



**SABC ADDITIONAL SUBMISSION TO THE INDEPENDENT COMMUNICATIONS
AUTHORITY OF SOUTH AFRICA**

DRAFT DIGITAL TERRESTIAL TELEVISION REGULATIONS 2025

14 October 2025

A. INTRODUCTION

The SABC would like to thank the Independent Communications Authority of South Africa (“the Authority”) for the opportunity to submit additional responses following public hearings of 29 September 2025.

B. ICASA QUESTIONS

1. The SABC has requested that the Authority grant condonation to hold capacity for longer than the 36-month utilisation period. The Authority acknowledges the SABC’s unique role as the public broadcaster and understands that its challenges are different from those of commercial licensees. However, the Authority is also obliged to ensure efficient use of spectrum in the public interest. How does the SABC propose that the Authority balance its duty to promote spectrum efficiency with the SABC’s particular challenges?

Answer:

As it stands, there is a legislative protection which seeks to protect the role and functions of the SABC. This very protection has been carried forward in all legislation since 1995 (see section 2(1) of the Broadcasting Act 4 of 1999, section 2(d) of the Independent Broadcasting Authority Act of 153 of 1993 and section 2(t) of the Electronic Communications Act 36 of 2005). Furthermore, clause 1.2.10 of the Audio and Audio-Visual Content Services Draft White Paper of 2020, also recognises the need to protect the viability of the SABC and further wants to retain this principle as one of the policy objectives going into the future.

It is the SABC’s considered view that the viability of the public broadcaster is intimately related to its mandate and programming obligations. The SABC plays a vital role in serving the public interest

rather than commercial or political agendas. The SABC provides citizens with accurate, diverse, and accessible information that supports democracy, education, and social cohesion. Safeguarding the SABC mandate ensures that all communities, including marginalised and rural populations have access to balanced, independent, and accurate information essential for informed citizenship and democratic participation. Among other things, the SABC is also required to cater for:

- minority interests (i.e. persons with disabilities, youth, children and women),
- development of all official languages, including marginalised languages,
- development of the creative industry,
- diverse content,
- Programming of national importance,
- listed national sporting events and developmental sports.

Furthermore, the SABC plays a critical role in ensuring that all South Africans have access to public broadcasting that reflects the country's linguistic and cultural diversity. Section 22A of the Broadcasting Act enjoins the SABC to provide regional television services to particularly promote marginalised communities whose languages and cultural narratives are not commercially viable, and this obligation is unique to the SABC. Unlike commercial broadcasters, which operate primarily for profit and often target urban or majority-language audiences, the SABC's public service model ensures that educational, cultural, and locally relevant content reaches all regions of the country.

Whilst it is acknowledged that the digital broadcasting environment has removed historical technological barriers that previously limited regional coverage; however, the linguistic and cultural diversity must still be prioritised. Through multichannel digital terrestrial television (DTT), direct-to-home (DTH), and over-the-top (OTT) platforms, the SABC can now efficiently deliver region-specific content that meets both national and local needs (see Clause 3.2.8 Audio and Audio-visual Content Services Draft White Paper 2020). This expanded capability allows the SABC to satisfy its public service obligations while avoiding duplication of services or unnecessary strain on scarce spectrum resources.

No other broadcaster has these vast responsibilities and to deliver on all these responsibilities require substantial funding. To this end, the SABC has engaged the Shareholder and Parliament on the required legislative amendments regarding the revised funding model of public service media.

Globally public broadcasters are sufficiently funded through licence fees and government appropriations; contrariwise, the SABC is largely funded through advertising revenue. Basically, the SABC does not get sufficient funding from government for the unfunded public service mandate. Currently, the SABC derives only 3% government funding and TV licence fee model has high evasion rate. Consequently, this financial position constrains its ability to invest in compelling content and deliver on the public service mandate. Undesirably, it has been reported that the SABC is the world's most commercially dependent public broadcaster with more than 80% of revenue coming from advertising.¹ Therefore, the SABC implore the Authority to consider these financial challenges should be considered to ensure the viability of the SABC.

Also, the SABC's challenges are linked to the reduction and fragmentation of audiences, and as such, the increase in the distribution of set top boxes and increase in audience access to content via DTT will alleviate the SABC challenges and increase the commercial performance of the platform that will result in the fuelling of expansion plan.

Recommendation: Considering the afore-mentioned constraints, it is vital for the Authority to be mindful of these challenges and the apply the intent of the legislation, which is to develop regulations which protects the viability of the SABC. The SABC, with its public mandate, is uniquely positioned to serve these high public-interest needs without requiring immediate commercial returns. Fundamentally, without legislative and regulatory protection, market pressures could undermine and weaken its ability to inform, educate, and unite society. Thus, it is submitted that the allocated radio frequencies of the SABC should be ringfenced for public interest content without regulatory pressures that do not serve the public.

¹<https://mybroadband.co.za/news/broadcasting/541619-the-r2-billion-tv-licence-question.html>

2. Would the SABC be amenable to the possibility of temporary allocation to another broadcaster who could be ready to use up the unused capacity while the SABC is getting its house in order?

