

mda

MEDIA DEVELOPMENT & DIVERSITY AGENCY

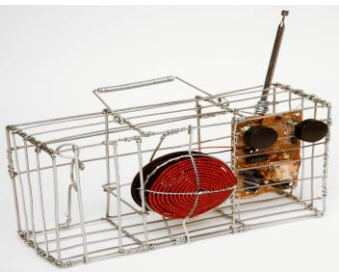


Regulating broadcasting in the digital age.



What does this mean for our independent Regulator?

Sparks Seminar
27 February 2012



SA Public Policy - Background, Context and Legislative basis

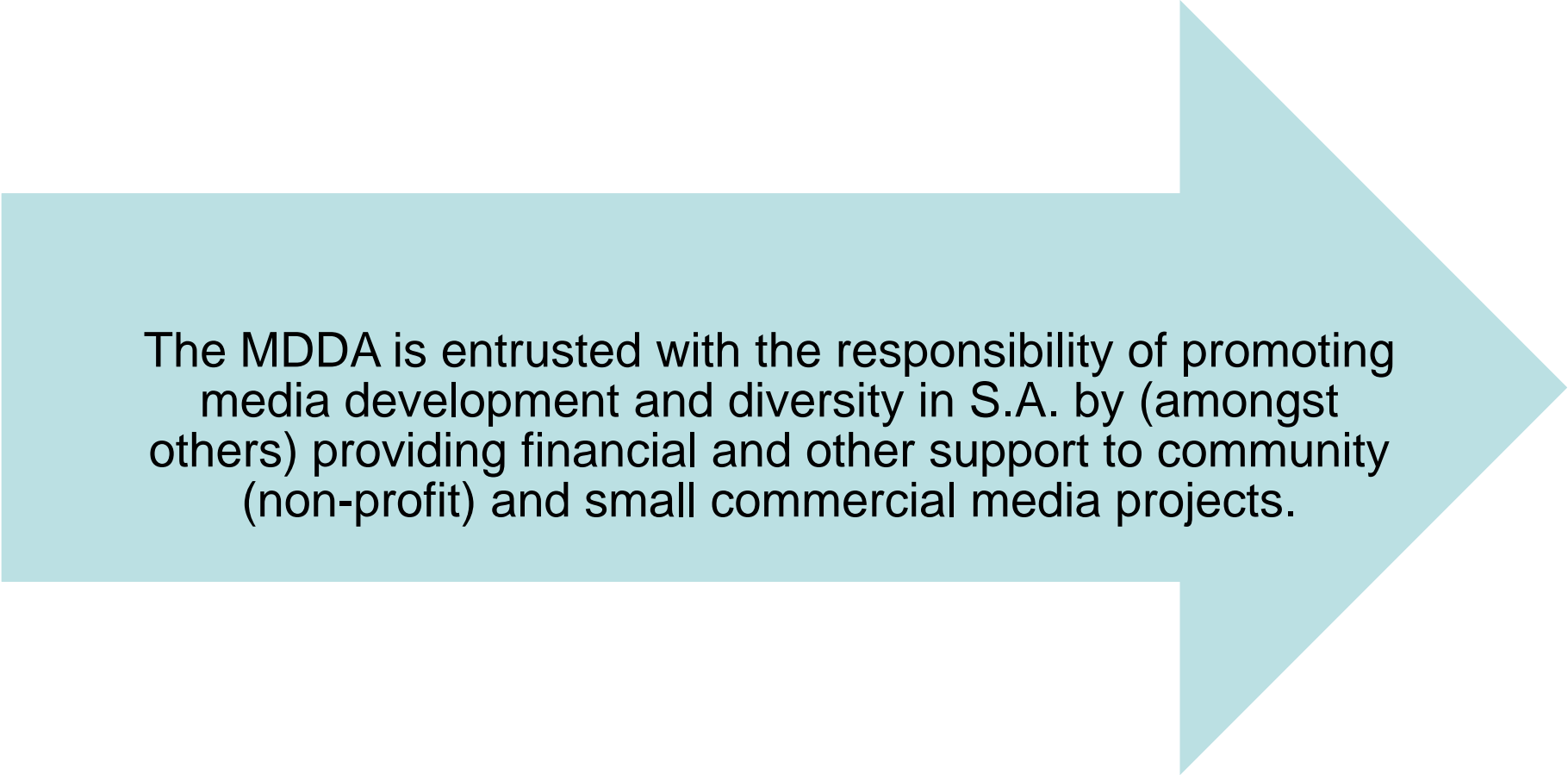
Section 16 and 32 of the Constitution Act No. 108 of 1996

