radio 101, Super 1 Radio, Super 1 TV u Capital Radio) għandhom isemmu l-ewwel il-kandidati tal-partit rispettiv tagħhom, imbagħad jissemmev il-kumplement tal-kandidati skond il-polza tal-vot; u l-istazzjonijiet l-oħra kollha li jagħżlu li jsemmu l-kandidati ta' l-elezzjonijiet iridu jsemmuhom fl-ordni li jidhru fih fil-polza tal-vot;

iii) ir-rappreżentanti li jistgħu jidhru biss fuq l-istazzjonijiet huma: MLP -



Mexxej u żewġ Deputati Mexxejja; PN - Kap, Viċi Kap u Segretarju Ġenerali; AD – Chairperson u Deputat Chairperson. Dawn iridu jidhru biss diegħlin jivvutaw u jixhtu l-vot. Bl-ebda mod m'għandhom jixxandru kummenti tagħhom fuq il-mezzi tax-xandir sa l-egħluq tal-votazzjoni;

iv) L-istazzjonijiet ma jistgħu jwasslu l-ebda messaġġ li jista' jwassal biex jinfluwenzaw il-votant. Barra minn hekk m'għandhomx l-anqas iheggu lin-nies biex imorru jivvutaw jew biex ma jmorrox jivvutaw.

6. L-istazzjonijiet tax-xandir terrestri m'għandhomx jitrasmettu servizzi ta' aħbarijiet barranin u programmi ta' grajjiet kurrenti dwar Malta (bħal B.B.C., Euronews, eċċ.) u oħrajn b'mod dirett. Sabiex dawn is-servizzi jiġu permessi biex jixxandru, dawn għandhom jixxandru wara li l-*istation manager* ikun ra jew sema' hu stess il-programm in kwistjoni u jkun aċċerta ruħu li dawn il-programmi jekk jixxandru ma jkollhom xejn fihom li jista' jinfluwenza lill-elettorat. Jekk dan ikun il-każ, il-parti tal-programm dwar Malta m'għandhix tixxandar.

Ri-trasmissjoni ta' servizzi barranin.

7. (1) Mhux aktar tard minn nofsinhar ta' nhar it-Tlieta, l-1 ta' Ġunju 2004, kull stazzjon tax-xandir irid jagħti lill-Awtorità skeda dettaljata tal-programmi u reklami għal matul il-perjodu ta' żmien is-skiet biex tiġi approvata mill-Awtorità. Suġġett għal dak li jingħad fis-subartikolu (6) ta' l-artikolu 5 ta' din id-direttiva, f'dan il-perjodu m'għandhomx jixxandru programmi ta' grajjiet kurrenti, programmi ta' diskussjoni, programmi ta' ġurnalizmu investigattiv, u programmi ta' natura simili għal dawn flief dawk li jiġu approvati mill-Awtorità għal xandir f'dawn il-jumejn.

Għoti ta' skeda għall-perjodu ta' żmien is-skiet.

(2) Wara li l-Awtorità tirċievi dawn l-iskedi hija tista', jekk tħoss il-ħtieġa, iżżomm laqgħa mal-partiti politiċi biex tiżgura li l-iskedi ta' l-istazzjonijiet politiċi li jkunu ġew approvati mill-Awtorità jiġu rigorożament osservati mill-istazzjonijiet politiċi.

7 ta' Mejju 2004



[Artikolu 3 (2)]

**FORMOLA TA' APPLIKAZZJONI MINN STAZZJON TAX-XANDIR
GHALL-APPROVAZZJONI TA' L-AWTORITÀ TAX-XANDIR
GHAL TIBDIL FL-ISKEDA TA' PROGRAMMI
GHALL-PERJODU 17 TA' MEJJU SAL L-4 TA' ĠUNJU 2004**

ISEM TA' L-ISTAZZJON TAX-XANDIR	
ISEM TAL-PROGRAMM LI SE JSIR TIBDIL DWARU	
DATA U HIN TAT-TRASMISSJONI TAL-PROGRAMM ORIGINALI	
DATA U HIN TAT-TRASMISSJONI TAL-PROGRAMM PROPOST	
RAĠUNI DETTALJATA GHAT-TIBDIL	
ISEM TAL-PREŻENTATUR TAL-PROGRAMM PROPOST	
ISEM TAL-PARTEĊIPANTI TAL-PROGRAMM PROPOST	
SUĠĠETT TAL-PROGRAMM PROPOST	
FORMAT TAL-PROGRAMM PROPOST	
TQASSIM FI SLOTS TAL-PROGRAMM PROPOST	

Jien hawn taħt niddikjara li l-istazzjon tax-xandir hawn fuq imsemmi qed jitlob tibtal fl-iskeda tal-programmi tiegħu skond id-dettalji t'hawn fuq.

B'dan qed ngħarraf lill-Awtorità bit-talba tiegħi għal tali tibtal sebat ijiem utli qabel id-data li fiha huwa propost li jsir it-tibtal. B'sebat ijiem utli qed nifhem li s-Sibtijiet, ɔdud, festi pubbliċi u festi nazzjonali mhumex inklużi.

Firma taċ-Chairman
ta' l-Istazzjon tax-Xandir

Data



FREEDOM OF EXPRESSION AND RACIAL HATRED

Mr. Frans Camilleri's 6th July 2004 contribution in *The Times* entitled *Let man speak his mind* makes certain comments with regard to freedom of expression which need to be clarified. He states that 'freedom of speech involves toleration of a great deal of nonsense and even of matters which are in bad taste. Freedom of speech has as its necessary corollary the expression of a wide range of views, some of which, of course, will be unpalatable, or clearly wrong.' Of course, it is not possible to comment on all the issues raised by Mr. Camilleri in his article. So I will limit myself to only one point, namely the restrictions to freedom of expression imposed by hate speech.

Freedom of expression is contemplated in two distinct enactments under Maltese Law. The first is found in article 41 of the Constitution of Malta and the second in the European Convention Act, 1987. For the benefit of your readers, I am reproducing the text of article 41(1) and (2) of the Constitution:

41. (1) Except with his own consent or by way of parental discipline, no person shall be hindered in the enjoyment of his freedom of expression, including freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons) and freedom from interference with his correspondence.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subarticle (1) of this article to the extent that the law in question makes provision -

(a) that is reasonably required -

(i) in the interests of defence, public safety, public order, public morality or decency, or public health; or

(ii) for the purpose of protecting the reputations, rights and freedoms of other persons, or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, protecting the privileges of Parliament, or regulating telephony, telegraphy, posts, wireless broadcasting, television or other means of communication, public exhibitions or public entertainments; or



(b) that imposes restrictions upon public officers, and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

Article 10 of the Convention makes similar (though not identical) provision.

From an analysis of section 41 of the Constitution and Article 10 of the Convention it is to be noted that there are some differences in the texts of the law even if, substantially, they are the same.

The now defunct European Commission of Human Rights (not to be confused with the European Union Commission) and the European Court of Human Rights have both clarified and expanded on the nature of protected expression under Article 10. In the case of *Handyside v. United Kingdom*, the Court considered whether the conviction of an individual who had published a reference book for schoolchildren that contained advice on sexual and other matters constituted a violation of his rights under Article 10. Although the Court held that the State was acting within its margin of appreciation in invoking the "protection of morals" exception provision under the second paragraph of Article 10, the Court nevertheless stated its position on the role of the right for freedom of expression in a democratic society as follows:

"Freedom of expression constitutes one of the essential foundations of such a society, one of the basic conditions for its progress and for the development of every man ... It is applicable not only to "information" or "ideas" that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no "democratic society".

Hence freedom of expression is neither unlimited or nor unfettered. Both the European Courts of Human Rights and the Maltese Courts agree that a right brings with it a corresponding duty either in favour of the state, society or another individual. In this respect, Article 10(2) of the European Convention and article 41(2) of the Constitution both recognise instances where in a democratic society restrictions on freedom of expression are justifiable and have to be allowed. But these exceptions have to be interpreted restrictively.

A democratic society is considered to have the following two ingredients: pluralism and tolerance. A democratic society is one which allows free discussion, which permits minorities to freely voice their opinions and where dissenting ideas are tolerated by those who do not subscribe to them. Of course, there has to be a counterbalancing element which preserves a democratic society and



this is manifested in the principle that the majority should rule fairly and not by suppressing the minority's rights.

The European Convention and the Constitution of Malta, contrary to Article 19 of the Universal Declaration of Human Rights, enumerate the "formalities, conditions, restrictions or penalties" to which a person is subject in the exercise of his freedom of expression. Indeed, Article 10(2) and section 41(2) lay down the basic idea that freedom of expression carries with it duties and responsibilities on the part of the person who is to exercise such freedom.

The approach of the Commission and Court (including our Courts) in deciding whether a particular speech conforms to the Convention's provisions on freedom of expression has been first to consider whether the interference in question is "prescribed by law"; if so, then to consider whether the interference is in pursuit of a legitimate objective under paragraph 2; and, finally, to consider whether the interference, even if in pursuit of a legitimate objective, is nonetheless "necessary in a democratic society".

The phrase "prescribed by law" has also been considered by both the Commission and the Court. It is clear that an interference with freedom of expression might find some basis in domestic (that is, Maltese) law. In *Sunday Times v. U.K.* the Court held that "law" includes not only statutory rules and delegated legislation but also unwritten norms. "Law" can also include the rules of professional associations where those rules are subject to State control. It can even include rules contained in administrative practice directives so long as those concerned are made sufficiently aware of their contents.

Further, in order to be "prescribed by law", it does not suffice that domestic law authorises the interference. In *Sunday Times v. U.K.* the Court emphasised that a number of requirements flow from the expression "prescribed by law", and in that case the Court was prepared to articulate two of them: accessibility (an individual must be able to have access to the rules which are to govern his conduct) and foreseeability (laws have to be formulated with sufficient precision to enable the individual to regulate his conduct, that is, he must be able to foresee, to a degree that is reasonable in the circumstances, the consequences which a given action may entail).

Moreover, the law in question must be in pursuit of a legitimate objective under article 10(2) and article 41(2). As a result, it is fair to say that there has not yet occurred much jurisprudential development concerning Article 10 concepts such as "crime" or "disorder" or "morals" or what constitutes "national security". Furthermore, Article 10 does not entitle individuals to "promote" what is itself illegal.

Another aspect of Article 10(2) is that the law in question has to be necessary in a democratic society. Even if the interference in question is found to be in pursuit of a legitimate goal, the



Convention will nonetheless have been breached unless the interference is found to be "necessary in a democratic society". The concept of "necessary" is a central element of paragraph 2.

The Court has held that the expression "necessary in a democratic society" means something more than "useful", "reasonable" or "desirable". Any restriction which can be imposed on freedom of expression can be valid only if first and foremost it is justified by a "pressing social need" and, secondly, if so, the restriction must be reasonably proportionate to the aim of responding to that need.

The Court has defined "necessary" not to mean "indispensable" but, rather corresponding to a "pressing social need". The Court has gone on to say that it is a less stringent test than that which is found even in some other articles of the Convention itself, where, for example, the words "absolutely necessary" or "strictly necessary" are used.

Moreover, in determining whether a given interference is "necessary", the States Parties to the Convention are given a "margin of appreciation". The concept of the margin of appreciation was well explained by the President of the Commission in his argument before the Court in *Lawless v. Ireland* -

"The concept of the margin of appreciation is that a government's discharge of these responsibilities is essentially a delicate problem of appreciating complex factors and of balancing conflicting considerations of the public interest; and that, once the Commission or the Court is satisfied that the Government's appreciation is at least on the margin of the powers conferred by Article 15, then the interest which the public itself has in effective government and the maintenance of order justifies and requires a decision in favour of the legality of the Government's appreciation."

The concept of the margin of appreciation allows the Respondent State to err, as it were, on the side of State sovereignty. However, the Court has emphasised that, in the end, it is for the Strasbourg organs to determine whether a particular interference has exceeded the margin of appreciation. Thus, the Court has said that "the domestic margin of appreciation ... goes hand in hand with a European supervision".

