



# **DÁIL ÉIREANN**

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## **AN BILLE CRAOLACHÁIN (LEASÚ) 2006 BROADCASTING (AMENDMENT) BILL 2006**

### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

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# DÁIL ÉIREANN

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## AN BILLE CRAOLACHÁIN (LEASÚ) 2006 —ROGHCHOISTE

### BROADCASTING (AMENDMENT) BILL 2006 —SELECT COMMITTEE

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#### *Leasuithe Amendments*

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#### SECTION 2

1. In page 4, line 10, after “2001” to insert “or as amended by this Act”.  
—Bernard Durkan.
2. In page 4, line 13, to delete “multiplex” and substitute “transmission system or systems”.  
—Bernard Durkan.
3. In page 4, line 15, after “means of” to insert “short wave digital technology”.  
—Bernard Durkan.

#### SECTION 3

4. In page 4, line 36, to delete “multiplexes” and substitute the following:  
“short wave or digital broadcasting transmission systems”.  
—Bernard Durkan.
5. In page 4, line 37, to delete “community or” and substitute “community,”.  
—Bernard Durkan.
6. In page 4, line 37, after “regional” to insert “, or International”.  
—Bernard Durkan.
7. In page 4, between lines 39 and 40, to insert the following:  
“(2) The Authority shall undertake and publish a comprehensive review of the remit, scope and activities of RTE in the context of the digitisation process.”.  
—Thomas Broughan.
8. In page 4, subsection (1), between lines 39 and 40, to insert the following:  
“(b) the authority may contract an outside body to establish, maintain and operate the multiplexes subject to the approval of the Minister.”.  
—Eamon Ryan.
9. In page 4, line 41, after “Authority” to insert “and Commission”.  
—Thomas Broughan.
10. In page 5, line 8, after “Authority” to insert “and Commission”.  
—Thomas Broughan.
11. In page 5, between lines 23 and 24, to insert the following:

[ SECTION 3 ]

“(1E) The broadcasting of such a service may include the use of multiplex, satellite and web based transmission systems. The authority shall provide the Minister with an annual report on the cost and estimated viewing figures resulting from the provision of this broadcasting service to Irish Communities outside the island of Ireland.”.”

—Eamon Ryan.

12. In page 5, subsection (1)(c), line 28, to delete “multiplexes” and substitute the following:

“short wave digital broadcasting transmission system or combination of such systems”.

—Bernard Durkan.

13. In page 5, subsection (2)(a), line 29, to delete “multiplex” and substitute the following:

“short wave digital broadcasting transmission system”.

—Bernard Durkan.

14. In page 5, subsection (2)(a), line 32, after “means” to insert “of”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

15. In page 5, subsection (2)(a), between lines 37 and 38, to insert the following:

“(iii) the proceedings of Dáil and Seanad Éireann to be known as Oireachtas t.v.”.

—Bernard Durkan.

16. In page 5, subsection (2), between lines 37 and 38, to insert the following:

“(b) The national television multiplex referred to in *paragraph (a)* shall be established as a matter of priority and shall, in due course, ensure the availability by free-to-air digital means of the national television broadcasting service referred to in *paragraph (a)(i)* to an extent similar to that such as is currently available by free-to-air analogue means.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

17. In page 5, subsection (2)(b), line 39, after “multiplex” to insert “incorporating modern digital technology”.

—Bernard Durkan.

18. In page 5, subsection (3), line 48, after “with” to insert “the Commission for Communications Regulation,”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

19. In page 5, subsection (3), line 48, after “direct” to insert “after reference to the Oireachtas”.

—Bernard Durkan.

20. In page 6, subsection (4), line 2, after “capacity” to insert “in line with requirements”.

—Bernard Durkan.

21. In page 6, subsection (5), line 3, to delete “may” and substitute “shall”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

[ SECTION 3 ]

22. In page 6, subsection (5), lines 4 and 5, to delete all words from and including “and” in line 4 down to and including “*section 4(5)*,” in line 5.

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

23. In page 6, subsection (5), line 6, after “multiplex” to insert “comprised of modern digital technology”.

—Bernard Durkan.

24. In page 6, subsection (6), line 15, after “with” to insert “the Commission for Communications Regulation,”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

25. In page 6, subsection (6), line 16, after “direct” to insert “subject to Oireachtas approval”.

—Bernard Durkan.

