

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

CASE NO: 125

In the matter between:

E.TV (PTY) LIMITED	First Applicant
MEDIA MONITORING AFRICA	Second Applicant
SOS SUPPORT PUBLIC BROADCASTING COALITION	Third Applicant
and	
MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES	First Respondent
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	Second Respondent
SENTECH SOC LIMITED	Third Respondent
INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA	Fourth Respondent
SOUTH AFRICAN BROADCASTING CORPORATION SOC LIMITED	Fifth Respondent
CAPE TOWN TV	Sixth Respondent
TSHWANE TV	Seventh Respondent
SOWETO TV	Eighth Respondent
1KZN TV	Ninth Respondent
FAITH TV	Tenth Respondent
MEDIA DEVELOPMENT AND DIVERSITY AGENCY	Eleventh Respondent

**CHAIRPERSON: NATIONAL ASSEMBLY PORTFOLIO
COMMITTEE ON COMMUNICATIONS AND DIGITAL
TECHNOLOGIES**

Twelfth Respondent

FOUNDING AFFIDAVIT

I, the undersigned,

ANTONIO SERGIO LEE

do hereby make oath and say that:

1. I am an executive director of e.tv (Pty) Limited (**e.tv**) and an executive director of eMedia Investments (Pty) Limited, e.tv's holding company. I am duly authorised to depose to this affidavit on behalf of e.tv and on behalf of the second and third applicants. In this regard, I refer to the supporting affidavit of the second and third applicants.
2. The facts contained herein fall within my personal knowledge, save where otherwise indicated. Where I make submissions of a legal nature, I do so on the advice of my legal representatives (without any waiver of the privilege inhering in the advice received).

PART I: INTRODUCTION

3. Around **13.9 million** people in South Africa today access television **only** through **analogue broadcasting**.

4. The Minister of Communications and Digital Technologies (**Minister**) intends to switch off—permanently—all analogue broadcasting on **31 March 2025**. As a result, from 1 April 2025, television in South Africa will only be broadcast digitally.
5. The 13.9 million people include some of the poorest and most vulnerable in South Africa: around 12 million people are reliant on analogue signals to receive television broadcasts because they cannot afford satellite or other digital forms of television broadcasting.
6. The analogue switch-off (**ASO**)—if not postponed—will thus leave *millions* of people without access to television. It will sever their *existing* access.
7. This already serious situation is exacerbated in three ways.
8. **First**, not only will ASO on 31 March 2025 terminate widespread existing television access, but it will also breach a promise made by government. When government announced that it will migrate all broadcasting signals from analogue to digital, it promised to “*leave no one behind*”. It commenced a programme to provide indigent persons using analogue television sets with certain technology—set top boxes (**STBs**)—to be able to receive digital television broadcasting signals. Government committed to a process of *protected* migration.
9. Government is nowhere near completing its process; it cannot roll out STBs to all who need and have been promised them before 31 March 2025—or at least the overwhelming majority of those households. It cannot even roll out to those who have *registered* to receive set top boxes. Crucially, as things stand, around 450 000 households—over **1.5 million** people—have registered for but *not* received STBs (given the latest StatsSA average rate of 3.2 people per

household (FA1)). These indigent households will have their television cut off, despite being eligible and duly registering for an STB.

10. **Second**, the decision to set the ASO date as 31 March 2025 defies the Constitutional Court's judgment in *e.tv (Pty) Limited v Minister of Communications and Digital Technologies* 2023 (3) SA 1 (CC), dealt with further below. In that case, the Constitutional Court set aside a previous determination of the ASO date, on the grounds inter alia that the (former) Minister had failed to adopt a rational process, and had failed to consider the true number of indigent households which would be adversely affected by such switch off. The Court held that "*a central purpose of the analogue switch-off decision is to mitigate the adverse impact of switch-off*" (para 78). Regrettably, the Minister has repeated many of those mistakes, including a failure to consider relevant factors in relation to the number of indigent households that will be left without television, and has failed to mitigate the adverse impact of ASO, necessitating the current application.
11. **Third**, the decision was taken without rational consultation. Stakeholders were never properly consulted on the date, or the content of a plan to achieve the requisite installations of STBs by that date. The Minister presented the date as a *fait accompli*. After having already selected and announced the date, the Minister then briefly orally presented a high-level plan to roll out STBs before 31 March 2025 but again without consulting stakeholders in relation to the feasibility of that plan (or the facts (mistaken as I explain below) on which the plan was predicated), and did not provide them with a copy of that plan. It was not procedurally rational for the Minister to set the analogue switch off date without

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notice to and proper consultation with the broadcasting industry, relevant public interest organisations, and affected parties.

12. This is an **urgent** application for an interim interdict preventing the Minister from switching off analogue broadcasting on 31 March 2025 (Part A), pending a review of the decision to set the ASO date as 31 March 2025 (Part B).

13. The remainder of this affidavit is structured under the following headings:

Part II: The parties

Part III: Digital migration generally

Part IV: The facts leading to this application

Part V: The grounds of review

Part VI: The requirements for interim relief

Part VII: Urgency

14. e.tv is loath to burden the urgent court with lengthy papers, but this matter has a substantial history, and e.tv places the essential aspects of this history before this Court to assist in the just determination of this matter. It is unlikely, however, that all aspects of this history will be in issue when this matter is heard.

Abbreviations

15. Unless the context indicates otherwise, I use the following abbreviations in this affidavit.

Abbreviation	Definition
ASO	Analogue Switch-Off
BDM Policy	Broadcasting Digital Migration Policy published under GN 958 in GG 31408 of 8 September 2008 as amended by GN 97 in GG 35014 of 7 February 2012 and GN 232 in GG 38583 of 18 March 2015
BDMC	Broadcast Digital Migration Committee
BRC	Broadcast Research Council
Department	Department of Communications and Digital Technologies
DTH	Direct-to-home (satellite)
DTT	Digital terrestrial television
e.tv	<i>e.tv (Pty) Limited v Minister of Communications and Digital Technologies 2023 (3) SA 1 (CC).</i>
ECA	Electronic Communications Act 36 of 2005
ICASA	Independent Communications Authority of South Africa
ITU	International Telecommunications Union
Minister	Minister of Communications and Digital Technologies
NAB	National Association of Broadcasters
Regulations	Digital Migration Regulations, 2012 published under GN 1070 in GG 36000 of 14 December 2012
SABC	South African Broadcasting Commission
SITA	State Information Technology Agency
STB	Set-top box
USAASA	Universal Service and Access Agency of South Africa

PART II: THE PARTIES

16. The first applicant is **e.tv**, with its principal place of business at 4 Albury Road, Dunkeld West, Johannesburg. **e.tv** is South Africa's biggest independent and free-to-air television channel and the only meaningful non-state broadcaster of

free-to-air television news in South Africa. Established in 1998, its e.tv channel is the most viewed English television channel in South Africa.

17. e.tv operates in terms of an Individual Broadcasting Service Licence issued by ICASA, which entitles it to provide a commercial television broadcasting service. In terms of clause 2 of schedule 1 of this licence (**FA2**), e.tv is obliged to provide national coverage of its broadcasting services provided that at any given time the minimum population coverage is 77%.
18. The second applicant is **MEDIA MONITORING AFRICA (MMA)**, a non-profit organisation with its principal place of business at Suite 2, Art Centre, 22 Fourth Avenue (Corner Fourth Avenue and Sixth Street), Parkhurst, Johannesburg.
19. The third applicant is **SOS SUPPORT PUBLIC BROADCASTING COALITION (SOS)**, a non-profit organisation with its principal place of business at Suite 3, Art Centre, 22 Fourth Avenue (Corner Fourth Avenue and Sixth Street), Parkhurst, Johannesburg.
20. In the accompanying supporting affidavit filed on behalf of MMA and SOS, further details are provided in respect of these non-profit organisations and their role and activities in seeking to safeguard the public interest in relation to access to free-to-air broadcasting.
21. The first respondent is the **MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES**. The Minister is cited as the responsible Minister under the Electronic Communications Act (**ECA**) and the custodian of the digital migration process, which forms the subject of this application. It is the Minister who takes the decision regarding the digital migration process and who is required to gazette

the date for ASO. The Minister's offices are at iParioli Office Park, 1166 Park Street, Hatfield, Pretoria. This application will also be served on the Minister's attorneys, HM Chaane Attorneys the Irene Link Office Park, Building E, Ground Floor, 5 Impala Avenue, Doringkloof, Centurion, Gauteng.

22. The second respondent is the **PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**. He is cited as head of the National Executive and Cabinet. As I explain below, the Minister decided to set the analogue switch off date for 31 March 2025 either in or after consultation with Cabinet. This application will be served on the President through the Office of the State Attorney, Pretoria, Ground Floor, SALU Building, 316 Thabo Sehume Street, Gauteng.
23. The third respondent is **SENTECH SOC LIMITED (Sentech)**, a state-owned company offering digital content delivery services to public and commercial entities, with its main place of business situated at Sender Technology Park, Octave Road, Honeydew, Gauteng. Sentech is cited on account of the interest it has in the relief, as the entity which provides the services used by e.tv for the purpose of analogue transmission, and as the entity that will be responsible for "*flicking the switch*" to turn off analogue broadcasting in South Africa on the date determined by the Minister.
24. The fourth respondent is the **INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**. ICASA is a juristic person established in terms of section 3(1) of the Independent Communications Authority of South Africa Act 13 of 2000 (**ICASA Act**). Its registered offices are at 350 Witch-Hazel Ave, Eco- Park Estate,

Centurion. ICASA exercises the powers and performs the duties conferred and imposed on it by the ICASA Act and the underlying statutes, including the ECA.

25. The Fifth Respondent is the **SOUTH AFRICAN BROADCASTING CORPORATION LIMITED**. The SABC is a public company with limited liability and incorporated in terms of the company laws of South Africa, and the Broadcasting Act 4 of 1999. The SABC's main place of business is at Broadcasting Centre, Henley Road, Auckland Park, Johannesburg. The SABC is a public free-to-air terrestrial television broadcaster.
26. The Sixth to Tenth Respondents are the following five community television broadcasting service licensees:
- 26.1. **CAPE TOWN TV**, with physical address 18 Lower Scott Road, Observatory, Cape Town and email address mike@capetowntv.org.
- 26.2. **TSHWANE TV**, with physical address 75 Twickenham Avenue, Auckland Park, Johannesburg, email address kopano@tshwanetv.org.za.
- 26.3. **SOWETO TV**, with physical address 8270 Vilakazi Street, Orlando West, Soweto and email address Tshepo.thafeng@sowetotv.org.za.
- 26.4. **1KZN TV**, with physical address 71 Dollar Drive, Richards Bay Central, Richards Bay, and email address baytv@webmail.co.za.
- 26.5. **FAITH TV**, with physical address 74 Studio Office Park, Cresta, Johannesburg, and email address bvr@tbn.co.za and info@tbnafrica.org.

27. In MMA and SOS's supporting affidavit, they explain the services provided by these five community television broadcasting licensees. As I explain below, and as MMA and SOS explain in their supporting affidavit, these licensees stand to lose a significant portion of their viewership should ASO proceed on 31 March 2025. No relief is sought against these licensees, but they are cited for any interest they may have in this matter.
28. The Eleventh Respondent is **MEDIA DEVELOPMENT AND DIVERSITY AGENCY (MDDA)**. The MDDA is a statutory development agency for promoting and ensuring media development and diversity. It is a partnership between the South African Government and major print and broadcasting companies to assist in, amongst others, developing community and small commercial media in South Africa. It was established in 2003, in terms of the Media Development and Diversity Agency Act 14 of 2002 and started providing grant funding to projects on 29 January 2004. It is cited as the statutory body responsible for the promotion of development and diversity in the South African media throughout the country, and for any interest it may have in this application. Its offices are at 26 Canary Road, SABC Auckland Park Campus, Auckland Park. Its email address is info@mdda.org.za.
29. The Twelfth Respondent is the **CHAIRPERSON: NATIONAL ASSEMBLY PORTFOLIO COMMITTEE ON COMMUNICATIONS AND DIGITAL TECHNOLOGIES**. The Chairperson heads the Portfolio Committee responsible for overseeing the Minister and ASO. As I explain below, the Chairperson has strongly indicated her support for a reasonable extension of the ASO deadline. The Chairperson is cited in her official capacity for any interests she may have in

this matter. She is served care of the State Attorney, and through her email address of ksangoni@parliament.gov.za.

PART III: DIGITAL MIGRATION GENERALLY

30. Before turning to the specific facts that lead to this application, I deal with four general topics necessary to understand the context of this case.

30.1. First, the difference between analogue and digital television broadcasting.

30.2. Second, the reasons for the digital migration.

30.3. Third, the effect of a digital migration on analogue television viewers and broadcasters.

30.4. Fourth, the possible solutions to avoiding the inevitable television blackout to substantial numbers of people should the ASO be allowed to proceed on 31 March 2025.

(a) Digital versus analogue

31. Television is broadcast using frequency signals on the electromagnetic spectrum. "Analogue" and "digital" television signals are different signals on the spectrum.

31.1. Analogue television is the original television technology. It uses analogue signals to transmit video and audio. In an analogue television broadcast, the brightness, colours and sound are represented by amplitude, phase and frequency of an analogue signal. The broadcasting signal in an

analogue television set is received directly from an aerial or antenna and transmits through a terrestrial analogue signal. Currently all analogue broadcasting in South Africa happens in the frequency band below 694MHz.

31.2. Digital television is the transmission of television signals using digital encoding. It makes more economical use of scarce radio spectrum space; it allows multiple channels to be transmitted with the same bandwidth capacity previously used by a single analogue channel, and provides additional features that analogue television cannot.

32. There are two ways to transmit digital television signals.

32.1. First, **digital terrestrial television (DTT)**. DTT means transmitting digital television signals through transmission towers built on land (i.e. terrestrially). Viewers need a television set capable of receiving digital signals, and in the coverage areas of a DTT transmission tower, to watch television broadcast via DTT.

32.2. Second, **direct-to-home** transmission (**DTH**). DTH involves transmitting digital television signals via satellite. DTH transmission requires viewers to install a satellite dish, and to have a set top box capable of receiving digital signals.

33. Analogue television sets are unable to display information as received from digital frequencies without a device (generally referred to as a "**set top box**" or **STB**) capable of converting digital transmissions to analogue transmissions.

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(b) The digital migration

34. The process through which the broadcast of television is migrated from the original analogue technology to digital technologies and frequency signals is known as “**digital migration**” or “**broadcast digital migration**” (BDM).
35. The end of the digital migration process is ASO, when South Africa ceases all analogue television broadcasting. When this occurs, e.tv's, the SABC's, and numerous community broadcasters' current allocation of the necessary analogue frequency spectrum for analogue broadcasting will come to an end. Analogue television sets that previously received these analogue services will be blank, and will not be able to access any television broadcasts.
36. At a technical level, BDM entails the freeing up of spectrum. One of its primary aims was to free up “space” on the electromagnetic spectrum in the valuable 700Mhz to 800MHz frequency “band” which has been reallocated for use by telecommunication companies (i.e. MTN, Vodacom, Telkom, Cell C, etc). This induces cost effective data usage and bolsters the economy.
37. This aim has already been achieved. All broadcasting (including analogue broadcasting) previously in the 700MHz to 800MHz band has vacated this band (into the lower bands that continue to be dedicated for broadcasting), and South African telecommunication companies have already been assigned their respective frequencies in the 700MHz to 800MHz band, pursuant to a “spectrum auction” held in 2022.
38. All analogue television signals that were previously broadcasting above 694MHz have (with ICASA's approval) migrated their analogue broadcasts to the below-

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694MHz band, opening up unfettered use for services to the telecommunications operators. This was in accordance with the two-stage switch-off provided for in the gazetted ASO decision of 15 June 2023 (which set 31 July 2023 as the date for switching-off all analogue broadcasting services *above 694MHz*, and provided for the migration of analogue broadcasting transmissions to below 694MHz), which I discuss below.

39. Simply put: the further migration of television signals to digital technology does *not* affect telecommunications. There is no competition for spectrum in the below-694MHz spectrum range as it is all allocated for broadcasting (both in South Africa and by the International Telecommunication Union (ITU)).

(c) The effects of migration on analogue viewers

40. To be clear, the applicants accept that digital migration, in principle and properly implemented, is desirable. However, there are severe consequences if it is not done carefully, lawfully and rationally. That is what the present application is essentially about.
41. Roughly **13.9 million** people in South Africa watch television using older, analogue television sets and do not have any set top boxes. Digital migration renders these millions of television sets, without set top boxes, useless.
42. A large portion of e.tv's audience currently views e.tv through analogue devices. For the period November 2023 to November 2024, on average 31.7% of its audience viewed e.tv's broadcasting services by way of analogue (this is based on data supplied by Television Audience Measurement Survey (**TAMS**)). TAMS

is the television panel which is used to measure television audience in South Africa. The same system is used worldwide. The panel is demographically a representative of the total television population. The panel is run by Nielsen, which is an independent research company and managed by the Broadcast Research Council (**BRC**) on behalf of the broadcasters. The BRC of South Africa is a non-profit industry body that is publicly funded and which operates as an independent entity, and which provides objective, transparent data, which caters to the audience measurement needs of the radio, television, marketing and advertising industries in South Africa.¹

43. The most recent figures for 1 January 2024 to 31 December 2024 are as follows:

	28,4%	21,3%	16,1%	31,7%	2,5%
	40,4%	12,9%	16,4%	27,7%	2,6%
	31,2%	20,7%	18,6%	25,7%	3,8%
	18,5%	26,7%	20,1%	32%	2,7%

**Other includes audience contributions from households with more than one medium (i.e., DSTV and Openview, DSTV and DTT, or Openview and DTT).*

44. These figures confirm that between 25.7% (for SABC2) and approximately 32% (for 31.7% for e.tv and 32% for SABC3) of the people who watch free-to-air broadcasting in South Africa do so by way of analogue transmission.
45. The BRC has furthermore confirmed that, currently, 4 332 147 households still rely on analogue transmission alone (**FA3**). This equates to approximately 13.9

¹ <https://brcsa.org.za>

million South Africans, considering the StatsSA ratio of 3.2 people to each household.

46. These households are spread across all nine provinces of the country.
47. While the SABC switched off its analogue transmitters in five provinces (mistakenly expecting that the government would ensure digital migration of analogue viewers), e.tv continues to broadcast in all nine provinces using 41 analogue transmitters. According to the BRC, the average number of households between April and December 2024 relying on **only analogue** television broadcasts in each province is as follows:

Province	Analogue Households
Gauteng	1 689 051
KwaZulu Natal	793 479
Eastern Cape	378 755
Western Cape	487 736
Northern Cape	46 096
Free State	112 499
Mpumalanga	243 735
Limpopo	317 327
North West	254 468
Total	4 332 147

48. The effect of this is that there is no province in South Africa in which ASO has occurred. e.tv continues to use analogue transmission in the discharge of its licence obligations to provide television access as a free-to-air broadcaster. And a significant portion of South African television households (some 27%) remain reliant on analogue television broadcasts to access free to air television in South Africa.

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49. Within this context, the Minister's planned ASO on 31 March 2025 —without more—severs *millions* of people's access to television across all nine of South Africa's provinces.
50. This is not just any television access. SABC and e.tv air television *free of charge* as do community broadcasters. Anyone who has a television can watch SABC, e.tv and the community broadcasters without paying any subscription fees.
- 50.1. Free-to-air television is a necessity, both because it gives effect to the rights of freedom of expression and access to information under sections 16 and 32 of the Constitution; but also as a tool for good governance, as it permits the widespread distribution of public service announcements. The "family meetings" called by the President during the Covid-19 lockdowns powerfully illustrate the importance and unique reach offered by free-to-air television.
- 50.2. e.tv is the only meaningful non-State domestic free-to-air television channel with national coverage that offers an expansive news service.
- 50.3. In terms of clause 2.2 of schedule 2 of its licence, e.tv is obliged to broadcast a minimum of two hours of news and information programming per week in a wide range of official languages. Clause 6 of schedule 2 obliges e.tv to broadcast at least two hours of news during the performance period, of which at least thirty minutes per day must be packaged into a single programme to be broadcast during prime time (clause 6.2). Additionally, news and current affairs programming must reflect local, regional and provincial events

developments (clause 6.1). e.tv is required to exert full editorial control over the content of its news programming (clause 6.3).

50.4. e.tv's licence also requires a minimum population coverage of 77%, recognising the importance of reaching a national audience.

50.5. e.tv must broadcast at least 19 hours of information programming per week, at least two hours of which must be during prime time (clause 5 of schedule 2).

50.6. These obligations are included in e.tv's licence because the State has recognised the importance of these services in providing access to information to viewers of e.tv's free-to-air services. But if ASO occurs prematurely, a large portion of the viewing public (some 31.7% of e.tv's viewers) will no longer be able to watch e.tv's broadcasts.

51. Moreover, in addition to losing access to e.tv's free-to-air programming, those reliant on analogue broadcasting will also lose access to SABC as well as the community television stations:

51.1. The SABC is the public broadcaster in South Africa with a mandate to "inform, educate and entertain" the public of South Africa;

51.2. The community stations play an important role in the communities which they serve. They must, by law: a) serve a particular community; b) be run by a non-profit organisation; and c) involve members of the community in the selection and production of programming.

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52. Viewership of e.tv, SABC and the community broadcasters is directly related to the ability of a free to air television station to generate revenue through advertising (free to air stations generate the majority of their revenue through advertising – with the SABC also generating revenue through the State licensing regime). A significant loss of viewership will, therefore, have catastrophic implications for the revenue generating ability of these free to air broadcasters and deleteriously affect the quality of their offerings more broadly.
53. As I indicate below at paragraph 198, if ASO happens on 31 March 2025, given that there is still over 31% of its audience who are unmigrated and rely on analogue (and there is no indication that there will be any material change in the weeks before 31 March), e.tv will suffer significant and irreparable commercial harm.

(d) Avoiding television blackout

54. Recognising the desirability of a lawful digital migration process, e.tv has advanced potential ways in which this could be achieved, but to no avail. There are various technologies that permit older analogue television sets to receive digital signals. The most common and cheapest technology is a set-top box **(STB)**.
55. What can a household, with an older, analogue television set, but without an STB, do to avoid being cut off from television? One of four things.
- 55.1. First, purchase a newer television that can receive digital signal.

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- 55.2. Second, they can install a satellite dish and purchase a decoder (STB) such as that offered by MultiChoice (DStv) or OpenView (these are DTH STBs).
- 55.3. Third, if near a DTT transmission tower, the household can have a special DTT aerial and STB for DTT transmission installed and provided by the government. However, DTT STBs and aerials are not generally available in South Africa for retail purchase (although, from time to time, small quantities have been imported by certain retailers, for online sale only, but these are not SABS and ICASA approved boxes, and it is not clear whether they would in fact work).
- 55.4. Fourth, purchase a "smart" television that connects to the internet, and watch television by "streaming" television programming over the internet.
56. These options cost money. For example:
- 56.1. DStv offers television services. To watch programming through DStv on an analogue television, a person needs to pay a monthly subscription fee, purchase a DTH STB, and buy and install a satellite dish. This costs approximately between R1000 and R2000 for the STB, dish and installation, and a minimum of R29 rand per month for the subscription fee on the most basic package.
- 56.2. e.tv offers customers free-to-air programming through its "OpenView" platform. OpenView does not require a monthly subscription; but it does require purchasing a decoder (STB) (R799) and installing a satellite dish (approximately R1000).

57. A significant proportion of viewers relying on analogue broadcasts are indigent. These viewers cannot "*self-migrate*" because of their socio-economic status. They cannot afford to purchase technology capable of receiving digital television signals.
58. So, to avoid severing millions of people's access to television, three things need to happen.
- 58.1. First, qualifying households must be **identified** based on accurate and current data.
- 58.2. Second, qualifying households must be **registered**. There must be a robust awareness campaign to ensure that indigent households are informed of the need to register for and obtain STBs and be given the opportunity to do so.
- 58.3. Third, the STBs must be **installed** (either DTT STBs or DTH STBs). An STB will not work without the dish in the case of satellite and for DTT specific aerials are required to receive the full transmission.
59. As I set out further below, government has failed at each of these requirements.

PART IV: BACKGROUND TO THIS APPLICATION

60. There are seven parts to this application's background which I explain further below:

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- 60.1. First, government has shifted the ASO deadline several times since 2011. In the interim, television is broadcasted through both digital and analogue transmissions (i.e. dual illumination).
- 60.2. Second, government shifted the ASO deadline several times to keep a promise: to leave no one behind. Government promised that it would protect indigent households' access to television by providing them with STBs before ASO. These households could then migrate—free of charge—to digital broadcasts after ASO.
- 60.3. Third, in 2021, government set an ASO deadline that was unrealistic and irrational. e.tv, MMA and SOS applied to review that ASO deadline. The Constitutional Court set aside that ASO deadline, in part because the Minister failed to consider the views of stakeholders and the impact ASO would have on indigent households.
- 60.4. Fourth, after the Constitutional Court's judgment, government set the ASO date to 31 December 2024.
- 60.5. Fifth, government failed to install sufficient STBs by that date or to comply with the requirements set by the Constitutional Court in relation to procedural rationality. In a presentation to Parliament on 19 November 2024, the (incumbent) Minister admitted that the Department had 469 000 households registered for—but yet to receive—the promised STBs.
- 60.6. Sixth, on 5 December 2024, despite initially saying that there would be no postponement, the Minister announced a postponement of the ASO

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deadline to 31 March 2025. He did so summarily—stakeholders were not consulted prior to the decision to postpone.

60.7. Seventh, as a matter of fact, government cannot install the required and promised STBs before 31 March 2025.

61. These facts are relevant to demonstrating why it is that the Minister's decision to set 31 March 2025 as the ASO date is irrational and unlawful, and further why the balance of convenience firmly favours granting interim relief: given the fact that the migration process has been ongoing for some 16 years, any harm that may be occasioned by an extension in the process to require the government to fulfil its constitutional obligations and publicly made promises is far outweighed by the harm that millions of South Africans would suffer were the Minister to go ahead with the planned switch-off on 31 March 2025.

(a) The repeated shifting of the ASO deadline

62. The digital migration process commenced some time ago in South Africa.

63. Soon after the International Telecommunication Union (ITU)'s 2006 Regional Radio Communication Conference, the government of South Africa began to formulate what would become its first Broadcasting Digital Migration Policy (**BDM Policy**), for which a public participation process was held in March and April 2007. This Policy was gazetted in September 2008.

64. In 2007, Cabinet approved what is known as the "**dual illumination period**", during which television would be broadcast using both analogue and digital signals. It was to commence on 1 November 2008. But the government missed

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this deadline. In December 2012, the Digital Migration Regulations (**Regulations**) were gazetted and the commencement date for dual illumination was changed to 1 February 2016.

65. While the BDM Policy had intended for digital migration to be completed by November 2011, this was also not achieved. So the BDM Policy was amended in 2012, requiring government to complete digital migration by 17 June 2015, but this, too, did not materialise. As a result, the BDM Policy was further amended in 2015, so that the digital switch-on and analogue switch-off dates were *“to be determined by the Minister of Communications in consultation with Cabinet”*.
66. On 1 February 2016, the dual illumination period commenced. Television was broadcast on analogue and digital frequencies. This remains the case.
67. On 11 February 2021, during the State of the Nation Address, the President announced that digital migration would be completed by the end of March 2022.
68. On 29 September 2021, Cabinet approved the Minister’s ASO implementation plan, in terms of which the analogue switch off would occur by the end of March 2022.
69. On 5 October 2021, for the first time, the Minister announced a deadline for the STB registration: 31 October 2021. For those who met the deadline, the STBs would be installed by the ASO date. However, for all those who registered after 31 October 2021, the STBs would be installed three to six months after ASO. This meant that those who failed to register by 31 October 2021 or registered thereafter would not receive television services during that period.

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(b) The promise to leave no one behind

70. Since 2015, the Department of Communications and Digital Technologies (**Department**) has repeatedly assured the public that those who cannot afford to migrate to digital television will be protected by the State. In accordance with its constitutional duties, and to prevent widespread television blackout, government made a promise to "*leave no one behind*".

71. Government has repeatedly and publicly committed to the provision of STBs for those who are reliant on analogue broadcasting and cannot afford to self-migrate, and to do so *before* the analogue switch-off takes place.

72. Government made its promise in three ways.

73. **First**, through the BDM Policy and all its amendments.

73.1. In the original, 2008 BDM Policy, the Minister acknowledged as a "key policy decision" that "as a means to achieve universal service and access in digital terrestrial broadcasting, basic STBs will be made affordable". ICASA undertook that "access to public broadcasting services by all South Africans, regardless of their economic status, remains a fundamental principle that should continue to be upheld in the digital broadcasting era". The Policy records further:

"Government has decided, as a matter of policy, to consider finding means of making the STBs affordable and available to the poorest TV-owning households. This support by government should be seen as part of its commitment to bridging the digital divide in South Africa.

Accordingly, for South Africa, the STBs will have special features which enable access to government services for all citizens, especially those

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who thus far have had limited or no access. Digital broadcasting also enables the provision of services in a multiplicity of languages, thus increasing access to information which in line with Government's Information Society vision, is an important tool for societal and economic development. This is essential to meet our poverty reduction goals."

- 73.2. The 2012 amendment to the BDM Policy introduced the "*Universal Service and Access Fund*". Government's commitment was recorded as follows:

"Government has decided, as a matter of policy, to consider finding the means to make STBs affordable and available to the poorest TV-owning households. This support by Government should be seen as part of its commitment to bridging the digital divide in South Africa. The Government has therefore decided, as mandated by section 88 (1) (a) of the Electronics Communications Act (ECA), to subsidise poor TV households through the Universal Service and Access Fund (USAF). In supporting the South African bid to host the Square Kilometre Array (SKA), government will also subsidise affected communities using satellite technology. The government will also consider extending the incentive schemes to households that can only experience free-to-air digital services via DTH platform, to ensure close to 100% coverage, which include the following signal distribution realities:

- a) Self help Stations;
- b) Low Power Stations;
- c) Northern CAPE Astronomy Geographic Advantage Act 21 of 2007; and
- d) Areas that may be deemed difficult or uneconomical."

- 73.3. In the 2015 amendment to the BDM Policy, the hallmark of a successful digital migration was described as: "Universal access, the availability and accessibility of broadcasting services to all citizens are a key component of successful digital migration." The 2015 amendment records further:

"In order for households to continue to receive television services on their current analogue TV sets after the analogue signal is switched-off,

set-top boxes (STBs), which convert the digital signals into analogue signals, are required. The total TV-owning households in South Africa are estimated at 13 million, of which approximately 65 per cent rely exclusively on free-to-air broadcasting services.”

73.4. And:

“Government has decided, as a matter of policy, to consider finding the means to make STBs affordable and available to the poorest TV-owning households. This support by Government should be seen as part of its commitment to bridging the digital divide in South Africa. The Government has therefore decided, as mandated by section 88(1)(a) of the Electronics Communications Act (ECA), to subsidise poor TV households through the Universal Service and Access Fund (USAF).”

74. **Second**, in 2012 the Minister promulgated the Regulations, which established the Digital Television Content Advisory Group (**Advisory Group**) to *“advise [ICASA] on the most effective way to ensure the supply of digital television content to encourage end-users to acquire set-top boxes in order to begin viewing digital television services”*.
75. **Third**, various public announcements by the Minister confirmed that the government will provide STBs to those households that are dependent on social grants or earning R3 500 per month or less (which government’s own publicly announced estimates put at **3.75 million** households). Government, in arriving at the 3.75 million households, relied on **2018 statistics from StatsSA**.
- 75.1. In the Broadcasting Digital Migration Factsheet (**FA4**), the Government undertakes to *“provide free STB to more than 5 million poor household television owners”*.

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75.2. In a media report on 10 March 2015, the Department was reported as promising that “more than five million poor television household owners will receive free set top boxes from government” (FA5);

75.3. On 5 October 2021, the Minister recorded (FA6):

“The government undertook to assist beneficiary households (households earning total salary of less than R3500 per month) with installation of set-top-boxes to ensure universal migration. The process of registering beneficiary households to be supported commenced in 2015 and to date 1.184 million qualifying households have been registered out of an estimated 3.75 million qualifying households (as per StatsSA 2018 data).” (emphasis added).

76. And further:

“To give effect to a successful Digital Migration and Analogue Switch-off, we have to ensure that everyone who needs to migrate from analogue to digital is ready to do so and are not negatively affected by the Switch-Over from Analogue to digital.”

77. In an affidavit before the High Court in the *e.tv* litigation (which I describe below), the (former) Minister indicated her intention to “ensure that all qualifying households receive STBs” and that government “will not be leaving any South Africans behind” (FA7).

78. In *Electronic Media Network Limited v e.tv (Pty) Limited* 2017 (9) BCLR 1108 (CC) (*e.tv*), based on the Minister’s affidavit in that matter, the Constitutional Court, held at para 9 that “Set top boxes will be required for the foreseeable future until television sets with the technology to unscramble digital signals are accessible to all. These boxes will thus be needed by the financially under

resourced, for as long as television sets with signal unscrambling capabilities are beyond reach.”

79. These promises, that “*everyone*” who currently receives analogue broadcasts will be given the means to migrate “*before the set dates*”, were seriously and lawfully made in line with the government’s stated policy.
80. As recently as 20 December 2024, and in a meeting with broadcasters which I deal with further below, the Minister recorded that, in implementing the “plan” to ASO, “we want to make sure that we **do not prejudice South Africans from being able to access television services** and that we want to **safeguard the sustainability of the industry**, even as we have to do this in a climate that puts in very challenging interventions around us”.
81. I am advised that the doctrine that a State organ will be bound by its seriously and lawfully made public promises has become known as the “*KZN Principle*”. The KZN principle recognises that a promise by the State to make a payment or to do something is enforceable against the State when it would be legally and constitutionally unconscionable for the State to renege on that promise. The undertaking to provide set-top boxes to households who are not otherwise able to access free-to-air broadcasting services falls within the KZN principle. A breach of a publicly made promise would also be a breach of section 195 of the Constitution as well as the obligation in section 7(2) of the Constitution to respect, protect, promote and fulfil the rights in the Bill of Rights.

(c) The e.tv litigation

82. On 12 October 2021, in response to the Minister's decisions to impose an STB registration deadline on 31 October 2021 and an ASO deadline of 31 March 2022, e.tv launched an urgent application in this Court. MMA and SOS intervened as co-applicants. e.tv, MMA, and SOS alleged that the ASO would permanently prevent millions of people, who had not migrated to digital television transmission and who were not in possession of STBs, from receiving free to air television transmission on their analogue television sets—contrary to the Minister's promise to leave no one behind.
83. On 28 March 2022, this Court delivered its judgment. It dismissed certain aspects of e.tv, MMA, and SOS's case, but ordered that the ASO deadline would be 30 June 2022 (not 31 March 2022).
84. On 4 April 2022, e.tv, MMA, and SOS urgently applied directly to the Constitutional Court for leave to appeal against this Court's judgment.
85. The Constitutional Court granted leave to appeal directly. On 28 June 2022, the Constitutional Court handed down its judgment in *e.tv (Pty) Limited v Minister of Communications and Digital Technologies 2023 (3) SA 1 (CC)*.
86. Its main findings are as follows:
- 86.1. The Minister's decision to set the ASO deadline is executive in nature. The decision must be taken rationally, lawfully, and in good faith.

- 86.2. It was not procedurally rational for the Minister to set the ASO date without notice to the industry and affected parties to obtain their views on the matter (para 52).
- 86.3. A central purpose of the ASO decision is to mitigate the adverse impact of switch-off on millions of indigent persons. But the Minister took the decision to impose an STB registration deadline *“without any reliable sense of its impact on millions of indigent persons, whose currently working television sets will be rendered useless”*. So, the decision was irrational for failure to consider a relevant consideration (para 78).
87. The Court set aside the Minister’s decisions (para 100). The present application entails an application of the self-same findings and underlying principles.

(d) The 31 December 2024 ASO date

88. On 15 June 2023, the (former) Minister decided that the ASO will be 31 December 2024 (FA8). The (former) Minister’s decision is reflected in the “Broadcasting Digital Migration Policy: Announcement of Date for Final Switch-off of the Analogue Signal and the End of Dual Illumination” published under GN 3554 in GG 48793 of 15 June 2023. The decision reads:

“I, Mondli Gungubele, Minister of Communications and Digital Technologies, under paragraph 3.3.1 of the Broadcasting Digital Migration Policy published in Government Notice 958, *Government Gazette* 31408 of 08 September 2008, as amended, hereby set 31 July 2023 as the date for switching-off all analogue broadcasting services above 694 MHz. All remaining analogue broadcasting services should temporarily be accommodated below the 694 MHz frequency. All digital broadcasting services operating above the 694 MHz frequency must

also be retuned to operate on frequencies below 694 MHz in order to clear broadcasting services from the 694 to 862 MHz frequency band.

Furthermore, I set 31 December 2024 as the end of the dual illumination period and the date to switch off all the remaining analogue broadcasting services below the 694 MHz frequency.”

89. At the time the (former) Minister issued the June 2023 decision, e.tv supported this ASO date but on condition and in the understanding that the Department would take urgent and continued steps to ensure that the vast number of South Africans who had not yet been migrated would be migrated to enable them to continue accessing television via digital signal after ASO.
90. After the announcement of the new ASO date, e.tv participated extensively in the processes of the Broadcast Digital Migration Committee (“**BDMC**”). e.tv’s representatives, at BDMC meetings, consistently raised concerns with the BDMC members, principally the Minister and officials of the Department, relating to the delays in giving effect to the workstreams that were central to the implementation of the plan adopted to ensure that the digital migration process would take place in a constitutionally compliant manner (and not deprive millions of indigent South Africans of access to television).
91. An industry workshop took place at the offices of e.tv on 14-15 August 2023 to develop a plan that would allow for a structured, targeted and reasonable way of giving effect to the digital migration process. The workshop was attended by representatives of the Department, Sentech, the SABC, e.tv, Cape TV, Soweto TV, 1KZN, the Post Office and USAASA. This plan was adopted by the BDM (which included representatives of the Minister). The August 2023 plan

envisaged identifying analogue transmitters that serviced a smaller number of households and then conducting extensive field exercises around these transmitters through consumer awareness drives to ensure that households serviced by the transmitters were made aware of the analogue switch off process and were assisted to register for set top boxes. At the same time, installations would occur allowing for the relevant transmitters to be switched off once a sufficient number of the analogue dependent households had migrated to a digital platform. This structured approach could be rolled out to larger transmitters with the major metropolitan transmitters being addressed once the smaller transmitters had been switched off. Critical to this process was an electronic tracking database that would allow for the tracking of the registration process, installation process as well as the ordering of set top boxes. It was repeatedly noted in e.tv's letters that the implementation of the plan had been significantly delayed and impaired in a variety of respects (including through delays in securing funding for aspects of the plan – this resulted in very significant delays). For example, fieldwork (a critical aspect of the plan) was only conducted in the form of pilot projects in Port St Johns, Uitenhage and Mt Ayliffe in April – May 2024).

92. However, despite this plan being adopted by the BDM (including the Minister's representatives), the Minister then arbitrarily abandoned or failed to implement the plan, which meant that it was simply not possible to meet the initial ASO deadline of 31 December 2024 (or any brief extension of that date) without leaving many millions of South African without access to television. But the Minister nevertheless irrationally refused to extend the ASO deadline to a date

that allowed for rational and constitutionally compliant digital migration (apparently under dictation from Cabinet), as I discuss below.

93. On 25 October 2023, e.tv sent a letter to the (former) Minister requesting the intervention of the Minister due to concerns relating to delays that had occurred in the BDMC process (FA9). e.tv recorded that without efficient intervention, these concerns imperil meeting the 31 December 2024 deadline and lawfully migrating to digital signals. These concerns included:

93.1. The lack of funds for an awareness campaign around the digital migration.

93.2. The public's lack of awareness of digital migration and the need to (among other things) register for STBs.

93.3. People could not register for STBs at Post Offices due to a lack of physical registration forms.

93.4. There were only 10 000 STBs available nationally.

94. Following this letter, several further BDMC meetings were held thereafter, where e.tv continued to raise these concerns, and highlight that government was failing to comply with its stated plan, but they remained unresolved.

95. Given the delays that had occurred and the ongoing failure to address e.tv's concerns, on 18 June 2024, e.tv sent a letter to the (former) Minister (FA10). This letter recorded that there remained serious impediments to rolling out STBs. For instance, the BDMC had failed to establish a database to track the registration and installation of STBs at indigent households. The letter raised further

concerns, including a lack of funds, delays in consumer awareness campaigns, and problems with registering online or in-person at the Post Office. The letter pointed out that the online registration tool only went online during **May 2024** (seven months before the ASO deadline), and that there were far too few STBs for the **425 000** household registrations that had already registered by 12 April 2024.

96. On 9 July 2024, e.tv wrote to the current Minister again (shortly after the election) (**FA11**). e.tv stressed to the (new) Minister that the ASO date of 31 December 2024 had to be postponed. The various delays in the STB rollout—addressed in e.tv's previous letters—meant that millions of people in South Africa would be deprived of television access if ASO went ahead on 31 December 2024. The letter pointed out how 4.3 million households remained dependant on analogue broadcasting, but had no funds to self-migrate. The letter concluded by requesting a meeting with the Minister.
97. On 12 August 2024, the Minister (who had recently taken office) met with representatives of e.tv, and e.tv raised its concerns set out above. This was an introductory meeting, at which the Minister told e.tv that he would consult with his team and revert regarding e.tv's concerns. He never did.
98. On 16 August 2024, e.tv followed up with a letter addressing agenda items that the Minister and e.tv could not discuss in their meeting (**FA12**). In this letter, e.tv undertook to assist with the digital migration, but stressed again that the migration could not occur on 31 December 2024 without cutting off millions of South Africans. Given that the members of the BDMC and other broadcasters had

similar concerns to those raised by e.tv, it was clear that the ASO date should be delayed, particularly as there was no pressing need to clear the spectrum used by the analogue transmitters. The meeting with the Minister had been positive, but the Minister plainly needed time to understand the intricacies of the ASO process (as well as numerous other issues within the scope of his portfolio).

99. Two months went by. On 11 October 2024, e.tv wrote to the Minister again (FA13). It recorded how the BDMC had not met at all since e.tv met with the Minister on 12 August 2024. e.tv reiterated its concern that the ASO date needed to be postponed. It also noted that *"We understand, from a report in the media yesterday, that the Minister is quoted as saying that: "One thing I will not do is to leave the pronouncement on that decision very late and very close to that deadline because it just creates unhealthy and unnecessary anxiety in the sector"*. In these circumstances, it appeared plain to e.tv that a timeous announcement would be made and it was assumed, given the overwhelming support for the extension of the ASO that it would be postponed for a reasonable period.

100. But no announcement came from the Minister. So, on 2 November 2024, with the 31 December 2024 deadline looming, e.tv wrote a letter imploring the Minister to postpone the ASO deadline (FA14)². The letter pointed out how *no* progress had been made with STB rollout and digital migration since June 2024—including BDMC meetings. e.tv requested confirmation of a postponement of the ASO deadline by 5 November 2024.

² I have excluded the annexures to this letter as they were the prior letters that had been sent by e.tv and are already attached to this affidavit.

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101. On 5 November 2024, the Minister responded to e.tv (**FA15**). The Minister explained that he intended to issue a public update on the ASO on or before 22 November 2024. He further indicated that he would schedule a meeting with broadcasters including e.tv regarding the ASO deadline. In these circumstances, e.tv awaited the public announcement mentioned by the Minister.

(e) The Minister's presentation to Parliament

102. On 19 November 2024, the Minister and his Deputy Director-General gave a presentation to the Portfolio Committee on Communications and Digital Technologies regarding digital migration. I attach the presentation as **FA16** and a transcript of the meeting as **FA17**.

103. This presentation provides the status of STB registrations and rollouts.

103.1. The presentation records, at slide 4, that household registration and STB installations are "ongoing" and not complete.

103.2. At slide 8, the presentation records that the Department's consumer awareness program ended on **31 October 2024** (it ran from July 2023).

103.3. At slide 9, the presentation reveals that—

103.3.1. the online registration for households commenced only in **June 2024**;

103.3.2. only **3 570** households registered online since then; and

103.3.3. the Department cannot verify household registrations for duplications, citizenship status, or mortality because of an

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“incomplete” integration with the Department of Home Affairs’ system.

103.4. In slide 10, there is a table recording that only **42 563** households registered between August 2023 and October 2024. The total number of registered households, since September 2015, is **1 772 873**.

103.5. Slide 11 explains that government procured 1.43 million (DTT) STBs between 2015 and 2020. By 31 October 2024, only **40 000** remained in stock. Sentech had by then procured an additional **200 000 DTH** (i.e. satellite) decoders, of which **22 558** have been distributed. The DDG explained to the Committee that, going forward, given their technological advantages, the Department will only roll out DTH STBs (Transcript page 23 line 21).

103.6. Slide 13 records that government installed only **45 450** STBs between August 2023 and October 2024. Government installed a total of **1 303 503** STBs since 2015—averaging **144 833** per year. There remained (at that stage, and on the Minister’s own version) **469 000** households requiring installation before the deadline which had been set for 31 December 2024.

103.7. Slide 13 further reveals that government cannot *locate* remaining households due to “unusable”, “missing”, or “incomplete” data. To address this issue, the Department has commenced “data verification” and “stakeholder engagement” processes. The Department indicated that its “data cleaning process” “will hopefully be concluded by the end of

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November 2024" (slide 14). To my knowledge, the Department has not concluded this process (although, as discussed below in the Minister's presentation of 20 December 2024, which was only provided in late January 2025, a revised figure was provided for the number of registered households based on "data cleaning exercise").

103.8. Slide 14 includes an important table. The table records STB installations per month between August 2023 and October 2024. The table shows that only **45 450** were installed in that period; and **1 303 503** STBs were installed since 2015. The table further shows that **469 370** households remain without STBs, despite having registered for those STBs. That is around **26%** of indigent households registered to date.

103.9. Slide 15 acknowledges that data integrity issues have impacted the rate of decoder installations, and that installations are not near the "the 90% threshold needed to secure authorisation from broadcasters". I underscore that this 90% threshold was agreed to by the SABC—not e.tv.

103.10. Slide 16 concludes with a request for further funding for dual illumination in the 2024/25 financial year. The implication is that the Department requested Parliament to fund another *year* of dual illumination. Simply put: the presentation motivated for a *postponement* of the 31 December 2024 deadline, and funding to ensure that postponement, for at least one year.

104. In sum, the presentation reveals:

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- 104.1. Government ceased ASO public awareness programmes by 31 October 2024.
- 104.2. Only 40 000 (DTT) and 177 442 (DTH) STBs remain available for installation: a total of **217 442**.
- 104.3. **469 370** households remain without STBs, despite having registered for those STBs. That is around **26%** of households registered to date. This is over **double** the number of STBs currently available for distribution. And **90%** of these households were registered **over a year ago but had not yet received their STBs** (since only **42 563** households registered between August 2023 and October 2024).
- 104.4. At last year's rate of installations, it will take over **ten years** to install the remaining STBs for currently registered households.
- 104.5. I stress that the 469 370 households who have registered for but not received an STB represent a fraction of those indigent households whose television access will be cut off on the ASO deadline.
105. While **1 772 873** households have registered for STB installation, there are a total of **3 750 000** households that would require a state-sponsored STB to avoid a deprivation of television access.
106. So, **1 977 127** households remain unregistered if one deducts the **1 772 873** registered households from the 3 750 000 eligible households. This means roughly **52%** of the **3 750 000** eligible households still require an STB.

107. At the StatsSA rate of 3.2 persons per household, that amounts to **6 326 806** people in South Africa who are eligible for an STB, but who would have their television cut off at analogue switch off should the ASO deadline of 31 March 2025 proceed.

108. The number of **3 750 000** households that require a state-sponsored STB comes from the Minister's own version.

108.1. As explained above, in the statement of 6 October 2021, the Minister acknowledged that around this number of households would be eligible for STBs. These households—based on 2018 statistics from StatsSA—earn less than R3500 per month or receive social grants.

108.2. The Minister did not dispute this figure before the Constitutional Court in *e.tv*, and the Court accepted the number in its assessment of the Minister's decision (para 62).

108.3. The Department is nowhere near delivering STBs to the 3.75 million households it promised to protect from ASO.

108.4. However, as I explain in further detail below, there is a further problem. These 3.75 million households were promised STBs based on now outdated statistics. Plainly, since 2018, given inflation, rising unemployment, and Covid-19, the number of households that could not self-migrate to digital broadcasting has increased from 3.75 million. Government, at the very least, should accurately update its 2018 assessment of needy households, when deciding to set ASO dates—but it has failed to do so.

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109. The transcript of the Minister's address and presentation to the Committee records the following:

109.1. The Minister remarked: "when you look in terms of the progress that has been done, it's very clear that there would be serious difficulties with proceeding with the date as it is, as there are thousands and DDG [Ngobeni] will be able to get into the exact numbers of South Africans who are still dependant on analogue as their source of access to television services."

109.2. He further said: "if we proceed with the analogue switch-on, we are going to leave hundreds of thousands of members of the public behind and I think that on its own has several implications and consequences, even for the broadcaster [the SABC]."

109.3. Ms Bodlani, an MP from the Democratic Alliance, said: "it's really been a long time and the more you listen to the story of digital migration in South Africa, the more you realise that it's bad project planning. It's poor project management and the question from me on that is what does the department think could have been done differently that would have enhanced the project, especially concerning now that this new deadline will not be met?"

109.4. Ms Matisse, an MP from the Economic Freedom Fighters, put to the Minister: "Just quickly, I think from this presentation it is clear that we cannot ... the submitted date of the 31st cannot happen. Nothing is written in stone. As we know, a new date can easily be committed. I don't have

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that many questions necessarily to ask, but a lot of observations. Everything that has been presented here, Chair, it's just a thing of incompetency. **The people that are going to suffer is the poorest of the poor, because we pay millions of rands to people who are supposed to do their jobs and they are not doing their jobs**" (emphasis added).

109.5. The Chairperson of the Committee, Ms Khusela Lwandlekazi Nobatembu Sangoni, an MP of the African National Congress, said: **"I'm very glad that in your opening remarks you indicated that you are going to be seeking an extension**, because with that being said, it means that we don't need to quibble **over a decision that government has taken as represented by yourself**" (emphasis added).

109.6. After MPs put questions to him, the Minister said: "we could proceed with the analogue switch-off and it has those **dire consequences**." He further explained: "I think that's where the general sentiment is, that on the basis of the expectation of what was required of the department and together with the entities to have been able to deliver to make the soil fertile for analogue switch-off, **it's very clear that that soil is not fertile right now**" (emphasis added).

109.7. The Minister commented on how important accurate data was before switching off analogue: "I think for me the important thing is even in consideration of that, **we need to be able to be in a position where we are confidently dealing with credible numbers and at this stage at**

different times there is contestation about the legitimacy of specific numbers. For me the key thing is even with the 469 [000] people who are still on analogue, I think it would be key to be able to outline how and when, based on the level of delivery, we would be able to clear this backlog, if one were to use those words”.

109.8. The Minister unequivocally told Parliament that the reasonable thing to do was to extend the 31 December 2024 deadline to a reasonable date:

“I think at the end of the day this comes down to two things, rights. We can be, and I think all the evidence points out that the **reasonable thing to do**, also in consideration of the sustainability of the broadcasters and the risks that are at play with the loss of audience is that, and we are still yet to interrogate this and that’s why I alluded to that session that we are having with the broadcasters later this week, to say that **we have to find the means to fund this** and at this stage, Chair, with all the honesty we have, is that we don’t have a definitive answer right now in terms of where would the funding come from **to proceed with the reasonable thing to do, which is the extension.**

[. . .]

You know, **no rational individual will argue against the fact that everything points out that the soil is fertile for an extension.** We have a responsibility to then say where and how do we mobilise to cover the cost of dual illumination, because it simply comes down to that.” (emphasis added).

109.9. The DDG, in response to questions, said: “Of course, there is **no immediate pressure** for the spectrum under phase 1 where the spectrum had already been licensed.” (emphasis added)

109.10. The Chair concluded by lamenting how the Department speaks about “leaving no one behind, but we are not able to say these are the people that we are concerned about leaving them behind, this is where they are”.

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The Chair described the Department's approach as a "a spray and pray type".

110. The Chairperson summed it up aptly: "I think that, I don't want to be called an alarmist yet again, but I think this issue is really **an unmitigated disaster.**" (emphasis added)

(f) The decision to postpone to 31 March 2025

111. e.tv reasonably believed, after the Minister's presentation in Parliament, that the Minister would postpone the deadline of 31 December 2024 to allow his Department a reasonable opportunity to roll out STBs. Indeed, the Minister rightly indicated in that presentation that this was the reasonable course of action.

112. However, on 28 November 2024, the Minister convened a meeting with the relevant broadcasters, including e.tv. At this meeting, he indicated that he and Cabinet had decided that ASO should *not* be extended and that it *will* take place on 31 December 2024.

113. Mr Qwabe, Khalik Sherrif, and I were present at that meeting on behalf of e.tv. The broadcasters present—including the SABC—were shocked by the Minister's announcement. The Minister had rightly told Parliament that the only reasonable option was to postpone the deadline; but he and Cabinet had decided otherwise just over a week later. The Minister indicated that he, personally, was in favour of extending the deadline, but that he had been "overruled" by Cabinet.

114. On 1 December 2024, after consulting with its legal representatives, e.tv sent the Minister an urgent letter (**FA18**). The letter once again urged the Minister and

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Cabinet to extend the ASO deadline beyond 31 December 2024 to a reasonable date.

115. On 2 December 2024, the Minister acknowledged receipt of e.tv's letter (**FA19**) and indicated that the earliest that Cabinet could possibly deliberate on the matter was at its next meeting on Wednesday, 4 December 2024. The Minister indicated that he would only be in a position to consider e.tv's proposal after the said Cabinet meeting.
116. MMA and SOS exchanged similar correspondence with the Minister, as detailed in the supporting affidavit.
117. On 4 December 2024, e.tv wrote a further letter (**FA20**) to the Minister stating that unless e.tv had a response from the Minister before 9.30am on 5 December 2024, it would have to approach this Court for relief.
118. On the same date, the chair of the Parliamentary Portfolio Committee reported that the Committee had written to the President supporting the Minister's request for an extension to the ASO. A copy of the transcript to this meeting is attached as **FA21**. The Chair reported that the Committee wrote to the President following submissions by e.tv, the SABC and the community broadcasters in which they had explained the dire situation. She noted that the SABC was concerned that ASO would lead to its demise and the Committee was concerned about the millions of South Africans who would be cut off.
119. On 5 December 2024, the Minister responded to e.tv, MMA and SOS (**FA22**), indicating that he would meet with broadcasters at 13:30 on 5 December 2024 to provide an update on ASO following the cabinet meeting of 4 December 2024.

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At this meeting, a transcript of which I attach as **FA23**, the Minister announced that Cabinet had “resolved” to postpone the ASO deadline to 31 March 2025. He indicated that his Department would produce a plan, after a transparent consultation process with stakeholders, to ensure BDM before 31 March 2025.

120. I attach a media statement announcing the decision to postpone to 31 March 2025 (**FA24**). Although the decision to postpone was made, publicised, and acted upon, it was not published in the Gazette.

121. While e.tv welcomed the Minister’s decision to postpone the ASO deadline, it was startled by the decision to postpone the deadline by a meagre three months (over the Christmas and New Year period), and to do so without first consulting with broadcasters and other interested and affected parties as to what would be a reasonable and achievable ASO date. Absent further information or a plan, the postponement provides the Minister with no real time to avoid the “dire consequences” of ASO or avoid the “unmitigated disaster” that the Chairperson had summarised.

122. On 9 December 2024, e.tv wrote to the Minister (**FA25**). The letter addresses why postponing ASO, without any further information or a plan, for only three months is irrational and unlawful.

122.1. The decision was taken overnight, after a Cabinet meeting, and a mere three weeks before the 31 December 2024 deadline.

122.2. The Minister (and Cabinet) failed to consult with stakeholders before deciding to postpone ASO for three months. The last consultation with

the Minister involved him announcing that there would be *no* postponement.

122.3. The extension period of three months is palpably arbitrary. There is no way that government could know – after one belated Cabinet meeting – whether and how the various issues bedevilling a proper ASO process and determination could be resolved within three months.

122.4. The three-month period is clearly unworkable. To provide STBs to registered households by 31 March 2025, government would need to improve its rate of installations by over **5 000%** and procure **250 000** more STBs. This assumes that no more households register—which they obviously will.

122.5. The letter also addresses difficulties with DTT. I return to DTT below.

122.6. The letter requested the Minister to provide the documents he and Cabinet considered when deciding to postpone ASO to 31 March 2025. The letter also requested a response from the Minister by 20 December 2024.

123. At short notice, on 20 December 2024, the Minister chaired a meeting with broadcasters, including e.tv. At this meeting, he presented a “preliminary plan” outlining how the Department intends to install STBs before 31 March 2025. I attach a transcript of this meeting (**FA26**).

124. I make two points about this meeting. First, it was procedurally defective in multiple ways.

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- 124.1. The Minister invited stakeholders—broadcasters and NGOs—to the meeting on 18 December 2024, some 36 hours prior (FA27). The meeting was styled as a “Briefing”: it was not a consultation.
- 124.2. Stakeholders were provided with no information regarding the substance of the meeting, or any agenda, other than a subject line reading: “Meeting with Broadcasters: Briefing on the ASO Acceleration Plan”. And despite the Minister having been asked by e.tv three weeks previously (in its 9 December letter) to provide the documents he and Cabinet considered when deciding to postpone ASO to 31 March 2025, those documents were not provided prior to or at the meeting.
- 124.3. Stakeholders who were present at the meeting of 20 December 2024 were not provided with a copy of the (then preliminary) plan before or at the meeting. Self-evidently, not having advance notice of what was to be contained in the plan meant that there was no opportunity to consider the plan in advance, let alone prepare for proper engagement and consultation.
- 124.4. Cape Town TV pointed out at the start of the meeting that the timing and notice of the meeting were inadequate. The Minister had provided almost no notice regarding the meeting, broadcasters from community stations could not be present, and broadcasters could not properly prepare for the meeting given the time of year and in the absence of information required to make any consultation meaningful. The Minister acknowledged that the point was well made.

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- 124.5. The presentation by the Minister was brief, which did not allow for scrutiny of the preliminary plan. One stakeholder specifically commented that he looked forward to receiving the plan in writing to permit his organisation to provide feedback and comments to the Minister.
- 124.6. The meeting's presentation emphasised that the presented plan was "preliminary". The implication was that there would be further opportunity for meaningful scrutiny of, and comment on, the preliminary plan before it became final. However, as I explain below, the Minister now states that the presented "preliminary plan" is final—without any input from stakeholders—and has refused to entertain any extension of the ASO date, notwithstanding that the plan has not been properly consulted on and will not achieve its objective and will leave millions of South Africans behind.
- 124.7. e.tv requested a copy of the presentation of 20 December 2024 on 20 December 2024, 6 January 2025, and 17 January 2025 (as indicated in the emails annexed as bundle **FA28**). The Minister failed to provide the presentation to e.tv, despite being represented by attorneys and despite the critical importance of keeping stakeholders apprised of developments. e.tv eventually received the presentation on 21 January, fortuitously through William Bird of MMA and SOS but not the Minister. I return to the presentation's contents below.
- 124.8. The nature and timing of the meeting were contrary to the Minister's assurances on 5 December 2024. On that day, when announcing the

decision to extend the ASO deadline to 31 March 2025, the Minister undertook to facilitate an inclusive process leading up to the finalisation of a plan to install the required STBs before 31 March 2025. He specifically indicated that there would be opportunities for stakeholders to make contributions around how the Department should proceed.

124.9. Without the presentation, and further details from the Minister, e.tv could not properly engage with the substance of the plan. The failure by the Minister to provide the presentation (as indicated below, e.tv has to date not received the plan from the Minister, although it received a copy from William Bird on 21 January 2025), and the failure throughout to consult in relation to the plan is not only in violation of the constitutional requirements of openness, transparency and responsiveness, but plainly procedurally irrational (undermining the very purpose of purporting to consult with broadcasters on the "preliminary plan").

124.10. The failure to consult is furthermore another broken promise by the government. As I stressed earlier, on 5 December 2024, the Minister indicated that his Department would produce a plan, **after a transparent consultation process with stakeholders**, to ensure BDM before 31 March 2025. As such, e.tv and other stakeholders had a legitimate expectation that there would be proper consultation. This promise was breached.

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125. Second, based entirely on e.tv's own recording of the meeting of 20 December 2024—and not any publicly conveyed plan—the presented “preliminary plan” had three key features:

- 125.1. The Department asserts there are 447 815 remaining registered households (there has never been a proper explanation of how this figure was arrived at, when the figure given to Parliament was **469 370** – although, as discussed below, there is a suggestion in the belatedly provided presentation that this figure is the outcome of a “Data cleaning exercise”).
- 125.2. Of these the Department asserts that only 244 848 are in four provinces (Western Cape, Eastern Cape, Gauteng, and KwaZulu Natal) that have analogue transmission. So, the remaining 202 967 households in the other five provinces will not receive set top boxes (STBs) before 31 March 2025.
- 125.3. Sentech commenced a procurement process for more STB installers on 13 December 2024, and the objective was that by the **end of January 2025** Sentech should have completed that procurement process, which would then bring in additional installers into the programme.
- 125.4. Sentech will place an order for an additional 100 000 STBs in mid-January 2025 to its panel of manufacturers and suppliers of decoders. As things stand, Sentech has approximately 178 000 STBs.

126. There are fundamental issues with each of these three features. I return to them below when demonstrating how government cannot install sufficient STBs before 31 March 2025.
127. After the presentation, the broadcasters raised various concerns, the substance of which I canvass below when dealing with the grounds of review. The Minister concluded by repeating government's promise: "we want to make sure that we do not prejudice South Africans from being able to access television services and that we want to safeguard the sustainability of the industry, even as we have to do this in a climate that puts in very challenging interventions around us".
128. On 23 December 2024, the Minister responded, through his attorneys, HN Chaane, to e.tv's letter of 9 December 2024 with a request for additional time to respond to e.tv's letter—until 15 January 2025 (**FA29**). On 27 December 2024, e.tv agreed to provide the Minister with this additional time (**FA30**).
129. On 14 January 2025, the Minister appeared on television for an interview on ASO. I attach a transcript of this interview (**FA31**).
- 129.1. The Minister described government's responsibility not to leave behind poor households as "absolute".
- 129.2. The Minister acknowledged government's "shortcomings" in migrating to digital broadcasting.
- 129.3. The Minister explained that "Cabinet approved" an extension of ASO from 31 December 2024 to 31 March 2025. He said in plain terms: "Cabinet has made the decision".