In *Barthold v. Federal Republic of Germany* the Court held that, in the end, it is for the Commission and the Court -

"to make the final determination as to whether the interference in issue corresponds to a pressing social need, whether it is "proportionate to the legitimate aim pursued" and whether the reasons given by the national authorities to justify it are "relevant and sufficient".



In order to make that final determination the Commission and the Court will consider all the relevant factors bearing upon the instant case. No exhaustive list has ever been offered, but among the factors are the following:

(a) the public interest aspect of the case: the greater the degree of public interest, the less likely the interference would be compatible with Article 10 unless it appeared "absolutely certain" that the expression would have presented a threat to one of the legitimate objectives under paragraph 2.

(b) the breadth of the interference in question: the greater the breadth of the interference, the closer is the scrutiny which is incumbent under the Convention.

(c) the legitimate objective being pursued: "the scope of the domestic power of appreciation is not identical as regards each of the aims listed in Article 10(2)". Rather, the scope varies depending on which objective is being pursued. At the very least, the "protection of morals", since moral values are so rooted in the national culture, requires more discretion to be left to the national State, whereas the maintenance of the authority of the judiciary is a "far more objective notion", requiring therefore "a more extensive European supervision" and a correspondingly "less discretionary power of appreciation".

(d) the practice of other Member States of the Council of Europe: the legal codes of the Member States may confirm the need to have the type of interference being considered in the instant case. For example, the Commission took the view in the *Handyside Case* that the fact that all Member States of the Council of Europe had legislation restricting freedom of expression insofar as indecency or obscenity was concerned was "a clear indication" of the necessity in a democratic society to have legislation such as the British legislation in question.

This brings me to crimes of racial hatred as a limitation or restriction to freedom of expression. Article 4 of the UN Convention on the Elimination of All Forms of Racial Discrimination – which Convention has been adhered to by Malta - provides that:

"State parties condemn all propaganda and all organizations 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...”

Hence, the international community views with great alarm activities based on racial hatred so much so that the UN 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, both the Constitution and the Convention (as well as other international instruments such as the UN International Covenant on Civil and Political Rights, etc.) allow as an exception to freedom of expression certain discourse which falls within the limitations referred to in article 41(2) of the Constitution and article 10(2) of the Convention. 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.

DR KEVIN AQUILINA
CHIEF EXECUTIVE



EUROPEAN PLATFORM OF REGULATORY AUTHORITIES (EPRA)

WORKING GROUP II: RULES TO PROVIDE ACCESS TO TV AND RADIO PROGRAMMES FOR PEOPLE WHO ARE AURALLY AND VISUALLY IMPAIRED

PRESENTATION BY
DR. KEVIN AQUILINA
CHIEF EXECUTIVE
BROADCASTING AUTHORITY
MALTA

14TH OCTOBER 2004

Broadcasting Code of Practice on Disability and its Portrayal in the Broadcasting Media

1. INTRODUCTION

This paper discusses the Malta Broadcasting Authority's *Code of Practice on Disability and its Portrayal in the Broadcasting Media*. It starts by briefly setting out the historical context which brought about the making of such Code, explaining also the controversial situations leading thereto. These have been summarised under four broad headings, namely:

- the negative portrayal of disability,
- the lack of positive portrayal of disability,
- certain objectionable techniques used in portraying disability,
- and the requirement to prioritise alternative issues other than those relating to the raising of money and the awarding of prizes during fund raising programmes.

A discussion of the *vires* of the Code and its contents follows. The Code is divided into four parts:

- a Preamble which sets out the Code's philosophy,
- a part on Misrepresentation of Disabled People,
- another part on broadcasters' responsibilities, and
- a final part on the Broadcasting Authority's responsibilities. The presentation concludes by considering the impact of the Code on the local broadcasting landscape.

2. THE HISTORICAL EVOLUTION OF THE CODE OF CONDUCT

The Code of Practice on Disability and its Portrayal in the Broadcasting Media came into being after the National Commission Persons With Disability had complained to the Malta Broadcasting Authority on the negative portrayal of disabled people in a number of fund-raising programmes



which were broadcast on local television, including the public service broadcaster. Upon receiving these complaints, the Broadcasting Authority, through its Advisory Committee on Quality and Ethics, and in consultation with the National Commission Persons With Disability, drew up the said Code. This Code was formally presented to the media and circulated to all broadcasting stations in December 2002 to coincide with the launching of a week of activities organised by the National Commission Persons With Disability to mark the declaration of 2003 as the European Year for Persons with Disability. Prior to the formal approval of this Code by the Broadcasting Authority, a consultation process had taken place with all broadcasters, members of the public and the National Commission Persons With Disability.

3. CRITICISMS LEVELLED AGAINST PROGRAMMES PORTRAYING PERSONS WITH A DISABILITY PRIOR TO THE ADOPTION OF THE CODE OF PRACTICE

The main criticisms levelled against fund-raising programmes broadcast by the public service broadcaster (TVM) can be divided under four broad headings:

- Negative Portrayal of disability
- Lack of positive portrayal of disability
- Objectionable techniques used in portraying disability
- The need to stress other priorities to money and prizes

3.1. Negative Portrayal of disability

The programmes in question:

- **Were considered to be an affront to human dignity:** The dignity of persons with disability, during such programmes, was not always respected. Indeed, such people were shown as helpless. Besides programme producers did not stress the need to improve the quality of life of disabled people.
- **Stressed their helplessness:** Such programmes tended to have a boomerang effect in the sense that disabled persons, especially children, were portrayed as being helpless. These same people would eventually be seeking a job in the near future but the image that would remain in the minds of the public was that of helplessness. It fostered a culture against employing disabled persons because it depicted them as eternally sick and unhappy, certainly not the ideal employees.
- **Showed the lack of parental responsibility and awareness of disability issues:** Although clips of disabled children were produced with their parents consent, the question arose whether parents had the right to permit the dignity of their children to be adversely portrayed simply to solicit the collection of more money. Was this ethically acceptable bearing in mind the prejudice caused in the long run to disabled persons through such negative portrayal of disability?
- **Depicted the disabled as persons to be pitied:** The programmes were criticised on the ground that they invoked pity towards disabled persons in order to get more monetary contributions. It was argued that there was no need to continuously harp on disablement



with clips constantly featuring disabled or sick persons and their families. The temptation of hammering the message home indeed became very pretty obvious. No effort was made to introduce the viewers to the present-day reality of the lives of disabled persons and to invite viewers to accept disabled persons as part of society rather than as a burden on it.

- **Depicted the disabled as super human persons:** Disabled people were referred to as 'angels'. The term was considered to have a pejorative connotation in that disabled persons were portrayed as superhuman. It was used to counter-balance the mentality of by gone days when persons with disability were considered as an 'offspring' of Satan.
- **Adopted a patronising attitude:** Producers' initiatives in fund-raising campaigns tended to patronise disabled persons and induced the viewer to follow these initiatives by contributing financially.
- **Stressed the otherness syndrome, the 'we' vs. 'them' mentality:** Negative language depicted persons with disability as different from the rest of society and emphasised their otherness and strangeness. Clips gave the impression that disabled children could only be happy if they were like other children.
- **Portrayed disability as tragic livelihood:** The lives of disabled persons were portrayed as one big tragedy from beginning to end.
- **Showed disabled persons as 'toys' needing fixing:** These programmes gave the impression that disabled persons were poor broken toys which needed to be mended.

3.2. Lack of a positive portrayal of disability

- **Lack of positive programming content:** Clips portrayed persons with disability on the receiving end of funds collected and did not show disabled persons as being capable of contributing to society. A more positive, realistic campaign was possible: organisations should show in what ways their funds were helping to increase the freedom and independence of persons with disability. Broadcasters' fund appeals should be targeted to the improvement in the quality of life of persons with disability rather than having appeals based on emotions .
- **Integration in society was overlooked:** An effective idea would have been the portrayal of integrated schoolchildren, thanks to extra tuition and therapy. Money for lifts and specialised wheelchairs meant the difference between freedom and slavery. These could have been emphasised in the clips.
- **Lack of education on the public's part as to disability issues:** The clips should have been used to educate the public towards the attainment of an integrated society and not to reinforce negative stereotypes.

3.3. Objectionable techniques used in portraying disability

- **Repeating *ad nauseam* the same objectionable clips:** During the 2001 programme, 8 clips showing persons with disability were broadcast *ad nauseam* during the duration of

the whole programme. These short but overused clips were considered to be heart-wrenching and sometimes unbearable to watch. Some even considered them to be highly insulting and a calculated assault on people's emotions.

- **Recourse to slow motion:** Persons with disability were shown in slow motion and this tended to accentuate more their respective disability.
- **Sensationalism:** One particular spot showed a lamenting boy in a wheelchair stating that his only wish was to walk. This clip was sensationally aided by the sound of a weeping violin in the background and played on emotions. As there was no way how to improve the boy's condition, the spot deceived the public into thinking that if they donated money the boy stood a chance of walking. Again, this clip was discriminatory versus disabled people as it strengthened the impression that society accepted only those who could walk and the only thing anyone else could do was to go in the corner and cry.

3.4. The need to stress other priorities to money

- **Money cannot solve all disability problems:** False impressions were also given during such programme such as that if money were collected, persons with disability, like those who could not walk, would be able to do so through some equipment or medical intervention. Such promises made to children were considered to be very cruel and inhumane.
- **Prizes offered to persons donating money shadowed the real scope of the programme:** Combined with these fund-raising programmes were the award of prizes to those people who would have phoned in to make a monetary contribution. Such callers were eligible to participate in a lottery in which extravagant prizes were given. For instance one of the prizes was a maisonette. This part of the programme gave the impression that people phoning in to make donations were more interested in the prizes rather than because they cared for the disabled.
- **Social oppression vs. biological impairment:** Disability is not necessarily caused by a biological impairment that could be cured. It results more from a social oppression due to the impairment than from the impairment itself and this could not be solved with money.
- **Money is not the solution to all disability problems:** Clips conveyed the message that the needs of the disabled could be provided for with money alone, and that the more funds raised, the better their quality of life would be.
- **Other priorities to money:** Even if the money collected by these fund-raising programmes were divided between disabled persons, usually children, shown in the spots, there would be a limit to how much their lives would be improved unless they were offered a decent education, job, and an environment which is not hostile to their needs with, for instance, no high pavements, no lifts, no accessibility to services, etc.
- **Propagation of long term harmful effects to disability issues:** the money collected during one annual programme does not outweigh the harm that the programme occasions throughout the year in propagating a bad image of disability: the problem is that an

inclusive society was not portrayed so much so that such programmes tended to debase such principle. What is needed is a fundamental change in attitude which money cannot buy, leading to the reduction of physical obstacles and improved accessibility.

4. THE VIRES OF THE CODE OF PRACTICE

The Broadcasting Act of Malta provides in article 34 that the Broadcasting Authority has jurisdiction to consider complaints of unfair and unjust treatment, including treatment which is unjust or unfair because of the way in which material included in a programme has been selected or arranged, in sound and television programmes. In addition, paragraph 1 of the Third Schedule to the Broadcasting Act provides that advertising and teleshopping shall not prejudice respect for human dignity whilst article 13(2)(a) of the same enactment states that it is the duty of the Broadcasting Authority to satisfy itself that, so far as possible, radio and television programmes broadcast in Malta include nothing which offends, *inter alia*, against good taste and decency.

5. STRUCTURE OF THE CODE OF PRACTICE

The Code of Practice thus aimed to address some of the above problems. It is divided into four parts, which will be discussed below. These are:

- A Preamble
- A Part on Misrepresentation of Disabled People
- A Part on Broadcasters' Responsibilities
- A Part on the Broadcasting Authority's Responsibilities

6. PHILOSOPHY OF THE CODE OF PRACTICE: THE CODE'S PREAMBLE

The philosophy behind the Code of Practice may be summed up in its Preamble, which is as important as the Code itself. It puts in focus the spirit within which the Code was prepared.

