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SASFED
The South African Screen Federation

The South Africa Screen Federation represents the interest of the independent screen sector organisations of South Africa as a collective federation.

Ms. Pumela Cokie

Independent Communications Authority of South Africa

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15th August 2025

BY EMAIL: PCokie@icasa.org.za

Dear Ms. Cokie

RE: SUBMISSION TO THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA (ICASA) ON BEHALF OF THE INDEPENDENT PRODUCTION SECTOR REGARDING THE DRAFT DIGITAL TERRESTRIAL TELEVISION REGULATIONS, 2025

Introduction to SASFED

"The leading voice and champion of the South African Screen Industry."

The South African Screen Federation (SASFED) is the national federation of independent film, television and audio-visual industry organisations in South Africa. Founded in 2006 in response to Government's call for the independent screen industry to speak with a united voice, SASFED represents many professionals and companies that are operating in an increasingly diverse and growing sector. The membership of these organisations operates in all the provinces of South Africa, making SASFED's membership truly national.

SASFED'S Aims And Objectives

SASFED is driven and rooted in an appreciation of the specific interests, concerns, and programmes of each of its members:

- to empower, unify and strengthen the SA screen industry;
- to protect the rights of the SA screen industry and all that work in it through self-regulation;
- to lobby government wherever necessary to change legislation, regulations and policies to advance the South African screen industry and ensure its growth and development;
- to promote gender equality throughout the SA screen industry value chain;
- to transform the screen industry by opposing all forms of discrimination and oppression, recognising that to thoroughly fulfil its economic, social and cultural potential it must overcome the racial inequalities created under apartheid, and
- to encourage all members to adopt policies and implement programmes ensuring deliberate access by historically disadvantaged South Africans at all levels of their organisations and industry sectors.

SASFED is guided by a constitution, which states that only via bona fide industry bodies may join, and proudly represents the collective core of South Africa's independent screen industry, with full member organisations currently:

We appreciate the opportunity to submit our submission to ICASA.

1. INTRODUCTION: CONTEXT, MISSION AND IMPERATIVE FOR CHANGE

This submission encompasses voices from the independent production sector and builds on sector submissions, oral hearings and direct experience of the migration process.

As the national federation representing industry bodies (that, in turn, represent practitioners) in the screen sector, we welcome the opportunity to respond to ICASA's Draft Digital Terrestrial Television (DTT) Regulations, 2025 and we are profoundly invested in a regulatory environment that protects and expands the possibility for diverse, robust, local content production, public interest programming, and fair participation in a multi-platform digital ecology. SASFED is an active member and endorser of the policy positions advanced by the SOS Coalition and the Media Monitoring Africa (MMA), and our comments herein should be read as complementary and reinforcing that united sectoral vision.

The current regulatory moment confronts both a crisis and an opportunity. After years of policy delay, legal impasse, and failed implementations, South Africa stands at a decisive crossroads: the shape, inclusivity and sustainability of its digital broadcasting regime will either unleash a renaissance in local content and independent production, or it will cement an oligopolistic, exclusionary status quo.

As an organisation whose membership spans the whole audio-visual value chain (i.e. local producers, directors, writers, actors, animation and gaming studios and practitioners, crew, post-production businesses, and service companies, etc.) SASFED sits at the coalface of both the risks and the possibilities that digital migration entails. The digital migration should mark not the enclosure of the broadcasting sector by incumbents, but the dawn of a new era for audiences, for creators, and for the independent industry at every level. This requires hard, transparent thresholds for access and inclusion; regulatory and economic redistributive frameworks that privilege the public interest; new, participatory mechanisms of accountability; and a concrete shift in the viability and independence of the content production and broadcasting ecosystem.

All previous governments and ministers have - at least rhetorically - –invoked the promise that digital migration would unlock access and diversity, lower barriers to entry, foster new content, and provide audiences with a plurality of voices. Today, these ideals risk further retreat if regulation proceeds in a vacuum, without binding benchmarks for participation, content, reach, empowerment, fair access, and sectoral oversight.

Below follows our comments on this history 2025 regulatory moment.

2. PREMATURE ANALOGUE SWITCH-OFF: An Unacceptable Risk To Access And Inclusion

At the outset, SASFED unequivocally supports the SOS and MMA joint demand for hard, measurable public interest preconditions before any final ASO and legal implementation of the Regulations. At the heart of SASFED's submission lies an unambiguous position: transition to a digital regime must not be allowed to proceed in law or in fact until ICASA and government can, transparently and independently, demonstrate that at least 85% of all South African television households have effective, affordable access to digital television, whether via DTT or DTH. Not only is this threshold essential to safeguarding universal access to information and the national project of social cohesion, but it is the only way to avoid an historic injustice - the exclusion of millions, mostly the marginalised and poor, from the democratic public sphere at the flick of a regulatory switch. "Access" is not a theoretical figure; it must be measured in working set-top boxes or receivers in households, signal reliability on the ground, actual public awareness and uptake, and verifiable inclusion of rural, disabled, and linguistically diverse communities.

