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Government of Samoa

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NATIONAL BROADCASTING POLICY **(NBP)** **(As at 01 July 2005)**

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Title of Policy

National Broadcasting Policy (NBP)

Requesting Agency

Ministry of Communications and Information Technology (MCIT)

Implementing Agency

MCIT

Monitoring, Reviewing And Evaluating Agency

MCIT

Purpose of Policy

The NBP provides a sound framework for driving the development and management of a growing broadcasting industry that will bring benefits to all Samoans.

The policy does not stand in isolation but considers related government policy statements such as the National Communications Sector Policy, and the Strategy for the Development of Samoa – Enhancing People’s Choices (SDS 2005 - 2007) with emphasis on overall liberal national developments.

Previous References

As a result of the Public Sector Reforms and Departmental Realignment in 2003, MCIT was given the responsibility of formulating a National Broadcasting Policy.

The function for policy making in the broadcasting sector was not well defined prior to 2003, and saw the former Broadcasting Department, also the National Broadcaster, performing regulatory activities, such as advising the Minister on issuing licenses for private broadcasting.

As with any growing industry, there are priority concerns of the Government relating to the management of the broadcasting sector.

The Government, through this policy document, responds to the broadcasting needs of the public and business sectors. It outlines its policy objectives for the industry, states its position in respect of Broadcast content, and discusses the tools with which the development objectives shall be achieved.

Other Stakeholders Relevant to Policy Implementation

Samoa Broadcasting Corporation
Radio Polynesia
Grace-land Broadcasting Network
Youth For Christ Radio Station
Catholic Radio Station
Pro-Com Cable Television
Star Cable Television
Samoana Broadcasting Limited
Ministry of Women, Community and Social Developments
Ministry of Finance
Chamber of Commerce
Samoa Umbrella of Non-Governmental Organizations

Background to the Formulation of the Policy

The MCIT engaged in researches, a survey on public attitudes towards broadcasting issues and an overseas work attachment, which provided insight into the local and global broadcasting environments.

A Broadcasting Working Group (BWG) comprising broadcasting service providers from the public and private sectors, and the MCIT was also formed to provide direction for the policy formulation.

Analysis of Current Situation to Justify Requirement for Policy Initiative

The Samoa Broadcasting Corporation was established as a result of the 2003 Public Service Realignment, merging the former Broadcasting Department, and Televisé Samoa Corporation. This entity is known as the National/State Broadcaster of radio and television programmes.

An amendment to the 1959 Broadcasting Ordinance in 1988 authorised the establishment of private broadcasting stations. This was a result of Government’s policy aimed at promoting the development of private broadcasting stations.

This is the international trend, particularly noted in developing countries, where Governments are giving up roles of being owners and operators of infrastructure, to becoming regulators and policy advisors. However, while this may have been the rationale behind the amendment, there is no policy to date that supports such a framework.

The Broadcasting Sector provides a range of services that is indicative of its performance, reflecting a pattern of steady growth in this industry, particularly the last 8 years. The broadcasting services range from 1 AM Radio Station to 8 FM radio stations and 4 television stations. The table below describes the sector range:

Service Provider	Services Provided	Status/Category
Samoa Broadcasting Corporation	1 AM radio station 1 FM radio station 1 Free-to-air Television station 'Lali' magazine	National Broadcaster
Radio Polynesia	4 FM radio stations; issued only with an approval to establish 1 Free to Air/Pay TV	Commercial
Graceland Broadcasting Network	1 FM radio station 1 free-to-air Christian TV station (GBN), operating 3 channels (Hope and Church Channels)	Community/Christian broadcasting
Youth For Christ - Laufou	1 FM radio station	Community/Christian
Pro-Com Sky Television	1 Pay TV station, with 4 channels	Subscription TV
Star Cable Television	1 Pay TV station, with 4 channels	Subscription TV
Catholic – Aiga Fesilafai	1 FM radio station	Community/Christian
Samoana Broadcasting Limited	Issued only with an approval to establish 1 Pay TV and 1 Free-to-air TV	Subscription TV Commercial TV (free to air)

From an analysis of the broadcasting sector, the lack of effective regulatory tools to enable and facilitate broadcasting services as well as setting appropriate standards and enforcing them, are a cause for concern.