- **Respecting the human dignity of disabled persons:** It starts off by asserting that persons with disabilities are persons first and foremost, who have full human and civil rights, and are entitled to dignity and respect. The social exclusion of persons with disabilities by the majority is an example of social intolerance. The frank acknowledgement of differences is an important step in the attainment of an inclusive society. When disabled people seek to be addressed as persons, they are not negating their disability, but placing it in its context. The 'news value' of disabled persons is their overcoming of the hurdles society puts in front of them. In so doing, they are making themselves less disabled, and also contributing directly to the mainstream of society.
- **Combating prejudice, stereotyping and institutional discrimination:** A major contributory factor to disability is prejudice, stereotyping or 'institutional discrimination' against disabled people. In this respect the media has enormous power to either perpetuate stereotyping and prejudice, or educate the public to have a more understanding, positive attitude towards disabled people.



- **Avoid focusing on the extraordinariness of disability:** It is the commonly accepted myths and stereotypes about disabled people that make disability an extraordinary thing. The common assumptions about disability focus on the disabled person's lack of abilities. Indeed, the negative terms most frequently used to describe disabled people as: 'crippled', 'handicapped', 'less fortunate'; all these terms accentuate the disabled individual's biological (or medical) imperfections. All these negative terms compare disabled persons less favourably with their (presumably) more 'fortunate' peers.
- **Politically correct designations of disability accentuate this condition:** Even more 'politically correct' designations, such as, 'differently challenged', 'impaired', 'persons with special needs', etc, accentuate the disability.
- **Disability is viewed narrowly from a biological or medical perspective rather than from a socio-cultural point of view:** Many of the definitions of disabled people and disability have been created by non-disabled persons who tend to equate disability with the individual's physical and/or intellectual impairments; that is, they focus on the biological, or medical aspect. So widespread is this belief that it is biological impairment and lack of function which bring about disability, that the World Health Organization (in the early 1980s) based its own definitions on these assumptions. The whole focus of this viewpoint is on the individual and their perceived inadequacy.
- **Medical model of disability fails to address societal problems encountered by disabled persons:** However, over the last twenty years this viewpoint has been systematically and widely rejected, by disabled people and their organizations. They argue that by focusing on individual, medical inadequacies the so called 'medical model' of disability holds disabled people themselves responsible for any difficulties they may encounter during the course of their daily lives. At the same time it totally ignores the restrictive environments and disabling barriers created, not by the disabled persons, but by a society in general.

7. MISREPRESENTATION OF DISABLED PEOPLE

- **Negative terms and images of disabled people:** It is difficult to overestimate the damage caused by negative terms and the resultant negative images of disabled people. Disabled people often feel they are misrepresented by the way in which they are portrayed in words, pictures and sound on the mass media.
- **Super human representation (victims; heroes):** Representation of disabled people as 'different' or 'special' simply because of their disability; imagery is used which portrays them in extreme terms, such as the 'hero' or 'victim' approach:
 - VICTIMS are portrayed as tragic helpless and pathetic;
 - HEROES are portrayed as eternally cheerful, superhumanly good and tremendously courageous.
- **Patronizing attitude which fosters stereotyping:** The patronizing attitude towards disabled people reinforces stereotypes even when they are presented positively. This





happens, for example, when disabled persons are praised for achieving something that would be unremarkable if done by others.

- **Inaccurate and damaging terminology:** The frequent use of particular phrases and terms in daily language which may be purely subjective and result in inaccurate, patronizing and ultimately damaging imagery. This includes the use of emotive terms like 'afflicted', 'stricken', 'sufferer' and 'victim', the use of phrases such as 'confined to a wheelchair', the treatment of disabled people as if they were a homogenous group instead of a diverse group of individuals and the making of assumptions or generalizations about how disabled people feel.
- **Portrayal of impairment at the expense of a person's other attributes:** The portrayal of impairment, especially when evident, by focusing on the individual's impaired condition at the expense of the person's other attributes.
- **Lack of consultation about issues affecting the disabled persons' lives:** Lack of consultation with disabled people and their organizations about issues affecting their lives.
- **Undignified portrayal of disabled people:** The undignified portrayal of disabled people during broadcasts of fundraising events and charity campaigns depicting them as uni-dimensional stereotypes.
- **Ridiculing the disabled:** The ridiculing of the disabled in productions, especially teleserials exploiting disability for humour.
- **Failure to check the accuracy of information prior to broadcast:** Failure to check accuracy of information before it is broadcast.
- **Sensational portrayal of disability:** The portrayal of disabled people in a sensational manner.

8. BROADCASTERS' RESPONSIBILITIES

The Code of Practice has identified the following eight responsibilities of broadcasters:

- **Need to be sensitive to attitudes outlined above:** It is the responsibility of all Broadcasters to be sensitive to problems outlined above and to avoid them.
- **Should ensure inclusive representation in all forms of programming:** Moreover broadcasters should take positive steps in order to ensure a more inclusive representation of disabled persons in programming.
- **Recruiting disabled persons as staff members; in drama programmes disabled actors should play the role of disabled persons:** Broadcasters should aim to recruit disabled persons to work among their staff and in particular the portrayal of disabled persons in drama should wherever possible be carried out by disabled actors.
- **Broadcasters should minimize common problems impeding the participation of the disabled in broadcasting activity:** Broadcasters are in duty bound to minimize common problems such as those of physical access which impede the participation of disabled persons in broadcasting activity.

- **Broadcasters should follow the approved policy on disability issues:** Broadcasters should be guided by such policy which may from time to time be officially adopted regarding the portrayal of disabled persons in the media.
- **Broadcasters are responsible for the proper portrayal of disability on their medium and, when in doubt, should consult the appropriate authority:** Each station shall be responsible for the way disabled persons and disability issues are portrayed in every broadcast, including the responsibility to refer to the competent organizations and authorities on matters relating to disability.
- **Broadcasters should follow this Code in terms of licence conditions on the proper portrayal of disability:** Where a licence is issued the broadcaster will be expected to portray disabled persons and disability issues in a proper way.
- **Broadcasters should refrain from over-emphasizing disability and treat such subject with due dignity and fairness:** Overall, the guiding principle of broadcasters should be to deal with disabled persons without dwelling on their disability, unless the topic being presented is specifically that of disability; when the latter is the case to treat the subject with due dignity and fairness.

9. MEASURES TO BE TAKEN BY THE BROADCASTING AUTHORITY

The Code of Practice has identified the following seven responsibilities of broadcasters:

- **Competent authority to draw up a handbook for broadcasters on disability issues:** The National Commission Persons With Disability is to prepare a handbook to contain all the main elements including a glossary which is required to guide broadcasters.
- **Regulator to implement the Code and afford publicity thereto:** To adopt the recommendations of this report as a code which binds broadcasters and to publicize its policy on the problems of disabled and disability issues.
- **The Regulator's staff should, when appointed, possess knowledge of disability issues:** When Programme Monitors are employed, the Authority should ensure that they possess a level of understanding of Disability Issues.
- **Regulator should appoint advisors on Disability Issues:** Request the National Commission Persons With Disability to forward a list of persons knowledgeable in Disability Issues who can be consulted by broadcasting stations should any need arise.
- **Regulator to reward good practice:** To reward good practice.
- **Regulator to disseminate reports on disability issues:** From time to time to prepare and publish reports on the portrayal of disabled people in the broadcasting media
- **Regulator to assist the Institute of Journalists:** To assist the Institute of Journalists to achieve its aims to be an auto-regulatory body in so far as the portrayal of disabled persons in the media is concerned.

10. CONCLUSION

By way of conclusion it is to be pointed out that although not all the above recommendations have been as yet implemented, there has been a remarkable improvement in the portrayal of disability issues during fund raising programmes after the adoption of the said Code. What I consider to have been the breaking point in arriving at better portrayal of disability issues on the local broadcasting media has been the awareness that the Code and the process which has led to its formulation have had on the broadcasting community. Today various producers responsible for such programmes are in constant contact with the National Commission Persons With Disability for its guidance and this positive relationship has contributed to the raising of standards thereby producing better quality programming in so far as disability issues are concerned.



**"REAL LIVE MEDIA" - EUROPEAN SEMINAR
28-29 OCTOBER 2004
ESCOLA SUPERIOR DE COMUNICAÇÃO SOCIAL AUDITORIUM,
LISBON (PORTUGAL)**

The Authority was invited to attend and deliver a presentation on the portrayal of people with disabilities in the broadcasting media. As members of the European Platform of Regulatory Authorities, the Authority was selected for its participation through its ground-breaking regulation of people with disabilities and the broadcasting media. The European Seminar was organised through the "Real Live Media" project with support from the European Community – European Year of People with Disabilities (2003). This project was undertaken by various partners including:



Mario Axiak
*Head Research and
Communications*

- FEAPS (Spain) – Spanish National Confederation of People with learning disabilities
- HFT (U.K.)– Home Farm Trust - a national charity providing a range of services including residential services, day services, supported living, supported employment, short term breaks, advocacy and carer support for a very wide range of needs, from people with challenging behaviour or profound disabilities through to those living independently
- Inclusion Europe (Belgium) - advances the human rights and defends interests of people with learning disability and their families in all European countries
- the European Institute for the Media (Germany)
- RTP (Portugal) – Radio and Television public services of Portugal
- National Advanced School of Social Communication (Portugal) – Polytechnic Institute of Portugal

THE PROJECT

The media play an important role in informing and educating and with so many types of media and so much information, journalists often do not have the time or resources to fully or accurately report on issues affecting people with learning disabilities, or to reflect their lives. This project is designed to support those in the media who already deal with these issues. The project also wants to encourage others to write stories or reflect the lives of people with learning disabilities in a positive way. Media coverage of people with disabilities unfortunately often portrays them as recipients of charity or tragic but brave victims. The real story, the struggle for equality and freedom is not given enough space on radio, TV or the print media. The main goal of the 'REAL LIVE MEDIA' project is to improve the portrayal of people with disabilities in and by the media. The second goal is to raise public awareness about the rights, responsibilities, potential and



culture of disabled citizens in the European Union. The third goal of the project is to act as a change agent to promote social inclusion and non-discrimination.

EUROPEAN SEMINAR

During recent years, FENACERCI (Portugal) has worked towards improving the lives of people with learning disabilities, trying to make society aware of disability issues. FENACERCI has been involved in several projects concerning the portrayal of people with disabilities in and by the media and to raise public awareness about the rights, responsibilities, potential and culture of disabled citizens.

In this scope FENACERCI, in collaboration with Home Farm Trust, Feaps, the European Institute for the Media and Inclusion Europe, developed the "Real Live Media" project, sponsored by the European Commission, which aims to translate article 6 of the Madrid Declaration on non-discrimination and positive action into reality for people with learning disabilities:

- Article 6 - "The Media should create and strengthen partnerships with associations of people with disabilities, in order to improve the portrayal of disabled people in mass media. More information on disabled people should be included in the media in recognition of the existence of human diversity..." ;and
- To promote the Project results and to allow an exchange of experiences between the national and trans-national partners, as well as with the media professionals and self-advocates from different European countries, we are going to organise a European Seminar in Lisbon.

This Seminar hoped to go beyond the "awareness" of media professionals to a new level of recognition, and respect for people with intellectual disabilities as equal partners, and to ensure they adopt effective ways of working with people with intellectual disabilities, and thus their portrayal to their target audiences.

The project is proposed to deliver:

- a toolkit for media professionals with techniques and strategies about working with people with learning disabilities;
- a toolkit for people with learning disabilities with techniques and strategies about working with the media;
- model multimedia materials (video clips, broadcast on TV) that portray a positive image of people with learning disabilities;



CONCLUSION:

The seminar promoted the portrayal of people with learning disabilities (slow learners) in the media especially through self-advocacy. The general assertions made during the seminar was that not enough portrayal was being made on the European scenario and that when people with learning disabilities would like to be interviewed on various topics, not only those dealing with disabilities, they find the media professionals not so much receptive to these demands. The toolkit for people with learning disabilities, “Guide for Self Advocates – Getting Your Story Heard”, deals with guides for people with disabilities when dealing with media professionals prior, during and post production of media presentation and promotes self-advocacy.

