

REPORT OF THE COMMITTEE ON MEDIA, INFORMATION AND COMMUNICATION TECHNOLOGIES ON THE ZAMBIA NATIONAL BROADCASTING CORPORATION (AMENDMENT) BILL, N.A.B. NO. 18 OF 2017 FOR THE SECOND SESSION OF THE TWELFTH NATIONAL ASSEMBLY, APPOINTED ON 21ST SEPTEMBER, 2017

Consisting of:

Mr G Imbuwa, MP, (Chairperson); Mrs P C Kucheka, MP (Vice-Chairperson); Mr R Mwewa, MP; Mr D M Kundoti, MP; Mr M Mukumbuta, MP; Ms M Lubezhi, MP; Dr E I Chibanda, MP; Mr A Kasandwe, MP; Mr M K Tembo, MP; and Mr F Ng'ambi, MP.

The Honourable Mr Speaker
National Assembly
Parliament Buildings
LUSAKA

Dear Sir,

Your Committee has the honour to present its Report on the Zambia National Broadcasting Corporation (Amendment) Bill, N.A.B. No. 18 of 2017, referred to it by the House on Thursday, 30th November, 2017.

Functions of the Committee

2. In addition to any other duties conferred upon it by the Honourable Mr Speaker, or any other Order of the House, your Committee is mandated to consider any Bill that may be referred to it by the House.

Meetings of the Committee

3. Your Committee held four meetings to consider the Zambia National Broadcasting Corporation (Amendment) Bill, N.A.B. No. 18 of 2017.

Procedure Adopted by the Committee

4. In considering the Bill, your Committee requested written submissions from various stakeholders, who also appeared before it and made oral submissions.

Consideration of the Zambia National Broadcasting Corporation (Amendment) Bill, N.A.B. No. 18 of 2017

Object of the Bill

The object of the Bill is to amend the Zambia National Broadcasting Corporation Act so as to repeal the provisions relating to the imposition and collection of the TV Levy and TV Levy Inspectors.

Background

6. The TV Levy was introduced by the Government to help fund and capitalise ZNBC. This measure was expected to improve programming and secure adequate infrastructure countrywide. ZESCO was mandated to collect the Levy while the user of the Levy was ZNBC. However, the proposed amendment would result in shifting the responsibility, through the subscriber management service system, to the IBA. To this end, the Minister of Finance in the 2018 budget address proposed to change the current collection mode through electricity bills to a subscriber management service licensing system.

Specific Provisions of the Bill

7. Your Committee wishes to highlight the salient features of the Bill as set out below.

Clause 2 – Amendment of Section 2

This Clause provides for the amendment of Section 2 by the deletion of the definitions “accommodation establishment”, “household television tuner and receiver”.

The proposed amendment aims at eliminating terms that relate to the imposition and collection of the TV Levy.

Clause 3 – Repeal of Part IV

This Clause provides for the repeal of Part IV of the ZNBC Act in its entirety so as to eliminate provisions relating to the imposition and collection of the TV Levy and TV Levy Inspectors.

Submission by Stakeholders

8. All the stakeholders who appeared before your Committee raised concerns regarding the proposed amendment to repeal the Zambia National Broadcasting Corporation Act, to provide for the Independent Broadcasting Authority (IBA) to collect the TV Levy. The stakeholders submitted that ZNBC was financially constrained and wondered how it would operate efficiently if collection of TV Levy was shifted to the IBA. They observed that this move would cripple the Corporation as it was already financially constrained.

Your Committee was informed that TV Levy was introduced by the Government to help fund and capitalise the ZNBC, improve its programming and secure adequate infrastructure across the country. This was because it had become clear at the time that revenues from the Corporation’s own sources such as airtime sales and investment income from Multi-Choice Zambia could not sustain its operations countrywide. This was the Government’s initiative to help the Corporation raise funds for its smooth functioning in the absence of adequate funding from the Government

Additionally, the stakeholders wondered how ZNBC, which was created by an Act of Parliament would be supervised or regulated by another entity that had been created in a similar manner. Your Committee was further informed that the Ministry of Information and Broadcasting Services did not consult with the industry stakeholders and the general public before introducing the proposed amendment. As a result, the stakeholders felt that the proposed amendment was merely a mechanism to raise funds for the operations of the IBA which was not a public broadcaster, which mandate was bestowed on ZNBC through the ZNBC Act. The stakeholders further submitted that the IBA was a regulator and could not combine its functions with those of being a fund manager as well as being a funder of ZNBC.

Committee's Observations and Recommendations

9. While supporting the Bill, your Committee makes the following observations and recommendations.

- (i) Your Committee notes that the proposed amendment does not clearly state who the beneficiaries of the TV Levy will be. Your Committee further notes that the TV Levy was collected by ZNBC through the Zambia Electricity Corporation (ZESCO) for the purpose of sustaining its operations and that if this mandate is shifted to the IBA, the bureaucracy may lead to financial loss.