- provides for the freedom of expression and access to information.

MDDA Act No. 14 of 2002

- establishes a statutory body called the MDDA.

Background, Context and Legislative basis



The MDDA is entrusted with the responsibility of promoting media development and diversity in S.A. by (amongst others) providing financial and other support to community (non-profit) and small commercial media projects.

Vision

“Each and every SA citizen should have access to a choice of a diverse range of media”

Mission

“A development Agency that will assist in building an environment where a diverse, vibrant and creative media flourishes and reflects the needs of all South Africans”

Mandate

- **CREATE AN ENABLING ENVIRONMENT FOR MEDIA DEVELOPMENT AND DIVERSITY WHICH REFLECTS THE NEEDS AND ASPIRATIONS OF ALL SOUTH AFRICANS**
- **REDRESS EXCLUSION AND MARGINALISATION OF DISADVANTAGED COMMUNITIES AND PERSONS FROM ACCESS TO THE MEDIA AND THE MEDIA INDUSTRY**
- **PROMOTE MEDIA DEVELOPMENT AND DIVERSITY BY PROVIDING SUPPORT PRIMARILY TO COMMUNITY AND SMALL COMMERCIAL MEDIA PROJECTS**

OBJECTIVES OF THE AGENCY IN TERMS OF THE ACT

Encourage ownership and control of, and access to, media by HDC as well as by historically diminished indigenous language and cultural groups,

Encourage the development of human resources and training, and capacity building, within the media industry, especially amongst HDGs,

Encourage the channelling of resources to the community media and small commercial media sectors,

Raise public awareness with regard to media development & diversity issues

**Support initiatives which promote literacy and a culture of reading,
Encourage research regarding media development & diversity,**

Liaise with other statutory bodies, such as ICASA and USAASA

Overall Objective

- To ensure that all citizens can access information in a language of their choice and to transform media access, ownership and control patterns in South Africa

Purpose

- To strengthen the sector through provision and leveraging of resources, knowledge and skills in pursuit of promoting media development and diversity

APPROACH

“Financial and non-financial support”

The provision of grants and subsidies – both to individual media projects and to create an enabling environment for media development and diversity

Leveraging resources and support through technical assistance

Conducting and funding research

Facilitating capacity building

Advocacy for media diversity

Section 192 of
the Constitution
Act No. 108 of
1996

- provides for the establishment of an independent authority to regulate broadcasting in the public interest

ICASA Act No.
13 of 2000

- establishes an independent authority ICASA to regulate broadcasting & telecommunications.

Broadcasting Landscape –A Three - tier Industry Structure



Policymaker and legislature – Government and Parliament

- Develop policy and legislature makes laws



Regulator – ICASA (S.A.), NBB (Botswana), TCRA (Tanzania), HAAC (Benin), CSI (Burkina Faso), NMC (Ghana), HCC (Mali), etc.