Misrepresentation of people with disabilities (the locus of our presentation) was not properly considered by the promoters. The audience was quite surprised that local media is regulated with regard to the portrayal of disabilities and some even disapproved that broadcasting media is regulated in this aspect. However, the Authority’s viewpoint with regard to manipulation of disabilities by the media was further underscored by Ms Irolinda Oliveira, Chairperson of the National Secretariat for Rehabilitation and Integration of People with Disabilities, Portugal, and by Ms Teresa Ribeiro, director of the Polytechnic Institute of Portugal.

**MARIO AXIAK
HEAD
RESEARCH AND COMMUNICATIONS**



SEMINAR 'WOMEN IN SPORT'
ORGANIZED BY THE NATIONAL OLYMPICS COMMITTEE.

PORTRAYAL OF WOMEN IN SPORT NEWS ITEMS



Ms Joanna Spiteri
Supervisor
Monitoring Department

First of all I have to state, that the research I conducted mainly investigates how females and males are portrayed, represented and reported in news production and in newsroom structures and is not entirely focused on sport news items. In my study I compared Maltese television news bulletins broadcast on PBS, Super 1 TV and Net TV – the Nationalist Party station, the television news bulletins broadcast on RTÉ, the Irish public station and CyBC, the Cypriot public station. The sample in content analysis is intended to represent a textual whole. I analysed 70 prime-time news bulletins in all aired during a 14 day period during July 2001 and January 2002. Since sport news is incorporated in a number of news bulletins, I also coded the number of women and men who are represented in sport news items.

In Malta, sport reporting has expanded mainly due to the expansion of sport in Malta but the situation of women in sport was always very low. Locally, women were always absent in sport programmes and all sport journalists and sport producers were all male. This raised a number of questions amongst them is why are women left out from sport news or sport programmes? Is it because women themselves do not participate in sport and sport activities, is sport a men's issue and preferably women are to be excluded from sport? Or is it that the media choose to report men while exclude women. Perhaps it is men's sport and men's games that are more exciting, thus make news, and thus attract a larger number of audience. The latter is finally the main aim which each and every broadcaster tries to reach and fulfill at the end of the day.

If we look at the broadcasting organizations to get to know whether there are personnel who are involved in sport production, I found a local study conducted in 1993 that showed that while participation of women in the broadcasting media has increased but according to the levels of participation of women and men on radio stations, men by far outnumber women in sport. In fact we see that 26 men worked in sport production while only 4 women were involved in such productions. It means that 9% of women to men work in sport production. This percentage is the lowest if we leave out the technical section within the media institutions.



FIGURE 1 : LEVELS OF PARTICIPATION OF WOMEN AND MEN IN RADIO STATIONS

POSTS	PARTICIPATION		PERCENTAGE OF WOMEN TO MEN
	MEN	WOMEN	
Managerial	40	4	10%
Newsrooms	64	10	16%
Sport	46	4	9%
Programme Producers	23	13	56%
Disc Jockeys	92	12	13%
Clerks/ Announcers	23	52	26%
Technicians	41	0	0%
TOTAL	329	95	29%

NOTE: These figures apply for full time workers and people working for radio stations on a part-time but on a regular basis.

Taken from Sapiano, R (1993) *Women in Local Radio – A study of the levels of participation of women in all levels of radio*, B.A (Hons) Communications Study, University of Malta

Now I shall refer to my statistics gathered. The following statistics refer entirely to news bulletins aired on television and in no way show the situation on radio or the press. Actually, there might be similarities; however, I will not be committing myself and say that this is necessarily the case in all the media. The research I have conducted seem to continue on the usual trend that women are absent or almost invisible in sport.

The content analysis took a snapshot of media coverage during a two week period. Such research gives an indication of the portrayal of women's sport in the media. I constructed several categories in order to capture the representation and portrayal of women and men, and differentiated between those who were 'interviewed', i.e. when journalists interview individuals for their opinion, 'central', i.e. when individuals are 'centrally reported' and are the focus within a news item, 'seen', i.e. when individuals are shown in news visuals. The results show that media coverage of women in sport is treated very differently from that of men. Women's sport is not commonly found as part of the news bulletins. One can find light or entertainment news stories in a news bulletin but it is very difficult to find a news story about women's sport.

With regard to my study, I found that for sport, RTÉ gives the most prominence to women out of all the three countries (Malta, Cyprus and Ireland). This relatively high percentage for RTÉ may be due to the fact that sport is mostly reported as part of RTÉ main news bulletins than in the other stations (CyBC, PBS, Super 1 TV and Net TV). While the percentage of women reported in sport for CyBC is 2%, and the percentage of women for the three Maltese stations (PBS, Super 1 TV and Net TV) is 0%, while 6% of women reported on RTÉ are reported in sport issues. Although comparatively the percentage for RTÉ is the largest, percentages for women in sport are still very low. I have to point out that the percentage for Maltese news bulletins is 0% because



sport news items or sport highlights are never included as part of a news bulletin. This can be interpreted that sport is not given importance because it is excluded from the main news bulletin which is the most current affairs programme which is watched on all the three Maltese station.

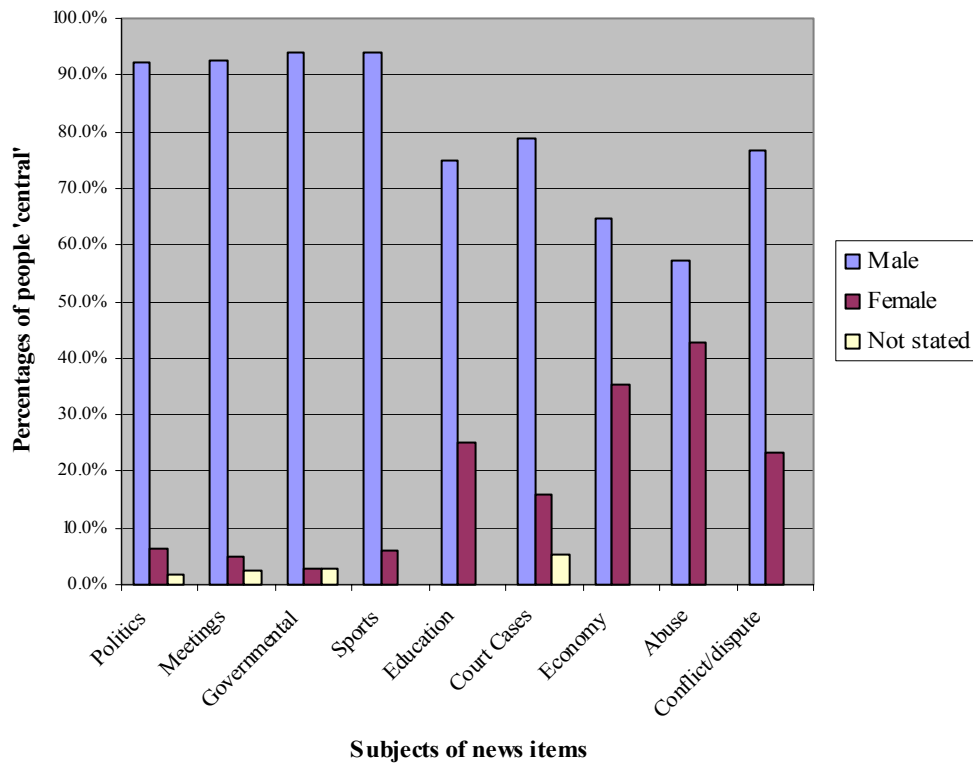
In my study, I analysed people who are centrally reported as a group. For people centrally reported, I again divided them into two groups – people as ‘individuals’ and people as part of a ‘group’. There are two ways in which individuals are reported; they might be identified as ‘individuals’ but there are other cases where women and men are not identified as such but are described as a ‘group’. In this case by group I mean individuals in a team, for instance football players, basketball players etc. So for instance when a sport team is reported, I could not code each player individually so I coded each team and coded it as either a male group or a female group. Impressively men as a group add up to 100% in sport news items, while women are completely invisible. This indicates that male sport teams are mostly reported. Could this be because there are more male teams or is it that male teams make more news than female sport teams? Moreover, I observed that the most sport which is reported is male football so obviously data would favor men as a group centrally reported. The Cypriot station, CyBC which include sport news features mainly focus on football coverage so data would automatically show a high percentage of men as part of a sport team.

PEOPLE CENTRAL BY OCCUPATION AND GENDER

I found that 22.8% of men centrally reported on RTÉ are sport players. Contrastingly, only 1.3% women as sport players are centrally reported. The data also indicates how women as opposed to men are portrayed and reported.



Figure 2 : People 'central' by news subjects on RTÉ



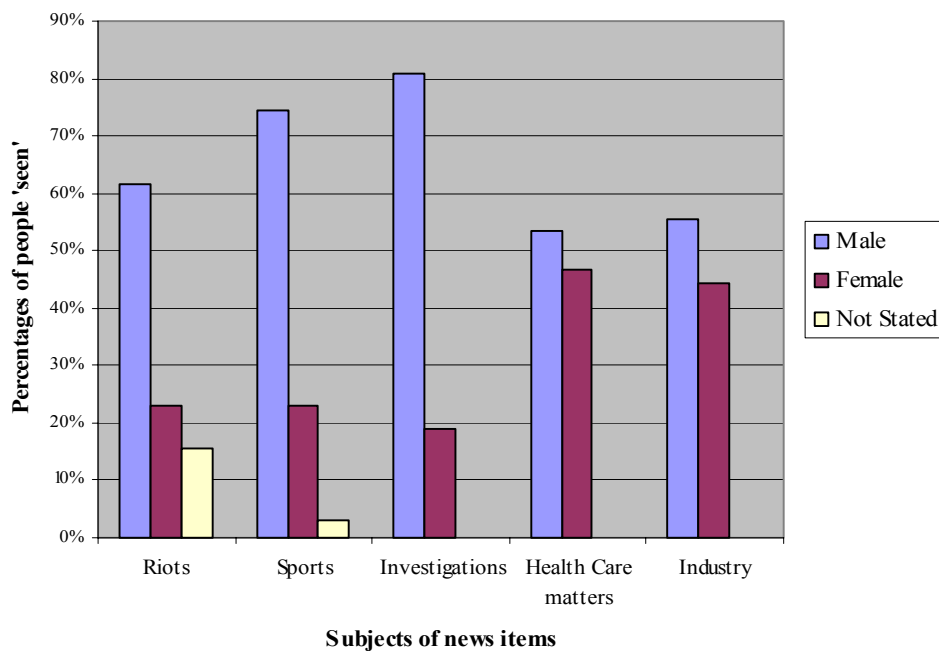
PEOPLE SEEN BY OCCUPATION AND GENDER

For the purpose of my study, I analysed the percentage of women and men by their occupation who were pictured in news items. I found that there are news subjects wherein the percentage between the portrayal of women and the portrayal of men is minimal, for instance, in 'health care matters' and in 'industry', however, in news items wherein sport is the news subject, men dominate over women with regard to news pictures. A clear example of this is shown on RTÉ news bulletins where 75% men are pictured on RTÉ in contrast to the 22% of women who are pictured in such a news subject.





Figure 3 : People, as group, 'seen' by news subjects on RTÉ



It would be interesting, if as previously noted, a local study would focus on the differences in the news pictures when women athletes are pictured in contrast with pictures of male athletes. As already noted, studies conducted elsewhere show that there are difference which result in different stereotypes of women and men.

As was expected, in this study I found that men in the news pictures, by far outnumber women as sport athletes. I observed discrimination against female sport players on RTÉ sport news during news reports on men's and women's tennis championships. The news pictures showed the male tennis players while leaving out the female tennis players even though the report was on the female tennis championship. In the news bulletins, both championships were reported and mentioned in the news scripts, but female players were not shown. There are many reasons for this lack of portrayal. Generally the footage comes from an international news agency and this agency would not have provided the station with news pictures. It could also be a decision taken by the newsroom management. As indicated earlier, such data is surprising because female tennis players are generally pictured for their nice looks and sexy appearance. However, this lack of portrayal effected the figures because there was more than one instance that RTÉ did not show female tennis players.

