

---

# A Model Public Service Broadcasting Law

---



**ARTICLE 19**

GLOBAL CAMPAIGN FOR FREE EXPRESSION

**INTERNATIONAL STANDARDS SERIES**

# A Model Public Service Broadcasting Law

**ARTICLE 19**

**June 2005**

© ARTICLE 19, London

ISBN [1-902598-71-7]

## **ACKNOWLEDGEMENTS**

This Model Public Service Broadcasting Law was drafted by Toby Mendel, Law Programme Director, ARTICLE 19. It is the product of a long process of study, analysis and consultation overseen by ARTICLE 19 and drawing on extensive experience and work with partner organisations in many countries around the world. Comments on the draft were provided by a large number of experts and interested individuals who contributed greatly to the final product.

ARTICLE 19 would like to thank the UK Foreign and Commonwealth Office (FCO), which provided full funding for the development and publication of *A Model Public Service Broadcasting Law*. The position taken in this document does not necessarily reflect the views of the FCO.

© ARTICLE 19, London  
ISBN [1-902598-71-7]

All rights reserved. No part of this publication may be photocopied, recorded or otherwise reproduced, stored in a retrieval system or transmitted in any form by any electronic or technical means without prior permission of the copyright owner and publisher.

# A MODEL PUBLIC SERVICE BROADCASTING LAW

## ARRANGEMENT OF SECTIONS

INTRODUCTION .....	1
--------------------	---

### PART I DEFINITIONS AND PURPOSE

Section	
1. Definitions.....	5
2. Purpose.....	6

### PART II ESTABLISHMENT AND GUIDING PRINCIPLES

3. Establishment.....	6
4. Guiding Principles .....	7

### PART III STRUCTURE

5. Board of Directors.....	8
6. Appointment of the Board .....	8
7. Independence of Members.....	9
8. Tenure .....	9
9. Remuneration of the Board.....	10
10. Role of the Board .....	10
11. Rules of Procedure.....	10
12. Appointment of Senior Staff.....	11
13. Staffing.....	11

### PART IV SERVICES

14. Public Service Channels .....	12
15. Additional Channels.....	12
16. Other Services.....	12
17. Competitive Rules.....	12

**PART V  
FUNDING**

18. Funding Mechanisms .....	13
19. The Public Broadcasting Fee .....	13
20. Direct Public Subsidies .....	13
21. Advertisements .....	14
22. Sponsorship.....	14

**PART VI  
ACCOUNTABILITY**

23. Annual Report.....	14
24. Annual Review of Managing Director.....	15
25. Public Review .....	15
26. Complaints Procedure.....	15

**PART VII  
MISCELLANEOUS PROVISIONS**

27. Archives .....	16
28. Political Advertisements .....	17
29. Enforcement by Broadcast Regulator .....	17

**PART VIII  
TRANSITIONAL AND FINAL PROVISIONS**

30. Existing Laws and Regulations.....	17
31. Institutional Arrangements.....	18
32. Short Title and Commencement .....	18

# INTRODUCTION

Most countries around the world, with a few notable exceptions, have a national publicly funded broadcaster. These broadcasting organisations can make an important contribution to the public's right to a diversity of information and viewpoints, and the free flow of information and ideas. However, the extent to which they in fact make this contribution depends on a number of factors, including the legal environment in which they exist. *A Model Public Service Broadcasting Law* seeks to provide guidance as to how the law may be used to help promote genuine public service broadcasting.

*A Model Public Service Broadcasting Law* envisages an independent national public service broadcaster, although other models for providing public interest broadcasting exist. It is based on best international practice, as reflected in the ARTICLE 19 publication, *Access to the Airwaves: Principles on Freedom of Expression and Broadcast Regulation*,<sup>1</sup> as well as in the decisions of both international and national courts, treaties and other authoritative statements of international law,<sup>2</sup> and a number of public broadcasting laws from around the world.

