



# Analysis of the Broadcasting Services Amendment Bill



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## Introduction

The recently gazetted Broadcasting Services Amendment Bill is meant to modernise the legal framework and industrialise the sector while addressing the issue of motor vehicle radio licences.

The Bill, among other issues, seeks to align the Broadcasting Authority of Zimbabwe (BAZ) 's oversight role with the Constitution and the Public Entities and Corporate Governance Act while modernising and industrialising the sector.

It provides that the Broadcasting Authority of Zimbabwe (BAZ) regulates and manages the broadcasting service bands for sustenance rather than control, thereby aligning it with constitutional principles and international best practices. Its emphasis on enhancing transparency, fostering inclusivity, and promoting local content is commendable.

## Analysis

### The Bill provides a new provision ( Section 38 (4):

The Zimbabwe National Road Administration (ZINARA) and every motor insurance company shall only issue a motor vehicle license and motor insurance policy respectively to individuals who either hold a current radio licence issued by the Zimbabwe Broadcasting Corporation (ZBC) or a valid exemption certificate from the (ZBC) unless the vehicle to be insured is not equipped with a radio receiver.

This amendment will prohibit the Zimbabwe National Road Authority and every motor insurance cover from selling a motor vehicle licence and motor insurance policy, respectively to individuals without the Zimbabwe Broadcasting Corporation current radio license or an exemption certificate from Zimbabwe Broadcasting Corporation, unless the vehicle to be insured is not equipped with a radio signal receiver.

This provision highlights an irrelevant connection. Linking motor vehicle licensing and insurance to radio licenses creates an unnecessary linkage between unrelated services.

### Amendment to Section 4 (2)

Outlines the procedure for appointing the board:

“ ... The Board shall consist of the following seven members appointed by the President after consultation with the Minister....”

This process compromises the board’s autonomy, independence, and ability to function effectively as an autonomous entity. In consultation with the Minister, the President retains the prerogative for appointments, leaving the process vulnerable to political interference and manipulation.

For the Broadcasting Authority of Zimbabwe (BAZ) to operate independently and free from state authority or undue influence, the appointment procedure and board composition must be conducted transparently and publicly. All qualified candidates should be selected based on merit without involvement from the political leadership of the day.

However, the deliberate effort to ensure gender balance in the board’s composition is a commendable and progressive aspect of the process.

## Amendment to Section 8

### Clause Six amends the principal Act

Section 8 (“Persons disqualified to be licensed”)

“...(2) For the purposes of subsection (1) “controlling interest”

means—(a) in relation to the corporate structure of the body

corporate—(i) sixty per centum (60%) of the securities in the body corporate; or

(ii) sixty per centum (60%) of securities representing all the share capital of the body corporate; or

(iii) securities equivalent in value to sixty per centum (60%) of the share capital of the body corporate; or

(iv) securities entitling the holders thereof to sixty per centum (60%) of the votes in the affairs of the body corporate.

(3) A licence—

(a) for a commercial broadcasting service and a subscription broadcasting service shall be issued to a company registered in terms of the Companies and Other Business Entities Act [Chapter 24:31]

(b) for a community broadcasting service shall be issued to any person, other than a natural person or a company (unless it is a company limited by guarantee)

The old section stipulates that broadcasting licenses must be issued to Zimbabwean nationals, except where the Minister grants exemptions. The proposed amendment aims to permit minority foreign ownership of up to 40% of broadcasting licenses, serving as a strategic measure to promote growth and development within the broadcasting sector.

The amendment proposes removing the requirement for the Minister’s approval in licensing individuals. Additionally, it seeks to repeal the mandate that all directors be Zimbabwean citizens, introducing a provision that limits foreign representation on the board to a

maximum of 40%.

The amendments to Section 8 will enable entities other than natural persons to apply for licenses, thereby paving the way for issuing community radio licenses.

### Amendment of Section 11 (4)

Other than for broadcasting services emanating from outside the country, not less than ten per centum (10%) of the total programming content broadcast by any licensee shall be—  
(a) in any of the officially recognised languages of Zimbabwe other than Shona and Ndebele.  
(b) in the case of a television broadcasting licensee, in a manner that may be understood by audiences who have a hearing impairment.

The inclusion of officially recognised languages is a positive development, as well as Section 11 (4) (b), which now requires all licensed broadcasters to air content not less than ten per cent in a manner that may be understood by audiences who have a hearing impairment.

The recognition of people with disabilities (PWDs) is, therefore, progressive.