- 129.4. The Minister indicated that there were 469 000 registered households who required STBs before 31 March 2025 (this is the figure provided to Parliament in November 2024, and different to the 447 815 registered households indicated in his presentation of 20 December 2024 after an unexplained "Data cleaning exercise"). He does not suggest, contrary to the presentation of 20 December 2024, that government will leave behind roughly 200 000 of those households.
- 129.5. The Minister alleges that he "worked on" an acceleration plan with broadcasters. This is plainly inaccurate. On 20 December 2024, the DDG *presented* a "preliminary plan" to broadcasters. Broadcasters were not provided with that plan; broadcasters could not contribute to the substance of that plan. Stakeholders did not "work on" the plan together with government.
- 129.6. The Minister provides a bland answer to the interviewer's most pertinent question: "How is it possible for you to get those set-top boxes into over 469 000 homes in 3 months?". The Minister just says that the Department "will target the high dense areas" and "work robustly". This is a non-answer without any substance. There is no indication as to how government will increase installation rates and ensure sufficient stock of STBs.
- 129.7. The Minister alleges that there have been "consistent and persistent efforts" to ensure registration of eligible households. This flatly contradicts the Minister's presentation to Parliament. He explained to

Parliament that the online registration for households commenced only in **June 2024**; only **3 570** households registered online since then; and the Department cannot verify household registrations for duplications, citizenship status, or mortality because of an “incomplete” integration with the Department of Home Affairs’ system. He further admitted to Parliament, as is common cause, that there have been numerous issues with registration at the South African Post Office given post offices’ lack of resources (including the requisite registration forms).

129.8. The Minister, in other words, attempts to blame indigent households for their failure to come forward and register for STBs. He cannot do so. The blame falls squarely on the Department and the dysfunctionality of the Post Office, which is officially bankrupt and whose offices have closed or been rendered dysfunctional around the country – with 366 Post Office branches being permanently closed during the business rescue process and about 4 875 people out of a total staff complement of 11 083 retrenched through a section 189 process.³

129.9. The Minister admits that the Department has inaccurate figures and cannot “reconcile” the number of indigent households.

129.10. The Minister appears to finger broadcasters for introducing their own figures regarding indigent households. This is incorrect. There are two key figures in this regard: the approximately 447 000 (originally 469 000) households registered for STBs (but who have not received STBs) and

³ <https://www.postoffice.co.za/BusinessRescue/pressreleaseupdatebusrescue3sept24.pdf>

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the 1 977 127 indigent households that remain unregistered, but which are eligible for STBs. As explained above, both these figures **come from government**. There is, in addition, the number provided by the BRC, which indicates that there are 4.3 million households reliant on analogue broadcasting. Again, this is not a number concocted by broadcasters; this is a number produced by the independent (and publicly funded) BRC.

129.11. The Minister confuses two issues.

- First, whether government can deliver STBs to those households government promised to protect from ASO. These are the 1 977 127 indigent households eligible but not registered for STBs, and the approximately 447 000 (originally indicated to be 469 000) registered households yet to receive STBs.
- Second, whether there are further households government should have included in its promise—a “missing middle” that earn more than R3 500 per month but cannot afford to self-migrate. I address this below, when dealing with the grounds of review. In short, the Minister, relying on 2018 statistics, summarily shirks any responsibility for considering whether government’s STB rollout should include more than the 3.75 million households identified by one of his predecessors. This is irrational and unconstitutional.

129.12. The Minister suggests that broadcasters and the government have “agreed upon” a figure for STB distribution, and that there is “consensus” on the current ASO deadline. This is just not so. e.tv has not agreed

with the Minister on a figure for STB distribution. e.tv certainly has not agreed on the ASO deadline of 31 March 2025.

130. On 15 January 2025, the Minister, through his attorneys, eventually responded to e.tv's letter of 9 December 2024 (FA32)⁴. The Minister's letter—

130.1. alleges that the Minister has an implementation plan for accelerating the roll out STBs before 31 March 2025;

130.2. fails to attach this plan or provide any details for this plan;

130.3. explains that the plan is the same "preliminary plan" presented to broadcasters on 20 December 2024;

130.4. fails to provide the presentation of 20 December 2024;

130.5. "implores" e.tv to "reach out" to households that do not qualify for STBs (with no indication of what this means or how that features in the plan);

and

130.6. refuses to provide the Minister's submissions to Cabinet because those submissions are "confidential". The Minister adopts this stance at his peril. While I accept that there may be some occasions in which Cabinet discussions must be regarded as confidential, the deliberations concerning the ASO plainly do not fall into that category. The Minister has constantly fallen back on a "Cabinet decision" concerning the ASO. This is a matter which affects large sections of the population. The

⁴ The presentation attached to this letter has not been re-attached as it is FA16 to this affidavit.

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Minister's concerns regarding the disclosure of what the Minister told Cabinet and Cabinet's deliberations can be addressed through an appropriate undertaking of confidentiality (if necessary), which the applicants hereby tender. A failure to disclose these relevant documents and discussions will give rise to the inevitable inference that the Minister and Cabinet's stance is legally indefensible.

131. The letter, in short, simply affirmed the fallacious and unfeasible presentation of 20 December 2024. The Minister, without any input from stakeholders, has purportedly decided that the preliminary plan presented on 20 December 2024 is now the final plan. And he has chosen, through his attorneys, to refuse providing information to the very broadcasters that he "implores" must assist him in reaching out to households, by: a) refusing to provide his own submissions to Cabinet in which this aspect would surely have been fleshed out; b) refusing to explain in his plan, how this "reaching out" is supposedly to be done.

132. On 17 January 2025, e.tv responded by indicating to the Minister the various issues with the plan presented on 20 December 2024 (**FA33**). e.tv explained that the plan was simply unfeasible, and entreated the Minister to reconsider extending the ASO deadline. I return to the contents of this letter below, when explaining why government cannot install sufficient STBs before 31 March 2025. e.tv concluded its letter by requesting the Minister to retract the 31 March 2025 ASO date, and set a new date for ASO after taking into account all relevant considerations and following proper consultation. Given the palpable urgency, e.tv afforded the Minister until Wednesday, 22 January 2025 to confirm that he would take these steps.

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133. The Minister acknowledged receipt of e.tv's letter of 17 January 2025. I attach a copy of the email from the Minister's attorneys acknowledging receipt and undertaking to revert marked **FA34**.

134. On 20 January 2025, the Department finally provided a copy of the presentation of the plan made on 20 December 2024 to Mr William Bird of MMA and SOS, which MMA and SOS provided to e.tv on 21 January 2025. I attach a copy marked **FA35**. The presentation is in line with what the Minister said at the meeting of 20 December 2024, and confirms the fundamental flaws and irrationality of the Minister's approach. In particular, the presentation confirms:

134.1. The Minister established a "technical team" to develop an "accelerated installation plan" comprising solely of government officials. Stakeholders were not consulted on the development of this plan (slide 4).

134.2. The data cleaning project appears to have identified and removed only 36 386 duplicate households (from 1 878 395 registered households).

134.3. Government, on its own unfeasible plan, will only be able to install **128 140** STBs, of the **447 815** registered households that still do not have STBs, by 31 March 2025 (slide 11, read with slide 13).

134.4. Government acknowledges that this will leave **over a million indigent South Africans** ($447\,815 - 128\,140 \times 3.2$ people per household = 1 022 960) who **were promised and registered** for STBs without television access from 1 April 2025. The plan, however, is to conclude all installations for registered households *after* ASO by December 2025

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(slide 13). So, on its own version, the Department needed at least one year's postponement to install STBs in all *registered* households.

134.5. Government's plan "assumes" – without any evidence for how the assumption is credible or the plan realisable – the availability of additional STBs and that the government can achieve monthly installation rates across South Africa many thousands of time quicker than ever previously achieved.

134.6. The Department has not yet confirmed or standardised households' data (slide 17).

134.7. There is no additional funding for the installation of STBs; only remaining funds (of an undisclosed amount) will be used to install STBs (slide 21).

134.8. The meeting of 20 December 2024 was not a consultation. Rather, stakeholders were just asked to "note" the contents of the presentation. That is borne out by what followed: Nothing that stakeholders were able to raise at that meeting – as compromised as the meeting was – factored into the government's plan or changed the government's course of action or its timing. That is clear from what eventually transpired: the "preliminary" plan that was presented by the Minister on 20 December 2024 turned out to be – and is now firmly in place as – the final plan in the race to 31 March 2025. No further meeting was called in January 2025 or any engagements undertaken with stakeholders to further progress the plan or its implementation, despite the Minister acknowledging at the 20 December 2024 meeting that the short notice

and lack of attendance of stakeholders and lack of information meant that there was no meaningful consultation.

135. e.tv's last letter to the Minister (of 17 January 2025) gave the Minister until 4:30 pm 22 January 2025 to respond with confirmation that he will retract and reconsider the ASO date. While, as indicated the Minister, through his attorneys, acknowledged receipt of the letter and indicated that they would revert, by 24 January 2025, the Minister had not responded to e.tv's letter or given any undertaking to retract the 31 March 2025 ASO date.

136. e.tv accordingly institutes these proceedings.

(g) Government intends to break its promise by 31 March 2025

137. Government cannot ensure that "*no one is left behind*" by 31 March 2025.

138. Government has made this clear in its plan. According to its presentation of 20 December 2024, government can (at best) supply only **128 410** STBs by the ASO date of 31 March 2025. Government's plan is thus deliberately to leave a *million indigent* South Africans who registered and it promised to migrate behind.

139. **First**, there are the (at least) **447 815** households that duly registered for STBs, but who do not yet have STBs. The presentation of 20 December 2024 indicates that this figure – revised from the previous 469 000 advised to parliament – represents the total after an unexplained "Data cleaning exercise", and excludes a further 6 362 households that are registered but are apparently "not linked with a transmitter", but it is not clear what is meant by this).

- 139.1. On 20 December 2024, the Department explained that between August and December 2024 the Department managed to install 15 740 STBs—roughly 3 000 STBs per month. It also acknowledged that it had around 178 000 STBs in stock.
- 139.2. At that rate of installation, the Department requires over **150 months** (more than 12 years!) to install 450 000 STBs—not three months. To install 450 000 STBs in three months, the Department needs to install 150 000 STBs per month, improving its installation rate by 5000%. This is impossible (certainly considering how the Department would not have started installing at an increased rate on 1 January 2025, at the height of the national summer holiday period).
- 139.3. In any event, even if the Department improves its rate of installation, it cannot roll out around 450 000 STBs without almost tripling its stock by 31 March 2025. It needs an additional 269 000 STBs.
- 139.4. This all assumes that no further households register by 31 March 2025. But further households may well register before then.
- 139.5. It now further turns out that the Minister's plan is not predicated on achieving the government previous promise, of delivering STBs to all (or at least a substantial majority of) 447 000 registered households, that the Department accepts are registered. The plan's aim is to only provide, by 31 March 2025, STBs to 128 140 of the 244 848 households in four provinces (the "priority provinces"), and to not install STBs for the 202 000 households in five provinces that the Minister (erroneously) claims

have already had all their analogue transmitters switch off, until some unspecified date more than 3 months after 31 March 2025.

- 139.6. Of these 202 000 households who are registered and do not have boxes, the Department's plan is that it only intends to provide them boxes at some unspecified date more than three months after ASO (indeed, the plan, only says that those outside the four priority provinces "will **eventually receive STBs**") (see slide 3 and 4).
- 139.7. Although later in the presentation, the suggestion is that the installation in the five non-priority provinces, will be **concluded in December 2025** (slide 13).
- 139.8. To be clear, even on the government's own completely unrealistic and unworkable plan, even if it were achievable, which it is not, at least 202 000 indigent registered households will be left without television for almost a year.
- 139.9. Moreover, even in the so-called *priority* provinces, the government will still need between April and December 2025, to install STBs in the 116 708 registered households that will not have STBs installed by 31 March 2024 (see slide 13).
- 139.10. Thus, the presentation reveals that government needs *at least* a year to install STBs to all registered households—not three months. And that is still only possible if government can increase installation rates thousands of time above what has been achieved to date.

140. **Second**, there are the remaining, unregistered eligible households of the 3.75 million households identified by government. These 3.75 million were identified as earning less than R3500 per month, and unable to self-migrate, based on 2018 statistics. The Minister cannot provide the remaining **1 977 127** (roughly 52% of 3.75 million) of these eligible households with STBs by 31 March 2025.

141. **Third**, the 1.9 million eligible, unregistered households may well be far greater in number. The Minister is obliged to provide STBs to the 3.75 million households considered eligible by his office. The Minister is equally obliged, to ensure his plan is rational, to consider whether (a) there are additional households that now earn less than R3500 and (b) whether there are households that earn more than R3500 that cannot afford to self-migrate to digital broadcasting should ASO occur. The current pool of eligible households—the 3.75 million—was determined based on 2018 statistics. For the Minister's plan, seven years later, to meet the demands of the Constitution (and the Constitutional Court's decision on this aspect), the plan must properly, accurately, and by up-to-date information based on current statistics, ascertain the impact ASO would have on poor households.

142. **Fourth**, the Minister has not even considered the impact of inflation on the 2018 threshold of R3 500 per household. R3 500 in today's money is equivalent to just R2 547 as at January 2018 with compound interest over the intervening years equalling 37,4%. Had the Minister intended to maintain parity with inflation, the "cap" of R3 500 would have been required to be increased to some R4 800 as at January 2025, with tens of thousands more households qualifying for an STB.

143. As things stand, the Minister has no way of properly assessing how the arbitrary ASO date of 31 March 2025 will impact on the constitutional rights of millions of South Africans.

144. In short: the Minister cannot provide what may well be upwards of **2.5 million** STBs by 31 March 2025. He cannot keep government's promise.

145. The Minister's plan—as presented on 20 December 2024—cannot deliver the required number of STBs for three material reasons.

146. **First**, as indicated, the plan rests on a material mistake of fact.

146.1. The plan assumes that 202 967 registered households outside of Western Cape, Eastern Cape, Gauteng, and KwaZulu-Natal (the so called "priority provinces") have already experienced ASO. The plan claims that it is only in these four priority provinces that "analogue transmitters are still operational."

146.2. This is factually wrong, as the Department should know, and would have known had it properly consulted with stakeholders.

146.3. As explained above, e.tv continues to broadcast in all nine provinces using analogue transmitters. e.tv continues to broadcast using analogue transmitters in Northern Cape, North West, Mpumalanga, Limpopo, and Free State. In those provinces, **984 106** households spread across each of these five provinces continue to rely on analogue broadcast alone to access television.

146.4. So there is no province in South Africa in which ASO has occurred.

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- 146.5. It is not clear what the source of the fundamental error is. Perhaps the plan confuses SABC's voluntary decision to cease analogue broadcasting in certain provinces with ASO (and the suggestion that there are no analogue transmitters operational in these provinces). The SABC decided to terminate analogue broadcasting in provinces other than the Western Cape, Eastern Cape, Gauteng, and KwaZulu-Natal. But that does not mean that households outside those provinces no longer rely on analogue broadcasting. They do — in order to watch e.tv because it has continued as a remaining free-to-air broadcaster to broadcast using certain of its analogue transmitters in these provinces — and the numbers from the BRC reflect this.
- 146.6. So, the plan mistakenly assumes as a fact that households outside of the Western Cape, Eastern Cape, Gauteng, and KwaZulu-Natal have already experienced ASO.
- 146.7. Is plainly irrational. Indeed, it is the predicate of the Minister's and Cabinet's decision. It is reasonable to assume that in his presentation to Cabinet (which the minister has thus far refused to disclose), this error would have been perpetuated.
147. **Second**, even if the plan correctly assumes that 202 967 registered households have already experienced ASO (which they certainly have not), the plan cannot deliver on government's promise for four reasons.
- 147.1. If 202 967 registered households in five non-priority provinces have already experienced ASO (on the government's mistaken belief, which is

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incorrect for the reasons set out above), then those households still require an STB to watch television. There is no basis—as the Minister purports to do—to forsake distributing an STB to that household when the purpose behind setting an ASO date is to protect indigent households' television access. To the contrary, since those households are already in the dark, the Department should prioritise providing those households with STBs, not leave them without access to television for even longer than indigent households in the four priority provinces (which have not yet experienced ASO). Such preferential treatment is without legal justification, and violates the right to equality and the obligation to respect, protect, promote and fulfil the rights of all peoples equally in South Africa to receive information through watching television.

147.2. At the current rate of 3 000 STBs per month, the Department requires over 80 months to install 245 000 STBs (in the priority provinces)—not three months. To install 245 000 STBs in three months, the Department needs to install 83 300 STBs per month, improving its installation rate by 2700%. Again, this is impossible.

147.3. The Department currently has around 178 000 STBs. It cannot provide even 245 000 households with STBs before 31 March 2025 for want of stock.

147.4. Finally, the plan itself concedes that it can only roll out 128 140 STBs before 31 March 2025. It will not even aim to achieve the (erroneously) targeted figure of 245 000 households in the “priority households” by 31

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March 2025. Moreover, even installing 128 140 STBs by 31 March 2025, would require an over 1400% increase in the current installation rate, and there is no evidence that this is achievable.

148. **Third**, the Department says that Sentech, to address the rate of installation and lack of stock, has approached the market for more installers and STBs. However:

148.1. The Minister provides no evidence for this assertion. The Minister fails to provide Sentech's requests for quotation, the responses (if any) to those requests, and the number of additional installers appointed or STBs procured.

148.2. It was necessary for the Minister to provide that evidence, given that by a procurement process beginning on 13 December 2024, Sentech will have to find and appoint sufficient installers to increase the rate of installation by 2700% and install 245 000 STBs by 31 March 2025.

148.3. The same is true for the promise of an order of 100 000 STBs being placed by Sentech by "mid-January" – with no evidence of such order having yet been placed. Even if the Department has a panel of approved manufacturers and suppliers, there is nothing to suggest that the Department can order and receive 100 000 STBs in time to install those STBs before 31 March 2025. STBs would need to be produced, delivered (which could include shipping and importation), distributed to installers, and installed at 100 000 households.

149. The plan, even leaving aside the Department's material factual mistake, thus cannot succeed – and there is no evidence by the Minister to explain how the

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plan will succeed. Government will break its promise should ASO occur on 31 March 2025, to the detriment and deprivation of *millions* of South Africans their existing access to television.

(h) Conclusion on the facts

150. While this application has a long and detailed history, the application turns on the following common cause facts:

150.1. First, if analogue broadcasting is terminated on 31 March 2025, then approximately **13.9 million** people in South Africa will be deprived of their existing television access.

150.2. Second, government repeatedly promised that indigent households' access to television will be protected during the digital migration.

150.3. Third, government (on its own version) cannot keep that promise by 31 March 2025. Between now and the end of March 2025, government will not roll out STBs to the **8 million** people who are eligible for them (that is 6.5 million indigent people who reside in households that are eligible for government STBs but have not yet registered, together with the 1.5 million indigent people in households that have already registered for government STBs but have not received them).

151. So, should the 31 March 2025 deadline stand, not only will millions of peoples' rights to freedom of expression and access to information be severely limited on an irrational and unreasonable basis, but also government would act contrary to

a promise it made repeatedly—especially to those indigent households who duly registered for STBs.

152. And all of this has happened on the back of a failure by the government to work off accurate and up-to-date figures about the number of South Africans whose constitutional rights will be affected on 31 March 2025 when analogue television is scheduled to go dark. Additionally, there has never been any proper consultation, with affected stakeholders and the public about the setting of 31 March 2025 as the ASO date or the plan that government has belatedly produced as a retrospective effort to meet the exigences of a date that had arbitrarily been set by Cabinet – with the Minister’s apparent acquiescence – as the maximum extension government would afford.

PART V: GROUNDS OF REVIEW


153. In Part B of the notice of motion, the applicants seek to review and set aside the decision, announced on 5 December 2024, to extend the ASO date to 31 March 2025.

154. The applicants reserve their right to amend their notice of motion in terms of rule 53 following delivery of the record of decision.

155. The decision to postpone the ASO date to 31 March 2025 is reviewable on the basis of the principle of legality, and on the following grounds:

155.1. it is irrational; and

155.2. it is unlawful and unconstitutional.

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156. I explain each ground of review in turn.

(a) The decision is irrational

157. The Minister accepted before Parliament just two months ago and stated: "You know, **no rational individual** will argue against the fact that everything points out that the soil is fertile for an extension. We have a responsibility to then say where and how do we mobilise to cover the cost of dual illumination, because it simply comes down to that" (emphasis added).

158. The Minister obviously meant a reasonable postponement. There would be no point—and it would be irrational—to extend the ASO deadline to an unworkable date and without considering factors relevant to a postponement.

159. But that is precisely what the Minister and Cabinet have done.

(i) The postponement cannot achieve ASO's purpose

160. It is irrational to postpone the ASO deadline to a date by which government cannot achieve the purpose behind ASO.

161. The Constitutional Court in *e.tv* found that "a central purpose of the analogue switch-off decision is to mitigate the adverse impact of switch-off" (para 78).

162. As the (then) Minister put it in her statement of 5 October 2021: "To give effect to a successful Digital Migration and Analogue Switch-off processes, we have to ensure that everyone who needs to migrate from analogue to digital is ready to do so and are not negatively affected by the Switch-Over from Analogue to digital".

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163. In other words, the rationale behind setting an ASO deadline is to ensure that the deadline affords government time to protect those adversely affected by a switch-off. It cannot be any other way, given the severe impact ASO would have on the right to freedom of expression if not properly mitigated.
164. Postponing the deadline by three months (from 31 December 2024 to 31 March 2025), in the current circumstances, bears no rational link to this purpose. It affords government insufficient time to protect the millions of people adversely affected by ASO. There is *no point* to such a postponement.
165. Three months cannot suffice for the reasons I discussed above. Government cannot roll STBs out at a high enough rate to registered households (never mind unregistered but eligible households). Government has insufficient STBs and cannot obtain the required number (around 250 000) by 31 March 2025. Households, moreover, continue to register for STBS. Government cannot provide STBs to the roughly 450 000 (and counting) households registered for STBs by 31 March 2025. Nor does it intend to, its own plan is predicated on leaving 202 000 registered households in the five non-priority provinces without television for almost a year, and providing only 128 140 households with STBs by 31 March 2025 in the priority provinces
166. I reiterate that the Minister's plan rests on a fundamental and material mistake of fact. He assumes that ASO has already occurred in five provinces; but he fails to consider that e.tv continues to broadcast in all nine provinces. He cannot disregard the additional 202 000 registered households in those provinces reliant

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on analogue transmission. To the extent that he does so, he commits a material error of fact, as well as violates the requirement of equality.

167. Government, at best, could roll out a few thousand STBs by 31 March 2025. So, if ASO were to occur on 31 March 2025, it would leave *over half* of indigent households, and a *quarter* of *registered* indigent households, without television. That is not a mitigation of harm; it is an infliction of harm.

(ii) Failure to consider relevant factors

168. The decision to set ASO on 31 March 2025 irrationally failed to consider four sets of relevant considerations.

169. **First**, material data concerning the impact of ASO on indigent households.

169.1. As the Chairperson of the Portfolio Committee put it: "We speak about leaving no one behind, but we are not able to say these are the people that we are concerned about leaving them behind, this is where they are".

169.2. The reason for this is threefold. First, the Department has significant data issues. It does not know the location or existence of all indigent households—even those registered with it. The data allegedly includes duplicates and cannot be verified with reference to the Department of Home Affairs. It is unclear if there is a single, reliable electronic database recording all registered households. In turn, the Department's data cannot demonstrate to it the extent of switching off analogue signals.

169.3. Second, the Department's STB registration process has been riddled with delays and dysfunction, the result of which exclude from the

Department's consideration various relevant factors. e.tv highlighted a series of issues in the BMDC's processes to the Minister in the letters I discussed above. These included a lack of funding for public awareness campaigns, insufficient registration forms at Post Offices, and an online system that only came online roughly six months ago. With respect to the Post Office, approximately one third of its offices have been shut down since 2020, including as part of a business rescue process (as discussed in paragraph 129.8 above), and 235 were shut down in 2024 alone (**FA36**). These closures restricted household registration even more.

- 169.4. The Department largely confirmed these concerns to Parliament. The Department indicated that its public awareness campaign ran only from July 2023 to 31 October 2024. The Department confirmed that its online system launched only in June 2024 (**almost a year after the ASO deadline was gazetted**), and led to only **3 570** households registering online.
- 169.5. The import of these deficiencies is that the Department did not provide an adequate opportunity for indigent households to register for an STB before 31 December 2024. In turn, the Minister failed to obtain accurate information about households requiring STBs.
- 169.6. Third, government is relying on outdated data from 2018. Based on 2018 data, government assumes that (a) only 3.75 million households earn less than R3500 per month and (b) only households earning less than

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R3500 per month cannot self-migrate. Government, given the passage of time and the occurrence of economically significant events since 2018 (like the pandemic), should at least *consider* whether these assumptions remain true. Government cannot know the true impact of ASO on indigent households when relying on data from **2018**. And the Minister knows this. As indicated earlier, the Minister commented on how important accurate data was before switching off analogue: "I think for me the important thing is even in consideration of that, **we need to be able to be in a position where we are confidently dealing with credible numbers and at this stage at different times there is contestation about the legitimacy of specific numbers**".

169.7. The decision to postpone to 31 March 2025, in these circumstances, was taken arbitrarily. The decision to postpone the deadline to the set date of 31 March 2025 was not driven by evidence or accurate data regarding household impact. This is irrational and arbitrary.

169.8. The Department's conduct is a repeat of what the Constitutional Court held in *e.tv* to be irrational. There the Court emphasised that "*critical questions raised in consultations before the analogue switch off date would have sought to determine the number of persons who qualify to receive STBs, who would like to register for STBs before the analogue switch-off date and how long it would take, at the current rate of installation, for all the households that wish to register to receive STBs to be supplied with such.*" The decision was taken without knowing the answer to these questions.

170. **Second**, evidence regarding whether government could roll out sufficient STBs before 31 March 2025.

170.1. Neither the Minister nor the Cabinet considered whether the Department had sufficient STBs and installers to distribute STBs to registered households before 31 March 2025. There was no plan indicating that STB rollout was feasible before 31 March 2025. The date was selected arbitrarily, not based on evidence showing that the date was workable. The Department, thereafter, appears to have been told to fashion a hurried plan, and to approach the market for more STBs and installers of STBs (without any evidence that the market is capable of responding or installers can do the job before 31 March – which is itself the result of the government's failure to consult).

170.2. As I explained above, had the Minister and Cabinet properly considered the data—like the number of STBs available and rollout rates to date—and meaningfully sought to obtain proper input from stakeholders by consulting with them, they would never have postponed ASO by an inconsequential three months.

170.3. The rollout plan before 31 March 2025 remains opaque. The Minister's presentation of 20 December 2025, belatedly obtained by e.tv (but not from the Minister), is scant on detail. The Minister has not provided evidence that procurement steps (like more installers and STBs) have been taken.

171. **Third**, the decision failed to consider the commercial harm to e.tv, SABC, and the community broadcasters. I address this harm at paragraph 198 below, and deal with the significant impact that the decision will have on e.tv's business in the confidential affidavit filed together with this affidavit.

172. **Fourth**, the decision was taken without considering the impact ASO will have on those households reliant on DTT. The significant delays in implementing digital migration mean that DTT (which was initially envisaged to form the main basis for digital migration) has now been overtaken by DTH in South Africa and is commercially unviable as an appropriate substitute for analogue television.

173. There are three issues with DTT that make it commercially unviable, and which should have been considered by the Minister. These issues have been raised by e.tv in meetings and correspondence, but the Minister has ignored them:

173.1. One, the pool of DTT households is small. Since government began rolling out DTT STBs, around 8% of television households rely on DTT—**1 183 154 households**. These DTT migrated television households generally represent indigent lower LSM households.

173.2. Two, the pool is shrinking in size. Government has now switched to DTH STBs. No DTT STBs are generally available from retailers any longer. Multichoice (DStv), the largest commercial broadcaster, has long since abandoned DTT and now exclusively uses DTH (in addition to offering DStv over the internet). Even the SABC is in the process of abandoning DTT, having already switched off 80 of the 194 DTT transmitters. The SABC recently issued a request for proposals for a comprehensive DTH

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broadcasting solution, in which it explains that it will move away from DTT (relevant pages are attached as **FA37**).

- 173.3. Three, DTT is technically limited in terms of capacity and bandwidth. The DTT system in South Africa has only two out of seven possible multiplexes. A multiplex, or "mux", refers to the grouped broadcasting of multiple channels and other services combined into a single stream. The transmitter site takes the stream and sends it over a single frequency which is received by a conformant DTT receiver. Limited muxes mean that DTT in South Africa can support limited programmes and in substandard broadcasting quality or SD (standard definition television). Many countries including South Africa have transitioned predominantly to HD broadcasting (or even UHD/4K in some cases) as HD is now the baseline for delivering acceptable video quality. Viewers expect HD content. There is simply not enough bandwidth on DTT.
- 173.4. For example, e.tv is only entitled to approximately half of Mux 2, thus restricting e.tv to add only 4 HD channels on available shared capacity. Presently e.tv operates 9 HD channels, and to accommodate the 9 channels will require another Mux. Increasing the number of muxes requires significant investment from the State. As another example, DTT can carry only six of SABC's TV channels (with other platforms offering upwards of ten channels). By contrast, DTH can support 14 HD channels in *one* transponder.

173.5. These three factors mean that from e.tv's perspective, the cost of DTT broadcasting rises drastically when compared to DTH. On DTT, e.tv broadcasts fewer channels to fewer people at a lower quality, and at significantly higher costs than DTH. This makes it commercially unviable for e.tv and also for the SABC. For community broadcasters, the cost of DTT would be prohibitive. Cape Town TV has said that its transmission costs would rocket from R72 000 per month to R1 800 000 (FA38). The SABC, in its recent request for DTH solutions, has accepted that DTT is no viable broadcasting platform.

173.6. Any lawful and rational "*plan*" for migration by 31 March 2025 (or any other date) should have considered that those indigent households that have received DTT boxes, have for all intents and purposes been migrated to a network that is destined to fail, and the government must ensure that the digital migration of these households is not rendered entirely illusory.

(iii) Failure to consult stakeholders

174. The Constitutional Court in *e.tv* held: "The decision concerning the analogue switch-off date is not a mechanical determination as the facts of this case show. Important interests are at stake [. . .]. [I]t was not procedurally rational for the Minister to set the analogue switch off date without notice to the industry and affected parties, like MMA and SOS, to obtain their views on the matter".

175. The Minister has committed the same procedural irrationality in this matter.

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175.1. Stakeholders were not consulted on the ASO date. On 28 November 2024, they were informed that the deadline of 31 December 2024 would not be extended. On 5 December 2025, they were simply told that the deadline would now be 31 March 2025. There was no consultation process in between. Stakeholders were never asked to comment on whether 31 March 2025 was a viable and reasonable date.

175.2. Stakeholders were not even asked to comment on the Minister's plan to install STBs before 31 March 2025. In the first place, this is because the plan did not exist before the decision to postpone was taken—a patent irrationality. But even after the decision to postpone, the Minister arranged a single call with stakeholders on 20 December 2024. For the reasons I discussed above, the meeting had various procedural irregularities. Chief among these was the Minister's failure to allow any comments on the "preliminary plan" before he decided to make that plan final.

176. These reasons, cumulatively and distinctly, render the failure to postpone the ASO deadline irrational.

(b) The decision is unlawful and unconstitutional

177. The decision is unlawful and unconstitutional for three reasons.

178. **First**, the government has for a decade promised that ASO will not occur unless and until those who cannot otherwise afford access to digital broadcasting have been provided with STBs. These promises, that "everyone" who currently

receives analogue broadcasts will be given the means to migrate "*before the set dates*", that the digital migration process "*will not be leaving any South Africans behind*", and consequently that "*all qualifying households receive STBs*" were seriously and lawfully made in line with the Government's stated policy, and consistent with the Government's constitutional obligations to take reasonable measures to ensure that those that require social assistance receive it.

179. Under the *KZN Principle* (briefly explained above and to be addressed in legal argument), the Minister is constitutionally bound to honour his office's promises, like the promise to switch off analogue signal only after providing STBs to all those who need them and particularly to all qualifying indigent households. The decision to extend ASO to 31 March 2025, a date by which government will not be able to honour its promise, is thus unlawful.

180. **Second**, the decision violates the sections 9 and 16 constitutional rights of millions of indigent South Africans who currently have access to information via their analogue television but will be left without access to television on 31 March 2025 because of the government's decision to switch off analogue transmission before providing them with government STBs. Vast numbers of South Africans will be unconstitutionally deprived of their existing right to receive information as part of their section 16 right. This constitutes an unconstitutional breach of the negative component of the right to freedom of expression.

181. **Third**, the decision appears to have been made due to a material error of law, and under unlawful dictation.

- 181.1: Both Cabinet and the Minister assumed that the Minister may only postpone the ASO deadline with the consent of Cabinet. But it is clear that Cabinet took the decision.
- 181.2. The Minister made this clear at the meeting of 28 November 2024, and in his announcement on 5 December 2024. He also said during his interview on 14 January 2025 that Cabinet “approved” his request for an extension from 31 December 2024 to 31 March 2025, and that “Cabinet has made the decision”. The Minister postponed the ASO to that date *only because* Cabinet vetoed any postponement. In his words, he was “vetoed” by Cabinet.
- 181.3. The power—crucially—is the *Minister’s* alone. There is no legal requirement, when exercising this power, that the Minister must decide on the ASO date with Cabinet’s approval, let alone permitting Cabinet a veto. Regulation 3(1) of the Regulations states that “[t]he date for the commencement of the dual illumination period as well as the date for the final switch-off of the analogue signal will be published by the Minister in the Gazette”.
- 181.4. Clause 3.3.1 of the BDM Policy provides that ASO should occur “on a date to be determined by the Minister in consultation with Cabinet”. The Constitutional Court never expressly interpreted what these words meant in the Policy, but it appeared to take the view that the Policy only required Cabinet to be consulted, since it found that “*BDM Policy states that the Minister will announce the analogue switch-off date after*

engaging with Cabinet" (i.e. it did not interpret these words to require the concurrence or approval of Cabinet). Moreover, the Constitutional Court held in *e.tv* that the source of the Minister's power to determine the ASO date was not the BDM Policy at all, but rather it is section 85(2)(c) of the Constitution, as the setting of the ASO date was the implementation of policy (the BDM Policy). The Minister's power is *not* sourced in the BDM Policy.

- 181.5. So, the Minister and Cabinet took the decision to postpone the ASO date under a material error of law. The Minister, moreover, acted on the unlawful dictates of Cabinet. Both thought that the ASO deadline can only be extended with the approval of Cabinet, when in law there is no such requirement.
182. I underscore that if Cabinet has the power to veto the Minister's decisions to set or extend ASO dates, Cabinet exercised its power irrationally and unlawfully for the reasons given above. Namely, the decision was taken irrationally, in breach of a promise, and unreasonably failed the Constitution's requirements under section 7 read with the right to information and the right to equality. Moreover, to the extent that the Minister advised Cabinet of this plan, then Cabinet relied on the self-same factual error as the Minister, as set out above.
183. For these reasons too, the Minister's decision is unlawful and unconstitutional.

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PART VI: REQUIREMENTS FOR INTERIM RELIEF**(a) A prima facie right**

184. The applicants invoke *three* prima facie rights for the purposes of interim relief.

185. **First**, the constitutional right to freedom of expression.

185.1. As explained above, the Minister's decision implicates the right to freedom of expression, particularly the freedom to receive information and the freedom of the media. Premature ASO means that millions of people cannot receive information, and broadcasters like e.tv can no longer broadcast to millions of people.

185.2. The right to freedom of expression, as implicated in this case, is borne not only by the public, but also by e.tv itself.

185.3. Not only is the right to freedom of expression directly violated, it is also negatively violated by irrationally depriving millions of South Africans of their *existing* right to freedom of expression.

185.4. Because the right to freedom of expression is implicated, various other constitutional rights are also implicated, including the rights to equality and dignity, and political rights.

186. **Second**, the constitutional right to equality:

186.1. As explained above, the Minister's plan is predicated on treating approximately 202 000 indigent households, representing over 640 000 South Africans (at 3.2 people per household), in five provinces differently

from 250 000 indigent households in another four provinces, with no rational basis for doing so, and in a manner that is irrational (predicated on an error of fact) and, in any event, materially and unfairly discriminatory, given that certain provinces are prioritised on arbitrary grounds.

186.2. All registered households, regardless of the province in which they find themselves, were made the same promise by the government, and are entitled to equal and non-discriminatory treatment, and the government is not entitled to intentionally break its promise to those households that happen to be located in provinces which it has now unilaterally chosen not to prioritise.

187. **Second**, the applicants have strong prospects of success in obtaining their final relief. They have certainly made out a *prima facie* case; no serious doubt can be thrown on the grounds of review set out above. In fact, I submit that the applicants have already made out a clear case for their final relief.

188. **Third**, the applicants invoke their right under section 34 of the Constitution to access courts. As I explain below, without interim relief, the reviewing Court will not be able to afford the applicants effective relief in due course.

(b) Irreparable harm

189. Without this Court's intervention, on 31 March 2025 analogue television signals will disappear from South Africa forever. This will mean a total television blackout for millions of the most vulnerable in South Africa.

190. Without interim relief, the harm to e.tv's and the public's rights is thus irreparable. Millions of South Africans will be deprived of access to television—violating their positive and negative rights to freedom of expression—for years while government leisurely rolls out STBs. The applicants' right to review the Minister's decision will be negated, and the applicants and the viewing public could not be afforded an effective remedy, even were ASO to be reversed after the finalisation of Part B, because the harm suffered in the interim will be irreparable.

(i) Harm to the public

191. The harm to the public is severe. Millions of South Africans will lose *existing* access to television. At the current rate of STB rollout, they will be without television access *for years*—certainly by the time Part B is finalised they will remain without television access. This interim harm to their constitutional right to freedom of expression is irreparable. It is a retrogressive step. There is no way to prevent the television (and information) blackout that millions of South Africans will endure other than by the grant of interim relief.

192. Any irrational and haphazard process of digital migration has the very real potential to harm the ability for large numbers of the public to access free-to-air television, which is currently – and for the foreseeable future, given the government's failure to effect digital migration properly and timeously – the only means by which poorer members of society will access television, in violation of the government's own seriously-made promises, and the right to receive information under section 16 of the Constitution. There can be no repairing this harm to indigent households.

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193. What is more, insofar as the public interest is concerned, community television stations stand to be severely impacted by the decision. This is fully addressed in MMA and SOS's support affidavit.

(ii) Harm to e.tv and the SABC

194. As a free to air broadcaster, e.tv relies on advertising as the only form of revenue as it is not entitled to charge licence fees or any other form of access fee and receives no government bail-outs. Its ability to generate advertising revenue is dependent on its ability to attract audiences to watch its programmes. Advertisers (or their agents) will only place advertisements with a broadcaster, if the broadcaster is able to offer them a substantial audience.

195. This means that the ability to generate advertising revenue is directly linked to the "reach" of the broadcaster and the number of and type of viewers it is able to reach. Advertisers' willingness to pay a certain rate for a slot depends on the value they perceive in the audience a station can offer it.

196. Should ASO occur as planned – with some 13.9 million people (including some 8 million *indigent* people) being cut-off – this will send a message to the market (and advertisers in particular) that e.tv's services are precarious. The Minister's process and outcome will thus be contrary to the BDM Policy and the Regulations which aim to ensure security of operations to the analogue operators, including e.tv.

197. Millions of people who currently rely on analogue signal will not be able to afford to self-migrate particularly to satellite subscription broadcasters and online

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streaming services. Significant audiences will thus be lost to e.tv and SABC. As a consequence, significant advertising revenue will be lost by e.tv and SABC.

198. The effect on e.tv's business should ASO proceed on 31 March 2025 would be severe, consequential and irreparable. In my confidential affidavit, filed together with this affidavit, I set out the magnitude and effect of the impact on e.tv's business.

199. I understand that the SABC would suffer similar, if not worse, financial consequences, given that it is estimated that the SABC would lose a significant portion of its viewership (between 25% and 32% of the audience for its channels currently access its transmission via analogue (see paragraph 43)), particularly in the larger provinces, if ASO is allowed to occur on 31 December 2024.⁵ This is confirmed by the Chair of the Parliamentary Portfolio Committee, who explained that ASO on 31 December 2024 will mean the "demise" of the SABC.

200. The harm to the SABC is further discussed in MMA and SOS's supporting affidavit.

(c) The balance of convenience

201. The balance of convenience clearly favours granting the interim interdict if one looks at the relative harms:

201.1. If the applicants are not granted interim relief, but succeed in the review, then (a) e.tv's right to broadcast to millions of South Africans would have

⁵ See e.g. <https://mybroadband.co.za/news/broadcasting/564434-sabc-signal-switch-off-panic.html>.

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been negated entirely, (b) millions of South Africans would have been plunged into a television blackout; and (c) there is no repairing this harm at the Part B hearing.

201.2. If the applicants are granted interim relief, but then lose Part B, no great or irreparable harm befalls the respondents. The applicants are willing to agree to an urgent or expedited Part B to ensure finalisation as quickly as possible. In that time, the Department may incur some financial costs in continuing with dual illumination—but this is entirely due to its decade-long inability to roll out STBs. This harm cannot trump the irreparable harm caused to millions of indigent South Africans' rights.

201.3. e.tv sought to do all that it could during the various meetings with the government, and through its various letters to draw attention to the problems and then to urge a postponement of the ASO date. The applicants have thus not sat idly by, but have repeatedly and constructively sought to avoid this litigation and the harms that have now arisen.

(d) No alternative remedy

202. e.tv has written to the Minister. It has participated in the BDMC process. MMA and SOS have also written to the Minister after having been unlawfully excluded from the BDMC meetings. At this point, they have no choice but to approach this Court for interim relief. The harm they and the public face is irreparable precisely because they have no alternative remedy.

PART VII: URGENCY

203. For reasons overlapping with why they face irreparable harm, the applicants and the viewing public cannot obtain relief in the ordinary course. The ASO deadline is on 31 March 2025. Any hearing after that date cannot afford the applicants or millions of indigent viewers effective relief.
204. The applicants are launching this application on 24 January 2025. This is two business days after the Minister refused to retract and reconsider the ASO date of 31 March 2025. e.tv did not launch this application before that in an attempt to avoid litigation and to provide the Minister sufficient time to present his plan.
205. I have detailed above how, after learning of the postponement on 5 December 2024, e.tv waited for the Minister's presentation of 20 December 2024, and his response to e.tv's letter of 15 January 2025 (a date set by the Minister). After learning for the first time on 15 January 2025 that the Minister's preliminary plan of 20 December 2024 had been made final, e.tv wrote to the Minister for the last time on 17 January 2025 raising various concerns regarding the plan (and again requesting the plan in writing) and requiring a response by no later than 22 January 2025. When the Minister failed to respond on 22 January 2025 to e.tv's letter, he effectively confirmed that he will not retract and reconsider the ASO deadline—even considering the fatal flaws in his plan. Thereafter, e.tv quickly launched this application.
206. There can be no suggestion that the applicants delayed in bringing this application or created the urgency themselves.

207. In the notice of motion, the applicants set this matter down for hearing on **Tuesday, 11 March 2025**, providing for the following timetable for the filing of papers:

207.1. answering affidavits, if any: Monday, 17 February 2025.

207.2. replying affidavits, if any: Monday, 24 February 2025.

207.3. applicants' heads of argument: Friday, 28 February 2025.

207.4. respondent's heads of argument, if any: Thursday, 6 March 2025

208. The Minister is no stranger to this saga. His office has been party to litigation concerning digital migration for several years. He is apprised of all the facts in this affidavit. Indeed, a number of the facts set out in this affidavit emanate from statements made by the Minister and reflect the Minister's version of what has transpired to date. There is no reason he cannot present an answer in the time provided to him in the notice of motion. And if the Minister wishes to have further time, e.tv is amenable to agreeing to a timetable for an expedited review alongside an agreed order to suspend ASO in the interim.

209. In Part B of the notice of motion, the applicants provide for the filing of a record and documents in terms of rule 53, but indicate expressly that they are willing to agree to approach the Deputy Judge President of this Court for an expedited review.

CONCLUSION

210. For the reasons set out in this affidavit and the supporting affidavit, the applicants pray for an order in terms of the notice of motion.



ANTONIO SERGIO LEE

I certify that the deponent signed the affidavit in my presence and declared that the deponent knows and understands its contents, has no objection to taking the prescribed oath and considers the oath to be binding. Thus signed and sworn before me on *24 January 2024* at the address set out below.

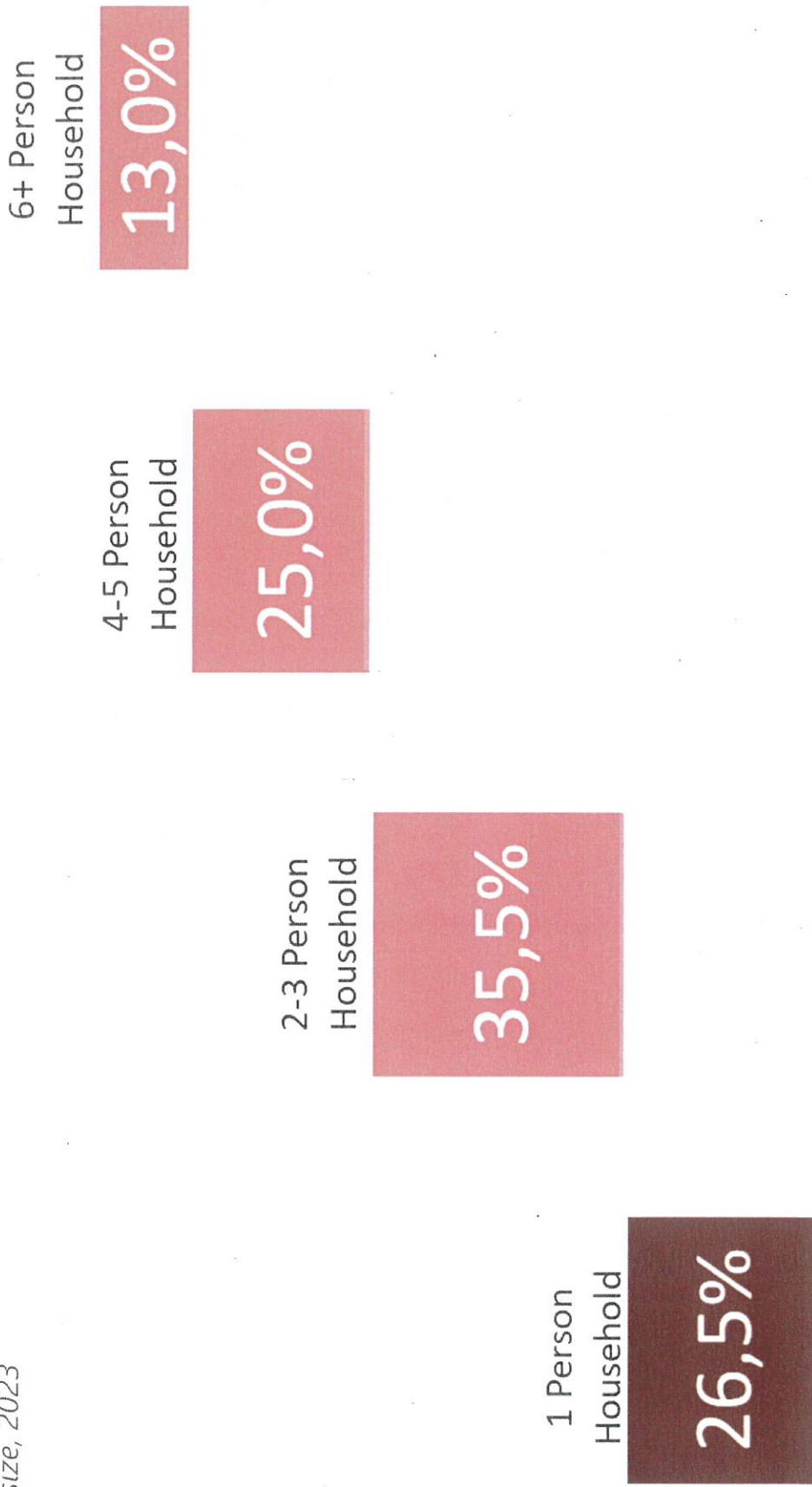
Shezad Ali CA (SA)
Commissioner of Oaths
Republic of South Africa
1 Montecasino Blvd, Cnr William Nicol Drive
and Witkoppen Road, Fourways, 2055

COMMISSIONER OF OATHS

A typical South African household had approximately 3,2 members. A little over a **quarter (26,5%)** of households had **just one member**

Annexure FA1

Household size, 2023





Annexure FA2

Independent Communications Authority of South Africa
350 Witch-Hazel Avenue, Eco Point Office Park
Eco Park, Centurion
Private Bag X10, Highveld Park 0169

INDIVIDUAL BROADCASTING SERVICE LICENCE
No. 001/RE/COMMERCIAL/TV/AUG/2024

GRANTED AND ISSUED

TO

ETV (PTY) LTD

FOR THE PROVISION OF
A COMMERCIAL TELEVISION BROADCASTING SERVICE

SIGNED FOR AND ON BEHALF OF THE INDEPENDENT COMMUNICATIONS
AUTHORITY OF SOUTH AFRICA

AT CENTURION ON THIS 7 DAY OF AUGUST 2024

A handwritten signature in black ink, appearing to read 'M. G. Ramusi', written over a horizontal line.

MOTHIBI G. RAMUSI
CHAIRPERSON

1. LICENSEE

The Licence is issued to:

- 1.1 Name of Company/Entity: etv (Pty) Ltd.
- 1.2 Shareholders: Sabido Investments (Pty) Ltd.
- 1.3 Ownership held by persons from historically disadvantaged groups: 54.28%

2. LICENCE PERIOD

- 2.1. The effective date of the Licence is 17 December 2023.
- 2.2. The Licence shall expire on 16 December 2038.

3. CONTACT DETAILS

- 4.1. The contact person of the Licensee shall be:

Name: Bronwyn Keene-Young
Tel: (011) 537 9300
Fax: (011) 537 9310
Cell: 082 884 6262
Email: BronwynK@etv.co.za

- 4.2. Should the Licensee propose to replace the person so designated, the Licensee shall notify the Authority in writing within fourteen (14) days after the appointment the new designated person.

4. NOTICES AND ADDRESSES

The Licensee chooses the following addresses as its principal addresses:

5.1. Postal Address: Private Bag X 9944
Sandton
2146

5.2. Physical Address: 5 Summit Road,
Hyde Park
2196

SCHEDULE 1

1. Service Name

e.tv

2. Geographical Coverage Area

The Licensee shall provide national coverage of its broadcasting services provided that any given time the minimum population coverage shall be 77%.

3. Target Audience

General Public.

4. Language(s)

The Licensee shall broadcast in languages indicated in the schedule for existing television channels and/or in the channel authorisation certificate/s.

5. Format

The Licensee shall provide a wide variety of programmes.

6. Employment Equity Obligations.

6.1 At least forty percent (40%) of the Licensee's employees (being staff and management) shall be Africans, that is, Black people excluding Coloureds and Indians.

6.2 At least thirty five percent (35%) of the Licensee's employees (being staff and management) shall be women.

6.3 At least five percent (5%) of the Licensee employees (being staff and management) shall be disabled people.

6.4 The Licensee's management shall consist predominantly of South Africans from historically disadvantaged groups (i.e. black (South African, Coloured and Indian) South Africans, women and disabled people).

7. Skills and Development Obligations

7.1 The Licensee shall adhere to the following human resource training, skills and development practices:

- (a) An efficient human resources function supported by a competent human resource development function;
- (b) Consultation between management and employees in decision-making processes;
- (c) Fair labour practices;
- (d) A safe, healthy and accommodating working environment; and
- (e) A well-resourced training arm with responsibility for the development of the Licensee's core staff and major independent contractors.

7.2 The Licensee shall endeavour to participate in the development of the broadcasting industry by, among other things:

- (a) Supporting independent contractors from historically disadvantaged groups;
- (b) Supporting industry development initiatives; and
- (c) Promoting the development of independent producers.

7.3 The Licensee must recruit, train, and develop individuals from historically disadvantaged groups and equip such people with appropriate managerial and technical skills relevant to the management and operation of a television station.

8. Provision of audited financial statements to the Authority.

The Licensee shall provide the Authority with the annual financial statements of the licensed service within three (3) months of the end of the Licensee's financial year.

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SCHEDULE 2

Existing Television Channel

The conditions contained herein are applicable to the e.tv channel only:

1. Channel Name

e.tv

2. Language(s)

- 2.1 Subject to the specific language requirements set out below, the Licensee shall ensure in respect of the licensed service, its programme material is primarily provided in English.
- 2.2 The Licensee shall broadcast a minimum of two (2) hours of news and information programming per week during the performance period in a wide of official languages other than English and shall make provision for sign language translation on screen during the prime time news bulletin. In complying with its obligations in respect of the use of official languages other than English, the Licensee shall not make excessive use of a single language, other than English, to the exclusion of other official languages.
- 2.3 The Licensee shall broadcast four (4) hours of programming other than news and information per week in official languages other than English. Compliance with this sub-clause shall be measured accordingly over the licence year. In complying with the above obligations, the Licensee shall not make excessive use of a single language, other than English, to the exclusion of the other official languages.
- 2.4 During the period of the licence, the Licensee shall ensure that:
- (a) at least ten percent (10%) of the aggregate broadcasting time of South African drama productions transmitted by the Licensee is broadcast in a wide range of official languages other than English provided that:
- (i) the Licensee shall not be required to broadcast entire programmes in official languages other than English;

- (ii) the Licensee shall not make excessive use of a single official language, other than English, to the exclusion of other official languages; and
 - (iii) the programming in question shall be taken into account in assessing the Licensee's compliance or otherwise with the language requirements set out in sub-clause 2.3 above;
- (b) at least 20% of the aggregate broadcasting time of South African children's programming transmitted by the Licensee is in a wide range of official languages other than English, provided that, in meeting this requirement:
- (i) the Licensee shall not be required to broadcast entire programmes in official languages other than English;
 - (ii) the Licensee shall not make excessive use of a single official language, other than, English, to the exclusion of other official languages; and
 - (iii) the programming in question shall be taken into account in assessing the Licensee's compliance or otherwise with the language requirements set out in sub-clause 2.3 above.

2.5 The Licensee shall endeavour to dub some of the children's programming acquired from abroad and broadcast by the Licensee into official languages other than English.

3. Local Content Obligations

3.1 In procuring programming produced in South Africa, the Licensee shall commission programming from the different provinces. Such programming shall reflect programming diversity, cultures and characters.

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- 3.2 The Licensee shall ensure that forty five percent (45%) of broadcast time shall consist of local television content, a maximum of fifteen percent (15%) of which shall be re-broadcast, measured over a year.
- 3.3 A Licensee shall broadcast animations which reflect African and South African culture and life styles.
- 3.4 The Licensee shall provide programming which develops and promotes South African culture and talent, especially in the area of music, through locally produced programmes which may be broadcast during time that falls outside the South African television performance period.
- 3.5 The Licensee shall submit to the Authority on a quarterly basis, a log of local television content broadcast by the Licensee during the preceding quarter.

4. General Programming Obligations

Drama

- 4.1 The Licensee shall broadcast two (2) hours and thirty (30) minutes of South African drama per week of which at least two (2) hours and twenty (20) minutes must be broadcast during prime time. Compliance with this requirement shall be measured as a weekly average over the period of a licence year.
- 4.2 The Licensee shall ensure that no more than fifty percent (50%) of South African drama referred to in sub-clause (a) above, consists of re-broadcasts.
- 4.3 The Licensee shall ensure that at least ten percent (10%) of South African drama productions broadcast by it shall comprise a broad range of official languages other than English. In meeting this requirement, the Licensee shall not make excessive use of a single official language other than English, to the exclusion of the other official languages.

5. Information Programming

The Licensee shall broadcast at least nineteen (19) hours of information programming per week, at least two (2) hours of which shall be broadcast during prime time.

6. News and Current Affairs

6.1 The Licensee shall news and current affairs programming that reflects local, regional and provincial events and developments.

6.2 The Licensee shall broadcast at least two (2) hours of news programming during the performance period, of which at least thirty (30) minutes, packaged as a single programme, shall be broadcast during prime time.

6.3 The Licensee shall exercise full editorial control in respect of the content of its news programming.

6.4 All local programming, other than news and current affairs, shall be commissioned out to the independent production sector.

7. Programming targeted at Children

7.1 The Licensee shall broadcast sixteen (16) hours of children's programming per week, of which at least twenty percent (20%) shall comply with the local content requirements set out in the applicable regulations. Compliance with this obligation shall be measured as a weekly average over the period of one licence year.

7.2 The Licensee shall broadcast the children's programming referred to in sub-clause (a) above, between the hours of 13h00 and 18h00 on weekdays and between 07h00 and 13h00 on weekdays, provided that:

- (i) The Licensee shall endeavour to ensure that programming is broadcast at times when large numbers of children are likely to be watching television;

- (ii) In exceptional circumstances and then only to the extent reasonably necessary, the Licensee may broadcast other programming during the above-mentioned time periods ordinarily allocated to children's programming if a particular broadcast event of considerable importance necessitates that the children's be interrupted; and
- (iii) The total amount of children's programming to be broadcast by the Licensee, to be calculated as a weekly average over the period of a licence year, shall not be reduced.

8. Limitations on Advertising and Provision of advertising-related Information

8.1 The Licensee may not broadcast:

- (a) more than an average of ten (10) minutes of advertisements per hour on the licensed service during any licence year; and
- (b) advertisements in excess of twelve (12) minutes in any one hour.

9. Events of national interest

9.1 The Authority may, on written application by the Licensee, grant the Licensee exemption in writing, on such terms and conditions as the Authority deems necessary in the circumstances, from compliance with some or all of the on-air programming obligations set out in the licence, for a specific period, in the event that the Licensee satisfies the Authority that it is unable to comply with such obligations as a result of the broadcast of any event of national interest.

9.2 The Licensee's written application for the exemption contemplated in sub-clause 9.1 above must be submitted to the Authority before the commencement of the broadcast of the relevant event of national interest, provided that, in exceptional circumstances, the Authority will accept and consider an application for such exemption after the commencement of such broadcast, provided further that the application is submitted to the Authority as soon as is reasonably practicable after such commencement.

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9.3 The Licensee's written application for exemption must specify:

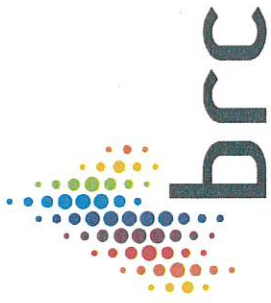
- (a) the nature of the event of national interest concerned;
- (b) the likely duration of the broadcast;
- (c) the basis on which the Licensee contends that the event concerned is of national interest;
- (d) the basis on which the Licensee contends that it will be unable to comply with some or all of its programming obligations if the broadcast were to take place; and
- (e) the extent to which the Licensee will, in its view, be unable to comply with the relevant programming obligations if the broadcast were to take place.

9.4 The Authority may deal with the application in accordance with such procedures as it may consider appropriate.

10. Skills and Development Obligation

10.1 The Licensee must invest 5.5% of its total annual salary cost escalating annually at the rate of inflation, in staff training.

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THE BROADCAST
RESEARCH COUNCIL
OF SOUTH AFRICA

Annexure FA3

	16 March 2023	04 July 2023	30 September 2023	25 November 2023	14 May 2024	29 June 2024	31 October 2024	20 January 2025
Exclusive	HH Universe	HH Universe	HH Universe	HH Universe	HH Universe	HH Universe	HH Universe	HH Universe
Pay TV Only (No DTT, No OVHD)	7 102 238	7 085 189	7 105 398	7 137 638	7 120 141	7 151 894	7 170 605	7 171 712
OVHD Only (No Pay, No DTT)	2 344 090	2 434 516	2 582 289	2 631 419	2 726 501	2 727 588	2 769 962	2 856 156
DTT Only (No Pay No OVHD)	1 283 221	1 374 079	1 410 820	1 421 694	1 343 719	1 328 829	1 183 154	1 202 788
Analogue Only (No Pay, No OVHD, No DTT)	4 752 071	4 570 328	4 409 715	4 351 919	4 317 782	4 319 224	4 433 873	4 332 147
Exclusive Total	15 481 620	15 464 112	15 508 222	15 542 670	15 508 143	15 527 535	15 557 594	15 562 803
Duplicated								
Pay TV + OVHD (No DTT)	213 682	209 844	193 025	177 047	205 113	201 588	182 960	175 500
Pay Tv + DTT (no OVHD)	149 978	158 769	150 977	134 458	125 265	106 699	106 619	112 972
OVHD + DTT (No Pay)	42 721	37 466	13 564	11 357	28 388	40 748	29 400	25 296
Pay Tv + OVHD + DTT	5 715	6 381	10 783	11 040	9 662	-	-	-
Duplicated Sub total	412 096	412 460	368 349	333 902	368 428	349 035	318 979	313 768
Total Households	15 893 716	15 876 572	15 876 571	15 876 572	15 876 571	15 876 570	15 876 573	15 876 571

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CEO: G. Whitaker

Company Registration: 2015 / 099994 / 08

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BROADCASTING DIGITAL MIGRATION

FACTSHEET

KEY FACTS (General)

- TV technology has been in South Africa since 1976.
- Today, 13-million households in South Africa own TV sets and able to access Free-to-view channels.
- Before 1990, the broadcasting of sound and video through airwaves was done by analogue signals.
- Digital broadcasting started after 1990, where sound, video, text and still images could be transmitted in the form of binary digits i.e. ones and zeros.
- Digital migration is a process of moving from analogue to digital broadcasting for TV and radio.
- South Africa is not the only country going through digital migration process.
- The main objective for South Africa to migrate from analogue to digital free up the spectrum that will be used for mobile broadband and other ICT communication related purposes.
- In 2006, the International Telecommunications Union held a World Radio-Communication Conference (WRC-06) where it was resolved that all countries in Europe, Africa, Middle East and the Islamic Republic of Iran (region 1) should migrate from analogue to digital broadcasting services by 17 June 2015. South Africa is one of the member states, signatories of the conference.

- SADC region has agreed to set December 2016 as the new deadline to migrate from analogue to digital broadcasting.
- South Africa coordinates its frequency plans with other countries to ensure that there is no interference with other countries' broadcasting signals.

SOUTH AFRICA'S BROADCASTING DIGITAL MIGRATION PROGRAMME

- Government is responsible for developing the policy for Broadcasting Digital Migration (BDM).
- South Africa together with world starts the migration with TV, and radio will follow later.
- South Africa has chosen European Standard, DVB-T2 and DVB-S2 (satellite) for the Set Top Box.
- Subsequent to the protracted legal wrangle of the broadcasters on the specifications of the STBs, the court decided to give the government a go-ahead on the control access. The BDM amended policy define control access as a security feature of the STB. Broadcasters are at liberty to include a conditional access using a vendor of their choice.
- Currently there is dual broadcasting (analogue and digital) in South Africa. The Broadcasting Digital Migration Programme will see the phasing out of analogue signals. The freed spectrum from Digital Migration will be used to expand the broadband connectivity in the country.
- Government is also responsible for ensuring that funding is available for the Scheme for Ownership Support (SOS) for poor households and for the development of a STB manufacturing strategy.
- Your STB will be able to receive digital channels from all licensed South African broadcasters.
- A low-cost wideband UHF TV aerial will be required for terrestrial free to air tv households in order to ensure trouble-free reception.