The relevant legislation, Broadcasting Ordinance 1959 and Samoa Broadcasting Act 2003 are silent on functions pertaining to content regulation and complaints procedures for breaching any specified set of codes or standards. In the absence of any reference in the current legislation, a formalised set of Codes of Practice or licensing regime that regulates operations quality of service delivery in broadcasting is not guaranteed.

A legal or policy framework must address the issue of regulation, in terms of its impact on broadcasting content quality. Moreover, clarity regarding lines of authority for monitoring, regulating and reviewing functions is required.

The issue of privatising Samoa Broadcasting Corporation remains uncertain. There are factors, largely economic, that would strongly support the privatisation move, while others surrounding social, cultural and national interests would negate the proposal. A balanced analysis of this situation is critical; given the overarching impact any decision made will have on the people of Samoa as well as the future of SBC itself.

Other Challenges That Need to be Addressed:

Discussed here are the challenges and the approach this policy is taking in addressing relevant issues.

Competing and conflicting demands for market share (national interests versus business/commercial interests);

This is addressed in the detailed statement of the policy.

Need to improve human resources development in broadcasting sector;

This is addressed in the detailed statement of the policy.

Adequate local content on television;

The BWG agreed for free to air television broadcast to have a 20% local content as a benchmark. The timeframe required for its achievement is two years from the official implementation of this policy document for current television operators, with issued to be reviewed after that two years. The broadcasters have to achieve 10% of local content in the first 12 months, and the other 10% in the last 12 months.

The influx of foreign broadcasting shall be controlled, while local programming is essential for enhancing social, cultural and religious values of the Samoan society.

○ Lack of licensing criteria or policy that controls or limits licences according to categories, e.g. public, commercial, subscription and community;

This policy document does not encourage limiting licenses at this stage. In relation to the Strategy for the Development of Samoa (SDS) 2005-2007, which emphasises choices for all and open competition, all licences shall be opened, and the market would determine success of the services provided. There are terms and conditions attached as to the issuance of any license, with a reviewable 12-month duration granted for the establishment of broadcasting services.

○ Adequate technical performance standards;

While spectrum is monitored under a separate Act, this policy document therefore refers all technical matters to the MCIT division/unit responsible. However, the Samoan industry is regulated by the International Telecommunications Union (ITU) standards.

○ Advertising and content codes of practice lacking;

This is addressed in the Codes of Practice that is being devised by the BWG

○ Mechanisms for complaints handling needed (content and advertising related)

Addressed in the Complaint Process

○ **Legislation is outdated and needs review;**

This is a long term strategy for MCIT in partnership with the Attorney General’s Office to achieve legal review. The current status of affairs will take its course and directions from this policy document.

○ **Initiatives for local programming production, including local children’s programmes;**

The broadcasters and the local program and advertising production companies shall work hand-in-hand in achieving local content. While the human resources and relevant skills may be lacking in the industry, initiatives shall be made with local academic institutions such as the Samoa Polytechnic for establishment of the relevant courses, to provide the training opportunities required. With the advanced information technology in the country, the industry is also urged to consider taking up On-line courses with the overseas academic institutions.

○ **Need to improve quality of content presentation**

This is addressed in the established Codes of Practice.

○ **Lack of community understanding and appreciation of broadcasting content management;**

MCIT shall hold workshops, radio and television programs, and public consultations and other marketing strategies to make the general public, customers and stakeholders aware of this policy document.

○ **Limited community involvement in broadcasting content management**

This is addressed in the complaint process, whereby all will be entitled to have clear processes/procedures for complaining.

○ **The issue of ownership as in local versus foreign ownership;**

The policy supports the current situation, where only local broadcasters own and operate existing broadcasting services. Any foreign involvement shall be a matter to be negotiated from time to time with the Government, with approval granted according to its mandate and strategic direction.

○ **Digital Broadcasting**

As the developed countries head towards national digitalisation in years from the time this policy is implemented for MCIT to collate a plan for the introduction of digitalisation for broadcasting services.

○ **Address the issue of copyright infringement, and policy developments to complement the Copyright Act 1998**

To be in line with the developments in the democratic developed countries, this policy does not wish to directly address this issue, but to leave it to the relevant copyright laws as guidelines for solving any arising disputes.

The policy is to consider creating a balance in quality service delivery for the viewers and listeners, while maintaining broadcasters’ commercial interests and activities.



DETAILED STATEMENT OF THE POLICY

Vision

All people residing in Samoa must have access to quality commercial and non-commercial broadcasting services, that promote their social, cultural, and economic values.