PEOPLE INTERVIEWED BY REPORTERS' GENDER

I also examine if there is any correlation between the 'gender of the reporter writing the news item' and the 'gender of the people portrayed in that specific news item'. Female reporters tend to report women's topics and obviously sport, which is not perceived by the media structure to be a woman's issue, tended to be mostly reported by male reporters. The proportion of female journalists in such a news subject is relatively low. I also gathered data on the percentage of news subjects as reported by reporters' gender. Sport is mainly reported by male journalists on CyBC. 2.2% of male reporters report sport news items while only 0.9% of females report such news items.

PEOPLE INTERVIEWED IN NEWS ITEMS

The only percentage which is worth quoting refers to findings of RT É news. I coded the sport supporters who were interviewed in news bulletins. Figures show that 12% of sport supporters were men but no female supporter was ever interviewed. Furthermore, in the news items analysed there were not any interviewed sport players.

**FIGURE 4: PEOPLE 'INTERVIEWED' BY GENDER
& 'SOCIETAL LABEL' IN CYPRUS, IRELAND & MALTA**

COUNTRY	'SOCIETAL LABEL'	MALE 'INTERVIEWED'	FEMALE 'INTERVIEWED'
Cyprus	Consumers	4.8%	11.1%
	Protestors	1.6%	0.0%
	Members of the public	68.3%	14.3%
Ireland	Sport supporters	12.0%	0.0%
	Protestors	0.0%	4.0%
	Members of the public	28.0%	44.0%
Malta	Consumers	13.2%	5.3%
	Protestors	2.6%	2.6%
	Members of the public	50.0%	23.7%

SPORTCASTERS

Apart from the actual portrayal of gender in news items, I also analysed the situation of the human resources within the broadcasting stations. Thus I shall briefly refer to my findings on the number, gender and age group of the sportcasters who present news highlights within the news bulletins.

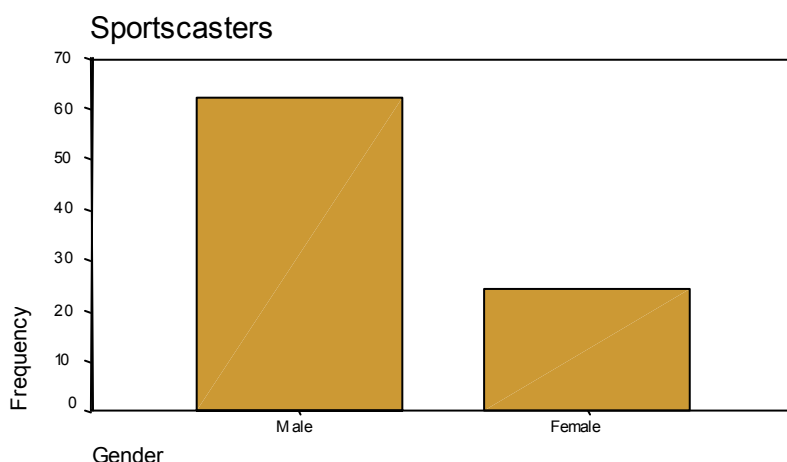
As expected, figures show that male 'sportcasters' outnumber female 'sportcasters'.



FIGURE 5: PERCENTAGE OF 'SPORTCASTERS' IN CYPRUS, IRELAND AND MALTA

**The number of male and female sportscasters
in Cyprus, Ireland, Malta**

		Frequency	Valid Percent
Valid	Male	62	72.1
	Female	24	27.9
	Total	86	100.0



Men are not only dominantly reported in sport as the people who make the news but the masculine figure dominates in the presentation of the sport news. When looking at these figures one can immediately say that sport is a male dominated area with 72.1% of men presenting the sport news and a meagre 27.9% as female sportscasters. Although more female sportscasters are now chosen to read the sport news, however, this is a very gradual development. The sport area is a traditionally 'male oriented' area so quite a good number of years have to pass for women to balance men.

On the two Maltese news bulletins – Super 1 TV and Net TV- the sport news bulletins was not included in the news bulletins but the 'sportcaster' was present to give the sport highlights which were aired (given) after the news bulletin. PBS did not include any sport news or sport highlights as part of the news bulletin. The age criteria area also significant for 'sportcasters' but less gender difference was registered.

In the '20-34 age group' female sportscasters outnumber 'male sportscasters' on CyBC and Super 1 TV. Other figures show that 'male sportscasters' in all age groups are dominant in all the other stations. The majority of the 'sportcasters' fall in the '35-49 years age group'.



RTÉ places 'sport' news as part of the news bulletin and the sportcasters during the two weeks analysed were males.

As was expected with regard to newscasting, female newscasters are the most popular throughout the three countries, though not necessarily young newscasters mainly for RTÉ (Ireland) and PBS (Malta). On the other hand, the majority of sportcasters are men. With regard to television sport news, this is built around men and not female preferences, in fact I found a lot of coverage of 'men's sport' in contrast to the lack of coverage of 'female's sport'

STUDIES CONDUCTED IN OTHER COUNTRIES

After giving details on my study I would like to point out to other studies in an attempt to open up the subject for the discussion. A study conducted in 1994 on British television, entitled 'The Portrayal of Women in British Television – a Content Analysis' shows that 18% of female participants are visible in national news, and the lowest percentage of female participation is found in news sport. The percentage of female participation adds up to only 8%.

An Australian study 'An Illusory Image: A Report on the Media Coverage and Portrayal of Women's Sport in Australia', focused on the media coverage of women's sport from newspapers, magazines, radio and television stations. The author, Dr Murray Philips found that women's sport suffered from its positioning in newspapers, with women's stories often placed at the bottom of pages or at the inner and inaccessible pages of the sport section. Even the way language was used in the stories differed from gender to gender. While women were often described in terms of weakness and described their emotional state such as 'dissolving into tears', men when confronted with difficult situations were described as being tough athletes.

Female sport players have yet to achieve equality with men in the media. In an Australian report of 1989 it was found that only 5% of televised sport news covered women's sport. This report also referred to the print media wherein fewer than 5% of all sport stories were devoted to women only. Although media coverage still favors men till this present date, Australian findings show that the coverage of the Olympic Games has increased the exposure of female athletes.

Duncan, 1990, referred by Creedon, 1993, after reviewing 1,300 photos in six magazines during two Olympic years found differences in the portrayal of female and male athletes. Duncan found that posed and sensuous pictures of female athletes were commonly used while male athletes were pictured in action shots. It was found that there was more intrusion on female competitors' privacy, for instance, shown crying or adjusting the crotch of a swimsuit.

If we look at sport from a feminist perspective, sport was always considered to be male-dominated and masculine in orientation. Recently women have advanced in competitive sport, however, women still lack media visibility in sport coverage. Duncan and Hasbrook, 1988, argue that



perhaps more than any other social institution, sport perpetuates male superiority and female inferiority.

Kane and Greendorfer, 1994, found that during the 1980s and most of the 1990s; research showed that the media persisted in covering mainly male athletes. Literature show the underreporting and under representation of female athletes and their sporting events throughout all mass media. For example in 1994, men were found to receive 93.8% of television coverage on US television (Duncan and Messner, 1998). Under representation of women in sport, gives the impression that women athletes are almost non-existent. It creates a false impression of women in sport. This is a vicious circle because women's sport, especially, can be hindered by the lack of funds and sponsorship and since sponsors are interested in investing in sport which feature regularly on television, then women's sport are not given priority in the media.

Numbers are not the only issue to consider in the context of women and sport. The question is whether sport reports of female athletes are not only fewer but also different from male sport. While male athletes are portrayed as tough and as a cultural pedestal, female athletes are seen by sport commentators as 'girls' or 'young ladies'. Although women's sport and female sport players gained visibility in the media when compared to the past, one has to note the way certain female sport players are depicted visually. An example of this is Anna Kournikova which shows clearly that the appearance and attractiveness of female athletes is reported extensively and given media attention. This indicates that sometimes looks and images win over sport skills. Such a study wherein was examined the media coverage of Marion Jones and Anna Kournikova was conducted by a number of academics. Although generally it was found that since the late 1990s, women's tennis gets no less and sometimes even more coverage than men's tennis, the portrayal of female tennis players is stereotyped. Alina Bernstein from Tel Aviv University in Israel commented that the extensive coverage female tennis is given may be due to the beauty of some of the new young players, most notably Anna Kournikova.

An aspect studied by Messner et al. (199) is about the use of names in commentary. Messner et al found that in the coverage of tennis, commentators referred to female tennis players by their first names, 52.7% of the time and to men only 7.8% of the time.



CONCLUSION

The media should reflect the importance of sport in our lives. The way media portrays a sport or an athlete can effect the credibility of that sport or sporting personality.

Media coverage of sport increases the popularity of sport itself. My research shows that the coverage of women in sport, show that women's athletes are still, 'symbolically annihilated' (Tuchman, 1978). Media coverage can ensure that female positive role models are portrayed. From the research and data gathered, it shows that sportswomen still struggle for consistent, long-term coverage even though the number of sportswomen has increased over the years. I observed that when women in sport were portrayed, the feminine value of woman is not focused upon unlike other portrayal. Women seem that they have to separate their femininity from their athletic ability. It seems that athletic ability cannot be linked with feminine values. One can conclude that even though women's physical activity and sport has generally increased, much remains to be done. This goes not only for Malta but also for other countries. Everyone here has to be aware of the essential role that women play for the future of sport. As a final comment I personally think that there should be a code of ethic from an organized entity, perhaps the Malta press Club together with the Malta Sport Writers Association for a balanced portrayal.

**Ms JOANNA SPITERI
SUPERVISOR
MONITORING DEPARTMENT**



THE POLITICAL CONTENT OF NEWS ON TVM - JANUARY TO DECEMBER 2004

2003		2004									
5268	TOTAL NUMBER OF LOCAL ITEMS:	4619									
7497	TOTAL NUMBER OF COVERAGES:	5995									
	Ministerial Coverages:	Total	%								
	Parliamentary News	3	0.25								
	Court News	4	0.33								
	Activities	939	76.72								
	Press Conferences	165	13.48								
	Press Releases	113	9.23								
1261		1224	100								
16.82%		20.42%									
	Party Political Coverages:	Total	%	N.P.	M.L.P.	A.D.	M.I.C.	C.N.I.	F.M.I.	P.P.E.	P.S.E.
	Parliamentary News	3	0.29	0	3	0	0	0	0	0	0
	Court News	2	0.19	0	2	0	0	0	0	0	0
	Activities	655	63.36	265	317	46	3	0	2	12	10
	Press Conferences	156	15.08	19	88	46	1	2	0	0	0
	Press Releases	218	21.08	30	142	25	0	1	14	2	4
1576		1034	100	314	552	117	4	3	16	14	14
21.02%		17.25%		5.24%	9.21%	1.95%	0.07%	0.05%	0.27%	0.23%	0.23%
	Trade Unions Coverages:	Total	%	G.W.U.	U.H.M.	G.R.T.U.	Other				
	Court News	1	0.25	0	0	0	1				
	Activities	175	43.86	60	45	33	37				
	Press Conferences	35	8.77	10	10	4	11				
	Press Releases	188	47.12	69	57	25	37				
406		399	100	139	112	62	86				
5.41%		6.65%		2.32%	1.87%	1.03%	1.43%				
	Parliamentary Coverages:	Total	%								
	Parliamentary News	96	80.67								
	Activities	21	17.65								
	Press Releases	2	1.68								
363		119	100								
4.84%		1.98%									



