



DÁIL ÉIREANN

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

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

DÁIL ÉIREANN

AN BILLE CRAOLACHÁIN (LEASÚ) 2006 —AN TUARASCÁIL

BROADCASTING (AMENDMENT) BILL 2006 —REPORT

*Leasuithe
Amendments*

1. In page 3, line 11, after “MEANS” to insert the following:

“UTILISING THE MOST MODERN DIGITAL SYSTEMS OR COMBINATION OF SYSTEMS”.

—Bernard Durkan.

2. 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.

3. In page 4, line 10, after “2001” to insert “or as amended by this Act”.

—Bernard Durkan.

4. In page 4, line 13, to delete ““multiplex”” and substitute ““transmission system or systems””.

—Bernard Durkan.

5. In page 4, line 15, after “means of” to insert “short wave digital technology”.

—Bernard Durkan.

6. In page 4, between lines 30 and 31, to insert the following:

“Amendment of section 10 of Act of 1988.

3.—(1) For the purposes of section 10(3) of the Radio and Television Act 1988, an advertisement is directed towards a political end if and only if it is directed towards one or more of the following purposes namely:

- (a) to promote or oppose, directly or indirectly, the interests of a political party, a political group, a member of either House of the Oireachtas or a representative in the European Parliament;
- (b) to promote or oppose, directly or indirectly, the election of a candidate at a Dáil, Seanad or European Parliament election or to solicit votes for or against a candidate at an election; or
- (c) otherwise to influence the outcome of an election.

(2) In *subsection (1)*, “candidate”, “Dáil election”, “election”, “European Parliament”, “European Parliament election”, “political group”, “political party” and “Seanad election” have the same meanings as in the Electoral Acts 1992 to 2001.”.

—Thomas Broughan, Michael D. Higgins.

7. In page 4, line 36, to delete “multiplexes” and substitute the following:
“national short wave or digital broadcasting transmission systems”.
—Bernard Durkan.
8. In page 4, line 37, to delete “community or” and substitute “community,”.
—Bernard Durkan.
9. In page 4, line 37, after “regional” to insert “, or International”.
—Bernard Durkan.
10. 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.
11. In page 4, line 41, after “Authority” to insert “and Commission”.
—Thomas Broughan.
12. In page 5, line 8, after “Authority” to insert “and Commission”.
—Thomas Broughan.
13. In page 5, between lines 23 and 24, to insert the following:
“(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.
14. In page 5, line 28, to delete “multiplexes” and substitute the following:
“short wave digital broadcasting transmission system or combination of such systems”.
—Bernard Durkan.
15. In page 5, line 29, to delete “multiplex” and substitute the following:
“short wave digital broadcasting transmission system”.
—Bernard Durkan.
16. In page 5, 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.
17. In page 5, between lines 37 and 38, to insert the following:
“(iii) a new broadcasting service incorporating coverage from the Houses of the Oireachtas and local authority council meetings where such broadcasting material is available.”.
—Eamon Ryan.
18. In page 5, line 46, after “multiplex” to insert “incorporating modern digital technology”.
—Bernard Durkan.

19. In page 6, line 5, after “direct” to insert “after reference to the Oireachtas”.
—Bernard Durkan.
20. In page 6, line 10, after “capacity” to insert “in line with requirements”.
—Bernard Durkan.
21. In page 6, line 13, after “multiplex” to insert “comprised of modern digital technology”.
—Bernard Durkan.
22. In page 6, line 24, after “direct” to insert “subject to Oireachtas approval”.
—Bernard Durkan.
23. In page 6, line 32, after “capacity” to insert the following:
“of a quality or quantity sufficient to meet current and future needs”.
—Bernard Durkan.
24. In page 6, line 35, after “multiplexes” where it firstly occurs to insert “based on modern digital technology or equivalent”.
—Bernard Durkan.
25. In page 6, line 37, 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.
26. In page 6, line 39, after “contractors” ” to insert “or equivalent”.
—Bernard Durkan.
27. In page 6, line 40, after “contracts” ” to insert “or alternative meeting the criteria”.
—Bernard Durkan.
28. In page 6, line 45, after “Act” to insert the following:
“with particular reference to ongoing requirements in respect of technology and investment”.
—Bernard Durkan.
29. In page 6, between lines 45 and 46, to insert the following:
“(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.
30. In page 7, line 4, after “contract” to insert “or other contract capable of meeting requirements”.
—Bernard Durkan.
31. In page 7, between lines 4 and 5, to insert the following:
“(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 insure 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.