26. In page 6, subsection (7), line 21, after “may” to insert the following:

“, at the request of the television programme service contractor and after consultation with the Commission,”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

27. In page 6, subsection (7), line 22, after “capacity” to insert the following:

“of a quality or quantity sufficient to meet current and future needs”.

—Bernard Durkan.

SECTION 4

28. In page 6, subsection (1), line 25, after “multiplexes” where it firstly occurs to insert “based on modern digital technology or equivalent”.

—Bernard Durkan.

29. In page 6, subsection (1), line 27, after “1960” to insert the following:

“and to ensure as far as practicable that Irish broadcasting services are readily accessible on the electronic programme guide”.

—Thomas Broughan.

30. In page 6, subsection (2), line 29, after “contractors” to insert “or equivalent”.

—Bernard Durkan.

31. In page 6, subsection (2), line 30, after “multiplex contracts” to insert “or alternative meeting the criteria”.

—Bernard Durkan.

32. In page 6, subsection (3), line 35, after “Act” to insert the following:

“with particular reference to ongoing requirements in respect of technology and investment”.

—Bernard Durkan.

33. In page 6, between lines 35 and 36, to insert the following subsection:

“(4) It shall be a duty of the Commission to ensure that Irish public service broadcasting obligations are complied with by multiplex contractors.”.

—Thomas Broughan.

[ SECTION 4 ]

**34.** In page 6, lines 42 to 51, to delete subsection (5) and substitute the following:

“(5) It shall be a duty of the Commission to endeavour to arrange for the broadcasting of any television broadcasting service in Northern Ireland that is notified to the Commission by the Minister, being a service that is receivable throughout the whole of Northern Ireland and is provided by terrestrial means, by digital means under a multiplex contract.”

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

**35.** In page 6, subsection (5), line 51, after “contract” to insert “or other contract capable of meeting requirements”.

—Bernard Durkan.

**36.** In page 6, after line 51, to insert the following subsection:

“(6) Subject to direction from the Minister, the Commission, the Authority and the Commission for Communications Regulation may co-operate with the regulator for broadcasting services in Northern Ireland, to ensure that the digital services provided under section 16(1) of the act of 1960 are made available across all the island of Ireland.”

—Eamon Ryan.

SECTION 5

**37.** In page 7, between lines 4 and 5, to insert the following subsection:

“5.—(1) It shall be the duty of the Commission for Communications Regulation to develop the six digital terrestrial television multiplexes contemporaneously.”

—Thomas Broughan.

**38.** In page 7, between lines 4 and 5, to insert the following subsection:

“5.—(1) It shall be the duty of the Commission for Communications Regulation to publish a Digital Action Plan which will take full cognisance of the timeframe for analogue switch off and which makes proper provision for measures to promote digital inclusion.”

—Thomas Broughan.

**39.** In page 7, subsection (2), line 14, to delete “and the Commission” and substitute the following:

“and with the Commission regarding the digital capacity requirements of Teilifís na Gaeilge and the television programme service contractor”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

**40.** In page 7, subsection (2), line 19, after “State” to insert the following:

“and which multiplex shall be accessible to all Irish broadcasters including TV3, City Channel, Channel 6 and Setanta Sports”.

—Thomas Broughan.

**41.** In page 7, subsection (3), line 28, after “*section 4*” to insert “or existing contracts”.

—Bernard Durkan.

**42.** In page 7, subsection (4), line 35, after “by” to insert “high quality”.

[ SECTION 5 ]

—Bernard Durkan.

43. In page 7, subsection (5), line 47, after “2001” to insert “or as may be specified in the Act”.

—Bernard Durkan.

44. In page 7, subsection (6), line 49, after “Minister” to insert the following:

“, subject to the approval of the Houses of the Oireachtas,”.

—Eamon Ryan.

45. In page 7, after line 53, to insert the following subsection:

“(7) In the event of failure to provide service due to technological or administrative failure the Minister may take whatever steps necessary to restore services.”.

—Bernard Durkan.

