



**RIGHT2KNOW**

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## **ICASA public hearings: Draft regulations on digital terrestrial television**

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Media Freedom & Media Diversity sub-committee of the Right2Know Campaign

# Introduction

- R2K Campaign formed in late 2010 in opposition to POSIB/Secrecy Bill – coalition of over 400 organisations.
- R2K resolved in early 2011 to broaden focus to threats of free flow of information, & campaign for free and diverse media to serve information needs of all SA.



# Insufficient time & consultation

- As stated in our written submission we feel that insufficient time was allowed for written comment.
- DTT draft regulations published 10 July, distributed 13 July, deadline for comment 30 July = only 2.5 weeks for public written comment.



# Insufficient time & consultation

- In our written submission we noted that ICASA would not hold public hearings on the DTT draft regulations, and we called for ICASA to do so.
- We therefore thank ICASA for heeding this call and for the opportunity to take part in these public hearings on the DTT draft regulations.



# Insufficient time & consultation

- However, we again stress the need for meaningful public engagement
- Migration process is a complex multi-stakeholder one: SA public are end-users of ICASA policy on DTT, so public participation can't be downplayed
- Public may object to the process if a general sentiment develops that indicates that the public was not involved
- The current process unfairly gives advantage to incumbent organisations who have been involved from the start.



# Insufficient time & consultation

- Disadvantages constituency-based organisations like R2K, which has a sizeable working class support base & needs time to consult and develop bottom-up positions
- Also, the fact that public hearings have now been included as part of this process does not increase the level of public engagement – the presenters listed on the programme for these hearings are restricted to those who made written submissions and as we have noted, insufficient time was allowed for that.



# Insufficient time & consultation

- ICASA's Broadcasting Regulatory Review went to the provinces – should build on that model of engagement
- DTT process should be more inclusive – hold hearings on what people really want out of the process
- A national conversation on the entire process of DTT needs to be initiated – at the moment this is lacking



# Insufficient time & consultation

- Therefore, we strongly recommend that ICASA initiates broader public engagement
- The current process may backfire in the future if the SA public feels they were not part of a process which directly impacts them, and which they nonetheless will be asked to partake in
- The Right2Know Campaign would be happy to work with ICASA to ensure that wide-ranging public consultations can take place





# On the allocation of Multiplexes

- We welcome ICASA's proposal to reassign MDTT2 (3<sup>rd</sup> multiplex) for digital terrestrial television
- BUT, proposed allocation of space across the 3 multiplexes is skewed in favour of commercial broadcasters at expense of public & community broadcasters
- The three-tier character of broadcast environment must be protected & developed, but current draft DTT regulations are at odds with this principle



# On the allocation of Multiplexes

- R2K proposes the elimination of the split between public broadcasting services & commercial services of the SABC services, and the assignment of the PCBS channel as a PBS channel – ICASA should recommend this to the DoC
- Public broadcasting is then assigned just over 30% of total spectrum



# On the allocation of Multiplexes

## COMMUNITY TELEVISION

- AT LEAST 20% of multiplexes should be allocated to community television
- **We note with disdain that currently only 3.3% of multiplexes is allocated to community television**
- Reallocation of SABC's commercial spectrum to its public non-commercial mandate, and providing sufficient spectrum to community broadcasters, means that at least 50% of spectrum is reserved for non-commercial use.