FACTS THAT AFFECT YOU!

- The Minister of Communications and Digital Technologies (DCDT) will announce the analogue switch off date after consultation with Cabinet.

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- If you don't have a set top box by this date, you won't be able to watch any TV programs received by your TV aerial.
- With the exception of people already owning digital satellite services (DSTV, StarSat, OVHD etc), and new IDTV (integrated digital television set) television able to receive the digital TV channels without the STB.
- The Government will provide free STB to more than 5 million poor household television owners. The following groups are eligible to receive subsidies
 - Indigent South African people with green ID book.
 - Households who are in possession of a functioning TV set.
 - Households dependent on social grants
 - Households already covered by the SABC concessionary TV licence scheme.
- The people who will not qualify for the government subsidy will have to buy the STB once available in the market. It will be a once off cost. You will, however, have to continue paying your TV license as required by law. Other digital platforms available are Dstv, Etv (OVHD), StarSat etc.
- The benefits of digital TV broadcasting include:
 - Clearer sound
 - More channels
 - A digital TV guide which can be easily updated for more accurate schedules.
 - Excellent picture quality. Picture quality which does not deteriorate with a weaker TV aerial signal. It will be perfect or you will have no picture at all. No more snowy pictures.
 - Allows transmission of high definition (HD) -TV pictures.
 - Allows for interactive services like games and apps
 - You will be able to switch to the audio bouquet on your television and receive all 18 SABC radio channels, irrespective of where you are in the country

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CAMPAIGN CONCEPT

- The campaign concept places emphasis on **connection**.
- **South Africa Go Digital** encourages everyone to embrace digital migration to move South Africa forward.
- The Broadcasting Digital Migration platform's biggest selling point is that it offers more choice of programming and better quality while using **less bandwidth**.
 - **Campaign look and feel:**



Elements: Different shapes are layered to create a dynamic background and an impression of space and dimension.

- **Coloured Map:** To emphasise that this platform is accessible throughout South Africa.
- **Squares:** the idea of squares come from the previous "It's coming" look that used coloured boxes to represent pixels. However they are abstractly used in single colour, layered and with rounded corners to give it a modern edge.
- **Lines:** Lines are used to represent signal flow. Both curved and straight lines are used to depict movement and dynamism.
- **Circles with lines:** A 2-dimensional circuitboard is depicted by a combination of lines and circles; that is the idea behind this graphic

to bring forth the technology element. Bigger versions of this element are used as placeholders as well for copy and pictures.

- **Colours:** The colours used are adopted from the Go Digital logo.
- **Mascot:** The body is derived from the Go Digital logo. The old-TV head gives the mannetjie character and most importantly, brings forth the fact that the DTT platform does not require only modern digital TVs, it can also be accessed on a normal "old" tv (with the use of a set-top box).

WHO'S INVOLVED

The **Department of Communications and Digital Technologies** is the lead department driving the Broadcasting Digital Migration Programme.



- **SENTECH** is responsible for the country's digital broadcasting network (both terrestrial and satellite) and STB installations, in line with the Broadcasting Digital Migration policy.



- The **Universal Services and Access Agency of South Africa's (USAASA)** mission is to facilitate and maintain universal services and access to information and communications technology. In the context of BDM, USAASA is responsible for managing the subsidy fund for STB acquisition and distribution.



- **ICASA** is responsible for regulating the telecommunications and broadcasting sectors.



- The **South African Post Office (SAPO)** is responsible for the distribution of the STBs.

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- **SABC, Etv and Mnet** are currently the terrestrial broadcasters who will be embarking on the process of migrating from analogue to digital broadcasting.
- **Community broadcasters** are also to migrate from analogue to digital broadcasting.

HOW CAN YOU GET INVOLVED

- All role players and communicators are urged to be involved in the Go Digital South Africa Campaign by supporting its communication objectives.
- **Here are some ideas for becoming involved (not exhaustive – your ideas are welcome!):**
 - Encourage employees, stakeholders and the partners to wear and display the campaign's brand
 - Initiate and participate in supporting activations, awareness drives, promotional events, etc.
 - Write an article in your local newspaper or newsletter.
 - Add photos and video in your communication – pictures communicate a thousand words.
 - Izimbizo, door to door visits, share information at shopping centres and events / meetings / workshops, etc.
 - Develop and run exhibitions in high traffic areas.
 - Be a panel member on a community radio / TV talk show.
 - Write letters to the editor or your own opinion pieces.
 - Make announcements at mass public gatherings / events / schools / tertiary institutions / churches, etc.
 - Use any other appropriate and creative channels and products at your disposal to promote awareness and education.

YOUR VOICE COUNTS – we thank you for your support!

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FOR MORE INFORMATION

- See the official website for resources and information:
<http://www.gov.za/about-government/government-programmes/digital-migration>

ENTERTAINM

Annexure FA5

5 million free Set Top Boxes for poor



Communications Minister Faith Muthambi. File photo: Siyabulela Duda, Department of Communications

| Published Mar 10, 2015

CAPE TOWN– More than five million poor television household owners will receive free Set Top Boxes (STB) from government, stated the Department of Communications in a release on Monday.

This replaces the previously approved partial subsidy of 70% and is included in the Broadcasting Digital Migration Amendment Policy which was approved by Cabinet.

The distribution of the STBs will prioritise households in border region areas of the country, avoiding and minimising signal interference between those regions and neighbouring countries.

The Amendment Policy also included the control system in the STB, a frequent source of disagreement among free-to air broadcasters.

These prior disagreements had negatively impacted on South Africa's ability to implement broadcasting digital television within the International Telecommunications Union's (ITU) agreed timelines.

The deadline for the turning off of analogue television signals is 17 June 2015, one South Africa is unlikely to meet.

Broadcasting digital migration is the migration of broadcasting services from analogue to digital technologies.

The main objective of this is to clear the radio frequency spectrum currently occupied by broadcasters, enabling the provision of wireless mobile broadband services and other innovative applications.

“We believe the provision of definition of the STB control system in the final policy will assist in clearing the confusion regarding the use of control system in the STBs,” said Communications Minister Faith Muthambi.

In order to accelerate migration, the department has stated that the control system will have the following meaning: “control system does not mean a conditional access system nor does it mean an encryption of the signal to control access to content by viewers; control system refers to a security feature to encourage local electronic manufacturing sector; the STB must have minimal switching (on/off) security features to protect the subsidized STBs from theft or leaving SA borders; and must have capabilities to enable the provision of government information and services.”

Broadcasters wanting to include conditional access in the provision of broadcasting services to its customers will not be prohibited from doing so and will have to make their own investment in the acquisition thereof.

The department will consult with Cabinet to determine and announce the analogue signal switch-on and switch-off dates.

“We call upon all key role players in the broadcasting fraternity to put behind them all their differences and work together to deliver digital television to our people, thus ensuring universal access to broadcasting services in line with the Constitution of the Republic,” said Muthambi.

The department will provide further details of the distribution and the Amendment Policy is to be clearly defined when the policy is published.



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Minister of Communications and Digital Technologies, Ms Khumbudzo Ntshavheni on the Broadcast Digital Migration and Analogue Switch-Off Plan

Published: 05 October 2021



MINISTRY
COMMUNICATIONS AND DIGITAL TECHNOLOGIES
REPUBLIC OF SOUTH AFRICA

Minister of Communications and Digital Technologies, Ms Khumbudzo Ntshavheni on the Broadcast Digital Migration and Analogue Switch-Off Plan

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1. CONTEXT

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1.1 South Africa is a member of the International Telecommunications Union (ITU), which is a United Nations (UN) body responsible for telecommunications; and South Africa is a member of Region-1 of the ITU with other African countries. In 2006, South Africa acceded to the ITU Regional Agreement in Geneva 2006 (GE06) that determined that Region 1 countries must migrate from Analogue Television to Digital Television by the 17th of June 2015. The Digital Terrestrial Television (DTT) migration process is a global technology enhancement initiative that aims to leapfrog countries into digital domains, targeting to improve quality of services and enable efficient use of spectrum resources.

1.2 As country, we initially aimed to complete the migration process in 2011 in what we termed a Policy Date but the programme suffered serious setbacks during the technology negotiation processes. At this point, we remained with the ITU set date for Region 1 of June 2015, however the country also missed this date and furthermore did not seek exemption at the 2015 World Radiocommunications Conference (WRC-15), and thus South Africa did not qualify for another extension after missing the June 2015 migration deadline.

1.3 During the 2021 State of the Nation Address, His Excellency President Cyril Ramaphosa announced that South Africa must complete the broadcast digital migration by 31st March 2022. This is the goal date that the Department of Communications and Digital Technologies is working hard to ensure that it is met through the implementation of the Digital Migration Plan that was approved by Cabinet at its meeting of 29 September 2021.

2. PROGRESS STATUS OF THE BROADCAST DIGITAL MIGRATION (BDM) PROGRAMME

2.1 The government undertook to assist beneficiary households (households earning total salary of less than R3500 per month) with installation of set-top-boxes to ensure universal migration. The process of registering beneficiary households to be supported commenced in 2015 and to date 1.184 million qualifying households have been registered out of the estimated 3.75 million qualifying households (as per StatsSA 2018 data).

2.2 Since the inception of the BDM programme, 556 954 beneficiary households have been migrated from the current total of 1.184 million. In addition, almost 10.5 million households out of just over 14 million TV households (2018 StatsSA estimates) self-migrated through private satellite boxes. as follows:

- DSTV = 7.8 million households
- OpenViewHD = 2.3 million households, and
- StarSat = 450, 000

2.3 To date, Sentech has been able to switch off all (84 sites) Multichoice analogue transmissions, 105 out of 288 (37%) SABC analogue transmissions and 4 of the 95 (4%) eTV analogue transmissions.

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3. THE REVISED PLAN

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3.1 Cabinet has approved the adoption of a Managed Integrated Model that actively involves all broadcast media players to contribute to the ramp-up the Set-Top Box installation capacity through their use of the boxes of these players to ensure rapid reach. The broadcasters and SENTECH will continue to use local installers as part of the SMME development. The Department has started engagements with industry players and enterprise development entities including funders on additional opportunities and enterprise development support that could be made available to these installers amongst others.

3.2 We have shifted from staggered provincial approach towards a consolidated national approach, where STB installations and ASO will happen simultaneously in all 9 provinces of South Africa, although we anticipate different completion and migration dates. According to our Plan, we are anticipating the following completion dates:

4. WHAT MUST MEMBERS OF THE PUBLIC DO TO MIGRATE

4.1 To give effect to a successful Digital Migration and Analogue Switch-off processes, we have to ensure that everyone who needs to migrate from analogue to digital is ready to do so and are not negatively affected by the Switch-Over from Analogue to digital. The Analogue Switch-off messages will scroll on analogue TVs with dates, please ensure that you migrate before the set dates to continue receiving Television services.

4.2 South African citizens who are still receiving television services directly from an Aerial/Antenna that get mounted on a pole and do not have set-top box or smart TV set, should find themselves a set-top box or a smart TV to be able to receive digital Television. A set-top box is a device that enables you to receive digital Television services, they can be accessed from South African Post Office and various retailers across the country.

4.3 You will not be affected by the Analogue switch-off, if you are already receiving your television through DSTV, OVHD, Telkom-One, StarSat and any other streaming platforms or you have a digital TV. Digital televisions that have in-built digital tuners and enable you to receive DTT. Manufacturing of digital TVs commenced as early as 2010, and we are aware that majority of Television set manufactured and distributed after 2015 have digital tuners. To test if your TV has a digital tuner, please run a manual or auto channel search on your TV.

4.4 We have a list of compatible digital TVs from Samsung, LG, HiSENSE and Skywoths. We are continuing to engage other manufacturers of TV sets and will publish compatible TV sets lists, as from Monday, 11 October 2021, on various entities websites (SA government, 4 DCDT, SENTECH, USAASA, SABC, SITA, and SAPO) and the Digital Migration Call Centre which contact details will be shared within the month of October 2021.

4.5 Households Qualifying for Support

4.5.1 Given the low numbers of registered beneficiary households, Cabinet approved a last call for registration with a cut-off date of 31 October 2021, this last call is also made fully aware of the impact of the Covid-19 pandemic on household incomes. In terms of ~~our~~ ~~website~~ our website you agree that we are using cookies to ensure you to get the best experience.

• The qualifying households who register on or before 31st October 2021, will be connected before the ASO; and

- The households that register after the 31st of October 2021 will only be connected within three (3) to six (6) months after the ASO.

4.5.2 We call upon all eligible households to register at the nearest post office on or before the 31st of October 2021 to receive government assistance for your STB installation. We are also finalizing a registration App and the details will be announced in the near future.

5. BENEFITS OF DIGITAL MIGRATION

5.1 We have to fulfil our obligations to the ITU, to give effect to;

- Efficient use of Spectrum,
- Improve media Quality of Service, and
- grant South Africans a developmental opportunity.

5.2 Improved quality – Digital Television Pictures are clearer, and there will be no more snowy pictures.

5.3 Digital Television will offer you:

5.3.1 Improved Free-to-Air Services

- More Channels, Compared to current 4 channels on analogue (SABC1,2,3 and eTV) on a Free-To Air. You will be able to receive 12 Television channels on DTT.
- The public bouquet services will allow South Africans to receive all 19 SABC radio on DTT, irrespective of where you are in South Africa. This is not possible with analogue technology.

5.3.2 Improved Pay and subscription Services

- Compared to previous 2 channels on analogue Pay TV (Mnet & CSN), you can now receive 14 TV channels on Pay DTT.

6. To ensure that this Plan is executed, I have established a Project Steering Committee which is constituted by CEOs and Technology Executives of all affected and participating stakeholders. The Steering Committee is chaired by the Minister and meets on a fortnightly basis to lead the switchover process. I have also appointed a project manager to oversee the digital migration and ASO process. We will report to the Cabinet on a monthly basis and update the nation about the progress at least once a month.

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Thank you

End

Download Document here: Broadcast Digital Migration and Analogue Switch-off Plan (/images/Minister-Speeches/Broadcast_Digital_Migration_and_Analogue_Switch-off_Plan_-_5_October_2021.pdf)

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IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 51159/2021

In the matter between:

e.tv (PTY) LTD

Applicant

and

**MINISTER OF COMMUNICATIONS AND DIGITAL
TECHNOLOGIES**

First Respondent

**THE INDEPENDENT COMMUNICATIONS AUTHORITY
OF SOUTH AFRICA**

Second Respondent

**CHAIRPERSON: INDEPENDENT COMMUNICATIONS
AUTHORITY OF SOUTH AFRICA**

Third Respondent

NATIONAL ASSOCIATION OF BROADCASTERS

Fourth Respondent

**SOUTH AFRICAN BROADCASTING CORPORATION
SOC LIMITED**

Fifth Respondent

VODACOM (PTY) LIMITED

Sixth Respondent

MOBILE TELEPHONE NETWORKS (PTY) LIMITED

Seventh Respondent

CELL C (PTY) LIMITED

Eighth Respondent

TELKOM SA SOC LIMITED

Ninth Respondent

WIRELESS BUSINESS SOLUTIONS (PTY) LIMITED

Tenth Respondent

FIRST RESPONDENT'S ANSWERING AFFIDAVIT

DTT for everyone, or that the provision of STBs to all qualifying households, before ASO is guaranteed. Nothing that e.tv cites demonstrates otherwise. That absolute target would, moreover, be impossible to meet and probably result in the indefinite delay of digital migration.

199 This is not to detract from the fact that Government has committed to assist the poorest TV-owning households to obtain STBs to enable them to receive DTT. The Minister and Department intend to ensure that all qualifying households receive STBs. But Government's commitment never extended to the impossible assurance that every single qualifying household (whether registered or not) will receive a STB before ASO.

200 As a matter of law, and even assuming that e.tv makes out its case as a matter of fact (it is denied that it has), e.tv does not, I am advised, bring its case within the "public promise" cause of action set out in the Constitutional Court's judgment in *KZN Joint Liaison* (on which it relies). The principle underpinning the judgment is that:

"a public official who lawfully promises to pay specified amounts to named recipients cannot unilaterally diminish the amounts to be paid after the due date for their payment has passed. This is not because of a legitimate expectation of payment. Legitimate expectation relates to expected conduct. Rather, this principle concerns an obligation that became due because the date on which it was promised had already passed when it was retracted" (para 52, emphasis added).

201 In other words, a promise will be enforceable under the principle only where the obligation has already fallen due (or vested). Where it has not, the Government is, absent some other constraint, entitled to revoke the promise before it falls due and the promise is not (at least in terms of the *KZN Joint Liaison* principle) enforceable.

373 I deny that Government has abandoned the commitments made to indigent South Africans. I have already outlined those processes.

Ad paragraph 4

374 I deny that Government has failed to take meaningful steps to meet "various preconditions". I have already explained that the so-called preconditions have in fact been met and others are ongoing.

375 Government has not and will not be leaving any South Africans behind.

376 The Minister is allowed to set when the ASO will take place. I have also explained the Implementation Plan and what underpins it as well as practical steps that Government has taken to ensure that the switch-off occurs properly.

377 The Minister's conduct accords with the regulatory and constitutional injunctions relevant to the BDM and the ASO.

378 The rationality of the steps taken this far has been demonstrated.

379 The balance of the allegations herein are denied.

Ad paragraph 5

380 I deny that the digital migration and the ASO have been or will be done with detrimental impact. I deny that there has been any haste.

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES

NO. 3554

15 June 2023

ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)**BROADCASTING DIGITAL MIGRATION POLICY:
ANNOUNCEMENT OF DATE FOR FINAL SWITCH-OFF OF THE ANALOGUE
SIGNAL AND THE END OF DUAL ILLUMINATION**

I, Mondli Gungubele, Minister of Communications and Digital Technologies, under paragraph 3.3.1 of the Broadcasting Digital Migration Policy published in Government Notice No. 958, Government *Gazette* No. 31408 of 08 September 2008, as amended, hereby set 31 July 2023 as the date for switching-off all analogue broadcasting services above 694 MHz. All remaining analogue broadcasting services should temporarily be accommodated below the 694 MHz frequency. All digital broadcasting services operating above the 694 MHz frequency must also be retuned to operate on frequencies below 694 MHz in order to clear broadcasting services from the 694 to 862 MHz frequency band.

Furthermore, I set 31 December 2024 as the end of the dual illumination period and the date to switch-off all the remaining analogue broadcasting services below the 694 MHz frequency.



MR. MONDLI GUNGUBELE, MP
MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES
DATE:

Ministry of Communications and Digital Technologies

Annexure FA9

Attention : Minister Gungubele
c/o Ms Nokuthula Nqaba

Per email: nngaba@dcdt.gov.za

25 October 2023

Dear Minister Gungubele

Re: Concerns regarding the current pace of digital migration and the analogue switch off process

1. Following your intervention in relation to the analogue switch off process, it was proposed that the analogue switch off process would take place in two phases to address the tension between the desire of the telecommunication companies to be able to use the spectrum that they had "purchased" through the auction process and the need to ensure that the majority of South Africans (particularly indigent South Africans) had been successfully migrated from receiving television through analogue signal to doing so through digital signal.
2. Accordingly, on 15 June 2023, you published a notice in the Government Gazette (No 48793) in which you stipulated that the first phase of the analogue switch off process would entail the migration of the remaining above 694MHz analogue transmitters to below 694MHz with the switching off of all above 694MHz analogue transmitters taking place by 31 July 2023. This would allow the above 694MHz spectrum that had been allocated to the telecommunication companies to be "cleared". The second phase would entail the complete switching off of all analogue transmitters by 31 December 2024. This relates to the analogue transmitters in the bands below 694MHz. This band of spectrum remains allocated by the ITU to broadcasting.
3. A number of issues have emerged in relation to the digital migration process recently, which require your urgent intervention.

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4. Absent your intervention there is a significant risk that these developments will undermine the digital migration process and if they are not addressed swiftly may imperil the final analogue switch off date of 31 December 2024.
5. By way of background there was a meeting of the BDM Committee that took place on 13 October 2023. At this meeting, it emerged that there are a number of critical bottlenecks and related issues that have arisen in relation to the digital migration process. The purpose of this letter is not to seek to allocate blame for the difficulties that have emerged, but rather to draw them to your attention in the hope that you will be able to resolve these issues before they become so serious that they bring the entire process of digital migration to an abrupt halt.
6. In essence, the principal issues that have arisen are broadly speaking the following:
 - National Treasury has not made funds available for the purposes of funding awareness campaigns relating to digital migration.
 - As a consequence of the lack of funding, no appropriate awareness campaigns are currently being run to inform the general public about the cut-off dates for analogue transmission and the fact that all analogue transmission will cease in its entirety by December 2024;
 - The South African Post Office does not have physical registration forms for members of the public to complete, because there is no funding and no tenders have been issued for the production of physical documents that are required in this regard;
 - As a result of a lack of funding SITA has been unable to develop a registration application that is required for members of the public to be able to electronically register.
 - National Treasury has not made funds available for the procurement of additional set-top boxes.
 - Available stocks of set-top boxes are extraordinarily low and there are approximately only 10,000 boxes available nationally.

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- There has been a significant reduction in the rates of installation of set-top boxes across the country, which is likely to be attributable to various factors including the lack of a focussed awareness campaign and because of the fact that the SABC has withdrawn its analogue switch off message on the transmitters because of a fear of confusing viewers.

7. We deal with each of these issues in more detail below. Taken together, their cumulative effect is to significantly undermine the process of digital migration at a critical juncture in the process.

Lack of funding allocated by Treasury

8. It would appear that one significant difficulty being faced is that National Treasury has not allocated funds to permit the **procurement of further set-top boxes** or for the **purposes of funding awareness campaigns** – including by the SABC and the Community broadcasting sector (both of which stand to be very negatively impacted by analogue switch off if a proper digital migration process has not occurred prior to 31 December 2024).

Lack of awareness campaigns

9. The lack of funding has meant that there has been no service level agreement concluded between the Department and the SABC in relation to the awareness programme or with any of the community broadcasters.
10. The lack of a suitable awareness campaign is a critical and fundamental difficulty facing the digital migration process. One of the concerns that was previously identified with the digital migration process (before you became the Minister of Communications and Digital Technology) was the fact that a very significant number of indigent South Africans had not registered to be migrated (despite being indigent South Africans that relied on analogue television, who faced losing all access to television if they were not migrated to digital television) and that a large number of these indigent South Africans are located in the large metropolitan areas such as Gauteng.

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11. At the BDM meeting of 13 October 2023, a concern was expressed that following an industry workshop that took place on 14-15 August 2023 there was a hiatus of more than two months where limited (if any) progress had been made on the workstreams agreed at that meeting regarding awareness campaigns.
12. It was noted that there are almost no awareness campaigns currently taking place. Unless this is remedied as a matter of urgency, it will mean that the large number of South Africans who are not aware of the impact that analogue switch off will have on them will fail to apply for set top boxes (if they qualify) or will not be able to self-migrate timeously. It should be borne in mind that there also are a significant number of South Africans who do not qualify for Government sponsored set top boxes, but are not able to afford to self-migrate or would only be able to do so with significant lead time. The ability to self-migrate is further limited by the fact that there are few DTT set top boxes that are available in South Africa at the moment. Moreover, there appears to be a high return rate of DTT set top boxes.
13. It is concerning that the process is currently becalmed as the end of year is approaching and the Christmas holiday period will inevitably result in further delays as the country goes into its traditional summer "hibernation" period.

The failure to develop a registration application or allow online registration

14. The lack of funding has also compromised the ability of SITA to develop a registration application ("app") which certain members of the BDM described as being "*crucial for registrations, as we have said that we have moved from a paper app to an application or an online, just so that we increase the registration rate, that we make it easier for people to register and to date nothing has happened, two months later*".

Low registration rates and the lack of registration documents on the part of the Post Office

15. The current unexpectedly low rates of registration are likely to be a function of the lack of suitable awareness campaigns. However, in addition, the South African Post Office has also indicated that it requires significant numbers of printed forms that are used for

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physical registration (its Western Cape Region has requested 150 000 forms), but that it has not received approval to print and distribute these forms.

Concerning significant reduction in installation rates

16. In addition, there has been a significant reduction in the installation rate of set top boxes. It is difficult at this stage to provide actual numbers as the process of regular tracking of registrations and installations has only recently been restarted. However, it would appear that all parties are in agreement that there has been a significant decline in the number of installations that are taking place. It would appear that there is a lack of alignment between SAPO and Sentech in relation to the installation process, which has resulted in inefficiencies. It is also clear that SAPO has limited stock of set-top boxes (less than 10 000) and has also ceased stocking set top boxes in provinces where it believes that it has reached its target of 80% of registrations. The difficulty is that this ignores the fact that registration rates in significant metropolises have been low and that the Post Office will not have set top boxes available in provinces where the 80% "target" of registrations as at September 2022 is reached, when there is a pick up in registration levels following awareness campaigns.

Absent intervention the analogue switch off date is in peril

17. The simple fact is that there are currently according to the BRC 4.4 million households watching television via analogue. The Post Office representative indicated at the BDM meeting that there were in the period of 1 October 2023 to 12 October 2023 only approximately 1069 new registrations and of the qualifying households that had registered more than 150 000 have still not received set top boxes.
18. The failure to increase the registration rate is, therefore, compounded by the fact that there is a lack of set top boxes to be installed and the fact that the installation rate is dropping precisely when it should be increasing significantly.
19. Absent your urgent intervention, it is plain that the current process will not ensure that we are able to reach the goal of analogue switch off by 31 December 2024 as millions of South Africans are still recorded as not having migrated from analogue to digital.

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Additional issues

20. In addition, there are two further issues that have arisen in relation to the digital migration process that we wish to bring to your attention.
21. Firstly, where individuals have indicated that they have subscribed to Multichoice's DStv they have been recorded as being digitally migrated. The difficulty is that where they do not pay their subscriptions to DStv they are not able to use the DStv decoder to access even free-to-air broadcasting (such as the SABC channels, Community channels or the free-to-air e.tv Channels).
22. Secondly, MultiChoice has also engaged in a further practice that undermines the ability of households who have migrated to satellite as a means of accessing television broadcasting to access the SABC Channels in unexpurgated form.
23. This is a matter of considerable public interest and relates to the restrictions imposed on the broadcasting by the SABC of a number of sporting events of national interest, including the broadcast of the Rugby World Cup and Cricket World Cup tournaments which are currently underway in France and India respectively. It has significant implications in the context of the digital migration process undertaken by the Department.
24. As you may be aware, SuperSport/MultiChoice has acquired the rights (both subscription and free-to-air rights) to broadcast both the Rugby World Cup and the Cricket World Cup in South Africa. In acquiring the free-to-air rights, SuperSport/MultiChoice may sub-license those rights to a free-to-air broadcaster for purposes of broadcasting the tournaments on a free-to-air basis. SuperSport/MultiChoice, at the last minute (literally days before the tournaments were due to commence), sub-licensed the rights to broadcast the events to the SABC. It did so on condition that the SABC is not permitted to allow the matches that are broadcast as part of the SABC2 and SABC3 channels to be transmitted to the SABC viewers across the Openview platform, despite the fact that SABC reaches more than 25% of its viewership of these two channels via the Openview platform. This is referred to as the "*Openview restriction*".

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25. As you are aware, the SABC reaches its audience through analogue, DTT, Openview as well as StarSat and DStv (the latter two platforms are required to carry the SABC channels because of the "Must Carry" regulations). The Openview restriction included in the sub-licence agreements means that it is only those who access the SABC channels via the Openview platform who will not have access to the Rugby and Cricket World Cup matches broadcast by the SABC.
26. The digital migration process entails switching off analogue television broadcasting in South Africa and the transition from analogue broadcasting to digital broadcasting. That process is currently underway under the auspices of the Department. Pursuant to this process, analogue transmitters have already been switched off completely in five provinces, with analogue transmitters also having been switched off in certain parts of the other provinces. Analogue signal is only intended to be switched off once the vast majority of people have migrated to be able to access television digitally.
27. An important part of the process of digital migration are the steps that have been taken to ensure that members of the public that accessed television (including, importantly, the public broadcaster, SABC) through analogue signal, will still be able to do so in the future using digital receiving devices.
28. The analogue switch off process has entailed a long running process involving the rollout of set top boxes to households that cannot afford satellite television allowing them to access the digital terrestrial television or DTT signal. However, where households have procured either a DStv or StarSat subscription and decoder or purchased an Openview decoder (Openview remains a free-to-air transmission mechanism, with no subscription fee), these households have been counted as having been digitally migrated.
29. As mentioned above, the SABC channels are available in digital format on DStv, Openview (in terms of an agreement between the SABC and Platco, a wholly owned subsidiary of eMedia which operates the Openview platform), StarSat and DTT. Accordingly, when a member of the public chooses one of these options, he or she

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would have been led to believe that he or she would be able to access the SABC content, as well as a number of other channels after analogue switch off.

30. However, the approach which has been adopted by SuperSport/MultiChoice in respect of the broadcasting of national sporting events where these events have been sub-licensed to the SABC, is to impose the Openview restriction precluding the SABC from broadcasting these matches on the Openview platform.
31. This approach is entirely inconsistent with the intention that, after digital migration, people will still be able to access all of the SABC's channels, including events of national importance, on whatever digital platform to which they have migrated. Accordingly, the Openview restriction severely undermines the process of digital migration as it means that people who have "migrated" via Openview will not be able to access the public broadcaster's channels in the same way as those households who access the SABC via DStv (or a DTT box) or even for that matter non-migrated households. The Openview restriction also precludes the SABC from honouring its contractual commitment to Platco to provide the SABC channels for broadcast by Platco without altering the content of the channels.
32. The current practice by SuperSport/MultiChoice has a significant impact (and will continue to have a significant impact) on a significant portion of the SABC-viewing public. This particularly impacts the public in those areas where the analogue transmitters have already been switched off and where people cannot access analogue television and the only option if they wish to watch the SABC channels is to acquire a DStv decoder, Openview decoder or a DTT set top box (although we understand that the latter are no longer available).
33. Approximately 25% and 30% of SABC viewers access SABC2 and SABC3, respectively, by means of the Openview platform. In other words, a very high proportion of the SABC's viewers access the SABC channels through the Openview platform. This means that between a quarter and a third of SABC viewers cannot access certain SABC content (including the Rugby and Cricket World Cup matches) because of the Openview restriction imposed by SuperSport/MultiChoice. This was not the intention of the digital

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migration process. This is particularly the case where households who acquired an Openview decoder would have done so in the reasonable expectation that they had now digitally migrated and would be able to access the SABC channels using the Openview platform, as they used to access these channels on analogue television.

34. In addition, those who have acquired an Openview decoder but who are unable to access certain of the SABC content because of the Openview restriction are nevertheless still required to purchase a TV licence. In other words, while they receive inferior content as compared to those SABC viewers who access the SABC content via other platforms, they are still required to pay the full licence fee.
35. In short, the approach taken by SuperSport/MultiChoice, has the effect of fundamentally undermining the digital migration process being led by you, as the Minister, and therefore, will be a matter of grave concern to you.
36. As you will be aware, the South African rugby team will now be competing in the final of the Rugby World Cup this coming weekend. However, there will be a significant proportion of the population who relies on the SABC (as the public broadcaster) to watch sports that will not be able to watch the game because of the Openview restriction. Similarly, the South African cricket team is performing well at the Cricket World Cup and if they advance to the final stages of the tournament there is a significant portion of the population who relies on the SABC (as the public broadcaster) to watch sports that will want to watch the national team compete in the final stages of the tournament, but who will be unable to do so.
37. As you are aware we sought to resolve this matter by addressing letters to MultiChoice, asking MultiChoice to desist from this unlawful conduct, but the correspondence was ignored and in response to a subsequent follow up letter MultiChoice refused to cease its conduct – to the contrary it threatened that if eMedia were successful in having the Openview restriction declared unlawful, it would seek to have the sub-licence agreements with the SABC set aside, which would mean that none of the SABC viewers would be able to watch the Rugby or Cricket World Cup matches.

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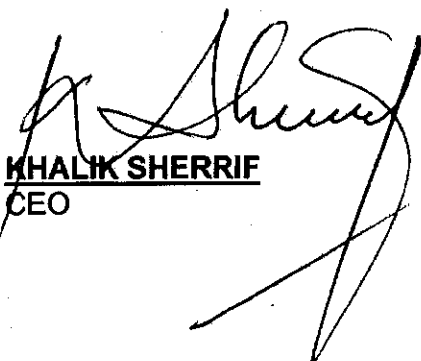
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38. As a result, we have had no option but to launch urgent proceedings in the Competition Tribunal. However, it appears very unlikely that the hearings will be conducted or concluded before the Rugby World Cup final or even the final of the Cricket World Cup.
39. We are of the view that this situation requires your urgent intervention, because large numbers of citizens are being deprived of access to events of national interest that are broadcast as part of the SABC channels, because of MultiChoice's commercial expediency and self-interest, and the abusive and anti-competitive tactics which it has employed and will most likely continue to employ in relation to the broadcast of future sporting events. Importantly, the approach being taken by MultiChoice will significantly undermine the completion and success of the digital migration process, by creating a situation where millions of households that have been digitally migrated via Openview boxes will not in fact be properly digitally migrated, since they will be deprived of important television content being broadcast by the public broadcaster, the SABC, due to MultiChoice's conduct .

Conclusion

40. We request your urgent intervention in relation to the issues set out in this letter and are available at any time to engage with you in respect of any of these matters.
41. We look forward to hearing from you as soon as reasonably possible in this regard.

Kind regards



KHALIK SHERRIF
CEO

Directors: JA Copelyn***(Chairman), MKI Sherrif*(Chief Executive Officer)
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18 June 2024

Annexure FA10

Legally Privileged and Confidential: Draft Letter to the Minister
Minister Gungubele Ministry of Communications and Digital Technologies

c/o Ms Nokuthula Nqaba

By email: nnqaba@dcdt.gov.za

Dear Minister Gungubele

ANALOGUE SWITCH OFF PROCESS

1. On 25 October 2023, we wrote to the Ministry raising concerns regarding the slow pace of the digital migration process and the impact that this would have on the process of analogue switch off. We requested your intervention to address a number of the bottlenecks that had been identified arising from the broadcast digital migration meetings (“**BDM**”).
2. eMedia representatives have been centrally involved in the BDM and other meetings to seek to expedite the implementation of the plan that was adopted in August 2023 by the BDM. This plan allows for a structured, targeted and reasonable way of giving effect to the digital migration process. The August 2023 plan envisaged identifying analogue transmitters that serviced a smaller number of households and then conducting extensive field exercises around these transmitters through consumer awareness drives to ensure that households serviced by the transmitters were made aware of the analogue switch off process and were assisted to register for set top boxes. At the same time, installations would occur allowing for the relevant transmitters to be switched off once a sufficient number of the analogue dependent households had migrated to a digital platform. This structured approach could be rolled out to larger transmitters with the major metropolitan transmitters being addressed once the smaller transmitters had been switched off.

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3. It was critical that the list of registered households should be validated to ensure that they qualified for set top boxes and that consumer awareness programmes were commissioned. Steps also had to be taken to ensure that sufficient set top boxes were procured, that installations took place and that there was a scientific approach adopted to ensure that the rate of registration, installation and procurement were carefully tracked and monitored. One of the fundamental issues continuously raised by representatives of eMedia was the need to ensure that there was an electronic database that could be used to track the registration process, installation process as well as the availability of set top boxes in order to ensure that the process is properly project managed. However, this has still not happened.
4. In our letter of 25 October 2023, we raised several concerns regarding the digital migration process including that National Treasury had not released the requisite funding and that there were no consumer awareness programmes being run or set top boxes being procured (and the low stocks of set top boxes that were available in the country). We also raised concerns regarding the registration process owing to the difficulties being faced by the South African Post Office (which served as the primary means of registration). As a result of these difficulties, we noted that there had been a reduction in the rates of installation of set-top boxes. We raised significant concerns regarding the impact that these developments would have on the digital migration process, being a constitutionally-necessary prerequisite for analogue switch off.
5. We are concerned that many of the necessary workstreams required for implementing the digital migration process have been further delayed for various reasons. This has resulted in the August 2023 plan not being implemented timeously.
6. We wish to bring to your attention the key issues that require attention as quickly as possible, given the impact that these will have on the implementation of the digital migration process and the fact that it is no longer possible that the digital migration process will be completed in sufficient time to allow for the analogue switch off to occur on 31 December 2024. The principal issues are the following.

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7. **Funding:** The BDM reported in **February 2024** that the necessary funding to facilitate the digital migration process had eventually been released by the National Treasury. The delay in releasing the funding has meant that many months have been lost in implementing the process of digital migration.
8. **Service level agreements** with community broadcasters and the SABC were also not concluded until **March 2024**, which has delayed the commencement of the critical consumer awareness programmes. The purpose of community awareness programmes was to ensure that households who are dependent on analogue signal are timeously informed of the imminent analogue switch off and informed of their rights in relation to the registration process and how to go about registering to obtain set top boxes.
9. **Focussed and targeted consumer awareness** is a critical component of the field word exercises contemplated in the August 2023 plan. However, because of various delays, the pilot projects (Port St Johns, Uitenhage and Mt Ayliffe) only took place in late April – early May 2024. The transmitters in these three areas service the SABC and could not be switched off because the SABC had taken a decision not to switch off any further transmitters before the Presidential Inauguration. The delays in rolling out the pilot projects mean that there are still more than 180 transmitters that need to be addressed – some in the most densely populated urban areas.
10. **The Post Office** had originally served as the principal means of registration for set-top boxes. However, there have been a number of challenges that have arisen from the well documented difficulties being faced by the South African Post Office. First, there have been concerns that there were not sufficient printed registration forms available at Post Offices (because of the lack of funding). Second, a significant further concern has been that the Post Office does not have the capacity to ensure accurate and timely recording of manual registration forms in an electronic format. This challenge was to be met through the development of an online registration application by SITA which would ensure that the registration process was more streamlined and effective and most importantly allow for registrations to be tracked and monitored. Third, at the BDM meeting

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of 7 May 2024 it was noted that the Post Office had closed a large number of Post Office outlets over the past number of years and some of the community broadcasters had indicated that they were seeking to direct people to functioning Post Offices but that these could be far from where the people lived. This increases the hurdles faced by indigent households in being able to register and has caused further delays in the process and accentuated the need for the targeted field work exercise.

11. The **online registration tool** has only been finalised during May 2024. This has meant that it has not been possible to validate the existing registrations as against the Department of Home Affairs database, to update the number of registrations that are occurring or address the problems in not being able to register at Post Office outlets. This registration tool also allows for the tracking and monitoring of registrations and installations. In addition, it is critical for the purposes of assessing the number of set top boxes that need to be ordered.
12. **Number of registrations** - At the BDM meeting of 12 April 2024, it was noted that there were **140 000 new** registrations in the period October 2022 to December 2023. The registration rate in February was 4000 per month. This registration rate is before the rolling out of the targeted field work exercises that will increase the number of registrations. At the BDM meeting of 12 April 2024, it was noted that **425 000** households had registered to receive set top boxes.
13. **Set top boxes**: an approval to procure a further 300 000 set top boxes had been granted, but only 200 000 have been ordered with the first 1500 arriving in April and 10 000 per week anticipated to arrive from the latter part of May 2024. This could take 20 weeks before the full 200 000 will arrive and it should be noted that there are already 425 000 registrations prior to the commencement of the targeted field work exercises. This means that there are not sufficient set top boxes to meet the requirements of those who have already registered.
14. **Installation rates**: It was noted at the BDM meeting of May 2024 that the rate of installation of set top boxes in April 2024 was only 1500 set top boxes nationally. This gives rise to concern given the fact that there are already approximately 425 000 set top boxes that still need to be installed according to

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the current number of registrations. At the current installation rate, it will take 283 months to install the 425 000 set top boxes for the households that have already registered.

15. Status of the DTT network and its consequences

16. For various reasons, a significant portion of viewers who use the DTT network will have to be transitioned to a DTH network. These reasons include the fact that the SABC had requested that a number of DTT transmitters be switched off (because of the cost of broadcasting across Sentech's DTT network). This means that where the assumption had been made for the purposes of the digital migration process that there would be 182 DTT transmitters in operation, there are currently only approximately 100 DTT transmitters in operation. It is estimated that approximately 1,200,000 DTT set top boxes have been provided to indigent households. A significant proportion of these set top boxes may now require replacement, because of the developments that have taken place relating to the DTT network. This means that indigent households which have these set top boxes would not be able to access television by way of the DTT network in areas where the DTT transmitters had been switched off.
17. The community broadcasters indicated that the situation relating to the DTT network gave rise to an existential threat to them. They simply cannot afford the cost of the DTT transmission service. Moreover, it is understood that the SABC is in a dispute with Sentech before the Competition Authorities regarding the price that has been charged by Sentech for the SABC to use the DTT network.
18. In addition, given the shrinking of the DTT network, retailers are unlikely to have any incentive to stock DTT set top boxes (as there is unlikely to be sufficient demand for these boxes). This has a significant impact on the ability of the so-called missing middle to procure DTT set top boxes for themselves.

The "missing middle"

19. A significant concern was also raised by community broadcasters at the BDM meeting of 7 May 2024 regarding the fact that the "missing middle" (being households that are not classified as "indigent" but who do not have the financial

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wherewithal to purchase set top boxes) also need to be considered. The difficulty is that these households do not have the means to purchase set-top boxes. In addition, given the lack of DTT set top boxes in retail outlets, it is simply not possible for the missing middle to obtain DTT set top boxes (even if they had the means to do so) and, therefore, they will have to obtain DTH set top boxes.

Conclusion

20. It is clear from the BDM meetings that the digital migration process is currently considerably behind schedule, and it is plain, for the reasons summarised above, including the slow rate of set top box installation and the failure to procure sufficient set top boxes to cater for registrations, that it will not be possible to complete this process within the next six months.
21. It is clear that there are fundamental delays that have arisen that need to be addressed urgently, and that, given these delays, it will not be possible to give effect to the analogue switch off at the end of the year.
22. Accordingly, it is critical that a Steering Committee meeting should be convened with the Minister and the Director General as soon as possible to seek to address the current shortcomings in the digital migration process and to determine an appropriate date for the analogue switch off, which takes account of the current difficulties that have been identified in this letter.
23. We look forward to hearing from you as soon as reasonably possible.

Yours faithfully


KHALIK SHERRIF
CEO

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09 July 2024

Annexure FA11

The Minister of Communications and Digital Technologies

Dear Minister Malatsi

URGENT CONSIDERATION REGARDING ANALOGUE SWITCH OFF

1. I write to you on behalf of eMedia Investments, which is the holding company of various media interests including e.tv, eNCA, the OpenView satellite platform and the radio station, YFM (collectively “eMedia”).
2. We wish to congratulate you on your appointment. We look forward to a constructive relationship with you and to having a general meeting with you when your diary permits.
3. There is, however, one matter which is so urgent that it cannot wait. That is the issue of analogue switch-off (“ASO”). ASO is currently scheduled to take place on 31 December 2024.
4. As explained further below, the Broadcasting Digital Migration Committee, under the auspices of your Department (**the Department**), had adopted a plan that was intended, timeously and expeditiously, to transition households that are dependent on watching television by way of analogue signal to being able to access television by way of digital signal, so that ASO could occur on 31 December 2024.
5. However, there have been very significant delays in the implementation of the plan, and millions of South Africans have not been digitally migrated. Therefore, it will simply not be possible for ASO to take place on 31 December 2024. If the ASO were to take place on 31 December 2024, it would result in dire consequences for millions of people who would be left without access to television (particularly indigent households), as well as for broadcasters (including the SABC, community broadcasters and e.tv), which rely on advertising revenue based on viewership to remain financially viable and operational.
6. We, therefore, for the reasons set out below, and raised in correspondence with the previous Minister shortly before his replacement, request an urgent meeting with you to discuss the ASO, in light of a number of material issues and the severe consequences that will arise if ASO proceeds on the current date.

Background to digital migration

7. I understand that you have many pressing commitments given the fact that you have recently assumed the portfolio as Minister, but given the urgency of the matter, I will briefly set out some of the background to the ASO process and the significant challenges that have emerged in relation to the process.

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8. It bears emphasis that a significant proportion of the population is reliant on free-to-air television for news, public service announcements and entertainment. Without the ability to access television, they will be cut off from being able to access news and public service announcements as well as televised entertainment.
9. The process of digital migration (the migration of households from using analogue signal to accessing television digitally), to allow ASO to take place without depriving members of the public of access to free-to-air television has a long history.
10. I briefly summarise certain salient aspects of the recent history of the digital migration process for your ease of reference:
 - 10.1. In order for a household to access television digitally, it requires a television, and a mechanism for the television to receive digital television signals¹. The manner in which the televisions access digital television signals is largely through a set top box which will “convert” the digital signal into an analogue signal which can be used by analogue based televisions. Without a set top box, this significant section of the population will not be able to watch television after ASO.
 - 10.2. A central issue which the Department and the Government previously grappled with for many years was how indigent households would be able to afford to purchase a set top box in order to ensure they would be able to continue accessing free-to-air television.
 - 10.3. A subsidised system was devised which meant those earning under R3,500 per month would receive a free set top box which would be installed at no cost, subject to qualifying persons registering for a set top box at the Post Office. This registration process was deeply flawed for various reasons that do not require further elaboration at this stage. This was partly the subject of a successful constitutional challenge in *e.tv (Pty) Limited v Minister of Communications* [2022] ZACC 22.²
 - 10.4. A proportion of the spectrum that was used for the purposes of analogue broadcasting (above 694MHz) had been re-classified for use for telecommunications by the International Telecommunications Union (“ITU”). A spectrum auction was held by ICASA and this portion of the spectrum was allocated to telecommunications companies. Despite the flawed processes that had been followed in relation to the digital migration process (which were subsequently highlighted by the Constitutional Court), the date for ASO was precipitously set to occur on 31 March 2022.
 - 10.5. However, given the range of flaws in the stop-start digital migration process that had been followed (including the flawed registration and installation process and the general shortage in the country of set top boxes), and the lack of a proper consultation process, it was clear that the planned ASO would be catastrophic leaving millions of viewers without access to television. The previous ASO date of 31 March 2022 was set aside by the Constitutional Court.

¹ Certain modern televisions have DTT antennae built into them. But a very significant proportion of the indigent analogue watching households do not have such televisions or the means to procure them.

² <https://www.saflii.org/za/cases/ZACC/2022/22.html>.

- 10.6. Following the Constitutional Court's decision, through collaborative engagement with the Department and other broadcasters, eMedia's plan to allow for the rapid migration of television broadcasting out of the spectrum that had been allocated to telecommunications companies was adopted.
- 10.7. In June 2023, the previous Minister (your predecessor) adopted a two-stage process to seek to ensure a smooth transition to digital signal transmission which would permit ASO to take place.
- 10.8. Phase 1 involved the clearing of spectrum above 694 MHz through the structured migration of broadcasting (both analogue and digital) out of the spectrum band above 694MHz to below 694MHz.
- 10.9. As the spectrum below 694MHz is allocated by the ITU to **broadcasting**, there is less urgency in relation to the migration of analogue signal to digital in this spectrum band. The Minister determined that this migration process should be concluded by 31 December 2024, the date which was then stipulated in the Government Gazette.
- 10.10. It was understood that this date would be preceded by the adoption and implementation of constitutionally compliant plans to ensure that the analogue-reliant households could be migrated to digital means of accessing television prior to the ASO date.
- 10.11. eMedia supported the two-stage process on the basis that clearance of the spectrum would preserve access to television for analogue viewers. eMedia maintained that the spectrum band below 694 MHz was to be used by broadcasters to enable millions of South Africans to access television until they could be successfully migrated. eMedia supported this ASO date on condition that the Department took urgent and continued steps to ensure that the vast number of South Africans who had not yet migrated would be migrated to enable them to continue accessing television via digital signal after ASO.
- 10.12. Through the Broadcast Digital Migration Committee, which eMedia representatives have been centrally involved in, a plan was adopted in August 2023 which would allow for a structured approach to ensure that households are informed of their right to apply for a set top box.
- 10.13. The migration from analogue to digital signal was initially premised on a transition to Digital Terrestrial Television ("DTT"). However, because of challenges associated with DTT (including the fact that it was not possible to obtain sufficient numbers of DTT set top boxes and the cost associated with using the DTT network), the process has transitioned to satellite based digital access.
- 10.14. The August 2023 plan allows for a structured, targeted and reasonable way of giving effect to the digital migration process. It envisaged identifying analogue transmitters that serviced a smaller number of households and then conducting extensive field exercises around these transmitters through consumer awareness drives to ensure that households serviced by the transmitters were made aware of the analogue switch off process and were assisted to register for set top boxes. At the same time, installations would occur allowing for the relevant transmitters to be switched off once a sufficient number of the analogue dependent households had migrated to a digital platform. This structured approach could be rolled out to larger transmitters with the major metropolitan transmitters being addressed once the smaller transmitters had been switched off.

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- 10.15. Achieving ASO by 31 December 2024 was predicated on sufficient numbers of South Africans having migrated from analogue to digital before 31 December 2024. In this regard, eMedia committed itself to continuing a collaborative process of engagement with the Minister's team to attempt to meet this deadline.
- 10.16. Since the announcement of ASO by the previous Minister, things have not gone as smoothly as was hoped. The many problems which had existed in the past were not resolved. These included:
- 10.16.1. There have been significant challenges with the registration process for subsidised set top boxes;
- 10.16.2. a lack of public awareness regarding the registration process and the need for registration to obtain subsidised set top boxes and the effect of ASO;
- 10.16.3. the fact that even for those who had registered for a set top boxes, a failed and slow installation process meant that many of those who have registered, still do not have set top boxes installed and certain of those who do, have set top boxes which are not functional.
- 10.16.4. The unavailability of set top boxes in retailers for those who rely on free-to-air television but could not afford the cost of joining a subscriber-based service.
- 10.17. In many ways DTT has been a failure (as it has been elsewhere in the world). A transition to DTT may no longer be the best solution for the country given the development of new technologies and the cost of the DTT network.
- 10.18. As of today, there are only approximately 1.3 million households who have DTT set top boxes installed. There are another approximately 4.3 million households who do not have set top boxes installed and are still reliant on analogue signal to access television. This translates to approximately 9 million viewers who will have no access to television if ASO occurs on 31 December 2024. Again, I emphasise that these 9 million viewers are the least privileged portion of the population who cannot afford to pay for television and who are totally reliant on free-to-air television, which an accountable constitutional government must, therefore, have the greatest concern for.
- 10.19. It is abundantly clear from the recent Broadcasting Digital Migration Committee meetings that because of the significant delays in the implementation of the August 2023 plan, it will not, with the best will in the world, be possible to migrate a sufficient number of households reliant on analogue signal to digital before the stipulated ASO date. If ASO were to take place on 31 December 2024, it would be an action which would prejudice the free-to-air terrestrial broadcasters (being the SABC, community broadcasters and e.tv) and, more importantly, violate the rights of the millions of South Africans who will then be without access to television signal.
11. During the Broadcasting Digital Migration Committee meetings and engagements with the Department, eMedia raised (amongst others) the following critical points:
- 11.1. It was critical that the list of households registered for a subsidised set top boxes be validated to ensure that they qualified for set top boxes and that consumer awareness programmes were commissioned.

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- 11.2. Steps had to be taken to ensure that sufficient set top boxes were procured, that installations took place and that there was a data driven approach adopted to ensure that the rate of registration, installation and procurement were carefully tracked and monitored.
- 11.3. There was a need to ensure that there was an electronic database that could be used to track the registration process, installation process as well as the availability of set top boxes in order to ensure that the process was project managed. This has still not happened.

eMedia's letter to the previous Minister

- 12. On **18 June 2024**, we wrote to your predecessor (Minister Gungubele) updating him on the delays that had occurred in this regard. We attach a copy of this letter which sets out in detail what difficulties were encountered at the time. It was explained in that letter that because of various delays including in respect of the following, there had been significant delays in the implementation of the August 2023 plan. The delays included:
 - 12.1. The fact that National Treasury had not timeously released the requisite funding;
 - 12.2. The delay in rolling out consumer awareness programmes (also as a result of the delays in concluding service level agreements);
 - 12.3. The delays in procuring set top boxes; and
 - 12.4. Ongoing concerns regarding the registration process owing to the difficulties faced by the Post Office (which served as the primary means of registration).
- 13. In the letter of 18 June 2024, we:
 - 13.1. set out eMedia's concerns in more detail,
 - 13.2. explained that delays and the associated challenges created significant concerns relating to the progress of the digital migration process and the proper implementation of the agreed to constitutionally necessary plan which is a pre-requisite for ASO;
 - 13.3. set out a list of the key issues which required urgent attention; and
 - 13.4. pointed to the fact that it was no longer possible for the digital migration process to be completed in sufficient time to allow for ASO to occur on 31 December 2024, given those key issues.
- 14. The principal issues, which are explained in some detail in paragraphs 7 to 14 of the letter, include (amongst others):
 - 14.1. delays in the release funding;
 - 14.2. the lack of a focussed and targeted consumer awareness;
 - 14.3. difficulties with the Post Office;
 - 14.4. delays in implementing the online registration tool;
 - 14.5. the small number of registrations (140,000 new registrations between October 2022 and December 2023);
 - 14.6. the continued decline in the registration rate;

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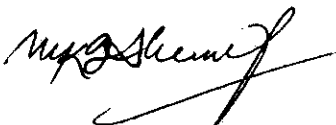
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- 14.7. the insufficient number of set top boxes to meet the requirements of even those who had registered; and
- 14.8. the slow rate of installation of set top boxes— at the current installation rate, it will take **283 months (23 years)** to install the 425 000 set top boxes for the households that have already registered but had not yet received set top boxes.
15. We concluded our letter of 18 June 2024 by pointing out that, in the circumstances, it would not be possible to give effect to the ASO at the end of the year given:
 - 15.1. The fundamental delays explained in the letter; and
 - 15.2. The fact that the digital migration process was considerably behind schedule and it would be impossible to complete the process within the next six months.
16. We requested that a Steering Committee meeting be convened with the Minister and Director-General to address the shortcomings in the digital migration process and to determine an appropriate date for ASO taking into account the difficulties which were identified.

Conclusion and request for an urgent meeting in respect of ASO

17. To date, we have not received a response to our letter, and no such meeting has taken place, no doubt due to the transitional period following the recent election.
18. However, pursuant to a recent hearing before ICASA relating to DTT, following eMedia's presentation, ICASA mentioned that it may be necessary to hold a two-day Indaba with all interested parties which would obviously include representatives of the Department. Steps are being taken in this regard to see whether all affected parties will participate.
19. In the meantime, we believe it would be important to convene an urgent meeting with you to update you on the critical issues relating to the digital migration process. We propose that this be held in addition to the proposed Indaba to be hosted by ICASA and the proposed urgent convening of Steering Committee meeting.
20. Given the seriousness of the situation, we will make ourselves available to meet with you at a time and place nominated by you, even if after hours or on the weekend if that is convenient to you.
21. We look forward to hearing from you as soon as reasonably possible.

Yours sincerely



Khalik Sherrif
Chief Executive Officer

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16 August 2024

Annexure FA12

The Honourable Solly Malatsi MP
Minister of Communications

Cc: Ms Gwen Ngwenya
Ms Mpho Matiwane

Dear Honourable Minister

Thank you for meeting us on Monday, 12 August 2024. We appreciate your participation in trying to navigate a path forward for FTA broadcasting.

In our meeting due to time constraints, we were unable to address all the issues on the agenda, and we hope to be able to discuss them, including those pertaining to sports of national interest, in due course.

Analogue Switch Off ("ASO")

You mentioned your concern that our discussions should not be replaced by litigation, and we feel compelled to record a little of the background to how this issue was referred to the courts in the first place.

In 2021 in the President's SONA he mentioned a core part of his strategy was to free up spectrum above 694 MHz for the usage of the telcos in an attempt to induce cost effective data usage and in some way to bolster the economy.

The Minister at that time, Ms. Khumbudzo Ntshavheni interpreted that to mean that all analogue should be switched off. She rushed ahead without consulting us or any of the broadcasters. eMedia tried to reach out to her and at its own expense undertook a study that informed the best way forward to implement analogue switch off with the least disruption to those households that receive the analogue signal. The new Minister of Communications however was completely dismissive of our research and insights and refused to engage with us in any way. Instead, she insisted that the SABC switch off analogue transmissions in 5 regions and imposed a national ASO date unilaterally.

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This high-handed approach cost the SABC millions of rands in lost advertising revenues through its loss of audience. It has been unable to recover this audience ever since. It would have bankrupted our business had we complied with that switch off as 25% of the national TV audience would simply have been lost to us in the process. That is what caused the litigation.

At the end of January 2023 the Minister of Communications, Ms. Khumbudzo Ntshavheni was replaced by a new Minister, the Honourable Mr. Mondli Gungubele. We as eMedia, arranged almost immediately to meet with him as we did with you upon your appointment. To his credit, Minister Mondli Gungubele was much more responsive and accepted the very same proposal we made to the previous Minister in that the analogue switch off should be done in a process of steps. The first step being the broadcasters vacating the spectrum above 694 MHz, which we jointly agreed to do by 31 July 2023.

The Minister insisted on a date for the rest of the analogue spectrum to be switched off. We voiced our reluctance to this specific date because there was no proper plan for it and because our suggested plan for analogue switch off below 694 MHz was being overlooked. He insisted on the date of 31 December 2024.

The BDM Project Committee was then tasked with managing the process going forward and it must be noted that as of this date there is still no proper plan to implement analogue switch off. Further details on the issue are below in this letter.

The date suggested by the Minister was premised and conditional on ensuring that certain objectives should be met before analogue switch off.

The Broadcast Digital Migration Project Committee set up by the Department was to manage the undertakings of the DCDT in respect of registrations, availability of set boxes and the feasibility of analogue switch off by 31 December 2024.

It has been realised after many meetings of the BDM Project Committee that more than a year later and with 5 months to go for the analogue switch off date, that once again the targeted date is unfeasible and therefore the date to switch off must be renegotiated.

In the previous litigation on the matter of the analogue switch off, the Constitutional Court found that:

- Millions of indigent people did not have a proper opportunity to register for set top boxes.

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- They were not properly informed of the process of registering, or the mechanics of the analogue switch off.
- The Minister did not consult with eMedia.

Therefore, the Minister's decision in respect of analogue switch off and of the dates of registration were irrational and unlawful.

It was the decision of the Constitutional Court that the final switch off date for analogue being 31 March 2022 was unconstitutional and invalid and was therefore set aside. It also found that the Minister's deadline of October 2021 to register for set top boxes was also unconstitutional and invalid, and it too was set aside.

The eMedia Commitment

We as eMedia, would like to collaborate with the Ministry to determine a reasonable date for analogue switch off. To that extent, we have undertaken to cooperate fully in arriving at a mutually acceptable date.

Through its own volition, eMedia has switched off 50 of its 94 transmitters to date, with the exception of any transmitter serving metro areas in South Africa.

Going forward, and to assist in the transition, we confirm that:

- eMedia will switch off any transmitter where there are less than 10,000 households who have not as yet migrated.
- eMedia will consider that a transition to a digital platform is sufficiently completed to justify ASO when there is one million or less households still reliant on analogue transmission.

It must be remembered that the delays in distributing STBs over the last year are similar to those that the Courts ruled on previously. These delays have been caused by:

- defects in the registration process for those requiring subsidies
 - the number of Post Offices which have shut down
 - the difficulties faced by the indigent in travelling to different areas to register
 - the awareness campaigns regarding the need to transition to DTT
- the consequences which would arise should viewers not transition has been inadequate and almost non-existent.

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- those who have registered, the rate of installation of STBs has been substantially slower than required to meet the December target date.
- there are very few STBs available for installation and it is difficult to source STBs for those who are entitled to subsidized STBs.

Solutions to Permit ASO

In addition to these grave concerns, since the transition to digital television was first contemplated, the television platform landscape has substantially changed. While the DTT platform remained stagnant, and now requires additional refurbishment at huge cost to the State, the DTH platform led by DStv and Openview has made substantial inroads into the South African household population.

Rather than clinging on to DTT as the solution, real consideration should be given to transitioning to DTH which is a viable and less costly alternative to DTT. The signal distribution cost of reaching a DTT household is 5 times more than the cost of reaching a DTH household. This factor must be a serious consideration for the viability of FTA broadcasting in South Africa.

There is growing acceptance that DTT may no longer be a viable option for South Africa. The moving of analogue viewers will shortly require the State to subsidise a further move to a DTH platform because of the non-viable DTT platform. At present and after more than 15 years, only 8% or less of TV households receive their TV signal through the DTT platform. Very little advertising revenue is driven through that platform, making it completely non-viable unless the State intends to permanently subsidise it.

The DTH Solution

The best way to minimise costs and to enable FTA broadcasters, the SABC and ourselves to be self-sufficient and viable operations is to continue on a single platform. This suggestion which is a transition to DTH is not self-serving to eMedia as it may seem.

eMedia's platform Openview also serves the SABC and is the only option at present for FTA audiences to receive the SABC in the five provinces in which the SABC have completely switched off its analogue signals. Added to this, is that Openview already has 3.5 million connected households, and provides a real alternative for all households reliant on FTA.

The implied solution going forward through the BDM Project Committee is that the transitioning of the remaining analogue households should be through DTH set top boxes.

Directors: JA Copelyn*** (Chairman), MKI Sherrif* (Chief Executive Officer)
 TG (Kevein) Govender***, HJ Carse***, NJ Williams***, VE Mphande**, AS Lee*
 *Executive, **Independent Non-Executive, ***Non-Executive

Company Secretary: HCI Managerial Services

J.A

Added to this, the SABC recently put out an RFP for the establishment of its own DTH platform. In our opinion, this is both costly and unnecessary, and serves only to fragment FTA audiences and serves the purpose of preserving the dominance of the pay TV provider in South Africa. We urge the Department to remain cognisant of this point and to be aware of the support for this additional FTA DTH platform that may come from the pay TV supplier. There are many examples of countries in which FTA broadcasters form partnerships to own and manage the FTA platform.

To implement the DTH solution in terms of which both eMedia and the SABC are provided through the same DTH platform, eMedia has approached the SABC and proposed that they buy a share in Openview which would be run and controlled by eMedia and the SABC. The SABC did not seriously engage with eMedia in relation to this proposal. However, this offer is one which remains open. The result of such a partnership will best serve the current market needs and spare the SABC the capital outlay, the time, effort and costs of setting up an additional DTH platform. It must be noted that to get to 3.5 million households took Openview 11 years. We would welcome your opinion on this matter and remain open to discussing the matter further with you and the SABC.

It must be noted that Openview, as a signal distribution platform, is a cost to eMedia rather than a profit centre. The platform remains available to the SABC as a viable alternative to DTT. Openview would not profit from this.

We are happy to answer any questions or clarify any points raised herein and to meet with you at a further convenient time to avoid the matter of the analogue switch off being contentious again.