South Africa's history has made the consequences of top-down, rushed technical policy all too clear. The empirical evidence from provinces where analogue switch-off was implemented without adequate Set-Top Box (STB) deployment and public awareness is sobering: SABC experienced a catastrophic audience loss of up to 40% in affected provinces, an existential threat for the public broadcaster that also imperils independent production through collapsing advertising revenues and a shrinking marketplace for local content. Our sector has witnessed firsthand the stories of households left in the dark, small businesses shuttered, and skilled professionals left adrift due to regulatory decisions made without sufficient empirical grounding. SASFED, therefore, strongly supports the adoption of a clear, independently audited digital migration threshold, robust public reporting, and contingency measures to prevent or remedy any large-scale loss of access prior to legal ASO.

Specific Recommendations:

- No final ASO or commencement of the DTT regime should occur until at least 85% of all TV households have been independently verified as migrated to digital television (by DTT and/or DTH), with device availability, signal reliability, and affordability for indigent and rural users published and attested by Arm's Length audit.
- **Commencement Trigger and Transitional Safeguards**

  The Regulations should commence only upon an ICASA determination-supported by an independent audit-that ≥85% of TV households have migrated to digital (DTT and/or DTH), with verified device availability and installation capacity. ICASA should also require a minimum six-month dual-illumination per province after the audit threshold is achieved, and publish a monthly migration dashboard (by province and by reception path) until analogue switch-off is complete.

- **Set-Top Box Shortcomings:** The DTT process has been plagued by delays, inadequate registration, distribution failures, and a lack of retail device access, costing the SABC in particular up to 40% of its audience in test provinces. Until robust migration, the existing court judgment remains unsatisfied; current ASO plans are both irrational and, in SASFED's view, unconstitutional.
- **Transitional Support:** All further regulation must provide for dual illumination, transitional assistance for impacted users, and sufficient time for all stakeholders to prepare for the full cut-over.

3. MULTIPLEX ALLOCATION AND SPECTRUM POLICY: Redress, Diversity, and Dynamic Use

The allocation of Mux capacity is the engine room where the promise of digital transformation or entrenchment of the past is either realised or betrayed.

SASFED notes with deep concern a pattern in both the draft Regulations and historical practice: multiplex allocations have overwhelmingly entrenched incumbent recipients, often to the detriment of new entrants, smaller community broadcasters, and the independent sector. The proposed allocations of Mux 1 and 5 entirely to SABC are understandable given the public service mandate, but elsewhere, the pattern is one of consolidation. The allocation of 85% of Mux 2 to e.tv (a single commercial FTA broadcaster), and similar concentration in other multiplexes, risks ossifying the sector's historic power structure rather than democratising it.

We urge ICASA to move beyond mere percentage allocations towards a system that foregrounds empowerment, fair competition, diversity, and above all, dynamic sectoral renewal. Multiplexes should be subject to a public process for reallocation of unused, underutilised or hoarded capacity, with explicit preferences in line with other government imperatives. Transparency is a foundational value: all multiplex allocations and capacity usage must be a matter of public record, subject to independent sectoral and civil society audit, and reviewable at regular intervals.

The innovation-focused Multiplexes 6 and 7 should not simply serve as holding pens for deferred corporate experiments; instead, ICASA should ensure that participation in trials and pilots is genuinely accessible to independent and small-scale producers, with regulatory mechanisms for shared learning, knowledge transfer, and rapid scale-up of successful locally-driven innovations.

Specific Recommendations:

- **Establish public criteria and cycles for spectrum and capacity reallocation**, linked to observable benchmarks in transformation, content origination, and regional diversity.

  By linking spectrum and multiplex capacity reallocation to public, objective benchmarks in transformation (e.g. levels of ownership diversity), content origination (how much and by whom local content is made), and regional diversity, broadcasters and the regulator are compelled to regularly review whether spectrum use genuinely reflects South Africa's broader goals for equity and local growth***. This creates recurring opportunities for the independent production sector - especially those from underrepresented groups and regions - to access new broadcasting slots as benchmarks trigger reallocation, breaking the lock-in of legacy players and promoting continual sector renewal and opening***.

- **Rebalancing for Inclusion:** SASFED calls for a rebalance of multiplex allocations to guarantee a greater minimum share for community broadcasters, small, independent, black, women and youth-owned content providers, and new entrants, not just broadcasters who have dominated the analogue era.

  Rebalancing multiplex allocations to guarantee a greater minimum share for community, independent, black, women, youth-owned content providers, and new entrants - not just traditional big broadcasters - ***directly reserves spectrum and space for independent sector growth***. It provides legal certainty that a portion of future TV channel and content opportunities will always be available to smaller players, ***levelling the playing field and building a sustainable pipeline of work and development for independents***, rather than reinforcing status quo dominance by past analogue-era incumbents.

- **Community TV Capacity and Allocation Method**

  The 85%/15% MUX 2 split (commercial/community) is inadequate for plurality and growth. ICASA should raise community TV capacity to at least 30% of MUX 2 and adopt a transparent allocation method: (i) open call; (ii) provincial/regional balance; (iii) cost-oriented carriage tariffs; (iv) "use-it-or-lose-it" reallocation within **18–24 months** if idle.

Having set out the need to rebalance MUX 2 to expand community capacity and enforce "use-it-or-lose-it" discipline, we turn to the market structure and legal footing for any multiplex operator to ensure openness and competition.