SECTION 6

46. In page 8, between lines 7 and 8, to insert the following subsection:

“(2) It shall be a duty for the Commission for Communications Regulation to establish, maintain and operate a single sound broadcasting multiplex system which reflects as far as practicable the most technologically advanced digital radio mediums such as Digital Audio Broadcasting Version 2 and Digital Radio Mondiale (DRM).”.

—Thomas Broughan.

47. In page 8, subsection (2), line 15, after “State” to insert the following:

“and which multiplex shall be accessible to all Irish sound broadcasters”.

—Thomas Broughan.

48. In page 8, subsection (2), line 15, after “State” to insert “through the use of modern technology”.

—Bernard Durkan.

49. In page 8, subsection (3), line 24, after “*section 4*” to insert the following:

“which may encompass access by communities to existing services”.

—Bernard Durkan.

50. In page 8, subsection (4), line 35, after “*section 4*” to insert the following:

“or as may be specified arising from demonstrated need”.

—Bernard Durkan.

51. In page 8, subsection (6), line 55, after “2001” to insert “subject to good practice and competition rules”.

—Bernard Durkan.

52. In page 8, subsection (7), line 57, after “Minister” to insert the following:

“, subject to the approval of the Houses of the Oireachtas,”.

—Eamon Ryan.

[ SECTION 7 ]

SECTION 7

**53.** In page 9, subsection (1), line 9, after “section” to insert the following:

“subject to such regulations being approved by the Oireachtas”.

—Bernard Durkan.

**54.** In page 9, subsection (3), line 18, after “shall” to insert “regardless of at whose instigation”.

—Bernard Durkan.

SECTION 8

**55.** In page 9, subsection (1), line 27, after “frequencies” to insert “and development in technology”.

—Bernard Durkan.

**56.** In page 9, subsection (1), line 27, after “multiplexes” to insert the following:

“or alternative transmission systems offering better or improved services”.

—Bernard Durkan.

**57.** In page 9, subsection (4)(b), line 45, after “application” to insert the following:

“and the date before which such application must be submitted, which date shall be chosen so as to ensure that the first multiplex contract under this Act is awarded as soon as reasonably practicable”.

—Thomas Broughan.

SECTION 9

**58.** In page 10, subsection (1), line 19, after “contract” to insert the following:

“subject to the utilisation of the most modern technology”.

—Bernard Durkan.

**59.** In page 10, subsection (2), line 21, after “multiplex” to insert “digital or comparable”.

—Bernard Durkan.

**60.** In page 10, subsection (2), between lines 31 and 32, to insert the following:

“(c) the adequacy and durability of technology proposed and the proposals for ongoing upgrading in line with requirements,”.

—Bernard Durkan.

**61.** In page 10, subsection (2), between lines 35 and 36, to insert the following:

“(d) the public service profile of the applicant and a clear commitment to public service broadcasting in the range and type of programme material or compilations of material proposed to be included in the multiplex by the applicant,”.

—Thomas Broughan.

**62.** In page 10, subsection (2)(d), line 36, to delete “any” and substitute “the”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.



[ SECTION 10 ]

SECTION 10

- 63.** In page 11, subsection (2)(c), line 18, after “prior” to insert “consent and”.  
—Bernard Durkan.
- 64.** In page 11, subsection (2)(d), line 24, after “ownership” to insert “or structure”.  
—Bernard Durkan.
- 65.** In page 11, subsection (2)(e), line 28, after “contract” to insert “for the duration of the contract”.  
—Bernard Durkan.
- 66.** In page 11, subsection (2)(g), line 38, after “area” to insert “using appropriate and modern technology”.  
—Bernard Durkan.
- 67.** In page 11, subsection (2)(i), line 43, after “any” to insert “reasonable”.  
—Bernard Durkan.
- 68.** In page 12, subsection (3)(a), line 8, after “consent” to insert “on stated grounds”.  
—Bernard Durkan.
- 69.** In page 12, subsection (4)(a), line 17, after “contract” to insert “on stated grounds”.  
—Bernard Durkan.