These international standards have important implications for public broadcasters of which the most important, without a doubt, is that public broadcasters must be protected against political or commercial interference, that is to say that they must be independent and that their editorial independence must be respected. Furthermore, their programming should serve the public interest and, in particular, be balanced and impartial. Broadcasters which meet these conditions of independence and impartiality are often referred to as “public service broadcasters”.

A key purpose of the Model Law is to give legal form to some leading principles relating to public service broadcasting. Four central themes, each in tension with the other, define the key challenges for a public service broadcasting law: the types of programming to be provided; the means by which independence is guaranteed; the

---

<sup>1</sup> (London: ARTICLE 19, 2002). Available at: <http://www.article19.org>.

<sup>2</sup> For example, Recommendation No. R(96)10 of the Committee of Ministers of the Council of Europe to member states on the guarantee of the independence of public service broadcasting, adopted 11 September 1996 and the *Declaration of Principles on Freedom of Expression in Africa*, adopted by the

sources of funding; and promoting accountability to the public. These are addressed briefly in turn below.

Detailed guidelines are provided in the Model Law as to the type of programming that is expected from the public service broadcaster and provision is made for the purchase of material from independent producers to ensure that programming overall reflects a wide variety of views and perspectives. The precise number of public television and radio channels to be broadcast is left open, given that this is highly context dependent, although it is envisaged that these would be specified. At least one national free-to-air channel is envisaged for each of television and radio, and other regional and/or local channels may also be specified.

In terms of structure, the public service broadcaster is governed by a Board of Directors, appointed by the lower house of parliament (or its equivalent), upon nomination by civil society and professional organisations, in a process that is transparent and that allows for public participation. There is a specific guarantee of the independence of members of the Board and their tenure is protected, although narrow grounds for dismissal are provided for. Furthermore, individuals with strong political connections or with vested interests in broadcasting are prohibited from being appointed to the Board. The Board appoints, by a two-thirds majority vote, the Managing Director, and sets all of its own rules of procedure, other than those specified directly in the Model Law.

The primary source of funding for the public service broadcaster comes from public sources, primarily the Public Broadcasting Fee, levied on the electricity bill.<sup>3</sup> The Model Law also envisages other sources of funding, including advertising, sponsorship and direct public subsidies, although the uses that may be made of the latter are restricted, to reduce the risk of this subsidy being abused to influence programming.

Accountability to the public is ensured primarily through the governing board. A key accountability mechanism is the provision of a public Annual Report, along with

---

African Commission on Human and Peoples' Rights at its 32nd Session, 17-23 October 2002.

<sup>3</sup> This is simply one option for a direct public broadcasting levy and reliance on it herein is not intended to suggest that this approach is necessarily superior to any other one.

audited accounts, to the lower house of parliament, and some detail is provided as to what should be included in this Annual Report. The Model Law also, however, envisages direct public oversight through both ongoing public review and an internal complaints mechanism (in addition, of course, to any external complaints mechanisms that may be in place).

The Model Law does not address certain issues. For example, it does not address issues which are properly dealt with in laws of general application, such as copyright, the right of journalists to protect their confidential sources of information and broadcasting during elections. Certain issues – such as whether public service broadcasters should have privileged access to certain sporting events or whether they are covered by any code of conduct binding on other broadcasters – are also not included because, although they do directly affect public service broadcasting, they are more properly addressed in a general broadcasting law. The Model Law does not address the question of whether the new broadcaster establishes, replaces, or transforms an existing State broadcaster. Often, the establishment of a public service broadcaster does represent an attempt at transformation but the main goal of the Model Law, as noted, is to elaborate the principles which should guide public broadcasting, not to address technical details relating to transformation which, furthermore, may vary considerably from one context to another.