- **Multiplex Operator: Legal Basis and Market Structure**

  Request for legal clarity: ICASA should clarify the statutory basis for licensing a DTT multiplex operator separate from existing IECNS/ECS frameworks-whether under specific sections of the ECA or via rule-making-and how open access and competition will be preserved (e.g., multiple operators and/or mandatory open access on fair, reasonable, and non-discriminatory terms), including transitional arrangements for any incumbent capacity holders.

- **Transparent Allocation Process:** The Authority must publish all allocation decisions and actual capacity usage. Under-utilised or hoarded spectrum must be reclaimed and reallocated swiftly via open processes, with explicit preference for public interest and transformation criteria.

  A requirement that all allocation decisions and data on actual spectrum usage be published, and that under-utilised or hoarded spectrum is reclaimed and reallocated openly (with a bias toward those meeting public interest and transformation criteria), ensures that ***the independent production sector can monitor upcoming opportunities, prepare bids, and hold incumbents accountable***. Transparency reduces backroom deals and ensures that genuine independent, transformative, and regional actors get a fair shot when spectrum is redistributed, while also deterring anti-competitive warehousing of capacity.
- **Future-Proofing and Flexibility:** Multiplexes 6 and 7, reserved for “future innovation,” must have annual public reporting, with set quotas for experimental, regional, and underrepresented genres - especially from new AV sector entrants and those outside major metros.

  By mandating annual reporting and setting quotas for experimental and underrepresented genres (with clear focus on new entrants, regions, and non-mainstream AV content), the policy transforms “future innovation” multiplexes into active launchpads ***for independent creators outside the metro mainstream***. ***This lowers barriers for new and experimental forms of content and for independents based outside traditional power centers*** - creating protected space for risk-taking, local stories, and unique producer voices to test, pilot, and scale their work.

All of these measures break the market grip of legacy broadcasters, create regular and transparent points of entry for an independent and transformative independent production sector and guarantee that South Africa’s public assets - its spectrum - fuel diversity, redress, and sustainable sector growth.

4. CHANNEL AUTHORISATION: Openness, Audit, And The Cultivation Of An Independent Content Ecosystem

The channel authorisation process is not a bureaucratic formality. It is the critical regulatory gate for the commissioning, funding, and broadcast of local content. All applications for channel authorisation, renewal, or transfers must be accompanied by clear, detailed disclosures of anticipated and actual spending on new South African content, with breakdowns by independent commissioning, company size, region, B-BBEE status, and other transformation metrics. These must be made public and subject to routine sectoral audit. SASFED proposes that ICASA introduce baseline terms of trade for commissioned production, guaranteeing fair payment timelines, IP retention possibilities, royalty or backend participation, and the elimination of perpetual, unfair buyout clauses. The sector has for too long suffered from exploitative patterns that see rights and revenues flow up the value chain to a handful of dominant entities, leaving creators and small businesses structurally vulnerable.

To make the public-interest and local-content outcomes enforceable, ICASA should amend Regulation 5 to require specific information from channel applicants that evidences commissioning, fair terms of trade, supplier diversity, cash-flow, and discoverability commitments. The proposed wording is set out in Annexure A (for free-to-air and subscription channels respectively). We request that the Authority include these items after Reg 5(1)(a)–(f) for FTA channels and as “over-and-above” requirements for subscription channel approvals.

We further recommend that ICASA prescribe open, competitive commissioning processes for all significant broadcasters, including periodic public pitch calls and the publication of selection criteria. Licensees should report annually, in standardized formats, on the number of pitches received, the proportion from small or new companies, and the eventual commissioning outcomes, with all data disaggregated by region, race, gender, and language.

(*Refer further to our submission to ICASA regarding The Review of the 2009 Regulations on the Commissioning of Independently Produced South African Programming*).

Specific recommendations:

- **Local and Independent Content Quotas:** Channel authorisation processes and ongoing conditions must be premised upon minimum percentages of newly commissioned, first-run South African content, clearly disaggregated by independent supplier, region, black, women and youth ownership.
  By setting clear quotas for newly commissioned, first-run South African content - and specifying a breakdown by independent supplier, region, and ownership demographics - regulation guarantees ***a minimum volume of work and spend flows to the independent sector***. Explicitly disaggregating by black, women, youth, and regional ownership ensures that ***a diverse range of independent producers can access meaningful commissioning opportunities***, rather than resources being captured by a handful of large incumbents.

This drives economic activity, skills development, and job creation in the sector, while promoting inclusion and transformation.

- **Related-party guardrails**: To prevent vertical integration from crowding out SMEs, ICASA should require: (i) a cap on related-party commissions (by hours and spend) per channel per year; (ii) full disclosure of all group suppliers, with transfer-pricing/benchmarking policy; and (iii) annual audit of compliance, reported to the Authority.
- **Development and Slate Fund:** Every channel authorisation should include a Development and Slate Fund of no less than 3–5% of the annual content budget for scripts, pilots and proofs-of-concept, accessed via open calls with published timelines and feedback. Outcomes (projects advanced, producers supported, regional spread) must be reported annually to the Authority.
- **Producer and Writer Data Access (beyond ICASA reporting)**: In addition to reporting to the Authority, licensees must provide confidential, quarterly, title-level dashboards to contracted producers and contracted writers (including the head writer/showrunner) setting out, at minimum: reach, completion, average minute audience, time-spent, and, where applicable, episode-by-episode retention. The data must be aggregated, anonymised and privacy-compliant, delivered within 30 days of quarter-end, and used under NDA for commissioning, development and finance purposes. This transparency unlocks finance, improves writing and slate quality, and enables evidence-based commissioning.
- **Public Interest and South African Content Preference:** Authority to grant new channel slots and approve content must privilege services with demonstrable public interest, including language, genre, and regional diversity and majority SA creative participation.

