

Revised Draft Digital Terrestrial TV Regulations

Presentation to ICASA
23 August 2012

SOS: Support Public Broadcasting Coalition and
Media Monitoring Africa

Introduction

- Welcome public hearings, thank ICASA for opportunity;
- While we have welcomed many of the major new introductions in the regulations would like the regulator to ensure all terms are clearly defined or, they may result in legal delays or flagrant disregard of their positive intent.

Overview of presentation

- Background - SOS: Support Public Broadcasting Coalition
- Background - Media Monitoring Africa
- Principles underpinning our joint submission
- Key recommendations

Who is the SOS: Support Public Broadcasting Coalition?

- Coalition of three main groupings:
 - Unions (including Cosatu and SABC unions)
 - NGOs engaged in freedom of expression advocacy work – MMA and FXI
 - Organisations in the independent production sector - SASFED
- Also, individuals committed to freedom of expression

Who is Media Monitoring Africa?

- Promoting human rights and democracy through the media since 1993;
- Vision:
 - **A responsible media that enables an informed and engaged citizenry in Africa and across the world.**
- Policy submissions, training & advocacy;
- Conducted over 110 media monitoring projects across diversity of areas including:
 - HIV (WITS, MAP);
 - Elections (all SA's democratic elections);
 - Race, racism, xenophobia;
 - Gender (Data analyst GMMP, 05 and 09/10);
 - Children (Comp Strategy, Save, EU, Sida, Ashoka).

Principles underpinning our submission

- The need for a broadcasting policy review encompassing digital broadcasting.
- Need for a more sustainable funding model that prioritises public service broadcasting.
- The need to create a broadcasting / communications landscape that embraces and sustains a diversity of players. (Support calls for a Chapter 10 Competition Enquiry)
- The need for a coherent, consistent and fair regulatory environment (all broadcasters must contribute to the public interest & should be subject to appropriate regulatory requirements.)
- The need for technology neutrality.

Only major issues covered in presentation

- SOS and MMA plan to present only the major issues raised in our written submission. (However we would like all our recommendations included within our written submission to be taken into consideration.)

Key additional factors to be considered outside of the Regulations

- DTT Needs to happen now: Move by Multi-choice to introduce cheap decoder may have negative impact;
- Welcome news that ICASA will be reviewing the Local Content Regulations and call on this to happen as a matter of urgency to ensure requirements are fair, reasonable, in line with international best practice and local requirements;
- Call on ICASA to carry out research on what is affordable and what capacity of production sector;

HD versus SD channels - we need more SD channels - Section 3(3)

- SOS and MMA are worried at the lack of regulatory clarity regarding HD versus SD channels. Broadcasters could choose to broadcast all their channels on HD;
- ICASA should give regulatory clarity to ensure that not all channels are HD to ensure that there is sufficient freed-up spectrum for new channels.

Allocation of space on the multiplexes – community broadcasting limited - Section 5(10), Section 6(2)(c)

- SOS & MMA believe that the three tiers of broadcasting must be maintained – public, commercial and community.
- Community broadcasters appear to have limited access.
 - We call on ICASA to conduct research into needs and viability of community media on DTT;
 - We trust ICASA provisions are technically feasible and reasonable in relation to the 10% on Mux1;
- Further, ICASA should allow option for community sound broadcasters to have access to multiplex 3 along with commercial broadcasters.

Authorisations of digital incentive channels – single section required. Collapse Sections 7, 9, 11 and 12

- ICASA differentiated different digital incentive channel authorisation procedures & criteria based on multiplex;
- It should be arranged by different types of broadcasters. (free-to-air vs subscription and public vs commercial.)
Multiplex is irrelevant.
- Process needs to be simplified into a single section with different processes (& criteria) for different types of broadcasters.

Local content for digital incentive channels and new digital channels

– Section 8(2)(b)

- SOS & MMA concerned at the possibility of a waiver of local content requirements being considered by ICASA without the necessary public participation.
- We submit that new clauses are added that any licensee wishing to apply for a waiver must set out the grounds on which such a waiver is requested & its proposals for compensating for the lack of adherence to the local content requirements.

Local content - continued

- We suggest:

ICASA:

- publish a notice of this application in the gazette and invite written comments.
- afford the licensee an opportunity to submit written responses to representations.
- May hold a public hearing.

Regional open windows – S10

- SOS & MMA believe that open windows provide a pro-competitive opportunity to show-case new subscription broadcasters.
- We believe that the section should be re-named “Open Windows” and suggest that all newly licensed terrestrial subscription broadcasters be entitled to broadcast an unencrypted signal for a 2 hour period between 6pm and 10pm for a period of 4 years.

Digital TV Content Advisory Group – Section 15(2)

- SOS and MMA support the setting up of this group
- Should have an expanded mandate to include advising on monitoring and compliance matters.
- Group should be set up for the digital migration period. However Group shouldn't be automatically disbanded at the end of this period. Its mandate should be reviewed and the duration of its work possibly extended.

Thank You & Questions