32. In page 7, between lines 8 and 9, to insert the following:

“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.

33. In page 7, between lines 8 and 9, to insert the following:

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

—Thomas Broughan.

34. In page 7, lines 11 and 12, to delete “to establish, maintain and operate” and substitute the following:

“in respect of the establishment, maintenance and operation of”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

35. In page 7, lines 21 and 22, to delete “to establish, maintain and operate” and substitute the following:

“in respect of the establishment, maintenance and operation of”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

36. In page 7, line 25, 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.

37. In page 7, line 29, to delete “for” and substitute “in respect of”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

38. In page 7, line 34, after “*section 4*” to insert “or existing contracts”.

—Bernard Durkan.

39. In page 7, line 38, to delete “for” and substitute “in respect of”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

40. In page 7, line 41, after “by” to insert “high quality”.

—Bernard Durkan.

41. In page 7, line 53, after “2001” to insert “or as may be specified in the Act”.

—Bernard Durkan.

42. In page 7, line 55, after “Minister” to insert the following:

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

—Eamon Ryan.

43. In page 8, between lines 4 and 5, to insert the following:

“(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.

44. In page 8, lines 7 and 8, to delete “to establish, maintain and operate” and substitute the following:

“in respect of the establishment, maintenance and operation of”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

45. In page 8, between lines 11 and 12, to insert the following:

“(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.

46. In page 8, lines 15 and 16, to delete “to establish, maintain and operate” and substitute the following:

“in respect of the establishment, maintenance and operation of”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

47. In page 8, line 19, after “State” to insert the following:

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

—Thomas Broughan.

48. In page 8, line 19, after “State” to insert “through the use of modern technology”.

—Bernard Durkan.

49. In page 8, line 23, to delete “for” and substitute “in respect of”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

50. In page 8, line 28, after “*section 4*” to insert the following:

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

—Bernard Durkan.

51. In page 8, line 32, to delete “for” and substitute “in respect of”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

52. In page 8, line 39, after “*section 4*” to insert the following:

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

—Bernard Durkan.

53. In page 8, line 43, to delete “for” and substitute “in respect of”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.

54. In page 9, line 3, after “2001” to insert “subject to good practice and competition rules”.

—Bernard Durkan.

55. In page 9, line 5, after “Minister” to insert the following:

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

—Eamon Ryan.

- 56.** In page 9, line 14, after “section” to insert the following:
“subject to such regulations being approved by the Oireachtas”.
—Bernard Durkan.
- 57.** In page 9, line 23, after “shall” to insert “regardless of at whose instigation”.
—Bernard Durkan.
- 58.** In page 9, line 32, after “frequencies” to insert “and development in
technology”.
—Bernard Durkan.
- 59.** In page 9, line 32, after “multiplexes” to insert the following:
“or alternative transmission systems offering better or improved services”.
—Bernard Durkan.
- 60.** In page 10, line 2, 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.
- 61.** In page 10, line 23, after “contract” to insert the following:
“subject to the utilisation of the most modern technology”.
—Bernard Durkan.
- 62.** In page 10, line 25, after “multiplex” to insert “digital or comparable”.
—Bernard Durkan.
- 63.** In page 10, between lines 35 and 36, to insert the following:
“(c) the adequacy and durability of technology proposed and the proposals for
ongoing upgrading in line with requirements,”.
—Bernard Durkan.
- 64.** In page 10, between lines 39 and 40, 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.
- 65.** In page 11, line 24, after “prior” to insert “consent or”.
—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.
- 66.** In page 11, line 24, after “prior” to insert “consent and”.
—Bernard Durkan.
- 67.** In page 11, line 30, after “ownership” to insert “or structure”.
—Bernard Durkan.
- 68.** In page 11, line 34, after “contract” to insert “for the duration of the contract”.
—Bernard Durkan.
- 69.** In page 11, line 44, after “area” to insert “using appropriate and modern
technology”.
—Bernard Durkan.

