



THE AUTHORITY FOR TELEVISION **ON DEMAND**

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## **Determinations Committee Terms of Reference**

### **1. Membership**

- 1.1 The Board appoints the Chair and at least two additional Members of the Committee, a majority of whom shall be Independent Directors.
- 1.2 The Executive shall ensure that Members of the Committee do not have any potential conflicts of interest prior to consideration of each case put before the Committee.
- 1.3 If one Member appointed to the Committee is temporarily unable to attend meetings or has a conflict of interests another Board Member may take his or her place.
- 1.4 Other individuals, such as the CEO may be invited to attend all or parts of meetings of the Committee as appropriate.

### **2. Quorum**

- 2.1 The quorum necessary for the transaction of business shall be three members, a majority of whom must be Independent Directors. A duly convened meeting of the Committee at which a quorum is present shall be competent to exercise all or any of the authorities, powers and discretions vested in or exercisable by the Committee.

### **3. Frequency and Notice of meetings**

- 3.1 The Committee will consider cases in the circumstances set out in the published procedure for determining breaches of the ATVOD Rules.
- 3.2 Consideration of cases by the Committee may be exercised by means of a physical meeting or a virtual meeting (the exchange of views or information by e-mail or telephone) at the discretion of the Chair and with the agreement of Committee Members.
- 3.3 Notice of each case to be considered by the Committee, confirming the venue, time and date of a meeting or the time and date for conclusion of “virtual” consideration, together with any papers to be discussed, shall be forwarded to each member of the

committee, and any other person required to participate, no later than five working days before the date of the meeting.

#### **4. Recording of decisions**

- 4.1 The Committee decisions arising from each consideration will be recorded and circulated promptly to all Committee members, and subsequently reported within Board meeting papers to the following Board meeting.
- 4.2 The Committee or the Chair may also require that an individual draft Preliminary View or draft Final Determination be distributed to all Committee members for approval prior to being issued.
- 4.3 The issuing of all Preliminary Views and Final Determinations will be reported within Board meeting papers to the following Board meeting.

#### **5. Responsibilities**

- 5.1 The Committee shall follow the ATVOD procedure for determining breaches and observe the ATVOD Rules and Guidance applicable at the time of the incident giving rise to the case.
- 5.2 All Determinations of Breach must be made by the Committee or by the full Board.
- 5.3 Before making a Determination of Breach, the Committee shall consider any representations made by the Service Provider in response to a Preliminary View.
- 5.4 If a complainant seeks a review of ATVOD's view that a complaint does not raise potential issues, or a complainant or service provider seeks a review of an ATVOD Determination, the case will be referred to the ATVOD Board. No Directors who sat on the relevant Committee will take part in that Board discussion.
- 5.5 The Committee shall have the power to issue an Enforcement Notification, subject to approval by the ATVOD Chair, if a breach of Rule 10 or Rule 11 has been Determined and it agrees that immediate action is necessary to ensure timely compliance with one or both of those rules. In all other circumstances, the issuing of Enforcement Notifications is a matter for the full Board.

#### **6. Authority**

- 6.1 The Committee shall advise the Board on spending needs in relation to outside legal or other professional advice on any matter within its terms of reference.