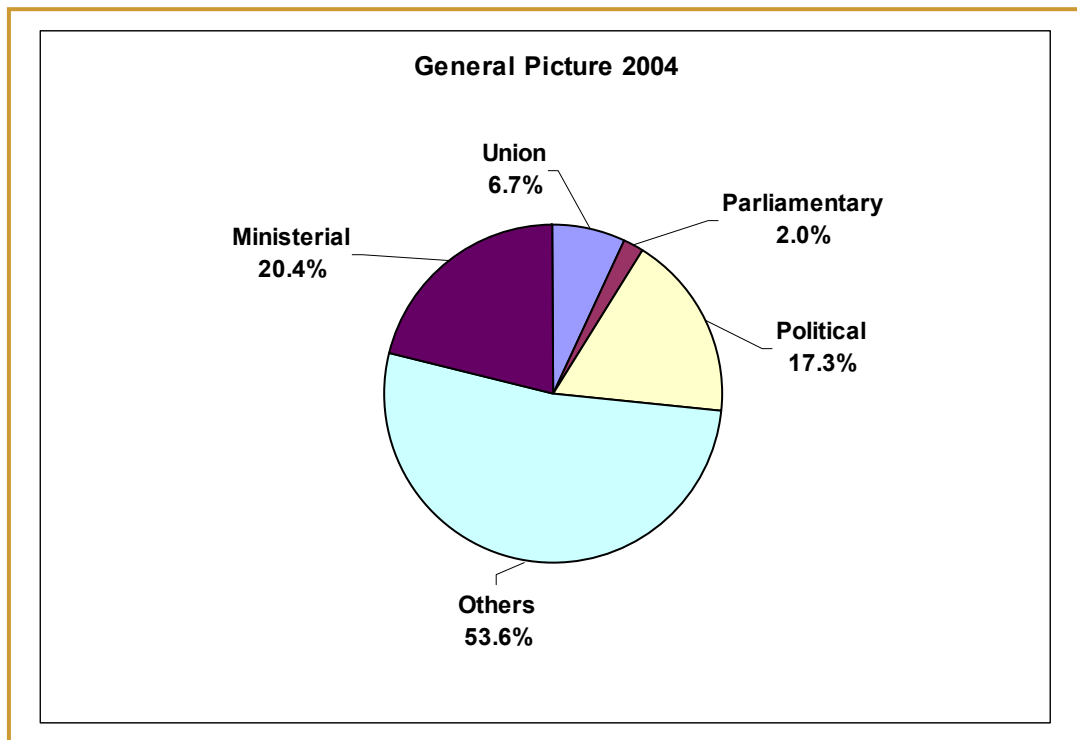
THE POLITICAL CONTENT OF NEWS ON TVM - JANUARY TO DECEMBER 2004

2003		2004									
	Other Local Coverages:	Total	%								
	Parliamentary News	3	0.09								
	Court News	185	5.75								
	Activities	1886	58.64								
	Press Conferences	187	5.81								
	Press Releases	955	29.70								
3891		3216	100								
51.90%		53.64%									

Total numbers of Coverages include multiple news items

* Based on Statistics Relating to the 8.00p.m. and late News Bulletins on TVM.

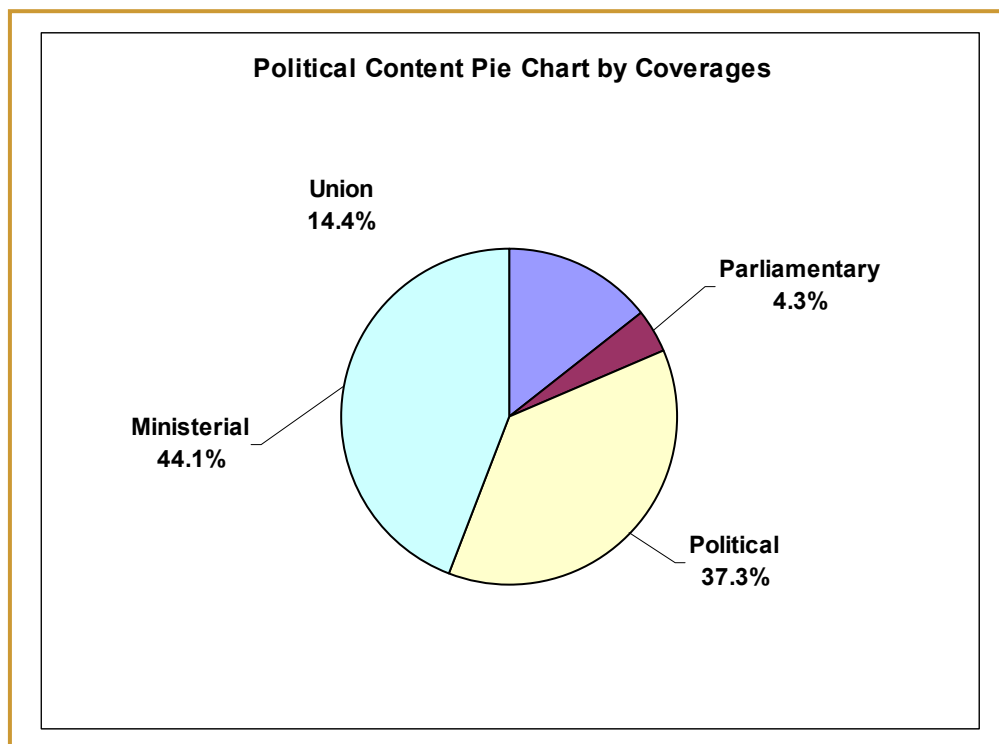




News on TVM: Coverages - Political Content 2004

Month	Total	Political Parties			Unions				Minister -ial	Parlia -ment	P.P.E.	P.S.E.	M.I.C.	C.N.I.	F.M.I.	Political	
	Coverages	N.P.	M.L.P.	A.D.	G.W.U.	U.H.M.	G.R.T.U.	Other								Total	%
Jan	586	9	52	6	26	18	10	12	92	28	0	0	1	0	1	255	43.5
Feb	578	66	48	2	6	6	5	7	113	21	0	0	0	0	0	274	47.4
Mar	715	77	91	15	16	12	3	9	157	10	0	0	0	1	1	392	54.8
Apr	577	24	72	8	18	2	2	5	113	1	0	0	1	0	4	250	43.3
May	619	59	70	36	7	15	3	12	125	12	0	0	0	0	2	341	55.1
Jun	529	26	57	23	8	6	5	1	111	12	4	5	0	0	4	262	49.5
Jul	472	8	25	6	12	11	16	4	116	16	5	5	0	0	1	225	47.7
Aug	330	0	28	1	14	11	4	7	74	0	1	1	1	0	2	144	43.6
Sep	413	26	22	6	3	11	4	1	87	2	1	2	0	1	0	166	40.2
Oct	426	10	32	7	13	6	3	6	96	4	1	1	1	1	1	182	42.7
Nov	376	7	30	5	7	6	3	18	67	3	0	0	0	0	0	146	38.8
Dec	374	2	25	2	9	8	4	4	73	10	2	0	0	0	0	139	37.2
	5995	314	552	117	139	112	62	86	1224	119	14	14	4	3	16	2776	





News on TVM Coverages: Ministerial Activities 2004

Month	Total	Ministerial Activities	
	Coverages	Total	%
Jan	586	92	15.7
Feb	578	113	19.6
Mar	715	157	22.0
Apr	577	113	19.6
May	619	125	20.2
Jun	529	111	21.0
Jul	472	116	24.6
Aug	330	74	22.4
Sep	413	87	21.1
Oct	426	96	22.5
Nov	376	67	17.8
Dec	374	73	19.5
	5995	1224	20.4



ANNEX XV
News on TVM Coverages: Political Activities 2004

MONTH	TOTAL	POLITICAL PARTIES			P.P.E.	P.S.E.	M.I.C.	C.N.I.	F.M.I.	POLITICAL ACTIVITIES	
	COVERAGES	N.P.	M.L.P.	A.D.						TOTAL	%
Jan	586	9	52	6	0	0	1	0	1	69	11.8
Feb	578	66	48	2	0	0	0	0	0	116	20.1
Mar	715	77	91	15	0	0	0	1	1	185	25.9
Apr	577	24	72	8	0	0	1	0	4	109	18.9
May	619	59	70	36	0	0	0	0	2	167	27
Jun	529	26	57	23	4	5	0	0	4	119	22.5
Jul	472	8	25	6	5	5	0	0	1	50	10.6
Aug	330	0	28	1	1	1	1	0	2	34	10.3
Sep	413	26	22	6	1	2	0	1	0	58	14
Oct	426	10	32	7	1	1	1	1	1	54	12.7
Nov	376	7	30	5	0	0	0	0	0	42	11.2
Dec	374	2	25	2	2	0	0	0	0	31	8.3
	5995	314	552	117	14	14	4	3	16	1034	17.2

ANNEX XVI
News on TVM Coverages: Trade Unions 2004

MONTH	TOTAL	UNIONS				TRADE UNION ACTIVITIES	
	COVERAGES	G.W.U.	U.H.M.	G.R.T.U.	OTHER	TOTAL	%
Jan	586	26	18	10	12	66	11.3
Feb	578	6	6	5	7	24	4.2
Mar	715	16	12	3	9	40	5.6
Apr	577	18	2	2	5	27	4.7
May	619	7	15	3	12	37	6.0
Jun	529	8	6	5	1	20	3.8
Jul	472	12	11	16	4	43	9.1
Aug	330	14	11	4	7	36	10.9
Sep	413	3	11	4	1	19	4.6
Oct	426	13	6	3	6	28	6.6
Nov	376	7	6	3	18	34	9.0
Dec	374	9	8	4	4	25	6.7
	5995	139	112	62	86	399	6.7



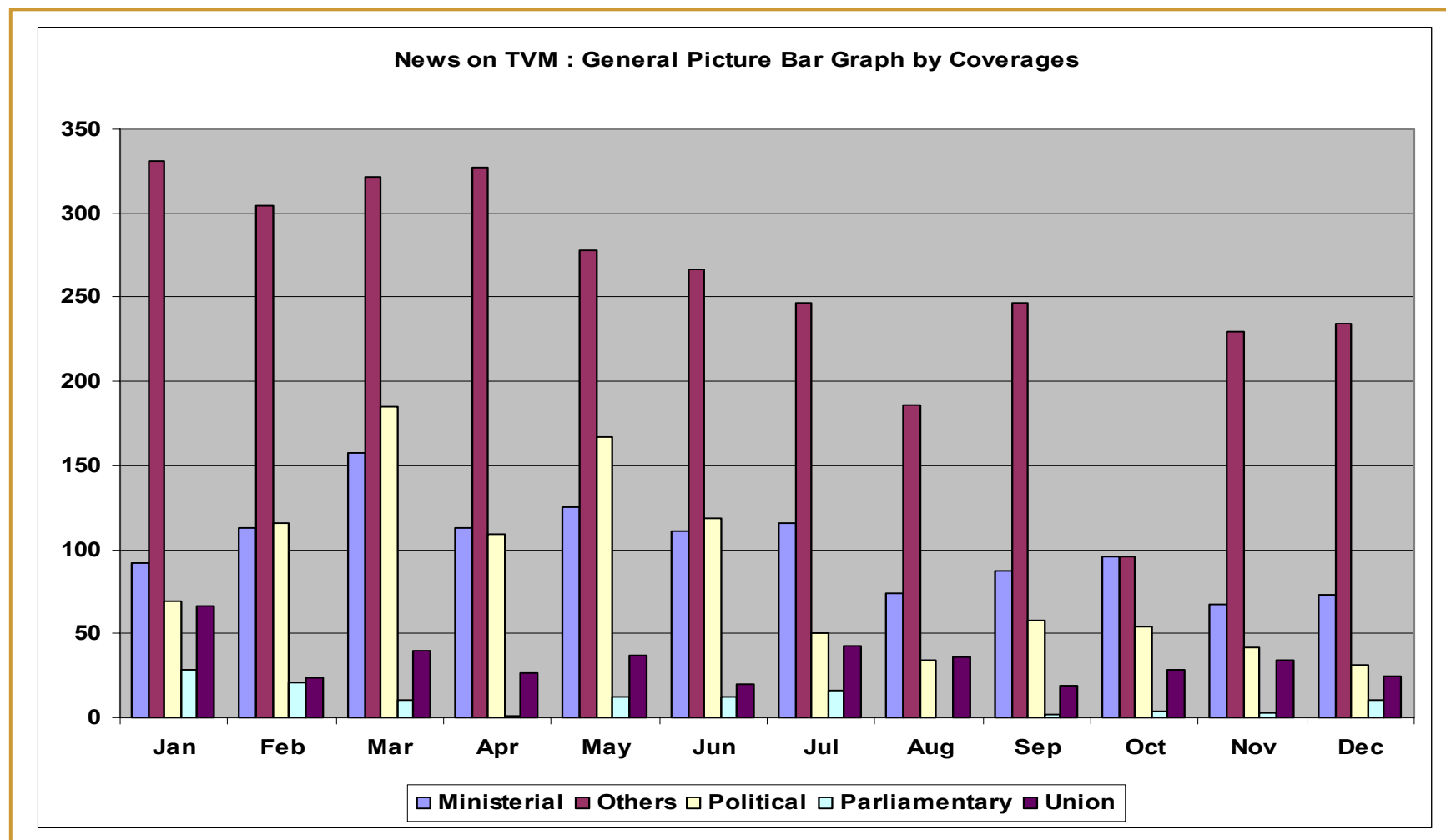
News on TVM Coverages: Parliamentary Activities 2004