Regards,



KHALIK SHERRIF
CEO
eMEDIA INVESTMENTS

Directors: JA Copelyn*** (Chairman), MKI Sherrif* (Chief Executive Officer)
TG (Kevein) Govender***, HJ Carse***, NJ Williams***, VE Mphande**, AS Lee*
*Executive, **Independent Non-Executive, ***Non-Executive

Company Secretary: HCI Managerial Services

S.A.

11 October 2024

Annexure FA13

The Honourable Minister Malatsi
Minister of Communications and Digital Technologies

Cc: Ms Gwen Ngwenya
Ms Mpho Matiwane

URGENT

Dear Honourable Minister

RE: ANALOGUE SWITCH OFF

On 16 August 2024, we wrote to you following our meeting on 12 August 2024 where we raised concerns regarding the slow pace of the digital migration process and the impact that this would have on the analogue switch off ("ASO") date of 31 December 2024.

We attach a copy of our letter of 16 August for your convenience which outlines the history of the litigation in respect of the ASO process, which culminated in the Constitutional Court's decision handed down in June 2022 in favour of e.tv (eMedia's subsidiary), MMA, and SOS.

We note that recently the SOS: Support Public Broadcasting Coalition has warned that switching off remaining analogue TV signals could spell disaster for the South African Broadcasting Corporation ("SABC") and other free-to-air broadcasters.¹

In our letter of 16 August, we again reiterated our commitment to collaborate with the Ministry on the ASO process in order to find a reasonable date for the analogue switch-off. eMedia has been centrally involved in the Broadcast Digital Migration ("BDM") and other meetings and we are committed to a plan that allows for a structured, targeted and reasonable switch-off process.

¹ <https://mybroadband.co.za/news/broadcasting/563465-south-african-analogue-tv-switch-off-warning.html>.

See also "SABC signal switch-off panic", 10 October 2024, [https://mybroadband.co.za/news/broadcasting/564434-sabc-signal-switch-off-panic.html#:~:text=In%20early%20August%202024%2C%20the,December%202024%2C"%20it%20s tated.](https://mybroadband.co.za/news/broadcasting/564434-sabc-signal-switch-off-panic.html#:~:text=In%20early%20August%202024%2C%20the,December%202024%2C)

K.S.A.

Since our meeting on 12 August, there have not been any BDM meetings, nor have we heard on any progress on the many necessary workstreams required for implementing the digital migration process in a constitutional manner. As of today, there are less than 3 months until the gazetted final ASO date of 31 December 2024. We understand, from a report in the media yesterday, that the Minister is quoted as saying that: "One thing I will not do is to leave the pronouncement on that decision very late and very close to that deadline because it just creates unhealthy and unnecessary anxiety in the sector".²

While we understand from our meeting that you wish to engage with all the various stakeholders on the matter, we are growing increasingly concerned that the switch-off date needs to be repealed or amended with sufficient time for all stakeholders to be informed and to avoid the risk to the rights of millions of South Africans who will not have been able to migrate in time.

As expressed in our meeting, it is not our wish to litigate again over the BDM process. Accordingly, it is critical that an appropriate date for the analogue switch off is determined that protects the rights of the viewing public, the SABC, community broadcasters, eMedia, and the free-to-air industry at large. The current ASO date of 31 December is no longer feasible, and eMedia remains committed to assisting the Minister in any discussions about a new date and the processes necessary to achieve a fair, rational and constitutional completion to digital migration, as soon as possible.

We look forward to a response from you by 25 October 2024.

Yours faithfully



KHALIK SHERRIF

CEO

² <https://mybroadband.co.za/news/broadcasting/564434-sabc-signal-switch-off-panic.html#:~:text=In%20early%20August%202024%2C%20the,December%202024%2C%20it%20stated.>

Annexure FA14

URGENT

The Honourable Minister Malatsi
Minister of Communications and Digital Technologies

Cc: Ms Gwen Ngwenya
Cc: Ms Mpho Matiwane

BY EMAIL

2 November 2024

Dear Minister Malatsi

Re: Analogue Switch Off

- 1 We act on behalf of eMedia Investments (Pty) Ltd and its subsidiaries (“eMedia”).
- 2 As you are aware, on 31 July 2023, your predecessor stipulated that the date on which Analogue Switch Off (“ASO”) will occur would be 31 December 2024.
- 3 Following the decision of the Constitutional Court setting aside the previous ASO date which had been precipitously gazetted by the former Minister Ntshavheni, there were engagements with your immediate predecessor, Minister Gungebele, and pursuant to these engagements a process – largely derived from a plan submitted by eMedia – was commenced to seek to ensure that digital migration could take place in a structured, targeted and reasonable manner which would ensure that indigent South Africans were not deprived of their ability to access television as a result of the ASO.
- 4 Given its involvement in devising this process, our client has participated extensively in the processes of the Broadcast Digital Migration Committee (“BDM”). Its representatives have consistently raised concerns within the BDM relating to the delays in giving effect to the workstreams that were central to the implementation of the plan that had been adopted to seek to ensure that the digital migration process would take place in a constitutionally compliant manner (and not deprive millions of indigent South Africans of access to television).

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- 5 On 25 October 2023, our client sent a letter to Minister Gungubele in which the intervention of the Minister was requested due to a number of concerns that had arisen in relation to delays that had occurred in the BDM process. A copy of this letter is attached marked **annexure A**.
- 6 Our client continued raising concerns in the BDM regarding the delays that were being experienced in relation to the various workstreams and the failure of the Ministry to prepare the country and those who remain dependent on analogue television services for switch-off.
- 7 Given the fact that these serious issues were not being resolved within the BDM or by the Ministry, a further letter was written to Minister Gungubele on 18 June 2024 again drawing the concerns that had arisen to his attention. A copy of this letter is attached marked **annexure B**. In this letter, it was noted that the delays in the implementation of the plan that had been adopted in August 2023 had meant that it was no longer possible that the digital migration process would be completed in sufficient time to allow ASO to take place on 31 December 2024 without millions of South Africans being cut off from being able to access television. eMedia highlighted that – in addition to the millions of indigent households that (due to the delays and failures of the migration process) had not been able to register and were still reliant on analogue signal to access television – almost **half-a-million indigent households** (representing almost **1.5 million** South Africans) that had registered, **and are entitled to received set top boxes from government prior to ASO**, had not received these set top boxes. eMedia pointed out that the rate of installation was so slow, that, at the then-current rate, these hundreds of thousands of registered households would only receive their set top boxes in **23 years**.
- 8 Following the election, you were appointed as the new Minister and on 9 July 2024. With still no response or solutions to the serious concerns raised with your predecessor, our client sought to draw these concerns to your attention. Our client wrote a further letter to you in which it requested an urgent meeting with you to discuss its serious concerns relating to the ASO process. Once again it was emphasised that the delays in the process would mean that *“if ASO were to take place on 31 December 2024, it would result in dire consequences for millions of people who would be left without access to television (particularly indigent households), as well as for broadcasters*

(including the SABC, community broadcasters and e.tv) which rely on advertising revenue based on viewership to remain financially viable and operational'. A copy of this letter, which again summarised the background to the matter and the reasons for the concerns held by our client is attached as **annexure C**.

- 9 A meeting was subsequently held with you during which these concerns were discussed and following the meeting a further letter was sent to you (dated 16 August 2024) which is attached as **annexure D**. During the meeting you had noted that you wished to avoid further litigation in relation to this issue, a sentiment shared by our client.
- 10 In the letter of 16 August 2024, eMedia emphasised its preparedness to collaborate with you to achieve ASO in a manner that does not compromise the rights of millions of South Africans to receive television. eMedia also noted that it had switched off 50 of its 94 analogue transmitters. Importantly, and in contrast, the SABC has taken almost no steps since February 2022 to switch off any of its analogue transmitters.
- 11 It was understood that you were going to engage with your department in relation to the issues raised by our client following the meeting and receipt of the letter dated 16 August 2024.
- 12 As the months went by without a response and the 31 December switch off date loomed, our client addressed a further urgent letter to you on 11 October 2024. A copy of this letter is attached as **annexure E**.
 - 12.1 In this letter, our client emphasised the difficulties that had emerged in relation to the digital migration process.
 - 12.2 It also drew specific attention to the fact that SOS: Support Public Broadcasting Coalition has warned that if the ASO were to occur on the current stipulated date, this could spell disaster for the SABC and other free-to-air broadcasters. Our client again reiterated its commitment to seek to collaborate with the Department to find a reasonable date on which the ASO could take place in a way that ensures that the digital migration process can take place in a

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constitutional manner. In the letter, it was also noted that you had been quoted as stating that it is important to ensure that the pronouncement in this regard is made timeously in order to ensure that there is no uncertainty created.

- 13 As matters currently stand, and as you must be well aware, none of the issues raised in our previous letters appear to have been addressed.
- 13.1 As at 30 June 2024, some 4.3 million South African households still access television by means of analogue broadcasts;
- 13.2 Most tellingly, there has not been a BDM meeting held with stakeholders since June 2024 which means there is no updated information as to how many households who are registered to receive set top boxes have still not received these (when we wrote to the Ministry in June of this year the number was **425 000 registrations**). As far as eMedia has been able to ascertain, no substantial progress has been made since then, and hundreds of thousands of indigent households that have registered are still without the set top boxes they require to be able to access digital transmission of television.
- 13.3 As we explained in our June letter, this means that given the current rate of installation over the last year, there is no possibility that these **hundreds of thousands** of households will receive set top boxes before 31 December 2024.
- 13.4 In addition, failures in the migration process mean that **millions of indigent South African**, who are reliant on analogue signal and are entitled to government set top boxes, were not able to register in time to receive set top boxes.
- 13.5 Given that these are all indigent households, they have no alternative means to access television, and will therefore lose access to television (including public broadcasting, news, and educational programming) on 31 December 2024, if the ASO deadline is not moved.

- 13.6 It is critical that the BDM meetings resume as rapidly as possible, and that updated information is provided. In addition, it is important that the focussed awareness campaigns are conducted and that sufficient set top boxes are ordered to permit the rolling out of set top boxes to households that have registered for set top boxes and those that will register pursuant to the awareness programmes.
- 14 Our client wishes to avoid having to litigate in this regard. However, given the circumstances set out above, should you be unwilling to give a commitment that the ASO date of 31 December 2024 will be postponed to ensure that millions of mostly indigent South Africans are not cut off from being able to access television, our client will be left with no alternative other than to approach the courts again on an urgent basis to protect the rights of the indigent viewing public and those of free-to-air broadcasters.
- 15 Accordingly, we request that you confirm by close of business on **Tuesday (5 November 2024)** that the ASO date of 31 December 2024 will be postponed.
- 16 Should our client not receive a response in this regard, it will be unfortunately necessary to take legal steps to protect the position of our client, other free-to-air broadcasters and the rights of millions of South Africans who remain dependent on analogue signal to access television, due to the delays and failures in the implementation of government's digital migration process.
- 17 Our client is available to meet with you urgently to discuss this matter in the interest of avoiding litigation and to ensure that the Constitutional Court's judgement is properly respected in relation to the ASO date.

Kind regards,

Anthony Norton / Anton Roets / Nina Greyling

Nortons Incorporated



Annexure FA15

**MINISTRY
OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES
REPUBLIC OF SOUTH AFRICA**

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URL: <http://www.dcdt.gov.za>

Nina Greyling
Nortons Incorporated
PO Box 41162
Craighall
2024

05 November 2024

Email: nina@nortonsinc.com
Anton@Nortonsinc.com
anthony@nortonsinc.com

Dear Ms Greyling

RE: ANALOGUE SWITCH OFF (ASO)

The above matter bears reference.

The Department of Communications and Digital Technologies acknowledges receipt of your letter dated 02 November 2024 in which you request that the ASO date of 31 December 2024 be postponed.

Kindly note that I intend to issue a public update on the ASO on or before 22 November 2024.

In addition, my office will be in touch to schedule a meeting between e-Media, my office, and the broadcasters to speak more comprehensively on the range of matters raised.

I hope you find the above in order.

Kind regards,

Solly Malatsi, MP
Minister of Communications & Digital Technologies



Progress Update on Analogue-Switch Off before the final date of 31 December 2024



Presentation to Portfolio Committee on
Communications and Digital Technologies

19 November 2024

A.S.A



OUTLINE

1. Purpose
2. BDM Ecosystem and Role Players
3. Background
4. Progress update
5. Stakeholder engagement
6. Consumer Awareness
7. Indigent Household Registration
8. Decoder Procurement
9. Decoder Installations
10. Analogue Switch Off
11. Dual Illumination
12. Risks
13. Recommendation

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PURPOSE

To provide the Portfolio Committee on Communications and Digital Technologies with a Progress Update on the implementation of the Broadcasting Digital Migration programme as of 31 October 2024.

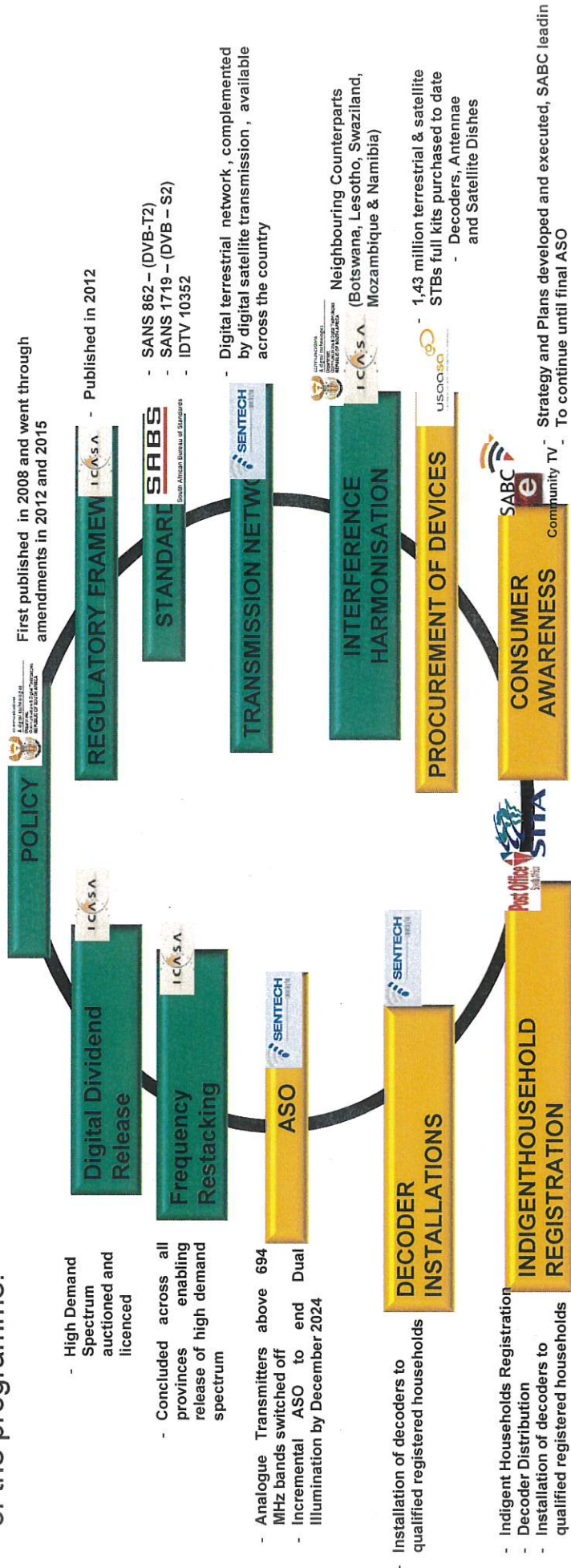
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BDM Ecosystem and Role Players



- BDM Ecosystem developed to determine responsibilities of stakeholders and entities on the implementation of the programme.



- High Demand Spectrum auctioned and licenced

- Concluded across all provinces enabling release of high demand spectrum

- Analogue Transmitters above 694 MHz bands switched off
- Incremental ASO to end Dual Illumination by December 2024

- Installation of decoders to qualified registered households

- Indigent Households Registration
- Decoder Distribution
- Installation of decoders to qualified registered households

LEGEND

Completed

Ongoing

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Background

- Regarding the implementation of Phase 2, this progress report focuses on the following key areas:
 - Awareness Campaigns and stakeholder engagement
 - Indigent household registration
 - Procurement of additional decoders for outstanding households
 - Decoder installation for registered households
 - Dual Illumination
 - Analogue Transmitter Switch Off in line with the 195 target of 31 December 2024
- Oversight monitoring on the distribution and installation of decoders to qualifying households.

Phase 2 Implementation Plan

- After the first phase of July 2023, there were 195 transmitters broadcasting below 694Mhz to be switched off by 31 December 2024.
- The Analogue Switch-Off (ASO) plan was developed in consultation with industry stakeholders and broadcasters.
- The plan is premised on:
 - Aligning of stakeholder engagement, consumer awareness, indigent households' registration, decoder procurement and subsequent analogue switch off activities;
 - Clustering of transmitters; and
 - Sequence ASO targeting transmitters with low household numbers first.

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Stakeholder Engagement

- Engagement with key stakeholders were conducted across the country with provincial Government, district and local municipalities as well as traditional authorities to support the programme and ensure there is direct access to communities.
- These engagements were done through direct contact with these stakeholders including visits to their offices, presentations during communicators forums and district delivery model strategic meetings.
- These engagements were done across all provinces
 - Eastern Cape – Direct visits to municipalities and traditional authorities
 - Mpumalanga – Provincial Government engagement, district delivery model and direct visits
 - Western Cape – Direct visits
 - Limpopo – District delivery model, communicators forums and direct visits
 - Free State – Direct engagements and communicators forums
 - Northern Cape – District delivery model and provincial forums
 - North West – Direct visits to municipalities
 - Gauteng – District delivery model engagements
 - KZN - Provincial Government engagement, district delivery model and direct visits
- Partnerships were forged with communities to raise awareness, assist with decoder distribution and report issues for after-market support.

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Consumer Awareness



PLAN	PROGRESS UPDATE
<p><input type="checkbox"/> Broadcasters (SABC and Community Broadcasters, i.e. Cape Town TV and 1KZN TV) appointed by USAASA, Service Level Agreements (SLA) were concluded with the rollout of various awareness campaigns on TV and radio as follows:</p> <ul style="list-style-type: none"> o SABC (R22 517 086,20) o 1-KZN TV (R4 089 400) o CAPE TOWN TV (R3 999 249,20) <p><input type="checkbox"/> An integrated Marketing & Communication Campaign was developed to run for the period of July 2023 to 31 October 2024, placing a focus on:</p> <ul style="list-style-type: none"> o TVC : Advert and Squeeze Backs. o Outdoor : Billboards, Murals, Taxi Advertising. o Digital : Taxi Rank Digital Screens and Paid Social Media Advertising. o Radio : Live reads, recorded adverts and Outdoor Broadcasts at select events. o Events : Community and mall activations. <p><input type="checkbox"/> SABC and the appointed agency rolling out the awareness and registration campaigns.</p> <p>Free-to-Air Community Broadcasters (Cape TV and 1KZN) driving awareness on television platforms and through community engagement.</p>	<p><input type="checkbox"/> Awareness campaigns intensified across all provinces. Radio adverts on all SABC radio stations in all official languages airing 4 times a day/daily until 31 Dec 2024.</p> <ul style="list-style-type: none"> ▪ 30 sec TV advert in prime slots were screened 50 times per month on SABC 1 & 2, 21 per month on SABC 3 and 42 times per month on SABC News ▪ Daily live reads on Community TV (Cape Town TV and 1 KZN) ▪ Television commercial advert on Community TV ▪ Physical activations by the SABC agency and the DCDT PMO in various populous regions ▪ Outside broadcast in all provinces ▪ Mounted maxi posters and billboards along busy highways and wall murals in townships ▪ 100 taxis branded ▪ Targeted interviews conducted by Community TV stations and physical activations by BDM PMO <p><input type="checkbox"/> These include promoting an online registration tool to communities and relevant stakeholders</p>

15.A

Indigent Household Registration



PLAN

- Agreement reached by BDM stakeholders during a workshop held on 14 and 15 August 2023 to extend registration timeline to 30 September 2024.
 - Allow two months (October and November 2024) to wind up installations
- To augment the manual registration process, SITA was tasked to develop and launch an online registration platform
- SAPO manual registration continued from August 2023 including capturing of forms that were submitted after the initial registration deadline of September 2022

PROGRESS UPDATE

- During stakeholder engagements and awareness, communities are educated about administering registration forms and online tools to register households. Where manual forms are used, they are collected and taken to the Post Office for capturing
 - Officials from the Department were deployed to monitor indigent household registrations on the ground through the support of municipalities and traditional councils and take the lead in registering their communities
 - SITA developed an online registration tool to make it easier for households to register at any time and from anywhere. This is despite it being delivered months after the expected deadline of December 2023 (June 2024). (<http://www.stbregistration.gov.za>). However, the SABC has appointed an agency to augment awareness interventions across the country
 - Between August 2023 and October 2024, **42 563** registrations were recorded through the manual and online platform, leading to a total of **1 772 873** qualifying households recorded since the inception of the BDM programme (September 2015)
 - **These include a total of 3 570 registered via SITA Online System**
- Challenges**
- Duplication of registrations from either one household or the same beneficiary
 - Though registration is underway through SAPO (manually) and SITA (online), eligibility verification for citizenship and mortality status cannot be fully implemented due to the incomplete integration of the SITA and Home Affairs systems

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Indigent Household Registration

PROVINCE	BASELINE (31 July 2023)	CUMMULATIVE REGISTRATIONS												Total Registrations (01 Aug '23 - 31 Oct '24)			
		1-31 Aug 2023	1-30 September 2023	1-31 Oct 2023	1-30 Nov 2023	1-31 Dec 2023	1-31 Jan 2024	1-29 Feb 2024	1-31 March 2024	1-30 April 2024	1-31 May 2024	1-30 June 2024	1-31 July 2024		01 - 31 Aug 2024	01 - 30 Sept 2024	01 - 31 Oct 2024
FREE STATE	278 770	221	1516	128	114	36	10	220	63	105	37	75	22	933	1456	80	5016
NORTH WEST	186 754	220	177	110	82	41	0	117	14	20	2	6	2	9	28	19	847
NORTHERN CAPE	75 591	126	1	2	0	0	0	1	8	16	5	7	12	28	43	4	253
MPUMALANGA	141 601	0	53	104	88	47	0	314	95	66	108	25	21	494	1365	312	3092
LIMPOPO	190 872	11	3	21	122	27	0	673	50	218	559	723	177	267	52	216	3119
EASTERN CAPE	259 380	1108	761	403	281	65	4	537	180	598	765	260	225	59	93	1464	6803
KWAZULU-NATAL	305 564	2777	1749	982	719	580	109	1666	888	594	1045	555	458	2	3	1747	13874
WESTERN CAPE	149 975	1271	646	520	293	53	2	255	89	102	56	39	30	4	10	74	3444
GAUTENG	141 803	2930	836	787	385	130	44	305	107	167	100	64	56	22	47	135	6115
TOTAL	1 730 310	8 664	5 742	3 057	2 084	979	169	4 088	1 494	1 886	2 677	1 754	1 003	1 818	3 097	4 051	42 563
Total Registrations (Baseline + New registrations)																	1 772 873

NB:

□ Baseline data covers the period 2015 to July 2023

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Decoder Procurement and Distribution



PLAN	PROGRESS UPDATE
<p><input type="checkbox"/> It was resolved that additional decoders be procured in anticipation of more households registering for subsidised STBs to complement existing decoders in the SAPO warehouses.</p> <ul style="list-style-type: none"> ▪ USAASA procured 1,43. million decoder kits between 2015 and 2020. ✓ USAASA conducted a stock count that revealed a total 40 000 complete DTT kits were available. These decoders are distributed to the installers through the SAPO process. 	<p><input type="checkbox"/> Identification of areas to install the remaining 40 000 DTT decoders in SAPO warehouses is complete. Installation is underway through the SAPO distribution process.</p> <p><input type="checkbox"/> Additionally, Sentech procured 200 000 DTH decoders.</p> <ul style="list-style-type: none"> ▪ Distribution of these decoders is done through the direct to home approach thereby delivering directly to registered households <p>✓ A total of 22 558 distributions has been carried out through this model.</p> <p><input type="checkbox"/> The existing procurement process by USAASA and Sentech is flexible to accommodate any potential increase of beneficiary households.</p>

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Addressing the missing middle (Non-qualifying households)

- The retail industry was engaged to consider selling additional digital decoders. They, however, raised issues of volume and commitments by broadcasters or Government to pay as they were cautious about remaining with unsold stock.
- Broadcasters were engaged and encouraged to market their own branded digital decoders currently on the retail market. Presently Multichoice and e.tv (with OpenView) have devices for their pay and free-to-air platforms respectively.
- Both SABC and community broadcasters were engaged on this issue with the former expressing an interest in partnering on the distribution of digital decoders.

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Decoder Installations



PLAN	PROGRESS UPDATE	INTERVENTIONS
<p><input type="checkbox"/> A plan clustering and sequencing transmitters to be switched off was developed by all the stakeholders</p>	<p><input type="checkbox"/> Sentech has appointed more than 800 installers across all 9 provinces.</p> <p><input type="checkbox"/> Installers use the “Installer App”, which integrates the entire installation value chain from warehouse distribution of stock to validation of uploaded installation Portfolio of Evidence (POE). This makes installer management and POE validation much more efficient.</p> <p><input type="checkbox"/> Between August 2023 and October 2024, a total of 45 450 installations were completed by Sentech, leading to a total of 1 303 503 installations successfully completed since inception. This means that there are about 469 000 households to be installed before the end of December 2024</p> <p>Challenges</p> <p><input type="checkbox"/> Data for the remaining beneficiaries to be installed is unusable due to missing or incomplete physical addresses of registered households. This makes it difficult for installers to locate households.</p> <p><input type="checkbox"/> The data contain duplicates of registered households. In some instances, multiple members of the same household are registered.</p>	<p><input type="checkbox"/> To mitigate the data challenges, a workshop was held with entities SAPO, USAASA, SITA and Sentech to clean both registration and installation statistics from the database. The data verification will eliminate duplicate applications and prevent duplicate installations.</p> <p><input type="checkbox"/> The BDM PMO has undertaken stakeholder engagements at community levels (municipalities and traditional leadership) to assist with the identification of households.</p>

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Installed Households



Province	BASELINE 31-Jul-23	Cummulative Installations												Total Installations				
		Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24		Aug-24	Sep-24	Oct-24	Cummulative Installations (Aug '23 - Oct '24)
Free State	76 502	191	225	117	0	0	0	0	65	40	22	60	0	0	28	384	1 132	77 634
North West	67 765	0	359	1	471	85	0	0	407	0	0	0	0	0	0	0	1 323	69 088
Northern Cape	26 865	269	227	0	0	0	0	0	0	55	0	0	0	0	0	0	551	27 416
Mpumalanga	67 915	287	349	145	128	78	0	36	65	65	41	228	0	94	404	316	2 171	70 086
Limpopo	68 774	242	494	652	216	174	10	138	77	93	126	24	112	103	65	972	3 498	72 272
Eastern Cape	106 160	2334	1340	1755	1242	521	273	581	533	171	190	22	248	1 202	1 562	1 101	13 095	119 255
KZN	119 927	1426	930	1409	1862	248	1453	1125	1159	513	670	707	0	0	543	1 201	13 246	133 173
Western Cape	102 255	508	415	366	334	273	33	209	683	297	190	145	40	215	182	348	4 238	106 493
Gauteng	103 552	222	644	385	198	589	731	139	212	1 221	199	157	747	0	82	670	6 196	109 743
Total	739 715	5 257	4 339	4 445	4 253	1 379	1 769	2 053	2 980	1 234	1 239	1 186	1 147	1 614	2 866	4 992	45 450	785 165
USASA Installation (December 2015 - September 2020)																		
Total Installations Since Inception																		
Total qualified indigent households Registered																		
Total Outstanding Households to be installed																		
																	1 772 873	469 370

□ Data integrity issues have an impact on the rate of installations.

- Sentech conducted a manual verification of the 140 000 approved beneficiaries, of which 15 000 beneficiary records were found to be usable. Installation for these households is underway.
- The data cleaning process is underway and will hopefully be concluded by the end of November 2024.

SA

Analogue Switch-Off



PLAN	PROGRESS UPDATE
<p><input type="checkbox"/> Switch-off 195 transmitters by 31 December 2024 in line with the Analogue Switch-off Plan.</p>	<p><input type="checkbox"/> 21 of the 195 transmitters were switched off by 31 October 2024, with 174 heading towards final analogue switch-off.</p> <p><input type="checkbox"/> Challenge</p> <ul style="list-style-type: none"> ▪ Data integrity issues have negatively impacted the rate of decoder installations towards achieving a minimum of the 90% threshold needed to secure authorisation from broadcasters. In instances where the 90% is attained, the process will continue to install the remaining 10%.

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Dual Illumination

- Dual illumination funding is required whenever the analogue and digital analogues are operated simultaneously.
- Government has spent R1.23-billion for dual illumination since 2014.
 - However, there was no funding allocated for the 2024/25 financial year.
 - The Department and USAASA requested National Treasury to approve a reprioritisation of R140-million from USAF funds to cover the dual illumination shortfall for 2024/25.

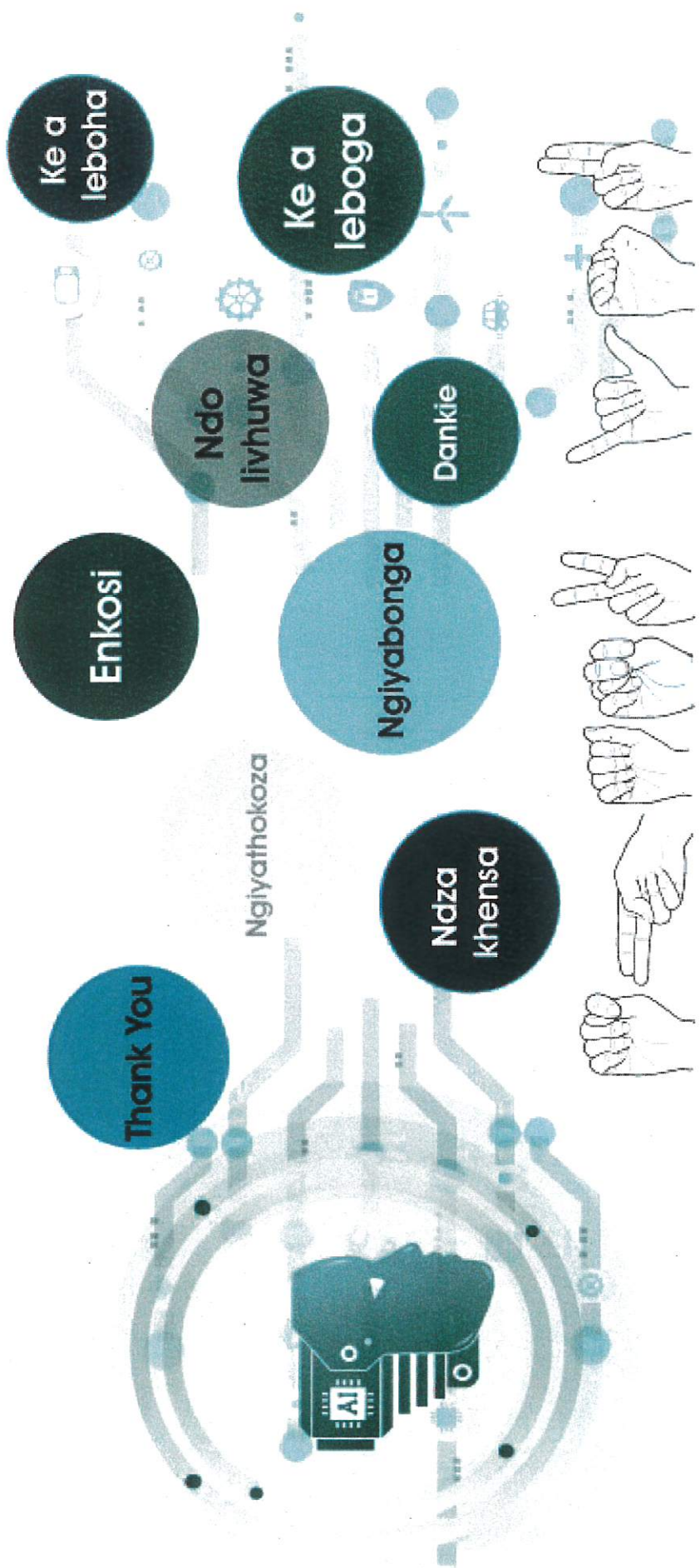
YEAR	DUAL ILLUMINATION COST
FY2024/25	R0.00
FY2023/24	R131 236 588
FY2022/23	R136 398 570
FY2021/22	R167 082 781
FY2020/21	R146 000 150
FY2019/20	R130 562 733
FY2018/19	R134 933 181
FY2017/18	R89 805 901
FY2016/17	R100 727 869
FY2015/16	R100 727 869
FY2014/15	R89 348 963
TOTAL	R1 226 824 605

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Recommendation

It is recommended that the Portfolio Committee notes the progress update on the implementation of the BDM programme as of 31 October 2024.

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Portfolio Committee on
Communications and Digital Technologies

held on
19 November 2024

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CHAIRPERSON: ...become all the more urgent, given the fact that government gazetted the analogue switch-off for the 31st of December, which is really in a few week' time. As the portfolio committee we felt it was prudent that we seek a report on the progress around the analogue switch-off as part of the digital migration project and ja, I think it's self-explanatory. Maybe let me hand over to the Minister to introduce the item and also indicate how he would wish to take it forward. Thank you. Honourable Minister, you are welcome.

MINISTER: Good morning, Chair, good morning, DM, good morning to all the colleagues that have connected to join this meeting. Thanks very much, Chair, for the opportunity. As you correctly indicated, I think it's common cause now the knowledge around the fact that the government gazette around the analogue switch-on identified the 31st of December this year as the date to proceed with the analogue switch-off.

What would be emerging from the presentation, which DDG Ngobeni will outline is to showcase (1) some of the work that has gone into migrating some parts of the population and also some of the serious difficulties that have been encountered in making sure that we can get to that percentage, which would then facilitate the smooth transition to switching off.

It will also indicate the dilemma that we face in terms of the options that are on the table; that when you look in terms of the progress

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that has been done, it's very clear that there would be serious difficulties with proceeding with the date as it is, as there are thousands and DDG Geneko will be able to get into the exact numbers of South Africans who are still dependant on analogue as their source of access to television services, but also it raises the dilemma in terms of the funding for dual illumination, which would be keeping both analogue and digital on.

Given the fact that there hasn't been a financial commitment ... Chair, the camera keeps moving. Is it on my end or it's the background team? I'm getting distracted slightly.

CHAIRPERSON: Sorry, Minister, I'm not sure. Which camera? Is it yours? We can see you perfectly. You are a perfect frame. There is no problem at all.

MINISTER: Okay. Maybe it's just me. So, but as I was saying, one of the big dilemmas that we face is we are covering the costs of dual illumination, because where we are right now there isn't a financial provision for this to happen. So, if we were to then say that the date should be extended, for instance, we then need to get into a conversation about where do we find the funding to cover the cost of dual illumination.

Sentech has already indicated that it is under financial strain to be able to continue with covering this and that in terms of the universal access fund, which has previously carried this, there hasn't been any

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provision made for the next financial year. Although with that in mind the opportunity that is still on the table is an engagement between USAASA and the treasury, which we as the department can also help us in finding that funding to make sure that should then the call be that an extension is necessary based on the reasons that I've highlighted, that there is funding to cover that, because in simple terms, it comes down to those two choices.

The choices that confront us now would be (1), if we proceed with the analogue switch-on, we are going to leave hundreds of thousands of members of the public behind and I think that on its own has several implications and consequences, even for the broadcasters.

Secondly, should we then say that the reasonable thing in light of this to proceed would be an extension of the date, then we would need to get into a conversation about securing the funding, where we get that funding for dual illumination and then how long the extension would be so that we do not come back again at a later stage to have the same conversation about whether there is a need to relook at the deadline or not.

Chair, this is basically what is going to confront us with the presentation and on that note, I would then hand over to DDG Ngobeni to go into that presentation, with your permission.

I think the last point that I want to make is that there has also been, just in terms of correspondence, that at a ministerial level that I

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have received, there has been correspondence from the broadcasters, SABC, eMedia and even the National Association of Broadcasters, I think also, if I remember correct, ICASA has also written to the ministry expressing their concerns with the looming deadline and implications that it can have and to that end, we have, even in previous months, held meetings with the broadcasters to listen to their concerns about the date and also the progress in terms of the work on the part of the department and our entities in facilitating the digital migration and we also have another session with the broadcaster later this week, as we get closer to finalising the consultative process about how we best proceed with the deadline.

On that note, Chair, I will hand back to you to allow DDG Ngobeni to proceed.

CHAIRPERSON: Thank you. Thank you very much, Minister, for that introduction. DDG Ngobeni, you are on the platform.

MR NGOBENI: Thank you, Chair. If I'm given the rights to share the screen where someone is projecting the presentation.

CHAIRPERSON: Secretariat, can you assist with sharing rights for Mr Ngobeni or put up the presentation. We will look at your handsome face, DDG Ngobeni, while we are getting that presentation up.

MR NGOBENI: Yes, Chair, can you see me?

CHAIRPERSON: Yes, and please keep it like that.

MR NGOBENI: Okay, I will do so, Chair.

responsibility of the South African Bureau of Standards. Sentech was passed with the rollout of the digital network, primarily the digital terrestrial network and also as a gap filler digital satellite transmission network, the DTH.

Before I proceed again, it's the all the boxes that are indicated in green, those are the areas where we have completed and the ones which are in orange are the ones which are under way at the moment. With regard to interference, because of the nature of broadcasting, its transmissions can also go to or reach neighbouring countries and because of the neighbouring countries, through the IT process, they had indicated that they will be using this spectrum for mobile communications. There was a need to engage with them to manage interference during the transition.

So, there were agreements reached with the affected neighbouring countries and then the other key activity was the procurement of the devices, the STBs, which was the responsibility of USAASA. USAASA came into the process to procure set-top boxes and also they assist the equipment to enable the installation at households. That process is still under way.

Then the broadcasters were tasked with the responsibility of ensuring that consumers are aware of the need to migrate, but also of the deadline where the analogue TV will be switched off and encouraging them to go and register so that they can be supported,

CHAIRPERSON: Given the fact that you've got a presentation, it's fine. We will allow you to switch off your video. Thank you, DDG.

MR NGOBENI: Thank you, Chair and good morning to honourable members, DM, Chairpersons and board CEOs, DG and colleagues. As the Minister indicated, I will try to take you through the update on the BDM program. This is the outline. We will talk about the ecosystem and also provide a bit of background on the program itself and then provide an update as well on the key activities that will lead us to analogue switch-off and also indicate some of the risks and also come up with a recommendation at the end.

This is the purpose of the presentation, just to provide an update to the committee as we move forward. So, in terms of the BDM, just to recap on the ecosystem, it's quite a complex program. It has several role players, but overall the department is the project owner as well. It's also responsible for policy, there was a policy that was developed in 2012 and amended later in 2015 and as part of that process as well, ICASA developed regulations, which govern the digital migration and also the digital broadcasting through the transitional period.

Another enabling factor was the standards for the decoders and also the standard for the transmission. We have a standard for DTT. It was chosen DBBT2. Also there was a standard for decoders that should be available in the retail market, which also enabled the manufacturers to produce decoders and also a standard for IDTTVs. So, that was the

particularly the indigent households and those who do not qualify then can migrate and sell through the retail market.

Another key activity is the registration of the indigent households. There was a process led by the post office using the post office network, in the main, which was a manual process where consumers will visit the post offices and complete the forms. Then lately there is also an addition of another platform, which is an online platform, which is the responsibility of SITA so that people are able to register online if they are not able to reach the post offices.

Then another task is then the responsibility for the installation management. Previously USAASA had appointed installers to conduct these installations and this task is now also being assigned to Sentech to manage the installation process and this is under way. That installation then leads to, the installation of set-top boxes leads to a determination by the broadcasters whether a particular transmitter can be switched off after a threshold has been reached.

Then once a transmitter has been switched off, there is a process just to rearrange the frequencies, just to ensure that we ensure efficient spectrum management, because of the way the spectrum will have been planned.

Then eventually this leads to the release of the spectrum through the digital DDM process, which has been completed through ICASA

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allowing that spectrum to be licensed to the mobile operators as part of the recent auction process.

In terms of background, I will just skip this slide, because I think the next slide provides the (inaudible). So, in terms of the approach that was undertaken to finalise the switch-off, last year in July there was a gazette, in June actually, there was a gazette, which adopted a two-phased approach to switch off analogue transmitters. The first approach was that by June we should conclude all the transmitters, which affected the spectrum that was earmarked for the mobile spectrum.

Then the second approach, which is the phase 2, is what then we are working on to try ensure that all the remaining analogue transmitters be switched off by the end of December, and this is what we will provide an update on.

After concluding the first phase in July, there were 195 transmitters remaining to be switched off and then all the stakeholders, like the department, jointly developed a plan on how to switch off the remaining transmitters. The plan was really premised on trying to ensure that we are co-ordinated in our efforts. So, we sequenced the transmitters and also clustered them so that we also start with those transmitters which are serving low population densities, but we also concentrated our efforts in those areas.

Then the next slide talks to the update on the key activities. The first key activity is the stakeholder engagement led by the department

We forged partnerships with the local leadership, particularly in the traditional authorities and they helped us pass the message to the different stakeholders. My screen is not moving, Chair.

Okay, the next slide talks to the activity of consumer awareness. This is the area to which the aim really is to ensure that people will become aware of this, firstly the need for the benefits of migrating from analogue to digital and also the looming deadline that they must register so that they are migrated before the deadline is reached.

An integrated plan was developed, which included all the different stakeholders, but the activity is led by the broadcasters. SABC and also even the community broadcasters participated in the process and several platforms were identified to reach the diverse group of people that we were targeting. We use TV and also outdoor billboards and advertising through the taxis as well, also digital marketing through the taxis and also social media and we also leveraged events as well and also even areas where people will gather, such as malls, and also, we leveraged the radio, including the community radio so that the message could be widespread.

With regard to the update and the progress, in this instance, there had been several TV adverts through SABC and also the community TVs where there are daily live raids about the digital migration as well and there would be adverts. There will also be activations where the department will also support the SABC. About 100 taxis were branded

and the objective of this is to ensure that all the government stakeholders, but also including the traditional and local leadership, are aware of...

CHAIRPERSON: Apologies, DDG, I'm not sure if I'm the one who is having a problem. I can't see the presentation anymore. Can I check if other members can see the presentation?

UNKNOWN MALE: I can see it on my side, Chair.

CHAIRPERSON: Okay, the problem must be with me then. You may proceed, Mr Ngobeni.

MR NGOBENI: Thanks, Chair. So, with regard to the stakeholder engagement, we have done extensive stakeholder engagements across all provinces. You will note that although by July last year all the provinces, five provinces had been switched off. The only remaining provinces were four, but the stakeholder engagements could even continue in the areas where we have switched off, just to ensure that even if there are areas where people would have been in a transmitter that had been switched off, but they had not been migrated, we continue, if they are not registered by the time of the switch-off, we will continue to provide that support and to still encourage the stakeholder to engage with the citizens there to come and register so that they are also migrated.

trying to advertise this migration as well and there will be interviews conducted through the community radios.

So, there had been extensive awareness campaigns to ensure that more people are aware of this and encouraging people to go and register so that they can be migrated. So, we believe it has been a concerted effort by all the stakeholders leveraging various platforms so that people eventually are migrated from this analogue transmission.

The next activity is indigent household registration. As indicated, this is the responsibility of the post office and also SITA through the online registration form. So, despite ... what we have observed is that despite the increased awareness campaigns, we have not seen many people coming through to register. I mean, between August last year and October now, we've got about 42 000, it's about 42 000 beneficiaries who have registered and out of those, we have seen that about 3 500 have registered through the online platform and with the online there will be either, people will be shown how to do the registration, but we also augmented that by having agents who will then support people who are not able to do the registration by themselves so that we know the companies, whenever they visit these areas, they will then try to register as many people as possible through the online, because the challenge that we face there is that the online registration was initially meant to have come live the beginning of this calendar year, but it was only finalised in June this year. So, those registrations

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of about 3 500 is starting from June and the other issue, which is still remaining, is the integration of this online system with the home affairs database. This will assist us to verify eligibility and also citizenship, you know, in terms of whether that beneficiary is still alive and also whether that person also qualifies as a South African citizen.

That will assist us to move forward with the engagements with home affairs underway to try and facilitate this process of the registration, but I think our observation really is that there had been very few people and if one consider that there had been several efforts to try and get people to register with the previous deadlines that had been set on this program, because every deadline will also have an increased awareness program, but we still find that very few people register for this.

I'm struggling to get the presentation to move. It keeps moving on my side, but ... Chair, if you can see the presentation, this is a breakdown of the registrations across all provinces and also for the different months. So, you will see that on average it's an average of about 2 000 or so during that period and it's very minimal, except we know in the earlier, in August, because we took everyone with digital previously to capture those in the beginning of August, but since then, you will see that there is actually in some cases even below 1 000 people who are registering, but at least from about July when the

procurement instrument or vehicle is available so that we can get decoders, if there is a need for that in addition to the 200 000 that have been procured and delivered at this stage.

Then the other issue with the decoders is addressing the missing middle. These are the non-qualifying households because of the threshold, the earning threshold for the households who are not covered by the government support through the subsidy. As indicated, that a standard was developed through the SABS and that standard is being utilised by the manufacturers to produce decoders, which means then the decoders can be available in the market, depending on the demand.

What we found is that as we engaged with the retail market to encourage them to stock more of these decoders and also because the manufacturers are driven by demand. If there is a demand for a particular product, they produce that in bulk and then make it available through the retail market. Then the retailers, and unfortunately, unlike the government subsidy decoders, government is not able to put an upfront commitment to demand, because this is driven by consumer choice as well.

So, there is not much decoders available or the manufacturers indicated that they able to do that they produce that minimally. So, depending, as more people sign up for this, they will be able to produce this.

awareness programs increased, there will have been many people who are registering.

Also, people who are registering is also in the provinces where we have switched off and wherever people will have remained that you will continue to assist them so that we don't leave them without the signal, but all-in-all, the cumulative, the total number of registrations since inception, is just 1.78 million beneficiaries who have registered to receive support from this program.

Then the next slide talks to the procurement and the distribution of set-top boxes. USAASA had procured about 1.4 million decoders between 2015 and 2020 and then USAASA also conducted a stock count, which then revealed that there were about 40 000 of those decoders remaining, which can be installed and the process is under way to try and use that remaining stock.

But also, a decision was taking by the program to say that since we are increasing the efforts to make people aware and also registration efforts in anticipation of more people registering, USAASA appointed Sentech to procure additional decoders. Sentech has procured 200 000 decoders and those decoders have been delivered and are available to be installed, as more registrations become readily available.

The other thing we want to highlight here is that the procurement process undertaken by USAASA and Sentech is also readily available to increase, if there is a need for more decoders to be procured. That

In addition to that, I think e.tv and also MultiChoice have used their own platforms to also cater for this market through their OpenView and also the DSTV platforms. The SABC also was engaged and also expressed interest and also if you look at how it can partner to have a platform in the market that can support this missing middle so that as we conclude the support for the indigent households, there is also other platforms available and opportunities or options for the consumers to be able to migrate.

The next activity is about decoder installations. The different installations in terms of the readiness Sentech has ramped up the number of installers also to cater for the increase, the anticipated increase in registrations. So, about 800 installers have been appointed across the nine provinces.

Furthermore, to also make it easier for the installers, but also to support the entire installer management process, an installer app was developed by Sentech so that the installers can use that to be able to support the installation value chain, including the submission of the portfolio of evidence. At the end of each installation they should be able to gather the evidence, which then they submit, which then will trigger the payment for the work that they would have done.

So far we have established that 45 000 installations have been completed by Sentech up to the end of October, which means cumulatively about 1.3 million installations of these indigent

households has been completed. If we then check against the number of registrations, that leaves about 469 000 households that need to be installed before the end of December.

However, what we have also established with that number as well of the 469 000, is that there have been data integrative issues, particularly the data that will have been captured coming from the beneficiaries. They will find that the address information is not usable to locate a beneficiary. So, it means that the information that has been provided is not adequate. Just for example, just to illustrate the point is that someone will indicate that they are living in Seshego, but then either they might provide the house number, but not provide the zone or they provide the area, but not provide the house number. It's also complex when one deals with the informal settlements.

So, this issue affects the installers when they have to go and do the installation, because when they get there, they struggle to find this beneficiary and furthermore, you will find that because some of these registrations will have taken place in the earlier part of the program from 2015, you will find that even the contact number that was provided then no longer belongs to that beneficiary. When they try to reach the beneficiary through the number that has been provided, it goes through to someone else or it doesn't go through at all.

So, this affects the rate of installations, because it either takes long to find a beneficiary to can install or in some cases they don't find

So, this is an issue that we are grappling with. We have commenced a process where the data cleaning is being undertaken with the information that SAPO has and also what Sentech has as well and it's being submitted to SITA. SITA has the capability for data analytics to assist to clean the data, but it's likely that it will still be either duplications or there will still be some who will not be located at the end of the exercise, but we continue. The commitment is that by the end of November we should have finalised the data cleaning exercise so that we are able to give Sentech data that can be issued to installers to be able to move forward.

Ja, this is just a breakdown of installations per month. You will see as well there has been that 45 000 installations, which cumulatively give that 1.3 million installations and it's are talking about the data integrity issues in this instance and the efforts that had been undertaken to try and clean that data.

You will see that the installations also cut across even in the provinces, which have already had all the transmitters switched off. As long as we get someone registering, we will still make an effort to go and migrate them, even if it's in an area where the transmitter has now already been migrated from analogue to digital over the previous years.

Then in terms of analogue switch-off, the progress is that of the 195 transmitters that were remaining in August, the end of phase 1, only 21 have been switched off and that means we have got 174

the beneficiary at all and that means now they have to return. So, it does affect the whole installation process, because it's also costly for the installers to go to visits these households.

This is also because over the years some of these will not have been found and then they are also returned to the pool. So, largely the remaining households you still find that it's mainly those that we are struggling to locate, but just to indicate this process, maybe even the other issue is the issue of the duplication. So, you find in some instances in a household more than one person will have registered. So, because the system does not allow a person to register twice, but with every attempt or effort or campaign to get people registered, the household will send another member of the family to go and register.

So, it's a different ID number and the system will not pick it up. It's only when the installers go there and they find that this house has already been installed subsequently and then they do not install and have to return, but they will have gone to those areas.

So, those are the challenges that we are facing and what we are doing, we held workshops with entities. We try and clean out this data and the process has commenced to try and clean the data. Sentech was given about 140 000 beneficiaries for installation by SAPO and upon analysing, Sentech found that out of the 140 000 only 15 000 could be used. The information was adequate to enable the installer to locate the beneficiary.

transmitters to switch off by the end of December and the issue is because the agreement with the broadcasters is that the threshold of 90% of households who are served by a particular transmitter must first be migrated or have their STBs installed so that they can receive digital transmission. It's only then that the authorisation will be issued by the broadcasters.

However, even in those instances, the remaining 10% will continue to be migrated, even after the switch-off of that transmitter. So, the 174 will not reach that 90% based on the issues around the issue of installation and the integrity.

Then this is the issue that I alluded to in terms of saying that in light of this progress and if there was a consideration that you need to extend the period, there are certain issues that must be considered. The primary issue is the dual illumination. Dual illumination means that you have two networks that Sentech must run, which is the analogue network, they must operate the analogue network and also the digital network.

Over the years government has invested over 1.2 billion to cover the operation of both networks. However, in the current financial year, there was no allocation or there is no allocation for dual illumination and it took an engagement between USAASA and the department with the National Treasury to obtain approval that USAASA can use a

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portion of the funds allocated to other parts of the program to cover the dual illumination.

However, going forward, in the next financial year there is no allocation for dual illumination and then in terms of the estimation is that the dual illumination requires 140 million per annum. Per quarter it's about 35 million. So, it's about every three months, when we extend the dual illumination for three months, that means we will need that 35 million and then another three months another 35 million. So, that's where we are.

Then the other issue which must be considered is that the analogue network is obsolete. So, this is equipment no longer being manufactured. Sentech has initialled to the original equipment manufacturers, OEMS, of this different equipment they have installed and they have confirmed that this equipment is no longer supported, which means that if the equipment fails, there are no spares and that also poses a risk if this network has to be prolonged.

Additionally is that the cost of operating an analogue network is quite high for Sentech as well because of the energy consumption of this analogue equipment. It's not efficient. So, that's the risk that must also be considered and accepted going forward that that infrastructure may fail at any time and we know Sentech has taken good care of the network that they try to minimise and reuse, but it becomes costly as

well and difficult in some instances to continue using that approach. So, that's a risk that must be factored in in this program.

I think this leads us to the last slide, which is about the recommendations that we recommend that the portfolio committee note the progress update towards the switch-off and the readiness thereof. Thank you very much, Chair.

CHAIRPERSON: Thank you.

ADJOURNMENT

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
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Portfolio Communication on Digital Technologies - 19 November 2024

 Date: 29 November 2024
Editor: A Van-Der-Ben

Nortons Inc

Portfolio Committee on
Communications and Digital Technologies
(Part 2)

held on

19 November 2024

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Portfolio Committee on
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(Part 2)

CHAIRPERSON: I could feel in it the weight of reporting on the same thing. We are on the eighth Minister now, I think my broadband says, who has dealt with the same issue of analogue switch-off. So, the weariness is truly coming through, but thank you very much for your presentation, Minister. I'm not sure if there are any additions from you, but I do think that you gave us quite a comprehensive introduction at the beginning. Can I just check with you if there are any additions?

MINISTER: Chair, absolutely correct, no additions. Ja, I was covered by what I said earlier and ja, that's all from my side on this.

CHAIRPERSON: Are you going down as Minister number nine who has not also switched off?

MINISTER: I will reserve comment on that, Chair.

CHAIRPERSON: Alright. Honourable members, that then is the presentation from the DCDT. I think there were a number of issues that the Honourable Minister raised in his opening, which then DDG Ngobeni went into detail on, specifically the number of South Africans that stand to be left behind with this gazetted and I keep emphasising this, because there is a position that has been taken by government to this regard. The date of the 31st of December has been gazetted. It may be that when we engage, the Minister can then speak towards what do the reservations that he holds mean for that gazette.

The issue around the cost of dual illumination and how Sentech's financial woes would obviously be further severely strained by the

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switch-off not happening on the 31st of December and then, Ja, I think all the other issues that they spoke to relating to the indigenous households, the missing middle and strategies that they have sought to put in place. May I please then open up this item for engagement, honourable members? I'm not seeing any hands. I don't know who Samsung SMX616B is. So, I would be sceptical by recognising that hand. Can I request that the device is renamed? In the meantime, I will take Honourable Bodiani, followed by Honourable Sografi and then Honourable Matisse. Is it you, Honourable Sithole?

MR SITHOLE: Yes.

CHAIRPERSON: Okay, could I request the, what is this now, the platform administrators to rename Honourable Sithole's device? So, we will start with you, Honourable Sithole, followed by Honourable Bodiani, then Honourable Sografi, then Honourable Matisse and finally Honourable Vilakazi, in that order, please. Honourable Sithole.

MR SITHOLE: Thank you, Honourable Chairperson and greetings to Minister and deputy Minister. Hey, this thing of technologies. I'm trying to...

CHAIRPERSON: To make it more difficult, can I ask for your video to be on? What is happening there, Honourable Sithole?

MR SITHOLE: Even myself I don't know. There is something that is not...

CHAIRPERSON: There you go, thank you.

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MR SITHOLE: Thank you very much, Honourable Chairperson, first of all, I want to thank you for the presentation from the department. I think it actually helps us to understand the dilemma that is facing the department, but I'm worried, Chairperson, because all the programs according to the installations that are being mentioned, they say there are four which are left behind, if they can give us those four and the timeframe of four provinces.

The issue of rural areas, Honourable Chair, if they can give us, if they say KwaZulu Natal, which areas in KwaZulu Natal so that we must understand. If they say Eastern Cape, which area in Eastern Cape, because there are rural areas in these areas and Free State and Mpumalanga. That can help us to understand and actually to push for the installations to those areas.

The other issue, I'm worried about the money that they are looking for, because they are now looking for 140 million, but if you check, the project was started in 2015 until now. As you have said, Honourable Chairperson, that's 13 years and then the Ministers come and go, but they are failing. They are all failing to implement what was supposed to be implemented.

The other issue, Honourable Chairperson, is the issue of duplications. I didn't hear, sometimes there is something that I didn't hear clearly, the issue of duplications, because if the registrations are being duplicated, how are they counting the number that they have

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reached if the duplications are that big, if they can actually clarify that, Chairperson.

Then the last one, Honourable Chair, is the issue of marketing and awareness. The program, if they can give us the program of their awareness so that we can understand and help them, because they are part of us and we are part of them. We have to work hand-in-hand. Thank you very much, Honourable Chairperson.

CHAIRPERSON: Thank you, Honourable Sithole. Honourable Bodiani?

MS BODLANI: Good morning, Chairperson, good morning, colleagues. Chairperson, like you say, you can feel the weight of Ntate Ngobeni and he makes the presentation, because it's really been a long time and the more you listen to the story of digital migration in South Africa, the more you realise that it's bad project planning. It's poor project management and the question from me on that is what does the department think could have been done differently that would have enhanced the project, especially concerning now that this new deadline will not be met?

Chairperson, I think my worry is that the deadlines, as I said, are self-imposed. This is a deadline that the department came up with and this is the deadline that the department is going to miss again and it becomes difficult to support the work of the department if they miss

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their own deadlines, because before you set a deadline, you must do a thorough checks and balances to say what informs that particular date.

We are not trying to be pessimistic in any way, but the department is going to come back with a new date and at this point our hopes lie with Minister number nine, because if there is going to be a date that is not practical, then we will still be having this conversation in years to come, which is something that South Africa does not need.

How is the sector responding to this? I think that's my question. Of the stakeholders that have been listed, I did not see anything in terms of local government. Ward councillors are a great resource. Has that been considered, especially in the townships where ward councillors are able to integrate themselves into the communities, especially the people that we are trying to reach with this project? I'm sorry if I missed that.

For me the question honestly is, does the poor uptake represent disinterest in the project? Because it is one thing for government to drive a project that say it is for the people, especially if we are going to have people that have already self-migrated. So, how does the department balance the poor uptake? How do they judge against the poor uptake with all the considerations that have been mentioned in the presentation today and people who have self-migrated?

My question is also on the hardware and I do appreciate that Ntate Ngobeni said that the Sentech infrastructure is becoming

most important questions. My first question would be what steps still need to be followed before we are certain that the switch-off can happen at the end of December?

My second question would be, I will make that six questions, Chairperson. How is the department planning on mitigating the losses in SABC and in Sentech as a result of the switch-off? Another question I have is what is the potential risk with an extension of the switch-off deadline pose or what potential risk would an extension of the switch-off deadline pose.

A question relating to ... my further question, Chairperson, is really has a study been conducted to check who is still using analogue, because this entire decision hinges around this 499 000 people that are not connected? Now, in that is there a figure that we have? You know, it seems as though in it there is an element of error, duplication, etc. So, do we know how many people are still using analogue and finally, Chairperson, is it not possible to allow analogue to naturally phase out and then to press for a deadline after the deadline of the switch-off? Thank you, Chairperson, I will pause there.

CHAIRPERSON: Thank you, Honourable Sografi. Honourable Matisse?

MS MATISSE: Good morning, Honourable Chairperson and members of the committee and our government officials. I'm trying to get my video on. Just bear with me for one minute. Can you hear me, Chair?

obsolete. The boxes that are in the homes of South Africans, have they not become obsolete? The boxes that are sitting in storage unaccounted for, have they not become obsolete? Also, how many of the boxes work on DTT and how many of them work on DTH? How do you track the usage, because it is one thing for the state to spend money trying to migrate people and what we saw in the previous parliament is that when you went into the homes of people, people could not even remember where these decoders were and the issue that they were all concerned about was the issue of the content the decoders had?

I think if I remember well, it was SABC 1, 2 and 3 and I think e.tv. So, they were saying they are not really using them because of the content. So, people, even the poorest of the people were more than happy to spend R199,00 to pay for some satellite TV just so that they have more options in terms of what to watch. If we have spent this much money, do we know how many decoders remain active and is there a tracking process to say this is value for money in terms of the money that has been put in so far? Thank you so much, Chairperson.

CHAIRPERSON: Thank you, very much Honourable Bodlan. Honourable Sografi?

MR SOGRAFI: Thank you, Chairperson. Chairperson, let me greet the Minister, the deputy Minister, greet yourself and honourable members on this platform and all other guests. Chairperson, I have a few questions, but I'm limiting it to I think what I consider to be the five

CHAIRPERSON: I can hear you, but I can't see you, honourable Matisse.

MS MATISSE: I put my video on. Okay, let's try again.

CHAIRPERSON: There you go.

MS MATISSE: Okay. Thank you, Honourable Chair. Just quickly, I think from this presentation it is clear that we cannot ... the submitted date of the 31st cannot happen. Nothing is written in stone. As we know, a new date can easily be committed. I don't have that many questions necessarily to ask, but a lot of observations. Everything that has been presented here, Chair, it's just a thing of incompetency. The people that are going to suffer is the poorest of the poor, because we pay millions of rands to people who are supposed to do their jobs and they are not doing their jobs.

How dare you get a report that said that you could not do an installation, because those people who registered for the installation are no longer there, their phone numbers have changed, they are in informal settlements? Which government department does not understand the material conditions of our people? How do you not make, when you are planning to an installation, when you are asking people to register, that you don't understand.

You start off with number one, understanding the material conditions that we are dealing with, plus we are dealing with indigenous households already. You know that people change their

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phone numbers almost every month. How does the government department not know that? You know that people move around a lot. You know that there are informal settlements and then you don't make a plan that when you roll this out, you must take into consideration all these things are going to happen. How do you ask people to register and then go there a year later and you think that you can be able to install and you are going to find people there and be able to do it? How is that possible?

How is it possible that you just come here and you report that you had applications of just what, 1 million, just over 1 million people who applied for the indigent right? Your only method you allowed them to apply was PostNet or Post Bank. How do you expect those people to get to the Post Bank? You are expected to apply online. Where do they get data from? 1 million, how many indigent households are here in the country? It's almost 11 million.

Go and read the Treasury report and you come and you brag about 1 million. This is levels of incompetency that we should not see and it's wasteful expenditure and the people who suffer the most are the poor people here in this country.

I also want to talk to the ... so, you reported on slide 11, this is my question here, the ICASA. Was it ICASA that was asked to buy another 200 000 decoders but only 22 decoders have ... where are the

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CHAIRPERSON: Thank you, Honourable Matisse. Honourable Vilakazi?