Answer:

The mandate of the SABC requires the Corporation to contribute to democracy, the development of society, gender equality, nation-building, the provision of education, and the strengthening of the spiritual and moral fibre of society. Such an expansive mandate underscores the broadcaster's responsibility to serve all South Africans, in all their diversity, by providing programming that enriches both public life and democratic participation. The SABC, as the core public broadcaster, is central to achieving these objectives by ensuring that broadcasting contributes meaningfully to national cohesion, development, and social dialogue (section 3(1) of the Broadcasting Act).

It is worth noting that there are numerous reasons that might be responsible for the SABC not to fully utilise its allocated spectrum at any given time as previously mentioned: financial constraints, policy dependencies; and public interest obligations are just a few mentioned. Thus, the Authority is encouraged to consider the aforementioned challenges prior the development of any punitive measures.

The SABC also opposes the proposal of temporal allocation of the SABC's spectrum for these reasons:

- a) Temporal allocation of the SABC's spectrum to another broadcaster would not be ideal and would delay and impact the SABC's ability to respond to public interest obligations and impact the SABC's agility and creativity in responding to audience and public service needs for example due to having to wait for the reallocated spectrum to be made available to the SABC.
- b) Furthermore, temporary allocation of spectrum to other broadcasters risks long-term inefficiencies, as it can take a television service many years to become commercially viable,

and there is no commercial broadcaster who would risk investing in TV service on a temporal basis.

- c) Lastly, if the spectrum allocated to the SABC under any of the two MUXes (as per these Draft Regulations) were to be reallocated to another broadcaster that would mean that the SABC shares that MUX with the broadcaster who has been allocated “the SABC spectrum”. That would mean that a MUX operator would need to aggregate our transport stream and the other broadcaster’s transport stream before sending to the signal distributor/s. The SABC would potentially incur additional costs due to using the services of an external MUX operator, whereas if the SABC owns 100% of the MUX all our MUX operations would be done at the head end and the SABC would not need a MUX operator.

Special Events and other Popup Channels are usually ad-hoc in nature and have shorter lifespans in relation to the special event to be catered for, which would also require readily available spectrum at any given time for a Public Broadcaster to respond to the requirement/need. Temporary allocation of the SABC’s spectrum would also mean that the SABC would have to share a MUX with either a Commercial or Community Broadcaster, complicating MUX operating functions for broadcasters who already have dedicated MUXs of their own. The current Draft Regulations suggest that 2 MUXes be exclusively allocated to the SABC as the ONLY Public Broadcaster in the country, how would the Authority then reallocate spectrum to non-Public Broadcasters in either of the 2 MUXes reserved for the Public Broadcaster?

Additionally, the spectrum can be used but the Authority must confirm that there will be sufficient households to access the channels so that they are sustainable. The Department of Communications and Digital Technologies and Authority need to ensure that expansion is aligned to available eyeballs with sufficient set top boxes. In this way, the universal access of public service mandate will be realised.

3. Would the SABC be amenable to being allocated lessor capacity with the view of the capacity being ramped up over the years based on their level of preparedness to use the capacity?

Answer:

Decreasing the capacity of the allocation suggested in the Draft Regulations and ramping it up over time would equally not be ideal to the SABC's ability to respond to public interest obligations and would also impact the SABC's agility and creativity in responding to audience and public service needs while waiting for the spectrum to be ramped up. Special Events and other Pop-up Channels are usually ad-hoc in nature and would require the SABC to have the capacity and be ever alert and prepared to respond to the special event to be catered for. The process of having to apply for the extra capacity might impact and compromise the SABC's response time to the special need or event as it occurs/arises. Broadcasting of events of national interests is part of the SABC's mandate, and such events may occur at any given time and adequate capacity would be required to cover such events without having to interrupt "normal scheduled programming".

Essentially, the SABC would have use of whatever bandwidth/capacity allocated to the Corporation, instead of the 100% capacity of the MUX. The MUX will then be a mis of our services and whoever else the SABC will be sharing the MUX with. Whatever growth or innovation the SABC wants would have to happen within the allocated capacity/bandwidth at any given time. Future expansion and innovation would be subject to the time it would take for the SABC capacity to be ramped up, which might impact the Corporation's competitiveness and response to audience needs.

4. The current draft Regulations speak to the reallocation of such unused capacity through a process decided by the Authority. Could the SABC find comfort in that they may apply for such reallocation when they are prepared, and therefore does the SABC have any recommendation to the Authority on how such reallocation process should be?

Answer:

There should not be any reallocation of the SABC Muxes. Instead, the SABC's allocation must be ringfenced and persevered for the advancement of universal access of public service media and provision of public interest content.

5. SABC requests reasonableness in the use-it-or-lose-it principle. Can the SABC clarify for the Authority what reasonableness might entail?

