



New Zealand Public Service Association : Te Pukenga Here Tikanga Mahi

Submission on the Digital Broadcasting : Review of Regulation discussion papers

Preamble

The New Zealand Public Service Association: Te Pukenga Here Tikanga Mahi (the "PSA") is the largest trade union in New Zealand with over 55,000 members in the public service, wider state sector, health sector, local government and the voluntary sector. We have members in Radio New Zealand, Television New Zealand and a number of private and community-based broadcasting agencies who have a strong stakeholder commitment to working in public broadcasting and to its role in providing accessible, free-to-air local content for New Zealanders. Additionally, our wider membership as listeners, viewers, citizens and taxpayers, has a significant interest in public broadcasting and the union, as part of civil society, reflects this in this submission.

These comments are focussed principally on public broadcasting, since that is the area within which our members work.

Democracy at Work

Democracy at Work is the PSA's strategic agenda, developed from extensive consultation with the membership over the last two years. It has three goals and provides the framework within which the PSA seeks to engage with employers and with members:

- **Decent Work:** better jobs for PSA workers
- **High-performing Workplaces:** sustainable services, productive workplaces
- **Public value:** working with citizens to deliver valued public services

Public Value

As one of the three elements of 'Democracy at Work', the concept of public value is central to the PSA's thinking: the idea that citizens deserve and expect high quality public services that deliver value for the investment of public funds. A key part of this is the contribution that staff make to public value; through their motivation and commitment, their interaction with service users, and their ability to bring forward ideas that can improve and develop services.

We welcome the inclusion of 'securing public value' as one of the specific objectives that the government has set¹ as part of the framework for any regulatory change and we submit that it is

¹ Cabinet Policy Committee paper, *Digital Broadcasting Review of Regulation : Options Paper for Public Consultation* p7

one of the most important. Public broadcasting is a precious commodity which needs a robust framework that will support its particular identity and its ability to deliver public value.

In their report *Public Value and the BBC*, the Work Foundation in UK has provided some very useful commentary on what public value in public broadcasting should mean:

'Public value, with its ethos of co-production – that is, partnership between users and providers, potentially combines downward accountability to users, but to users as citizens rather than as subjects or consumers. ... Instead of ratings, public value informed broadcasting would foster cultured and knowledgeable viewers and listeners. Instead of using market mechanisms and price, it would redress market failures and focus on providing the goods and services which either cannot satisfactorily be priced or which **should** not be provided through price and market regimes.'²

Comments on the Review

We welcome the depth and breadth of the discussion documents. In principle we support the 'diversity scenario' – with some caveats. We have a number of comments to make:

- The focus on markets for 'broadcasting-like' services across commercially driven multiple platforms and networks in a converged environment is well canvassed, and we agree that market fluctuations potentially leave public broadcasting and local content provision vulnerable. We note that our members specialise in making *broadcasting*, not '*broadcasting-like*' services.
- The discussion paper raises the possibility of change to New Zealand's public broadcasting objectives which could include increased contestability. We do not support this and believe that it could damage public broadcasting providers by diluting local content. Public broadcasters have a key role to play in making local content programming, and in order to maintain the standard and quality that the public expects and deserves, a pool of skilled workers is required. A critical mass of good facilities, creative talent and adequate funding is crucial. We note that public broadcasting is effectively the talent pool for the private sector, and it is important to retain its ability both to train and up-skill workers, and to provide the quality jobs that will retain those key skills in the public sector. Otherwise, the ability of public broadcasters to deliver quality local content is at risk.
- The comment on the static level of local content on free-to-air channels³ is a timely warning that local content needs a framework of funding and regulatory support that will enable it to deliver enhanced public value. We see local content provision as the public broadcasting point of difference with subscription-based user pays services, and it is important that the level of investment in local content programme making by public broadcasting is at the very least maintained at current levels.
- On the question of the regulatory environment, we note that there is already a strong regulatory framework in place. Clearly the new media and multiple platforms environment requires regulations that are consistent with current practice, which are future-proofed and which provide the necessary protection for the public. However we believe that this new framework should provide additional protection that recognises the special social and cultural role of public broadcasting, ensuring that it is not disadvantaged vis-à-vis other platforms.

² Work Foundation, *Public Value and the BBC*, March 2007, p7

³ Discussion paper, *Digital Broadcasting : Review of Regulation*, Volume 1, p13

- We support the emphasis on 'must-carry' rules for public broadcasting, and see this as a fairness and equity issue, as well as a public value matter. Many citizens are unable to afford access to subscription-based user pays services, and it is clearly an important principle that public broadcasting should ensure that they are not excluded, and that the quality of free-to-air public broadcasting is maintained. It is clearly much more than access to coverage of major sports events.
- On the matter of spectrum allocation, analogue switch off will free up spectrum. When ASO takes place, public broadcasting should have a major share of available spectrum allocated so that it is able to develop its own new services, for example for high density TV.

Conclusion

We hope that these comments are useful, and we would be happy to provide any further information required. The contact person is Christine Ross, Policy Advisor, Public Service Association (email: christine.ross@psa.org.nz) .

Public Service Association
P O Box 3817
Wellington

tel: 0508 367 772
www.psa.org.nz

April 2008