  Giving regulatory preference to channels and content that prioritise public interest, local language, regional diversity, and South African creative participation means broadcasters are incentivised to seek out and commission more locally relevant, authentically South African content. Since independent producers are often better placed than in-house teams or conglomerates to deliver such programming (with close connections to communities, languages, and new genres), ***this directly increases demand for independent productions and gives them a competitive advantage in winning commissions for new channel slots***.
- **Open Call Process:** Major broadcasters must be required, in regulation, to issue regular public commissioning calls, report on all pitches received, and document how selection materialises across the sector.

  Mandating that major broadcasters publicly call for pitches, transparently report on all submissions, and account for selection outcomes ***creates a more level playing field for***

independent players, especially those outside established networks. It mitigates "closed-door" practices and helps ensure new, smaller, and regionally based players can access commissioning opportunities. This transparency can help ***identify and address bias or bottlenecks, while driving broader and fairer access to the market for independent creatives across the country***.

- **Firm Timelines:** Existing regulation requires forfeiture of un-utilised capacity after 36 months. SASFED recommends this period be reviewed downward (to 18-24 months), to ensure vital spectrum is not locked away while new entrants are frozen out.

  Shortening the forfeiture period for unused broadcast capacity (from 36 to 18 - 24 months) prevents dominant players from "warehousing" spectrum and holding exclusive rights without launching new services. ***This accelerates the recycling of opportunities,*** enabling new channels - ***including those run by or allied with independent players*** - ***to enter the market sooner***. In practice, it means more chances, more quickly, for the independent sector to launch channels and supply programming to broadcasters eager to use new spectrum.

- **Strengthen Local Independent Participation in Channel Applications (Reg 5(5))**

  SASFED proposes that, for free-to-air broadcasting service channel authorisation applications, the following additional details be required:

  - A breakdown of local content hours and explicit commitments to commissioning original content from unrelated, independent South African producers.
  - The percentage of total programming budget to be spent on new local content from independent producers, with benchmarks for black, women, and youth-owned enterprises.
  - A description of open commissioning processes, including annual calls for proposals and transparent evaluation criteria.

  These additions would help ensure that the FTA licensing process genuinely supports the local independent sector and delivers new, high-quality programming in support of transformation, audience diversity, and skills growth.

- **Subscription Broadcasting Service Applications (Reg 5(6)): Detailed Local and Independent Content Metrics for Subscription Channel Applications**

  SASFED recommends that, in addition to the information required by Subscription Broadcasting Regulations, all subscription service channel applications must:

  - Disclose the planned share of South African-produced content (by hours and spend).
  - Specify what portion of new commissions will be offered to unrelated, independent, black, women, and youth-owned producers.

- Include proposals for transparent and public commissioning windows, particularly for genres that build broad public value (factual, children's, regional language, etc.).
- Set out measurable mentorship, training, and skills transfer plans for the independent sector.

ICASA should require annual public reporting on these commitments as a condition of ongoing channel authorisation.

5. LOCAL CONTENT AND DEVELOPMENT: From Quotas To Sustained Economic Multiplier

Local content obligations must be binding, escalating, and carefully designed not to allow for loopholes such as repackaging archival material or shuffling repeats to satisfy quotas. SASFED calls for the introduction of dual quotas by hours and by spend, with meaningful sub-quotas for new content actually originated and commissioned from unrelated, truly independent South African producers. There must be additional targets for spend and hours devoted to black, women, and youth-owned enterprises, regional and linguistic diversity, and the development of genres underrepresented in the current landscape such as factual, children's, and educational content in indigenous languages.

License conditions for all DTT broadcasters and platforms must require annual reporting on first-run commissions versus repeats, expenditures on local facilities and talent, and explicit commitments to training, mentorship, and development within the production community.

ICASA must support the economic multiplier effect generated by meaningful local content regulation, recognising the proven role the sector plays in direct and indirect job creation, skills transfer, nation-branding, and regional development. Non-compliance must have real, escalating consequences, including both financial penalties and potential curtailment of multiplex or channel rights for serial offenders.

Specific recommendations:

- **Spend and Hours Metrics:** All local content quotas should be codified both as a proportion of hours scheduled and total commissioning/editing expenditure, with annual sectoral audits. Strong sub-quotas for independent, black, women, youth-owned, and regional suppliers should be written into licensing terms (SASFED members the Independent Producers Organisation and the Independent Black Filmmakers' Collective have conducted research in this regard and would be happy to present it to ICASA).

Requiring broadcasters to meet local content quotas not just in *hours*, but also as a proportion of *commissioning and editing expenditure*, prevents them from meeting their regulatory obligations by buying low-cost or filler content and instead ensures that ***meaningful investment is directed to the creation of high-quality local programming***. By mandating strong sub-quotas specifically for independent, black, women, youth-owned, and regional suppliers in these quotas - and auditing sectoral compliance annually - ICASA would guarantee both more work and better-funded projects for a ***wider and more diverse group of independent production practitioners. This creates more stable demand, increases business opportunities, levels the playing field, and fosters a dynamic, inclusive ecosystem where independent content creators can thrive and grow.***

- **Developmental Obligations:** SASFED supports inclusion of explicit training, mentorship, and skills transfer provisions in licensing conditions, with a portion of content budgets dedicated to sector development and emerging filmmakers.