# On the allocation of Multiplexes

## COMMUNITY TELEVISION

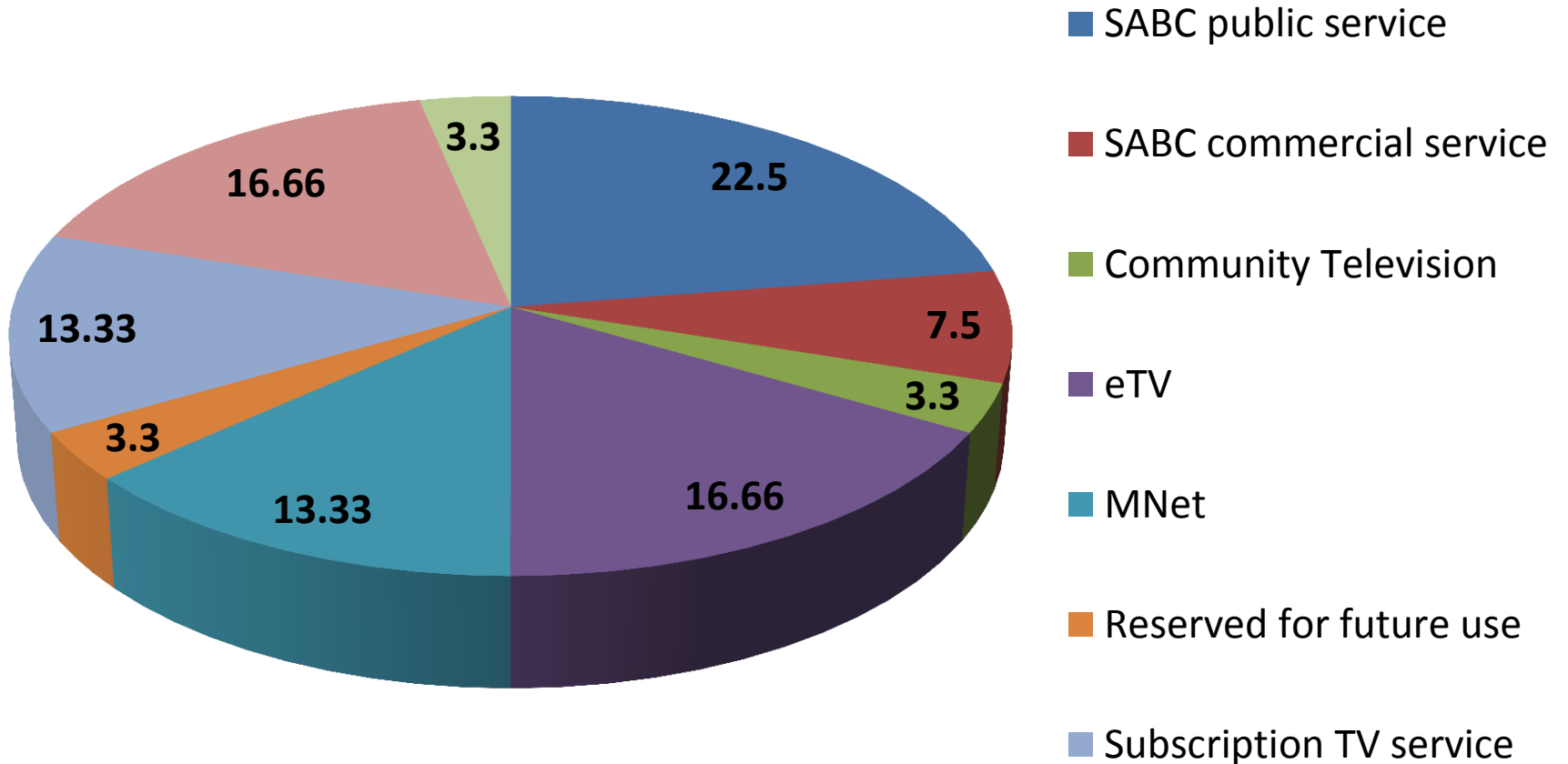
- We note that Sentech has also stated that the current allocation for community TV is too low
- “The proposed 10% Multiplex 1 allocation for Community Broadcasters will likely accommodate a maximum of only two (2) licensed broadcasters per multiplex...”
- According to Sentech there are currently 9 Community TV broadcasters – but the draft DTT regulations do not accommodate all of them.  
Why?