The term ‘model’ is not used here to suggest that all countries should take this as a fixed template for their own legislation, or even that the approach taken here is necessarily the best way to approach this issue in every country. Many issues concerning public service broadcasting, notably the appointment of the governing board and the funding structure, are quintessentially pragmatic in nature and admit of different approaches. What will work best in any particular country will depend on its history, political structures, development of civil society, the overall broadcasting and media environment and so on. Furthermore, it may be noted that formal legal implementation – for example, as regards the system by which laws come into force – will vary from country-to-country. Rather, the term ‘model’ signifies that this Law incorporates provisions that are designed to protect the principles noted above, namely by safeguarding the independence of the public broadcaster within a framework of



accountability, and by encouraging programming that serves the public interest and promotes the free flow of information and ideas.

As noted above, a key issue for public service broadcasting is how to ensure independence and, in turn, how members of the governing board should be appointed. There are different models for this, the two key ones being a parliamentary appointments process with safeguards for independence and direct appointments or nominations by different sectors of civil society. The Model Law adopts a hybrid approach whereby parliament is responsible for appointments but civil society nominates members.

Both systems have their strengths and weaknesses; two points bear on the question of the choice of system in any particular context. First, laws do not work in a vacuum and even the finest public service broadcasting law will fail to achieve the desired objective of quality, impartial programming in the context of an undemocratic setting or where civil society is unable to hold government to account. On the other hand, there are examples of laws which do little to protect independence or promote quality programming but, due to other supportive conditions, there is an excellent public broadcaster. Second, while safeguarding independence is key, this must not be done at the expense of ensuring accountability to the public; a challenge for even leading public service broadcasters.

# **A MODEL PUBLIC SERVICE BROADCASTING LAW**

An Act to promote quality public service broadcasting and the free flow of information in the public interest.

Be it enacted by [insert relevant body, such as the parliament] as follows:

## **PART I: DEFINITIONS AND PURPOSE**

### **Definitions**

1. In this Act, unless the context otherwise requires: –
  - (a) “advertisement” is any public announcement intended to promote the sale, purchase or rental of a product or service, to advance a cause or idea or to bring about some other effect desired by the advertiser, for which broadcasting time has been given up to the advertiser for remuneration or similar consideration;
  - (b) “broadcasting service” is a defined service which consists in the broadcasting of television or sound material to the public, sections of the public or subscribers to such service;
  - (c) “code of broadcasting practice” is a set of standards relating to programme content and broadcast practices;
  - (d) “independent producer” is an individual or company who produces programmes for radio or television and who is independent of any particular broadcaster;
  - (e) “ethnic/minority programming service” is a unit within a broadcaster devoted to a certain language or ethnic group and which provides news services and other programming by and for that group, in its language, and reflecting its culture and interests;
  - (f) “programme schedule” is a plan indicating the general types of programmes proposed to be broadcast, along with the percentage of broadcasting time to be devoted to such programmes and to advertising, and the target audience;

- (g) “public broadcasting fee” is a levy on the electricity bill for purposes of providing financial support to public broadcasting; and
- (h) “sponsorship” is the participation of a natural or legal person, who is not engaged in broadcasting activities or the production of audiovisual works, in the direct or indirect financing of a programme with a view to promoting the name, trademark or image of that person.

## **Purpose**

2. The purposes of this Act are: –
  - (a) to promote the provision of high-quality broadcast programming to the public at large;
  - (b) to promote and guarantee the independence of the public service broadcaster from political or commercial interference within a framework of accountability to the public; and
  - (c) to ensure stable financial provision for the public service broadcaster.

## **PART II: ESTABLISHMENT AND GUIDING PRINCIPLES**

### **Establishment**

3. (1) The Broadcasting Corporation of [insert name of State] (hereinafter called “[insert initial of State followed by BC; for purposes of this law, SBC will be used]”) is hereby established as a non-profit public service broadcasting organisation with its seat in [insert city, normally the capital city] and serving the whole of [insert name of State]. SBC is a public institution which is accountable to the public through [insert name of (lower chamber of) parliament].
  - (2) SBC shall enjoy operational and administrative autonomy from any other person or entity, including the government and any of its agencies, and no person or entity shall seek to influence the members or staff of SBC in the discharge of their duties, or to interfere with the activities of SBC, except as specifically provided for by law. This autonomy shall be respected at all times.
  - (3) SBC shall have all powers, direct or incidental, as are necessary to undertake its functions as provided for in this law. In particular, it shall have full legal personality, including the power to acquire, hold and dispose of property.