SECTION 11

- 70.** In page 13, subsection (1)(a), between lines 2 and 3, to insert the following:  
“*(v)* the quality of reception over the area covered by the contract.”  
—Bernard Durkan.
- 71.** In page 13, subsection (1), lines 4 to 8, to delete paragraph *(b)* and substitute the following:  
“*(b)* that the Minister immediately sets a target date for ending the transmission of analogue broadcasting services and charges the Commission, the Commission for Communications Regulation and the Authority with coordinating the national rollout of digital terrestrial television services.”  
—Thomas Broughan.
- 72.** In page 13, subsection (1), between lines 8 and 9, to insert the following:  
“*(c)* that the Minister develops and publishes before the Houses of the Oireachtas a National Digital Strategy laying out a comprehensive timeframe for digital switchover, including a cost-benefit analysis of the total switchover project and measures to ensure that a new digital divide is not created during the DTT rollout.”  
—Thomas Broughan.
- 73.** In page 13, subsection (1), between lines 8 and 9, to insert the following:

[ SECTION 11 ]

“(d) the National Digital Strategy will consider the establishment of a new not-for-profit agency to co-ordinate the technical and social aspects of the digital switchover between all relevant regulatory, government and service provider bodies and to implement a national information campaign.”.

—Thomas Broughan.

74. In page 13, subsection (1), between lines 8 and 9, to insert the following:

“(e) that the National Digital Strategy contains measures to facilitate digital technologies in the e-government agenda.”.

—Thomas Broughan.

75. In page 13, subsection (1), between lines 8 and 9, to insert the following:

“(f) that a draft national plan for the long-term allocation of Irish spectrum space is laid before the Houses of the Oireachtas for approval.”.

—Thomas Broughan.

76. In page 13, subsection (2), between lines 19 and 20, to insert the following:

“(d) the principal British television broadcasting services which are free to air as of the enactment of this Act.”.

—Thomas Broughan.

77. In page 13, subsection (4)(e), line 29, after “fit” to insert the following:

“including those with technical expertise in the broadcasting sector”.

—Bernard Durkan.

78. In page 13, subsection (5), between lines 36 and 37, to insert the following:

“(c) persons with proven technical knowledge,”.

—Bernard Durkan.

79. In page 14, subsection (6), line 4, after “means” to insert the following:

“subject to the availability of digital technology throughout the State”.

—Bernard Durkan.

80. In page 14, subsection (7)(b), line 18, after “course” to insert the following:

“subject to the availability of digital technology throughout the State”.

—Bernard Durkan.

81. In page 14, between lines 18 and 19, to insert the following subsections:

“(8) The Authority shall endeavour to ensure that all viewers of services referred to in *paragraphs (a) and (b) of subsection (2)* provided by analogue means are made aware, in general terms, of the digital switchover date or dates, the reasons for it or them, the consequences, and practical information on how such viewers can receive such services by digital means after that date or those dates.

(9) For the purpose of *subsection (8)*, “digital switchover date or dates” means the date or dates after which the Commission for Communications Regulation may no longer grant any licences specified in *subsection (6)*.”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

[ SECTION 13 ]

SECTION 13

- 82.** In page 14, paragraph (a), lines 29 and 30, after “multitplex” to insert “or digital broadcasting systems”.
- Bernard Durkan.
- 83.** In page 14, line 35, after “contractor” to insert “or contractor using digital or modern technology”.
- Bernard Durkan.

SECTION 14

- 84.** In page 15, line 14, after “maintenance” to insert “upgrading, modernisation”.
- Bernard Durkan.
- 85.** In page 15, lines 21 and 22, after “Minister” to insert “who shall report to the Oireachtas”.
- Bernard Durkan.

SECTION 15

- 86.** In page 15, line 40, after “the” to insert “quality and range of”.
- Bernard Durkan.

SECTION 16

- 87.** In page 16, line 5, after “telegraphy” to insert the following:
- “with a view to meeting the needs of viewers and listeners”.
- Bernard Durkan.
- 88.** In page 16, line 12, after “Regulation” to insert “or in response to particular circumstances”.
- Bernard Durkan.

TITLE

- 89.** In page 3, line 11, after “MEANS” to insert the following:
- “UTILISING THE MOST MODERN DIGITAL SYSTEMS OR COMBINATION OF SYSTEMS”.
- Bernard Durkan.
- 90.** In page 3, line 15, after “IRELAND,” to insert the following:
- “IN RELATION TO THE BROADCASTING OF THE BUSINESS OF DÁIL AND SEANAD ÉIREANN,”.
- Bernard Durkan.