



The Independent Communications Authority of South Africa
The Chairperson, Mr Mothibi Ramusi
350 Witch-Hazel Ave
Eco-Park Estate
Centurion, 0144

For the attention of: Ms. Pumela Cokie

Per email: PCokie@icasa.org.za

13 June 2024

Dear Sirs / Mesdames

**NOTICE OF INTENTION TO CONDUCT AN INQUIRY ON THE REVIEW OF THE
DIGITAL MIGRATIONS REGULATIONS, 2012**

1. The National Association of Broadcasters (**NAB**) refers to the publication for comment by the Independent Communications Authority of South Africa (the **Authority**) of the Notice of Intention to Conduct an Inquiry on the Review of the Digital Migrations Regulations, 2012, published on 22 March 2024 in the Government Gazette No. 50329, Notice 2385 of 2024 (the **Review of the Digital Migrations Regulations**).
2. The NAB is a leading representative of South Africa's broadcasting industry, representing the interests of all three tiers of broadcasters (public, community and commercial). Our members include the SABC, all the licensed commercial television broadcasters; e.tv, Multichoice, M-Net, and StarSat-ODM, independent commercial radio broadcasters such as Kaya FM, YFM, Smile FM, Rise FM, YOU FM, Hot 102.7FM, and radio services of media groups Primedia, Kagiso Media, MRC Media, AME, MSG Afrika and a number of community radio broadcasters, and a community television broadcaster, Faith Terrestrial. The NAB membership also extends to signal distributors as well as a range of industry associates.

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The NAB is a voluntary industry association funded by its members





3. The NAB welcomes the invitation by the Authority to make written representations on the Review of the Digital Migrations Regulations. We understand that interested stakeholders have been requested to provide submissions by 13 June 2024.
4. The NAB is aware that a number of its members will be making individual submissions on the Review of the Digital Migrations Regulations, and will therefore confine its comments to those aspects of the review relating to the broadcasting industry as a whole. The NAB will not address each and every query set out in the Review of the Digital Migrations Regulations on *ad seriatum* basis, but will provide high-level submissions on the document. The NAB participates in this process with the aim of providing constructive input for ICASA and looks forward to engaging further with ICASA on these issues.
5. At the outset, the NAB wishes to note its support for the Review of the Digital Migrations Regulations. The NAB agrees is important to have an updated and viable regulatory framework to take Digital Terrestrial Television (DTT) forward after analogue switch-off has been completed. It is important for the Authority to provide a clear framework for how DTT services will be licensed and regulated after analogue switch-off has occurred. Furthermore, this inquiry does not need to make changes to the framework that was previously set for dual illumination, as the period of dual illumination is almost over.
6. It is submitted that this review should not only focus on the 2012 Regulations, as suggested, but should be broadened to include a review of other relevant regulations, such as the Promotion of Diversity and Competition on DTT Regulations, 2014¹ and the Mobile Television Regulations, 2010.² The NAB recommends that this inquiry should not be confined to merely reviewing the existing regulations, but should also investigate the most prudent and effective framework for DTT going forward. In our view, any regulations for DTT in a post-analogue switch-off environment should be light touch and enabling, to encourage investment in the platform.

¹ Government Gazette No 37929, Notice 682 of 2014.

² Government Gazette No 33125, Notice 318 of 2010.



7. The Digital Migrations Regulations, 2012 provided for only two multiplexes, which was an interim solution. Now there is an opportunity to fully implement the seven-MUX plan. New regulations should explain how the seven-Mux plan for existing broadcasters and new players will be structured. Crucially, it must ensure that sufficient spectrum is retained for broadcasting services. It is critical that radio frequency planning for DTT be focused not only on short term licensing but also the long-term future needs of the sector. This also means that sufficient spectrum must be safeguarded for future use for broadcasting-adjacent technology and services.
8. The NAB further reminds the Authority that the Draft White Paper on Audio and Audiovisual Media Services and Online Content Safety: A new vision for South Africa (the **Draft White Paper**) process is still underway, and this process cannot be pre-empted. Policy positions will likely change once the Draft White Paper has been finalised, and as such, any policy review at this stage must therefore create an enabling framework within the confines of the existing legislation. The broader context must also be considered. All policies relating to DTT and the allocation of MUXs must align with both the Draft White Paper and other legislation, such as the provisions of the Electronic Communications Act of 2005.
9. In addition, the NAB submits that if DTT is to succeed, the Draft White Paper proposals on regulatory parity urgently need to be brought in to allow existing broadcasting services to operate on a more even footing with Over-The-Top Services, that compete directly with licenced broadcasters.
10. The NAB submits further that going forward the allocation of MUXs should follow an appropriate competitive bidding process to allow the proper allocation of MUXs to address the needs of broadcasters. It is submitted that a Single Frequency Network (**SFN**) in low geographic space can ensure that the terrestrial frequency usage is optimised.
11. In respect of whether there is a need for specific coverage targets in the DTT landscape post-analogue switch off, the NAB submits that it will not be necessary to



set coverage targets. A light-touch approach should be adopted to allow broadcasters and the market to set any necessary targets.

12. Regarding any foreseeable issues or concerns to be considered by ICASA, in respect of the appointment of a signal distributor to provide signals within a multiplex post-ASO, the NAB notes that the Authority is currently undertaking a market inquiry into signal distribution. This process has been ongoing for a significant period, and the NAB respectfully submits that this process should be finalised as a matter of urgency to provide clarity for broadcasters, and for the Authority's Review of the Digital Migrations Regulations.
13. Regarding JSAG, the JSAG Committee has been effective in facilitating the coordination of frequency spectrum usage and management of interference during the Digital Migration Performance Period. The NAB would encourage the JSAG Committee to meet on a more frequent basis to ensure that concerns are addressed expeditiously, and that JSAG remain in place post-analogue switch off to ensure that interference issues can be resolved.

CONCLUSION

14. The NAB reiterates the importance of having workable, future-proof regulations that are beneficial to all broadcasters, to ensure that the sector remains viable and competitive in the digital era.
15. The NAB thanks ICASA for the opportunity to provide this written submission on the Review of the Digital Migrations Regulations, and requests an opportunity to make oral representations, should hearings be held.

Yours sincerely

A stylized, handwritten signature in dark ink, consisting of several overlapping loops and a long horizontal stroke.

Nadia Bulbulia
Executive Director