## Guiding Principles

4. (1) SBC has an overall mandate to provide a wide range of programming for the whole territory of [insert name of State] that informs, enlightens and entertains, and that serves all the people of [insert name of State], taking into account ethnic, cultural and religious diversity.
- (2) SBC shall provide innovative and high quality broadcasting, which reflects the range of views and perspectives held in society, satisfies the needs and interests of the general public in relation to informative broadcasting, and complements programming provided by private broadcasters.
- (3) To fulfil its public service broadcasting role, SBC shall strive to provide a broadcasting service that: –
  - (a) is independent of governmental, political or economic control, reflects editorial integrity and does not present the views or opinions of SBC;
  - (b) includes comprehensive, impartial and balanced news and current affairs programming, including during prime time, covering national and international events of general public interest;
  - (c) contributes to a sense of national identity, while reflecting and recognising the cultural diversity of [insert name of State];
  - (d) gives a voice to all ethnic groups and minorities, including through the establishment of Ethnic/Minority Programming Services and the provision of programming in ethnic/minority languages;
  - (e) strikes a balance between programming of wide appeal and specialised programmes that serve the needs of different audiences;
  - (f) provides appropriate coverage of the proceedings of key decision-making bodies, including the [insert name(s) of the house(s) of parliament];
  - (g) includes programmes that are of interest to different regions;
  - (h) ensures the diffusion of important public announcements;
  - (i) provides a reasonable proportion of educational programmes and programmes oriented towards children;
  - (j) promotes programme production within [insert name of State]; and
  - (k) contributes to informed debate and critical thought.
- (4) To encourage and promote programme production within [insert name of State], and to ensure that its programmes reflect a wide variety of views and perspectives, SBC shall work towards the goal of obtaining 20% of its total broadcasting from independent producers based in [insert name of State].<sup>4</sup>

---

<sup>4</sup> The figure of 20% is simply indicative and is not presented as a best practice figure. What is

## **PART III: STRUCTURE**

### **Board of Directors**

5. (1) SBC shall be governed by a Board of Directors (hereinafter called “the Board”) with overall responsibility for SBC’s accountability, through the [insert name of (lower chamber of) parliament], to the people of [insert name of State].
- (2) The Board shall be composed of nine (9) members who shall have some relevant expertise, by virtue of their education or experience, including in the fields of broadcasting, policy, law, technology, journalism and/or business.

### **Appointment of the Board**

6. (1) Members of the Board shall be appointed by the [insert name of (lower chamber of) parliament], in accordance with the following: –
  - (a) the process shall be open and transparent;
  - (b) only candidates nominated by civil society and professional organisations shall be considered for appointment;<sup>5</sup>
  - (c) a shortlist of candidates shall be published in advance and the public shall be given an opportunity to make representations concerning these candidates;
  - (d) a candidate shall be appointed only if he or she receives two-thirds of the votes cast;
  - (e) membership of the Board as a whole shall, to the extent that this is reasonably possible, represent a broad cross-section of [insert name of State] society;
- (2) No one shall be appointed to the Board if he or she: –
  - (a) is employed in the civil service or any other branch of government;
  - (b) holds an official office in, or is an employee of, a political party;
  - (c) holds an elected position at any level of government;
  - (d) holds a position in, receives payment from or has, directly or indirectly, significant financial interests in broadcasting or telecommunications; or
  - (e) has been convicted, after due process in accordance with internationally accepted legal principles, of a violent crime and/or a crime of dishonesty or

---

appropriate will depend on a number of factors, including the development of the independent production sector and the number of other available channels.