Mission Statement

To have a National Broadcasting Policy that entices all related tools of a Broadcasting Regulatory Framework to allow industrial competition and sectoral human resource developments, with the objective of providing quality and culturally-sensitive broadcasting services to all people residing in Samoa.

Development Objectives

The following is a set of specific objectives identified to achieve the overall goals for the Broadcasting sector. They have been divided up according to their non-economic and economic values to reflect the distinctive needs of the community and business sectors.

Non-Economic Objectives

- To promote and safeguard national culture and national identity;
- To provide a wide range of programmes which meets the informational, spiritual and entertainment needs of the public as a whole;
- To monitor content presentation and advertising standards in conjunction with the broadcasting industry;
- To coordinate with the spectrum division in monitoring required standards in broadcasting;
- To ensure that the provision of services, including the quality of broadcasting transmission, are high and complies with ITU specifications;
- Introduce minimum regulation to ensure that the development of the broadcasting environment is not hampered, and that all licensed service providers meet the terms of their licences
- To ensure that broadcasting services via the radio and television reach all homes/locations in Samoa; (Universal Service);
- Build Human Resources Development (HRD) capacity in the Broadcasting Sector and ensure the availability of competence and professionalism in all areas of work.

Economic Objectives

- To create a competitive environment for the local broadcasting industry;
- To promote the economic viability and growth of the broadcasting industry;
- To enhance competition via the availability of competent human resources base.

<u>STRATEGIES</u>	<u>ACTIVITIES</u>
<p><u>Immediate - Short Term</u> (1 – 2 years)</p>	
<p>Industry Structure</p> <p>The industry structure is determined by the broadcasting and spectrum laws in relation to privatisation, opening up competition to the private sector, while the government focuses on providing policy and regulatory framework for ease of competitive broadcasting services. The BWG resolved to open up licensing, with a reviewable 12 months broadcasting entity establishment. The policy considers local and global environmental trends. Privatisation of SBC is a major concern to the other broadcasting players, with mixed views on future directions. However the government has moved towards privatisation of SBC , and this policy should look at the overall regulatory framework, with the public interests to be met by the commercial broadcasters.</p>	<p>Establish a Code of Practice (Content, Advertising, Spectrum for Samoa)</p> <p>Establish a Unit responsible for Complaints in the MCIT</p> <p>Establish a TNA and Database for HRD, with trainings targeted</p> <p>Defined lines on commercial and non-commercial services</p>
<p>Market Structure</p> <p>The market is divided along the lines of commercial and non-commercial activities. The commercial market include advertising, sponsorship, program services and subscribers. These activities are enjoyed by the commercial radio stations and free-to-air television services, while subscription is particular to pay television services. The non-commercial broadcasting services are providing community services, focussing on religious developments. While these services are not profit oriented, the BWG agrees to allow sponsorship only to assist with their respective working capital. (please refer definitions of advertisement and sponsorship)</p> <p>All broadcasting services and broadcasters are to achieve the non-economic objectives, while the government has to ensure there is a competitive environment to achieve the economic objectives.</p>	<p>The broadcasters to adhere to the Codes of Practice: Radio Code; Free-to-air TV Code; Pay TV Code;</p> <p>The commercial broadcasters to adhere to the Advertising Code;</p> <p>The Non-commercial broadcasters to respect the sponsorship functions in their broadcasting services</p> <p>All broadcasters to respect the non-economic objectives of this policy</p>

