



Shadow Report of the Parliamentary
Portfolio Committee on Information,
Media and Broadcasting Services public
hearings on the **Broadcasting Services
Amendment Bill H.B 9, 2024**

Compiled by



MAZ
Media Alliance of Zimbabwe
United in the defence of free expression

CONTENTS

1. INTRODUCTION	3
2. METHODOLOGY	4
3. ATTENDANCE BY MEMBERS OF THE PUBLIC	5
4. SUBMISSIONS FROM MEMBERS OF THE PUBLIC	6
5. FINDINGS AND RECOMMENDATIONS	8

1. INTRODUCTION

This report presents key highlights and a summary of submissions made by organisations and members of the public during the parliamentary public hearings on the Broadcasting Services Amendment Bill H.B 9 of 2024, hereinafter referred to as the Broadcasting Services Amendment Bill. The public hearings, convened in accordance with Section 141 of the Constitution of Zimbabwe, were held nationwide from December 16 to 21, 2024, under the auspices of the Parliament of Zimbabwe, Portfolio Committee on Information, Media and Broadcasting Services.

The Bill was gazetted on 22 November 2024 to align the law with the Constitution and the Public Entities Corporate Governance Act [Chapter 10:31]. Furthermore, the amendments aim to modernise outdated provisions in response to technological advances.

Media freedom advocacy group, the Media Institute of Southern Africa (MISA Zimbabwe) and its partners in a network of journalistic professional associations and media support organisations, the Media Alliance of Zimbabwe (MAZ) participated in all seven (7) public hearings conducted throughout the country to shadow this public process and compile this report to enhance further policy discussions and parliamentary debates on the law.

Among the key issues that dominated the submissions by participants in these public hearings was Clause 15 of the amendment, which introduces a new provision amending Section 38 B of the principal Act to prohibit the sale of motor insurance cover to individuals who do not possess Zimbabwe Broadcasting Corporation (ZBC) radio licences. A significant majority of participants in the public

hearings supported this provision. However, broader issues were raised, emphasising the need to safeguard the independence of the regulatory authority, ensure transparency in the issuing and transfer of licences, maintain parliamentary oversight in the appointment process of the authority's board, engage the public in issuing additional licences to the ZBC, and establish a converged regulatory framework. Furthermore, there were calls for the inclusion of provisions that prohibit multiple ownership of licences as a mechanism to promote media diversity.

Participants expressed support for amendments to Sections 8 and 10 of the Principal Act that would permit up to 40% foreign ownership of broadcasting services and ensure predictability in the issuing of licences, respectively. Provisions promoting gender equality were supported, alongside calls to further include persons with disabilities and young people in the composition of the Board. There was also backing for the expansion of the Broadcasting Fund to encompass the sustainability of community broadcasters.

2. METHODOLOGY

In compiling this report, MISA Zimbabwe and MAZ had representatives who captured the key emerging and cross-cutting issues submitted by organisations and members of the public during the hearings convened by the Parliamentary Portfolio Committee on Information, Media and Broadcasting Services in accordance with Section 141 of the Constitution. A total of seven public hearings were held in Harare, Marondera, Mutare, Masvingo, Bulawayo, Bubi, and Kwekwe.

These hearings were conducted under the Standing Rules and

Orders of Parliament, allowing members of the public to enjoy parliamentary privileges and protection for their submissions. At each hearing, the Chair of the Portfolio Committee would outline the objectives of the Bill and the respective clauses proposing amendments to various sections of the principal Act. The Chair would then invite submissions, starting with organisations, before welcoming individual members of the public. Written submissions were also solicited. Although the meetings were primarily conducted in English, participants were free to make their submissions in the language of their choice.

3. ATTENDANCE BY MEMBERS OF THE PUBLIC

According to a parallel statistical tabulation by MISA Zimbabwe and MAZ representatives of attendees to the hearings, the following members of the public participated:

Venue	Date	Estimated Total Attendance
Marondera	16 December 2024	62
Bulawayo	19 December 2024	98
Masvingo	18 December 2024	68
Mutare	17 December 2024	73
Harare	16 December 2024	82

Bubi	20 December 2024	43
Kwekwe	21 December 2024	48
Grand Total		474

4. SUBMISSIONS FROM MEMBERS OF THE PUBLIC

Dominant narratives:

Clause 15 – Amending Section 38 (4) – Prohibition of the sale of a motor insurance cover without ZBC radio licence

The dominant narrative raised in all the public hearings was the issue of making it mandatory for motorists to pay ZBC radio licence before they can renew their motor insurance and, by extension, the Zimbabwe National Road Administration (ZINARA) licences. On average, about 80% of the submissions made by members of the public at all the hearings centred on this ZBC licence fee issue, with a fair majority in support of the proposed amendment.

However, some participants, particularly in Bulawayo, expressed concerns about the state of ZBC and the necessity to reform the state broadcaster into an accountable public entity. The perspective of these participants was based on the need to establish sound corporate governance structures before ZBC can be trusted to collect additional tax revenues. Other participants suggested that the responsibility for collecting licence fees should rest with the

Broadcasting Authority of Zimbabwe (BAZ) as a means of ensuring fair distribution of the taxes collected from the public. In this scenario, the taxes would be managed through the broadcasting fund for the benefit of all broadcasters, including community radio stations. One participant suggested that 30% of the licence fees collected be allocated for content producers, with distribution managed by the National Arts Council (NAC) to promote the production of local content.

