A New Vision for Public Service Broadcasting in the Digital Age

Workshop Purpose, Questions and SOS positions

Session One – Workshop Purpose and Discussion re: Principles Underpinning Public Broadcasting, the SABC Charter and Licence Conditions

Purpose of the Workshop:

- to set out where we are in developing an SOS Position Paper on the Future of Public Broadcasting and to clearly identify:
  o what the issues are that we, as the SOS, have already reached consensus positions on
  o what other issues we need to address and try to develop consensus positions on
  o the way forward with regard to issues we cannot agree on

- set out the broader context of changes in broadcasting and telecommunications and identify how these changes may impact on public broadcasting;

- identify the major questions and choices facing government, the regulator, civil society and the industry concerning the future of public broadcasting in general and SABC in particular;

- Where possible come up with additional consensus positions on the key issues facing public broadcasting e.g. aims and role of the public broadcaster funding, governance etc.

- Look at a way forward for SOS including its vision, mission, mandate and accountability structures

Discussion on principles underpinning public broadcasting, the Charter and SABC license conditions

- What principles should underpin the Charter?
- Is the current Charter adequate?
- Are the current license conditions adequate?

Positions taken by SOS include the following:

- That public broadcasting should be seen within the context of the developmental state. The developmental state however needs to be defined in non-authoritarian ways, including a commitment to bottom-up, participatory democracy.

- That the principles underpinning public broadcasting should include: universal service, institutional autonomy, editorial and programming independence and public accountability.

- That the main problem with the present Charter is that it is difficult to locate it in the Broadcasting Act. The various principles and provisions need to be consolidated
That a new Charter should look at the following broad principles: building the nation; providing the public with excellent up-to-date informative programming; contributing to the development of the country’s culture, language and local cultural industries; and providing a public broadcasting service of the highest technical standard.

That the Charter needs to be regularly reviewed through a public process run by the Department of Communications. Amendments need to be presented to Parliament for adoption.

SOS has not commented on the SABC’s license conditions

Session Two – Introduction to the new Public Service Broadcasting Bill

- What does the Bill seek to address?
- What are the major principles underpinning the Bill?
- What are the key issues covered by the Bill and what are their potential implications?

Positions taken by SOS:
- SOS called for a comprehensive policy review process including a Green Paper / White Paper process leading to the Bill and new Act.

Session Three - Public Service Broadcasting in the digital age – a new context for the SABC

- In a landscape of ‘convergence’ and increasing services (increased television channels and internet content) via Digital Terrestrial Television (DTT) and broadband what should the long term role and mandate of the SABC be?
- To what degree should SABC ensure its services are viewed on multiple platforms?
- To what degree should it be protected? And if it is, what is the potential economic and social impact?
- To what extent can and will new services on broadband or DTT provide new public benefits?
- If DTT is to be supported, how will SABC afford to provide all the proposed new channels?
- Is it realistic to believe that the ‘migration’ / dual illumination process will be completed within 3 years?
- Should no new entrants be allowed until the migration process is complete?
- Should SABC be the only public broadcaster? Should or could there be more than one public (non-commercial) broadcaster? Should SABC be broken up into separate organizations? Should new public broadcasters be established?
- Could Community television and radio play a bigger role in public broadcasting?
- Could and should commercial broadcasters provide (more) public broadcasting services? If the Department of Communications sets up a public service broadcasting fund should commercial and community broadcasters be able to benefit from it? Should content producers (in contrast to broadcasters) be able to benefit from these funds?

Positions taken by SOS on ICASA’s Digital Terrestrial Television Regulations:
- That the objectives of the Regulations do not sufficiently highlight the needs of audiences in terms of the provision of compelling, citizen-orientated new programming.
- That ICASA has no powers (incentives or sanctions) to ensure that the present broadcasters (SABC, eTV and MNet) take up the new incentive channels and provide compelling programming.
- That a clause should be added to the Regulations that if present incumbents do not take up their incentive channels then other public and commercial providers should be introduced.
- That although SOS is happy that multiplex one has been set aside for public and community broadcasting, the Coalition is unhappy that community television broadcaster Trinity Broadcasting Network has been given a particular privileged position.
- That the allocation of channel capacity to e.TV (60% on multiplex two) and MNet (50% of multiplex three) does not encourage fair competition and audience choice.
- That the authorisation of new public channels should be subject to a “public value test” - a market impact analysis is not sufficient.
- That the Regulations do not sufficiently deal with the critical issues of local content and language requirements.

Session Four – Ensuring high quality public service programming (including discussions re: in-sourcing / out-sourcing, the nature of public service programming versus commercial programming, programming in a multi-channel environment, regional and language considerations) – 13h30

- How should we define public service broadcasting programming? Should it be distinct from commercial programming?
- How much should be in-sourced / outsourced?
- What local content quotas should we have?
- What language quotas should we have?
- How can we ensure creativity of content?
- How should programming be paid for?

Positions taken by SOS:
- Public service programming should include education, information and entertainment. It needs to set the standards and lead the way in the broadcasting sector in terms of citizen-orientated, compelling, creative, cutting-edge offerings.
- That the independent production sector needs to be supported through a number of mechanisms – one of which ensures that independent producers own their own intellectual property.