  Explicit developmental obligations written into broadcaster licensing mean that a portion of every content budget must go towards training, mentorship, and skills transfer - including for emerging filmmakers and under-represented groups. ***This directly builds the pipeline of new talent and skills in the independent production sector***, allowing established independents to take on mentorship and development roles (funded by these obligations) and enabling emerging independents to gain experience, relationships, and credentials. ***Over time, this strengthens the skills, quality, and sustainability of the entire independent sector, especially for those historically excluded.***

6. SIGNAL DISTRIBUTION: Reigning In Monopolistic Practice, Enable Sectoral and Affordable Entry

SASFED would be remiss not to highlight the continued dominance of Sentech, which maintains a near-monolithic hold over signal distribution, resulting in high carriage rates, exclusion of new entrants, and distortion of market competition. The current draft Regulations gesture towards non-discriminatory provision of services via ECNS licensees, but these steps must go further. ICASA should establish robust price controls and transparent tariff-setting for carriage fees, with particular regard for community and independent broadcasting entities and should facilitate a new era of competitive, multi-provider environment where Sentech's dominance gives way to genuine choice and efficiency. Where government signal subsidies are made available, these must be wholly and transparently passed through to the ultimate beneficiaries, and accompanied by routine, independent compliance audit.

Furthermore, the appointment of multiplex and signal distribution operators must be carried out through a transparent, competitive process open to new entrants and must avoid the ossification of current market share. Stakeholders must be afforded genuine recourse in the event of exclusionary or anti-competitive pricing, including access to summary determination processes at the ICASA level.

Specific recommendations:

- **Pro-Competitive Regulation:** ICASA must expedite the opening of signal distribution to multiple ECNS licensees, regulated for fairness, non-discrimination, and capped pricing.

  Opening signal distribution to multiple ECNS licensees breaks the current market dominance held by a single provider (e.g., Sentech), increases competition, and prevents monopolistic behaviours that can drive up transmission costs, stifle innovation, and limit broadcaster diversity. By creating a fair, non-discriminatory, and competitively-priced environment, smaller and new broadcasters gain affordable access to carriage. ***This, in turn, boosts demand for independently produced content, as more platforms and channels can sustainably operate and commission work from the independent production sector.***
- **Tariff Regulation and Subsidy Pass-Through:** Tariffs for SABC, community broadcasters, and new entrants must be regulated and transparent. Where government subsidies are made, they must be fully passed through to further reduce carriage fees.

  This reduces the cost and operational burden for broadcasters (especially SABC, community, and new entrants) who are typically the primary commissioners of independent content. Capped and transparent tariffs guarantee that small, diverse, and public-interest broadcasters are not priced out by high carriage fees, meaning more broadcasters are able to launch and sustain channels - ***each a potential buyer for independent producers.***
- **Public Reporting:** All signal distribution agreements and tariffs must be made publicly available and audited for compliance and fairness.

  Public reporting of signal distribution agreements and tariffs increases transparency and accountability. By making these agreements and costs visible, it prevents anti-competitive practices and market abuse (such as discriminatory pricing or preferential carriage). This ensures more equitable access to distribution for a wider range of broadcasters, including small, independent, and public-interest channels. When more diverse broadcasters can afford and access distribution fairly, ***there are more potential commissioners and platforms for independent production players to sell their content.*** Transparent reporting thus helps protect the ecosystem from dominance by a few major players, drives competition, and creates more commercial opportunities for the independent production sector - all while promoting diversity of content and voices on air.

ELECTRONIC PROGRAMME GUIDES (EPG) AND DATA SERVICES: Guaranteeing Visibility For Local And Independent Content

With the explosion of channel choice in a digital environment, discoverability becomes central to public access, diversity, and the sustainable growth of new channels. ICASA must codify EPG prominence rules that ensure new, local, and independent content is readily accessible and cannot be relegated to obscure or inconvenient positions on digital guides. Such rules should be developed with direct participation from user, community, and independent sector voices. Moreover, all DTT data services, including EPG and service metadata, must be accessible to all broadcasters and channel providers under fair, transparent and non-discriminatory terms.

Guaranteeing EPG prominence for local and independent content ***directly assists the independent production sector in several specific ways***:

- **Ensures visibility and audience reach:** In a digital environment where viewers navigate hundreds of channels, shows produced by independents can easily become "buried" or lost if not featured prominently on Electronic Programme Guides (EPGs). Codified EPG prominence rules require that new, local, and independent content is easy to find - being assigned favourable guide positions, category placements, and search tags. This increased accessibility means that ***independent content is more likely to attract audiences, drive viewership, and thereby generate revenue, ratings, and advertising opportunities for both the independent production sector and broadcasters***.
- **Levels the playing field with major incumbents:** Without regulatory oversight, large established broadcasters may use their influence to push their own or affiliated content to the most visible EPG slots, while sidelining offerings by smaller or independent producers. ***Mandatory EPG prominence for local/independent content prevents this form of gatekeeping or discriminatory "guide stacking", opening up fair competition for audience attention***.
- **Promotes content diversity and plurality:** By mandating that EPGs feature a broad range of local and independent productions across different languages, genres, and regions helps ensure the digital platform reflects the country's diversity and ***supports cultural, linguistic, and creative pluralism, benefiting a wider array of independent production players and communities***.