<sup>5</sup> In practice, the law should provide more detail as to the process by which this is done. However, this will depend on the specific civil society and professional structures that exist in society and, in the absence of a specific societal context, it is not possible to provide this detail in the Model Law.

theft, for which he or she has not been pardoned, unless five years have passed since the sentence was discharged;  
provided that individuals who have been shortlisted pursuant to sub-section (1)(c) shall be given an adequate opportunity to take any necessary steps to remove a barrier to their appointment under this sub-section.

## **Independence of Members**

7. (1) All members of the Board shall be independent and impartial in the exercise of their functions and shall, at all times, seek to promote the Guiding Principles set out in section 4.
- (2) Board members shall neither seek nor accept instruction in the performance of their duties from any authority, except as provided by law.
- (3) Board members shall act at all times in the overall public interest and shall not use their appointment to advance their personal interests, or the personal interests of any other party or entity.

## **Tenure**

8. (1) Members shall serve on the Board for six (6) years and may be re-elected to serve a maximum of two (2) terms.
- (2) Notwithstanding sub-section (1), from among the first group of appointees to the Board three (3) individuals shall be identified by lot whose initial term of office shall be just two (2) years and another three (3) individuals whose initial term of office shall be just four (4) years and, for these individuals, their first term shall count as a full term.
- (3) The [insert name of (lower chamber of) parliament] may remove a member from the Board only after a hearing and where that individual: –
  - (a) becomes, by virtue of section 6(2), ineligible for appointment to the Board;
  - (b) is no longer able to perform his or her duties effectively; or
  - (c) fails, without valid excuse, to attend meetings of the Board for a period of more than six (6) months.
- (4) Where a Board member has been removed pursuant to sub-section (3), he or she shall have the right to appeal such removal to the courts.

## **Remuneration of the Board**

9. (1) Members of the Board shall not receive remuneration for their work.
- (2) Members of the Board shall be compensated for actual expenses, including travel, accommodation and subsistence, incurred as a result of their duties as members of the Board.

## **Role of the Board**

10. (1) The Board has overall responsibility for the determination of internal policy, for ensuring compliance with all policies and the Guiding Principles set out in section 4, for ensuring that SBC meets the highest standards of probity and value for money, for appointment of senior staff, including the Managing Director, and for setting the overall strategy of SBC.
- (2) The Board shall not interfere with the day-to-day management of SBC or with the editorial independence of the Managing Director and his or her staff, although it does have responsibility for ensuring that, overall, editorial policy respects the Guiding Principles set out in section 4.
- (3) The Board shall, after consultation with the Managing Director, approve the Statutes of SBC, which shall, in accordance with this law and other relevant legislation, establish policies, operational guidelines and procedures.
- (4) The Board shall, after consultation with the Managing Director, prepare an Annual Report and budget for SBC, which shall be presented to the [insert name of (lower chamber of) parliament] for its approval.

## **Rules of Procedure**

11. (1) The Board shall appoint its own Chairperson and Vice-Chairperson, and shall adopt such rules, in relation to meetings and other matters, as it considers necessary and appropriate to enable it to perform its functions.
- (2) The Board shall meet as often as it deems necessary and shall, in any case, meet at least once in every month. Meetings of the Board shall be convened by the Chairperson, provided that the Chairperson shall be required to convene a meeting at the request of not less than three (3) members. The quorum for meetings of the Board shall be five (5).
- (3) The Managing Director shall attend Board meetings as a non-voting member, except where the Board has specifically ruled otherwise.

(4) Except as otherwise provided, the Board shall take decisions on the basis of a majority vote of those members present, provided that in case of an equal vote, the Chairman shall have a deciding vote.