Session Five – The SABC – ensuring greater accountability to the public – 14h30

- How should the Board be appointed?
- Do we need direct constituency representation on the Board?
- What mechanisms beyond appointment of the Board should be put in place re: public participation?
- How can the general public (viewers and listeners and stakeholder groupings) participate more in Parliamentary sessions?
- How can the general public participate more in ICASA processes?
How can the general public participate more in Departmental processes?

**Positions taken by SOS**
- That the SABC needs to be more accountable to the general public as audiences and citizens.
- That the SABC’s corporate structure encourages the SABC to focus its attention on its shareholder i.e. the Minister of Communications rather than on the general public directly. This is one of the important reasons for de-corporatisation of the SABC.
- That SOS’s campaign to ensure maximum public participation and maximum transparency in the selection of the SABC Board has been successful and should be continued in terms of all future board appointment processes. That Parliament should continue to appoint the Board. That the Board should include a combination of broad constituency representation and corporate and governance skills in the public interest.
- That a public editor and provincial stakeholder committees should be introduced.

**Session Six – The SABC – ensuring strong oversight and governance – the roles of the Minister, Department of Communications, Parliament, the general public, SABC Board and SABC Management – 15h45**

- What institutional arrangements are most likely to guarantee SABC’s independence, efficiency and effectiveness?
- What are appropriate roles for ICASA?
- What are the appropriate roles for the Minister and Department?
- What are the appropriate roles for Parliament?
- What are the appropriate roles for the general public?
- How do we ensure that these various oversight structures strengthen each others oversight functions and don’t “step on each others’ toes”?  
- How should the Board relate to these oversight structures?
- What is the role of the Board versus management?

**Positions taken by SOS:**
- That the Minister and Department should draft all policy and legislation and ensure the integrity and sustainability of the broadcasting sector in the public interest. The Minister should not get involved in the day-to-day running of the SABC including appointment of executives. It should monitor quarterly financials approved by the Board.
- That ICASA should ensure the viability of the broadcasting sector and should ensure that the SABC adheres to its Charter and license conditions.
- That Parliament should hold the SABC to account in terms of its Charter. That it should regularly monitor its corporate plans and financials. That it should pass comprehensive broadcasting legislation in the public interest. That it should through a process of maximum public participation and transparency, appoint skilled boards broadly representative of constituencies.
- That the general public should interact with the SABC through a number of mechanisms presently in place but further for a public editor and provincial committees to be introduced.
- That the Board should be responsible for the strategic direction of the SABC and hold executive management to account in this regard.
- That executive management should be empowered to run the SABC on a professional basis day-to-day without undue interference.

Session Seven - The benefits/ disadvantages of the SABC’s corporate structure and the need to introduce competition? (including discussions on setting up a Chapter Nine Institution, Trust, splitting the SABC into a number of baby SABCs) - 09h00

- How can we ensure that the SABC’s legal structure strengthens the SABC’s efficiency, effectiveness, commitment to development, accountability and independence?
- What are the benefits / disadvantages of the SABC’s corporate structure?
- What are the benefits / disadvantages of a Trust structure?
- What are the benefits / disadvantages of a Chapter 9 structure?

Positions taken by SOS:
- That the SABC should be de-corporatised.
- That the SABC should be transformed into a Chapter 9 institution reporting directly to Parliament.

Session Eight – Public service funding models – options for the future including the creation of a new public service broadcasting fund, introducing a new public service broadcasting tax etc. – 10h45

- Should the current funding model at the SABC (i.e. approximately 80% commercial funding to 20% public funding) be adjusted?
- If more public funding is accessed how should these funds be disbursed?
- What level of public funds should be granted?
- Should there be special levies or taxes, and if so, payable by whom?
- Is a Public Service Fund (as mooted by the DOC) a good idea? And if so how should it be constituted and governed and how should it be held accountable?

Positions taken by SOS:
- That all channels should be public channels
- That a mixed funding model should continue but that there should be a significant increase in public funding. Public funding should include license fees and a Parliamentary appropriation. (The license fee issue however still remains controversial)
- That public funding needs to be used specifically for public programming including but not limited to children’s programming, local drama and documentaries, news and current affairs, local language programming; transmission and digital migration costs and preserving archives in the public interest.

Session Nine – Way forward

Workshop purpose
What questions have we answered?/what clear positions have we adopted
- What questions do we need more discussion or research on?
- What now for the SABC’s response to the Bill?
  - Public campaign
  - Development of position paper? etc

Way forward for SOS

- Should SOS look at issues beyond the SABC?
- Should SOS widen its vision to include community media and other broadcasting issues?
- How should SOS be structured?
- How should SOS be held accountable to its members?

Positions debated by the SOS working committee include:
- That SOS should formalize its accountability structures in terms of membership of SOS and membership of the working committee. In this regard a new SOS constitution should be drafted.
- That SOS should formalize its structure by becoming a special joint project of FXI, Media Monitoring Africa, and Misa-South Africa.
- That these institutions should share a number of administrative tasks including general administration, donor reporting, and website updating.
- That SOS should continue to have an external working group that sets policy and guides its projects
- That SOS should broaden its mandate to include public broadcasting issues beyond the SABC including community broadcasting. That SOS should be renamed – the Friends of Public Broadcasting Campaign / Coalition.