- **Secures fair access to DTT data infrastructure:** By making data services (EPG data, service metadata, etc.) accessible to all broadcasters and channel providers on non-discriminatory terms, ***independents can participate fully in digital channel environments*** - submitting show schedules, synopses, and graphics - without facing exclusion or excessive costs imposed by dominant players. This enables professional presentation, marketing, and discoverability for their productions.
- **Empowers sector participation in rule-making:** Requiring the independent sector, users, and community representatives to be directly involved in shaping EPG prominence rules ensures that the resulting regulations ***genuinely address indie sector needs, guard against tokenism, and reflect real-world discoverability challenges***.

- **EPG prominence – Concrete Instruments *(To be further informed by the sector)***

  ICASA should prescribe the following minimum instruments to guarantee discoverability of public-interest and South African content:

  a) **Logical Channel Numbering (LCN):** SABC services in LCN 1–10; other public-interest services (community, education, parliamentary) in LCN 11–20; regional/language public-interest services in LCN 21–30.

  b) **Adjacency and clustering:** Group South African channels and regional/language variants contiguously; require adjacency between SABC core services and their language/regional companions.

  c) **Default UI placement:** For digital UIs, require public-interest and South African originals to appear in default rows/rails (home, live, guide) above commercial promotions.

  d) **Search and Voice Priority:** South African channels and titles must rank in the top tier search results for relevant queries (title, talent, language, genre).

  e) **Promo Inventory:** Minimum on-platform promo inventory per South African original at commissioning (trailers, hero tiles, carousels).

  f) **Compliance metric:** Annual EPG/UI compliance certification filed with ICASA, including screenshots/screencaps and LCN maps.

Strengthened EPG and data access rules help independent producers reach viewers, compete in a crowded market, and enjoy equitable access to digital broadcasting's core benefits - supporting their sustainability, growth, and creative contribution to the national media landscape.

- **Accessibility Quotas (Captions and Audio description): Accessibility obligations *(To be further informed by the sector)***

  To expand audience reach and inclusion, ICASA should set rising accessibility quotas per channel authorisation:

  a) Year 1: ≥ 50% of hours broadcast with subtitles/closed captions (CC); ≥ 10% with audio description (AD) for new first-run programming.

  b) Year 3: ≥ 80% CC; ≥ 25% AD (first-run).

  c) Year 5: 100% CC; ≥ 40% AD (first-run), with priority for children's, news and educational programming.

  Licensees must file an annual accessibility plan and report progress to ICASA.

  Rising captioning and audio-description quotas broaden audiences and ensure South African originals are accessible to all viewers, improving reach, compliance, and long-term value.

7. TRANSITION MANAGEMENT: PROTECTING JOBS, BUSINESSES, AND AUDIENCES DURING REGULATORY CHANGE

Before any analogue switch-off or final migration, ICASA and government must publish comprehensive, independently conducted audits of STB deployment, household migration, digital literacy, and the impact on marginalised and vulnerable groups. This reporting must not serve merely as a box-ticking exercise, but must directly inform contingencies for continued support, including ongoing dual illumination, transitional funding for at-risk independent businesses, and emergency assistance for content enterprises jeopardized by signal disruptions or abrupt market shifts.

Requiring comprehensive, independently conducted audits and contingency plans before analogue switch-off ***directly benefits the independent production sector in several key ways***:

- **Mitigates Sudden Loss of Audience Reach:** By ensuring that STB deployment and household migration are adequately handled, the ***independent production sector is less likely to suffer audience drops due to technical cutoffs***, which safeguards viewership for their content and, by extension, ***their advertising and commissioning opportunities***.
- **Secures Business Continuity and Cash Flow:** Independent audits can reveal gaps where our sector might otherwise lose commissions, suffer delayed payments, or see cancelled projects due to broadcasters' financial distress in a poorly managed transition. Transitional funding and emergency assistance provisions provide ***a lifeline for small companies at risk of collapse*** if their content cannot reach audiences or if buyers' revenue streams dry up.

- **Protects Jobs and Livelihoods:** The independent sector is highly labour-intensive and made up primarily of small and medium-sized enterprises (SMEs). Transitional support ***helps protect thousands of jobs in the content creation sector***, reducing the risk of mass layoffs due to sudden market shocks from audience fragmentation or broadcaster revenue shortfalls.
- **Keeps Local Content Pipelines Flowing:** Where signal disruptions or abrupt market shifts occur, properly resourced contingency plans can ensure that broadcasters and platforms continue to commission and broadcast local independent content, ***helping to sustain the viability of the South African screen industry*** and maintain cultural diversity on-air.

- **Improves Policy Responsiveness:** By making transition management data transparent and actionable (not box-ticking), ***the regulator can respond in real time to challenges faced by independent content makers***, adjusting timelines or supports as needed instead of risking irreversible industry damage.

Comprehensive transition management, grounded in robust data and real contingency planning, not only protects audiences but also gives the South African independent production sector the time, stability, and support they need to survive and adapt during far-reaching regulatory and technology shifts.