## **Appointment of Senior Staff**

12. (1) The Board shall, as soon as is practical after its establishment and by a vote of at least two-thirds of its members present and voting, appoint a Managing Director for SBC and may, by a similar vote, remove the Managing Director from office, provided that it agrees at the same time on a replacement.

(2) The provisions of section 6(2) and section 7 shall apply, *mutatis mutandis*, to the Managing Director.

(3) The Board shall not exercise its power to remove the Managing Director from office under sub-section (1) unless the Managing Director has breached the provisions of section 6(2) or he or she has committed a serious violation of his or her responsibilities under this law, including by failing to respect the Guiding Principles set out in section 4 or to advance the interests of SBC.

(4) A Managing Director shall have the right to appeal any removal from office under this section to the courts.

(5) The Managing Director shall be appointed for a five (5) year period and may be reappointed. If no successor has been appointed at the end of the tenure of a Managing Director, that person shall remain in office for up to an additional three (3) months until a new Managing Director has been appointed.

(6) The Managing Director shall, subject to section 10, be responsible for day-to-day management and, along with his or her editorial staff, editorial policy.

(7) The Board shall appoint other senior staff, in accordance with a list set out in the Statutes, upon nomination by the Managing Director.

## **Staffing**

13. (1) The Managing Director shall, in accordance with the approved budget, appoint staff as required.

(2) The Managing Director and staff shall neither seek nor accept instruction in the performance of their duties from any authority other than the Board, except as provided by law.

(3) The Managing Director and staff shall not use their appointments for personal benefit, or for the benefit of any party or entity other than SBC.



## **PART IV: SERVICES**

### **Public Service Channels**

14. (1) SBC shall, at a minimum, broadcast [insert appropriate number and specify reach – e.g. national, regional or local] free-to-air terrestrial public service television channels and [insert appropriate number and specify reach – e.g. national, regional or local] free-to-air terrestrial public service radio channels.
- (2) SBC shall be guaranteed frequencies appropriate to its broadcasting obligations as provided for in sub-section (1).

### **Additional Channels**

15. SBC shall be entitled to broadcast channels additional to those specified in section 14, whether this be via terrestrial broadcasting, satellite, cable or any other technical means, whether or not these channels are public service in nature, provided that where such broadcasting is otherwise licensed, SBC shall also be required to obtain a license in the prescribed manner.

### **Other Services**

16. SBC may engage in other activities, such as publishing, producing videos or providing teletext services, or otherwise disseminating content, including over the Internet, that are related to its general mandate, as long as these activities are consistent with the Guiding Principles set out in section 4.

### **Competitive Rules**

17. SBC may not use its public funding to subsidise any commercial services it provides, although it may subsidize its public service operations with profits from its commercial services.

## **PART V: FUNDING**

### **Funding Mechanisms**

18. (1) SBC may obtain funding from the Public Broadcasting Fee, from direct public subsidies, from advertisements, from sponsorship and other commercial activities, and from donations.
- (2) The Board shall formally present a proposed budget for SBC for the coming year, along with the Annual Report and externally audited accounts, to the [insert name of (lower chamber of) parliament] for approval.

### **The Public Broadcasting Fee<sup>6</sup>**

19. (1) Every household, business and other establishment in [insert name of State] receiving electricity shall pay a supplementary fee, to be known as the Public Broadcasting Fee, as part of their electricity bill.
- (2) The level of the Public Broadcasting Fee shall be proposed by the Board to the [insert name of (lower chamber of) parliament], which shall in turn approve a specific fee tariff. The [insert name of electricity corporation] shall collect this fee and provide it to SBC under an agreement to be concluded between these two bodies, provided that were they cannot reach agreement, the [insert the name of the independent broadcast regulator] shall have the power to set terms.
- (3) The Fee may either be a flat rate per household/business or be levied as a percentage of the electricity bill.