- Law
- Code of conduct for broadcasting services
- Regulations
- Self-regulation



Applications / operations – Three-categories (Public, Commercial/private and **Community broadcasting**, including *Community Radio & TV*)

Regulatory Framework

– legislative foundation

- Policy and regulatory development by ICASA in the sector is informed by, **amongst others**,:
 - The Constitution, Act 108 of 1996 (as amended)
 - Independent Broadcasting Authority Act, No. 153 of 1993 (as amended) **repealed by ECA**
 - IBA's Triple Inquiry Report, 1995
 - White Paper on Broadcasting Policy, 1998
 - Broadcasting Act, No. 4 of 1999 (as amended)
 - Independent Communications Authority of South Africa Act, No. 13 of 2000 (as amended)
 - Media Development and Diversity Agency, No. 14 of 2002
 - Broad-Based Black Economic Empowerment Act, No. 53 of 2003
 - Telecommunications Act, No. 103 of 1996 (as amended) **repealed by ECA**
 - Films and Publications Act, No 65 of 1996 (as amended)
 - Draft ICT BBEE Charter, 2005
 - Competition Act, No. 89 of 1998 (as amended)
 - Promotion of Administrative Justice Act (as amended)
 - Electronic Communications Act of 2005 (ECA) **from 19 July 2006**

Role of the Regulator

- 1994 (IBA) and post 2000 (ICASA)
 - ICASA regulates in terms of the law and is obliged to conduct public processes in conducting its functions
 - Regulator required by law to promote administrative justice, in terms of the Promotion of Administrative Justice Act, which stipulate timeframe for consideration matters by administrative bodies and require “Reasons for Decisions” to be provided.
 - Regulator obliged to act transparently and in the public interest
 - Regulator developed a number of regulations (through public participation) in order to provide clarity and certainty regarding its positions on a number of regulatory areas
 - Regulations give meaning and effect to the laws.

Role of the Regulator

- In the main, ICASA's mandate and core function is :
 - Licensing, including the issuing of clear and measurable terms and conditions for licenses,
 - Developing a Regulatory framework,
 - Managing the broadcasting frequency spectrum,
 - Monitoring compliance to the license, regulations and the law, and
 - Regulating the industry in the public interest.
- ICASA invites applications, consider applications, grant and issue licenses and the Minister plays no role in the broadcasting licensing & regulatory process
- Three categories of broadcasting licenses in South Africa:
 - Public
 - Commercial
 - Community

Broadcasting landscape

as at October 2011

- **Broadcasting Division (Licensees)**
 - Television
 - **3** Public National Free-to-air Broadcasting Services (**SABC**)
 - **1** Commercial National Free-to-air Broadcasting Service (**e-tv**)
 - **1** Terrestrial Subscription Broadcasting Service (**M-net**)
 - **6** Community Television Broadcasting Service (TBN, which was grand-fathered) , Soweto TV, ONE KZN, Cape Town CTV, Tshwane TV and Rustenburg TV)
 - **2** Public Regional Television Broadcasting Services (**SABC** – not operational yet)
 - In addition to these licenced services, there are 5 satellite based television broadcasting services
 - **Multichouce (Dstv)**
 - **On Digital Media (Top TV)**
 - *Walking for Water (not operational yet)*
 - *Telkom Media (not operational yet)*
 - *E-sat. (not operational yet)*

Broadcasting landscape

as at October 2011

- **Broadcasting Division (Licensees)**
 - Sound Broadcasting (Radio)
 - **18** Public Sound Broadcasting Services (SABC)
 - **15** Commercial Free-to-air Sound Broadcasting Services
 - **120** Community Sound Broadcasting Services
 - In addition there is 1 satellite based commercial sound broadcasting service (formally called [WorldSpace - YAZMI](#)) which had permission to continue broadcasting until its application has been dealt with by the Authority.
 - Broadcasting Signal Distribution
 - **1** Category One Licence – Common Carrier (Sentech)
 - **1** Category Two Licence – Commercial (Orbicom)
 - Some Community Sound Broadcasters are licensed to self provide their own signal distribution as Category Three Broadcasting Signal Distribution licences.

Digital broadcasting

The migration from analogue to Digital Terrestrial Television (DTT) in the main affects television and not radio.

There is amendments to the 2008 Broadcasting Digital Migration Policy and the public awaits for these to be gazetted.