MONTH	TOTAL	PARLIAMENTARY ACTIVITIES	
	COVERAGES	TOTAL	%
Jan	586	28	4.8
Feb	578	21	3.6
Mar	715	10	1.4
Apr	577	1	0.2
May	619	12	1.9
Jun	529	12	2.3
Jul	472	16	3.4
Aug	330	0	0.0
Sep	413	2	0.5
Oct	426	4	0.9
Nov	376	3	0.8
Dec	374	10	2.7
	5995	119	2.1

News on TVM Coverages: Other Activities 2004

MONTH	TOTAL	OTHER ACTIVITIES	
	COVERAGES	TOTAL	%
Jan	586	331	56.5
Feb	578	304	52.6
Mar	715	322	45.0
Apr	577	327	56.7
May	619	278	44.9
Jun	529	267	50.5
Jul	472	247	52.3
Aug	330	186	56.4
Sep	413	247	59.8
Oct	426	96	22.5
Nov	376	230	61.2
Dec	374	234	62.6
	5995	3069	51.2









BROADCASTING AUTHORITY REPORT AND FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 DECEMBER 2004

INDEX

Page

106	Statement of the Authority's Responsibilities
107	Auditors' Report
108	Income and Expenditure Account
109	Balance Sheet
110	Statement of Changes in Equity
111	Cash Flow Statement
112–116	Notes to the Financial Statements



STATEMENT OF THE AUTHORITY'S RESPONSIBILITIES

The Broadcasting Act, 1991 requires the Authority to prepare financial statements for each financial period which give a true and fair view of its state of affairs at the end of the financial period and of its surplus or deficit for that period.

In preparing the financial statements, the Authority is required to:-

- adopt the going concern basis, unless it is inappropriate to presume that the Authority will continue in business;
- select suitable accounting policies and apply them consistently;
- make judgements and estimates that are reasonable and prudent;
- account for income and charges relative to the accounting period on the accruals basis;
- value separately the components of asset and liability items; and
- report comparative figures corresponding to those of the preceding accounting period.

The Authority is responsible for keeping proper accounting records which disclose with reasonable accuracy, at any time, its financial position and to enable it to ensure that the financial statements comply with the relevant legislation. The Authority is also responsible for safeguarding its assets and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.



AUDITORS' REPORT TO THE MEMBERS

We have audited the financial statements set out on pages 108 to 116. As described on page 106, these financial statements are the responsibility of the Authority's members. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with International Standards on Auditing, issued by the International Auditing and Assurance Standards Board. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by the members, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion on the financial statements.

In our opinion, the financial statements give a true and fair view of the state of affairs of the company as at 31 December 2004 and of its results, changes in equity and cash flows for the year then ended in accordance with the requirements of International Financial Reporting Standards promulgated by the International Accounting Standards Board, and have been properly prepared in accordance with the Broadcasting Act, 1991.

*This copy of the audit report has been signed by
John Abela (Partner) for and on behalf of*

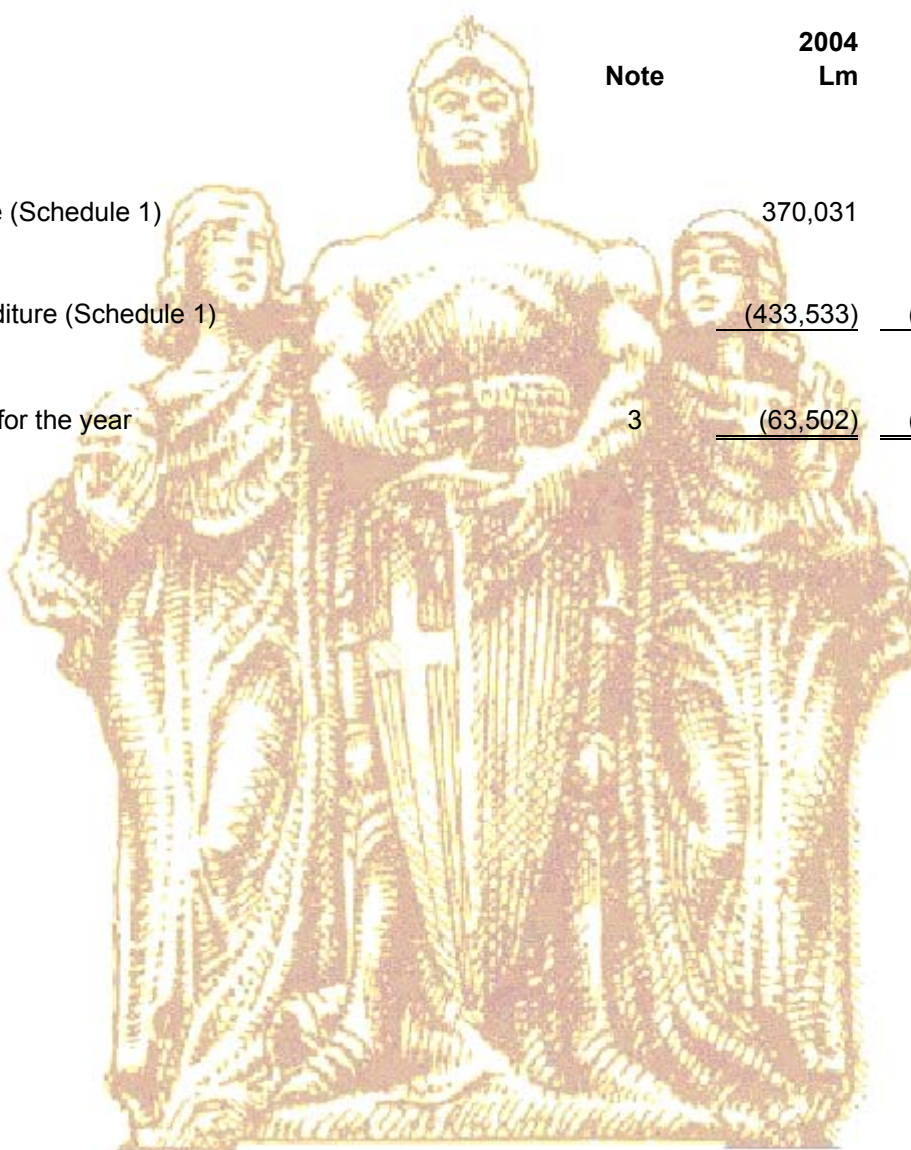
HORWATH (MALTA)
Accountants & Auditors
La Provvida
Karm Zerafa Street
Birkirkara

8 March 2005



INCOME AND EXPENDITURE ACCOUNT
YEAR ENDED 31 DECEMBER 2004

	Note	2004 Lm	2003 Lm
Income (Schedule 1)		370,031	429,761
Expenditure (Schedule 1)		<u>(433,533)</u>	<u>(540,959)</u>
Deficit for the year	3	<u>(63,502)</u>	<u>(111,198)</u>

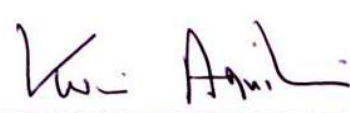


BALANCE SHEET AS AT 31 DECEMBER 2004

	Note	2004 Lm	2003 Lm
ASSETS			
Non-current assets			
Tangible assets	4	949,650	1,001,810
Current Assets			
Receivables	5	36,737	57,863
Cash at bank and in hand		192,106	197,473
		228,843	255,336
Total Assets		1,178,493	1,257,146
CAPITAL AND LIABILITIES			
Capital and Reserves			
Capital fund	6	1,104,476	1,104,476
Reserve Fund	6	16,000	16,000
Revaluation reserve	7	126,085	126,085
Accumulated reserve		(139,640)	(76,138)
		1,106,921	1,170,423
Current liabilities			
Payables	8	71,572	86,723
Total Capital and Liabilities		1,178,493	1,257,146

The financial statements on pages 109 to 116 were approved by the members on 8th March 2005 and were signed on its behalf by:


 Chief Justice Emeritus J. Said Pullicino
 Chairman


 Dr. K. Aquilina
 Chief Executive



STATEMENT OF CHANGES IN EQUITY

AS AT 31 DECEMBER 2004

	Total Lm	Capital Fund Lm	Revaluation Reserve Lm	Reserve Fund Lm	Accumulated Reserve Lm
At 31 December 2002	1,281,621	1,104,476	126,085	16,000	35,060
Deficit for the year	<u>(111,198)</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(111,198)</u>
At 31 December 2003	1,170,423	1,104,476	126,085	16,000	(76,138)
Deficit for the year	<u>(63,502)</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(63,502)</u>
	<u>1,106,921</u>	<u>1,104,476</u>	<u>126,085</u>	<u>16,000</u>	<u>(139,640)</u>



CASH FLOW STATEMENT
YEAR ENDED 31 DECEMBER 2004

	Note	2004 Lm	2003 Lm
Cash flows from operating activities			
Deficit for the year		(63,502)	(111,198)
Adjustment for:			
Loss on disposal of tangible fixed assets		73	-
Depreciation		60,024	70,040
Bank interest receivable		(4,735)	(6,939)
Operating deficit before working capital changes		(8,140)	(48,097)
Decrease in receivables		21,334	35,465
(Decrease)/Increase in payables		(15,151)	11,093
Cash used in operations		(1,957)	(1,539)
Bank interest received		4,527	7,454
Net cash from operating activities		2,570	5,915
Cash flows used in investing activities			
Proceeds from sale of fixed assets		-	-
Net payments to acquire tangible fixed assets		(7,937)	(33,558)
Net cash used in investing activities		(7,937)	(33,558)
Net movement in cash and cash equivalents		(5,367)	(27,643)
Cash and cash equivalents at beginning of year		197,473	225,116
Cash and cash equivalents at end of year	11	192,106	197,473



NOTES TO THE FINANCIAL STATEMENTS

YEAR ENDED 31 DECEMBER 2004

1 Basis of Preparation

The financial statements have been prepared in accordance with the requirements of International Financial Reporting Standards promulgated by the International Accounting Standards Board and in compliance with the provisions of the Broadcasting Act, 1991.

2 Significant Accounting Policies

The significant accounting policies adopted in the preparation of these financial statements are set out below. These accounting policies have been consistently applied by the Authority and are consistent with those adopted during the previous year.

(a) Tangible Fixed Assets

Tangible fixed assets are stated at cost less accumulated depreciation. Depreciation is calculated to write down the value of tangible fixed assets less any anticipated residual value over their estimated useful lives. A charge equivalent to a full year's depreciation is provided during the year in which the asset is first brought into use, while no depreciation is charged during the year the asset is disposed of or scrapped.

Expenditure on repairs or maintenance of tangible fixed assets made to restore or maintain future economic benefits expected from the asset is recognised as an expense when incurred.

Depreciation is provided using the straight line method at the following rates:

	%
Buildings	1
Motor vehicles	20
Studio equipment	20
Fixtures, fittings and equipment	10/20
Technical equipment	25
Transmitting antenna	4/12

No depreciation is provided on freehold land.

(b) Revenue Recognition

Income from Government is recognized on a receipt basis.

Income from licences and application fees is recognized on an accruals basis.

Income from Master Antenna fees and rental fees is recognized on an accruals basis.

Interest income from investments is accrued on a time basis, by reference to the principal outstanding and at the interest rate applicable.