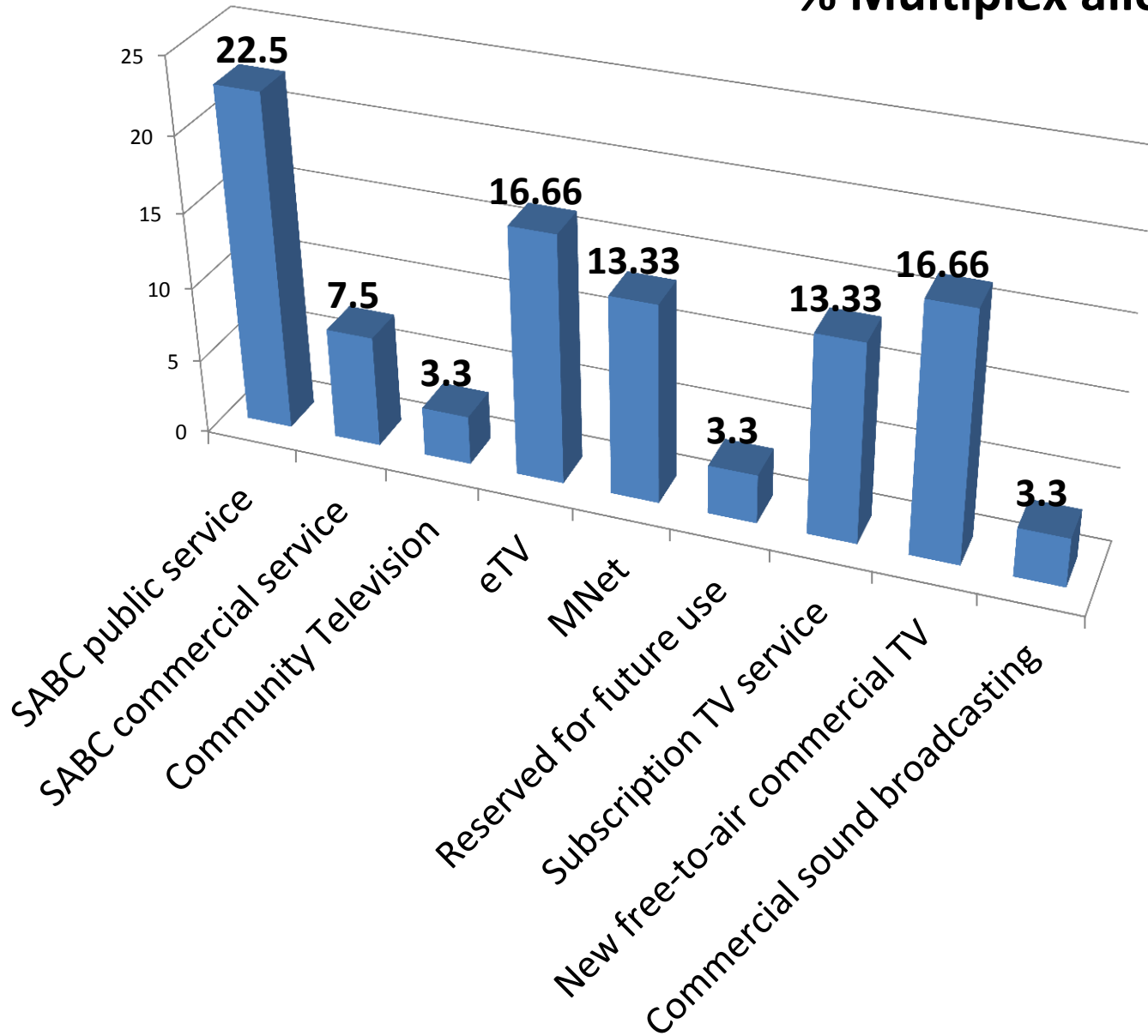
# New Multiplex Allocations (as a % of total):

		% of multiplex	% of allocation on all 3 multiplexes
<b>Multiplex 1</b>	SABC public service (SABC 1 & SABC 2)	67.50	22.5
	SABC commercial service (SABC 3)	22.50	7.5
	Community television	10	3.3
<b>Multiplex 2</b>	eTV	50	16.66
	MNet	40	13.33
	Reserved for future use	10	3.3
<b>Multiplex 3</b>	Subscription TV service	40	13.33
	New free-to-air commercial TV	50	16.66
	Commercial sound broadcasting	10	3.3