The DTT policy is intended to fast-track the finalisation of the DTT Regulations by ICASA and review of the Broadcasting Frequency Spectrum Plan.

Digital opportunities

Digital radio will lead to more licensing opportunities, leading to more radio stations, diverse content, languages, views and opinions, etc.

Digital Terrestrial Television (DTT) also provides audio channels. The challenges becomes the mobility of TV sets. Mobile TV therefore will provide the ongoing advantage of radio, that you can listen any where, anytime, etc.

DTT enables the Public Broadcaster to deliver on its mandate

- Every household within DTT coverage will be able to receive **ALL** the SABC's television and radio services that are provided on the DTT platform. That includes:
 - 17 television channels, including SABC 1, SABC 2 and SABC 3
 - 18 SABC radio stations plus Channel Africa
- The coverage of the SABC's DTT multiplex is expected to reach 74% population coverage by Apr-12, 84% by Apr-13 and 92% by Dec-13 (broadly replicating current analogue SABC 2 coverage)
- Therefore, with DTT, coverage of television services will be equalised and the footprint for most of the radio stations will be increased beyond current FM coverage

DTT enables the Public Broadcaster to deliver on its mandate

- The SABC will use the functionality of DTT to provide the following services:
 - **Closed caption subtitles** – multiple alternative language subtitles that can be accessed via the STB's remote control
 - **Multiple language tracks** – up to 4 alternative audio tracks can be provided per programme
 - **Audio description** – an audio track providing contextual information within the programme dialogue for people with sight impairments
 - **Interactive applications** can be provided which will assist with the delivery of e-Government services (using the MHEG-5 interactive middleware)

DTT trial

- The SABC and e.tv launched a DVB-T trial in November 2008 in Johannesburg, Pretoria and Durban
- The trial helped to test the technology, the set-top boxes and channel formats, and research has helped to inform the business plan
- The trial transmissions will be now be converted to DVB-T2, in advance of the August 2012 soft launch
- With the conversion to DVB-T2, the currently deployed base of DVB-T trial set top boxes will no longer work

Platform and transmission

- Tariffs for DTT signal distribution
- Sentech is on track for the conversion of the 60% population coverage DTT network to DVB-T2 by March 2012

Platform management

- The broadcasters have established a broadcaster forum to deal with DTT platform management matters affecting all broadcasters – including vendor for central collation of service information, writing of technical specifications, and the Rules of Operation
- The free to air broadcasters are planning to establish a free to air broadcaster association (subject to legal approval) with a focus on marketing and consumer messaging, liaising with supply chain, ownership of STB Control, and development and management of the EPG User Interface

Challenges ahead

- Finalisation of the BDM Policy and amendments to ICASA's DTT Regulations (once published)
 - Finalisation of the STB framework
- Development of the free to air platform brand by the broadcasters
 - Establish FTA broadcaster joint venture and platform management association
- Finalisation of channel plans and prepare licence applications for submission to ICASA

Regulator readiness

Digital broadcasting provides a new challenge to the regulatory framework

- Multichannels
- Mobile channels
- Regulations (local content, advertising & sponsorship, Broadcasting Frequency Spectrum Plan, Digital Dividend, etc.)
- Monitoring
- Digital Radio

Regulator readiness

- **Strong regulator/strengthening of ICASA** – increase capacity (R&D, monitoring, etc.), skills and funding
- **Public interest:** coverage to all, tariffs, community broadcasting protection/creation of enabling environment, local content, empowerment, diversifying ownership & control, etc.

CONCLUSION

Chair,

- The three tier broadcasting system remain tried and tested in ensuring -
 - *diversity of media in each and every municipal district or geographic area.*

Chair,

- *Digital era should be used to achieve the noble objectives of our broadcasting system, including:*
 - *ensuring increased media in different indigenous languages, reflecting unity in diversity,*

.Chair,

- *Digital era should be used to achieve the noble objectives of our broadcasting system, including:*
 - *ensuring rural and poor communities are empowered, jobs are created, poverty is alleviated and towards an informed society.*