### **Direct Public Subsidies**

20. (1) Where the approved budget for SBC includes a direct public subsidy, this shall be paid for out of general public funds.
- (2) Any direct public subsidy shall not be used to fund programme production but shall instead be used to defray infrastructure and other technical costs.

---

<sup>6</sup> In this Model Law, the public broadcasting fee is levied on the electricity bill. There are a range of other options for this, including a levy on television and/or radio sets, and a levy on other services, such as water or mobile phones. Which option is most appropriate will depend on all of the circumstances. One advantage of a levy on an existing service, such as electricity, is that it minimizes additional collection costs.

## **Advertisements**

21. (1) SBC may carry advertisements, provided that it shall not: –
- (a) broadcast advertisements which exceed 7½% of the total broadcast time during any given day or 10% of any given hour or programme;<sup>7</sup>
  - (b) obtain more than 25% of its total revenues from advertising and other commercial activities;<sup>8</sup> or
  - (c) rely on the Public Broadcasting Fee or any other public financing to directly subsidise or unfairly promote its advertising.
- (2) All advertisements shall be clearly identifiable as such.
- (3) Advertisements shall be fair and honest, and shall not be misleading or prejudice the interests of consumers.
- (4) Advertisers shall not seek to influence programming.

## **Sponsorship**

22. (1) Sponsored programmes shall be clearly identified as such by credits at the beginning and end of the programme.
- (2) Sponsorship shall in no way affect the content or scheduling of a programme.
- (3) News and current affairs programmes shall not be sponsored.

## **PART VI: ACCOUNTABILITY**

### **Annual Report**

23. (1) The Board shall publish and distribute widely an Annual Report, along with externally audited accounts, for SBC. Each Annual Report shall include the following information: –
- (a) a summary of the externally audited accounts, along with an overview of income and expenditure for the previous year;

---

<sup>7</sup> The figures in this sub-section are indicative only. What is appropriate will depend on a number of factors including the size of the advertising market, the competition for advertisers, the size of the public broadcasting fee and so on. The idea, however, is to ensure that the public broadcaster has less access to advertising than commercial broadcasters for a number of reasons including that excessive advertising directly undermines public interest programming, as a quid pro quo for receiving public funding and to be fair to commercial broadcasters, and to limit the extent to which it is dependent on advertising revenues.

<sup>8</sup> The figure of 25% is, as with other numbers, indicative. The idea is to limit the overall influence of advertising revenue as a way of ensuring that markets do not exert a dominant influence over programming.

- (b) information on any company or enterprise that is wholly or partly owned, whether directly or indirectly, by SBC;
  - (c) the budget for the following year;
  - (d) information relating to finance and administration;
  - (e) the objectives of SBC for the previous year, the extent to which they have been met and its objectives for the upcoming year;
  - (f) editorial policy of SBC;
  - (g) a description of the activities undertaken by SBC during the previous year;
  - (h) the Programme Schedule and any planned changes to it;
  - (i) a list of programmes broadcast by SBC that were prepared by independent producers, including the names of the producers or production companies responsible for each independent production;
  - (j) recommendations concerning public broadcasting; and
  - (k) information on complaints by viewers.
- (2) The Board shall formally place the Annual Report and externally audited accounts before the [insert name of (lower chamber of) parliament] for their consideration.

## **Annual Review of Managing Director**

24. (1) The Board shall conduct an annual review of the Managing Director with a view to assessing his or her performance and to providing feedback on it.
- (2) The annual review referred to in sub-section (1) shall be published and widely disseminated.

## **Public Review**

25. In order to ensure transparency and to improve its service in the public interest, SBC shall make an effort to ensure that it remains under constant review by the public, including by holding public meetings and seminars to look at ways it might better serve the public interest.