8. ONGOING SECTOR ENGAGEMENT AND OVERSIGHT

A hallmark of progressive, effective regulation is ongoing, well-resourced, and capacious engagement with sectoral stakeholders. SASFED demands permanent, not episodic, representation on all ICASA working groups, advisory forums, and message-testing processes related to DTT, local content, transformation policy, and enforcement. This is not a matter of lobbying, but of democratic governance: laws made for the sector must be made *with* the sector. This engagement must stretch across not only regulatory drafting and implementation, but also ongoing oversight - SASFED recommends a five-yearly comprehensive regulatory review, with annual interim reporting for continuous calibration and correction.

Permanent, structured engagement and oversight (ongoing representation on all ICASA forums and a regular review cycle) ***support the independent production sector in several important and practical ways***:

8.1 *Continuous Representation of Our Independent Production Sector Interests*

- **Direct Sectoral Voice in Decision-Making:** Ensuring that SASFED and similar bodies have permanent seats, not just episodic involvement, means that ***policy and***

regulatory choices always take into account the realities and needs of the independent production sector. This prevents regulations from being shaped solely by larger incumbents, state bodies, or commercial interests, resulting in rules more supportive of the independent sector's growth and sustainability.

- **Early Warning and Input:** Sector representatives can flag emerging issues (such as market consolidation, unfair commissioning practices, delayed payments, or threats to local content quotas) ***before they become entrenched, ensuring proactive regulation***.

8.2 *Accountability, Transparency, and Regulatory Learning*

- **Annual and Five-Year Reviews:** Formal, periodic reporting and five-yearly comprehensive reviews create mechanisms for accountability and course correction. If a particular regulation (say, on local content quotas, commissioning, or funding) ***is not benefiting the independent production sector as intended, this can be identified and addressed***.
- **Evidence-Based Policy Adjustments:** The sector's direct, ongoing feedback enables adjustments ***based on data and actual industry outcomes***, rather than theoretical expectations.

8.3 *Alignment with Sector Transformation and Skills Development*

- **Inclusive Policy Implementation:** Continuous consultation ensures regulations promote transformation, ***empower new entrants, and encourage diversity*** in ownership, storytelling, language, and genre.
- **Skills and Capacity Building:** Increasingly, regulation intersects with training, support for emerging practitioners, and enabling access to DTT platforms. Ongoing engagement ***ensures these aspects are not overlooked***.

8.4 *Fostering a More Vibrant Local Content Ecosystem*

- **Enforcement of Local Content Outcomes:** Consistent sector input is vital for monitoring compliance with local content mandates, ***supporting jobs, and stimulating demand*** for South African stories and production talent.
- **Balanced Power Dynamics:** Permanent engagement prevents decisions skewed towards powerful incumbents, helping smaller, independent companies get ***fair access to DTT capacity, commissioning opportunities, and regulatory benefits***.

8.5 *Strengthening Democratic and Transparent Governance*

Rulemaking 'With' the Sector, Not 'For' the Sector: Embedding the independent production sector in ICASA's regulatory processes enhances sector trust, reduces policy gaps, and ensures laws reflect real-world sector dynamics and challenges.

Ongoing, well-resourced engagement and regular multi-year oversight mean regulation remains relevant, fair, and growth-oriented for the independent production sector. It supports a dynamic, inclusive, and competitive South African audiovisual industry by ensuring independent voices are consistently heard, sectoral data is embedded in regulatory practice, and policies adapt to changing real-world needs.

OTT/STREAMING REGULATION AND PLATFORM FAIRNESS

The regulatory, market, and audience environment for South African screen content is now thoroughly converged: viewers access audiovisual works via digital terrestrial television (DTT), satellite (DTH), smart TVs, and, increasingly, global and local streaming/OTT (Over-the-Top) platforms. SASFED is concerned that the continued lack of harmonised regulation for OTT/Streaming platforms risks the further marginalisation of South African content and undermines the viability of the independent production sector. The regulatory framework, therefore, must provide for harmonised, future-proof measures that ensure:

- **Level Playing Field**: SASFED urges ICASA and policy authorities to ensure that platforms delivering audiovisual content to South African audiences - regardless of the transmission technology - be subject to equivalent local content obligations, discoverability requirements, and levy/funding contributions. It is critical to avoid a "two-track" system in which DTT and DTH bear disproportionate obligations while OTT/streaming platforms siphon audiences and advertising free of domestic responsibilities.
- **Local Content Discovery and Quotas on Streaming**: SASFED recommends that, as part of the DTT regulatory review and forthcoming policy process, ICASA:
  - Investigates the feasibility of imposing local content minimums (as a percentage of catalogue or spend) on global and local OTT/streaming operators.
  - Considers mandatory discoverability/prominence of South African and independent production on all major OTT platforms accessible in South Africa, including EPG-style or "featured" placement for local works.
  - Explores a levy or contribution mechanism applied to streaming/OTT platforms, dedicated to funding independent and transformative SA audiovisual production, in line with international trends (e.g., France, Australia, Canada, Nigeria).