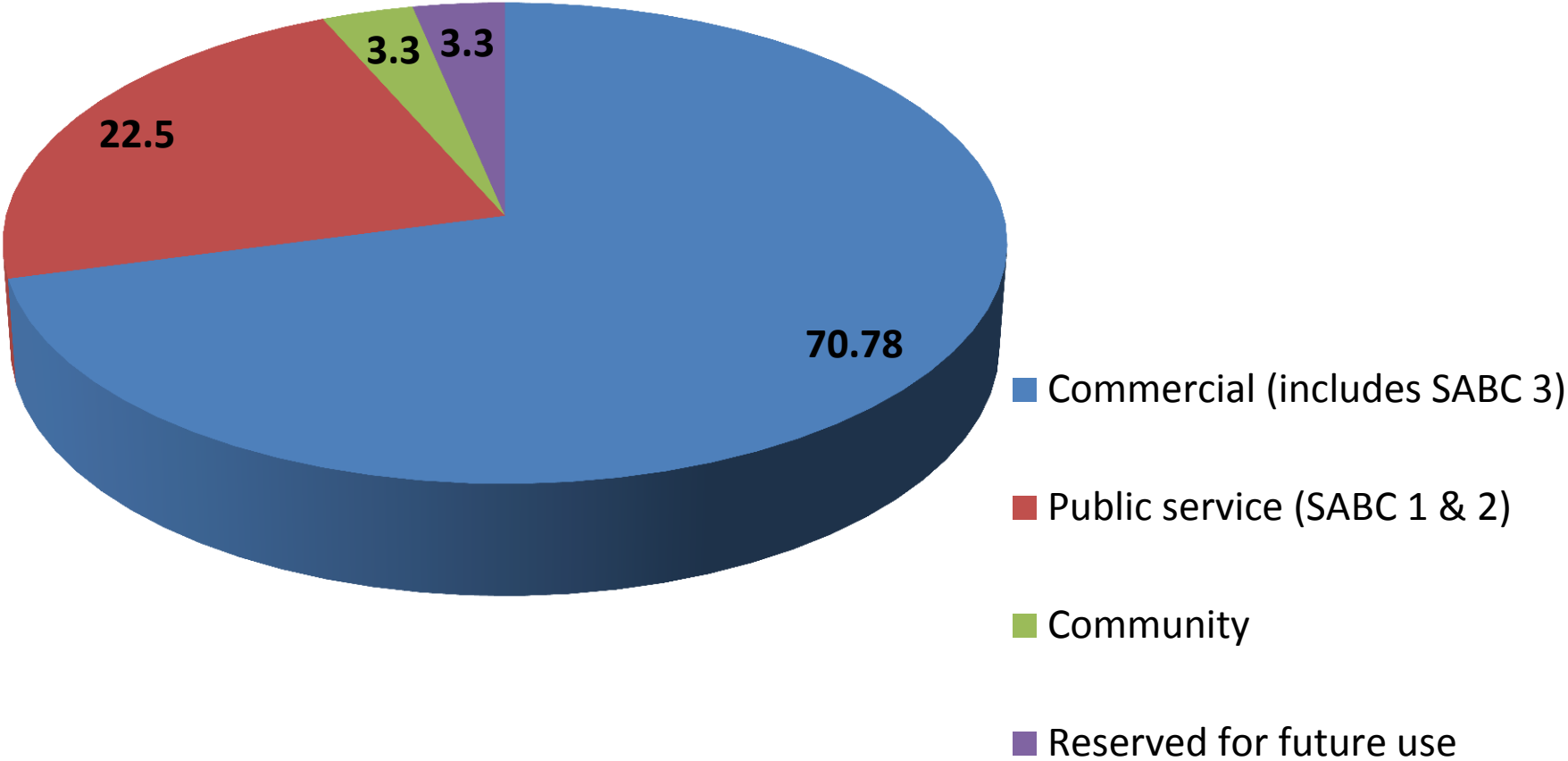
# % Multiplex allocations



# % Multiplex allocations

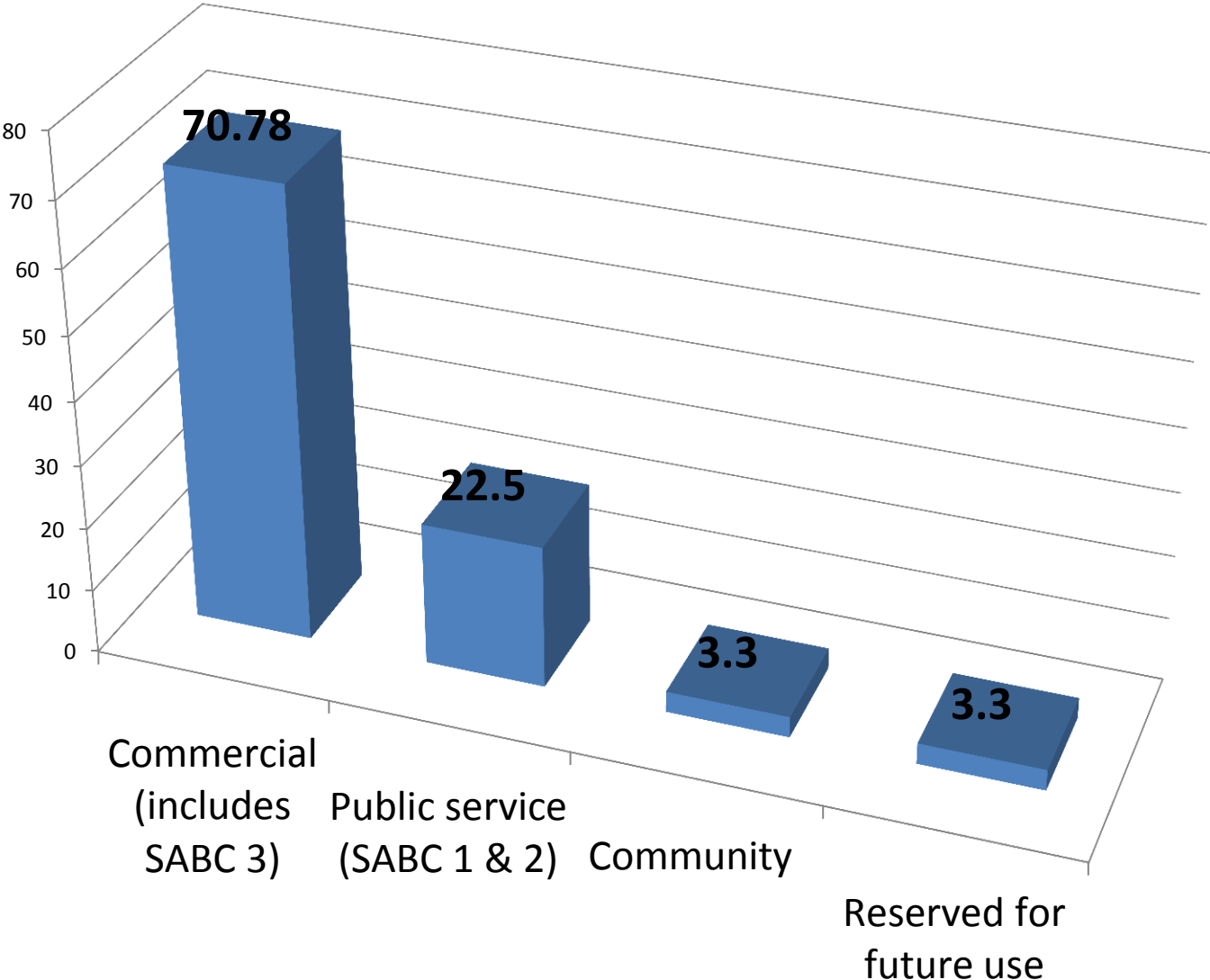


# Multiplex allocations across the 3 tiers of broadcasting



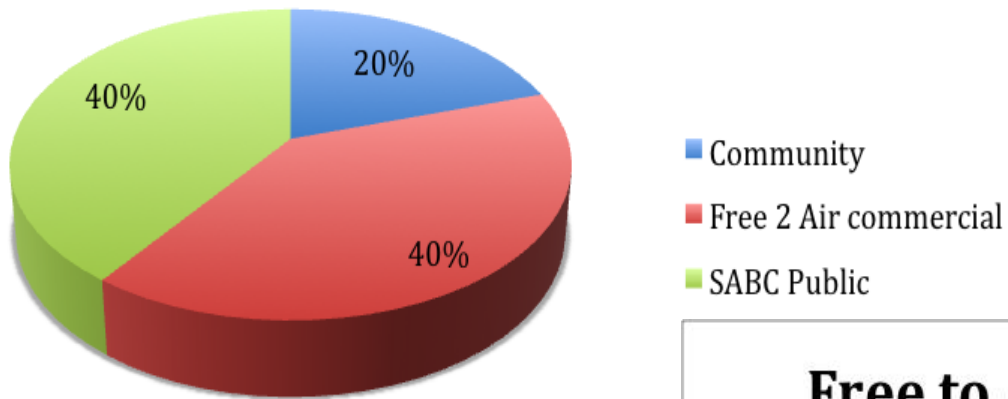


# Multiplex allocations across the 3 tiers of broadcasting

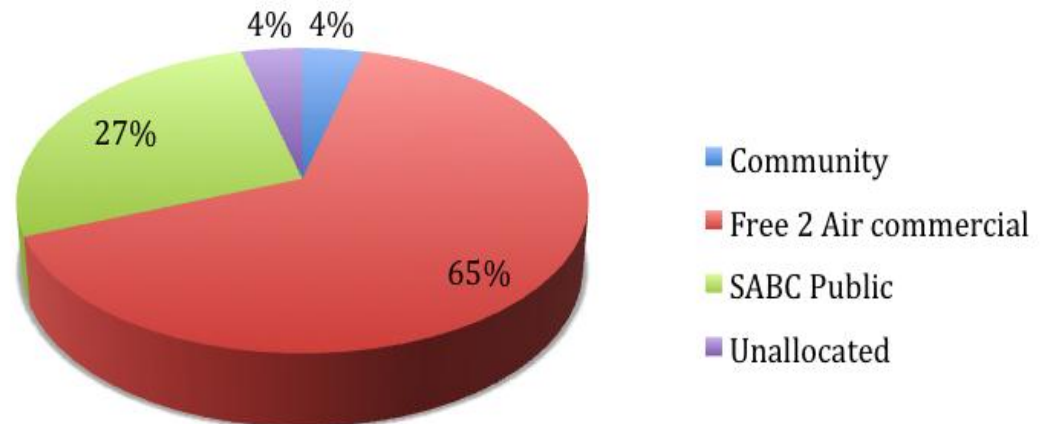


# Impact of DTT in Cape Town

## Free to Air stations before DTT (Cape Town)



## Free to Air after DDT (Cape Town)



# On High Definition TV

- Regulations should disallow for broadcasting in high definition TV (HDTV) unless good cause is shown – there will need to be strict guidelines for ‘good cause’
- HDTV uses a lot of spectrum – diversity of channels will be reduced if broadcasters decide on HDTV
- Few in SA can afford an HD-enabled TV – many should not be deprived of many channels so that a few can enjoy HDTV
- HDTV may be standard of the future, but that future is some way off. These DTT regulations likely to be revised when dual illumination period is over – then HDTV can be revisited



# On promotion of local & original content

- Local & original content is key to driving take up of digital television
- Right2Know welcomes ICASA's vision for local & original content in the content stipulations in draft DTT regulations. Current stipulations are very low, but don't allow broadcasters complete discretion to decide on what to broadcast
- ICASA should investigate feasibility of increasing the percentages of local & original content on digital incentive and new digital channels