MR VILAKAZI: Thank you so much, Chair. Good morning to everybody on the call. Some of my questions have already been covered, Chair, but I would want to echo what has already been said by various honourable members about the cause of the hold-up and the fact that it really is inexplicable how this could have dragged as long as it has, just the fact that it looks like it is going to continue to drag on.

So, my question there really is what are the chances of this process being finished? What are the chances of it just coming to an end at all? How much has been spent on this? I know we were given the cost of dual illumination and that's after cut off of some of these other transmitters, but how much has this cost us, the running total of keeping this process going on for these many years? I would really love an idea on that from the department.

I've been an advocate of what Honourable Matisse talks about of the fact that we can't leave anyone behind and that it is wrong morally, constitutionally and wrong to leave people behind, but I'm wondering how long we are going to carry this haemorrhaging of state finances on something that doesn't look like it's ever going to reach an end.

So, maybe we can just consider parting with our losses, going ahead with the switch-off and then deal with the consequences in

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others and was the budget allocated to that? Like I don't understand how you can report that. So, I just need clarity on that.

Sentech can give us details right now, Honourable Chair, on how many of these 174 transmitters that they want to switch off in December, how many people are connected to it. So, it's not hard to tell. The reason they switched off those other transmitters, it didn't have to happen. E.tv didn't switch off their transmitters and SABC lost all this money, because we were too forward to go and switch off something that we knew that people don't have decoders and they were still relying on transmitters.

So, Chair, I think we need to ask Sentech to give us the list and account for every single one of these 174 transmitters across the country and how many people are connected to these transmitters, because if you go and switch it off, then you are going to know how many households we are going to lose by that process. I've dealt with that and I've dealt with it. I think that's my input for today, but I think as a committee we cannot support anything being switched off and the issue of how much money it is going to cost us it's actually ... we should even be deducting money from these government officials or they must pay for it, because it's their incompetency that has led us to where we are now and now we must go scoffing around to try and make sure the poor still have access to services. It's disgusting, really.

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whatever way, but at least we know that's one decisive action. It stops the haemorrhaging of state funds that seems perpetual and at least then we can maybe deal with that fall-out. I don't know, but I'm starting to lean towards that way.

On that note, Chair, when we were on the oversight visit, we noted that some of these boxes seemed to have become obsolete. There are stockpiles of set-top boxes in post offices and some of them are obsolete. Isn't this what is going to happen? I also note that there are 200 that Sentech has been asked to procure now, that Sentech has procured now, but only 43 000 of those have been installed as at October. This leaves over 150 000 still out there and at this slow pace how many of them are going to become obsolete before they are even used?

So, this process just a continuous exercise in draining the fiscus, something that we can't afford. So, my question there, I suppose, is what is Sentech's timeframe on the installation of the remaining 157 set-top boxes. I didn't see Vuk'uzenzele as one of the means by which the department communicates the process to communities, to far-flung communities and yet, one of the main objectives, one of the main mandates of Vuk'uzenzele is to be a mouthpiece for government and to communicate government activities. Has been considered as one of the ways? Perhaps it could help stimulate interest in this. Has it been considered by the department? That said, we need to note that

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Vuk'uzenzele itself has distanced itself from the population now by going purely digital as at April this year.

Then the other thing is how are we going to mitigate this missing middle, because these are people who are assumed to be able to procure digital signal or digital TV, etc, by themselves, but as we heard from the DDG, the manufacturers are saying something different. They are not stocking a lot of these decoders because of low demand. So, clearly in addition to the people who are currently on analogue and would be left behind, we are also risking leaving the missing middle. So, how do we mitigate that?

DDG, I was very interested in the risks that you said, but I can't remember them now, because I was busy writing down these questions, but there isn't a slide on the risks and yet they seemed quite significant. It would have been wonderful to get those.

Then also, just a recommendation is for the committee to note the report, but maybe you can share with us what is it that you would wish for us to do then, having noted the report? How do you think we could support the process further? Thank you, Chair.

CHAIRPERSON: Thank you very much, Honourable Vilakazi. Honourable Sografi, I'm not sure, is that a legacy hand or you wanted to come back.

MR SOGRAFI: Sorry, Chair, that's a legacy hand. I will lower it.

department has learned in the implementation of BDM so far that really are going to shift the needle, because that hasn't come through for me.

Also, there was an issue around, I think it was Honourable Matisse who raised it and Honourable Sografi also referred to it, in terms of data integrity. I mean, in 2010 you had about 9 million TV subscribers in the country. About 2 million of those were digital. 7 million or so were on analogue. Give or take, you are still sitting with about 4 million or so households that are still on analogue, I'm sure, recently.

Now, correct me if those figures are wrong, because when this whole process started, government had been touting at that time 4 million households, which would then be migrated as part of the indigent households. Where have the other 2.5 million households gone to, because you've only migrated thus far about 1.3 million and in terms of the projections you were not even anyway saying that there still another 2.5 million that is to be migrated?

So, what is happening in that regard? Then we would really like a response from USAASA in terms of the management of this process. I'm not sure if they are on the platform, but perhaps the department can respond if not. When we went on our oversight visit, we saw set-top boxes lying all over the place and there was clearly no inventory management system, which is why USAASA got a qualified, if I'm not

CHAIRPERSON: Alright. Thank you very much, honourable members, for your input. I think the Minister and the department would have recorded them. So, I'm going to try not to repeat, but maybe just to highlight a few things. Honourable Bodiani says this is a self-imposed deadline by government. Granted, you missed the ITU deadline clearly by a decade or so. So, the question I think members are asking is that why are you really trying to push for this and putting the deadlines, which clearly seem to be unreasonable and unrealistic, although anybody can argue that more a decade to get something done is more than sufficient time?

I want to check, Minister, and I'm very glad that in your opening remarks you indicated that you are going to be seeking an extension, because with that being said, it means that we don't need to quibble over a decision that government has taken as represented by yourself, but what are you going to do differently now? Because year after year you would come before parliament, you would make commitments to the nation and obviously your predecessors, but what is going to be done differently? Honourable Matisse calls it incompetence.

I don't want to go that route, but to say something is not working, something is not working and we are not getting a sense that anything has been changed over the last couple of years to ensure that indeed the next deadline that you put you are able to meet? So, what is going to be done differently? Maybe the question is what are the lessons that the

mistaken, a qualified audit outcome because of the stock management around these set-top boxes.

Now, what has been done? Can you accurately speak to how many set-top boxes we still have? In the presentation DDG Ngobeni says you are still procuring these set-top boxes, which is another interesting proposition, given the fact that I think our next presentation is supposed to speak to DTT versus DTH and the issues that were being raised by the members around potential obsolescence of these devices.

Maybe let me stop there and then hand over to you, Minister, for a response and if you could please guide the department. Thank you.

MINISTER: Thanks very much, Chair, and just to just contextualise this, I think the outline in the statement was that we face those two choices and really it comes down to that. One way could be that we pursue the extension and then have to grapple with securing the source of funding. The other is we could proceed with the analogue switch-off and it has those dire consequences.

I think that's where the general sentiment is, that on the basis of the expectation of what was required of the department and together with the entities to have been able to deliver to make the soil fertile for analogue switch-off, it's very clear that that soil is not fertile right now.

So, now we have to take into consideration all these engagements, including the committee's views on what it thinks the best way to proceed is, but I think there are several lessons that one can

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take away from how this has evolved over time. There is a point that Honourable Sogafoa made in terms of what would be reasonable. Would it then be reasonable to say let analogue switch-off die a natural death instead of being tied to deadlines and then let that guide the final decision.

I think for me the important thing is even in consideration of that, we need to be able to be in a position where we are confidently dealing with credible numbers and at this stage at different times there is contestation about the legitimacy of specific numbers. For me the key thing is even with the 469 people who are still on analogue, I think it would be key to be able to outline how and when, based on the level of delivery, we would be able to clear this backlog, if one were to use those words.

I think at the end of the day this comes down to two things, rights. We can be, and I think all the evidence points out that the reasonable thing to do, also in consideration of the sustainability of the broadcasters and the risks that are at play with the loss of audience is that, and we are still yet to interrogate this and that's why I alluded to that session that we are having with the broadcasters later this week, to say that we have to find the means to fund this and at this stage, Chair, with all the honesty we have, is that we don't have a definitive answer right now in terms of where would the funding come from to proceed with the reasonable thing to do, which is the extension.

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Then the other provinces there has been the migration. The migration was switched off of those transmitters.

With regard to the details, we can provide that, because we do have the locations of these transmitters. We can provide that additional information. I think Sentech will assist as well, but also from the plan that we've got, because the plan goes into the detail of indicating which transmitter is where and the areas that are being served by that transmitter. So, we can provide that information.

Then there was an issue around the funds that are required for the dual illumination. Then because to operate these two legs, these are two separate networks that are required, as indicated there. Over the year's government has been funding the dual illumination with the intention that once all the analogues are switched off, then the existing commercial arrangement between the broadcaster's kicks in. So, this is supposed to happen, in some cases it is happening where an analogue transmitter is switched off, then the digital transmitter is switched on. Then the Terex for that digital transmitter is applicable in that instance.

In terms of duplications, sir, how do they arise, Mr Sithole. So, the system does not allow one beneficiary to register more than once, because it checks the ID. It supposed to be a unique number. However, within a family you could have multiple people registering and it's also because of the different setups in different households. You have a household or a compound with several households there. So, they will

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This is something that as the department we will need to wrap our heads around very, very quickly, because it's also important that we provide that clarity, even in the lead-up to the decision about it, so that the broadcasters themselves too can prepare for live, whether that live is for the extension or with this other thing. You know, no rational individual will argue against the fact that everything points out that the soil is fertile for an extension. We have a responsibility to then say where and how do we mobilise to cover the cost of dual illumination, because it simply comes down to that.

That will be my response for now, Chair. I will let the team from the department make some responses to the questions that the honourable members raised.

CHAIRPERSON: Thank you, Minister. DG or DDG? DG are you responding or is...

MS JODAN-DYANI: I will allow DDG Ngobeni, Chair, along with the other colleagues and then I will come in at the end. Thank you.

MR NGOBENI: Thank you, DG and thanks to the Minister for the responses. I will attempt some and then also the colleagues can also come through to provide additional input. On the first question by Honourable Sithole on the names of the provinces that are remaining, so we are remaining with KwaZulu Natal, Eastern Cape, Western Cape and then in Gauteng there is also a number of transmitters and households that are being served by those transmitters in these areas.

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use the same address. Then they will qualify. So, that's not a duplication, but in instances we will have within the same household, you will have one member who will register and then another family member who resides in the same household who then goes and register, even more than one in some instances.

Those then, then the installers go, they will realise there's already been an installation done for the initial member who registered. However, the additional family members have registered or household members. They do not qualify, because that's a duplication. So, it's trying to cater for the different living arrangements in different areas, but then you find those duplications and that's what it means.

In terms of the awareness program, we can share the detailed awareness program, but we've partnered in particular with the DTIS, but we also then leverage any community engagement. Sometimes we do get called either by the municipality manager or even mayors or even ward councillors. They will have their own engagements and they've had people asking about this program and they will request the department to also go through it so we can also engage with the community to get that support.

The Honourable Bodiani spoke about the issue of the project planning. There has been extensive project planning and also the issue of the deadlines. So, prior to this (inaudible), this current deadline, which was even paused. Before it could be finalised, there was

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extensive engagement led by the DM, then the Minister. They engaged extensively with the stakeholders, but also at a technical level we've engaged with all the stakeholders.

As indicated in the presentation, we all then developed a joint plan and we went through that workshop or workshops we held with all the stakeholders to develop a detailed plan and even at that stage the decision to agree on December was after that plan was developed to say this plan is going to help us move to achieve December.

So, there is a detailed plan that was agreed with everyone, they identified which transmitters were switched and of course, in the implementation there has been the delays that we have experienced. Firstly, there is the issue around the online registration system that was delivered later. So, the deadlines were really informed by all the stakeholders and we were certain that we will be able to achieve that.

What also, I think also addressing the other issues that I Honourable Sografi spoke about as well is the issue of this deadline and whether we can allow the analogue to just die a natural death, you know. What really ultimately determines this is you need to run two networks. So, you need to have an analogue network and a digital network and as long as we are running two networks, then the issue of the dual illumination comes through and the implications from a cost perspective also comes through and trying to balance that issue of the cost and also the need and also the objective to try and not to leave

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Whether the issue of the low uptake, is it due to low interest or people have self-migrated? What we observe is that there are also a lot of people who have self-migrated. You would have seen in most areas, even in some settlements, you will see that there are lots of dishes that are there as well, which is that people have self-migrated in the main. So, you do have that as well, but we still keep increasing the awareness to those who may not be aware of the program, then they become aware of the program so that they can benefit from it.

In terms of the STBs, I know probably Sentech will come to it as well whether they are obsolete, but in terms of how many are DTT and how many at DTH, you know, of the 40 000 that we've indicated that after the stock taking has been identified to be available, about all the 40 000 is about DTT and 5 000 is about the DTH and the additional 200 000 that have been procured and delivered, it's all DTH set-top boxes, because it's clear that because of the variety of options available to the DTH platform, but also people seem to be preferring to have a dish than having a traditional aerial in their home to be connecting, because also, I think it would be a form of status associated with that as well.

So, most people are preferring to have a DTH solution. Hence, the decision as part of going forward is that we will procure only DTH and also (inaudible) advantage as well.

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anyone behind, you try to reach a middle ground, because you don't have the resources. If we had the resources for the dual illumination, we could easily allow it, it will just continue until the analogue network breaks down and then that will be natural migration that takes place.

So, we need to balance that and trying to ensure that when that happens, because this infrastructure is obsolete, we don't have many people that are left behind. Hence, we tried to engage with the stakeholders to find out how do we expedite this process. That deals with the issue of the deadline.

In terms of how the sector has responded to this update, in our engagement with all the stakeholders, their view was that there has been significant progress, though that progress also happened later in the program, which means we are not able to address some of these challenges, which we have experienced towards the end. So, they do note that there has been progress, but there are also areas where we are not performing as we would have wanted.

With regard to the ward councillors, we engaged with them quite extensively and when that was an issue, either even from an aftermarket support, they do call us, because then they are able to respond to some of these engagements, the department and we will send people to go and engage and we also leverage that opportunity to get more people registered who are not yet registered.

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Then with the content issues, I think SABC may come through there, in terms of the lack of content for the DTT platform, is the reason why people are not interested in the migration.

In terms of how many decoders have been migrated, I think in the slides we provided the numbers indicating that 1.3 million have been migrated since 2015 until now. So, we do keep those statistics, because that's the oversight mechanism of getting the feedback from the entities who are implementing the program.

Honourable Sografi in terms of what steps to take to switch off by December, the main issue ... because we have engaged when we observed earlier this year that the installations were going at the rate, that it is expected and engaged with Sentech and it became clear that the issue of the data is a bit starting to delay the installations, because it just takes longer for installers to find beneficiaries to migrate.

So, our objective in terms of moving towards the switch-off is that we need to conclude that data clean now so that we have got a number that we are comfortable. That is part of that 469 000 that this is the number of beneficiaries that we do have the information that can be utilised and we have, as a department, also reached out to the local leaderships and also the ward councillors to say if there are areas where the people who they know have registered, but they have not been installed, they can come forward so that we are able to assist and

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support them and also obtain the necessary information to fast track the process.

In terms of the potential risks for switch off, is that when we switch off, because there will be people who may still be relying on analogue transmission, if they are not registered, we won't be able to migrate them, unless after the switch-off, then they come through, because the program up until the end of the financial year we will still be able to support them, if after any switch-off someone comes through, we still continue to provide that installation.

The risk of extending the deadline, it's primarily the first one, the dual illumination cost that is associated with that, but also because of the obsolescence of the equipment, the analogue equipment in particular from the network perspective, is that that risk of potential failure of a transmitter where it becomes impossible for Sentech to bring it online is there.

Then also in terms of trying to manage the operations, Sentech sometimes apply some technical mitigations by reducing the power so that the transmitters are able to continue to work and that has got an impact also even on the coverage. So, those are the risks that also broadcasters must be able to accept that in terms of the availability of the network. Either they are trying to resuscitate (inaudible) the possibility that that network will not be able to, or that that transmitter will not be able to brought live again.

we are also trying, that's where the 22 500 comes through, is to adopt an approach that's an industry approach of saying that after registration, the installation must happen very soon thereafter.

So, an installer, as soon as someone is registered, an installer should be able to go and take the decoder and go and install, unlike the previous process of where you will batch the installations and allocate them to that installer, because you are also trying to increase efficiency and reduce the cost for the installer so that installations for a particular area, the installers are able to get those and install there. It reduces their costs. They don't have to drive there many times to a similar destination.

Now, also with the industry if you've got installers based in those areas, they are able to collect the decoders and go and install. So, that's where the 22 000 is distributed. The others are still in the Sentech distribution centres available to ... waiting for collection and then installation by the installers.

Then on the comment that e.tv did not switch off the transmitters, e.tv has also now switched off the transmitters. I think there are 21 that were mentioned that had been switched off since August. Those are all coming from the e.tv.

Then Honourable Vilakazi spoke about the chances, whether there is a chance of this could have been concluded. I think the resources, the financial resources are also required, because we don't

In terms of how many people are using analogue, I'm not sure if Sentech can also assist with the possibility of assessing from the network perspective the measurements of those who are still relying on analogue.

Ja, Honourable Matisse spoke about the issues of the project management and the lack thereof. As indicated, we have gone through extensive iterations and some of the risks, of course, we could have identified earlier, but when we are dealing with the program, we always look for measures to address these challenges.

So, even previously when a household or a beneficiary could not be located and then an installer would have gone there and, of course, they will come back to the pool and we will still continue to engage with the local authorities to say that can you assist us to locate the following people, because the information that we have been provided, some of them provided even initials only, they say Dube J. There are many Dube J's within a particular locality and you wouldn't know who is the right one. What also now, there's the issue now with the POPI Act, they may not be allowed to even share their ID numbers with the installers.

So, those are some of the technical operational issues that we deal with in trying to find means to manage this. With regard to slide 11, the 22 500 funded, so of the 200 000 decoders, DTH decoders that have been delivered, they are sitting in the Sentech warehouses. What

have ... we have limited resources that we have to conclude this program at some point. As indicated, that even from an allocation perspective, we don't have allocation for the BDM program. So, we will not be able to carry out these other activities, not only the dual illumination, the other activities, if we do not get Treasury to approve the request by USAASA to retain the existing funds.

So, at some point when there is no allocation, we will not be able to continue. So, it is important that we get this program concluded and move forward. Of course, there is no immediate pressure for the spectrum under phase 1 where the spectrum had already been licensed, but what is important is that this is spectrum that the broadcasters also start using for digital broadcasting because of its efficiency, but also because if it is not used ultimately the spectrum becomes a target by any other potential service to use it, because it would seem as not being used efficiently.

Ja, I think the proposal for the hard switch-off, Honourable Vilakazi, I think that is what at some point was being proposed and hence, the middle ground was to find a threshold of 90% to avoid doing the hard switch-off, because with the hard switch-off you just switch off the transmitter and then those who are affected will come through and then you assist them. So, I think we are getting closer to that. We are also being forced by the circumstance of not having adequate resources to fund the dual illumination.

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On the issue of the Vuk'uzenzele that's not being used, but we partnered with the GCIS. The GCIS is the one who is driving our awareness communication plans and I think they look at the people who are using the different platforms. Maybe we did not identify the Vuk'uzenzele, we will engage with them just to see if also that platform can be leveraged based on their understanding of its reach of the different people. As indicated that we moved to digital, maybe there is also ... it maybe affected that reach.

Ja, the issue of the missing middle, from a government perspective, you know, we have done what was expected to develop the standards, both for the IDT and also for the set-top boxes. What is really critical is that also the broadcasters must come on board to assist, because those are the customers who they also rely on for advertising, because that's where the revenue comes from.

So, we've engaged with broadcasters and we've also engaged with manufacturers. The only thing that we could not able to do is to guarantee the demand and that can only be guaranteed by the broadcasters. Hence, you will see that even in the retail market you do find some of these decoders from the other broadcasters where SABC seemed to be working (inaudible) trying to answer to that.

In terms of the risks, I think the main risk really is of course the issue of the dual illumination. We do not have the funds. So, we are not able to continue operating and we've gone back and even engaged with

The other issue is this issue of we've realised that maybe we need to adopt this industry approach of installations that when you do the time between registration and installation, that after registration, there should be minimum time allowed for the installer to collect the decoders and go and install. That's what we are piloting currently. That's the 22 000 asked by the Honourable Matisse is talking to.

Ja, I think the rest I will allow the colleagues to assist for the additional input. Thank you, Chair.

CHAIRPERSON: Thank you very much, DDG. Can I invite Sentech and request that you just speak to the issues that were raised about data integrity and also finding these households that we are looking for. Honourable Matisse, I see your hand, but can we allow the department to just complete their responses?

MS MATISSE: No problem, Chair.

CHAIRPERSON: Thank you. I'm not sure who is here, CEO of Sentech?

MR BOOI: Thank you, Honourable Chair and greetings to the Honourable Minister, DM and honourable committee members. Chairperson, I hope you can hear and see me clearly there. So, there are a couple of questions I will contribute towards raised by the committee that I think affects Sentech.

So, the first one relates to the question by Honourable Bodlani as to does the poor affect, represent our interests. Yes, I think the reality

Sentech just see whether within their resources they can accommodate this and it became clear that they do not have the financial capacity to do even that. Hence, the Minister is indicating that there will be engagement also with the broadcasters and at least they called us to address that.

The other risk is the risk of (inaudible) that it can fail at any time. So, it does affect the availability of that network, the analogue network. Those are the risks that we are highlighting in this case.

Chairperson, I think we addressed the issue of the self-imposed deadline and the reason that we are putting the deadline is trying to balance that issue of not leaving anyone behind, but also understanding the constraints that we are operating under that we do not have adequate financial resources. That's what leads to the deadline. Otherwise, it could be open-ended arrangement where if we had the adequate dual illumination, we could allow the network to continue until it's felt that everyone has migrated. I think that's the challenge that we have.

Then in terms of the lessons learned, I think the one issue is of course the issue of the data. It has been a critical issue and hence we have also engaged with SAPO as well to say even the change of the update of particularly the contact information, even the post office, you know, we would encourage that people are able to update information as it changes.

that we are seeing that on the ground, Honourable Bodlani, is that over time and it could also be as a result in the time spent on migrating South Africans to the digital platforms, that there has been proliferation of alternative platforms. The DTH has gained traction. Receiving it through satellite dishes in South Africa has great and serious traction.

Then what one observes and witnesses throughout is that the majority of South Africans are relying on satellite reception to receive TV. We would have done a study around 2020 or so taking total TV households against the ported numbers of DTH connections by other broadcasters and at the time we realised that over 70% of South Africans rely on DTH for TV consumption.

So, there is that reality that the majority of South Africans rely on DTH and this has gained traction quite significantly also in the past few years. So, the number, from a split point of view, if one was just to look at the total TV number of households at the time, which was around 15 million or so, if one just takes those households that were 76% of that, you are sitting with a far lesser than expected number of TV households that could be a target for DTT migration.

So, there is both that the other alternatives may be offering more whereas the terrestrial has its own limitations that may be influencing those numbers.

Then on the second question of the fullness of ... sorry, the obsolescence of technology, I think the obsolescence very much affect

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the core network, you know, the towers that Sentech provides. There is active equipment that is deployed there to generate the radio signals that our citizens get their signals from. Those become obsolete, because they are no longer manufactured by a solutions provider. Broadly, we rely globally, as a citizen of broadcasting industry, on manufacturers sitting somewhere else. They do monitor. They leverage scale in terms of who is still reliant on that.

So, the solutions in terms of analogue, our OEMs are no longer really manufacturing. So, we are managing with what we would have now switched off from the other side. So, since the commencement of analogue switch-off to date we have switched over about 80% of those sites. We would have had about 1 000 sites operating on analogue, 1 000 transmitters operational on analogue. So, we have switched about 800 and we are only remaining with about those 170. So, we are managing the continuity of services with that.

The risk of obsolescence failures on other components that we may not be able to support will exist, but on the set-top boxes obsolescence, those devices' technology remains quite relevant. They still have use for life. The only thing that could affect them is if we are to take a decision that changes the operating technology inside the boxes, but the standards, as far as the technology utilised, still remains the same. [Recording breaking up], the DTT technology is usefully applied. So, the numbers of hours that they will run, for as long as it is

window of technology wave, I think we need to embrace it and move to the next one so that we do not fall behind.

The second issue is inefficiency associated with the analogue technology. They are energy inefficient. They consume a lot of energy. They are human and financial resources are intensive, which becomes quite a burden on the organisation. So, when we look for an option, we need to also just consider some of these risks and issues that are affecting us and finding a solution that is quick enough to migrate these analogue technology and revenues to digital revenues and digital technologies, Chair and committee members. So, those are some of the risks that we are facing as the organisation. They are related to dual illumination and technology obsolescence.

Honourable Matisse requested an indication of what the population coverage of the remaining provinces could be. The remaining provinces are the high population provinces of Gauteng, Western Cape, Eastern Cape and then KZN, which I think over 50% of the population of the country resides in those, but the correct measure of how many people are relying on each of the sites is determined through audiences.

So, whereas we could have generated a coverage and covered the majority of the population there, the audiences are shared between the broadcasters. So, the SABC will have the actual audiences in terms of each of these areas and, ja, I think that question will be better.

not used, the only thing that could render them obsolete is if we change the operating standards of those. So, those the STBs are still fairly useful in terms of the risk of obsolescence there.

Then the risks that we face as the organisation, there is this risk of dual illumination, Chair and board members, which needs to continue. At the moment we are running two networks, the network of analogue and digital. The provision that we have had is that we can only monitor low revenues one at the time and it has been provided since 2008 by National Treasury. The further we extend this, the higher the risk will remain.

But from technology management as well, it is not a good thing to [Recording breaking up].

CHAIRPERSON: There is some interruption.

MR BOOI: Sorry, Chair.

CHAIRPERSON: Sorry, there was some interruption in your network, but you seem to have come back.

MR BOOI: Apologies about that, Chair. Yes, I was saying just from a technology management point of view, Chair and committee members, it is not a good thing to rely on old legacy systems for a very long time. It leaves us behind as a country and we could also run the risk of being overtaken by events, I mean, the other emerging second and third and fourth generation technologies that we need to be embracing. So, every

So, from a Sentech point of view we will have generated a coverage for the entire population, or at least about 90% of the population in those particular regions, Honourable Matisse. If one was to take the ratio of 76/20 ratio, one could end up with a direct reliance of maybe just over 10 million people in those provinces, subject to audiences as well, because the audiences are shared between different broadcasters.

But I think if the committee still needs the details in terms of that, we can work with the SABC to give a written response in terms of the audiences that may be affected with the actual switch-off. Thank you, Chairperson.

CHAIRPERSON: Thank you, CEO. Might I invite USAASA. There were a number of questions that were directed then. I think one of the members said that ICASA had bought the decoders. I think that was meant for USAASA, not ICASA. Do we have a representative, DG, from USAASA on the platform?

MS JORDAN-DYANI: Yes Chair, we do. We kindly invite the acting CEO. Thank you.

CHAIRPERSON: Thank you. Mr Ndlovu, Mr Ndlovu, you are muted.
MR NDLOVU: Oh, thank you very much, Chair. Ja, so there was an issue directed to USAASA around the obsolescence of the set-top boxes and also the current number of set-top boxes that we have. We have about 205 000 [Recording breaking up] from the old stock, the

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2015 stock, which is at SAPO. Then the 200 000 we just bought now is with Sentech. So, as far as those ones are concerned, we are ... ja, so in terms of the functioning, we only see the functioning once they are delivered and tested at that particular time, but the 200 000 has just been bought now.

So, the moment they are bought, we also have a 2-year warrantee in that point. So, the 51s are the ones which we might have a problem around obsolescence, because the 2 years have not been completed, but the 200 000 ones they have just been bought and the 2-year warrantee will kick in around those ones.

So, on the issue of [Recording breaking up] ...

CHAIRPERSON: Is there anybody who can come in and complete that thought of USAASA.

MS JORDAN-DYANI: Thank you, Chair. May I invite Ms Madikizela, if she is on the platform.

MS MADIKIZELA: Thank you, Chair. So yes, Chair, I think the issue on the obsolescence...

CHAIRPERSON: Kindly afford us the opportunity of seeing your beautiful face, Mr Madikizela. Thank you.

MS MADIKIZELA: Thank you, Chair. Chair, on the issue of obsolescence I think Tebogo has covered that from a technology perspective and standards. So, that remains and therefore there is no risk at the moment, because the standards have not changed.

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to use the app. So, the app will track also from manufacturer to the household with the respective portfolio of evidence.

These mechanisms will indeed address the issues raised by the auditor-general from an inventory perspective and you would have seen, Chair, that we were putting mechanisms and we were able to actually moved from a disclaimed opinion for over two years to a now qualified. So, we obviously want to get to a better place from an audit perspective and these we believe are the right mechanisms that we need to have put in place to make sure that we mitigate those findings and we stop the reoccurring thereof.

Chair, I think those were the only questions. Thank you.

CHAIRPERSON: Thank you. Thank you very much, Ms Madikizela. I'm not sure, before I hand over back to the DG and the Minister, I'm not sure if the issue about data integrity was responded to by Sentech. I know that Honourable Matisse also had a follow-up. So, let me maybe take Honourable Matisse's follow-up, check Sentech on the data integrity issue and then I will hand over back to the Minister and the DG. Honourable Matisse.

MS MATISSE: Thank you, Chair. Just quickly, I think the DDG mentioned one of the options, if we let the analogue die a natural death or if we switch off and then people will come forward, right, and this might be a way of getting people to apply, but that can't be something

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With regards to the issues of the findings uncertainty around the inventory, Chair, the actual findings were around the inventory list or the absence thereof and what we've done as USAASA since to try and mitigate this finding, because it has been a real finding for some time now, we have produced standards, because what was happened at SAPO is that SAPO was counting the physical box without scanning and therefore the scanning will follow the lifecycle of the box, that it was delivered to the right person and assigned to the right person or right household.

So, that we were able to mitigate by producing a list or an inventory list that it is counted. So, a physical count of 100% population was conducted. We are currently doing another round of tests just so that we can bring the numbers up to speed in terms of from the last time we counted, how much is left? That information then gets inputted into our SAP system under the management of inventory to just try and track so that finance itself has the right numbers that correlate to the numbers that are on the ground.

So, that will definitely be a strong mitigation from a risk and the findings perspective. So, we are dealing with those findings. Over and above that, Chair, we are looking at sourcing for a system that then will check the lifecycle. These are old boxes, new boxes and again, what we have done with Sentech and I think the DDG will then have spoken

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that can be applied here, because we've already had switch-offs, right. There had been transmitters that had been switched off.

What I would have liked to hear from the department is to say, okay, we've switched, I don't know how many has been switched off already. As a result of that switch-off, we have so many that have come forward, but as things stand now, we have communities and we have households that have been blacked out. The department can't come and tell us how many. We actually hear it on the streets where we get reported, which we mentioned in the meeting before.

So, I don't think that should actually be entertained that we must wait for people to come to come forward. Even the process, and I want us to talk clearly about this registration, because it doesn't speak to the material conditions of our people. At this level, Chair, of government, you have to know your material conditions of where our people are living, what they have access to and what they don't have access to. Going to register at the post office, you can't find someone in a rural area that has to go and find a South African post office and you know that it's already dysfunctional and then they get there and they can't register, the post office is closed.

You know, people don't have that. There is not even internet connection, which is what we deal with, and those are the only two options that you have for people to register.

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So, the operational plan, and it must come out clearly here, the project planning and the operational issue here are so kindergarten. It is not something that should be happening on this level. I mean, they are so basic and it's telling us that we have officials and we have a government that either they are not committed, they are incompetent or they are indifference, because these are quite basic project management things that you should have done. If you know the material conditions and the people that are dealing with, you would not be reporting that how ... I mean, even just now the report about using scanning boxes instead of scanning decoders, we shouldn't be having those problems. It bothers me that at this level of government, national government, not even local government, that we are talking about those issues.

They have to look at the registration process that has to come out. There has to be something different and a different way of doing it. So, maybe there needs to be some relationship with Stats SA, because they go out into communities, right. Literally it needs to be able to be that basic on how we can allow people to register and form like a partnership with another entity or something to be able to access that, but having those two processes for people to register is not correct and we can't be just switching off boxes and hope that people come forward when we know the result, that we have no communication, proper communication.

DDG presented is primarily the responsibility of SAPO and SITA. So, what then happens after that is once the data has been verified, it comes through Sentech for installations.

Where we are sitting right now, Chair and committee members, the data that was given to us, the initial batch that DDG reports of about 140 000 of those households that we analysed, only about 15 000 of that was useful and that's where we are focusing. So, there is now a process underway, Chair and committee members, to cleanse the data, which the date set for finalisation of that will be the end of this month.

So, I think that outcome definitely will give us an indication from SITA. SITA has the capability to do data analytics to check automatically on duplications, deceased and any other factor that may compromise that and once that has been concluded, we will then have a number that we are going to work with.

From Sentech's side we do have capacity. We remain ready to ramp up. In the past our capacity would have been enabled us to reach, when everything else is in place, installations exceeding 20 000 per month. In one of the months, March 2022, there were about, we were able to deliver about 40 000 per month. But this environment requires everything to be in place, the data to be useful, the households to be available and the like.

So, the reliance on data integrity is quite key for Sentech to ramp up its installations, Chairperson. Thank you.

I mean the GC, and I know people don't even know that it operates. The average South African doesn't know where to go when they have problems and that is the truth and we know that, and that's my observation.

Just quickly, the additional 200 000 boxes that have been purchased, how much is the cost of one box and what informed the decision to get 200 000 when we still have boxes lying there in the South African post office that's not used? What's going on? Are those boxes no longer usable, because it looks like we are just wasting money again? Thank you, Chair.

CHAIRPERSON: Thank you very much, Honourable Matisse. Can I invite Sentech to come back? I'm not sure if SITA is in the room, as I do understand that they also have a role to play in this issue and perhaps you can also speak to the issues around once again data integrity, but also I would assume that as government we've got a line of sight of various systems through SITA.

SASSA for example is one, just to get a sense whether there has been matching of our indigent register for example with the SASSA database so that we actually have a proper view of who we are talking about. CEO of Sentech followed by SITA, if they are in the room. CEO?

MR BOOI: No, thank you, Chair. Apologies. Yes, the capturing and the registration of the households in accordance with the model as

CHAIRPERSON: Thank you very much, CEO, SITA?

UNKNOWN MALE: Good morning. Thank you very much for the opportunity, Honourable Minister and Deputy Minister and all the members. My name is (inaudible) from SITA. So, in terms of the response in terms of that, I think the Sentech CEO has covered in terms of the work that we are doing with them in trying to make sure (inaudible) the data integrity.

In terms of the question related to say from a data integrity perspective SITA has got a full view of the data and what it is what we are doing for example with SASSA. So, part of the system that we have created, we are creating what we call the registration system, which then links to Home Affairs. It links to SASSA. It links to PSD. What that gives us a view exactly of what you are asking for, Chair, to ensure that we avoid those duplicates and we make sure that the data that we are processing is correct.

So, that is what is currently ongoing and this will assist, I think, to eliminate a lot of the data issues that we have and that is currently underway, Chair. Thank you very much.

CHAIRPERSON: Thank you. Thank you very much. Honourable members, with your permission, I think we will wrap up this discussion here, save to go back again and check with DG and Minister if there is anything they would want to note before we then summarise this issue and move on to the next item on the agenda. DG, anything from your

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side? Please also just answer the question in the room that says how much has this process cost the South African people to date. Over to you, DG.

MS JORDAN-DYANI: I don't know if my screen is up or down. Good morning to you, Chair, good morning to the honourable members, Minister and the Deputy Minister. Chair, I think there was a slide that we had projected on the screen. I'm going to ask DDG Ngobeni to just kindly assist in bringing that up, whilst I try to fix my video, with regard to the cost. Thank you very much.

This is now just the cost that we have as far as the dual illumination, Chair. We are still quantifying the cost related to the awareness program. As you had indicated, this project, I know Chair you said since 2015, but I must just indicate just to clarify that it actually commenced from about 2008, if you will remember, and we've had a number of narrations of that.

I also want to indicate that there is a policy that was then passed in 2012. It was the collaboration between government as well as the critical stakeholders and some of them are on the platform here, including the broadcasters. The essence was to migrate the entire country, not just the indigent households and there were respective roles and responsibilities for all parties. There was an intent, just to respond to Honourable Matisse, there was a deliberate intent by government to ensure and to cater for the citizens and in this regard we

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areas and then obviously those who are closer to the post offices, we also welcomed them.

We did drives especially during the periods of your social grant disbursement, because that was the same target audience that we were looking for. Unfortunately, the appetite and the uptake from the citizens was only 1.5 million people signing up. We are aware in terms of various statistics that say that there are 4 million households.

The latest stats that come from Stats SA though have given a different terrain, because now I want to go back to the comment that was passed by Honourable Bodlani that people have migrated. Whilst the issue with regards to data remains key, people are utilising other alternative online or new platforms to be able to indulge in as far as the content.

As the department we've then taken a decision now to say we will need to assess as to the South African citizens as part of our audio-visual policy program to then say who is on which platform? What seems to be the appetite of the South African citizens, because it's not necessarily just the free-to-air households.

It is a reality that the free-to-air broadcasters, including the pay-tv channels, have lost audiences and we need to now track where that is from an interest from a policy perspective and in terms of therefore catering for the environment in totality as South Africa.

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then decided to go and cater for the indigent households, with then the commitment by the broadcasters that they will be migrating what we consider the missing middle. These are the free-to-air households we had not yet migrated to the alternative platforms.

Just to raise a couple of points related to this, I think Honourable Bodlani asked to say is there a disinterest or is it self-migration and I would like to concede that it's a combination of both. We have run an awareness program, an extensive awareness program as the department and historical department before that from 2012 and extensively. We have partnered with the Department of Public Works, utilised EPW workers. They have been on the ground. We have worked with the municipality and local government, including traditional authorities.

We have deployed officials from the department. We've got district coordinators from USAASA that we have approached and I'm happy that all of this has created other means of jobs, even if they were temporary for especially youth and because they are familiar with the communities.

Those programs have been so extensive, Chair. We've gone into deep rural areas. We've used Imbizos. We've worked, as I said, with traditional authorities to convene citizens. So, the sign-up was not just for the people to go to the post office. We deliberately went into the villages. We went into the townships and, as I said, into those rural

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The DDG spoke about the joint plan. Again, part of that is still continuing on this collaboration of the public and private partnership. We then agreed on this joint plan last year July. It was intentional to then say, and we went into that in greater detail. The broadcasters gave their own concession to say this is the amount of time it will take us to migrate and I want to give it.

The concession was then to say we need to make sure now that there is an online platform from SITA in terms of the registration of that and that's delayed, but there are other aspects with regards to migration, the installation, the awareness. The broadcasters are also assisting in making sure that they capture the audiences.

I think the next presentation is going to give you a scenario as to where we are at as far as then maybe one of the broadcasters and what they consider are then the new trends and that is then the concession, I think the question that was asked to say there seems to be obviously the usual technological evolution and not only is analogue obsolete. We are now sitting with the threat that the migration of people utilising in terms of set-top boxes, etc, is also leading towards its own evolution of dying out and now people are on various platforms. People are streaming and other new ways in as far as providing or getting the audio-visual content.

So, even if we talk whether it's going to be DTT, DTH, the evolution of that tells us that we have to also try to keep up to speed as

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South Africa. The risk of that is that we are going to leave more people behind, but then also as a country we are also going to lag behind as far as new technologies.

The other discussion on the risks, which is what Honourable Vilakazi asked as well, is about the efficient utilisation of the spectrum and even the current spectrum that the broadcasters have. This discussion is currently taking place at the ITU. Next year we are coming back to do the ratification and next year the ratification of the WRC outcomes in preparation for the next WRC segment. We would like to be able to elaborate and explain what are then the risks, the further risks and challenges that we possibly face, the broadcasting community and other technologies as far as then how the spectrum bands are going to be, or are proposed to be utilised going into the future.

So, Chair, I just wanted to touch on those issues, but just to lastly pause on the point with regards to the costs, in the last round, as I said, part of the joint plan, the initial agreement was that the dual illumination was going to be catered for by both the ... in fact, by the broadcasters. That was subsequently thereafter, it was not on it, and the department and government had to offtake that cost and it was very difficult, because it was not catered for. We had to go back to National Treasury to request what does that mean, and I think that was the question that was also posed by Honourable Sografi.

The biggest challenge that we face as the department now in reconciling all these difficulties is in the event we proceed with an extension, we have to find the funding and I think the DG has kind of like placed the considerations that are there with finding the funding and how we proceed forward, but I think there are things that historically could have tightened up that didn't happen.

Our responsibility now is how we can then tighten those considerations, particularly this aspect that there was commitment that the coverage of the dual illumination would also include contributions from the broadcasters and it's something that we will be taking up in the engagement that we are scheduled to have with the broadcasters to see if we can enforce that, because we don't want to be in a situation wherein we take the input to that one extends the date, yet we don't find the funding, because that wouldn't wholly answer the question.

At the same time, we don't want to risk leaving behind the hundreds of thousands of South Africans that we haven't been able to migrate. So, I think it was important for us to lay this on the table for the community to understand that these are the considerations that we are interrogating in informing the final decision and for us to also have a sense of where the committee stands and to reconcile that in the final decision that we have to make.

But as I said in the beginning, this comes down to both two choices and those two choices have to be followed up by plans that

It means I have to take the money in as far as, because it is coming from the user, the money that would have meant that we migrate households, I mean, not migrate households, sorry, the technological developments, money even meant for mobile utilisation, money meant for the SA Connect connect to homes, households, etc, that money now had to go for the dual illumination. The DDG did explain that dual illumination means that you are paying twice in as far as the single distribution.

The Minister has concluded, but let me allow the Minister to conclude on this and as a department, we will be directed in as far as the decision that is going to be made at the political level and I would like to end on that note, Chair. Thank you.

CHAIRPERSON: Thank you. Thank you very much, DG. Minister.

MINISTER: Thank you very much, Chair. Look, I think the important thing was to be able to lay out what are the dynamics that are play here with regards to what would then be the right way to proceed going forward, but I think the most important thing around this is that in the execution of the project, it's clear that there have been some shortcomings that have developed over time that have affected (1) the capacity to be able to reach the intended target of the migrations that should have happened and that would have strengthened our case in how we beset proceed going forward.

secure the funding or the consequences of living with the risk of leaving the hundreds of South Africans behind, which I think for me far outweighs whatever costs that can be associated with needing to cover, but we can't be getting into the space where we commit ourselves to decisions without making sure that those decisions are funded and that those decisions can be enforced and that those decisions can be executed. That is the problem that we have now with the analogue switch-off. Thanks, Chair.

CHAIRPERSON: Thank you. Thank you very much Minister, Deputy Minister, DG and all entities who participated in this discussion. Minister, you said there were shortcomings in the process. I think that, I don't want to be called an alarmist yet again, but I think this issue is really an unmitigated disaster. There are many, many, many gaps, which I think members have pointed out in the interactions and I think Minister, we empathise with the problem that you are currently facing, but we do need to invite you back soon to tell us what are you then going to do, once you've had an opportunity to consider these issues.

Maybe just to summarise, there are issues around the data, around the data of the beneficiaries, around the data of the devices, around the general integrity of whatever databases that you are utilising, including the many linkages that you need to have with other departments, including Home Affairs and SASSA, like you are saying, but to also understand the extent of the problem. We speak about

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leaving no one behind, but we are not able to say these are the people that we are concerned about leaving them behind, this is where they are. We are engaging with these households. Right now, it seems to be very much a spray and pray type of approach.

So, we trust that you are going to look at that. The DG was also at pains to raise issues of the agreements that we have entered into. I mean, the whole discussion around BDM, DG, precipitated in 2008 by Minister Ivy Matsepe-Casaburri, because even then at that point there were issues of international obligations around these matters and continued since.

As this portfolio committee, for example, I know that there is nothing that has come to us, whether from the ITU or WRC, off late around the ratification of any MoUs and treaties and I would just want to implore that perhaps we do that. So, there is a need to look at issues of ratification, but also issues of domestication to make such things simpler for us. Then we are able to act on that.

The issue of the sustainability of the broadcasters, I think that came up quite clearly and we appreciate, Minister, that you will be having that engagement with the broadcasters this week. The SABC was not given an opportunity to engage in this meeting and I'm sure if it has got any issues that they want to raise, when we take the next presentation, which focuses on the DTH/DTT discussion, they can make their inputs there.

then we will deal with members of the SABC bill immediately thereafter.

So, if you could be putting up the presentation so long and just have a quick leg stretch and we will reconvene at 11:36. Thank you.

ADJOURNMENT

Again, just to eliminate the point, we are talking about set-top boxes, DTT, whereas SABS has moved to DTH already and that particular presentation, I suppose, will answer some of those questions. We've heard you, Minister, on the cost of dual illumination and I think maybe you would want to engage broader and look at your universal service obligations, which at this point we understand that they are not necessarily being followed through and maybe if a rework, a reformulation of those USOs could perhaps be able to assist you to resolve this particular challenge that you are currently facing.

Then finally, I mean, on that issue, just to say that on that issue you might want to redirect some of those funds to the infrastructure that is solely needed, but Minister, we will obviously write to you I think on some of these issues.

So, as you look at the options, you've got them and to say, I don't know, except for member Vilakazi, I did not hear a single member who did not support your looking at an extension around the analogue switch-off by the 31st of December. So, I take it that that is the position of the committee and we will look forward to updates in that regard.

Thank you, members and thank you, Minister. I've been accused in the past of being a slave-driver on this platform. So, I'm going to give a 3-minute break. We reconvene at 11:36 on the next item. I'm not sure what the agenda looks like, but I wanted to propose that we take the DTT/DTH presentation so that we close off on these issues and

Transcriber's Certificate

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Nortons Inc
Portfolio Communication on Digital Technologies - 19 November 2024
(Part 2)

 Date: 29 November 2024
Transcriber: A Van-Der-Ben

Editor's Certificate

I, the undersigned, hereby declare that this document is a true reflection, in as far as it is audible, of the mechanically recorded proceedings in the matter of:

Nortons Inc
Portfolio Communication on Digital Technologies - 19 November 2024
(Part 2)

 Date: 29 November 2024
Editor: A Van-Der-Ben

SA

URGENT

Annexure FA18

The President of the Republic of South Africa

And

**The Honourable Minister Malatsi
Minister of Communications and Digital Technologies**

**Cc: Ms Gwen Ngwenya
Cc: Ms Mpho Matiwane**

BY EMAIL

1 December 2024

Dear President Ramaphosa and Minister Malatsi

Re: Analogue Switch Off

- 1 As appears from our prior correspondence to the Minister, we act on behalf of eMedia Investments (Pty) Ltd and its subsidiaries including e.tv (Pty) Ltd (“e.tv”) (collectively referred to as “eMedia”).
- 2 As set out in our previous letter of 2 November 2024, after the Constitutional Court had set aside the decision of the former Minister Ntshavheni to promulgate the date on which Analogue Switch Off (“ASO”) would have occurred, representatives of eMedia have participated extensively in the Broadcast Digital Migration Committee (“BDM”) and engaged with the various Ministers of Communications and Digital Technology to ensure that digital migration could take place in a structured, targeted and reasonable manner in the best interests of all role players and that will ensure that indigent South Africans are not deprived of their ability to access television as a result of the ASO.
- 3 Indeed, it was eMedia’s plan (adopted by the previous Minister and the BDM) to facilitate the digital migration process as quickly as possible, that permitted the spectrum above 694MHz to be

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cleared rapidly so that this spectrum could be made available to the relevant telecommunications providers in terms of ICASA's spectrum auction that has now taken place.

- 4 However, as explained in our previous correspondence, there have been significant delays and failures in relation to the implementation of the plan adopted by the BDM and eMedia has consistently raised these issues with the current and previous Ministers in order to seek to have them addressed as rapidly as possible. In summary, eMedia has to date sent six letters to the Ministers outlining the various problems and delays, which it has encountered and has repeatedly asked for these issues to be urgently addressed. The relevant correspondence in this regard was attached to our letter of 2 November 2024.
- 5 The most fundamental issues that eMedia identified and which called for urgent rectification included *inter alia* the following:
 - 5.1 As at 30 June 2024, some 4.3 million South African households still accessed television by means of analogue broadcasts. This represents more than 14 million South Africans.
 - 5.2 Most tellingly, there has not been a BDM meeting held with stakeholders since June 2024 which means there is no updated information as to how many households who are registered to receive set top boxes have still not received these. As far as eMedia has been able to ascertain, no substantial progress has been made since then, and hundreds of thousands of indigent households that have registered are still without the set top boxes they require to be able to access digital transmission of television and which the State undertook to provide. Latest statistics indicate that there are still some 469 730 indigent households which have registered for a government-sponsored set top box, but who have not yet been provided with one.
 - 5.3 As we explained in our June 2024 letter, this means that given the current rate of installation over the last year (currently averaging under 3,250 installations per month), there is no possibility that these **hundreds of thousands** of households will receive set top boxes before 31 December 2024.

- 5.4 In addition, failures in the migration process mean that **millions of indigent South Africans**, who are reliant on analogue signal and are entitled to government set top boxes, were not able to register to receive set top boxes by 31 December 2024.
- 6 e.tv's concerns in this regard were confirmed in the recent presentation to the Parliamentary Portfolio Committee on Communications and Digital Technology on 19 November 2024. The Deputy Director General Ngobeni noted that the online registration system that was supposed to have been operative as at the beginning of the year only commenced operating in June 2024. He also recorded that the process of comparing the manual registrations that had occurred through the Post Office to the Department of Home Affairs database would only be completed by the end of November 2024. The slow pace of installation has also meant that a significant proportion of the registered households cannot be identified. DDG Ngobeni further confirmed that there are households registering every month to obtain set top boxes as a consequence of the awareness campaigns being conducted and that it was anticipated that the level of registration would increase as awareness programmes are rolled out (which was precisely what was envisaged in the plan adopted by the BDM).
- 7 As a consequence of the failure to implement the adopted plan and various other issues, there are (according to the presentation made to the Portfolio Committee meeting on 19 November 2024), nearly half a million households (469 000) (representing more than **1.5 million** South Africans) who have registered to receive set top boxes, but have not yet received these set top boxes.
- 8 The rate of installation of set top boxes (45,450 in the period from August 2023 to October 2024) is woefully inadequate to ensure that this shortfall in installations of set top boxes for households that have registered to receive set top boxes could occur before 31 December 2024. It is also understood from the presentation that there are insufficient set top boxes to meet the requirements of the registered households (200,000 DTH set top boxes and 40,000 DTT set top boxes – some of these set top boxes may also have been used for the purposes of the 45,000 installations that took place in the period August 2023 to October 2024). e.tv's representatives on the BDM have consistently been calling for a proper electronic schedule to be regularly maintained and updated

that reflects the number of registrations, the number of set top boxes ordered and received and the installation of set top boxes in order that the relevant processes envisaged in the plan could be properly tracked. This has still not occurred. Moreover, BDM meetings were inexplicably suspended for a lengthy period this year in the period around the general election.

- 9 The failure to implement the plan adopted by the BDM has also meant that a significant proportion of the population remains unmigrated and have still not registered. The BDM plan had envisaged targeted awareness campaigns and installations in specific areas around specific transmitters that would allow for registration, installation and the switching off of the relevant transmitters to occur in a structured manner. However, these steps have not been taken and a large proportion of the population accessing television through analogue signal remain unregistered.
- 10 In short, the substantial failure to properly implement the digital migration process means that **millions of indigent South African**, who are reliant on analogue signal and are entitled to government set top boxes, were not able to register to receive set top boxes. As previously pointed out, as at 30 June 2024, approximately 4.3 million South African households still access television by means of analogue broadcasts. Should ASO take place on 31 December 2024, it will result in these millions of South Africans being cut off from being able to access television.
- 11 As the Department is aware, the impact of ASO taking place on 31 December 2024 will be devastating. Once ASO occurs, South Africans will only be able to view television through the DStv platform (requiring monthly subscriptions putting it out of the reach of many South Africans as well as the purchase of a decoder and satellite dish), the Openview platform (which also requires a decoder and the installation of a satellite dish) or DTT. The initial set top boxes that were rolled out enabled viewers to watch television using DTT. However, Sentech's cost of offering DTT transmission services to the SABC, e.tv and the community free to air television stations is high and, therefore, e.tv and the SABC will not be able to afford to switch on all of the DTT transmitters across the country. They are likely to only be able to switch on DTT transmitters that service the larger urban areas. This will mean that in the areas where transmitters are not switched on (often poorer rural areas), viewers who have received DTT enabled set top boxes will not be able to

access television when ASO occurs. Furthermore, we understand that a number of the DTT set-top boxes that have been rolled out are defective and that even if DTT transmitters are switched on in certain areas, because various of the boxes are defective, viewers will not be able to access television via DTT.

- 12 As a result, ASO will disproportionately affect indigent households, as they have no alternative means to access television other than analogue television sets and in some cases DTT enabled set top boxes, and they will therefore lose access to television (including public broadcasting, news, and educational programming) on 31 December 2024, if the ASO deadline is not extended.
- 13 This will have (as explained in the previous application to the Constitutional Court) significant constitutional implications. It will entail a retrogressive step and have the effect of limiting the rights of freedom of expression of South Africans. Section 16(1)(a) and (b) of the Constitution provides that everyone has the right to freedom of expression, which includes freedom of the press and other media and freedom to receive or impart information or ideas. The importance of freedom of expression – including the right to receive expression – has been emphasised on many occasions by our courts.¹
- 14 The right to freedom of expression promotes and protects the moral agency of individuals, and a healthy press plays a vital role as “*public sentinel*” in the functioning of a democratic society.² Print, broadcast and electronic media are “*primary agents of the dissemination of information and ideas*” and the manner in which the media carries out its constitutional mandate will have a “*significant impact on the development of our democratic society*”.³
- 15 In addition, ASO will have significant financial implications for free to air broadcasters including the SABC, community television stations as well e.tv. These entities have all expressed grave

¹ See *SANDU* at para 7; *S v Mamabolo (E TV and Others Intervening)* 2001 (3) SA 409 (CC) at para 37 (*S v Mamabolo*); and *Islamic Unity Convention v Independent Broadcasting Authority* 2002 (4) SA 294 (CC) at paras 25-30 (*Islamic Unity*).

² *Print Media South Africa v Minister of Home Affairs* 2012 (6) SA 443 (CC) at para 53 (*Print Media South Africa*) para 53.

³ *Khumalo and Others v Holomisa* paras 22/4.

concerns regarding the imminent ASO date on 31 December 2024. We understand that these concerns were also shared by Sentech and other participants in the BDM.

- 16 e.tv has in no way acted unreasonably: it has agreed to the switching off of more than 50 transmitters in the period since February 2022. However, it has grave concerns about and cannot sit back and allow a process to unfold that would result in millions of indigent South Africans being left without access to television services, with the government failing to make good on its promises to provide the means for those households who cannot afford to self-migrate to attain access to digital television services.
- 17 The SABC, in particular, has been significantly negatively affected by the switching off of analogue transmitters in the Free State, Mpumalanga, Limpopo, North West and the Northern Cape provinces and has witnessed a material decline in viewership and advertising revenue as a result. Accordingly, the SABC has not agreed to the switching off of any further transmitters.
- 18 Analogue viewership makes up approximately one-third of e.tv's viewership and approximately 30% of the SABC's viewership. However, it makes up an even larger share of the viewership of community television stations. Viewership is directly related to the ability of a free to air television station to generate revenue through advertising (free to air stations generate the majority of their revenue through advertising – with the SABC also generating revenue through the State licensing regime). A significant loss of viewership will, therefore, have catastrophic implications for the revenue generating ability of these free to air broadcasters.
- 19 Moreover, the Minister has recently indicated in his presentation to the Parliamentary Portfolio Committee on Communications and Digital Technologies on 19 November 2024 that proceeding with ASO would have "*dire consequences*" in recognition of the impact on indigent South Africans and the sustainability of broadcasters in the event that ASO takes place on 31 December this year.
- 20 In his introduction to the Portfolio Committee meeting, the Minister recorded the numerous parties who had expressed concern regarding the imminent ASO date, stating: "*I think the last point that I want to make is that there's also been, just in terms of correspondence, that at the ministerial*

level that I've received, there's been correspondence from the broadcasters, SABC, eMedia, and even the National Association of Broadcasters. I think also, if I remember correctly, ICASA has also written to the ministry expressing their concerns with the looming deadline and the implications that it can have."

21 The Minister further recorded that: "*if we proceed with the analogue switch on[off], we are going to leave hundreds of thousands of members of the public behind. And I think that on its own has several implications and consequences, even for the broadcasters.*" (Emphasis added.)

22 In closing, the Minister stated:

"The other is we could proceed with the analogue switch off and it has those dire consequences.

We can be and I think all the evidence points out that the reasonable thing to do also in consideration of the sustainability of the broadcasters and the risks that are at play with the loss of audience is that and we are still there to interrogate this and that's why I alluded to that session that we are having with the broadcasters later this week to say that we have to find the means to fund this." (Emphasis added.)

23 Having pointed out that extending the ASO is "*the reasonable thing to do*" the Minister further said: "*I think that no rational individual will argue against the fact that everything points out that the soil is fertile for extension*". (Emphasis added.) We agree.

24 Given the fact that the analogue broadcasting occurs in spectrum that is reserved for use by broadcasters, there is no immediate urgency in expediting ASO in the face of the failure of Government to comply with the plan that it adopted in consultation with broadcasters and in view of the significant constitutional implications and severely detrimental impact for indigent South Africans that ASO will have. The auction of the mobile network band has proceeded, and the mobile network operators are operating on the band above 694MHz, which is not affected by the continued broadcast of analogue television below this frequency.

- 25 Subsequent to our most recent correspondence of 2 November 2024, we received a letter from the Minister on 5 November 2024 stating *“Kindly note that I intend to issue a public update on the ASO on or before 22 November 2024. In addition, my office will be in touch to schedule a meeting between e-Media, my office, and the broadcasters to speak more comprehensively on the range of matters raised”*. In good faith, e.tv, having raised significant concerns regarding the impact that ASO would have on millions of South Africans, awaited the meeting with the Minister and the public update.
- 26 Following the Minister’s presentation to the Portfolio Committee and in light of the prior engagements with the Minister and the Department, our client had understood that this would mean that the only rational step would be the extension of the date of the ASO.
- 27 However, on 28 November 2024, the Minister convened the promised meeting with the relevant broadcasters and indicated that the Cabinet had decided that ASO should not be extended and will take place on 31 December 2024.
- 28 In view of the significant constitutional consequences of this decision, our client has no option other than to challenge this decision on an urgent basis. This will require an order from the Courts prior to 31 December 2024. Our client, therefore, suggests that the parties agree on an expedited timetable for the exchange of pleadings in the review proceedings and also that you consent to an order of court suspending the implementation of the gazetted ASO date of 31 December 2024 to permit the completion of the review as expeditiously as possible in the new year prior to ASO taking place.
- 29 The alternative is an urgent application for an interim order in the weeks preceding Christmas which will be costly for all parties. It is plainly in the interest of all parties, given the importance of the matter, that it is effectively case managed and that a special allocation is arranged with the relevant Judge President in the High Court to ensure that the matter can be effectively and expeditiously dealt with.
- 30 In this regard, our client intends launching its High Court review (and, if necessary, interdict)

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application this week.

- 31 In view of the urgency of the matter please would you indicate before close of business on Tuesday 3 December 2024, whether the State is willing to agree on a consensual basis to an order suspending the implementation of the gazetted ASO date of 31 December 2024 pending urgent review proceedings. Should that agreement be reached, then it is proposed that the parties approach the Judge President for the order to be taken as soon as possible and for the timetable to be made an order of court.
- 32 This letter is written with prejudice and will be made available to the Court should the need arise.
- 33 Please could you urgently acknowledge receipt of this letter and we look forward to your response prior to close of business on Tuesday, 3 December 2024.

Kind regards,

Anthony Norton / Anton Roets / Nina Greyling

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Annexure FA19



MINISTRY
COMMUNICATIONS AND DIGITAL TECHNOLOGIES
REPUBLIC OF SOUTH AFRICA

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Nina Greyling
Nortons Incorporated
PO Box 41162
Craighall
2024

02 December 2024

Email: nina@nortonsinc.com
Anton@Nortonsinc.com
anthony@nortonsinc.com

Dear Ms. Greyling

RE: ANALOGUE SWITCH OFF (ASO)

This is to acknowledge receipt of your letter dated 2 December 2024.

It is impractical to agree to your request for a "...consensual basis for the order suspending the implementation of the gazetted ASO date of 31 December 2024 pending urgent review proceedings" by the end of business on Tuesday, 03 December 2024.

This is mainly due to the fact that the earliest opportunity that Cabinet will possibly deliberate on the matter again is at its next meeting on Wednesday, 04 December 2024, which will be beyond your deadline.

In light of this, we will only be able to consider any proposal you're putting on the table after the said Cabinet meeting.

Kind regards

A handwritten signature in black ink, appearing to be 'Solly Malatsi', written over a horizontal line.

Solly Malatsi, MP
Minister of Communications & Digital Technologies

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Annexure FA20

URGENT

**The Honourable Minister Malatsi
Minister of Communications and Digital Technologies**

**Cc: Ms Gwen Ngwenya
Cc: Ms Mpho Matiwane**

BY EMAIL

4 December 2024

Dear Minister Malatsi

Re: Analogue Switch Off

- 1 Thank you for your letter dated 2 December 2024, in response to our letter of 1 December 2024.
- 2 In your letter you recorded that:

“It is impractical to agree to your request for a “... consensual basis for the order suspending the implementation of the gazetted ASO date of 31 December 2024 pending urgent review proceedings” by the end of business on Tuesday, 03 December 2024.

This is mainly due to the fact that the earliest opportunity that Cabinet will possibly deliberate on the matter again is at its next meeting on Wednesday, 04 December 2024, which will be beyond your deadline.

In light of this, we will only be able to consider any proposal you’re putting on the table after the said Cabinet meeting”.

- 3 We are not sure at what time the Cabinet meeting will be completed today and, accordingly, when you will be able to consider the proposal made in our previous letter. This places our clients in an invidious position. Please note that since our last correspondence on behalf of e.tv, we record that

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we have further been instructed to represent Media Monitoring Africa and SOS Support Public Broadcasting. They would join the application alongside e.tv as the second and third applicants.

- 4 In view of the decision not to extend the ASO date, the ASO will occur on 31 December 2024 with dire consequences for millions of indigent South Africans. Our clients will need to secure relief from the court prior to that date.
- 5 This means that, unless your client agrees to the proposal in our letter of 1 December 2024, the application will have to be launched expeditiously to provide the relevant parties with a sufficient opportunity to respond and the Court an opportunity to determine the matter in advance of 31 December (taking into account the difficulties of litigating over this time of year and with the fast-approaching festive season).
- 6 Our clients have sought to delay taking legal steps for as long as possible in order (if possible) to avoid litigation and to seek to resolve matters in a pragmatic manner. Unfortunately, we are not able to delay the launching of the proceedings any further should we not receive a response to our letter of 2 December 2024 before 9.30 am tomorrow morning (5 December 2024).
- 7 We trust that you appreciate the necessity for a response to our clients by that time, including so that the public can be timeously informed of whether the ASO will be suspended or whether their rights to television – absent intervention of an urgent court – stand at risk of being terminated in a little over three weeks from today.