In this vein, your Committee urges that the Bill be amended to make a clear provision stating that the funds collected by the IBA as TV Levy will be for the purposes of funding public broadcasters. Your Committee further urges the Ministry to bring an amendment to the House to this effect.

- (ii) Your Committee notes with concern that the Ministry of Information and Broadcasting Services did not consult with the stakeholders extensively before introducing the proposed amendment. Your Committee's interactions with the witnesses revealed that most of them did not clearly understand the objectives of the proposed amendments.

In this vein, it is your Committee's considered view that in future when the Ministry embarks on such an important task, it should endeavour to consult all the relevant stakeholders in the industry in order to forestall misunderstandings.

Conclusion

10. In conclusion, your Committee wishes to express its gratitude to you, Mr Speaker for according it the opportunity to scrutinise the Zambia National Broadcasting Corporation (Amendment) Bill, N.A.B. No. 18 of 2017.

Your Committee also wishes to pay tribute to all the stakeholders who appeared before it and tendered both oral and written submissions. Your Committee further thanks the Office of the Clerk of the National Assembly for the support rendered to your Committee during its deliberations on the Bill.

We have the honour to be, Sir, your Committee on Media, Information and Communication Technologies, mandated to scrutinise the Zambia National Broadcasting Corporation (Amendment) Bill, N.A.B. No. 18 of 2017.

Mr G Imbuwa, MP
(Chairperson)

Mrs P C Kucheka, MP
(Vice-Chairperson)

Mr R Mwewa, MP
(Member)

Mr D M Kundoti, MP
(Member)

Mr M Mukumbuta, MP
(Member)

Ms M Lubezhi, MP
(Member)

Dr E I Chibanda, MP
(Member)

Mr A Kasandwe, MP
(Member)

Mr M K Tembo, MP
(Member)

Mr F Ng'ambi, MP
(Member)

December, 2017
LUSAKA

G Imbuwa, MP
CHAIRPERSON

APPENDIX I

List of Officials

Ms C Musonda, Acting Principal Clerk of Committees
Mr F Nabulyato, Acting Deputy Principal Clerk of Committees
Mr S Chiwota, Acting Senior Committee Clerk (SC)
Ms C R Mulenga, Committee Clerk
Mrs D Mukwanka, Committee Clerk
Mrs C K Mumba, Committee Clerk
Mr C Bulaya, Acting Committee Clerk
Ms B P Zulu, Acting Committee Clerk
Mrs S M Nyirongo, Acting Committee Clerk
Mrs M H Mweele, Acting Committee Clerk
Mr M Phiri, Intern
Ms S Mwale, Stenographer
Ms A Mulale, Typist
Mr D Lupiya, Parliamentary Messenger

APPENDIX II

WITNESSES

Ministry of Information and Broadcasting Service

Hon. Kampamba Mulenga, MP, Minister
Mr Godfrey Malama, Permanent Secretary
Mr Beaton Kaluba, Director Planning
Mr Sastone Silomba, Acting Director Planning

Ministry of Justice

Mr Eneya Jere, Parliamentary Counsel
Ms Leah Chileshe Mukuka, Parliamentary Counsel

Independent Broadcasting Authority (IBA)

Ms Josephine Mapoma, Director General
Mr Eustace Nkandu, Director
Mrs Kanyembo Zulu, Legal Counsel
Mr Peter Lesa, Finance Manager

Zambia National Broadcasting Corporation (ZNBC)

Mr Richard Mwanza, Director General
Mr Peter Shula, Director Sales
Mr Rueben Kajokoto, Director Legal
Mr Bright Nkaka, Acting Director Engineering

MUVI TV

Mr Angel Phiri, General Manager
Mr Kombe Kalibaliba, Director Marketing
Mr Alfred Tembo, Director Administration

Zambia Union of Broadcasters and Information Disseminators

Mr Jack Mwale, Chairperson
Mr Andrew Mpandamwike, General Secretary
Mr Henry Chama, Deputy General Secretary
Mr Tom Njovu, Financial Secretary
Mr Justine Kawisha, Vice Chairperson

Media Institute for Southern Africa (MISA) – Zambia

Mr Austin Kayanda, National Director
Ms Jane Chirwa, Programmes Manager
Mr Michael Njovu, Intern

Jesuit Centre for Theological Reflection (JCTR)

Ms Faith Kalandawanga, Programme Manager
Ms Dominica Kabale, Programme Officer

TOPSTAR

Mr Liao Lanfrng, Chief Executive Officer
Mr Cliff Sichone, Sales Director

MULTI-CHOICE – Zambia

Ms Ngoza Matakala, Managing Director
Mr Lloyd Momba, General Manager Regulatory
Ms Grace Zulu, Regulatory Manager