2. Significant Accounting Policies (continued)

(c) Impairment

At each balance sheet date the Authority reviews the carrying amounts of its assets to determine whether there is any indication that those assets have suffered an impairment loss. If any such indication exists, the recoverable amount of the assets is estimated in order to determine the extent of the impairment loss (if any).

If the recoverable amount of an asset is estimated to be less than its carrying amount, the carrying amount of the asset is reduced to its recoverable amount. Impairment losses are recognized as an expense immediately.

Where an impairment loss subsequently reverses, the carrying amount of the asset is increased to the revised estimate of its recoverable amount, but so that the increased carrying amount does not exceed the carrying amount that would have been determined had no impairment loss been recognized for the asset in prior years. A reversal of an impairment loss is recognized as income immediately.

(d) Financial Instruments

Financial assets and financial liabilities are recognized on the Authority's balance sheet when the Authority has become party to the contractual provisions of the instruments.

Debtors

Debtors are stated at their nominal value as reduced by appropriate allowances for estimated irrecoverable amounts.

Creditors

Creditors are stated at their nominal value.

(e) Cash and Cash Equivalents

Cash and cash equivalents comprise cash in hand, fixed and demand deposits.

3 Deficit

Deficit for the year has been stated after charging:

	2004 Lm	2003 Lm
Depreciation	60,024	70,040
Auditors' remuneration	590	694
	<u>60,614</u>	<u>70,734</u>



NOTES TO THE FINANCIAL STATEMENTS

YEAR ENDED 31 DECEMBER 2004

4 Tangible Assets

	Freehold Land Lm	Building & Improvements Lm	Fixtures Fittings & Equipment Lm	Technical Equipment Lm	Studio Equipment Lm	Motor Vehicles Lm	Transmitting Antenna Lm	Total Lm
Cost								
At 01 January 2004	68,804	796,657	206,894	59,748	78,603	23,760	205,067	1,439,533
Additions	-	-	2,555	212	-	-	5,170	7,937
Disposals	-	-	(1,107)	(6,633)	-	-	-	(7,740)
At 31 December 2004	68,804	796,657	208,342	53,327	78,603	23,760	210,237	1,439,730
Depreciation								
At 01 January 2004	-	65,144	146,441	53,682	71,350	20,722	80,384	437,723
Charge for year	-	7,967	28,943	4,439	2,436	3,037	13,202	60,024
Released on disposal	-	-	(1,065)	(6,602)	-	-	-	(7,667)
At 31 December 2004	-	73,111	174,319	51,519	73,786	23,759	93,586	490,080
Net Book Value								
At 31 December 2004	68,804	723,546	34,023	1,808	4,817	1	116,651	949,650
At 31 December 2003	68,804	731,513	60,453	6,066	7,253	3,038	124,683	1,001,810



NOTES TO THE FINANCIAL STATEMENTS

31 DECEMBER 2004

4 Tangible Assets (continued)

- i) Land and buildings at Gharghur were revalued on the basis of an open market valuation for existing use on 25 March 1991 by professional civil engineers & consultants.

The transmitting antenna at Gharghur was revalued on the basis of an open market valuation for existing use on 28 August 1991 by a professional architect and civil engineer.

If the above assets had not been revalued they would have been included in the financial statements at the following cost:

	2004 Lm	2003 Lm
Gharghur land, buildings and transmitting antenna	655	655

- ii) Fully depreciated fixed assets still in use at the balance sheet date amounted to:

	2004 Lm	2003 Lm
Motor vehicles	23,759	8,571
Fixtures, fittings and equipment	101,569	41,762
Studio equipment	66,558	66,425
Technical equipment	48,346	42,074
	240,232	158,832

5 Receivables

	2004 Lm	2003 Lm
Licences receivable	27,000	22,500
Other debtors	8,214	18,415
Prepayments and accrued income	1,523	16,948
	36,737	57,863

6 Capital Fund and Reserve Fund

These funds have been set up in accordance with Section 26 of the Broadcasting Act, 1991.

7 Revaluation Reserve

The revaluation reserve has arisen from a valuation carried out on fixed assets in 1991.



NOTES TO THE FINANCIAL STATEMENTS

31 DECEMBER 2004

8 Payables

	2004 Lm	2003 Lm
Capital creditors	22,579	27,095
Other creditors	1,700	12,070
Accruals and deferred income	47,293	47,558
	<u>71,572</u>	<u>86,723</u>

9 Commitments

	2004 Lm	2003 Lm
Capital expenditure contracted but not provided for in the financial statements	4,010	4,010

10 Financial Instruments

Financial assets include debtors and cash held at bank and in hand. Financial liabilities include creditors. At 31 December 2004, the Authority had no unrecognised financial instruments.

Risk management policies

- Credit risk on amounts receivable is limited through the systematic monitoring of outstanding balances and the presentation of debtors net of allowances for doubtful debts, where applicable. Cash is placed with reputable banks.
- Liquidity risk is limited as the Authority has sufficient funding resources and the ability to raise finance to meet its financial obligations as these arise.

Fair Values

At 31 December 2004, the fair values of financial assets and liabilities were not materially different from their carrying amounts.

11 Cash and Cash Equivalents

Cash and cash equivalents included in the cash flow statement comprise:

	2004 Lm	2003 Lm
Cash at bank and in hand	211,875	208,213
Bank overdraft	(19,769)	(10,740)
	<u>192,106</u>	<u>197,473</u>

12 Comparative Amounts

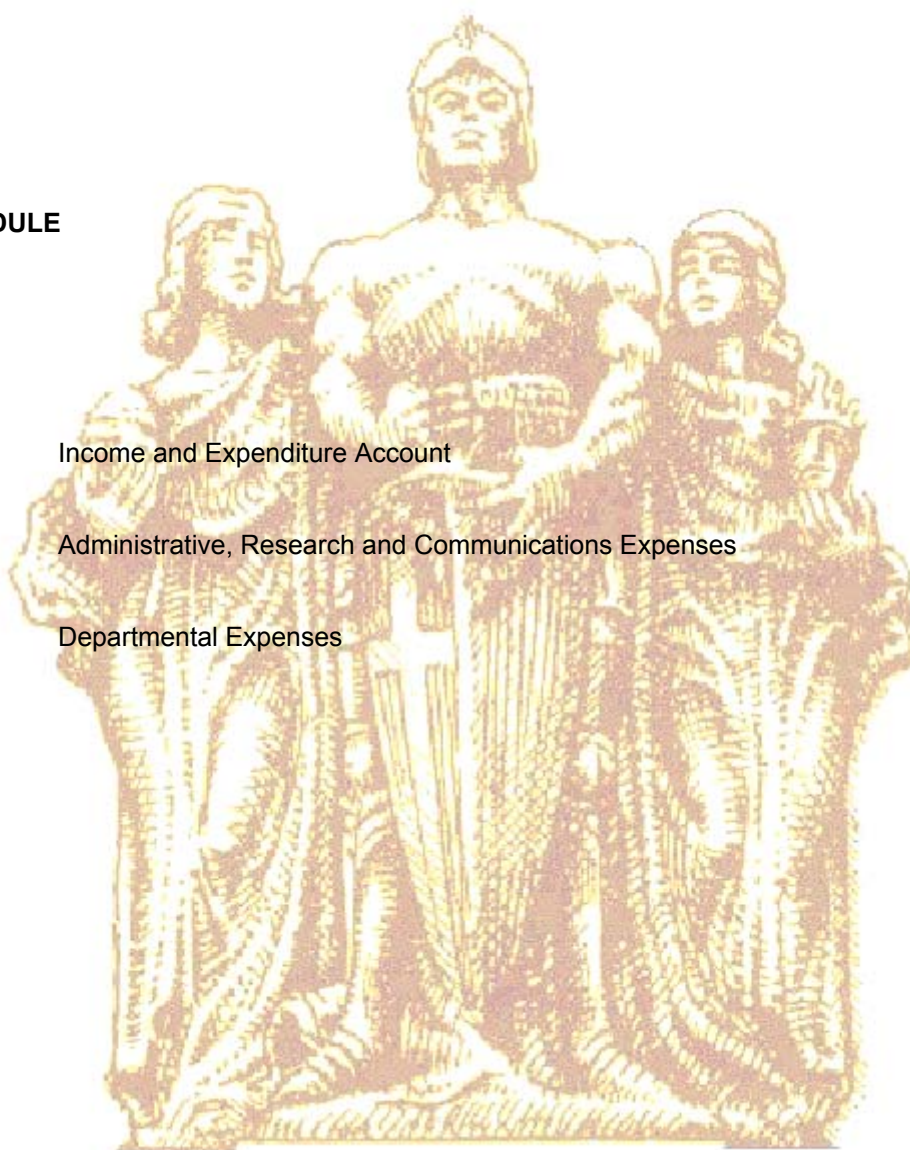
Certain amounts have been reclassified to conform with the current year's presentation of the financial statements.



**SCHEDULES TO THE INCOME AND EXPENDITURE ACCOUNT
2004**

SCHEDULE

1. Income and Expenditure Account
2. Administrative, Research and Communications Expenses
3. Departmental Expenses



INCOME AND EXPENDITURE ACCOUNT

YEAR ENDED 31 DECEMBER 2004

SCHEDULE 1

	2004 Lm	2003 Lm
Income		
Government contributions	250,000	270,000
Government contributions - EU programme	-	40,000
Application fees	1,550	1,350
Licences	72,150	72,750
Other income	12,981	12,311
Rental fees receivable	7,350	7,350
Master Antenna facilities fees	26,000	26,000
	<u>370,031</u>	<u>429,761</u>
Expenditure		
Technical assistance	13,250	14,820
Administrative	263,841	273,367
Research and communications	27,577	46,550
Production	4,917	65,916
Monitoring	96,401	116,959
Technical	27,547	23,347
	<u>433,533</u>	<u>540,959</u>



INCOME AND EXPENDITURE ACCOUNT

YEAR ENDED 31 DECEMBER 2004

SCHEDULE 2

	2004 Lm	2003 Lm
Administrative Expenses		
Members' honoraria	23,472	23,472
Legal advisor's honoraria	2,500	2,500
Salaries	98,705	100,935
Staff training	2,147	1,757
Telecommunications	7,775	10,561
Water and electricity	5,292	5,796
Insurance	2,750	3,824
Ground rent	6	6
Stationery	2,926	3,823
Subscriptions and publications	1,709	1,210
International organisations membership fees	3,130	3,051
Repairs and maintenance	8,058	7,378
IT maintenance and support	11,418	10,972
Duty visits abroad	3,787	2,731
Transport	2,609	3,043
Rentals of radio & TV sets	1,642	1,917
Staff health scheme	3,929	4,419
Sundry expenses	3,617	4,329
Auditors' remuneration	590	694
Legal and professional fees	1,859	6,518
Programme awards	-	10,182
Gharghur site running costs	14,314	12,936
Loss on disposal of tangible fixed assets	73	-
Bad debts write off	11,421	-
Depreciation	50,112	51,313
	<u>263,841</u>	<u>273,367</u>

Research and Communications Expenses

Wages and salaries	16,015	14,967
Audience and qualitative research study	9,594	26,013
Seminars and conferences	440	1,917
Public relations	761	1,048
BA reports and publications	216	222
Advertising	551	513
Broadcasters' Maltese language support	-	1,870
	<u>27,577</u>	<u>46,550</u>



INCOME AND EXPENDITURE ACCOUNT

YEAR ENDED 31 DECEMBER 2004

SCHEDULE 2

	2004 Lm	2003 Lm
Production Department		
TV political and EU broadcasts	-	54,021
Production of documentaries	435	-
Sundry Expenses	175	-
Depreciation	4,307	11,895
	<u>4,917</u>	<u>65,916</u>
Monitoring Department		
Wages and salaries	90,982	100,646
Purchase of audio tapes	301	3,185
Repairs and maintenance	119	-
Sub-committee research costs	-	6,906
Depreciation	4,999	6,222
	<u>96,401</u>	<u>116,959</u>
Technical Department		
Wages and salaries	9,365	11,371
Repairs and maintenance	17,576	11,277
Sundry expenses	-	89
Depreciation	606	610
	<u>27,547</u>	<u>23,347</u>

