

SIYAYA TV

A RURAL COMMUNITY LED CONSORTIUM

ICASA DIGITAL TERRESTRIAL TELEVISION PUBLIC HEARINGS: 21 AUG 2012

Major Shareholder

His Highness Kgosi John Molefe Pilane

Chairperson

Dr. Vuyo Mahlati

Chief Executive Officer

Ms. Thandi Ramathesele

Channel Director

Mr. Aubrey Tau

Chief Financial Officer

Mr. Walter Ho

Legal

Ms. Malebo Motjale

Head of Business Development

Mr. Zach Thalla

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INTRODUCTION

- **the SIYAYA TV rural community led consortium (“the consortium”)**
 - An umbrella group of aspirant broadcasters which include rural communities and women
 - Recipient of an ICASA DTT test license. Successfully carried out DTT Trial Technical Tests in rural communities
 - Have the capacity and the financial support to provide content to support a multiplicity of channels in the impending new multi-channel environment
 - Objective is to promote and secure a regulatory environment that encourages diversity by way of new entrants into the industry
 - Believes the Authority has provided a legitimate expectation for aspirant players (such as itself) to provide new technology solutions to foster consumer choice and strengthen competition
- **the Consortium supports the independent regulation of spectrum**
 - It is a national asset and a finite resource
 - Capacity and rights must be awarded according to national developmental imperatives and the objects of the ECA Act 36 of 2006
 - Fairness and equity must apply
 - Pro-competition environment must be achieved. Cross ownership must apply from owning Radio/TV licenses

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REGULATIONS IS QUIET ON EMPOWERING WOMEN & RURAL COMMUNITIES

- **the Regulations are quiet on the empowerment of**
 - Rural Communities
 - Women
 - Youth and Disabled Groups
 - This is “*procedurally unfair*” and the regulations can be legally challenged by these vulnerable groups
 - According to the Consortium – “*this is discrimination and failure to comply with the objects of the ECA Act and the Ministerial Policy*”
- **the Consortium maintains that the Regulations**
 - Need to accommodate these vulnerable groups in ownership requirements when considering licensing
 - Apply relevant ownership percentage requirements for these vulnerable groups

Advance the objectives of the South African Government in spreading wealth, empowering rural communities, women and creating new industrialists. Cease to empower the same groups who have already benefited from being given commercial broadcasting licenses . Broad ownership should apply as per the ECA Act.

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17 FEB 2012, MINISTER OF COMMUNICATIONS GAZETTED THE BDM POLICY

in terms of section 3 of the Electronic Communications Act, 2005 Section of the ECA states that: - 'The Minister may make policies in matters of national policy applicable to the ICT sector, consistent with the objects of this Act and other related legislation in relation to....'

Amongst others, the DTT policy makes the following determinations:

- Introduction of competition in the Subscription DTT and Free to Air space;
- The Policy doesn't *support* the lock out of new competitors until after analogue switch off as this will entrench the dominance of the incumbents
- No conditional access in the STB and
- No interoperability

Section 3 (4) of the Electronic Communications Act, 2005, state that: *'The Authority, in exercising its powers and performing its duties in terms of this Act and the related legislation must consider policies made by the Minister in terms of subsection (1) and policy directions issued by the Minister in terms of subsection (2)'*

This means that it is a must that the Authority takes into consideration the policies issued by the Minister.

Siyaya TV doesn't support the encryption and the interoperability as this will limit aspirant players (such as itself) to provide its own Set Top Box which will have Siyaya IP solutions to foster consumer choice and strengthen competition

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CONCLUSION

- Siyaya Free To Air (PTY) LTD, hereafter welcomes the Authority's revised DTT regulations and notes the urgency with which the Authority seeks to finalize this set of regulations.
- Siyaya TV is further encouraged to see that in response to the Minister's call to explore how best to introduce new services and licensees' (while ensuring that the digital migration process gives priority to incumbent broadcasters), the Authority is proposing to use a second Mobile Digital Terrestrial Television multiplex as a third DTT multiplex during the dual illumination period to accommodate new entrants.
- It is noted that for MDTT2, the Authority proposes the licensing of new entrants following an ITA (invitation to apply) process, it is recommended that such ITA will follow a robust economic viability study prior to any licensing to ensure healthy and sustainable competition in the future.
- The Authority is reminded that its mandate is to promote competition within the ICT sector (ECA,S2f), stop cross ownership (Radio/Television), promote an environment of open, fair and non-discriminatory access to broadcasting services, electronic communications networks and electronic communications services (ECA,S2g)

Siyaya TV wishes to thank the Authority for this public consultation on its revised draft DTT regulations and looks forward to the final version of the regulations as South Africa readies itself for digital migration and new competition.

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THANK YOU