- **Equitable Access for SMEs and Regional Voices**: Any regulatory framework must guarantee that South African SME producers, regional content, marginalised languages, and stories from underrepresented groups can secure both prominence and fair commercial terms on OTT/streaming platforms.
- **Inclusivity and Accessibility**: ICASA should compel platforms to ensure accessibility for persons with disabilities (subtitles, audio description), language diversity, and compliance with the spirit of the Broadcasting Act and the Constitution.
- **Transition and Harmonisation**: The transition plan to full digital broadcasting (post-ASO) must explicitly address ongoing regulatory integration and cross-platform content, prominence, and investment obligations across DTT, DTH, and OTT, to ensure a seamless and fair media landscape that supports local jobs, voices and innovation.

We recommend that the Authorities:

- Initiate an inquiry into discoverability and local content minimums for all licensed streaming/OTT platforms, with a view to introducing obligations similar to those required of DTT and DTH licensees.
- Propose the introduction of prominence rules for local and independent content on OTT platforms accessible to South African audiences, to ensure South African stories are visible and accessible.
- Explore local content investment and/or levy models (as adopted internationally), to ensure streaming platforms contribute to the domestic content production ecosystem.

SASFED views these as essential steps in supporting a sustainable, inclusive broadcasting and screen sector in the digital age. We request that these considerations be included in all future regulatory and policy reviews post-ASO.

The Stakes and the Path Forward

SASFED respectfully reminds ICASA that the entire rationale for digital migration in South Africa was, and remains, one of social and economic transformation. Failure to grasp this promise risks deepening existing inequalities, impoverishing cultural life, and mortgaging the future of an entire industrial ecosystem. A truly inclusive, future-oriented DTT regulatory regime must deliver auditable support for the growth of the independent sector and new entrants; radically increased local content on screens; transparent and fair access to markets and audiences for historically disadvantaged groups; rigorous mechanisms for ongoing oversight and sectoral participation; and, above all, a television landscape that reflects, enables, and amplifies the diversity, creativity and aspirations of the South African people.

Our recommendations and proposed regulatory approaches, in particular, implementing robust price controls and transparent tariff-setting for carriage fees, setting audience-centric ASO thresholds, rebalancing multiplex allocations in favour of community TV, strengthening signal distribution regulation, and locking in local content outcomes directly assist the independent production sector in several key ways:

a) Lower Barriers to Market Entry and Sustainability

- *Affordability for Broadcasters*
  By capping and regulating carriage fees, especially for community and smaller broadcasters, more local and diverse channels can afford to broadcast. These broadcasters are the primary commissioners of independent content, providing crucial work for independent producers, writers, and creatives.
- *Reduced Risk of Market Exit*
  Transparent and fair pricing prevents sudden fee hikes that could force smaller and independent-content reliant players off the air, ensuring continued demand for local production.

b) Expanded Opportunities via Increased Channel Capacity

- *More Channel Openings*
  When multiplex allocations are rebalanced to favour public and community broadcasters (who are mandated or incentivized to commission local/independent content), there are more slots available for diverse programming and new entrants.
- *Reduced Dominance of Big Players*
  Preventing too much spectrum/controller power from being consolidated under large incumbents (who may favour in-house or international content) ensures independents have a better shot at being commissioned.

c) Local Content Quotas and Outcomes

- *Secured Market for Local Production*
  Locking in local content outcomes (quotas on hours and spend) creates a guaranteed, regulated minimum demand for independently produced South African content. Broadcasters can't just fill airtime with cheap imports or repeats-they must spend on new, homegrown programming.
- *Support for Diversity*

These requirements incentivize variety (different genres, languages, and perspectives), not just volume, supporting a healthier, more representative independent sector.

d) Protection Against Regulatory and Market Uncertainty

- *Audience Thresholds Prevent Sudden Loss*

  Audience-centric digital migration thresholds prevent premature switch-off, which in previous transitions caused huge loss of viewership (and thus advertising/revenue/commissions) - especially affecting the SABC and community broadcasters, who are large buyers of independent content.
- *Predictable Regulatory Environment*

  With clear, transparent rules, independents can plan investments, secure financing, and take risks - knowing the commissioning market will not collapse due to regulatory shocks or cost spikes.

e) Inclusive Growth and Industry Development

- *Community and Smaller Broadcasters as Anchors*

  When community TV is given a fairer share of multiplex capacity and lighter carriage fees, they can commission community-driven, language-diverse, and local-interest content-nearly always the domain of independent producers.

- *Empowerment and Sectoral Transformation*

  These measures especially benefit new entrants, black-owned companies, and regional practitioners, fostering transformation and a more equitable industry structure.

In summary, these regulatory actions lower the costs and risks of broadcasting local content, create more commissioning platforms, and lock in obligatory investment in independent production. ***This translates to more jobs, skills development, diverse storytelling, and a sustainable, vibrant independent production sector in South Africa.***

Taken together, these provisions ensure both immediate and medium-term advantages for independent content producers: more spend, more opportunities for new entrants, and a stronger, more skilled industry overall. SASFED remains available to engage further with ICASA on any technical and drafting discussions and to provide model wording etc on request.

We reiterate our unwavering commitment to a digital broadcasting environment that is robust, equitable, diverse, and fit for South African technological, social and economic realities and we hope and insist that ICASA's final regulations will reflect these imperatives in substance, administrative design, and above all, in the lived experience of all South Africans - creators and audiences alike.

SASFED looks forward to being a core partner in the journey towards a just, diverse, and dynamic South African television landscape.

Yours sincerely

UNATHI MALUNGA

Executive Officer