



15 December 2020

FOR ATTENTION:

Mr Ndumiso Ndana
Project Manager

Per email: Ndana@icasa.org.za

Dear Mr Ndana

Re: Consumer Advisory Panel Comments on ICASA Draft Digital Sound Broadcasting Service Regulations, November 2020

It our pleasure to submit comments on the above-mentioned Draft Regulations to the Independent Communications Authority of South Africa's (ICASA) as Consumer Advisory Panel (CAP).

We are looking forward to engaging further with ICASA during this process.

Kind Regards,

PP 

Noxolo Gogo (APR)
CAP Chairperson



CONSUMER ADVISORY PANEL

COMMENTS ON THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA DRAFT DIGITAL SOUND BROADCASTING (“DSB”) SERVICES REGULATIONS

1. INTRODUCTION

- 1) The Independent Communications Authority of South Africa (ICASA) published its Draft Digital Sound Broadcasting Services Regulations Gazette No. 43900 on 13 November 2020 for public comment (hereinafter, “Draft DSB Regulations”).
- 2) The Consumer Advisory Panel (CAP) was established by ICASA in terms of section 71 of the Electronic Communications Act of 2005. The role and functions of CAP are governed by the Consumer Advisory Panel Regulations, 2017 as amended.
- 3) The main role of CAP is to represent a consumer segment and create an enabling environment that allows regulation of the electronic communications, broadcasting or postal services, and consumer insight which will enhance ICASA’s consumer protection mandate.
- 4) CAP’s response to ICASA’s Draft Sports Regulations is informed by Regulation 4.2 and 4.5 of the CAP Regulations, 2017.
- 5) CAP’s function in terms of regulation 4.2 is to provide a consumer perspective through commentary on relevant regulations and regulatory projects published for public comment. Furthermore, regulation 4.5 requires CAP to comment on draft regulations impacting consumers, specifically and especially vulnerable groups such as the elderly, persons with disabilities, and those living in under-serviced areas.
- 6) CAP welcomes the opportunity to comment on the Draft Regulations.



2. SPECIFIC COMMENTS

We have limited our comments to the Framework for DSB Services to only those issues which have the most impact on consumers.

2.1 A phased introduction of DSB Services

CAP welcomes phased approach for primary and secondary markets. We believe this will ensure that the introduction of such services is not disruptive to the market, giving ICASA, consumers and new entrants' time to adjust to the new market conditions.

2.2 Option for existing sound broadcasting service licensees to simulcast programmes on analogue and digital platforms

CAP welcomes ICASA's decision to grant this option to incumbent sound broadcasting service licensees. This option will be highly beneficial to both consumers and licensees in South Africa. We believe that this will limit the impact of the switchover on vulnerable consumers who, due to a lack of resources, will find the switchover difficult to manage in terms of end-user equipment acquisition. We note the National Association of Broadcasters of South Africa's written submission to the Department of Communication¹ which refers to the costs of DAB+ receivers. We echo the concern that this expense, may be prohibitive to consumers in rural areas. It is important that the costs of these receivers do not become a barrier to vulnerable and poor consumers' access to DSB services when they are rolled out.

¹ National Association of Broadcasters (2018). Written submission in response to the Department of Communication Policy Directive on the Introduction of Digital Sound Broadcasting Services p3 accessed online on <https://www.nab.org.za/resources/entry/the-nab-written-submission-to-the-doc-policy-directive-to-icasa-9-november>



There are lessons learnt from the protracted switchover from analogue to digital television in South Africa which should be taken into consideration for this option. These include the importance of a dual illumination period and the accompanying public/consumer awareness and education efforts to ensure a successful switchover. This will ensure that universal access and service is not negatively impacted during the switchover period for existing sound broadcasting service licensees who will exercise this option.

2.3 Consideration of Applicants without existing sound broadcasting services

This consideration is welcomed by CAP as it will promote competition and ensure the introduction of new market entrants that are referred to in the Ministerial Policy Direction². Consumer access to diverse programming is an important aspect of the three-tier broadcasting system, coupled with restrictions on ownership in South Africa. We welcome this condition as it will open opportunities to enter the broadcasting space for new entrants' thereby encouraging diversity in terms of ownership and subsequently voices in the South African Broadcasting landscape.

3. CONCLUSION

CAP welcomes the opportunity to make a written submission to ICASA's Draft DSB Regulations. We support the introduction of a framework for licensing DSB services.

- Issue of standards
- Cost of end user equipment

² Department of Communication (2018). *Policy Directive on the Introduction of Digital Sound Broadcasting Services in South Africa Government Gazette No 41928 of September 2018. Government Printers. Pretoria*



Noxolo Gogo (APR)

Chairperson: Consumer Advisory Panel