Answer:

Regulation 3(3) of the DTT Draft Regulations provides that if licensees should use of spectrum within thirty-six (36) months of allocation, failing which the licensee could forfeit their spectrum under the “use it or lose it” principle. The principle of efficient spectrum management is also outlined in section 31 of the Electronic Communications Act. While this principle prevents hoarding and promotes efficient use, applying it rigidly to the SABC could undermine its constitutional and public service mandate.

While this timeframe may be reasonable for commercial operators with private funding streams and light-touch licence obligations, it is not always feasible for the SABC due to external factors outside its control, including:

- **Financial constraints:** The SABC depends on a combination of TV licence fees, government support, and advertising revenue, which may delay channel launches or infrastructure investment.
- **Policy dependencies:** Roll-out is often tied to government-led processes such as digital migration or spectrum re-farming, which are outside the broadcaster's control.
- **Public interest obligations:** The SABC's programming and channel strategies must meet diverse language and educational requirements, which involve longer planning horizons than purely commercial ventures. Ultimately, it is important to remember that public services outweigh commercial efficiencies and therefore, the SABC role goes beyond maximising the

use of the spectrum at any given point in time. The SABC serves public interest goals that require flexibility to ensure that the Corporation can reserve space for regional services, new formats, education and children’s content, etc. Thus, the SABC needs spectrum flexibility to support the ever-evolving public service delivery.

For these reasons, the rigid application of the 36-month rule should not apply to the SABC. Instead, ICASA should adopt a more flexible, co-ordinated approach that recognizes the SABC’s public service role, while still encouraging efficient spectrum use.

Unlike commercial broadcasters, which operate on a profit-driven basis, the SABC holds spectrum not merely for immediate use but also for future capacity expansion — including universal nationwide coverage, digital migration, and the establishment of regional or language-specific services. In this context, spectrum management for the SABC must balance efficiency with the constitutional imperative of universal access and the duty to serve all official languages and rural communities.

6. On the issue of Condonation – will it be reasonable for the authority to request progress reports (maybe yearly reports) to track if there is work that has been done in the allocated 3 years?

Answer:

The SABC proposes that progress reports should be submitted to the Authority as and when there are substantial developments to report on. That said, these reports might not be relevant for the purposes that the Authority intends to use them for. As outlined, the allocated spectrum might not be fully utilised all the time at any given time.

Also, details around what work the SABC does in the three years in question, will involve commercially sensitive information, such as, future channel expansion and/or strategic partnership,

etc. As such, disclosure of such information will inevitably compromise the Corporation's competitive edge and possibly violate contractual obligations with our partners. Thus, it is submitted that the Authority should be mindful of these sensitivities and accommodate the SABC's concerns.

7. Paragraph 16.6: Sentech posits that a Multiplex Operator shall not only be responsible for content aggregation but also for the full configuration, management, and technical optimisation of the multiplex transport stream, including support for dynamic service adaptation, mobile reception scenarios (e.g., FeMBMS), and hybrid IP-based enhancements (e.g., HbbTV, DVB-I)

a. What benefit would a mux operator serve in instances where broadcasters are allocated 100% capacity within a mux, respectively viz, resulting in broadcasters essentially controlling, managing and configuring their own muxes (considering multiplexing is a head-end function of a broadcaster)?

Answer:

With the current Draft Regulations, where there would be 100% ownership, the SABC would not need a MUX Operator, as we will have full capacity of the 2 MUXes and all MUX operation functions will be done at the head end.

b. Further, why should a licence be issued to such an operator, in instances where a broadcaster opts to outsource its Head-end function to a 3 party?

Answer:

The 3rd party would need to meet the transport stream requirements as specified by the signal distributor, and perhaps a license could be a stipulation to ensure such requirements are adhered to.

c. Furthermore, would it not be the responsibility of the broadcaster to ensure, through contractual/commercial agreements, that the T2-MI stream and/or head-end output conforms to the requirements of the signal distributor?

Answer:

In this case, it would be the responsibility of the broadcaster to ensure conformance through commercial agreements with the MUX Operator or 3rd party.

8. We note that during the Public Hearings, SABC submitted that they have reached maximum capacity in respect current allocations.

a. Can the SABC clarify the period which it took them to reach full capacity in respect of the current allocations?

Answer:

Full capacity on the current SABC MUX allocations was reached around 2017 when the SABC channels on DTT were converted to HD.

C. CONCLUSION

In conclusion, it should be considered that the SABC's role extends beyond commercial interests, spectrum allocation to the public broadcaster cannot be evaluated using the same benchmarks as private licensees. Regulatory and legislative co-ordination between ICASA and the Department of Communications and Digital Technologies, is essential to ensure that:

- The SABC is not unfairly penalised for delays caused by systemic or financial constraints.

- National objectives of universal service and language diversity are prioritized in spectrum planning.
- The SABC has certainty and stability in long-term planning for new services, particularly in underserved and rural areas.

The SABC thanks the Authority for the opportunity to make additional written representation and looks forward to further engagements with the Authority in the development of the revised digital migration regulations and the digital licensing framework.