### Amendment of Section 11 (5)

Except for broadcasting services emanating from outside the country, a licensee shall make one hour cumulatively per week of its broadcasting time available for the purpose of enabling the Government of the day, at its request or where necessary, to explain its policies to the nation.

This condition may be acceptable and understandable for public broadcasters, who, by their very nature, should cover the full spectrum of Zimbabwean society, including the government. However, demanding the same from private players is tantamount to editorial interference.

In addition, describing them as “government policies” does not give sufficient safeguards against government editorial intrusions. Experience has shown that partisan propaganda is often cast as government policy.

The government already has several platforms through which it could make public-interest pronouncements. To avoid confusion, the amendment could have included a clear definition of “policies.”

### Amendment to Section 10 (1)

The Authority shall, at least once every year and subject to the availability of band spectrum, publish a notice in the Gazette and in a national newspaper inviting applications from

services that make use of the spectrum for licences to provide the broadcasting services or systems specified in the notice.

(b) by the repeal of subsection 6 and substitution of the following—

“(6) Save for community radio broadcasting services every applicant for a licence to provide a broadcasting service that requires allocation of the frequency spectrum shortlisted in terms of subsection

(5) shall be required to attend a public inquiry conducted by the Authority for the purpose of determining his or her or its suitability to be licensed at a time and place to be determined in a written notice to such applicant.

The stipulation of a timeframe wherein the Authority is to issue a call for invitations from prospective license holders— at least once a year is progressive.

However, the implication of this provision still grants the regulator too much power – no citizen can be licensed without the regulator taking the initiative to grant licences.

Considering recent technological advancements and digital migration in the broadcasting sector, the condition stipulated under this section of the BSA, for the Authority to extend invitations to potential broadcasters “subject to the availability of the band spectrum” is now redundant.

It could be used as a simple excuse to stall the diversification of the broadcasting sector and should, therefore, be removed.

## Amendment of Section 10 (6)

The requirement for those who want a broadcasting service licence to attend a public inquiry conducted by the authority for the purpose of determining his or her or its suitability to be licensed at a time and place to be determined in a written notice to such applicant” – is problematic.

There is no prescribed measurement tool (criteria) for establishing suitability, nor is there a legal requirement for BAZ to publicise candidates’ performance and how the grading would be determined. Consequently, BAZ can easily manipulate the process so that only those favoured by the authorities receive licences. The Act should compel BAZ to publish its criteria, scoring template, and scores for public scrutiny.

## Amendment to Section 30

Section 30 (“Objects of fund”) of the principal Act is amended by the insertion of a new paragraph after (i) as follows—

(j) to promote the establishment and sustenance of community broadcasting services.

This section which makes provision of support for sustaining community radios is a progressive step, given the limited scope of revenue they are currently allowed.

## Amendment of Sixth schedule

The clause — a television broadcasting licensee providing a sport channel shall ensure that at least 50% of its programming content consists of local television content and material from Africa — raises several considerations that balance cultural preservation, regional representation, and practical challenges.

While it aides the promotion of local and regional identity and the development of local sports industries. There is also the drawback of limited availability of high-quality content, making it challenging to meet the 50% quota. Thereby running the risk of reducing viewership.

## Conclusion

The Broadcasting Services Amendment Bill presents a mixed bag of progressive and regressive provisions. While it makes strides in areas such as promoting diversity in broadcasting, supporting community radio, and recognising the rights of persons with disabilities.

However, it also introduces certain provisions that could undermine the independence and autonomy of the broadcasting sector.

Positive provisions, such as supporting community radio stations, including a language quota incorporating people with disabilities (PWDs) in programming, and recognising gender balance, reflect a progressive approach to addressing diversity, inclusion and equity within the sector.

Amendments such as utilising the Broadcasting Fund to sustain community radios and introducing annual calls for licensing applications highlight the Bill's intent to create opportunities for innovation and expansion in the broadcasting landscape.

However, the Bill also reveals areas of concern that must be addressed to achieve its objectives effectively. Provisions that could lead to political interference, particularly in board appointments, editorial control over private broadcasters, and opaque licensing processes, undermine the autonomy and credibility of the Broadcasting Authority of Zimbabwe (BAZ). Additionally, the practical challenges of implementing quotas for local sports content and ensuring the regulator does not unduly stall diversification need careful consideration.

To ensure a thriving and democratic broadcasting sector, the Bill must be refined by



addressing these gaps, safeguarding editorial independence, and fostering an environment of fairness and transparency. This will contribute to developing a broadcasting system that not only industrialises the sector but also upholds the rights and needs of all stakeholders in Zimbabwe.





