

SUBSIDIARY LEGISLATION 350.19

REQUIREMENTS AS TO STANDARDS AND PRACTICE APPLICABLE TO PHONE-INS IN PROGRAMMES AIRED ON THE BROADCASTING MEDIA

22nd March, 2007

GOVERNMENT NOTICE 262 of 2007.

The title of these requirements is the Requirements as to Standards and Practice applicable to Phone-ins in Programmes aired on the Broadcasting Media. Citation.

1. Introduction

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

1.2 The Broadcasting Authority corroborates that phone-ins in programmes broadcasted on all media are greatly contributing towards public opinion, and in this context one can declare that broadcasting media are serving democracy and advancing the opportunity for opinion expression by the general public. These types of programmes are therefore important in the contribution towards the exercise of free expression according to article 11(1)(a) of the Broadcasting Act.

1.3 On the other hand, every right brings about certain obligations, and although in cases where political expression is concerned there should be greater tolerance to opinions that in the terms expressed by the European Court of Human Rights "offend, shock and disturb", there are always those cases where the same right of expression has to be controlled. In this context article 13(2)(a) of the Broadcasting Act provides that the Authority shall prevent from the inclusion in programme s that offend:

"good taste or decency or is likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling."

2. Requirements

2.1 Since the majority of phone-in programmes are broadcast directly on air and are not pre-recorded, the station concerned has to ensure that the listeners or viewers who phone to the station and are on air do not contravene any disposition of the law (whichever that is), or to use any language which goes against good taste or decency.

2.2 When the programme concerned is broadcast before 21:00 hours when children are listeneing and viewing the affected programme, the presenter should be more careful to the use of certain language so that such language is adaptable also to

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audiences including whole families.

2.3 To minimise the risk of the transmission of language which goes against the dispositions of the law, the broadcasting station should ensure that the presenter is well versed in the dispositions of the law and the rules and regulations which the Broadcasting Authority issues from time to time about programmes in general and about phone-in programmes in particular. In this way the presenter can resolve a difficult situation in an effective and in the most educative manner.

2.4 Offensive, vulgar, and obscene language which insults, built on allegations, malicious discourse and incitements which degenerate the quality of programmes have to be shunned and avoided by the listener/viewer as well as by the presenter.

2.5 The presenter has to ensure that if a listener or viewer makes use of offensive words, etc., in confrontation with the presenter, the latter should never reply the viewer or listener in the same way.

2.6 Apart from the above, when the programme contains direct phone-ins, the following rules shall always apply:

- i. Whoever asks to air his views during a broadcast has to furnish the station with his/her name and surname, and ID card number.
- ii. The presenter should, from time to time, and certainly before the telephone lines are open to the public, remind his viewers or listeners about the use of language which has to be used on the broadcasting media and if this is not adhered to, the presenter should make use of the delay mechanism.
- iii. The presenter should ensure that allegations and malicious discourse against third parties are not broadcasted.
- iv. The presenter should keep in mind that broadcasting media is a great influence on society and should therefore ensure that language used in interviews with his viewers or listeners increases programme quality for the benefit of the consumer.
- v. The station should provide immediate remedy in the form of a right of reply to allegations and malicious discourse made in front of their parties. This applies in particular to those persons who are not Members of Parliament or do not occupy a high public post.

2.7 The Broadcasting Authority warns that if these Requirements are not adhered to, the contravening programme will not be allowed to be broadcast for a day or more as required by the Authority.
