CONTENT REGULATION IN A CONVERGED WORLD
DISCUSSION DOCUMENT

SUBMISSION

This submission is made by the Radio Broadcasters Association on behalf of its members. Contact details for the RBA are:

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The RBA wishes to make a submission on:

Chapter 4  Options for Audio Visual Content
Chapter 6  Options for Advertising Restrictions
Chapter 7  Election Programmes – Part 6 of the Broadcasting Act

CHAPTER 4 - AUDIO VISUAL CONTENT

1  Do you believe on-demand content should be classified in some way?

- We remain sceptical about classification based on the impossibility of pulling in the likes of You Tube, Facebook etc.
- There are minimal on-line complaints reported to OMSA and broadcasters act no differently to how they treat on-air material to the content that it places on the digital space – that is responsibly.
- It should also be noted that in the digital on-line space users act as strong sounding boards for broadcasters in conveying opinion as to the efficacy of content.
3. **Do you have a preferred option or concerns with any of the options presented?**

- We are in favour of Option 2 Voluntary Code – no regulatory intervention.
- The mandate of the existing OMSA body could be extended and OMSA have already expressed willingness for this to happen.

**CHAPTER 6 - ADVERTISING RESTRICTIONS**

10. **Should the main religious holidays and Anzac Day morning be marked by an absence of advertising and television?**

Currently Section 81 of the Broadcasting Act prohibits the radio broadcasting of advertisements during the following times:

*All day on Good Friday, Easter Sunday and Christmas Day.*

**Radio’s Position**

We believe these restrictions cannot be justified in today’s media, business and cultural environments.

These restrictions do not apply to other media outlets (except TV).

It is likely that the original restrictions were based on some sort of religious deference and possibly shop trading hours that existed at the time.

It should be noted that no such advertising restriction to commercial radio exists in Australia. Their radio stations can advertise 24 hours a day, 365 days a year. Australian broadcasters are astounded that such restrictions exist in New Zealand.

11. **Should the advertising-free period be extended to cover broadcasters’ on-line content as well?**

It follows from question 10 that there should be no restrictions on radio’s on-line content.

For 10 and 11 we are in favour of your Option 4 - remove the restrictions on advertising times completely.

**CHAPTER 7 - ELECTION PROGRAMMES - Part 6 OF THE BROADCASTING ACT**

14. **Should the current television and radio-specific regulation of election broadcasting under the Broadcasting Act continue?**

We believe reform of election programme regulation is well overdue.

We think that differences between the two regimes of the Broadcasting Act and Electoral Act are anomalous and confusing.
We also note the confusion over the term Election programmes which encompasses advertising.

1. Political Parties should be regulated not the media.
2. Broadcasters are currently regulated by the Electoral Commission and the BSA but no such regulation exists for print.
3. The banning of broadcasting election content on Election Day should cease based on the amount of pre-voting now taking place. Pre-voting is expected to increase.
4. Obligated political broadcasts (TVNZ and RNZ) are an anachronism and need to be removed.

**FINAL POINTS**

- Radio like other media is currently under immense stress as it adapts to a fast changing media environment
- Radio, through expensive licencing and the employment of thousands of staff is already encumbered by a very significant cost contribution to the media scene.
- Radio opposes any new regulatory regime that will add unnecessary resource and cost to its business.
- The media already has proven self- regulatory bodies including The Press Council, Advertising Standards Authority and On-Line Media Standards Authority.
- Any further process required to take account of on-demand content regulation should develop under a similar system.

We thank you for the opportunity to contribute to the process.

Bill Francis  
*CHIEF EXECUTIVE*  
*RADIO BROADCASTERS ASSOCIATION*