Some participants proposed that ZBC encrypt its airwaves to prevent the consumption of its content by those who do not want to.

Clause 6 – Amendments to Section 8 allowing foreign ownership of broadcasting licence

Most participants supported the 40% investment threshold for foreign investors in the Broadcasting sector. Only two participants objected to this proposal in Mutare, arguing that the sector would be taken over by media owners hostile to the country's interests.

Clause 4 – Amendments to Section 4 on the appointment of Board members: Need for Independent regulator

Participants overwhelmingly proposed that the minister be stripped of absolute powers to appoint board members of entities such as BAZ and exercise these powers in consultation with Parliament. On the independence of BAZ, participants proposed that the Bill adopt sections of the African Charter on Broadcasting that prescribe how regulatory authorities can guarantee their independence.

Clause 21 – Section 2 Local content provisions

The amendment proposes changes to the Sixth Schedule. It deletes paragraph 2 (2), which currently requires a broadcasting service with more than one channel to ensure that at least 30% of its programming on each channel is local content. The proposed provision provides that a licensee with a sports channel shall broadcast 50% of its content from Africa.

Participants supported this clause, arguing that most local talent was obscure because the country had failed to promote local content.

Clause 12 – Section 30 Utilization of the Broadcasting Fund

In many towns, it is widely believed that the increased use of the Broadcasting Fund as a means to enhance broadcasting and develop the sector is a positive development. Representatives from community radio stations expressed their desire for the Broadcasting Fund to be utilised to support the sustainability of these stations. Content creators asserted that 30% of the Broadcasting Fund should be managed by the National Arts Council and directed towards supporting content creators.

5. FINDINGS AND RECOMMENDATIONS

5.1 Unlike previous public hearings that MISA Zimbabwe and MAZ have observed, the hearings attracted a larger number of participants. This high-level interest in the Bill from the public is commendable, as it enhances citizens' participation in law-making and the broader democratic processes in the country.

However, most members of the public appeared to have been mobilised to support Section 38 of the Bill, which compels motorists to pay for the ZBC radio licence fees as a prerequisite for obtaining vehicle insurance and licence fees.

Consequently, the dominant narrative at all the public hearings centred around this clause, though there were wider issues regarding the regulation of broadcasting in Zimbabwe that could have provided valuable insights for the legislature in debating this law. Encouragingly, those advocating for this position also urged Parliament to include a clause ensuring ZBC's accountability to the public.

5.2 Members of the public, especially in Bubi and Kwekwe, demonstrated a relatively limited understanding of the law being amended, with most submissions falling outside the scope of the Bill under discussion. Nationwide, participants seldom referenced the specific provisions or sections they wished to alter or incorporate, as most submissions consisted of general comments either supporting or opposing aspects of the Bill. This may be due to the short timeframes between the gazetting of the Bill and the parliamentary public hearing period. MISA Zimbabwe and MAZ recommend that Parliament provide citizens with ample time to critically analyse the Bill and invest in explainers and other media awareness-raising initiatives to assist citizens in engaging with the laws from an informed standpoint.

5.3 There was a noticeable gender balance in terms of attendance. It was encouraging to have the participation of persons with disabilities and youths, who made their submissions at most of the public hearings. In particular, the youths and persons with

disabilities submitted that they be accommodated in terms of the provisions of this law to ensure inclusivity. MISA Zimbabwe and MAZ are in solidarity with this position and urge legislators to include these groups when debating the BAZ Board's composition and ensuring that the regulatory authority's regulations and policies mainstream inclusivity.

5.4 The national broadcaster, ZBC TV, extensively covered the public hearings, which, in the spirit of enhancing transparency in processes and access to information, should be commended. However, the state broadcaster was evidently biased in its coverage of the public hearings, with all stories focusing on those who supported the enactment of Section 38B regarding ZBC licence fees.

The state broadcaster deliberately omitted other narratives that emerged from the public hearings, including the need for reform within the ZBC. This blatant bias in coverage and the promotion of narratives favourable to the state undermines trust in the national broadcaster and discourages citizens from voluntarily paying licence fees to it. MISA Zimbabwe and MAZ urge the national broadcaster to report fairly and professionally, ensuring that citizens' diverse views are expressed on the publicly funded national platform.

5.5 MISA Zimbabwe and MAZ encourage members of the public and other civil society organisations that did not have the opportunity to participate in these public hearings to submit written contributions, particularly those that support the media law reform agenda. This parliamentary process offers a chance for the country to reform the broadcasting regulatory framework and enhance media freedom and diversity as promoted in Section 61 of

the Constitution.

It is essential to strengthen advocacy for an independent broadcasting regulatory framework that is integrated and responsive to advancements in technology, including but not limited to Artificial Intelligence (AI). The appointment process for the regulatory authority should be subject to parliamentary oversight, and it is necessary to embed public participation and transparency in issuing licenses.

Ultimately, the foundation for a democratic framework in the broadcasting sector should be the African Charter on Broadcasting, whose principles ought to be adopted to ensure an independent regulatory framework for broadcasting. Zimbabwe's broadcasting sector is at a crossroads. Although the longstanding monopoly of the ZBC has been dismantled with the emergence of commercial radio and television stations and the introduction of community broadcasting, the country's channels of expression remain concentrated in a few hands. This encourages plurality without diversity. The Bill presents parliament and all Zimbabweans with an opportunity to make necessary changes and take significant strides towards reforming the nation's media.

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