# On sound broadcasting

- We are concerned that an allocation on multiplex 3 is made for commercial sound broadcasting while no explicit allocation is made for community or public sound broadcasting
- Public and community tiers must have equitable access to any sound broadcasting opportunities that the digital migration process unlocks



# On the Digital Television Content Advisory Group

- R2K welcomes the planned establishment of DTCAG

DTCAG should:

- Address the dearth of a national conversation on DTT and deepen public engagement & awareness
- Advise ICASA on monitoring and compliance
- Assess digital dividend and how it can be used
- Monitor and assess media diversity



# On the Joint Spectrum Advisory Group

- The DTCAG includes representation from “civil society organisations with a demonstrated interest in digital television content”.
- The JSAG does not currently allow for representation from civil society
- We ask ICASA to explain why civil society representation is not included on the JSAG.



# On a Chapter 10 Enquiry

- The Right2Know Campaign supports the SOS Coalition's call for a Chapter 10 Enquiry
- Such research is long overdue and DTT regulations need to be informed by such research
- Such an enquiry could investigate issues of ownership and pluralism
- This enquiry should be done before the introduction of new players





# Confusion on technical aspects of DTT

- There is a deal of confusion regarding the actual available spectrum on the multiplexes – this confusion must be addressed and cleared up as a matter of urgency