70. In page 11, line 48, after “any” to insert “reasonable”.
—Bernard Durkan.
71. In page 12, line 14, after “consent” to insert “stating the grounds for such refusal”.
—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.
72. In page 12, line 14, after “consent” to insert “on stated grounds”.
—Bernard Durkan.
73. In page 12, line 22, after “discretion” to insert “and on stated grounds”.
—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.
74. In page 12, line 23, after “contract” to insert “on stated grounds”.
—Bernard Durkan.
75. In page 13, between lines 7 and 8, to insert the following:
“(v) the quality of reception over the area covered by the contract.”
—Bernard Durkan.
76. In page 13, to delete lines 9 to 13 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 co-ordinating the national rollout of digital terrestrial television services.”
—Thomas Broughan.
77. In page 13, between lines 13 and 14, 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.
78. In page 13, between lines 13 and 14, to insert the following:
“(c) 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.
79. In page 13, between lines 13 and 14, to insert the following:
“(c) 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.
80. In page 13, between lines 13 and 14, to insert the following:
“(c) that the National Digital Strategy contains measures to facilitate digital technologies in the e-government agenda.”
—Thomas Broughan.

81. In page 13, between lines 24 and 25, 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.

82. In page 13, line 34, after “fit” to insert the following:

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

—Bernard Durkan.

83. In page 13, between lines 41 and 42, to insert the following:

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

—Bernard Durkan.

84. In page 14, line 2, after “means” to insert the following:

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

—Bernard Durkan.

85. In page 14, line 24, after “course” to insert the following:

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

—Bernard Durkan.

86. In page 14, between lines 34 and 35, to insert the following:

“(10) The Authority shall on or before the second, fourth and sixth anniversaries of the date of commencement of this section report to the Minister on the progress made by the Authority in the broadcasting of programme material and related and other data in a digital form by means of the national multiplexes established, maintained and operated by the Authority under subsection (1) of section 16 of the Act of 1960.

(11) The Minister shall cause copies of each report made to him or her under *subsections (1) and (10)* to be laid before each House of the Oireachtas.”.

—An tAire Cumarsáide, Mara agus Acmhainní Náidúrtha.

87. In page 14, lines 45 and 46, after “multiplex” to insert “or digital broadcasting systems”.

—Bernard Durkan.

88. In page 15, line 2, after “contractor” to insert “or contractor using digital or modern technology”.

—Bernard Durkan.

89. In page 15, line 27, after “maintenance” to insert “upgrading, modernisation”.

—Bernard Durkan.

90. In page 15, lines 34 and 35, after “Minister” to insert “who shall report to the Oireachtas”.

—Bernard Durkan.

91. In page 15, line 43, to delete “subsection (8).” and substitute the following:

“subsection (8).”,

and”.

—An tAire Cumarsáide, Mara agus Acmhainní Náidúrtha.

92. In page 15, between lines 43 and 44, to insert the following:

“(c) by substituting the following subsections for subsection (11):

“(10A) The Authority shall on or before the third and fifth anniversaries of the date of commencement of this section carry out a review of the provision of the television broadcasting service and sound broadcasting service referred to in subsection (1A) of section 16 of the Act of 1960.

(10B) The Authority shall make a report to the Minister of each review carried out by it under subsection (10A).

(11) The Minister shall cause copies of each report made to him or her under subsection (10) and (10B) to be laid before each House of the Oireachtas.””.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

93. In page 16, line 5, after “the” to insert “quality and range of”.

—Bernard Durkan.

94. In page 16, line 19, after “telegraphy” to insert the following:

“with a view to meeting the needs of viewers and listeners”.

—Bernard Durkan.

95. In page 16, line 26, after “Regulation” to insert “or in response to particular circumstances”.

—Bernard Durkan.