<p>Standards of Service/Code of Practice</p> <p>The BWG has agreed on the Codes for Samoa to be adapted with appropriate changes from the New Zealand Codes, with certain references to a draft Media Code for Samoa by Ian Beales. The main rationale of having codes in place is for broadcasters to use as guidelines, with specific standards to achieve in service provision that are appropriate for Samoan context. The codes have been specified according to broadcasting services provided, and to be user friendly not only to the industry, but also to their respective stakeholders and customers.</p>	<p>Endorsement of the Codes of Practice for Samoa;</p> <p>The Codes of Practice to be adopted by the radio and television services;</p> <p>The broadcasters to deal with initial complaints to any breach of the codes;</p> <p>The National Unit Responsible for Complaints to deal with unresolved complaints;</p>
<p>Complaints Process</p> <p>The overall policy of the government of privatisation, and public sector reforms has resulted in the merge of the Broadcasting Department and the Televisual Samoa to become the Samoa Broadcasting Corporation. Complaints before reforms in regards to broadcast content was directed to the Broadcasting Department. This role has been assigned to the MCIT, thus the initiative by the government to formulate this National Broadcasting Policy.</p>	<p>The BWG to devise a complaint system, with clear guidelines of complaint procedures;</p> <p>The BWG to establish appropriate sanctions for breach of the codes;</p> <p>The BWG to decide on the appropriate National Unit Responsible for Complaints.</p>
<p>Human Resources Capacity for the Sector</p> <p>There is a need to address the issues in this category. One of these issues from a hasty perspective is the upgrading of the human resources capacity. The required skills in radio announcing, television presentations, relevant technical skills, programming skills, and so forth must be addressed in a growing broadcasting sector. The policy has to identify certain directions that the industry should take in enhancing skills needed. The rationale is when there is enough expertise in the field, then the demanded standards required by the codes would be easily achieved;</p>	<p>The industry to have an in house Database of Training Needs for Analysis purposes</p> <p>The industry to have an in-house HRD program, to identify areas for capacity building;</p> <p>The industry to have an in-house training scheme, for work-based, term attachment, short term training, and further academic studies for enhancing appropriate skills.</p>

<p>Strengthen the Capacity of the MCIT to Implement the Policy</p> <p>The MCIT has to look at establishing systems to deal with complaints that reach the office. The issue of establishing a separate authority specifically for broadcasting standards will be a matter to consider, particularly, with the current status the telecommunication industry is heading, the establishing of a Telecommunications Authority.</p>	<p>MCIT to have the final say in matters relating to complaints, and issues from the industry;</p> <p>In the trend of demarcating the functions relevant to the government and the industry, policy advice and strategic direction will be a function of the MCIT, and management of the industry standards and other licensing criteria shall be the responsibility of a government authority.</p> <p>Specific guidelines as to when a Government Authority will be prepared to take on the regulatory functions on Code of Practice.</p>
<p><u>Medium – Long-Term</u> (2 – 5 years)</p>	
<p>Establish a regulatory framework for the sustainable management of broadcasting services</p>	<ul style="list-style-type: none"> • Incorporate the regulatory functions into the activities of the Regulatory Authority when appropriate, and allow adequate resources to effect such responsibilities; • Establish pricing mechanisms for broadcasting licenses and fees; • Legislate for the management of the broadcasting content presentation; • Develop capacity for professional assessment of complaints both from the public and the broadcasting service providers; • Support where appropriate international broadcasting guidelines such as those by Commonwealth Broadcasting Association (CBA); • Conduct monitoring and evaluation of the policy

Expected benefits from the policy

The NBP sets the direction for the sustainable management of broadcasting services in the short- to long-term. Benefits from the policy would include:

- Improved quality in local content presentation over radio and television channels;
- Established regulatory framework for broadcasting sector;
- Economic sustainability in the broadcasting sector;
- Protection of vulnerable groups from adverse impacts of unregulated content presentation;
- Equitable access to broadcasting services by all stakeholders;

Relationship to Strategy for the Development of Samoa (SDS) and sectoral objectives/strategies

The NBP supports and promotes both the pursuit of competition and private sector participation for economic development; and the preservation of cultural and traditional values against the tide of globalisation, which are some key fundamental guiding principles of the SDS.

Financial implications

Funding is required to conduct ongoing, warranted research and surveys to support the monitoring, review and evaluation of the policy implementation. In the long-term adequate finance is necessary to set up the regulatory framework for broadcasting matters and monitor compliance. Recurring costs will be provided in the MCIT annual budget.

Human resources implications

In short-term, capacity building is required within MCIT to facilitate the implementation of the policy. However in the long-term, the regulatory aspects will be incorporated into an appropriate regulatory authority decided by Government.

Legislative implications

There is an immediate need to review the existing Broadcasting Ordinance 1959, to establish empowering provisions for broadcasting management under the Minister and MCIT. Other enabling regulations will then follow dealing with the other issues including: standards, terms and conditions of licensee, number of licenses to issue and universal access.

Proposed implementation schedule

The implementation of the NBP is expected to take effect from the time it is approved by Cabinet. It will be overseen by an Implementation Task Team comprising MCIT, MOF, AG, MWCD and Samoa Umbrella of Non-Governmental Organisations (SUNGO).

The NBP will be reviewed on an annual basis to verify progress of implementation and a full independent evaluation will be carried out after three years.