Kind regards,

Anthony Norton / Anton Roets / Nina Greyling

Nortons Incorporated

Transcription:

Voice of Ms. Khusela Diko, Chair of the Portfolio Committee.

... He indicated to me that the cabinet denied him, what is this thing now... the permission to extend the deadline beyond the 31st of December 2024. This was last week Tuesday.

We engaged with the SABC with EMedia, with the MDDA on behalf of community broadcasters, just to get their feedback and submissions on what has now transpired with cabinet saying that the switch off date should not be extended. Based on their submissions, we then prepared, as a Portfolio Committee, a motivation which was sent to the President copying the leaders of government businesses as well as the Minister. Basically, supporting the Minister's request for an extension on the analogue switch off.

The reason why we took a decision to write to His Excellency, the President, is because, Cabinet is sitting today and whatever recommendation comes from the Cabinet Committee to Cabinet, generally gets adopted and our view was that we should support the Minister in terms of that motivation, I'm sorry, in terms of the extension that he seeks from Cabinet to be able to do that.

SABC wrote to me again yesterday, again imploring, in fact, I think it's the first time I see the SABC using the word "demise", I am the one who is normally accused of being alarmist, but it was in the letter from the SABC. So, I believe the decision we took to write to the President was a correct one and we are hoping that as they sit in Cabinet today, they will consider not only the Minister's submission, but also, our support of the Minister's submission on analogue.

So, what we have proposed, was that switch off should be phased out. So, starting from the 31st of December, they are saying, what the Minister said to me was that, Cabinet is saying they should follow the same approach that Eskom took a month ago to just put a hard lock-down in saying, you know, we are switching off and if you are off, come to us and we will give you a set of boxes.

[And] our position to the President was to say, Eskom is a monopoly. So, people cannot afford not to have Eskom, but what we are seeing is that when it comes to the SABC, they then migrate. They migrate to OpenView, they migrate to Dstv and the SABC never gets those audiences back. Now, once they are on a Dstv platform, for example, what happens is that their Constitutional right to free-to-air public broadcasting services is in a way tampered with or we fall foul of that because if you do not pay Dstv, you get switched off. Now, whatever our view is in terms of noncompliance with payment of TV Licenses, South Africans in general should have an option to receive free-to-air public broadcasting services and we can't treat it like Eskom.

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So, that was one of the motivations we made. We said perhaps, they want to test that theory but they are doing that at a very big expense to the SABC, which the SABC reiterated in their letter. We also raised the fact that even if there was a hard switch off on the 31st of December, the reality is that there is not enough set of boxes in the country to cover the more than four **4.4 Million** people that the Broadcasting Research Council says is still on the analogue signal. So, you can't just say "go to your nearest post office and you will be reconnected." We don't have enough sets of boxes. In fact, at last count I think there was just about 250 000 sets of boxes with USSASA reporting to us in this meeting that they ordered another 200 000, which still is very short.

[And] then finally members, the last issue we raised was on the Constitutional Court rulings that had set conditions precedent on how the analogue switch off should happen and we were of the view that those rulings have not yet been fulfilled. So, I am going to request that the Secretariat shares with the members, our submission to the President as well as the letter that we received from the SABC, ENews... I think those were the major ones, I don't know if we eventually got the submission from MDDA, but Sentech as well. We had sought to also engage Sentech to ask how they can assist in this process.

Finally, the Minister did write to me after he received his copied letter that we had sent to him as it relates to the President and indicated, firstly appreciation, but that he had also written to the President as well. So, we are hoping that we have made the case around the analogue switch off date. That was the first feedback I needed to give.

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Annexure FA22

From: [Ananda Nel](#)
To: [Anton Roets](#)
Cc: [Nina Christina Greyling](#); [Anthony Norton](#); [Avias Ngwenya](#); [Mpho Matiwane](#); [Tshegofatso Kgarabjang](#)
Subject: RE: Urgent Letter to Minister Malatsi
Date: Thursday, 05 December 2024 06:34:58
Attachments: [image002.png](#)

Good morning Mr Roets

Cabinet concluded around 4pm yesterday (4 December 2024).

Minister Malatsi has requested a virtual meeting with the broadcasters, which includes your client, at 13:30 today to provide feedback.

Kind regards

Ananda

Ms Ananda Nel | Chief of Staff: Office of the Minister
Department of Communications and Digital Technologies

+27 83 456 9709 | e-mail: anel@dcdt.gov.za
First Floor | Block D | iParioli Office Park | 1166 Park Street | Hatfield | Pretoria



**communications &
digital technologies**

Department:
Communications & Digital Technologies
REPUBLIC OF SOUTH AFRICA

A leader in enabling a connected and digitally transformed South Africa!

From: Anton Roets <anton@nortonsinc.com>
Sent: Wednesday, 04 December 2024 17:23
To: Ananda Nel <ANel@dcdt.gov.za>; Mpho Matiwane <MMatiwane@dcdt.gov.za>; Tshegofatso Kgarabjang <TKgarabjang@dcdt.gov.za>
Cc: Nina Christina Greyling <nina@nortonsinc.com>; Anthony Norton <anthony@nortonsinc.com>; Avias Ngwenya <avias@nortonsinc.com>
Subject: Urgent Letter to Minister Malatsi

Dear Ananda

Please find enclosed a copy of an urgent letter for the attention of the Minister.

Kind regards

Anton

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<p>Nortons Inc</p> <p><i>Minister's meeting with Broadcasters held on 5 December 2024</i></p>	<p>AMB Recordings and Transcriptions CC P O Box 915-1519, Garsfontein, East 0060 Mobile Nos: 064 552 8547; 061 5101 3775</p>
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Minister's meeting with Broadcasters

UNKNOWN FEMALE: Looking at sustainability of public interest media in Africa and innovative strategies and lessons learnt, my input is just around lessons learnt from local public interest media and innovations, that kind of thing.

UNKNOWN MALE: And would you all be covering 5G and how we can access that spectrum?

UNKNOWN FEMALE: This is one of the many, many things that we need to be engaging with the minister about, you know, as opposed to these half-hour emergency kind of meetings.

UNKNOWN MALE: Ja. Well, first stop being nasty, because in case the minister is on, he will like ... I don't see he has come on yet.

UNKNOWN FEMALE: No, it's not ... the minister has inherited obviously this mess. I'm not ... you know, this has been going on for a long, long time.

UNKNOWN MALE: Ja, true. It's amazing that such an important department of state that determines communications and broadcasting receives such scant attention, hey?

UNKNOWN FEMALE: Ja. No, no, I mean, we've been asking for this meeting, Junior and the rest of us who have participated in the ASL monitoring meetings, we've been asking for this high-level meeting for more than a year now. So, and that still hasn't transpired. So, hopefully this can be the beginning of a conversation.

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YUNIS: Okay. Good. Do you guys know how I can shut down my computer from recording and giving me a print summary of everything I'm saying, so I can just, on its own, produce a minute of the discussion.

UNKNOWN FEMALE: Is that a WhatsApp? Are you recording in WhatsApp?

UNKNOWN MALE: No, I'm not recording at all. It's my computer doing it.

UNKNOWN FEMALE: Mike, do you know?

MIKE: Innes, I think you've got read AI operative on your computer.

So, you just need to close that window.

YUNIS: Okay.

MINISTER: Good afternoon, everyone. Excuse me. Apologies for that late start. Good afternoon, DM, good afternoon, everyone who has joined. Just by checking, can I just check if from the broadcasters' side who is here and also the other representatives before we then get into the purpose of the day?

UNKNOWN FEMALE: Minister, the SABC is here, but I would really appreciate it, I'm not in a position to show my face. Thank you.

MINISTER: Okay, that's fine. I see Khalid is here. Is the NAB here? Okay, fine, I think look...

UNKNOWN MALE: Yes, Minister, the NAB is here.

MINISTER: Okay, that's great. Thank you so much, colleagues, for being able to convene at very short notice. The DM and I have a sharp

cut-off at 2, because parliament is in session and we've got questions on the budget votes that are currently being voted on. We had this engagement on Tuesday just ahead of cabinet where we met with some of you who were part of this discussion where we had indicated to you that cabinet was going to be making a final determination on the deadline of the 31st of December for the analogue switch-off.

Cabinet met yesterday and the resolution by cabinet's decision around the deadline of the 31st of December was to grant a postponement until the end of March 2025. So, the resolution was to postpone by three months and to let the end of March be the final deadline with which we will be working with, with regards to the analogue switch-off.

So, that represents a relief with regards to the concern around the immediacy of the 31st of December. This is what we were able to get out of cabinet. All of you know the historical issues around this. I don't intend to have a repetition of all the discussions that we have had, but based on the fact that we had had a discussion on Tuesday and committed to reconvening this forum for the purposes of communicating what would have been the outcome of cabinet, we then deemed it that it is necessary to reconvene you in order to share this latest update

I know you may have your own views about it, which are understandable, given the magnitude of the issue, but that is the latest

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date with regards to the matter of the analogue switch-off and that would be the final determination as the outcome of cabinet. So, we deemed it necessary to come and convene you in order to share this news with you prior to then us, as the department, making the communications opening, which we then need to do so.

Of course, the next question that would emerge naturally would then be about how we get into making sure that those registered beneficiaries would then be provided with the set-top boxes and the installations can then take place. We would be able to outline in a matter of a week or two an acceleration plan around those installations and we can get into the details at another time, not necessarily today, wherein in that room the BDM forum or another channel would be able to convene and outline how from the department's side we think that with this reprieve of three months that we have, we can make further inroads towards the installations that need to happen.

So, basically that is the crux and the purpose of why I really asked that at very short notice we convene this engagement and to be able to present you with this update as the outcome of the cabinet meeting that emerged. That is basically where we are.

Right now, as I said earlier, you know, this reprieve provides some temporary leg-way in terms of making some inroads in terms of the registered beneficiaries that on our side we are obligated to migrate and, you know, you all have expressed your views in the previous

engagement and in all the other forums regarding this. I am not in the purpose of censoring individuals or organisations that may want to express themselves now, but the purpose was to provide this feedback to you to get your reaction on it and then obviously put mechanisms in place of how we can work together in this three-months period to be able to make sure that we get further headways and making sure that those applicants that need to be migrated can be migrated.

I will leave it at that. I will check if the DM or the DG has any additional inputs to make and then we can get reactions from those of you who have made the time to convene for this meeting. DM, on your end?

DEPUTY MINISTER: Thank you, Minister. Maybe the approach is not in that sense. You are updating the colleagues looking forward up to engaging further on the basis of the announcement, which we may be not be able to deal with the elaborate discussions today, but it will be a small (inaudible) if that happens before Christmas.

But I thought I must say it's on this platform, Minister, but it is not necessarily (inaudible). As I entered up in the platform, I discovered that there was an angle that colleagues have not been involved in processes on this matter last year. I don't want to repeat the word that we are inheriting a mess, but I'm saying if colleagues were not consulted last year, I'm curious to make sure that they must get a briefing, because it's talks about us who were there. I enjoy

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consultations. I met NAB, a number of them last year, but those who were not called to any meeting who were avoided, I attended meetings myself, so those who were not called in these meetings of (inaudible) for the purpose of making sure that as you work in connection with what you could have inherited, we must not repeat the mistakes of last year. I'm very curious about that. It may not be dealing with this, Minister, I'm sorry for saying it now, but I thought I was a bit worried when I heard that.

So, but I support the announcement you are making and the approach you will just take for that, but (inaudible) I will leave it (inaudible) that if they are in that one from last year, they must always be corrected this year. Thanks, Minister.

MINISTER: Thanks very much, DM. That's a very important aspect of even how we proceed that the process needs to be inclusive and that the engagements need to happen and we will definitely make sure that beyond today, there is sufficient time just dedicated to the team from the department together with Sentech and USAASA being able to outline the kind of impact that we can push and sign for in this three-months period that we have heard and also to deal with the aspect of the opportunities that some groups of individuals may have not had previously in order to be able to table their contributions and their concerns around how we proceed forward.

There is recognition from our end that even as we have been able to get this relief now for March, it may not seem the ideal solution to some of you, which is all understandable. On our end though we've got a responsibility to make sure that with the new timeline now, we can make the inroads that are necessary to be able to make sure that from our commitments and our obligations' side we rise to the occasion and then do what we are supposed to do on our part and that even in the midst of where you may have different views as the respective broadcasters and the organisations that represent broadcasters, we can then continue to engage in the forums that exist and those that we have re-initiated here in continuing going forward as we try to deal with this difficult matter.

I see a hand from William.

WILLIAM BIRD: Good afternoon, Minister and thank you very much for the opportunity and thank you to your colleagues and thank you for convening this and communicating. Again, my first question is to enquire as to what the rationale, the reasons were that cabinet provided as to why ... as you've said, it's not an ideal period of three months, given that they have failed to meet any of the previous deadlines on installations. I know you've said you are going to outline plans for accelerating installations, but given that they have not been able to meet those, it looks like we are setting ourselves up or that the state is setting itself up to fail if they are not providing reasons especially to

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say this is why we are extending to March because of these one, two, three, four reasons.

It sounds, as outsiders, that this seems to be a date that looks to be something to mitigate the extreme anger and profound concern that has been expressed, I know to your office and to the President from a range of stakeholders.

So, I would really welcome if you can share with us the reasons that cabinet gave as to why they decided the 31st of March, why not the end of April, why not the end of June, why not ... so, if we can get some insight into that, it might help us understand and mitigate again the profound concern that we have (a) about the ability to meet those deadlines and the ability of our broadcasters not to be excluded. Thank you, over.

MINISTER: Okay, thanks. Look, the timeline around March was the resolution of cabinet. It's simply because it's not as a result of the escalation of peace for an extension that happened in the last 48 or 72 hours. It was simply because as a department we had also presented a proposal requesting an extension and you know, following deliberations that took place at cabinet and as you know the confidentiality around the nature of cabinet meetings, I'm not at liberty to get into those, but it was through a recognition that there is some time that is still needed to make sure that as we go through the verification around the database with the registered beneficiaries and

some of the delays that happened subsequent to the procurement of the set-top boxes that the installations have not been able to be at the volume and at the size that would have then necessitated meeting the deadline of the analogue switch-off as by the end of this year.

So, it was in recognition of all of those factors that the discussion led to a resolution that the extension be to that time, particularly taking into consideration concerns about the longevity of how the project has since then evolved, but the bottom line is that we are coming back to present a solution around this matter and I know, just given the interactions that we've had, some people have their own views about how the solution is helpful or otherwise, but you know, it's necessary for the industry to know the new deadline that we are working with and also to then plan around that, because planning is a key aspect of responding adequately to this proposal. On that note, I will let the DM also add his views on it. DM?

DEPUTY MINISTER: Thank you, Minister. I don't have much to add, except to say to William he will appreciate that in the SABC there is new leadership. A lot of commitments that were made were made before this new leadership came. There had been a lot of issues they have raised, which could not be ignored.

So that's why I still insist with all humility to William and whoever else that an urgent meeting after this, when we are not under the pressure we are now, as you have said, Minister, that we can take

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this so that we listen to all issues. I'm not sure if William will actually understand that.

MINISTER: No, he is giving a thumbs up. It's all received in good faith, DM, and I think that's the key thing. What is necessary is that for the group that was part of the discussion on Tuesday, we needed to come back to present this option. DM, do you still have ... is that a new hand?

DEPUTY MINISTER: No, no, I'm done, Minister. Thank you.

MINISTER: Okay, cool. Mike A has his hand up. Mike, give it a shot.

MIKE: Hi Minister, thank you very much. I'm Mike Aldrich from Cape Town TV. Minister, just to point out that there are two very big problems that we face as broadcasters and the one is that the whole migration seems to rest on this rollout of set-top boxes to indigent householders, but that doesn't take into account what we call the missing middle, in other words, all of those people who are still on analogue television but who don't qualify for the government supplied set-top boxes.

You know, the definition of indigent households from Stats SA is those people or those households earning under 6 500 per month. So, it's all very well for those earning under 3 500 per month to get free boxes, but what about the rest of the people, you know, the fact is that there are no or there are very, very few set-top boxes available in the retail market? The only other option for people to get DTT is to go out

and buy a new digital TV set, which is difficult for the poorer households to afford.

So, that's one thing that we are very concerned about. The other thing is that the community TV stations simply cannot afford the costs associated with the DTT transmission. You know, those costs would raise our monthly transmission costs by 2900%. So, that's nearly 3000% increase in broadcast fees. There is absolutely no way that we can afford those.

So, what we were hoping for was that there would be some solution to this problem before the actual switch-off and the end of dual migration, because you know, if we suddenly have to, you know, at the end of dual migration have to start paying those Sentech costs, it is absolutely impossible. It will simply wipe out the community TV broadcasting sector. So, those are very real concerns. Thank you.

MINISTER: Thanks Mike for highlighting those. I think what would be useful, as we've been alluding to, just in the interest of better time management, is that there will be a convening of this forum just beyond today where we will have much more in-depth, flesh-out from our side with regards to the new deadline, you know, what we can be able to put on the table, also taking into consideration all the reaction and the inputs that all of you will then be countering and suggesting.

I think for the purposes of today, it was very key that you are not just surprised by the announcement of the new deadline when it

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happens when government officially communicates and also because we had committed that subsequent to cabinet, we would come back to the group to share the latest developments and these are the developments.

5 So, we will liaise from the ministry side with the team lead by DDG Ngoben in terms of reconvening the team and also making sure that we've got open and regular communication around this. Nomsa, I'm going to be ... you are going to be the last one I take on this, because I don't see any other hands so that we can then, the DM and I can then have the opportunity to return back to parliament to fulfil our other obligations. So, go for it.

10 NOMSA: Much appreciated, Minister. I just wanted clarity. Did I hear it correctly that the official announcement, meaning the press statement, the whole country finding out will happen before Christmas? Because obviously we also have stakeholders that we must communicate to.

15 MINISTER: No, I let the DM clarify that, but my understanding of the DM's suggestion was about convening another meeting for the in-depth breakdown in terms of, from a delivery perspective, and addressing some of the things that Mike just raised now.

20 From the ministry's side we will be communicating at the earliest opportunity today or very early tomorrow, because it's key to also communicate to the public, but as I said earlier, our key thing was

that process wise we wanted to make sure that before we communicate publicly, we can share those latest developments with this group.

NOMSA: Because it will be great to see the actual project management in terms of what actually is the target between now and the 31st of March.

5 MINISTER: Yes, so that technical, you know, we will be able to reconvene once we have gotten over today. We will then be able to convene it and make sure that we can work openly with all of you so that where we are able to help from a community perspective, you can have insights into that. Khalid, with those pressures of time, precise to the point.

10 KHALID: Ja, just to the point, thank you, Minister. Just for the record purposes that our silence in this meeting is not, it must not be mistaken as consent to the idea that we move to the 31st of March 2025 and that we will work on anticipating our negotiations with you and your team, but I must put it on record that our rights will be reserved depending on how we can look at what the future is going to be. I just didn't want us as eMedia to have remained silent here and that it be said but you didn't say anything when you should. I'm just putting it on record.

20 Thank you.

MINISTER: Okay, that's fine. We are all law-abiding citizens and, you know, we set up this forum so that we can have these robust engagements around that and that is fine, but we are committed to

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laying out the process. We are committed to doing this in a transparent manner and in an inclusive manner and our hope will be that we find each other in that process rather than another one, but you know, organisations and individuals have their rights that they need just to exercise at any given time and we will do that. DM?

DEPUTY MINISTER: No, thanks Minister. I wanted to say on a lighter note to Khalid, the rule that silence means consent does not apply today. It's a process meeting. Good afternoon Eunice I did not see you

MINISTER: Okay, and on that light note, let me thank all of you for really making the time. I know this is a matter that evokes a lot of strong emotions amongst all of us. So, let's just maintain cool heads and try and work towards a solution in a manner that is open, transparent and inclusive. Ja, hopefully we will be able on our end to, when we convene, address the concerns that Mike raised and also share the project plan as Nomasa has asked and, ja, hopefully we will then be able to have closure in a more constructive manner on this. Thank you so much, colleagues. We've got to run back to parliament.

UNKNOWN MALE: Thank you, Minister.

ADJOURNMENT

Transcriber's Certificate

I, the undersigned, hereby declare that this document is a true and just transcription, in as far as it is audible, of the mechanically recorded proceedings in the matter of:

Nortons Inc
Meeting of Minister with broadcasters - 5 December 2024


Transcribers: A Van-Der-Ben
Date: 5 December 2024

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Date: 5 December 2024

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MEDIA STATEMENT

To : All Media
Date : 05 December 2024

Analogue Switch-Off extended to 31 March 2025

I can confirm that the Ministry of Communications and Digital Technologies has secured cabinet's support for an extension of the deadline for the analogue switch-off from 31 December 2024 to 31 March 2025.

This extension will ensure that as many indigent households as possible will enjoy their right to access broadcast services.

We have communicated this decision to the broadcasters and relevant stakeholders in a meeting today and commit to continue working together with them on this project. Their commitment to ensuring that the free-to-air households migrate is critical to the success of this programme.

The postponement of the analogue switch off deadline recognises the considerable delays that have plagued the Broadcasting Digital Migration (BDM) project since its inception and provides the necessary relief that makes provision for more time to migrate as many South African as possible before the final switch off. To this end, the Government will continue to subsidize indigent households.

To avert further delays and ensure efficient delivery, I have directed the Director-General to implement consequence management for any individuals responsible for failures within the Department.

Currently, approximately 467,000 indigent households who are registered for government-provided set-top boxes have not yet received them.

There is no denying that the Broadcasting Digital Migration project has dragged on for far too long, costing the government R1.23 billion for dual illumination, which refers to the simultaneous transmission of both analogue and digital signals.

This process is costly and cannot be sustained indefinitely. More so, at a time when the fiscus is under extreme pressure.

Our immediate focus between now and the end of March 2024 is to aggressively accelerate the delivery and installation of set-top boxes to indigent households to ensure that as many households as possible are prepared for the switch-off.

Broadcasters are key stakeholders in this and will be instrumental in raising awareness to ensure that the rest of the free to air households have access to the necessary device to receive digital broadcasting signals.

I appeal to all South Africa to help ensure that we migrate those households which are still receiving analogue broadcasting transmission.

We all have a role to play to ensure that the country transitions towards digital broadcasting for better services, wider content and entertainment.

ENDS...

FOR MEDIA ENQUIRIES:

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Issued by the Ministry of Communications and Digital Technologies



URGENT

Annexure FA25

The Honourable Minister Malatsi
Minister of Communications and Digital Technologies

Cc: Ms Gwen Ngwenya
Cc: Ms Mpho Matiwane

BY EMAIL

9 December 2024

Dear Minister Malatsi

Re: Analogue Switch Off

- 1 We refer to the recent announcement¹ that the analogue switch off (“ASO”) date has been extended until 31 March 2025, as well as to the virtual meeting that took place between you and affected broadcasters on 5 December 2024.
- 2 During the virtual meeting you indicated that the ASO date would be extended until 31 March 2025 and that you would shortly be producing a “*plan*” to demonstrate how the government would ensure that households which qualified and were registered for set-top boxes would have such set-top boxes installed prior to the new cut-off date.
- 3 The announcement comes following submissions which you had made to the Parliamentary Portfolio Committee on Communications and Digital Technology (**the Parliamentary Portfolio Committee**) on 19 November 2024, that:
 - (i) *“When you look in terms of the progress that has been done, it’s very clear that there would be serious difficulties with proceeding with the date as it is, as there are thousands and DDG Ngobeni will be able to get into the exact numbers of South Africans who are*

¹ See e.g. <https://www.sanews.gov.za/south-africa/government-extends-analogue-switch-date>.

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still dependant on analogue as their source of access to television services.”;

- (ii) “If we proceed with the analogue switch-on, we are going to leave hundreds of thousands of members of the public behind and I think that on its own has several implications and consequences, even for the broadcaster.”; and
- (iii) *“I think at the end of the day this comes down to two things, rights. We can be, and I think all the evidence points out that the reasonable thing to do, also in consideration of the sustainability of the broadcasters and the risks that are at play with the loss of audience is that, and we are still yet to interrogate this and that’s why I alluded to that session that we are having with the broadcasters later this week, to say that we have to find the means to fund this and at this stage, Chair, with all the honesty we have, is that we don’t have a definitive answer right now in terms of where would the funding come from to proceed with the reasonable thing to do, which is the extension....You know, no rational individual will argue against the fact that everything points out that the soil is fertile for an extension. We have a responsibility to then say where and how do we mobilise to cover the cost of dual illumination, because it simply comes down to that.”(our emphasis)*
4. We record that without any explanation, the Minister and/or Cabinet abruptly – after months of silence and failures to respond to repeated requests for a meaningful discussion in respect of the numerous problems related to the implementation of ASO – arrived at a decision on the evening of 4 December 2024 to “postpone” ASO for a period of three months. That decision appears to have been taken overnight after a Cabinet meeting, and a mere three weeks before the Gazetted date of 31 December 2024.
5. The extension decision was simply announced: it was taken without any consultation with industry stakeholders, the public broadcaster, community broadcasters and other free to air broadcasters or the public (including recognised public-interest entities such as the MMA and SOS). The extension period of three months is palpably arbitrary. There is no way that government could know – after one belated Cabinet meeting – whether and how the various

issues bedevilling a proper ASO process and determination could be resolved within three months and on what basis that would be a sufficient period to rationally achieve a constitutionally-compliant roll out to protect, promote and fulfil the rights of thousands of South Africans to access television.

- 6 Had there been any effort at consultation, the government would have been informed that the three month period is clearly unworkable – in light of the government’s own track record in implementing the ASO process, and given what the Minister himself had recently acknowledged in Parliament in respect of the current state of the ASO rollout. Moreover, there are more fundamental difficulties inherent in the digital migration strategy and process, which we address in more detail below.

Households that remain to be digitally migrated within an arbitrary 3-month period

- 7 As matters currently stand there are approximately **469,370 households** that qualify for and have registered for and have been promised free government-installed set-top boxes, but are yet to receive set-top boxes. These households represent over 1.5 million South Africans. From August 2023 to October 2024, only **45 450** set-top boxes were installed. This means that the current rate of installation of set-top boxes is approximately **3 030** per month, with an almost equivalent number of new registrations in the past month. These numbers are taken from the DDG’s presentation to the Parliamentary Portfolio Committee of 19 November 2024.
- 8 In the circumstances, there does not appear to be any reasonable possibility of installing 469 370 set-top boxes to the indigent households who have registered for the government assistance programme in a period of only three months. This would require an increase in the rate of installation to approximately **156 456 set top boxes per month**. That is an increase in the current rate of installations by **over 5 000%**.
- 9 This increase in installation rates does not even take account of the fact that registration is continuing at the same time. Notably, between August 2023 and October 2024, there were an additional **42 563** households registered as compared to the 45 450 installations over the same

period. In other words, government's current rate of installation is not significantly faster than the rate of registration.

- 10 Moreover, it appears from the Department's presentation to the Parliamentary Portfolio Committee that government only has approximately **217 442** set top boxes in stock (as at 31 October 2024, only **40 000** DTT set top boxes remained in stock, and Sentech had procured an additional **200 000** DTH set top boxes, of which **22 558** have been distributed). That means that even leaving aside what appears to be the practical impossibility of achieving a 5 000% increase in installation rates over the next three months, government would need to procure and take delivery of over **250 000 further set top boxes**. It appears highly unlikely that this can be achieved in such a short time frame and in sufficient time to allow these newly procured set top boxes to be installed.
- 11 In addition to over 460,000 registered indigent households in which government must install STBs prior to ASO on the newly extended date of 31 March 2025, there are still millions of households that rely on analogue transmission to access television and either are not as yet registered for set-top boxes given the delays in rolling out the publicity surrounding analogue switch off and the ineffectiveness of the publicity campaign conducted by government, or do not qualify in terms of the financial thresholds for set-top boxes. A rational, lawful, and constitutionally compliant new plan for digital migration must accommodate these households.
- 12 You would recall that it was explained in the virtual meeting by Cape Community TV on 5 December 2024 that:

*"...the whole migration seems to rest on this rollout of set-top boxes to indigent householders, but that doesn't take into account what we call the missing middle, in other words, all of those people who are still on analogue television but who don't qualify for the government supplied set-top boxes. You know, **the definition of indigent households from Stats SA is those people or those households earning under R6 500 per month.** So, it's all very well for those earning under R3 500 per month to get free boxes, but what about the rest of the people, you know, the fact is that there are no or there are very, very*

few set-top boxes available in the retail market? The only other option for people to get DTT is to go out and buy a new digital TV set, which is difficult for the poorer households to afford.”

- 13 Additionally, there seems to have been no consideration given to the serious problems inherent in the roll-out plan, given the reliance on the SA Post Office (which serves as the primary means for eligible households to register for free government STBs). The previous roll-out plan, as well as the new “plan” that the Minister mentioned for accelerating roll-out before 31 March 2025, has to explain how a constitutionally compliant roll-out will timeously be achieved (now within the next three months) when the Post Office is in dire straits, including being insolvent (according to the latest Auditor General report), has no coherent business plan, and has closed over 450 of its offices across the country since 2022, most of which were in poor and rural areas.
- 14 All of this is on top of the failure of the Department to conduct an easy to understand, comprehensive and long-term public education campaign around the fact of, and implications associated with, the ASO. That failure is now compounded and impacts directly on the rights of those most vulnerable, who without any public process or awareness are simply to be told that ASO has been extended for three months, and without any indication of what the “accelerated plan” portends or how the public will be expected to comply in order to receive their set top boxes.

The unviability of DTT as an alternative to analogue broadcasting

- 15 It is necessary to sketch a brief chronology of events in order to demonstrate the difficulties underpinning the government’s digital migration strategy.
- 16 In approximately 2008 government advised the free to air broadcasters that it was committed to a process of migration from analogue television broadcasting to digital and that its plan was to migrate analogue users to DTT. In order to facilitate this process, the free to air broadcasters’ licences were amended to make them technology neutral and to enable them to broadcast their channels on a so-called “dual illumination” basis, which meant that they would broadcast their channels on both analogue and DTT during the dual illumination period.

- 17 Unfortunately, the digital migration process was not conducted expeditiously by government and has been drawn out for over a decade and a half, while government dragged its feet instead of conducting an efficient and effective migration programme. In the interim, given the delays in implementing digital migration, eMedia was forced to establish its own satellite platform (Openview) and the largest and dominant television broadcaster in the country, MultiChoice, has been offering cheap bouquet offerings of R29.99 a month in order to increase its penetration in respect of total television households.
- 18 The net result is that 16 years later after the process of digital migration commenced, only a limited proportion of the analogue television audience has been migrated to the DTT network and as matters currently stand, only approximately 8% of television households are on DTT. Moreover, these DTT migrated television households generally represent indigent lower LSM households.
- 19 During the period of dual illumination, the State was responsible for covering the costs of the DTT network. However, our understanding is that following the ASO, the various television broadcasters will have to pay Sentech for the cost of using the DTT network to broadcast their channels.
- 20 Given the relatively small and decreasing pool of DTT households, the cost of DTT is disproportionate to the audience that can be reached through that technology. You will be aware of the very significant cost of using the DTT network. This means that for large areas of the countryside, it is simply not economically viable for free to air broadcasters to use DTT to reach the limited number of DTT viewers in those areas.
- 21 Moreover, certain of the community television broadcasters have already indicated that it would be commercially unviable for them to broadcast on the DTT network at all. For example, Cape Town Community TV indicated the following to you during the virtual meeting that took place on 5 November: *“community TV stations simply cannot afford the costs associated with the DTT transmission. You know, those costs would raise our monthly transmission costs by 2900%. So,*

that's nearly 3000% increase in broadcast fees. There is absolutely no way that we can afford those. So, what we were hoping for was that there would be some solution to this problem before the actual switch-off and the end of dual migration, because you know, if we suddenly have to, you know, at the end of dual migration have to start paying those Sentech costs, it is absolutely impossible. It will simply wipe out the community TV broadcasting sector."

- 22 Even the two larger free to air television broadcasters — the public broadcaster (the SABC) and e.tv — would not be able to use the DTT network on a commercially viable basis to broadcast nationally.
- 23 The SABC has indicated to the Parliamentary Portfolio Committee that ASO at the end of December 2024 would have resulted in the **demise of the SABC**.
- 24 More recently, in late October 2024 the public broadcaster, the SABC, issued a request for proposals for a service provider to partner with the SABC and supply a satellite solution for a period of five years.
- 25 In the request for proposal document the SABC makes the following statements:

"the South African broadcasting landscape has gone through major changes since the publishing of the BDM policy in 2008. The BDM policy promoted DTT as the primary solution for digital migration and DTH as a gap filler for households outside the DTT coverage areas. Today, however, a cursory study of reception devices at most households, even those in less privileged neighbourhoods, will reveal that there has been a much larger uptake of the DTH satellite platform... The ASO project has been hamstrung by the slow progress of registering indigent households as well as the procuring, manufacturing and installation of the much-needed set-top boxes. As a result, millions of South Africans have been deprived of their right to access broadcast television. The slow progress of the ASO project has had a material impact on the SABC's finances as it resulted with a loss of audiences, in the ASO affected provinces and a drop in revenue generation for the organisation. DTT, in its current form, is very

limiting for the SABC and will not allow the organisation to grow the number of channels or be in control of its destiny. The SABC has switched off 198 ATV transmitters and 83 Mux one only DTT transmitters. Currently DTT can only carry six SABC TV channels: this is a very weak value proposition in a highly contested broadcast environment with most platforms easily offering upwards of 10 channels. The delays are rolling out DTT as well as its [muted] value proposition, has allowed incumbent and new DTH providers to overtake the BDM process and solidify their base on the broadcasting landscape. The SABC, in establishing a DTH platform, wants to mitigate the devastating effect of ASO, on our audiences, whilst enhancing the broadcasting landscape and delivering on its digital transformational journey.”(our emphasis)

- 26 In essence, the public broadcaster is openly acknowledging that the digital migration programme has been a failure, and that millions of South Africans have been deprived of access to broadcast television as a consequence. It is also clear from the SABC statements that the SABC has already switched off 83 of the 195 DTT transmitters, given the anticipated cost of using the DTT network for the purposes of broadcasting. It is also self-evident from the statements contained in the RFQ that the SABC believes that the DTT value proposition is “very weak”, which is a reflection of the fact that only a very limited proportion of analogue television audiences have been migrated to DTT and that accordingly it is not possible for free to air broadcasters to derive sufficient advertising revenue from such a limited number of people relative to the costs of maintaining a DTT network post dual elimination. Moreover, the DTT platform does not allow for a sufficient number of HDD channels to be broadcast, significantly undermining the competitive position of broadcasters using the DTT network.
- 27 Given all of these factors, the SABC has decided to pivot away from DTT. The public broadcasters’ actions are testimony to the fact that DTT is not a viable or sustainable alternative to analogue television and that it is destined to fail in short order.
- 28 From an e.tv perspective, the costs of broadcasting on the DTT network relative to the current analogue network would increase by approximately 500% per household, which would make

using the entire DTT network entirely commercially unviable.

- 29 In short, because of the relatively limited number of households that have been migrated to the DTT network and the very high costs of broadcasting nationally over the DTT network, it appears extremely unlikely that any of the free to air broadcasters (whether they be community broadcasters or the SABC or e.tv) will be in a position to broadcast nationally using the DTT network (if at all). As the Minister knows, free to air broadcasters are forced by their licences to cover their costs by advertising. They, and community broadcasters, will find themselves unable to generate sufficient advertising revenue to cover the costs of transmission of DTT transmission.
- 30 Furthermore, not only are the costs of the DTT network prohibitive, but the current DTT platform is limited in the sense that it does not allow for a sufficient number of HD channels to be broadcast (the SABC states that it only has six channels on DTT and e.tv only has four HD channels – which is a very inferior offering) which undermines the competitive position of broadcasters using DTT. Moreover, as the DDG indicated, there are limited DTT set top boxes available in retail outlets. The failings of the DTT migration strategy are evidenced by the fact that the digital migration process being overseen by the BDM committee has pivoted to procuring and installing DTH set top boxes.
- 31 The effect of this is that the 1,36 million households (representing some 3 million South Africans) who have received DTT set top boxes as part of the government's digital migration assistance programme have not, in fact, been migrated to a platform that will enable them in the long term to access television after ASO. For certain of them in the areas in which the DTT signal has already been switched off, they will not receive television signal *at all* through their DTT boxes. For others, it is only a matter of time before the DTT broadcasting services fail because the cost is simply too high, and the number of eyeballs too low to in any way be commercially viable. The effect of this is that those who are already at risk of – to use the Minister's words – "*being left behind*", will be left behind in a further and dramatic way when the DTT network collapses.

- 32 Any lawful and rational “*plan*” for migration by 31 March 2025 (or any other date) needs to take account of the fact that those indigent households that have received DTT boxes, have for all intents and purposes been migrated to a network that is destined to fail, and the government must ensure that the digital migration of these households is not rendered entirely illusory.
- 33 The government is well aware of these failings– but appears irrationally to be soldiering ahead anyway with DTT as part of the vehicle to achieve digital migration. As the Chairperson of the Portfolio Committee on Communications and Digital Technologies explained on 19 November 2024:
- “In the presentation DDG Ngobeni says you are still procuring these set of boxes which is another interesting proposition given the fact that I think our next presentation is supposed to speak to DTT versus DTH and the issues that were being raised by the members around potential obsolescence of these devices.”*
- 34 In summary, all the available evidence points to the fact that the DTT network is not sustainable or a viable alternative to analogue and that this means that large swathes of the country will be cut off from being able to access television if the ASO occurs in the next few months as well as significant portions of the population that have been migrated to DTT.
- 35 Importantly the ASO is also likely to lead to the demise of a number of free to air broadcasters – with the SABC for one claiming this will be the result given the costs associated with the DTT network and the inability to generate sufficient advertising revenue to cover the costs of transmission of DTT transmission.
- 36 In summary, no rational migration of indigent households can ignore the very real concerns around the DTT network and the effect it would have on these households and their access to television in the medium to long term given the likely collapse of the DTT network or the obsolescence of their set top boxes. The next three months simply do not allow sufficient time for this serious concern to be mitigated.
- 37 Proper consultation is required to ensure that digital migration does not fail these citizens as an

adequate substitute for the existing analogue network, and to appreciate and properly navigate the very real risks that many of the free to air broadcasters will also in all likelihood cease to exist as a consequence of the failures inherent in the government's approach to digital migration.

Relevant documentation requested

- 38 We understood from your virtual meeting with the broadcasters on 5 December 2024 that the Department had made submissions in relation to ASO to Cabinet to deal with various of these issues including the extension of the ASO date and we also understand that the Department and Cabinet have received submissions from the Parliamentary Portfolio Committee and other third parties including the SABC in respect of ASO and related issues.
- 39 You indicated during the meeting with all the parties that you were in favour of a transparent process and accordingly we would be most grateful if you could provide us with all of the relevant documents that the Department and Cabinet considered in relation to the decision to extend ASO until 31 March 2025.
- 40 In particular, we would greatly appreciate it if you could provide us with your Department's submissions to Cabinet, as well as the submissions of the Parliamentary Portfolio Committee and the SABC and any other relevant parties.
- 41 Additionally, we would also ask for the relevant documents on DDT versus DTH referred to by the Chairperson of the Portfolio Committee on Communications and Digital Technologies on 19 November 2024, in particular where she said: *"In the presentation DDG Ngobeni says you are still procuring these set of boxes which is another interesting proposition given the fact that I think our next presentation is supposed to speak to DTT versus DTH and the issues that were being raised by the members around potential obsolescence of these devices."*
- 42 Those documents would include the presentation, and the documents in which the issues were being raised by the members around potential obsolescence of the devices.
- 43 Given the short extension period of three months, and the fast-approaching country shut down

over the holiday season, we request that these documents be provided by 17 December 2024.

Conclusion

- 44 In conclusion, we remain extremely concerned that the three-month extension of the ASO is entirely arbitrary and the period set has been arrived at without any consultation whatsoever with affected stakeholders or the public more broadly.
- 45 The three-month extension is clearly not nearly sufficient to ensure that registered households receive set-top boxes and clearly would not cater for households that either are not registered, or do not qualify under the relevant financial thresholds for set-top boxes. There is no consideration given to allowing for proper consultation over this period in relation to the “*accelerated plan*”, and no meaningful public awareness campaign that could cater for the needs of the affected citizens and broadcasters in time to allow for a proper constitutional closing out of the digital migration process, including because the SA Post Office is broken and not an adequate vehicle for the provision of set top boxes.
- 46 Moreover, it has become increasingly clear for the reasons set out above that the DTT network is not fit for purpose in respect of digital migration.
- 47 Furthermore, it is our respectful view that the Minister’s role and duty is to take decisions around the ASO date rationally, including regarding any future extension, in a manner that does not show rigid fealty to Cabinet or which abdicates his power under section 85 of the Constitution to set an ASO date that is inconsistent with the principles set out by the Constitutional Court in the *e.tv* judgment.²
- 48 The net result of the above considerations is that any new digital migration plan cannot be allowed to rush the process to closure under rigidly irrational pressure from Cabinet. The arbitrary date of 31 March 2025 is not a meaningful means by which to deal with the issues at

² *e.tv (Pty) Limited v Minister of Communications and Digital Technologies and Others; Media Monitoring Africa and Another v e.tv (Pty) Limited and Others* [2022] ZACC 22.

play and the rights at stake. Any rational process and constitutionally acceptable outcome is dependent on a far more comprehensive and extensive re-evaluation of the digital migration process than what has hitherto been undertaken. That is not only to ensure the viability of community and public and free-to-air broadcasters, but also most critically to ensure that indigent and low-income households will be in a position to access television in the long term post digital migration.

- 49 In your consideration of these issues, we highlight, as you are aware, that access to television impacts the right to freedom of expression (including the right to receive information and ideas) and other fundamental constitutional rights of millions of our people. Therefore, the issues we have raised in this letter and in previous correspondence are of the utmost importance and require very careful consideration in ensuring that your actions and those of the Department, as organs of state, respect, protect, promote and fulfil these rights when implementing digital migration.
- 50 We would be most grateful to receive your response to the issues raised in this letter by no later than **20 December 2024**, given the anticipated timelines of the revised ASO date of 31 March 2025.
- 51 Separately, we request that you provide the documentation requested above – which should be readily to hand – by **17 December 2024**.

Kind regards,

Anthony Norton / Anton Roets / Nina Greyling

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MINISTER: Good afternoon, colleagues. Apologies for that very delayed start to this meeting. We were caught up in another meeting in the lead-up to this. So, sincere apologies for keeping you waiting for this long. Thanks for everybody who has made the time to meet, particularly at this crucial time of the year and making the time for now.

As we committed in the last engagement that we had with the broadcasters a couple of weeks ago that we would have this engagement today in order for us to outline the efforts that we would make in terms of installations that would then align with the timeline on the extension to March for analogue switch-off and secondly, that we would have this opportunity to showcase what level of set-top installations we would be able to do.

A key aspect of the plan indicates the prioritisation of those key provinces where the volume of installations would be done in order to have a major reduction or a major clearing of the numbers, the households that need to be installed.

So, without wasting time, I'm going to ask DDG Tinyiko and I think we also have the team from Sentech and USAASA, but I think NDDG Tinyiko will be the lead in terms of the presentation of efforts to get as many households connected, installed ahead of the March deadline and I just want to put this on the table for everyone that beyond this, obviously, the technical team on the BDM project will still have to have their regular engagements that they ought to be having so that there is that open communication and to further indicate to the

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broadcasters and also the colleagues from the media NGOs that we have indeed received correspondence from your legal representatives.

We are in the process of also finalising the responses to those correspondences that we have received from your team and with that in mind, this engagement on our end was still necessary, simply because we had committed to having it and also making sure that we can take you through the acceleration plan that will ramp up those installations in the lead-up to March 31st. With that, I will invite DDG Tinyiko and his team to take us through the presentation. Khalid, I saw your hand. Before Tinyiko starts, what do you want to say now?

KHALID: Thank you, Mr Minister and hello to everybody. We accept that you mentioned to us about the legal processes that are involved or that you will be corresponding in replying to the legal issues that may appear on your table, but I want to put it out there immediately that us, as E, are represented here today and our representation must not be construed as anything more than the fact that are here to listen and to understand what the department is about and what you say as the leader of this department, but we do this without prejudice. I just need to record that.

MINISTER: That's fine. I think we are mindful that this was going to be the case. So, that's fine, Khalid. Is there anyone with a declaration before Tinyiko wants to go through? Karen?

KAREN: Yes, I just wanted to ask the status of this meeting. We've consistently requested a meaningful consultation with the department

on the analogue switch-off itself and we have not had an opportunity to have that conversation at all. For that meaningful consultation, it means that adequate notice needs to be given, preferably not over the festive season where most of our station managers are already on leave.

5 **Mandla,** for example, is not able to have joined this meeting from Soweto TV, because he doesn't have connectivity where he is. One KZN is also not able to be present.

So, when we say consultation, we mean at a time that suits everyone, with adequate notice and adequate time given to the meeting to discuss the issues in a substantive manner, to discuss the bigger picture strategic issues, not just narrowing down on the analogue switch-off and the rollout of set-top boxes.

This is something that we have requested in writing to the Minister over the past few months and it's also been requested in the

10 **BDM** update meetings. We have consistently as broadcasters have requested a Steerco meeting.

So, I just want to note that other community channels are not here because of the unfortunate timing of this meeting and also we are still awaiting an opportunity for a meaningful consultation with the department about the analogue switch-off, and obviously the issues that affect community television are quite unique, because our costs at the end of dual illumination are set to go up by 3000%.

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So, this is obviously not a tenable situation for us at all, besides all the other issues that have been mentioned by the other broadcasters. Thank you.

MINISTER: Okay, thanks. Point well made. I'm not sure if you were part of the previous discussion on this matter in the lead-up to the cabinet meeting that culminated in the extension period for analogue switch-off, but be that as it may, I think you've tabled your point and I think it would have also been useful that you shared those concerns ahead of the meeting, but we are here.

The timing is not ideal, because we are in fact in extraordinary times and it necessary, it was necessary that we have this engagement at this time. I don't think if you gave everyone a choice they would have chosen now, but we are in extraordinary times. So, we have to have this engagement. With that, DDG Tinyiko, can you please go ahead?

MR. NGOBENI: Thank you, Minister and good afternoon to the colleagues. Ja, I will briefly take you through this presentation. Here is the outline. We will give you a background and also the update on the registration, installation data cleaning exercise and thereafter the preliminary installation plan and then just outlining a bit of how the approach is and also how we are going to deal with that detailed plan.

Also, then one of the key enablers for this acceleration of the plan and then we will also deal with the issue around awareness as well and the issue of verification to enable beneficiaries to be able to verify

their registration status and also we conclude with the recommendations.

We can move to the next slide. So, that's the outline in terms of the purpose. We indicate that we will be providing feedback on the data cleaning exercise and also then the approach to the plan.

So, just to recap that cabinet approved the extension of the deadline from 31 December to 31 March 2025 and then you would have noted previously in the discussion that one of the key issues was the issue about the usability of the physical address information.

Subsequent to that decision by the cabinet and the department and the entities have come together to develop an acceleration plan, which is the preliminary plan that we've got today to share with you and we then started the process of cleaning the data based on the registration data from SAPO and also the installations that came from Sentech as well. Then based on that outcome, we are able to then enable Sentech to develop this preliminary plan that we've got.

Next slide. So, at a high level with regard to the data cleaning exercise based on the data coming from SAPO, we've got 1.8 million registered households. We then went through an exercise of removing the duplicates, particularly where you've got duplicate ID numbers and distribution numbers where the records are duplicated.

Then we also then got information around the total number of installations since inception of the program and based on that, we then analysed the information on the installations. We also established that

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there are about 199 000 installations, almost 200 000 installations that have taken place. There is a process of verification that's under way between Sentech and the installers in terms of submitting the necessary documentation, to verify the installation and the invoicing thereof and we were able to determine that we've got 416 approved installers that are still waiting to be registered. The beneficiaries are waiting for installation.

Then in addition to that, we've got about 37 beneficiaries that installers will have either tried to install them, visited their households and not find them and then those decoders will have been returned back to SAPO. So, adding those two, it gives us a total number of outstanding installations of 454 registered beneficiaries.

What we then did, because the intention was to also develop a plan, which is linked to a particular transmitter so that we are able to establish out of the beneficiaries which transmitter serves them and then we were able to link about 447 000 beneficiaries to the respective transmitters.

About 6 000 beneficiaries we have not yet been able to link them, because the information that has been provided does not allow us to do that, but we are still continuing with the process to try and find a way to link them to a transmitter. So, in total we've got 447 815 beneficiaries that still require to be installed and migrated.

Next slide. This slide just provides a high-level progress on the analogue switch-off since inception of the program that in South Africa

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we had about 998 analogue transmitters and to date we have switched off 820 transmitters and that means about 82% of the transmitters have been switched off over the years. Below is just a graph showing the breakdown of the transmitters, how they are allocated to the different broadcasters.

I can move to the next slide. In terms of developing the installation plan, which we are still at the preliminary stage, we had to consider the new deadline for analogue switch-off and, of course, we determined that there are about 178 analogue TV transmitters that are still operational, including four community TV transmitters.

Also, taking into consideration the number of remaining households to be migrated, we are able then to identify that the transmitters that need to be switched off are in the provinces of KZN, Eastern Cape, Western Cape and Gauteng and then if you take the beneficiaries within those provinces, it's about 244 848 beneficiaries within those four provinces.

Next slide. Here we are just then starting to look at the principles that are guiding us in developing this plan, that the priority will be the four provinces who will still have analogue transmitters and that the majority of the installations and the distribution of the set-top boxes should focus on these provinces. Then those that remain, we have to look at a period beyond that, if there are still any that remains, which we will keep assessing the progress as we move forward, but here we

JA

just wanted to establish there is a commitment that anyone that is registered, the commitment is to migrate them eventually.

We can move to the next slide. Then in terms of the breakdown of the beneficiaries per provinces, this just shows how the approved beneficiaries are split within the four provinces to give us the target that we are working towards. We also highlight there that between August and December there had been additional installations amounting to about 15 740 installations within these provinces, the four provinces.

We can move to the next slide. We then looked at the installation capacity that we have. So, Sentech has got capacity of installers across the nine provinces, but just going there with the focused approach of the four provinces. We show the breakdown of the installers across the four provinces, indicating that Eastern Cape has got about 125 installers appointed. Gauteng 298, KZN 151 and Western Cape 75.

We can move to the next slide. What we then did was to say looking at the current run rate experienced and also adopting a conservative approach that you will have some installers not participating in this, but the majority will. So, we said with that conservative approach, how many installations can we do in December, January, February and March and here we just show that of the 244 984 registered households in the four provinces, less the 15 000 that had been done by the 11th of December, this is the remainder, which is

204 000 beneficiaries, which gives us then to get to the 90% threshold to switch off a transmitter. So, we are working towards that target.

Next slide. This slide just shows then that taking from that global approach of saying the number of beneficiaries per provinces, we then drill down to this transmitter. So, we will go to a transmitter level and then do an assessment of the number of registered beneficiaries for each transmitter. So, here we just show an example with a Gauteng example and we will indicate that for the Helderkruin transmitter, the total registered is 218 and also the others, Johannesburg and Randfontein as well, we indicate the breakdown in terms of the number of registrations from that data and that gives us a total number of registered beneficiaries.

We then, from there, determined the 90%, which gives us the 32 000 beneficiaries and then from that 15 000 that I spoke to earlier, 5 000 have already been installed, which means that to achieve the 90%, we need to install and migrate 27 407 beneficiaries.

We then start indicating the target for the different transmitters, what we need to do for each of the transmitters, which will indicate the split there that you will do 1 700 based on the three transmitters that we've got there, Johannesburg, Randfontein and then Pretoria and we do the same across the different months so that we are able to establish the number of beneficiaries that will have been migrated by the end of March so that it comes back to the target 90% threshold.

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Next slide. So, what we also did, because this is just a preliminary plan just looking at the current capacity and based on the experience. We then look to accelerate the key enablers that we need to address, which we are addressing. The first one is that to increase the installation rate, but they need to appoint more installers, which then will have an impact on the numbers that we have already indicated there so that we are able to install as many beneficiaries by the end of March.

So, there is a procurement process that is under way by Sentech to appoint additional installers. That has commenced already on the 13th of December and the objective is that by end of January we should have completed that procurement process and then that will also bring in additional installers into the program.

The other issue was to increase the number of set-top boxes that can be installed to cover the targets that we've got and also the efforts on the data, particularly on the physical address information so that we improve that aggressively, so that the installers are able to install many beneficiaries as they are able to find them much easier than it has been previously.

Move to the next slide. With regard to the physical address information, we've got three interventions that we are working on. There is a process, which is led by SAPO to standardise all the address information of the registered beneficiaries so that it's easier to be

interpreted by the installers and also Sentech, as Sentech allocates that to the installers.

That process to standardise the addresses has commenced and it's also guided by the preliminary plan that has been developed to say this will be the priority transmitters as we move and then the standardisation will follow that so that we don't wait until we have concluded the standardisation for the installation to take place. So, it happens concurrently.

So, that process has commenced and we will talk to the brief plan in the next slide. Just go back to the previous slide, let me quickly conclude. The other intervention is for USAASA to bring on board a service provider that will assist with an outbound call centre so that you've got agents who will then use the beneficiaries list to call them and to confirm and verify the address information. That's in those instances where the first intervention will not have provided information that's helpful and they will be sending info SMSs as well.

So, with this process, the RFQ will happen early January and we are anticipating to conclude that process shortly thereafter. Lastly, the department as well will proceed with the stakeholder engagements to get all the different stakeholders, particularly the local leadership at ward level and also the traditional leaders in line with that accelerated plan so that we get the beneficiaries together and be able to also bring in the installers so that they are able to quickly identify and support them with the installations.

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5 Next slide. This slide is just the high-level plan that we've got in terms of the standardisation of the address information, as indicated, that that process has commenced and then the intention is that we conclude the standardisation earlier than when the installations take place. For example, for the December installations, which do not have useful physical address information, the standardisation process is planned to be concluded today. Similarly, with those that are planned to be installed in January, is that we will conclude that standardisation exercise today. Thereafter we are saying for those installations that are meant for February, their standardisation exercise should conclude by mid-January.

10 So, that's how the plan is so that we are able to conclude that process ahead of time and be able to share the information either with Sentech where the information is useful and/or with USAASA so that the agents are able to call both to clarify.

15 Then the other key enabler to an accelerated plan in addition to that preliminary plan that we have developed, is that we need to ensure that there is sufficient set-top boxes. So, as you know, there are already set-top boxes that have been procured by USAASA that is about 200 000 set-top boxes. I see there is a hand there from Khalid.

20 **MINISTER:** Sure, Khalid?

KHALID: I will wait till the end. I thought you were ending. So, I just wanted to ... I will wait till the end.

5 **MR NGOBENI:** Okay, thanks. In addition then is a process to procure additional 100 000 decoders. They are just placing the order, because the procurement process has already been concluded as there is a panel for manufacturers and suppliers of decoders. So, that's also planned to be undertaken in January.

10 Also, in an instance where there will be additional decoders required, the department has already authorised USAASA to commence that procurement process to cover the gap that is existing, but we will continue to monitor the installations against the registrations as we move forward.

15 There is also another exercise by USAASA to do a stock count so that we are able to know where to locate all these decoders that are in the SAPO warehouses to streamline the process of allocation, particularly in those provinces of Western Cape and also Gauteng.

20 Next slide. Ja, the other key interventions around awareness, so the awareness is that we need to pump up the awareness and then define the message and increase the frequency of this message and target platforms that will give us maximum reach for the people that we are targeting and to also encourage people to continue to register until the end of March and also we indicate that we should continue to look for alternatives for the self-migration for those who would not qualify for the indigent households.

Then also, those who are registered but not yet installed, there is a commitment that everyone that is registered we will be able to

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migrate them by the end of this program. Then there will be also physical activations in some of the areas where we think it's going to now achieve maximum impact.

The other thing is that we will also be working with the GCIS, of course, of the messaging that needs to go out, particularly for the local communities, because we will also be working together with the colleagues from the broadcasters that will encourage the efforts that we have undertaken to support the self-migration, particularly to address the missing middle.

Next slide. I think the next issue will be the issue of the verification by the beneficiaries. So, we are saying that in order to also support beneficiaries who will have registered and are not sure of the status of their registration, through the online registration system that has been developed by SITA, it has also been tweaked to also allow for beneficiaries to check their status of registration and that system is already available and also it's in line with the data that's been indicated.

Then as we go to the last slide, I think what is important is that if one looks at the installation rate, so we have provided earlier the issue of installations, but we indicated the interventions that we are undertaking to accelerate those. So, we are certain that that will also assist us to ramp up the installation and be able to increase the number of people that are migrated. For example, if one looked at the current rate just on the four provinces focus, you know, by end of March those who will be remaining we will be able to, by bringing additional stock

and additional installers and cleaning the data, we should be able to reduce the number of people that still need to be migrated.

Also, on the funding side, it was indicated previously by the Minister that the fiscus will not be providing additional funding, but however, we are saying the funding that's been available in the program will be used to support those acceleration interventions of procuring additional STBs and also increasing the number of the installation capacity and also the cost centre and the dual illumination, as it is, it's already covered until the end of March.

I think lastly, it's just to indicate that we note this presentation on the exercise of cleaning the data, but also on the preliminary plan that has been presented and the interventions to accelerate that plan going forward. Thank you.

MINISTER: Thanks, DDG Tinyiko. Before we take the broadcasters, with Khaid having been the first to raise his hand. I just want to pull in Sentech, because they are going to be doing the actual installation, just in terms of a reflection on that capacity to then deliver the installations between now and that period of end March in terms of the prioritised provinces. Tebogo, are you here, or is the COO from Sentech that's here?

MR LESHOPHE: No, good morning, Minister, morning, colleagues and broadcasters and industry colleagues. Minister, I am here and the acting COO is also present in this meeting. Yes, I think our reflections, Minister, and also based on experience in terms of how the installation

capacity has played out towards the attainment of the installations, what we did in this plan was to load and level the capacity with an understanding that some installers may underperform. The first assumption we make is that each installer will be able to do about five. In our records some are able to do slightly more than that, some lesser than that. So, we average out.

Then to me a bit more modest in our plan, so we loaded the capacity to 80%, Minister. So, there is a possibility that if we take five per installer and drive day-on-day, we could achieve a little bit more, but we are being realistic here. As installers face ... it's a dynamic environment where there are tools, vehicles and everything else involved, which we have to consider that that may affect the installations.

So, we are quite comfortable with what we are putting forward as an average of five per installer. In the past, around March 2022, I think it was, yes, we had even with a lesser capacity, nationally been able to achieve overall installations of over 40 000 and the slight difference here, compared to any other that may be out there, is that we having registered households and we are distributing outright to those households is a matter of picking up a box and going to install, whereas any others may, you know, looking at the records, believe that it is lesser, but they are waiting for the market to demand the service before they can act.

So, on our side we are able to act outright. That's why we are able to achieve higher installation rates there, Minister. Then lastly, the data cleansed by SITTA I think is one of the very greatest achievements so far, I think, just to comfort the broadcasters that the exercise was very intensive. It involved multiple stakeholders in terms of who is registered, who has been provided a set-top box. Sentech worked also with USAASA to determine which of those installed have been closed, which of those installed are in the process of being verified between Sentech and USAASA.

So, the data integrity, I think, gives us a much higher confidence now, better than in the past, Minister, having progressed with the verification process with USAASA in this regard. So, based on what we are proposing, I think the confidence and comfort level is quite high. We will need the support of broadcasters, obviously, where it is required in terms of switch-off where the installations may have already attained those thresholds. However, I think the reflection is that the majority will be installed and some provinces in terms of installations will go beyond March and the other provinces that were analogue that's also been switched will also continue beyond March as well.

COO, I'm not sure if there is anything you want to add on the clarification of the details and the plan before I had over back to the Minister.

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UNKNOWN MALE: Thank you, Tebogo. Good morning, Minister and good morning, colleagues. COO you have really covered everything succinctly. There is nothing further to add on my end. Thank you.

5 **MR LESHOPPE:** Thank you. Back to you, Minister.

MINISTER: Thanks very much to Sentech, and then I think we can go into the deliberation on the presentation. Khalid, you will have the first bite.

10 **KHALID:** Thank you, Mr Minister. Firstly, I must say that it took a lot for me to sit through the presentation, but I did it, because ... and I bit my tongue through the process because of respect for you, Mr Minister, and people in this room today would testify that in 2021, when a similar presentation was made, we objected whilst the presentation was going on, but this is an attribute to our respect for you as the new Minister and hopefully you will be able to listen to us and our suggestions as to how we must move forward.

15 As I'm saying what I say, I must tell you that our contribution to this meeting will be twofold. After I speak, I'm going to ask Johnny Copeland, who is here, to say a few words on his beliefs and feelings around what is the reality, but before I give it over to Johnny Copeland, let me say the following.

20 Mr Minister, we've been in this exactly the same position before. We do not want to prophesise as to what the future will be, but I can tell you the following. As E we have done the responsible thing. We

have shut down uneconomical or transmitters we thought or we think that does not impact or will not impact on our business. However, the transmitters that remain are transmitters in the metro areas and we sing this song all the time, and they address the missing middle, sir. The missing middle of the three odd million or more that are counted by the currency of television, which is the BRC, but which the department, even up to this point shows no recognition for.

5 But as broadcasters, if we do not, and we contest that it is only 400 000, but imagine that we accept that, I will come to that point just now, there is another 3 million odd people who would be in the dark and we make that point all the time to you. That's the first point.

10 The second point is the following. The information presented in this presentation had no real sources. Numbers were thrown at us, but we don't understand the science of those numbers and we will argue that till the cows come home, if I can tell you that, because those numbers are not justifiable.

15 We have been in this business of installation of boxes for 13 years now, 12 years now and we can tell you that if you only have 200 000 boxes in readiness for installation now and you are still waiting for 100 000, if you're going to get 400 000, your presentation says you are still waiting for 100 000, we can tell you safely that that won't happen in the next three months. We can tell you that.

20 How can we tell you that with courage and confidence is because we are in the business and we understand exactly what it takes to install

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a box on a daily basis. What happens, sir, if you do not meet these numbers? It's March 31 and I could possibly bet my last dollar that it won't happen as you think you are planning today. I can bet that because this has happened to us, since 2021, a few times now.

5 Now, these are the practical implications of what we think are problems with this approach and what we think is unachievable and what we think the department is doing setting themselves up for failure against the risk to the broadcasters. We cannot accept the numbers as you portray them today to be of what they are and we challenge that these 52 000 installations in February is almost 1 750 a day. If you take what MultiChoice do and what we do on a daily basis, you won't get to those numbers right now in a very, very solid market.