## **Complaints Procedure**

26. (1) SBC shall develop a Code of Broadcasting Practice in consultation with interested stakeholders which shall govern its broadcasting practices and programme content.
- (2) The Code referred to in sub-section (1) shall, among other things, address the following issues: –

- (a) accuracy, balance and fairness;
  - (b) privacy, harassment and subterfuge;
  - (c) protection of children and scheduling;
  - (d) portrayal of sexual conduct and violence, and the use of strong language;
  - (e) treatment of victims and those in grief;
  - (f) portrayal of criminal or anti-social behaviour;
  - (g) advertising;
  - (h) financial issues such as payment for information and conflicts of interest;
  - (i) discrimination; and
  - (j) leaked material and the protection of sources.
- (3) Individuals may lodge a complaint against SBC for breach of the Code referred to in sub-section (1) and such complaints shall be dealt with by SBC in a fair and balanced manner.
- (4) To give effect to sub-section (3), SBC shall establish an internal procedure for processing complaints.
- (5) The procedure provided for in sub-section (4) shall provide for a range of remedies appropriate to any breach including rectification of any false statements of fact, a right of reply and apologies.
- (6) Lodging an internal complaint shall not preclude an individual from pursuing any other remedies which may be available.

## **PART VII: MISCELLANEOUS PROVISIONS**

### **Archives**

27. (1) SBC shall keep a master recording of all programmes broadcast for at least twenty-eight (28) days after they have been broadcast.
- (2) Where specific broadcast material is the subject of a dispute or complaint, SBC shall keep a master recording of that broadcast material until the matter has been fully resolved.
- (3) SBC shall establish a broadcasting archive, maintaining a store of material that is likely to be of historical interest to the people of [insert name of State].
- (4) SBC shall, within its resources, endeavour to make as much of this archival material as possible available over the Internet.

## **Political Advertisements**

28. Except in accordance with [insert name of law governing elections and/or any rules promulgated by the body responsible for overseeing elections], SBC shall not carry any advertisement for or on behalf of any political party or candidate for election to political office.

## **Enforcement by Broadcast Regulator**

29. (1) The [insert name of independent general broadcast regulator] shall monitor whether or not SBC has complied with its obligations under the following provisions:–

- (a) section 4(4), dealing with programming from independent producers;
- (b) section 17, dealing with anti-competitive behaviour;
- (c) section 21, dealing with advertising;
- (d) section 22, dealing with sponsorship;
- (e) section 25, dealing with public review of SBC;
- (f) section 26, dealing with complaints;
- (g) section 27, dealing with archives; and
- (h) section 28, dealing with political advertising.

(2) Where [insert name of independent general broadcast regulator] has reasonable grounds to believe that SBC is in breach of one of the obligations specified in sub-section (1), it shall refer the matter to the Board, along with any views it may have as to the manner in which the breach should be addressed.

(3) Where a period of more than three months has passed since [insert name of independent general broadcast regulator] has referred a matter to the Board pursuant to sub-section (2), and steps have not been put in place with a view to addressing the breach, the [insert name of independent general broadcast regulator] shall have the power to refer the matter to the courts.

## **PART VIII: TRANSITIONAL AND FINAL PROVISIONS**

### **Existing Laws and Regulations**

30. Any laws or regulations which affect, or institutions with responsibility over, broadcasting shall not be affected by the coming into force of this Law, provided that any such laws, regulations or institutions are, at that time, deemed to be amended, repealed or

terminated to the extent that they have been superseded, supplanted or contradict provisions in this Law.

## **Institutional Arrangements**

31. (1) The Board shall be appointed in accordance with the provisions of this Law within six (6) months of its coming into force.
- (2) All other institutional arrangements specified in this law shall be made within six (6) months of its coming into force.

## **Short Title and Commencement**

32. (1) This Act may be cited as the Public Service Broadcasting Act [insert relevant year].
- (2) This Act shall come into effect on a date proclaimed by [insert relevant individual, such as president, prime minister or minister] provided that it shall automatically come into effect six months after its passage into law if no such proclamation is forthcoming.<sup>9</sup>

---

<sup>9</sup> The precise way in which an act comes into force will differ from country to country.