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# NEWSLETTER

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## THE BROADCASTING COMMISSION



Many Jamaicans had either never heard of, or were unaware of the functions of the Broadcasting Commission ("the Commission") prior to the recent directives issued by the Commission regarding songs containing certain controversial colloquial terms. This article is intended to shed some light on the Commission, its constitution and functions.

### Composition of the Commission

The Commission was established under section 12 of *The Broadcasting and Radio Re-Diffusion Act* ("the Act"). The First Schedule to the Act details how the Commission is to be constituted. It is provided that the Commission shall consist of not less than five nor more than nine members appointed by the Governor-General after consultation with the Prime Minister and the Leader of the Opposition. Persons who are currently Members of Parliament or of a local authority or who had served or had been a candidate to serve during a period of seven years immediately prior are not qualified to be members of the Commission.

Members are appointed to the Commission for a term of five years and are eligible for reappointment. Members of the Commission may be removed from office due to their inability to discharge their functions, whether arising from infirmity of body or mind, misbehaviour or any other cause. Revocation of an appointment must be recommended by Parliament and carried out by the Governor General. Members are free to resign from the Commission at any time.

### The Functions of the Commission

The functions of the Commission are to:

- (a) advise the Minister on any matter within its knowledge or on which the Minister may seek its advice, including:-
  - (i) the terms and conditions on which licences (such as cable and commercial licences) may be granted;
  - (ii) the allocation of time to broadcasting of programmes which are of Jamaican origin, per-

formed by Jamaicans or which are particularly relevant or significant to Jamaica;

- (b) conduct surveys for the purpose of ascertaining the extent to which radio or television transmissions are being received, or are capable of being received within Jamaica;
- (c) undertake, sponsor, or assist in research relating to any operations subject to control or regulation under the Act;
- (d) establish a system for monitoring transmissions by licensees;
- (e) monitor the operations of licensees; and
- (f) receive and investigate complaints in relation to any matter under the Act.

### Directives, Censorship and the Commission

The Commission's primary role is to regulate and monitor licensees under the Act and advise the Government on relevant issues. The Commission is charged with the responsibility of administering the Act, as well as the *Television and Sound Broadcasting Regulations* ("the Regulations"). Section 31 of the Regulations empowers the Commission to issue directives to licensees in respect of any matter to which the Act and Regulations relate. These Regulations prohibit licensees from, for instance, transmitting:

- any statement or comment concerning race, colour, creed, religion or sex of any person which is abusive or derogatory or pictorial presentation thereof except where same is contained in a news report or in a programme on matters of public interest or is an objective report;
- any malicious, scandalous or defamatory matter;
- any indecent or profane matter, so, however, that any broadcast to which regulation 26 relates shall be deemed not to be indecent (regulation 26 restricts adult programming to the hours of 11 p.m. to 4 a.m.); or
- any portrayal of violence which offends good taste, decency or public morality.