10 So, these are the practical implications of our problems, but we are not going to fight about our problems here today, because this is a meeting in which you presented your opinions, we are telling you and we are highlighting that your opinions can be challenged and we feel that it's overly ambitious and it's not going to be achieved and we want to know when it's not achieved by the 31st of March, what happens
15 them?

20 I'm going to stop there now. I'm going to ask Johnny Copeland to come in with a more universal view of what is DTT and what is DTH and let me tell you, it is not clear in this presentation how many of those boxes are DTT and what is DTH. We are not clear about that, but let Johnny speak now and we will hold our horses after that. Johnny?

Johnny, are you there? Where is Mr Copeland? I'm not sure why he is not listening.

MINISTER: Is Johnny now taking over?

KHALID: Ja, he should be. I'm not sure where he is.

5 MR. COPELAND: Sorry, I really struggled to get my thing unmuted. I'm here.

MINISTER: Okay, let's go through to Johnny.

10 MR. COPELAND: Okay, Minister, look, from my point of view there is a fundamental issue that is simply not being addressed. At the end of, at some point, it is expected by everybody that analogue will be switched off. The question is, will you have a free television broadcast at that point and the program that you set yourself on is a program that will result in there being no free television available to South Africa.

15 I say that for a very simple reason. You don't ... when we talk about free television, we mean that the audience, the households can get access to television programming without having to pay for a signal distribution. The reason that it's free for the household is that the broadcaster is expected to pay for it. There is nothing free about free television as far as the broadcaster is concerned and as a result, if one wants to have free television available to households, you have to design a system of signal distribution, which is affordable for the broadcaster.

20 What you've got in the program that you've outlined, if it were to be successful, never mind if it can be done in three months, you

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would increase the number of people on DTT from about a million to a million and a half. It is 1.1 to 1.6, something in that order. You would then have accordingly a roughly 10% of television households on your DTT system.

5 When you then switch off analogue and you say that is the end of the state paying for this broadcast, you would expect that the free broadcasters are going to pick up those costs. Given that only 10% of their audience is on those boxes and given that that audience is particularly poor because of the manner in which the boxes were distributed, in other words, you've got a greater propensity of poor people, because those are the indigent households you are attracting to the system, you will get less than 10% of the advertising revenue coming to free broadcasters from your system. That is going to be less than the costs of administering the system.

10 Now, somewhere along the line the state has to say either that it will continue to pay for the system, it will be free for the broadcasters and we don't have to worry about costs, in which case I don't have any problem with what you are doing, as long as we can deal with the timing more accurately.

15 If, as Khalid says, it takes three months longer, you should let it run an extra three months, but the fact of the matter is, it's not going to be a burden to the free broadcasters, if the state will pay for it, but up to now state policy says the day that we switch off analogue is the day

that the state will stop subsidising that system. It will unquestionably collapse immediately, because no one can afford to pay for it.

5 So, I do think that the department owes us some explanation as to how it intends the DTT system to be paid for when it switches off analogue. Maybe if I just stop there, Minister, thank you.

10 MINISTER: Thanks very much, Johnny and Khalid. I want to make sure that the broadcasters that are present today, you do get your opportunity. I haven't seen any other hand. So, I want to make sure that before we do the response from our side, all of you have indicated whether you want to express yourselves or not. We will start with you, Nomsa, then Karen and William, in that sequence. Then we will do the response from our side. Go ahead.

15 NOMSA: Yes, so Minister, I must say that what Johnny has said is quite critical and we need an understanding on that. From an SABC perspective, we have written to the department in terms of our concerns with this rollout, Minister, and we are here to receive a response and I wouldn't want to repeat what is in the formal communication that we've sent. I think the ask on our side is that if we could receive the response, because it does speak to some of the issues that have been raised in this forum.

20 Then perhaps also, you know, one of the key things, Minister, is the issue of the data source that is being used in these presentations is critical, because at the end of the day, as you say, you are dealing with broadcasters, you are dealing with industry. We have the currency, an

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acceptable currency, which is how we trade, how we survive and I think, for us, it is cause for concern that the data that the department is utilising is not data that the industry utilises. Therefore, there is a massive disconnect in terms of one version of the truth and one version of data that South Africa uses and that we use in order to keep ourselves sustainable and be able to get revenue out of our activities.

So, this is something, and as I understand and Tebogo knows, this has been a point of contention since a couple of years ago whereby the data that the department is using is not verified from a source perspective. So, it becomes very difficult for us to accept that the data is correct.

So, if that can be clarified, that would really greatly assist us. If also maybe the DIDG can explain the decision that Gauteng and the Western Cape will get DIT boxes. Let's try and understand that. We all know that DIT, for example, is reaching end of life. We notice the DTH focus, but why is Gauteng and Western Cape identified as DIT geographies? So, I will leave it there for now and I will come back later if I have any other questions. Thanks, Minister.

MINISTER: Thanks, Nomsa. Karen and then William.

MR ALDRICH: Thanks Minister, this is Mike Aldrich here from Cape Town IV. Yes, I mean, we do support what the other broadcasters are saying...

MINISTER: Mike, just for clarity, are you connecting from the same device with Karen?

MR ALDRICH: Yes, yes, I am.

MINISTER: Okay, cool.

MR ALDRICH: Yes, so we do support what the other broadcasters are saying about the problems and particularly the missing middle. You know, there are at least 3 to 4 million households in that sector and that's really one of the big elephants in the room.

So, you know, also the other problems are that there is this policy and uncertainty in that these policy processes, like the preview of the digital broadcasting regulations and the audio and audio visual content services white paper are incomplete and there are no solutions on the table to the enormous problem that faces us, in particular, as community broadcasters and that is what happens after dual illumination when the government subsidy of DTT transmission infrastructure comes to an end, because there is absolutely no way that any community broadcaster in this country can afford the transmission costs on DTT?

So, Minister, you know, this is a very frustrating situation. This latest round of trying to get this digital migration done started in 2018. Since 2018 and even before that we've been raising these problems, policy uncertainty, not a solution to the transmission costs on DTT for community broadcasters. There are still six years later no solutions being presented by government.

You know, it's just incomprehensible how government can decide that the ASO is now going to happen with no solutions on the

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table and from our point of view this is simply completely unacceptable. Thank you very much, Minister.

MINISTER: Thanks, Mike and Karen. William?

WILLIAM: Thanks Minister and thanks for the presentation. I hope we will get a copy of it so what we can reflect on it in a little bit more time and detail in the festive season. I think you can pick up that there is a fair amount of discord and a degree of unhappiness with where we are and, you know, it's not unsurprising, because we've been calling for consultation and it hasn't happened and you are getting into a position where again, when I asked at the last meeting do we know why cabinet made this decision, there was no real answer. They took factors into account apparently, which is nice, but that's not an actual answer.

It looks as though they are setting themselves up to fail and we all have a collective interest in ensuring that this process moves ahead speedily and that we can resolve it and that we can move on to other things, because frankly, this is a problem that we shouldn't be having 15 years after we missed the deadline repeatedly.

But as Mike and Khalid and Nomosa have pointed out, there are some very, very real challenges with this particular approach and I think that we can use this meeting now as an opportunity to say please, listen to all of the voices that are pleading to say we need to understand where this is going and we need to see a plan that is actually viable.

Our interest as NGOs in this sector is that the poorest of the poor still have access to information and television. Our interest is that the

public broadcaster doesn't collapse as a direct result of a hurried and unnecessarily chaotic plan to switch things off. We have to take into consideration the fact that if the SABC collapses, that will be cause for yet another crisis in our country, one that we don't need. We really, really don't need it.

So, I think our request is to please call for meaningful consultation on these matters so that we can agree on numbers. At least we can work off the same bases, even if we interpret some of them differently and then we can look at what the kind of options are for this plan. We've seen messages in the chat here talking about, well, there is no money for communications.

So, how are people meant to know, especially those that we are targeting here, the poorest of the poor and most marginalised, that they must use money to go online to a website to check the registration details. I mean, that's seemingly a switch too far for them. Maybe the missing middle might be able to do that, but it's a really critical challenge for us.

But we do thank you for calling this and for trying to make meaningful haste in this area, but we need to walk together instead of walking ahead and leading to chaos. Thanks, over.

MINISTER: Thanks, William. I'm going to ask, because they were very pointed questions, that the DDG gets back to deal with those specific questions and also Tebogo. There was one in particular, I think

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that was directed to Sentech from the SABC by Nomso. Then I will be able to deal with some of the concerns that colleagues have raised.

MR NGOBENI: Thank you, Minister, and thanks for the questions, input received from the colleagues. There was the question around the ... there were several questions around the payment for DTT after ASO. So, as you will recall, I mean, it's committed to that dual illumination, which over the years has been paying for that, but I mean, the reality is that at the moment we do not have those funds for dual illumination beyond this date that has been allocated for us. So, at the moment I think that's where we are.

Then with regard to the question on why DTT for Gauteng, I think this is also because there is already stock that has over the years and months been allocated across the country. So, the DTT stock that is already allocated for Gauteng, I think what we were also trying to highlight was that because Gauteng has got the additional installer capacity. We believe that that stock that's already there will be able to move, but just to clarify that all the new stock that's been procured or that is going to be procured going forward, it's DTH stock. Thank you.

MINISTER: Thanks, DDG Ngobeni. Before Tebogo comes in, William, do you have anything extra you want to add, because I still see your hand.

WILLIAM: Apologies, Minister. It's an old hand.

MINISTER: Okay, no problem. Tebogo?

MR LESHOPÉ: Thank you, Minister and then I think I also just want to appreciate the questions. You know, I don't think anyone downplays the concerns of the broadcasters here. I think they are all valid and I will be giving context to some of the questions and concerns that they are raising here.

On Khalid's question in terms of how Sentech can do more than what e.tv and MultiChoice combined are able to do, it's largely a model difference; Khalid, and I think I was trying to also contextualise this in my summary there to say that a MultiChoice model wants for somebody to subscribe before they act on the installation. Similarly, with e's model will be like. Therefore, you are driven by the market demand largely.

In the case of the installation and the rollout of the indigent households, the people have already raised their hands, they are there. So, we have the quantums and we are able to then push a bit more as opposed to waiting for a pull by the market. That's why our numbers are able to go slightly higher than that and it has been the case in the past from our experience as well.

Then there was also ... but I think there is also a general acceptance that ASO will ... it's a priority. It's something that has to happen, Minister and broadcasters. Perhaps what needs to come out from our all of us, Sentech involved, is the collaborative effort towards making sure it happens and I think with demonstrable actions as opposed to maybe just looking at what the department and government

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is trying to do and criticising that, and I will reflect similarly on how I would have reflected to say we all have responsibilities, colleagues, and the government is trying to deal with the indigent households. The issue of the missing middle is mainly dealt with by broadcasters.

5 So, that's where the collaboration of both government from an indigent approach and the broadcasters and Sentech really needs to be felt in this journey to say, yes, maybe we may need to intervene in this manner, but I'm not sensing that coming through, Minister. I'm just sensing the focus on this one plan, which I think the technical colleagues, you know, after this, will be able to, from broadcasters and the department, be able to go deeper into the implementation details there.

10 Then on Nomsa's question in terms of the varying data source, what you are looking at being presented by the department, Nomsa, is the number of registered households, indigent registered households. It's not audiences. It's people that have raised their hand to say I need government assistance to be assisted with a set-top box. I know broadcasters are looking at BRC numbers that may say that from a number of people that are still relying on analogue, we've got these many millions and all that. So, there is a difference. I think that context is very, very key.

15 That's where I think we've also had this discussion in the past. The reasonableness of what the department focused on was also even tested by the courts to say it is acknowledged that the best way to get

people to show interest is to call for registrations. As at last week, the database of registered households is sitting at that 1.8. Yes, we would have wished for more in terms of the arguments that we would have seen, but practically and realistically, analysed and we've sent this back and forth to corroborate the data, the data that we sit with from indigent households is 1.8 at this point. Yes, there could be some indication of what the upper side is, but I think government is dealing with what is practically recorded here.

5 That's where I think Minister and broadcasters, we may need to reach concessions in terms of how do we deal with the missing middle, as it is called in this conversation, to make sure that the impact on that aspect is minimised, but I think that conversation is not coming out clearly.

10 Then lastly on, I think it's Kev, Mike's question in terms of the affordability of the network. Minister, I do believe there is an opportunity for the department to intervene with the regulator. The current design of the network is based on what is called single frequency network, which propagates the community broadcasters' content with the entire province and as a result of that, the cost increases, because now the coverage increases as well.

15 What we would have proposed in the past, which the regulator could look at, is to maybe confine the community broadcasters to the original coverage, which will then base the community broadcasting on the initial coverage and affect the cost or reduce the cost, as Mike

reflects here. I do think possibly this is something that we can note out of this meeting and possibly take up with the regulator. Thank you.

MINISTER: Thanks very much to the colleagues that have dealt with the responses. Khalid?

5 **KHALID:** Yes, thank you very much. I don't want this to become a tit for that between Sentech and ourselves, but I just want to, as we are reaching the end of the meeting, I want to place some things on record. The first is the following. The numbers and the sources and the source and the material of who is the missing middle is a very important consideration for the department.

10 The people that have registered, the 400 odd thousand, understand and this is exactly what has happened, a living example of when we do not consider these numbers correctly what happens and how it hurts us. If you look at what happened to the SABC, and I don't intend speaking for the SABC here, I'm speaking about free-to-air television.

15 When you look at the example of what happened to the SABC when they shut off transmitters in five provinces and the impact it had on their business, audience and revenue, you will understand that you cannot only go by registered numbers, because in those days, three of four years ago, the department went by registered numbers and said it will be okay, SABC you can switch off and they switched off in five provinces. Nomsa will tell you that she is still battling to survive out of the impact of that negativity.

So, please, it is our advice to you, humbly so, you cannot just go on who is registered and ignore those people that the currency says are getting television through analogue. Be careful of that and the living example is the SABC and us at E, we cannot put our business at risk, knowing there's an example that shows us clearly what is the risk and what will happen to us. So, we are very, very wary of that. That's the first point.

5 The second point, we talk about DTT. We talk about DTT as if and Johnny made the point clearly also, just this 10% of the audience or less than 10% of the audience that will get there, but what is DTT in South Africa? Has it lived up to the expectations? Has it lived up to technology? Has it been refurbished over 15 years? What is the cost of the refurbishment? Who will undertake that cost? What does it mean technically in household that receives DTT?

10 Let me tell you the difference today. In a household that receives DTH, you can give them as many as you want to HD channels, notwithstanding the fact that the world has moved on to 4K and 8K, we in South Africa still want to push the DTT line, which is not capable of doing channels in HD to match the amount of channels available on HD today.

15 Let's take our example, one example. We have approximately 10 HD channels. If we had to go by the allocation given to us by MUCS through the DTT allocation to broadcasters, we would only be able to put four channels on HD. Are we saying that we should be allowing

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this country to implement DTT and keep us in the dark ages when the whole world has moved to 4K and others?

So, be careful. DTT is not a solution. It's an excuse now by the department, because if you want to take that excuse, you are keeping our country, the people who deserve to have the best technology, we are the leading country in Africa in many aspects, but in broadcasting with our people still on standard definition when the world has moved on to HD and more. Be careful of how we compare what is DTT and DTH in the South African context. Thank you.

10 MINISTER: Thanks very much, Khalid. I didn't think Johnny will have anything to add after you, but I see he's got his hand, so let's also give him this opportunity.

MR. COPELAND: Chair, I just wanted to say this. You know, the thing that I never understood before today was why the state is in such a rush to try to switch off the analogue. You know, the reasons for the urgency in the past were, number 1, it was interfering with neighbouring countries. We've switched off all transmitters now that interfere with neighbouring countries.

20 The second issue was related to do the auction for 5G telecommunication on 694 and above. Now, we've moved off or we've returned all transmitters that might interfere with that. What you are left with is a small area, which doesn't have any reason that is urgent to switch it off, but what I gathered today is the real issue that is bothering

the state is that Sentech has no money to continue paying for the dual illumination beyond March.

Now, that's a most shocking explanation I've ever heard of the rushed switch-off analogue by March. I mean, basically, you are taking a system which cannot fund itself, there is absolutely no ways that any sensible broadcaster can pay 150 million, 300 million to get its signal onto DTT, if DTT is only going to reach 10% of the population.

When you say that, well, the missing middle is the broadcasters' problem, we are only interested in the registered half a million, we will get that half a million on and we are closing the shop from there. If that is the state's perspective, you must accept that you are committed to a point of view which says we are not going to spend any more money on dual illumination and we don't care whether the missing middle comes across or it doesn't. On the 31st of March we are going to switch off 3 million homes and what happens from there is their problem. If the broadcasters can't pay for DTT and they don't want to have their channels on DTT without paying for it, so be it.

Now, that is a recipe for the state saying we don't want to have free television in South Africa. Honestly, it is the most disappointing presentation I've heard from the state in any shape or form in all the time that I've been engaged with the state over 20 years. So, I don't have much more to say than that.

MINISTER: Thanks very much, Johnny and all the colleagues that have put their views on the table. I think from my side the key thing is

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to try as we navigate this very difficult chapter to take each other along and make sure that the engagements that happen are not merely a box ticking exercise, but it can also enrich the resolution of some of the very contested issues around this topic of analogue switch-off.

5 I do think though it will be proactive in dealing with the question around the contestation on the missing middle that the technical teams at the BDM level have a further engagement specifically on the issue of the accuracy and the details around the missing middle, so that (1) we depart from that conversation, at least with the common view of what are the actual numbers that we can agree to.

10 I think given a lot of historical developments on this issue, there is clearly a trust deficiency that emerges and manifests itself in very different ways and I'm hoping that as we continue to engage with each other more frequently and much more inclusively, that aspect we can be able to foster, because it's a very key ingredient of how we get the solutions that we want to get, because I think all of us, whether you are a broadcaster or you are in the department or in the ministry, we want to make sure that we do not prejudice South Africans from being able to access television services and that we want to safeguard the sustainability of the industry, even as we have to do this in a climate that puts in very challenging interventions around us.

15 So, I think at a proactive level, and this goes to DIDG Tinyiko and the BDM team, that those engagements at a technical level would need to happen. It can't be that we keep hearing these indications that

the discussions and the scheduled meetings aren't happening, because I don't think it helps anyone in trying to find solutions to this.

To just say to everyone on it, I think what we are trying to do is to make sure that (1) as we go on this journey and each and every step, that we can share as openly as we can what are our efforts and how we aim to get to the next stage of ultimately getting to analogue switch-off in a manner that does not do harm or exclude any South Africans from accessing this.

5 I do appreciate the intensity of the discussions, because for me they are not a reflection of the individuals, but the level of care and the level of concern that you have in terms of your audiences and also just making sure that we can do these things in the right way. I'm mindful that even in the event that the blooming legal processes may happen, I think it is still important that at this level we continue to engage and as we go into the New Year, we will be able to demonstrate some of the progress that we are making at an installation level, that those levels of engagements can continue to take place and hopefully with time we get to a stage where, with negotiation, with compromise, with persuasion and recognition of the very challenging times that we are in, we can get to a generally acceptable way forward for everyone that is involved in dealing with this situation.

10 That does not always mean that we will agree instantly and that does not always mean that we will also have points of disagreement, but I know because many of you on the call have had the burden of

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5 dealing with this for a prolonged period that you may also be sceptical
 about the sincerity of efforts to engage on this, because you know, as
 someone has said, I think, in previous discussions, you've seen
 repetitions of this movie far too often. I do hope though that you are
 seeing different episodes, even in the approach about how we resolve
 this.

10 That is the commitment from our end and just lastly would be
 that if there's ever been any indication that there is no responsiveness,
 either in trying to reach the ministry, can those then be directed to us,
 because we are very responsive in terms of any engagements or need
 to engage with the ministry and to those who have had difficulty, we
 will follow up with you to see where the bottlenecks were and make
 sure that we provide you with the audience that you have sought on
 this.

15 That is all from my side for now. I will make sure that even in
 the new year we do continue with this level of engagements as the
 installations go on, but I would really underscore that DIDG Tinyiko
 and the BDM team that those scheduled engagement from that forum
 do happen and that they do so consistently and in the new year we will
 then be able to indicate the frequency with which we will be able to
 reconvene this group so that we take each other along on the level of
 installations that are happening and any other developments that would
 necessitate keeping all the colleagues abreast about our moves and
 everything that's happening.

5 With that, colleagues, I would really want to leave it at that for
 now and thank you once again for making the time and hope that you
 use the remaining days of the year to spend it with your loved ones and
 recharge and with you all of the best of the rest of the year and next
 year. Thank you very much.

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**Nortons Inc
New Recording 44 – Date unknown**


..... Date: 22 December 2024
Editor: A Van-Der-Ben

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Annexure FA28

From: [Nina Christina Greyling](#)
To: [Mpho Matiwane](#); [Tinyiko Ngobeni](#); [Malebo Rathokolo](#); [Ananda Nel](#)
Cc: [Anton Roets](#); [Anthony Norton](#)
Subject: RE: Meeting with the Broadcasters: Briefing on the ASO Acceleration Plan
Date: Monday, 20 January 2025 14:58:00
Attachments: [image002.png](#)

Dear DDG

We refer to our email dated 20 December 2024, Ms Matiwane's email dated 4 January 2025 and our email dated 6 January 2025.

We would be grateful if you could please share with us the presentation which was discussed during the meeting of 20 December 2024 as a matter of urgency.

Kind regards

Nina

From: Nina Christina Greyling
Sent: Monday, 06 January 2025 11:54
To: Mpho Matiwane <MMatiwane@dcdt.gov.za>; Tinyiko Ngobeni <tngobeni@dcdt.gov.za>; Malebo Rathokolo <MRathokolo@dcdt.gov.za>; Ananda Nel <ANel@dcdt.gov.za>
Cc: Anton Roets <Anton@Nortonsinc.com>; Anthony Norton <Anthony@Nortonsinc.com>
Subject: RE: Meeting with the Broadcasters: Briefing on the ASO Acceleration Plan

Dear DDG

We refer to the email below.

Please could you urgently provide us with the presentation which was discussed during the meeting of 20 December 2024?

Thank you very much.

Kind regards

Nina

From: Mpho Matiwane <MMatiwane@dcdt.gov.za>
Sent: Saturday, 04 January 2025 16:24
To: Tinyiko Ngobeni <tngobeni@dcdt.gov.za>; Malebo Rathokolo <MRathokolo@dcdt.gov.za>; Ananda Nel <ANel@dcdt.gov.za>
Cc: Anton Roets <anton@nortonsinc.com>; Anthony Norton <anthony@nortonsinc.com>; Nina Christina Greyling <nina@nortonsinc.com>
Subject: RE: Meeting with the Broadcasters: Briefing on the ASO Acceleration Plan

Dear DDG

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Compliments of the new year!

Please note the below request for your kind attention.

Regards

Ms. Mpho Matiwane | Private & Appointment Secretary: Office of Minister Malatsi
Department of Communications and Digital Technologies

+27 12 427 8295 OR 073 301 1987 | e-mail: mmatiwane@dcdt.gov.za
First Floor | Block D | iParioli Office Park | 1166 Park Street | Hatfield | Pretoria



**communications &
digital technologies**

Department:
Communications & Digital Technologies
REPUBLIC OF SOUTH AFRICA

A leader in enabling a connected and digitally transformed South Africa!

From: Nina Christina Greyling <nina@nortonsinc.com>

Sent: Friday, 20 December 2024 13:37

To: Mpho Matiwane <MMatiwane@dcdt.gov.za>

Cc: Anton Roets <anton@nortonsinc.com>; Anthony Norton <anthony@nortonsinc.com>

Subject: Meeting with the Broadcasters: Briefing on the ASO Acceleration Plan

Dear Mpho

Please could you share the presentation with us which was discussed on the call?

Thank you very much!

Kind regards

Nina



NINA CHRISTINA GREYLING
SENIOR ASSOCIATE

NINA@NORTONSINC.COM

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Email: info@hmchaane.co.za

Annexure FA29

Our Ref	R Seepane/ H Mahlangu/ M00388
Your Ref	

23 December 2024

**NORTONS INC
1ST FLOOR, THE RESERVE
54 MELVILLE ROAD
ILLOVO
JOHANNESBURG**

PER ELECTRONIC MAIL: info@nortonsinc.com

Dear Sir/ Madam

**RE: ANALOGUE SWITCH OFF/ MEDIA MONITORING AFRICA/ SOS SUPPORT PUBLIC
BROADCASTING COALITION**

1. We refer to the above matter and confirm that we act on behalf of the Department of Communications and Digital Technologies, and the Minister ("our client").
2. Our client provided us with a letter from your offices directed to the Minister dated 9 December 2024. We note that your offices have requested our client to provide a response to the issues raised in your letter by no later than **20 December 2024**.
3. Please note that we are in a process of consulting with our client to obtain instructions, and we will revert by no later than 15 January 2025. We would appreciate your indulgence in this regard and apologise for any inconvenience.
4. We trust you will find the above to be in order.

Managing Director: Rebokilwe Seepane (BA (Law), LLB, LLM: Labour Law)

Director: Hlengiwe Mahlangu (LLB)
Candidate Attorney: Matipa Tswai (BA (Law), LLB)
Secretary: Rebone Chaane

Consultant: Thato Manala (LLB)
RAF Consultant: Amigo Ndlovu
Candidate Attorney Designate: Khensani Mawai (LLB)

Your faithfully,

R Seepane

ELECTRONICALLY TRANSMITTED WITHOUT SIGNATURE

Director

Email: rebokilwe@hmchaane.co.za

Managing Director: Rebokilwe Seepane (BA (Law), LLB, LLM: Labour Law)

Director: Hlengiwe Mahlangu (LLB)
Candidate Attorney: Matipa Tswai (BA (Law), LLB)
Secretary: Rebone Chaane

Consultant: Thato Manala (LLB)
RAF Consultant: Amigo Ndlovu
Candidate Attorney Designate: Khensani Mawai (LLB)



HM Chaane Attorneys
Rebokilwe Seepane

Annexure FA30

By email: rebokilwe@hmchaane.co.za

27 December 2024

Dear Rebokilwe

Re: Analogue Switch Off

- 1 We refer to your letter dated 23 December 2024 (**your letter**), which is written in response to our letter to the Minister of 9 December 2024 (**our letter**)
- 2 Your letter regrettably does not address any of the issues raised in our letter, nor do you attempt to explain the delay in responding to our letter.
- 3 Our letter explained the reasons for the urgent response requested by 20 December 2024 (which nevertheless provided the Minister with approximately two calendar weeks to provide his substantive response), in light of the looming difficulties faced by the public and broadcasters, who are now living and working in the shadow of the 31 March 2025 analogue-switch-off deadline.
- 4 The delay in responding to us is inappropriate, given the importance of the issues raised and the urgency of dealing with those issues. The Minister is aware that these issues require an urgent response. This is evident from the fact that the Minister urgently convened a meeting with the broadcasters to discuss analogue switch-off on 20 December 2024, in which he said, *inter alia*, in his concluding statements (as transcribed) that: *“if there’s ever been any indication that there is no responsiveness, either in trying to reach the Ministry, can those then be directed to us, because we are very responsive in terms of any engagements or need to engage with the Ministry and to those who have had difficulty, we will follow up with you to see where the bottlenecks were and make sure that we provide you with the audience that you have sought on this.”* (Emphasis added.)
- 5 In these circumstances, it is regrettable that your letter indicates that the Minister will only respond

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to our letter of 9 December 2024, by 15 January 2025. That is not in keeping with the Minister's commitment to being "*very responsive*". Nor does it reflect an appreciation for the very real issues that were raised as quickly as possible in the 9 December 2024 letter by our client, precisely because of the precarious position faced by the broadcasters and the viewing public, in light of the extremely short and entirely arbitrary extension of the analogue switch-off date until 31 March 2025.

- 6 We also note that, despite requesting relevant documentation from the Minister and the Department in relation to the analogue switch-off, which is plainly in their possession and could easily be furnished, none of this documentation has been provided to us, nor has any explanation been provided for the failure to do so.
- 7 In summary, your letter fails to address any of the issues raised in our urgent correspondence and is symptomatic of the manner in which the Department and the Minister has approached the serious and pressing concerns raised by our client, notwithstanding the Minister's express commitment to responsiveness.

Kind regards,

Anthony Norton / Anton Roets / Nina Greyling

Nortons Incorporated

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<p>Nortons Inc</p>
<p><i>Shahan Solly</i> held on <i>[Date unknown]</i></p>
<p><small>AMB Recordings and Transcriptions CC P O Box 913-1519, Garsfontein East 0060 Mobile: Nos. 064 552 8547; 061 500 3775</small></p>

Shahan Solly

SHAHAN SOLLY: As South Africa gets closer to the much-debated analogue switch-off deadline set for 31 March 2025, concern is mounting over its potential impact on millions of households. Government has failed to roll out its plan for the past 17 years. Broadcasters are sounding the alarm, warning that if the switch-off goes ahead as planned, millions of South Africans could be left in the dark unable to watch TV. The Broadcast Research Council estimates that 4.3 million households still watch TV on analogue and lack the necessary set-top boxes to go digital.

10 Meanwhile, government efforts to provide these devices to qualifying low income families is falling miserably short. Let's speak to Communications Minister Solly Malatse to address the pressing concerns. He joins us now live. So Minister, thanks for your time. We appreciate it. How does government plan to ensure that this critical transition doesn't leave millions of South Africans disconnected?

15 MINISTER MALATSE: Thank you very much for the opportunity Shahan and that is the absolute responsibility that this administration wants to ensure ... to make sure that we do not leave many South Africans, particularly those we know that are poor, those that rely and have relied for a very long period on access to broadcast services on analogue.

20 The reality is that this mission to get South Africa to migrate has been ongoing for several years at a very great cost and to acknowledge, there has been shortcomings on behalf of the performance and delivery

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Shanan Solly

of the government for some time, and those shortcomings are well known.

However, the deadline, which was meant to have been the 31st of December 2024 were able to get an extension that Cabinet approved, which has now been extended to the 31st of March and we are going to use this period between now and March, and we've already begun to ensure that those registered beneficiaries, and our figures estimate that you know, there are currently over 400 000 beneficiaries who had set-top

they are provided those set-top boxes and the installations take place. The difficulty that government faces with regards to this is continuing with dual elimination, which is you know, having both analogue and digital on at the same time, has been a great cost to the government and that cost is unsustainable to maintain going forward. We have been very open and very engaging with the broadcasters ever since we came into office about the challenges that have previously taken place and the efforts that we are making to make sure we pull everyone, as we try and get analogue switched off.

SHAHAN SOLLY: Yes, given that this issue has been going on for well over a decade and a half. How is it possible for you to get those set-top boxes into over 469 000 homes in 3 months?

MINISTER MALATSE: One of the key things that we did towards the end of last year, and this involved an engagement with the broadcasters was to work on an acceleration plan that will target the high dense areas

Shanan Solly

where the largest parts of the population are currently on analogue and those are easily identifiable through some provinces such as the Western Cape and Gauteng, which you know, house some of the largest volumes of traffic that are currently on analogue.

The intention is to work robustly through our entity Sentech and the other entities that are responsible to ensure that we reach as many of those South African as possible, because you'll bear in mind Shahan, that in order for any transmitter to be switched off, you need to get to at least 90% of the population or the traffic that is currently relying on that transmitter in order to get them to migrate and with those provinces, that's where the highest volume of the traffic on analogue is had.

SHAHAN SOLLY: I get that. So, let's talk about what is now called the missing millions here, because government is going to subsidise the 469 000 set-top boxes, but there are over 4.3 million households that still don't have the set-top boxes. And that means, even if you go ahead and manage to cover the 469 000, there are 4.3 million households that are not going to be able to watch TV in South African from the 31st of March, which is of course, problematic to citizens who have a right to access television, especially critical news.

Then of course, it's going to be problematic for broadcasters, including the SABC.

MINISTER MALATSE: Look, the figures around particularly the missing middle have been a source of contestation for some time, but

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Shanan Solly

the key thing to acknowledge here is that there has been very consistent and persistent efforts to get South Africans who would want to migrate in order to register and do the qualification for them to be able to migrate into this era that we've been moving on.

5 Despite the persistent efforts, we as the Department, has today been struggling to actually get to that figure that the broadcasters persistently highlight that that is the number and the key thing, Shahtan in this is that one, government has a responsibility to ensure that the indigent, it makes provision for the indigent, that it also works with the
10 broadcasters to ensure that those who are outside the qualifying spectrum of the indigent are also supported.

To date, I mean despite repeated efforts over a period of years and even verifying those registered beneficiaries we are unable to reconcile those numbers and that's part of the difficulty that we are
15 facing. We want to get to a stage where in working with the broadcasters, because they keep mentioning the figure of these households and we are saying, through the persistent research that we had done, the numbers do not correspond and we don't want to basically be destructed by saying, you know, we think your numbers
20 are not correct and our numbers are not correct, but the important thing for us is, there has been a figure agreed upon in terms of the registered beneficiaries, which government has a responsibility to make sure that it provides support for them to migrate.

Shanan Solly

We need to make sure that this time around we do what is within government's obligations in order to meet that demand, because the other risk Shahan is leaving this up to perpetuity is also sustainable. government, on its own come up fault...

5 **SHAHAN SOLLY:** Absolutely Minister, but the reality is that government has dragged its feet for a decade and a half and now you're putting pressure on broadcasters that are set to lose million in viewers and advertising revenue in order for them to provide a critical service to South Africans.

10 That number I am talking about of 4.3 million people who will not be able to watch ... or households, I should say, 4.3 million households that will not be able to access TV is given to us by the Broadcast Research Council. This is a legitimate and recognised body in South Africa that advertisers also look to in terms of TV viewing to
15 determine rates for advertising etc.

So why can't you speak to the Broadcast Research Council to get those figures, so that something can be done? Why are you saying that it's hard for you to figure this out?

20 **MINISTER MALATSE:** Well, I'm saying to over ... I mean since I came to your office, for instance, and I'll speak for my period and even the efforts of my predecessors. There's been numerous engagements with broadcasters around the concern and the figures around who is currently still on analogue? And I'm saying to you that in terms of also the traffic volumes that we have with regards to what qualifies a

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Shanan Solly

specific transmitter to be switched off, you need to be able to get to 90% of that traffic being off.

This is what we are relying on in terms of 1, the number of transmitters that needs to be switched off in order to get us to analogue switched off. And we have made this effort to secure this extension to say that we recognise that there has been shortcomings and those are obvious shortcomings Shaban and we've been very open about weighing the past.

Government has not been very prudent and very active in making sure that set-top boxes get to households and that the installations take place within the timeframes that they are supposed to. But we are saying now that, with these figures that we are relying on in the indigent households, we will be able to in this period of time make a massive dent towards moving those, because as I keep indicating and it's a very fair thing to also underscore, that there is an element of the responsibility of government that must fulfil. There is the responsibility on behalf of the broadcasters also in terms of what they must fulfil around the achievement of analogue switch off.

Even all these prior deadlines that were committed to, they were committed to in consensus and in engagements with the broadcasters. SHAHAN SOLLY: I get that, but now we're hanging with an issue of more than 4.3 million households not having access to television. And while you recognise that there are shortcomings from this department over the years before you, you're now sitting with an issue where you

Shanan Solly

will unfairly disconnect 4.3 million households and they won't be able to access TV.

If you go by the research terms, there are two people per household watching TV. That's over 8 million people who will not be able to watch TV in South Africa. It's a significant number, which I think your department, given that you are part of the GNU, can try and figure out and get right and not just say, but I am dealing with years of what didn't happen.

I mean surely, you have a responsibility as a Minister to get this right.

MINISTER MALATSE: Absolutely and that is why we have even been able to lobby within cabinet and to secure the extension that we have secured, because we want to make sure that we do not unfairly jeopardise South Africans to be able to access broadcasting services and that's the effort that we are making to make sure that those indigent households have the support that they should be getting from government and that we meet our obligations.

On the point that you keep making with regards to the figure that the Broadcasting Association uses, I'm recognising the fact that the broadcasters have highlighted that there is concern about the missing middle. And we are saying that the issue of the missing middle cannot be solely the responsibility of government alone, because even in each and every effort of getting towards analogue switch off, it's always been done in consultation and with the input of the broadcasters.

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Shanan Solly

We are looking forward to continue engaging with the
broadcasters on this and I will be curious to be able to establish what
plans the broadcasters have on their part to make sure they also don't
lose the missing middle by playing their part, because countries world
over, the era of broadcasting is that it is moving away from analogue
and South Africa can't be left behind.

SHAHAN SOLLY: I know that and I know that some broadcasters are
trying to make it accessible and easy for the missing millions, I'm
going to call them, to actually access a set-top box to watch television,
but that is something that they will try to do privately and I can't speak
for them. But I'm talking about your obligation as government to
ensure that you don't ahead with switching off analogue on the 31st of
March, when there are millions of South Africans who will be affected
by this.

It boils down to, it's like you're saying to citizens, you have a
responsibility to fight crime in this country, businesses also have a
responsibility to fight crime, but now you're coming and you're telling
me that past administrations have failed to adequately deal with this
and now you're saying that broadcasters also have to play their part.

We know that. They're doing it, because they stand a lot to lose
here as well. My point is, how can government go ahead with the 31
March switch off, when over 4 million households are going to be
affected by this? You can't just say to me you're only watching over

Shanan Solly

the 469 000 that you have an obligation to assist. Surely that's not the
case?

MINISTER MALATSE: And surely that is misdiagnosis of the point
I've been trying to drive home. The point I've been trying to drive
home here is that one, there was obligations on the part of government,
there's also obligations on the part of Broadcasters to make sure that
we all move towards digital, right, and that even these deadlines, some
of which includes the most recent one, which was for analogue switch
off to be achieved by the 31st of December 2024.

It was even agreed to by the broadcasters, but in recognition of
the fact that delivery of set-top boxes has been slow up to that point,
we then pushed for the extension that we have secured, to make sure
that we can have a massive dent towards that.

I think ultimately, you're always going to get to a point where
because broadcasters want to maximise their audiences, they will
always have the view that there's still volumes of households on
analogue that we need to protect. We are saying, you know, the
Department has repeatedly done call-outs, have done massive PR
campaigns to establish, identify addresses, identify households in order
to get to these homes that need the support that they need.

We are saying that we have been so proactively engaging, even
with the broadcasters to say that we can't hold dual illumination in
perpetuity because it represents risks. Sentech as it is currently is
struggling with a massive bill, because it has to inherit the cost of dual

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Shanan Solly

illumination and the concern about pursuing and going ahead with the deadline is not to exclude South Africans from accessing broadcasting services, but it's also to recognise that broadcasting has evolved and it is continuously evolving and we need to catch up with the digital technologies that are in the space of broadcasting.

And no government and definitely the GNU would not want to leave millions of South Africans without access to these if there are any other means that it can do in order to ensure that there is universal access to broadcasting.

SHAHAN SOLLY: Okay, so are you then saying to me that if you don't manage to reach these 4.3 million missing millions, we're going to call them again, that there is a consideration for this deadline to be extended

MINISTER MALATSE: Cabinet has made the decision. The decision about the deadline would not be extendable beyond the 31st of March. That is what we are working with and that is all what our efforts are working towards, to make sure that within that deadline we would have made that sizeable dent to get the transmitters, be relieved of at least 90% of the traffic that is in there, that will then open the door for analogue switch off to happen in those areas.

SHAHAN SOLLY: Okay, last issue. You said that government has over the years pushed out messaging to actually get people to buy the set-top boxes so that they cannot be affected by the analogue. Broadcasters argued that not enough was done, which is why we have

Shanan Solly

this over 4 million households that are going to be affected. How do you measure that government has done more than enough to educate people about the switch over and that they need to get the set-top boxes?

MINISTER MALATSE: Yes, I mean that is always a debatable view. The industry and the department feels that we have done sufficient in order to get to as many South Africans as possible and that is largely guided by the fact of the repetition of the message and also what happens afterwards, which is once households or individuals within households have registered, following up with them, identifying those addresses.

I think ultimately the view of the broadcasters will always be that you know, you need to get to a zero number in order to measure that this has been done effectively, but unlike the broadcasters, government also has different considerations that it needs to grapple with and one of those is the heavy burden of the cost of dual illumination, which I've been alluding to...

SHAHAN SOLLY: Yes, but that is a consequence of failure from the department's side over the years.

MINISTER MALATSE: And that is why I am saying we have also pushed for the extension to get this extension in order to correct some of those delivery relapses that happened previously, because we recognise that from the department's side, there are areas that we could have done better. And one of those is around the pace with which set-

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top boxes would have been distributed to households in order to get the installations done.

SHAHAN SOLLY: Yes. And that for me is the irony. The fact that you admit that government could have done better to get the set-top boxes out there, yet you still push for March 31 deadline where we're going to see millions of people affected by this, after 17 years of talking about the rollout of this. For me, it is something that is quite difficult to understand, but thank you so much for your time, Minister. I really do appreciate it and I look forward to having this discussion with you closer to the time.


10

ADJOURNMENT

Transcriber's Certificate

I, the undersigned, hereby declare that this document is a true and just transcription, in as far as it is audible, of the mechanically recorded proceedings in the matter of:

Nortons Inc
Shahan Solly – Date unknown


Transcriber: M Fitzpatrick
Date: 15 January 2025

Editor's Certificate

I, the undersigned, hereby declare that this document is a true reflection, in as far as it is audible, of the mechanically recorded proceedings in the matter of:

Nortons Inc
Shahan Solly – Date unknown


Editor: M Fitzpatrick
Date: 15 January 2025

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Annexure FA32

Our Ref	R Seepane/ H Mahlangu/ M00388
Your Ref	

15 January 2025

**NORTONS INC
1ST FLOOR, THE RESERVE
54 MELVILLE ROAD
ILLOVO
JOHANNESBURG**

PER ELECTRONIC MAIL: info@nortonsinc.com

Dear Sir/ Madam

RE: ANALOGUE SWITCH OFF/ MEDIA MONITORING AFRICA / SOS SUPPORT PUBLIC BROADCASTING COALITION

1. We refer to the above matter and your letter dated 9 December 2024, directed to the Honourable Minister Malatsi ("**our client and/or the Minister**") which has been brought to our attention for a reply.
2. At the outset, please note that our instructions are not to deal with each, and every allegation or contention contained in your letter. Our election, on behalf of our client, not to deal with every allegation or contention should not be construed as an admission or acceptance of the correctness of any contents in your letter. Our client reserves the right to deal with each allegation, contention and/or innuendo in your letter at an appropriate time or forum should a need arise.
3. Notwithstanding the above, we confirm that our client's instructions are to respond to your letter as follows:

Managing Director: Rebokilwe Seepane (BA (Law), LLB, LLM: Labour Law)

Director: Hlengiwe Mahlangu (LLB)
Candidate Attorney: Matipa Tswai (BA (Law), LLB)
Secretary: Rebone Chaane

Consultant: Thato Manala (LLB)
RAF Consultant: Amigo Ndlovu
Candidate Attorney Designate: Khensani Mawai (LLB)

SA

- 3.1. The Analogue Switch Off (“**ASO**”) date has been extended to 31 March 2025.
- 3.2. Our client has an implementation plan that will ensure that households which have been registered and qualify for the set-top boxes will receive the set-top boxes. The implementation plan was presented by our client on 20 December 2024, in a meeting with the broadcasters. Our client will apply methods that will ensure that the set-top boxes are installed for the respective qualifying and registered households. This will be achieved through the acceleration plan presented to the broadcaster on 20 December 2024 intended to expedite the installation process.
- 3.3. Our client implored broadcasters to reach out to the households which do not qualify in terms of the financial thresholds for the set-top boxes, to ensure that these households are ready for the digital migration.
- 3.4. The presentation to the Parliamentary Portfolio Committee which deals with DDT versus DTH is attached. Our client is unable to provide you with the submissions to Cabinet requested under paragraphs 41 of your letter. The document requested served before cabinet and is therefore confidential.
4. In conclusion, our client is aware of the rights of our people to freedom of expression and other fundamental constitutional rights. In light thereof, our client has no intention of offending these fundamental rights. Instead, our client endeavours to promote and uphold these rights.
5. We trust you will find the above to be in order.

Your faithfully,

R Seepane

ELECTRONICALLY TRANSMITTED WITHOUT SIGNATURE

Director

Email: rebokilwe@hmchaane.co.za

Managing Director: Rebokilwe Seepane (BA (Law), LLB, LLM: Labour Law)

Director: Hlengiwe Mahlangu (LLB)
Candidate Attorney: Matipa Tswai (BA (Law), LLB)
Secretary: Rebone Chaane

Consultant: Thato Manala (LLB)
RAF Consultant: Amigo Ndlovu
Candidate Attorney Designate: Khensani Mawai (LLB)

ASA

URGENT

Annexure FA33

Mr Hlengiwe Mahlangu
HM Chaane Attorneys

By email:

17 January 2025

Dear Mr Mahlangu

Re: Analogue Switch Off

- 1 We refer to your letter of 15 January 2025 (received on the very last day that you had unilaterally chosen for a response, and sent at 10.13 pm in the evening) in response to our letters of 9 and 27 December 2024.
- 2 At the outset, we note that your letter fails meaningfully to address the substantive concerns raised in our letters, and does not reflect an appreciation of the precarious position currently faced by the broadcasters and the viewing public (including millions of indigent people), in the light of the looming analogue switch-off date of 31 March 2025. Indeed, despite requesting more than a month to respond to our substantive letter of 9 December 2024 and to take instructions on the issues raised, your response of 15 January 2025 (of less than two pages) indicates that your client has elected “*not to deal with every allegation or contention contained in [our client’s] letter*”. It is inexplicable that you and your client needed 5 weeks (from 9 December 2024 to 15 January 2025) to respond in such a paltry and evasive fashion. The approach adopted does not constitute proper consultation at all. For instance, your letter fails to deal with the substance of the various concerns raised by e.tv regarding DTT. The approach reflects a dismissive approach to the issues, which is not compliant with the constitutional requirements of openness, transparency and responsiveness that the Minister (who has also repeatedly attempted publicly to suggest that he is looking forward to “consulting” and “engaging” with the broadcasters) as an organ of state is bound by.

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- 3 Your letter explains that the Minister has “*an implementation plan that will ensure that households which have been registered and qualify for the set-top boxes will receive the set-top boxes*” before 31 March 2025. The letter, however, fails to provide this plan, its details, and evidence of its implementation.
- 4 Instead, the Minister explains that his plan is the same plan as presented in a meeting – hastily convened at short notice late in the year, and criticised as unfair and prejudicial by those who were able to attend – with the broadcasters on 20 December 2024. This meeting was procedurally defective and did not allow for proper consultation, or a basis for rational decision-making. That is, *inter alia*, for the following reasons:
- 4.1 The Minister invited stakeholders to the meeting on 18 December 2024 roughly 36 hours before the meeting.
- 4.2 Stakeholders were provided with no information regarding the substance of the meeting, other than a subject line reading: “*Meeting with Broadcasters: Briefing on the ASO Acceleration Plan*”.
- 4.3 Stakeholders who were present at the meeting of 20 December 2024 were not provided with a copy of the (then preliminary) plan before or at the meeting.
- 4.4 At the start of the meeting, a community broadcaster pointed out that the timing and notice of the meeting were inadequate. The Minister had provided almost no notice regarding the meeting, broadcasters from community stations could not be present, and broadcasters could not properly prepare for the meeting given the time of year. The Minister acknowledged that the point was “*well made*”.
- 4.5 The presentation was brief, which did not allow for scrutiny of the preliminary plan. One stakeholder specifically commented that he looked forward to receiving the plan in writing to permit his organisation to provide feedback and comments to the Minister.

- 4.6 The oral presentation on 20 December 2024 emphasised that the presented plan was “*preliminary*”. The implication was that there would be further opportunity for meaningful scrutiny of, and comment on, the preliminary plan before it became final. However, it appears that the Minister now considers the presented plan as final—without any input from stakeholders.
- 4.7 We requested a copy of the presentation of 20 December 2024 on 20 December 2024 and 6 January 2025. The Ministry has failed to provide this presentation and the reasons for this failure have not been provided. We once again request a copy of this presentation.
- 4.8 The nature and timing of the meeting was contrary to the Minister’s assurances on 5 December 2024. On that day, when announcing the decision to extend the ASO deadline to 31 March 2025, the Minister undertook to facilitate an inclusive process leading up to the finalisation of a plan to install the required STBs before 31 March 2025. He specifically indicated that there would be opportunities for stakeholders to make contributions around how the Department should proceed.
- 4.9 Without this presentation, and further details from the Minister, our client cannot properly engage with the substance of the Minister’s plan. The continued failure to provide the presentation is not only in violation of the constitutional requirements of openness, transparency and responsiveness, but plainly procedurally irrational (undermining the very purpose of purporting to consult with broadcasters on the preliminary plan).
- 5 As far as it can be ascertained by our client (based not on any publicly conveyed plan by the Minister, but on its own recording of the meeting of 20 December 2024), the Minister’s plan, if that is what was conveyed on 20 December 2024, supposedly entails three key features:

- 5.1 The Department asserts that of the 447 815 remaining registered households,¹ only 244 848 are in four provinces (Western Cape, Eastern Cape, Gauteng, and KwaZulu Natal) that have analogue transmission. So, the remaining 202 967 households in the other five provinces will not receive set top boxes (STBs) before 31 March 2025.
- 5.2 Sentech commenced a procurement process for more STB installers on 13 December 2024, and the objective was that by the end of January 2025 Sentech should have completed that procurement process, which would then bring additional installers into the programme.
- 5.3 Sentech will place an order for an additional 100 000 STBs in mid-January 2025 to its panel of manufacturers and suppliers of decoders. As things stand, Sentech has approximately 178 000 STBs.
- 6 Apparently through these three features, the Minister suggests that the Government plans to achieve the purpose behind ASO: to mitigate the adverse impact of switch-off and to ensure that everyone who needs to migrate from analogue to digital is ready to do so.
- 7 This is no substitute for a proper plan that is openly discussed and properly and fairly presented to all stakeholders with sufficient time to respond by way of fair consultation. But to the extent that our client's recording of the meeting allows for a discernment of the Minister's (preliminary, now apparently final) plan, this plan is irrational, and cannot and will not achieve this purpose. Had the Minister properly sought to consult with the affected broadcasters and public (instead of belatedly through his attorneys conveying what is contained in the sparse letter of 15 January), then the following would have been pointed out: Over and above the procedural irregularities relating to the Minister's decision, this plan is irrational, and cannot and will not achieve its purpose. That is so far at least three reasons.

¹ We note that on 19 November 2024, the Department told Parliament that 469 370 registered households remained without STBs. No reason was given for this discrepancy on 20 December 2024.

8 First, the “*plan*” rests on a material mistake of fact.

8.1 The plan assumes that households outside of Western Cape, Eastern Cape, Gauteng, and KwaZulu-Natal have already experienced ASO.

8.2 The Department knows that this is factually incorrect.

8.3 e.tv continues to broadcast in all nine provinces using 41 analogue transmitters. It pays Sentech well over R100 million a year to do so.

8.4 e.tv broadcasts to nearly one million households reliant exclusively on analogue transmissions in Northern Cape, North West, Mpumalanga, Limpopo, and Free State. According to the BRC, the average number of households between April and December 2024 relying on only analogue television broadcasts in those provinces is as follows:

Province	Analogue Households
Northern Cape	45 703
Free State	109 785
Mpumalanga	246 460
Limpopo	309 547
North West	272 611
Total	984 106

8.5 The effect of this is that there is no province in South Africa in which ASO has occurred.

8.6 The plan appears to confuse the SABC’s voluntary decision to cease analogue broadcasting in certain provinces with ASO. The SABC has decided to terminate analogue broadcasting in provinces other than the Western Cape, Eastern Cape, Gauteng, and KwaZulu Natal. But that does not mean that households outside those provinces no longer rely on analogue broadcasting. They do—to watch e.tv — and the numbers from the BRC reflect this.

- 8.7 So, the plan incorrectly assumes that households outside of the Western Cape, Eastern Cape, Gauteng, and KwaZulu-Natal have already experienced ASO.
- 9 Second, even if the plan correctly assumes that 202 967 registered households have already experienced ASO (which they certainly have not), the plan is irrational for three reasons.
- 9.1 If a registered household has experienced ASO, then that household still requires an STB to watch television. There is no basis—as the Minister purports to do—to forsake distributing an STB to that household when the purpose behind setting an ASO date is to protect indigent households' television access. To the contrary, since that household is already in television darkness, the Department should prioritise providing that household with an STB.
- 9.2 On 20 December 2024, the Department explained that between August and December 2024 the Department managed to install 15 740 STBs—roughly 3 000 STBs per month. At that rate, the Department requires over 80 months to install 250 000 STBs—not three months. To install 250 000 STBs in three months, the Department needs to install 83 300 STBs per month, improving its installation rate by 2700%. This is impossible (certainly considering how the Department would not have started installing at an increased rate on 1 January 2025, at the height of the national summer holiday period).
- 9.3 The Department currently has around 178 000 STBs. It cannot provide even 250 000 households with STBs before 31 March 2025 for want of stock (and there is no indication that 100 000 new STBs that the Minister says are to be ordered, have yet even been contracted for, nor that any manufacturing company in the world can produce this many boxes in time for them to be delivered and then installed across the country by 31 March 2025).
- 10 The Department says that Sentech, to address the rate of installation and lack of stock, has approached the market for more installers and STBs. However:

- 10.1 The Minister provides no evidence for this allegation. The Minister fails to provide Sentech's requests for quotation, the responses (if any) to those requests, and the number of additional installers appointed or STBs procured.
- 10.2 It was necessary for the Minister to provide that evidence, given that it is unclear how, with a procurement process beginning on 13 December 2024, Sentech will have to find and appoint sufficient installers to increase the rate of installation by 2700% and install 250 000 STBs by 31 March 2025.
- 10.3 The same is true for the promise of an order of 100,000 STBs being placed by Sentech by "mid-January" – with no evidence of such order having yet been placed. Even if the Department has a panel of approved manufacturers and suppliers, there is nothing to suggest that the Department can order and receive 100 000 STBs in time to install those STBs before 31 March 2025. STBs would need to be produced, delivered (which could include shipping and importation), distributed to installers, and installed at 100 000 households.
- 11 The plan, even leaving aside the Department's material factual mistake, thus cannot succeed – and there is no evidence by the Minister to explain how the plan will succeed.
- 12 Third, the plan cannot succeed based on the correct facts.
- 12.1 The Department will not install STBs in all remaining 447 815 registered households by 31 March 2025. It acknowledges this by confirming that it will not provide 200 000 households (representing over 600 000 individuals) with their promised STBs by 31 March 2025.
- 12.2 The plan is thus irrational, for failing to achieve the purpose behind ASO, and unlawful for breaching government's promise (at least to registered households) "to leave no one behind".
- 12.3 The position only worsens if one considers all eligible households. Around 1.9 million households representing some 6,2 million South Africans, who are eligible for STBs, remain unregistered. The Minister will recall that his own office committed to providing all

households earning under R3500 a month with an STB. Based on 2018 statistics (which the Minister is plainly obliged to revisit) these households numbered 3.75 million, of which only 1 772 873 have registered for STBs. The Minister cannot provide the remaining 1 977 127 (roughly 52%) eligible households with STBs by 31 March 2025—certainly not when one considers that the number may be far greater considering demographic and economic changes since 2018.

12.4 In his letter, the Minister appears to confuse his duties with that which he alleges is borne by broadcasters' regarding the "*missing middle*" (those who are not eligible for government STBs but have not migrated to digital television because they do not earn enough to afford to migrate themselves digital broadcasting). The Minister is obliged to provide STBs to the 3.75 million households considered eligible by his office. The Minister is equally obliged, to ensure his plan is rational, to consider whether (a) there are additional households that now earn less than R3500 and (b) whether there are households that earn more than R3500 that cannot afford to self-migrate to digital broadcasting should ASO occur. The current pool of eligible households—the 3.75 million—was determined based on 2018 statistics. The Minister's plan, seven years later, should at least consider current statistics to ascertain the impact ASO would have on poor households.

13 If the Minister's plan cannot deliver STBs to all (or at least the vast majority of) eligible households by 31 March 2025—which it obviously cannot (it cannot even deliver STBs to the majority of registered households who have still not been provided STBs) — then it is constitutionally unacceptable (as an unreasonable measure that cannot fulfil, respect, promote or protect the rights in issue), irrational (as a measure that cannot achieve the Minister's own plan) for the Minister to proceed with it, and violates the government's promise to indigent households. Instead, the plainly rushed and ill-thought-through postponement to 31 March 2025 requires revisiting, and a new date for ASO is required—a date that affords government a reasonable opportunity to properly devise a plan, consult meaningfully about the new date and the plan, and engage with the public in order to ensure that the viewing public understands the plan and to maximise government's delivery on its promise and ensure that it meets its obligation to protect indigent households.

JA

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- 14 e.tv accordingly requests confirmation from the Minister that, in light of the facts set out above, and which confirms that millions of South Africa will be left without access to television in violation of the government's promises to them, the Minister will:
- 14.1 retract the announcement of the ASO date of 31 March 2025; and
- 14.2 set a new date for ASO only after taking into account the relevant considerations set out above and following proper consultation with relevant parties (including broadcasters and relevant public interest organisations such as MMA and SOS) on a rational and viable plan for digital migration and an achievable date for ASO that will not leave millions of South Africans without access to television.
- 15 Given the urgency and importance of the matters at stake, e.tv requests that the Minister provide this undertaking by 4:30 pm on **Wednesday, 22 January 2025**.
- 16 We await your urgent response.

Kind regards

Anthony Norton / Anton Roets / Avias Ngwenya / Nina Greyling

Nortons Incorporated

SA

From: [Matipa Tswai \[HM Chaane Attorneys\]](#)
To: [Anton Roets](#); [Hlengiwe Mahlangu \[HM Chaane Attorneys\]](#)
Cc: [Rebokilwe Seepane \[HM Chaane Attorneys\]](#); [Khensani Mawai \[HM Chaane Attorneys\]](#); [Nina Christina Greyling](#); [Anthony Norton](#)
Subject: RE: ANALOGUE SWITCH OFF
Date: Friday, 17 January 2025 15:14:09

Dear Mr Roets,

We acknowledge receipt of the attached letter, and we shall revert.

Kind Regards,



www.hmchaane.co.za

Matipa Tswai
Candidate Attorney
Irene Link Office Park
Building E, Ground Floor
5 Impala Avenue
Doringkloof, Centurion, 0157
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From: Anton Roets <anton@nortonsinc.com>
Sent: Friday, 17 January 2025 15:07
To: Hlengiwe Mahlangu [HM Chaane Attorneys] <Hlengiwe@hmchaane.co.za>
Cc: Rebokilwe Seepane [HM Chaane Attorneys] <Rebokilwe@hmchaane.co.za>; Khensani Mawai [HM Chaane Attorneys] <Khensani@hmchaane.co.za>; Matipa Tswai [HM Chaane Attorneys] <Matipa@hmchaane.co.za>; Nina Christina Greyling <nina@nortonsinc.com>; Anthony Norton <anthony@nortonsinc.com>
Subject: Re: ANALOGUE SWITCH OFF

Dear Mr Mahlangu

Please find enclosed an urgent letter for your attention.

Please would you confirm receipt of this email and the attached letter?

Kind regards

Anton

SA



Outline

1. Purpose.
2. Background.
3. Registration and Installation Data Cleaning.
4. Installation Plan (Approach and Detailed Installation Plan)
5. Enabling Installations
 - 5.1. Addressing household physical addresses
 - 5.2. Procurement of additional decoders
6. Awareness campaigns
7. Indigent registration and verification status
8. Recommendations

Purpose

- To update on:
 - The outcome of the data-cleaning exercise
 - Installation plan towards March 2025 analogue switch-off.

CS

ASO Deadline Extension

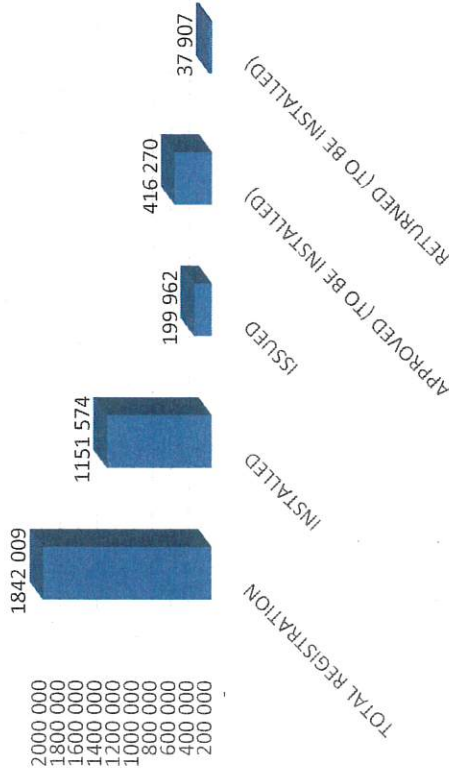
- Cabinet approved extension of the ASO deadline from 31 December 2024 to 31 March 2025
- The main challenge has been the slow installation rate, which was largely due to:
 - Duplication of installation in some households
 - Unusable Physical Address data impacting the location of registered households by installers
- The DCDT and entities commenced the development of an accelerated installation plan.
 - A technical team comprising DCDT, SITA, Sentech, SAPO, and USAASA was established for
 - Data cleaning – SITA
 - Installation Plan – Sentech
 - Procurement of additional STBs - USAASA
 - Awareness – DCDT/USAASA
- SAPO and Sentech provided registration and installation data to SITA for cleaning
 - SITA conducted data cleaning on the registration and installation data since inception of the programme in 2015 until 30 November 2024
- The outcome of the data cleaning exercise was shared with Sentech so that a detailed installation plan could be developed at the provincial or transmitter level.