- For example: eTV states that with its 50% allocation of multiplex 2 it can broadcast 6 SD channels and no HDTV channels. If correct then only 12 channels can be broadcast on multiplex 2 and not 21 channels as estimated by ICASA
- ICASA should not allocate space on the multiplexes until we are more certain of how much space there really is available



# In conclusion

- International experience shows that commercial competition does not automatically lead to media diversity,
- Nor does it service the information needs of all strata of the population
- Media organisations are susceptible to the ‘hotelling’ effect: competitors tend to imitate one another’s products if there is competition for advertising instead of sales – this leads to more of the same. A shortage of diversity results.



# In conclusion

- The draft DTT regulations offer disproportionate opportunities to commercial broadcasters
- This undermines SA's commitment to promoting media diversity through the three tiers of broadcasting
- There is a great risk of growing competition but with a real decrease in diversity

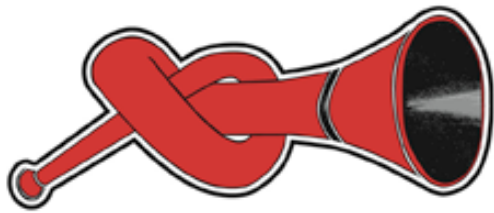


# In conclusion

- If everyone in SA is to enjoy the right to know, ICASA must ensure both commercial competition as well as a diverse range of non-commercial (public & community) broadcasting
- **All three tiers** in the three tier broadcasting model must be protected, and not just one tier (commercial)

Thank you





**RIGHT 2 KNOW**