2024 Data Cleaning (SAPO and Sentech Installation Data)

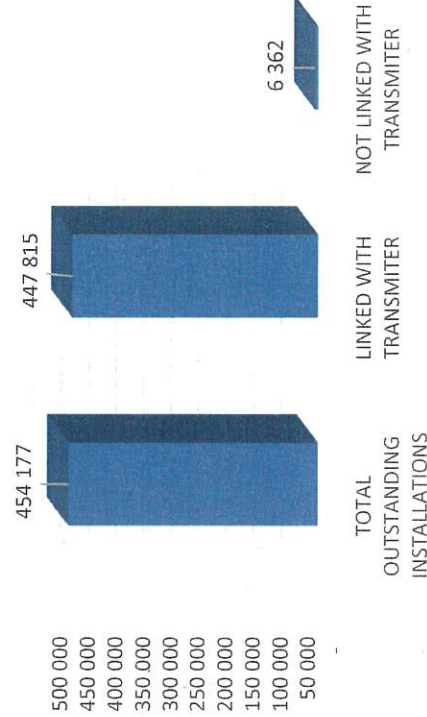
REGISTRATION AND INSTALLATION DATA

Data Preparation	❖ Total registration for the period 2015 to 30 November 2024 (1 878 395)
	❖ Data cleaning exercise identified and removed (36 386) duplicates using ID and Distribution numbers, leaving 1 842 009 registration records.
	❖ Installations by USAASA (511 363) and SENTECH (676 507) equal to 1 187 870

Registrations and Installations



Outstanding Installations

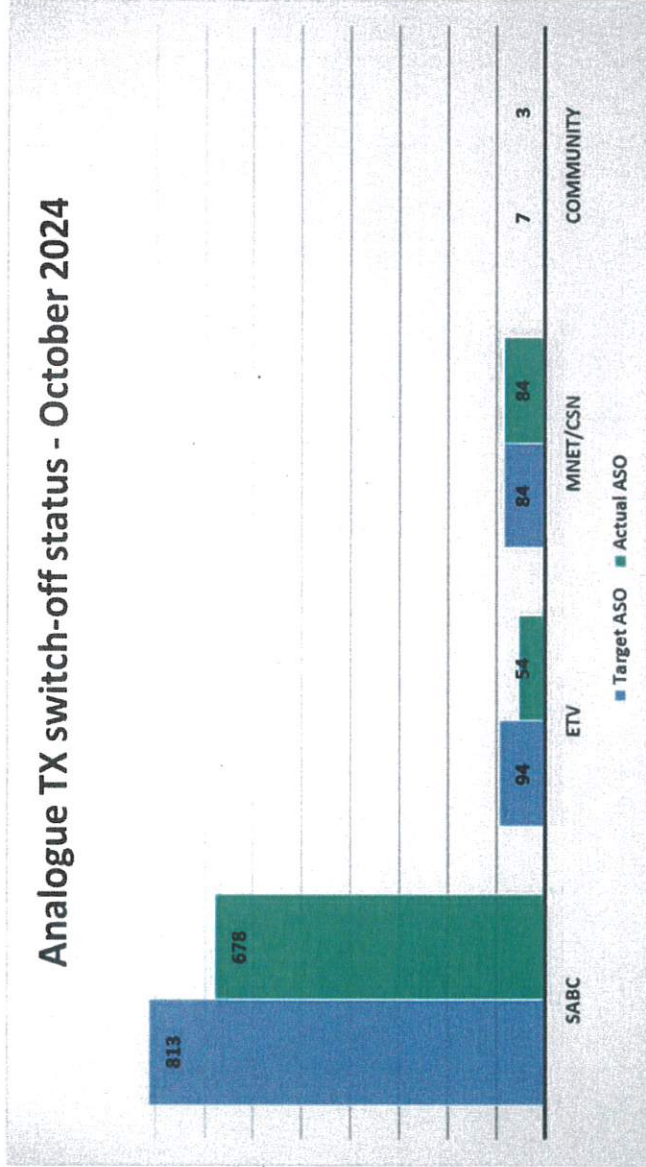


❑ Data cleaning exercise established that there are **447 815** registered households outstanding to be installed and linked to transmitter sites and **6 362** SITA and SAPO that are currently establishing links to transmitter sites

SA

ASO Progress

- South Africa operated 998 analogue transmitters in total and to date 820 transmitters have been successfully switched off. This amounts to 82% progress against the analogue switch-off target as tabulated below:



SA

Installation Planning

Context and scope of remaining ASO

- ❑ Considering new deadline for remaining Analogue TV transmitters of 31 March 2025.
- ❑ Targeting the remaining 178 analogue TV transmitters operational across the country (including 4 Community TV transmitters).
- ❑ Guided by the remaining 447 815 remaining beneficiaries that requires government subsidised decoders
 - Approximately 244 848 of these beneficiaries are in the 4 provinces where analogue transmitters are still operational (KZN, EC, WC & GP).

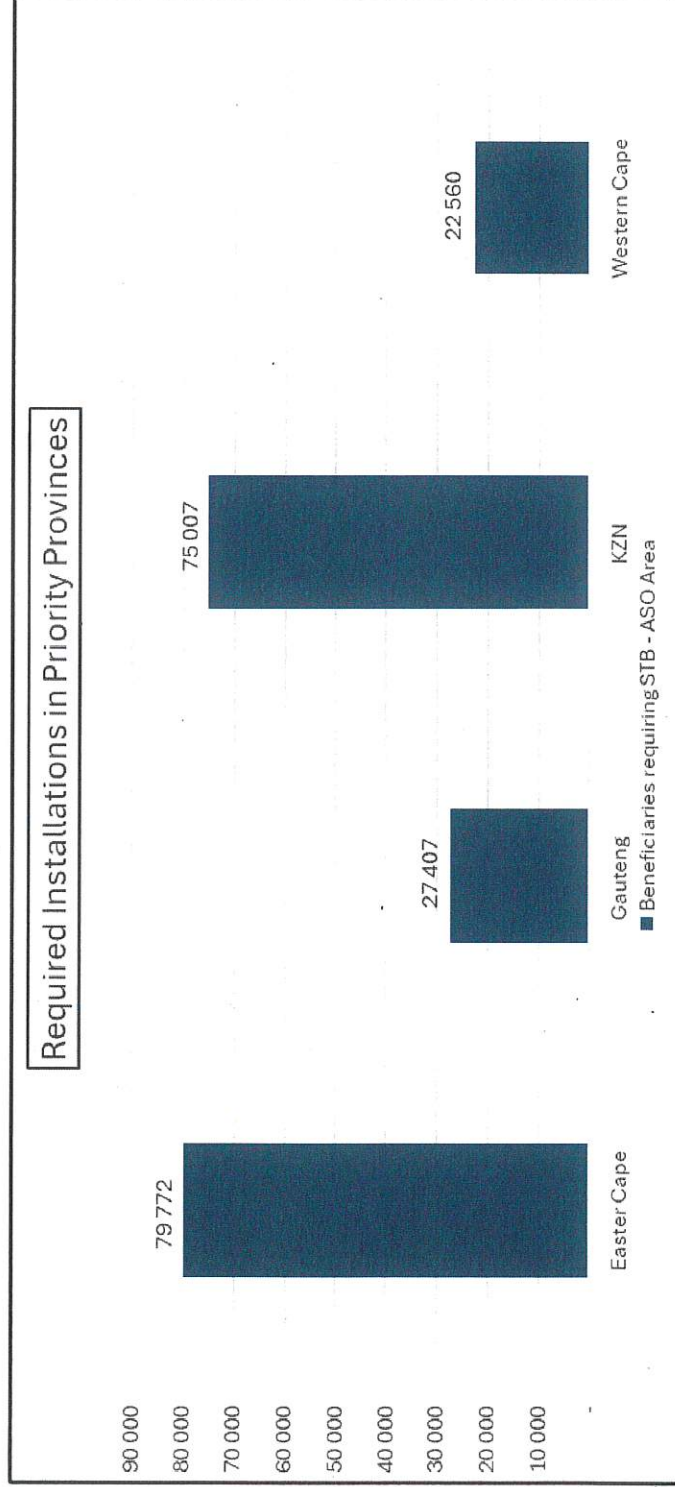
Analogue Switch-Off Approach and Principles

- Principle 1:** The four provinces of Gauteng, KwaZulu Natal, Eastern Cape, and Western Cape will be prioritised for STB distribution and Installation.
- Principle 2:** The total number of distributed and installed households should be in the Majority for the targeted areas by the end of March to ensure that fewer beneficiaries are affected by the ASO.
- Principle 3:** The Remaining households in the priority provinces will be concluded within 3 months from 31 March 2025.
- Principle 4:** All registered and approved households nationally will eventually receive STBs.

SA

Installation Plan – Beneficiaries in ASO area

- Approximately 15 740 installations are already concluded in these 4 priority provinces for the current outstanding beneficiaries from August 2024 – 11 December 2024.
- 244984 beneficiaries that requires STB's in areas where analogue is operational – Priority target

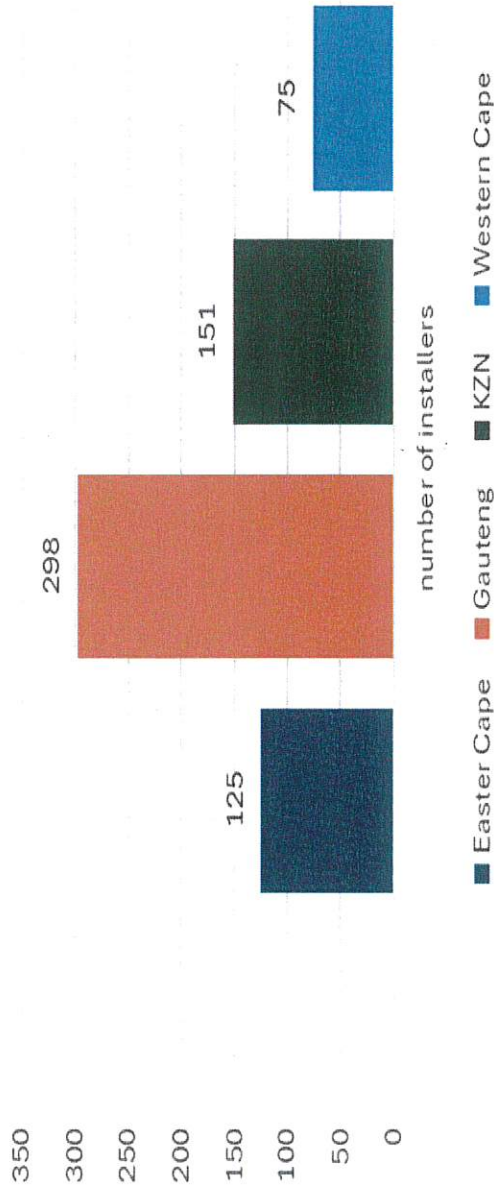


VS

Installation Plan – Beneficiaries in ASO area

- Sentech has a panel of installers that operate in all 9 provinces.
- The graph below indicates the number of installers in the 4 priority provinces.
- The installers have a capacity to install on average 5 installations per day per installer

Installer Capacity in priority provinces



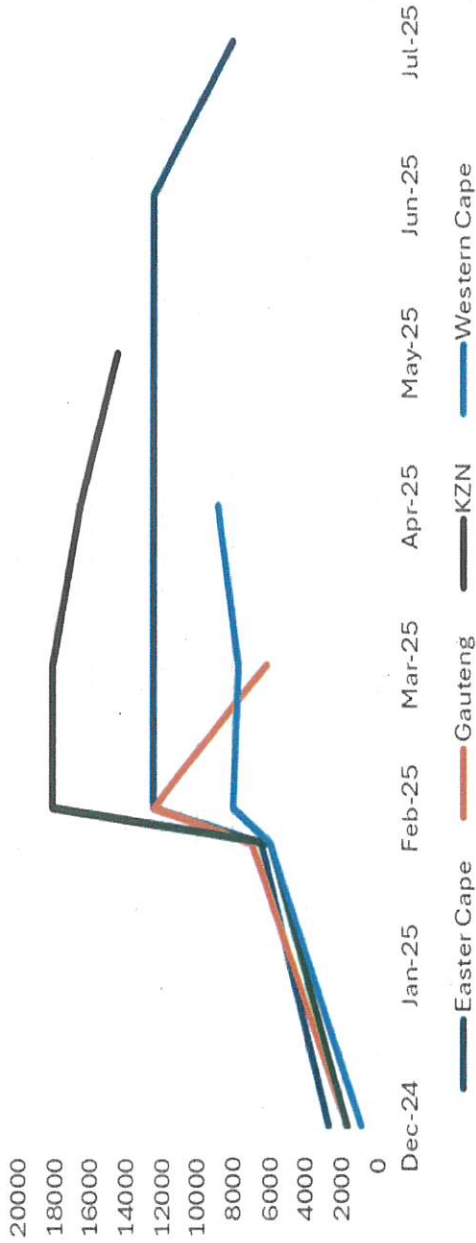
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Installation Plan – ASO Target Provinces

Province	Registrations for transmitters that requires ASO (Priority)	Phase 2 Installations as at 11/12/2024	Remaining Installations to reach 90% target (Priority)	Dec-24	Jan-25	Feb-25	Mar-25	Apr-25	May-25	Jun-25	Jul-25
Eastern Cape	95368	6059	79772	2700	6500	12500	12500	12500	12500	12500	8100
Gauteng	36018	5009	27407	1700	7000	12500	6200				
Kwazulu-Natal	87223	3494	75007	1700	6000	18120	18120	16600	14500		
Western Cape	26375	1178	22560	900	6000	8000	7700				
Total	244984	15740	204746	7000	25500	51120	44520	30640	29000	14500	10100

Installations Per Month



SA

Installation Plan – ASO Target Provinces

- The high level provincial plan, is informed by the detailed transmitter installation plan – Below extract for Gauteng province.

Province	Sentech Transmitters	Total	Transmitters to be ASO	90% of Remaining Registrations	Phase 2 installations	Remaining installations to reach 90% target	Ready for AS	December	January	February	March
Gauteng	Helderkruijn	218 Y	196	196		196 N			196		
Gauteng	Helderkruijn/Johannesburg	2403 Y	2163	2163	1003	1160 N			300	500	360
Gauteng	Johannesburg	25922 Y	23330	23330	4006	19324 N	1100	1100	4000	10000	4224
Gauteng	Johannesburg/Welverdiend	2725 Y	2453	2453		2453 N	500	500	1000	430	530
Gauteng	Pretoria	4750 Y	4275	4275		4275 N	100	100	1595	1600	980
		36018	32416	32416	5009	27407	1700	1700	7091	12530	6094

J.A

Installation Planning

- Plan towards installation of all beneficiaries
 - Sentech has installer capacity in all 9 provinces
 - Once the priority provinces are dealt with, installations will commence in other provinces as well
 - The remaining Installations are planned to be concluded by December 2025

Province	Remaining Registrations	Dec-24	Jan-25	Feb-25	Mar-25	Apr-25	May-25	Jun-25	Jul-25	Aug-25	Sep-25	Oct-25	Nov-25	Dec-25
Eastern Cape	132011	2700	6500	12500	12500	12500	12500	12500	8100	10000	12000	12000	10000	8211
Free State	15894					1540	2000	2000	2000	2000	2000	2000	2000	354
Gauteng	36088	1700	7000	12500	6200	3000	3000	2688						
Kwazulu-Natal	88671	1700	6000	18120	18120	16600	14500	6000	4000	3631				
Limpopo	78519					3000	10000	10500	12000	12000	10000	10000	8000	3019
Mpumalanga	31728					1000	3000	4500	4800	4800	4800	4500	3300	1028
North West	27168					1000	3000	3800	4000	4000	4000	4000	2000	1368
Northern Cape	7173					500	1000	1000	1200	1200	1200	600	473	
Western Cape	30563	900	6000	8000	7700	4000	2000	1963						
Total	447815	7000	25500	51120	44520	43140	51000	44951	36100	37631	34000	33100	25773	13980

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Assumptions

- Availability of accurate and verified beneficiary data,
- Availability of additional STB's.
- Installation run rate is based on current Installer capacity

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Enabling Installations

- Enhance installer capacity, especially in all provinces
 - Tender advertised on 13th of December 2024.
 - Appointment of additional installers by end January 2025.
- Increase number of available STB's.
- Conclude the Clean-up of beneficiary data and address information.

Enabling Installations Improving Physical Address Information



- SITA provided cleaned data containing outstanding households to enable interventions to improve physical address information.
 - SAPO has commenced standardising the addresses, prioritising them in line with the accelerated installation plan.
 - USAASA has commenced the procurement process to appoint a Service Provider for an Outbound Call Centre to call and send bulk SMSes to contact approved beneficiaries for physical address confirmation. The RFQ will be issued in early January 2025
 - The department will conduct stakeholder engagement with local councillors and traditional leaders to invite beneficiaries to update their physical addresses in line with the accelerated installation plan.

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Enabling Installations Improving Physical Address Information

Physical Addresses Standardisation Timelines – Aligned with installation priorities

Installation for :	Standardisation complete
December 2024	20-Dec-24
January 2025	20-Dec-24
February 2025	15-Jan-25
March 2025	22-Jan-25
April 2025	29-Jan-25
May 2025	12-Feb-25
June 2025	19-Feb-25
July 2025	26-Feb-25

J.A

Enabling Installations Procurement of additional decoders

- There is sufficient STB stock for the households in the priority provinces.
 - USAASA has appointed Sentech to set up a panel of manufacturers to distribute decoders to cover additional registered households.
 - USAASA has procured 200 000 additional DTH stock through Sentech.
 - An additional 100 000 DTH decoders will be placed in January 2025.
 - The department has authorised for USAASA to procure additional decoders to cater for outstanding registered households.
 - USAASA has commenced a stock count of the DTT inventory at SAPO.
 - ✓ The plan is to install DTT STBs in Gauteng and Western Cape.

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Awareness plan

□ Communications Awareness

- To ramp up the awareness campaign, the extension of contracts with SABC and community broadcasters is underway with more focus on on-air (radio and television) advertising, including focused interviews in prime slots for its wide reach, with key messages being:
 - ✓ The remaining qualifying indigent households to register up to 31 March 2025.
 - ✓ Alternatives to self-migrate for households that do not qualify for free government STBs.
 - ✓ Registered and uninstalled households are to be installed within six months after 31 March 2025.
- Physical activations, including outside broadcasts and radio live-reads focusing on high-density areas serviced by transmitters, will be switched off as per the accelerated ASO plan.
- Work with the GCIS to channel ASO messages to community radios to relay the ASO key messages to local communities.
- Broadcasters are encouraged to continue efforts to address the missing middle (non-qualifying households for government subsidies).

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Beneficiary Registration Status Verification

- SITA has developed a system for beneficiaries to check their registration status.
 - Beneficiaries can verify their registration status using their ID number
 - Beneficiaries must register their profiles in the system by entering their ID and contact number. They will then be issued an OTP to access their registration status.

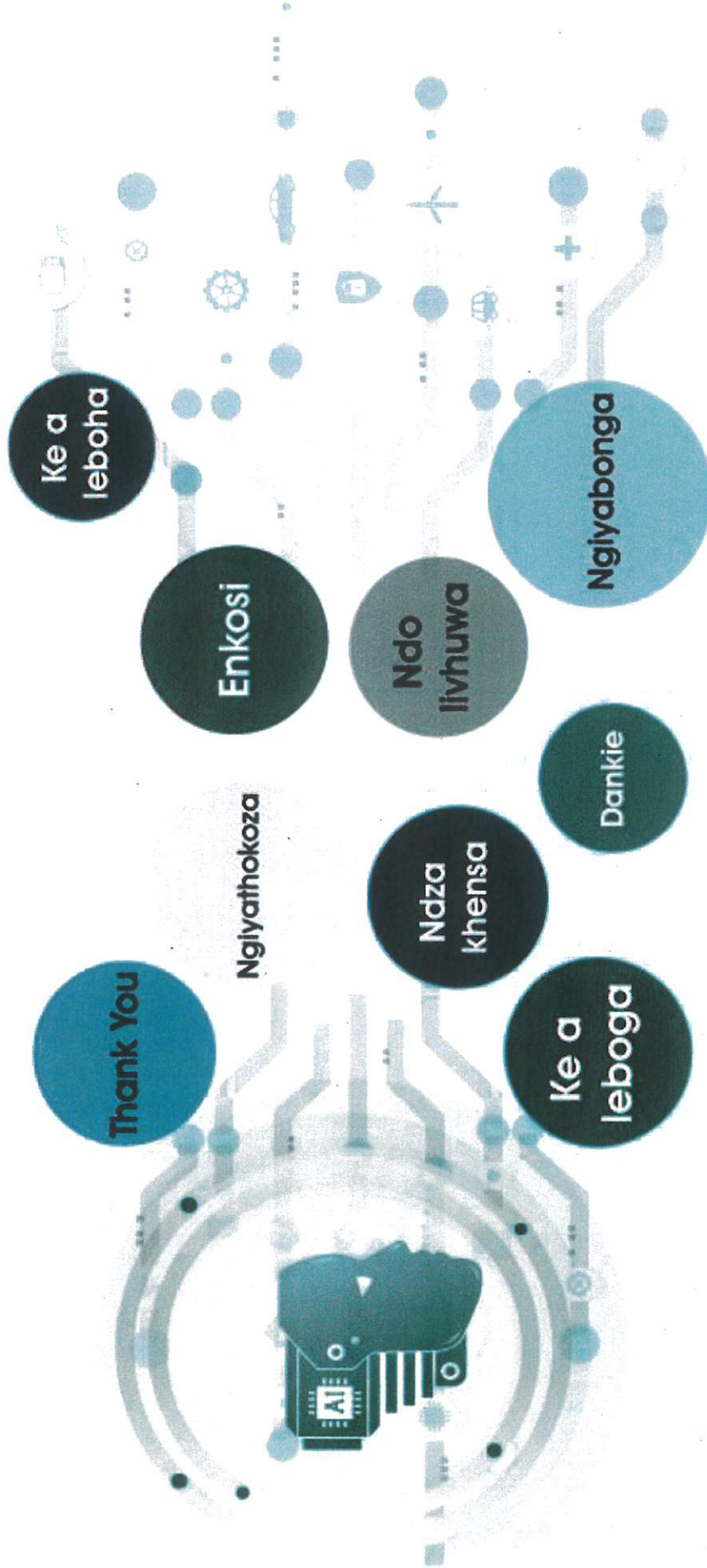
Funding Considerations

- There is no additional funding for the programme. The remaining funds will be utilised mainly for the:
- Procurement of additional STBs;
 - Installation of STBs'
 - Outbound Call Centre' and
 - Dual illumination until 31 March 2025

Recommendations

- ☐ It is recommended that stakeholders notes:
 - The progress made on the data cleaning exercise and its outcome;
 - The accelerated installation plan and key enablers (physical address improvement interventions, procurement of additional STBs and Installer capacity) and
 - The proposal to allow qualifying households to register until 31 March 2025.

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S.A

Staff Writer

21 Mar 2024

South Africa kisses 235 more Post Offices goodbye – with more job cuts confirmed



The South African Post Office (SAPO) says that 235 more post offices are set to close their doors in 2024, with more retrenchments coming as a result.

This was revealed in a recent parliamentary Q&A, in which the Minister of Communications and Digital Technologies was asked for an update on the SAPO's Business Rescue Plan that was adopted in December 2023.

In his response, minister Mondli Gungubele noted that 235 post offices are due to close across the country, with most of them situated in the Free State and North West – followed by North Gauteng, Limpopo, and Mpumalanga.

Region	No. of Post Offices
Central (Free State, North West)	104
Northern region (North Gauteng, Limpopo, Mpumalanga, North West)	41
Western region (Western Cape, Northern Cape)	28

S.A

Region	No. of Post Offices
Eastern region (Eastern Cape)	24
KwaZulu-Natal	21
Gauteng (Most of Gauteng and Vaal Triangle)	17
Total	235

Gungubele added that the Business Rescue Practitioners (BRPs) are not prepared to share the actual list of branches as it stands to be amended whilst the process of liaising with landlords is in progress and the possibility of branch relocations is at hand.

“Once the list is finalised, the same will be provided,” he said.

Along with this revelation, the minister confirmed that more retrenchments were underway as a result, although he couldn't comment on the exact number.

“The BRPs have advised that they cannot disclose the proposed number of employees that will face retrenchment as the Section 189A facilitation process conducted by the CCMA is underway.

“The disclosure of a proposed number prior to the conclusion of the facilitation process jeopardizes the course of action,” said Gungubele.

When taking into account previous statements by Gungubele, these 235 offices that are due to close will take the total number to over 500 since the SAPO stated its cost-cutting measures.

Before the Covid-19 pandemic, there were roughly 1,300 Post Office branches nationwide. This means that over a third of all post office branches in the country have now shut down in just a few years.

Regarding the jobs lost, reports from the SAPO revealed around 6,000 employees, accounting for 40% of the workforce, have been retrenched due to financial constraints.

Additionally, another 7,000 jobs are at risk as the embattled state-owned entity plans to save R1.3 billion in annual salaries as part of its business rescue proceedings.

At the end of last year, the SAPO BRPs, Anoosh Rooplal and Juanito Damons, noted that SAPO's liabilities had reached R12.5 billion.

With only R4.5 billion in assets, the Post Office is technically insolvent with negative equity of R7.9 billion – meaning it is hopelessly insolvent and will need tremendous assistance to survive.

Despite this, the government is adamant that the SAPO is an essential service that provides vital services throughout the country, especially in remote areas where the SAPO is often the main link between people in South Africa.

SA

As a result, the government budgeted a R2.4 billion bailout for SAPO and pledged an additional R3.8 billion.

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SOUTH AFRICAN BROADCASTING SABC SOC LIMITED
("the SABC")

REQUEST FOR PROPOSAL (RFP)

RFP NUMBER: RFP/DTT/2024/10244589/32
RFP TITLE: APPOINTMENT OF A SERVICE PROVIDER TO PARTNER WITH SABC AND SUPPLY A DTH SOLUTION FOR A PERIOD OF FIVE (5) YEARS
EXPECTED TIMEFRAME

BID PROCESS	EXPECTED DATES
Bid Advertisement Date	31 October 2024
Bid Documents Available From	National Treasury's tender portal (http://www.etenders.gov.za) SABC Website (http://www.sabc.co.za/sabc/tenders/)
Briefing Session Date & Time <i>The Bid Specification Committee (BSC) to make use of virtual Briefing sessions were Briefing Session is deemed necessary and cannot be avoided. See Annexure A (Guideline for Briefing Session) that the bidder needs to take note of</i>	Compulsory Briefing Session Date: 06 November 2024 at 10H00 (SAST) Non-attendance will lead to automatic disqualification
Venue / Link for virtual Briefing Session	Microsoft Teams Need help? Join the meeting now Meeting ID: 348 350 508 693 Passcode: sToyhN
Questions and Answers	08 November 2024 at 18H00 (SAST)
Bid Closing Date and Time	14 November 2024 AT 12H00 (SAST)
Contact details	tenderqueries@sabc.co.za

The SABC retains the right to change the timeframe of this bid whenever necessary and for whatever reason it deems fit.

During the COVID-19 pandemic, bidders may submit bids in the tender box or electronically until further notice. Refer to Document A for Conditions to be observed when bidding. All electronic bid submissions must be submitted using: RFPSubmissions@sabc.co.za

Late Bid submissions will not be accepted for consideration by the SABC.

DOCUMENT E

TECHNICAL SPECIFICATION

APPOINTMENT OF A SERVICE PROVIDER TO PARTNER WITH SABC AND SUPPLY A DTH SOLUTION FOR A PERIOD OF FIVE (5) YEARS
1. Glossary:

Term	Description
ASO	Analogue Switch Off – National switch off of all the analogue transmitters
BAN	Broadcast Access Network
BDM	Broadcast Digital Migration
BRD	Business Requirements Document
CAS	Conditional Access System
CAT	Conditional Access Table
C/N	Carrier – to – Noise Ratio
CRC	Cyclic Redundancy Check
dB	Decibel
DCDT	Department of Communications and Digital Technologies
DTH	Direct to Home
DTT	Digital Terrestrial Television
DVB	Digital Video Broadcasting
DVB-S2	Digital Video Broadcasting – Second Generation Satellite Broadcasting
DVMS	Digital Video Monitoring System
EPE	Engineering, Planning and Execution
EPG	Electronic Program Guide
FEC	Forward Error Correction
FTA	Free-to-Air
GPS	Global Positioning System
HE	Head-end
HEVC	High Efficiency Video Coding (H265)
HD	High-definition video content
ICASA	Independent Communication Authority of South Africa
IT	SABC Information Technology
ITU	International Telecommunications Union
ISO	International Organisation for Standardisation
LNB	Low Noise Block
MCR	Main Control Room
MPEG-4	Moving Picture Expert Group Layer 4 (H264)
MUX	Multiplexer
NMS	Network Management System
NMX	Harmonic Digital Service Manager
OTA	“Over the Air” software upgrades for the STBs
PVR	Personal Video Recording

Tender Number: RFP/DTT/2024/10244589/32

RFP Title : Appointment of a service provider to partner with the SABC to supply DTH integrated solution for a period of five (5) years.



QAM	Quadrature Amplitude Modulation
QoS	Quality of Service
RF	Radio Frequency
RMC	Radio Main Control
Satellite	an artificial body placed in orbit round the earth to aid communications
Satellite uplink	RF equipment, on earth, that allows SABC content to be delivered to the satellite
SD	Standard Definition video
SDT	Service Description Table
SI	Service Information
SLA	Service Level Agreement
SMS	Short Message System
SNR	Signal to Noise Ratio
SSU	System Software Upgrade
STB	Set Top Box
TDT	Time and Date Table
TS	Transport Stream
UPS	Uninterrupted Power Supply
USAASA	Universal Service and Access Agency of South Africa
USSD	Unstructured Supplementary Service Data
VE	Video Entertainment
VPN	Virtual Private Network

2. Definitions and Interpretation:

Term	Definition
Analogue Switch Off	the phased switch off analogue TV transmitters as gazetted by the minister DCDT. Currently the set date for ASO is 31st December 2024
ARB	Advertising Regulatory Board of South Africa
ATV	Analogue Terrestrial Television
BCCSA	Broadcasting Complaints Commission of South Africa
Broadcasting	has the meaning ascribed to it in the Electronic Communications Act, 2005
Broadcasting License	means a broadcasting service license as defined in section 1 of the ECA
Broadcasting Service	means a broadcasting service as defined in section 1 of the ECA
Broadcasting Signal Distribution Licensee	means a broadcasting signal distribution licensee as defined in section 1 of the ECA
CA	Conditional Access or Conditional Access System being the protection of content by requiring certain criteria to be met before granting access to this content
Catch-up	means functionality in terms of which specific programmes are offered in a de-linearized manner through a separate catch-up section of

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	the Service, for a limited period
Content	means the audio and/or the visual material making up the individual programmes
Digital Migration	means the process in terms of which the terrestrial devices and facilities or part thereof cease to be rendered using analogue signals and related equipment and shall, subject to a transitional period of dual illumination, instead be rendered using digital signals and related equipment.
Disruptive Incident	means an anticipated event that interrupts normal signal distribution functions, operations, or processes (e.g., hurricane, political unrest, terror attack, or earthquake)
Distribution Network	means the transmission of content from SABC's studios to South African homes
DTH	means the broadcast of TV and Radio content direct to home via satellite transmission
End User/s	means a customer who uses the DTH Platform
EPG and IPG	means Electronic Program Guides (EPGs) and Interactive Program Guides (IPGs) respectively. They are menubased systems that provide users of television, radio and other media applications with continuously updated menus displaying broadcast programming or scheduling information for current and upcoming programming
EPG Metadata	means the electronic programme guide metadata or synopsis information in relation to the Channels and/or Content provided by SABC
Free to Air	means the televisions services offered to End Users, via satellite television; free of charge
ECA	means the Electronic Communications Act 36 of 2005
FM	means frequency modulation Broadcasting Service for radio distribution
ICASA	means the Independent Communications Authority of South Africa established in terms of section 3 of the Independent Communications Authority Act of South Africa Act 13 of 2000 and its successor regulatory bodies
Internet Protocol (IP)	which is the set of rules governing the format of data sent via the internet or local network.
Intellectual Property	means any and all rights, title and interest in intellectual property (whether registered or not), including, past and future copyright, related rights, patents, utility models, trademarks, trade names, service marks, designs, databases, semiconductor topography, know-how, trade secrets and inventions (whether patentable or not), goodwill and all other identical or similar intellectual property as may exist anywhere in

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	the world and any applications for registration of such intellectual property.
“NPVR” or “PVR”	means Network-Based Personal Video Recording or Personal Video Recording, as the case may be; a functionality and/or device enabling television content to be recorded digitally for later playback
POPIA	means the Protection of Personal Information Act No 4 of 2013, as amended
QoS	means Quality of Service
Regulator	means the Independent Communications Authority of South Africa
SABC	means The South African Broadcasting Corporation SOC Limited, registration number 2003/023915/30, a state-owned company registered in terms of the company laws of the Republic of South Africa; and constituted in terms of the Broadcasting Act, No. 4 of 1999, as amended.
SABC Head End	means the infrastructure/equipment/technology and/or technological platform from which the SABC broadcasts the Channels and Content in preparation for distribution to DTH Platform
Set Top Boxes (STBs)	means the Hybrid DTH + Android TV STB and/or the DTH S2 STB
SLA	means the Service Level Agreement annexed hereto
Streaming	means the distribution of content over the internet and “Stream”
Territory	means the geographical area of the Republic of South Africa, as constituted from time to time
TV Everywhere	means the ability for End Users to access Content through internet-based services and or mobile telephony applications, either live or on demand
Video on Demand	means the services of availing certain content for selection and viewing, via internet streaming

1 INTRODUCTION AND BACKGROUND

The South African broadcasting landscape has gone through major changes since the publishing of the BDM policy in 2008. The BDM policy promoted DTT as the primary solution for digital migration and DTH as a gap filler for households outside the DTT coverage areas. Today, however, a cursory study of reception devices at most households, even those in less privileged neighbourhoods, will reveal that there has been a much larger uptake of the DTH satellite platform.

The President of the Republic of South Africa, President Matamela Cyril Ramaphosa, stated during the State of the Nation Address (SONA) on 11 February 2021 that all analogue Television (TV) were to be switched over to digital TV by the end of March 2022, this date was later revised to the final analogue switch-off date of the 31 December 2024. The intent of the

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switch off, of all Analogue Television (ATV) transmitters, is to enable the telecommunication network operators to decongest the networks with the deployment of 4G and 5G networks.

The ASO project has been hamstrung by the slow progress of registering indigent households as well as the procuring, manufacturing and installation of the much-needed set-top boxes. As a result, millions of South Africans have been deprived of their right to access broadcast Television.

The slow progress of the ASO project has had a material impact on the SABC's finances as it resulted with a loss of audiences, in the ASO affected provinces, and a drop in revenue generation for the organisation.

DTT, in its current form, is very limiting for the SABC and will not allow the organisation to grow the number of channels or be in control of its destiny. The SABC has switched off 198 ATV transmitters and 83 mux 1 only DTT transmitters. Currently DTT can only carry six SABC TV channels: this is a very weak value proposition in a highly contested broadcast environment with most platforms easily offering upwards of 10 channels.

The delays of rolling out DTT as well as its weak value proposition, has allowed incumbent and new DTH providers to overtake the BDM process and solidify their base on the broadcasting landscape.

The SABC, in establishing a DTH platform, wants to mitigate this devastating effect of ASO, on our audiences, whilst enhancing the broadcasting landscape and delivering on its digital transformational journey.

The establishment of an integrated Free To Air DTH platform will enable the SABC to be in control of its destiny, position the SABC as a content aggregator, add additional TV channels to its bouquet, consolidate audiences through a single platform and deliver on its objective of providing varied programming.

3. The SABC functions with the following existing systems that need to be integrated with the DTH solution:

- Head end: Harmonic Spectra & Media Grid system
- TV Playout Automation: Pebble Beach Marina
- Radio Production and Playout System: Radio SCISYS
- Scheduling system: IBMS (also referred to as TVBMS in this document) & Landmark Systems
- The Newsroom Computer System (NRCS) with enabled MOS integrations
- The Branding and Graphics Playout system with enabled MOS integrations
- The News Production System (NPS) - News (Live) Media Production System with enabled MOS integrations
- Microsoft SharePoint
- ERP/SAP Solution
- Polistream (WinCAPS Qu4ntum) - Close Captioning Solution

2 SCOPE OF WORK

The main goal of this project is to procure and develop an integrated DTH solution to mitigate the expected loss of audiences due to the impending Analog Switch Off on the 31st of December 2024 as Gazetted by the minister DCDT. This document outlines the Business requirements that the SABC needs to meet and fulfil to effectively implement this solution.

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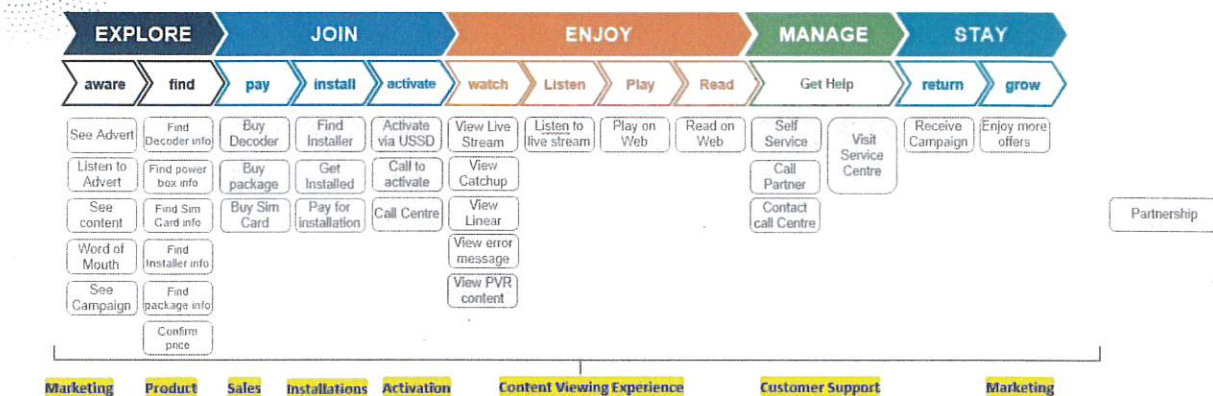


The SABC VE (Video Entertainment) department is responsible for managing and reporting of all Programme and Video Content for the corporation. The SABC VE Department requires a solution to assist in retaining Audiences who are at risk of being lost due to the SABC Analog Switch Off by providing the below DTH functions.

SABC is looking to partner with a service provider for a turnkey solution that will include: The uplinking of content to the preferred DTH satellite platform, procurement and manufacturing of STBs, distribution of STBs to retailers as well as a after sales service (call centre) at no cost to the SABC. This partnership will be for a period of five (05) years.

The SABC invites potential bidder to enter into a revenue share partnership where the SABC will provide access to diverse audiences, investing in content and marketing on the SABC platforms. The bidder is expected to cover the capital/cost of the turnkey solution. The bidder will propose the revenue share model to the SABC for consideration.

2.1 Customer Journey



Phase 1 - Establish an "Always On" DTH Solution as per envisaged DTH road map

- Allow access to Free to Air SABC content, all over South Africa, regardless of whether audiences have broadband connectivity.
- A robust platform that ensures uninterrupted viewing on a 24/7 basis.
- Backup equipment and redundancies for the satellite uplink.
- Business continuity imperatives and strategies.
- Where broadband is available, the solution must allow integration with existing SABC digital platforms to ensure a multichannel multiplatform home for SA TV viewers.
- Branding and marketing of the new platform.
- Sales strategy to monetize the new platform.
- Implement a distribution model for the movement of STBs from the manufacturers to the households (installation).
- Accommodation of 3rd party content (Aggregation).
- Aftermarket support call centre.
- New channels and content strategy.
- SLA (Service Level Agreement) with STB manufacturer.
- Aftermarket sales strategy (STB repairs and swap outs).
- Two STB options, one entry level STB (Satellite access only) and one STB with enhanced features (hybrid solution with internet connectivity).

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3 FUNCTIONAL REQUIREMENTS

An always on DTH solution that will function 24/7 throughout the term of the contract (5 years)

3.1 DTH solution should provide the following:

- Audiences must be able to access SABC content regardless of where they reside in South Africa.
 - Satellite reception is much larger than terrestrial transmission towers and covers the entire country provided the satellite dish has clear line of site to the satellite.
- Audiences must be able to access SABC content where there is no broadband connection.
 - Satellite reception is not dependent on broadband connection for viewing linear content and channel surfing.
- Where broadband is available, the solution must allow integration with existing SABC digital platforms to ensure a multichannel multiplatform home for SA TV viewers.
 - This will create a return path for the hybrid box thus availing all the OTT benefits to the customers.
 - Allowing the SABC to access audience data to enhance the TV and radio offerings.
- Access to all existing SABC Linear TV and radio services,
 - Channels - SABC News, SABC 1, SABC 2, SABC 3, Lehae, Sport, Education, Entertainment, Encore, 3 x 3rd Party Channels, and Barker Channel (landing page) (mostly used for marketing and promotional sales purposes like channel 100 on DSTV)
 - All 19 radio stations
- Allow for future expansion of SABC services.
 - Extra Satellite capacity to cater for future content expansion strategies.
 - Easy setup for Popup channels for TV and radio
- Seamless integration with existing SABC equipment (headend) to meet the platform's requirements.
 - All satellite uplink equipment is compatible with the existing SABC headend equipment.
 - Hardware
 - Software
 - Licensing
- Encryption / Anti-Piracy services for content protection
- Conditional access for Geolocation blocking for rights protected content (Ensure that the content is only available within the borders of South Africa unless otherwise specified by licensing agreements with external partners).
- Catch-Up TV: This service will enable the SABC to make content available for viewers to watch after it has been transmitted on the linear channel based on the agreed rights for it. (7 Day Catch-up Service – The catch-up service will be applicable to all content with the appropriate rights for a 7-day period) (Possibly Phase 2)
- Ability to receive and display live EPG schedule in line with DVB standards.
- Easy to use User Registration Process, capturing key data (such as name, address and mobile number, demographics) that the SABC requires to enhance customer

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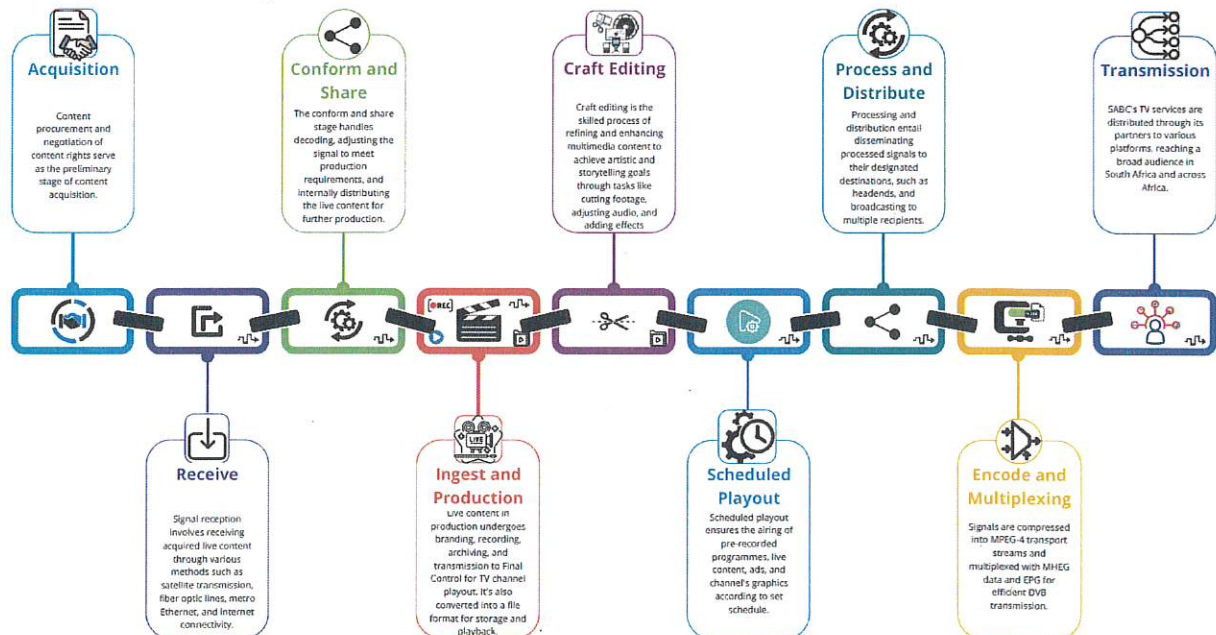
relationship management and to improve the knowledge of the SABC audience. And provide data analytics of the users' content preferences.

- Broadcast Governance Requirements: The SABC is a responsible corporate citizen and adheres to all the laws of the Republic. The systems or solutions utilized by the public broadcaster cannot contravene any of the following legislations:
 - Compliance with ICASA with regards to content geo-blocked where indicated by the SABC
 - POPI Act
 - Copyright Act
 - National Archives Act

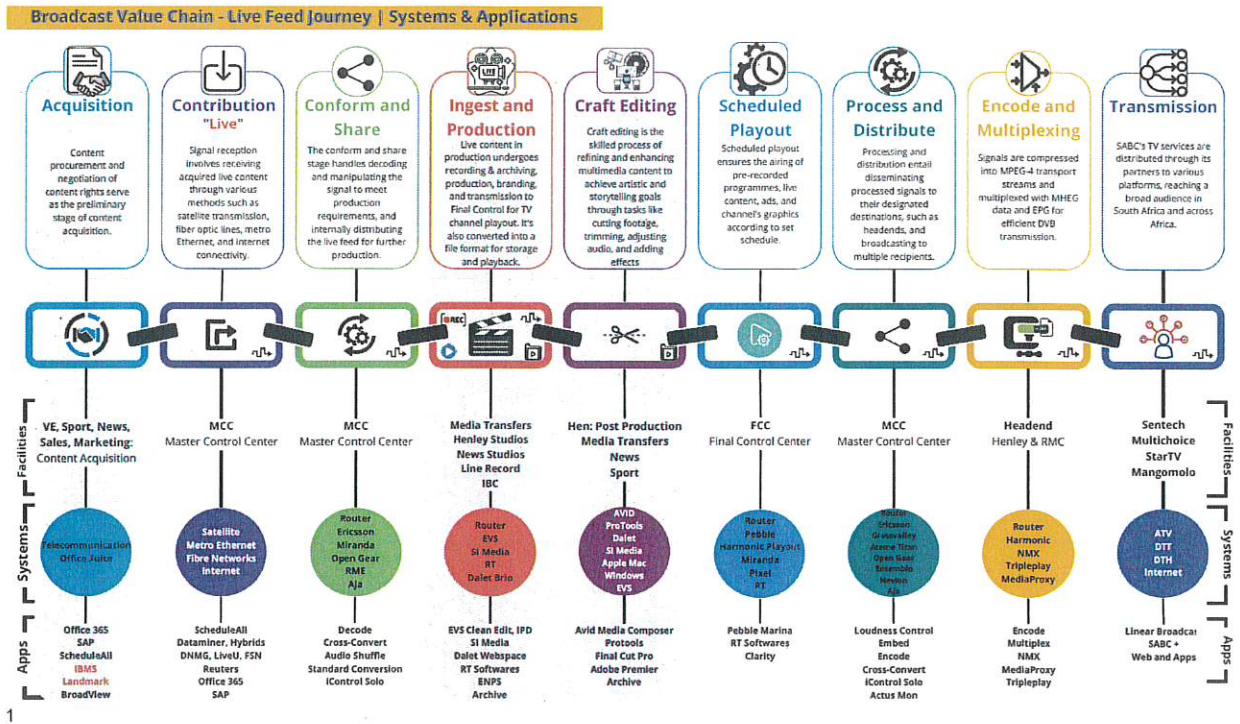
3.2 BROADCAST VALUE CHAIN

- The required DTH solution needs to be a 360-degree multimedia digital solution that can integrate seamlessly with the current SABC infrastructure.

Broadcast Value Chain - Live Feed Journey Overview



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3.3 Preferred Satellite transponder

The SABC seeks residency for its DTH Platform on the IS20 Satellite with a proven market penetration in South Africa of over 11.5 million households.

The current Sentech, Multichoice and Openview platforms have established an active community of over 11 million households connected to the IS20 DTH space with an extensive and well-established ecosystem of service providers and installers.

The SABC requires a 36MHz Ku-band transponder, on Intelsat's IS 20 satellite, to enable the SABC to introduce additional TV services.

3.4 UPLINK PROVIDER SPECIFICATIONS

The satellite uplink provider will transmit a modulated multiplex signal carrying all SABC content in keeping with DVB standards and honour the following requirements:

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- Fetch content from the SABC in a format specified by the SABC.
- Be able to receive DVB compliant Transport Streams.
- Ensure that the termination equipment integrates seamlessly with the specifications of the existing SABC Headend equipment.
- Transmit a DVB S2 signal in compliance with the [ETSI](#) (EN 302307) standard
- Comply with specifications as set out in the SANS 1719.
- Must be licensed to provide satellite uplink services through ICASA.
- Must have the required Ku-band satellite transponder space on the preferred satellite: Intelsat IS 20 at 68.5 degrees East.
- Provide the necessary backup satellite equipment to ensure business continuity.
- Provide monitoring, alarming, and automatic switching between the primary and secondary feeds as per DVB specifications.
- Generate DTH streams for transmission via DVB-S2 for DTH reception.
- Transmit DVB-S2 in accordance with ETSI EN 302 307
- Encrypt the previously mentioned streams on KU band for distribution via satellite.
- Extract EPG and metadata from the TS to make it available via satellite to the STBs.
- Ensure backward compatibility to existing STBs, as provided by the BDM project.

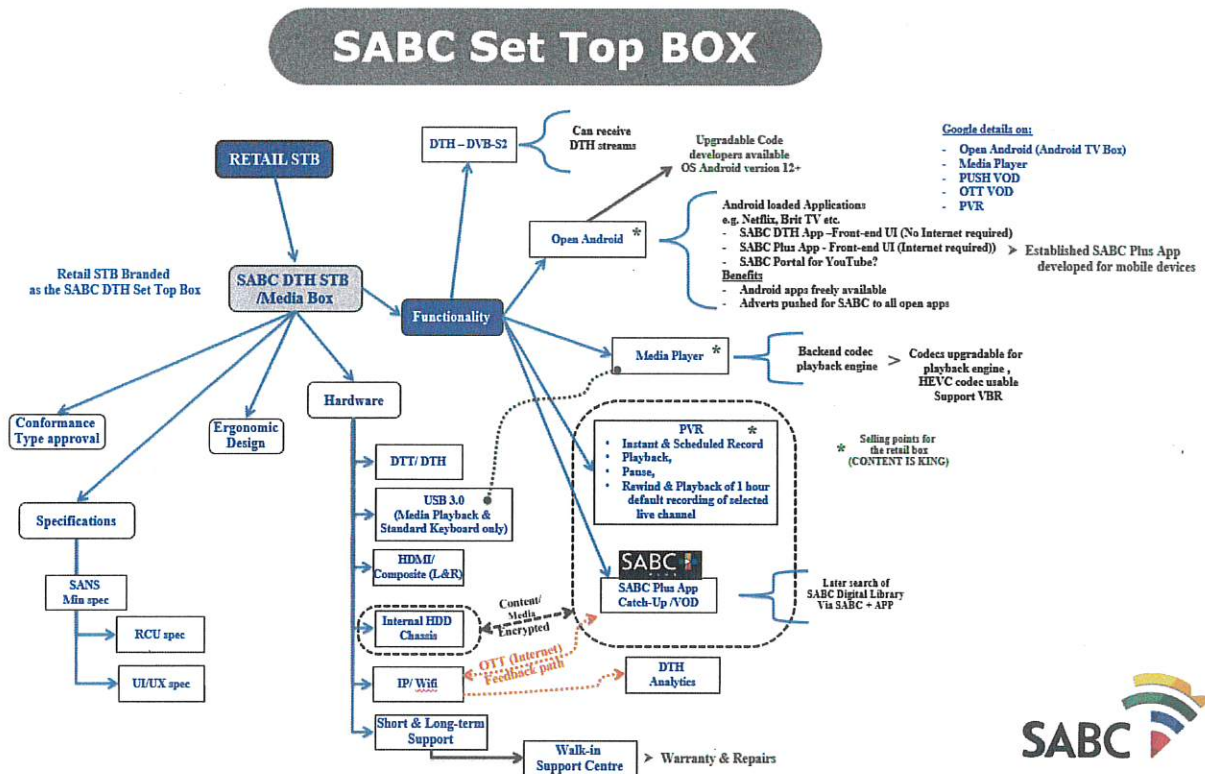
3.5 Set-Top-Box Regime

Whilst the government will endeavour to supply STBs, as per the BDM project, for the indigent/subsidised households, an affordable, Free to air, multi-channel platform will enhance the availability of services to the missing middle.

- This presents two opportunities for the SABC:
 - Migration and retention of current viewers on a SABC digital platform.
 - Capturing and converting potential viewers who will be looking for an alternative Free To Air platform.



3.5.1 Example of features for enhanced STB



The requirements demand a SABC Multi-service Box with the following:

- Allow for easy connection to existing broadband network via Wi-Fi or cable connection.
- Allow for easy setup and configuration of the box via USSD for customers without smart phones.

SABC Multi-service Box Technical Specifications (both entry level and enhanced STBs):

- Meet SANS 1719 specifications (Comply with specifications as set out in the SANS 1719), is a South African standard and will be made available, bidders should download same.
- Receive a DVB S2 modulated signal – DVB-S2 Tuner; Receive DVB-S2 in accordance with ETSI EN 302 307.
 - QAM 16 modulation.
 - Receive QPSK and 8PSK waveforms.
 - RF Input connector is 75 Ω F-Type Female, in accordance with IEC 61169-2 and IEC 61169-29.
 - Provide the minimum return loss of 8 dB.
 - Input frequency range 950 MHz to 2 150 MHz and Maximum digital signal input level -25 dBm.
 - Out-of-band local oscillator leakage: Less than 40 dBμV (QPSK 5 MBaud to 30 MBaud, 8PSK 5 MBaud to 45 MBaud).
 - In-Band local oscillator leakage: less than -70 dBm (QPSK 5 MBaud to 30 MBaud, 8PSK 5 MBaud to 45 MBaud).
- Support HE ACC or MPEG1 layer2 audio.
- Support MPEG-2, MPEG-4/H.264, HEVC/H.265.
- 4K video support with backward compatible to HD (High Definition) and SD (Standard Definition) in DVB compliant formats.

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- Support Video resolution Up to 1080p; 1080p and 720p compatible.
- Support Advance Card-less CAS.
- OTA Secured Software Upgrade.
- Extended warranty for a minimum of 3 years.

3.5.2 Zapper STB

“Entry Level” Box Specifications interconnections:

- Antenna RF in for the Satellite Dish connectivity (Technical Spec above)
- HDMI out for connecting to most TVs, projectors, or monitors.
- AV out (RCA or 3mm jack)
- USB 3.0
- Connecting an external drive for media playback and the connection of a remote keyboard

3.5.3 Premium STB

Stream linear channels to smart devices in the household (OTT over Broadcast).

SABC Multi-service Hybrid Box Enhanced Features:

- Smart box is required to work on Android OS
- Support for Push VOD
- Immediate and scheduled records include deletion feature.
- Event Auto-Reminder
- Allows for preloaded OTT apps e.g., SABC+
- Allows reverse billing opportunities (possibly phase 3 pay – platform)
- Allows PVR Functionality (IP/Broadband connectivity).
- Allows Analytics and Reporting
- User Friendly EPG as per SABC EPG systems
- Internal Storage
- Media recording with encryption
- Support minimum 500 Gigabytes internal storage (SSD/ Hard drive)
- Closed & Open Captions (Dependent on Content provision)
- Audio Descriptors (Dependent on Content provision)
- Multiple Language Selection / Language Tracks (Dependent on Content provision / strategy)

Hybrid box Specifications interconnections:

- a) Antenna RF in for the Satellite Dish connectivity (Technical Spec above)
- b) HDMI out for connecting to most TVs, projectors, or monitors.
- c) AV out (RCA or 3mm jack) -
- d) RJ45 to connect to modem.
- e) USB 3.0
- f) Connecting an external drive for media playback and the connection of a remote keyboard
- g) SIM & E-Sim
- h) Wi-fi connection (802.11)

4 ANALYTICS AND REPORTING

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The DTH solution needs to have an analytical and reporting tool that will assist the SABC in better analysing, managing, and substantially improving the performance of the platform (IP connected devices only – including mobile).

The below are some of the required analysis & data that needs to be reported on:

- Ability to provide data consumption by video, audio, live stream, geographic location, device type, platform and as well as overall data consumption over a period.
- Ability to provide average time spent by viewer watching a video or live stream, based on geographic location and device type.
- Ability to provide average time spent listening to each audio or live stream, by geographic location and device type.
- Ability to provide plays and viewership based over a period, per geographic location and country.
- Ability to provide automated alerts (inclusive of custom) based on performance or operational thresholds.
- Ability to provide concurrent viewers or listenership on content by geographic location, device type, platform and action performed.
- Ability to provide a view of a number of new viewers and/or listenership to assist in tracking the rate at which the public is accessing live streams in real-time.
- Ability to provide data consumed and provide an overall view of the amount of bandwidth that is used by the public globally (SABC +)
- Analytics to assist in understanding SABC DTH audience by answering the below questions:
 - What is the next best offer for the audience?
 - What is the next best action they could do?
 - What did they abandon (skip or cancel)?
 - How can the SABC retain its users and reduce churn?
- Analytics to assist in understanding how the SABC can improve the lifetime value of each user:
 - What will assist the SABC in pushing each user up the revenue chain?
 - Are there any cross-selling opportunities?
- Analytics to assist in understanding how the SABC can enhance user experience:
 - What personalized recommendations can SABC offer to its users?
 - How are they engaging with the platform? User Behavior Analysis
 - What content will keep them glued and want to come back every time they have a chance?
- Ability to provide targeted ads based on user preferences:
 - How much is too much for each user?
 - How can the ads be personalized?
 - What ads work best for a target viewer or listener?
- How can the SABC making accurate predictions for the next best offers or actions:
 - This could fuel cross-sell/up-sell opportunities and at the same time improve user experience.
- Ability to provide detailed user report (user profiling) that will provide the following data:
 - New vs old users
 - Viewing by genre, by channel, by show and more.
 - Payment modes
 - Likes, dislikes and preferences, values, routine, and habits.
- Ability to provide detailed content report that will provide the following data:
 - Most consumed per user
 - Triggers for moving from free to paid VOD services.
- Ability to provide detailed subscription report:
 - Reasons for cancellation



- Subscription ageing
- Solution must have a reporting tool that will have the ability to report on the below analytical stats as well:
- Provide insights on what is happening on social platforms, websites, and mobile applications.
- A dashboard overview that will provide a description of traffic to each platform.
 - Total number of users
 - Total number of new users
 - Total sessions
 - Number of sessions per user
 - Page views
 - Average session duration
 - Bounce rate.
 - Allow for sorting out by date period (hourly, daily, monthly, yearly)
- An ecommerce tracking analytics that will provide the below minimum requirements:
 - App views per user (for mobile application)
 - Page views per user (for website)
 - Goal completions per user
 - Revenue per user
 - Session duration per user
 - Transactions per user
- A report that will provide a group of users segmented by date that have taken similar actions.
- Demographics analysis:
 - Gender
 - Age (age divided into 18-24, 25-34, 35-44, 45-54, 55-64 and 65+)
- Ability to provide analytics based on user interests:
 - Per user category e.g., young
 - Gender
 - Age
- Ability to provide geo analytics reports:
 - Language including site conversions.
 - Location (feature for a virtual map of your users' locations when zoomed in)
- End user technology analysis report need to show the following minimum information:
 - Type of browser used to access the platform.
 - Device operating system
 - Type of device
 - Network provider used.
- Ability to provide a benchmarking report so that SABC can do a like-to-like comparison with competitors reports if required for analytics.
- Ability to provide a user flow analytical report that will assist the SABC in studying and trying to understand the "flow" of users through the different platforms.
 - The path that they typically take from page to page.
 - It also highlights where users drop off. This will assist the SABC in improving user experience.

5 Aftermarket support Call Centre

The service provider will need to provide these services at no cost to the SABC

- To provide public awareness and support
- To offer assistance and address queries relating to:
 - installation of STBs

Tender Number: RFP/DTT/2024/10244589/32

RFP Title : Appointment of a service provider to partner with the SABC to supply DTH integrated solution for a period of five (5) years.



- activations
- malfunctioning of devices
- warranty of devices

6 DISTRUBUTION OF STB TO RETAILERS

The service provider will need to provide these services at no cost to the SABC

- To distribute the STBs to various retailers nationwide
- For the first phase of the project, 100,000 (one hundred boxes) must be manufactured and in circulation (on shop shelves). Assumption: There will be a 50/50 split between the basic and high-end (hybrid) boxes)
- In total, one million STBs will be manufactured and distributed by this project

7 TENDER RESPONSE FORMAT

Vendors are requested to respond to the tender in the following formats:

Responses will be evaluated using a predetermined set of evaluation criteria. The evaluation criteria is designed to reflect the SABC's requirements in terms of identifying a suitable service provider and ensure the selection process is transparent and afford all the bidders a fair opportunity for evaluation and selection.

During the evaluation process, the SABC may require a bidder's representative to answer questions with regard to the proposal and/or require certain bidders to make a formal presentation to the evaluation team.

7.1 Technical Response


A point-by-point response is required, i.e. a comment for each point or paragraph that is associated with the numbering should be made.

The response to technical requirements must state "Comply" or "Non-Comply." The vendor must further specify how the system/product meets or differs, for each aspect as stated below, including references or supporting information to clarify the response. A mere "Comply" or "Partially Comply" statement or no response, without detail shall be seen as "Non-Compliant" and will be scored as such.

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Response to ICASA's Notice of intention to conduct an inquiry on the review of the Digital Migrations Regulations, 2012

Submitted on behalf of:

Cape Town TV 

Soweto TV 

1KZN-TV 

Date: 24 May 2024

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Preamble

Discussing Mux allocations feels like we are rearranging the deck chairs on the Titanic. We have therefore taken the liberty of including a preamble to address some of the bigger picture issues which threaten the future of free-to-air television and propose some solutions.

In so doing we also need to address the challenges that have arisen with the Broadcast Digital Migration (BDM) which now present an existential threat to the system as a whole.

In order to protect and preserve public interest, legacy broadcasters, we believe it is necessary to build a **sustainable, holistic ecosystem** including DTT, DTH and OTT. This ecosystem should, ideally, include all the FTA broadcasters that have hitherto benefited from access to the public airwaves, including all three tiers of television.

Affordability

Initially, DTT promised to reduce transmission costs for broadcasters but in fact it has raised these costs. As things currently stand the DTT network is unaffordable and FTA broadcasters are abandoning the network or are simply unable to pay. During dual illumination, Sentech is picking up these costs but after the Analogue Switch Off (ASO) the payment issue will become an acute challenge.

Of particular concern is the huge increase in transmission costs for community TV which is totally unsustainable. This is due to the fact that Mux 1 is a Single Frequency Network and we are therefore being told that we have to broadcast provincially, despite the fact that we are licensed to broadcast locally. For example, Cape Town TV costs are set to go up from R72 000 per month to R1 800 000 per month which is clearly unaffordable.

This brings into serious question the business case for DTT which Sentech itself is referring to as a "legacy technology". We do not believe it is in the interests of public interest television for DTT to collapse. On the contrary we think it is possible to build a sustainable business case for DTT, providing there is the political will to do so.

As the state-owned common carrier Sentech is obliged to act in the public interest to provide universal service and access to free TV services and affordable signal distribution services for FTA operators.

Broadcast Digital Migration

Despite the enormous cost of DTT, there is no guarantee that DTT is capable of delivering an audience in any sizable numbers. This is due to the following factors:

- a) There have been many challenges in the roll-out of DTT decoders to indigent households which have inhibited their uptake including the lack of coordination on the ground between the BDM awareness campaign, registrations and installations leading up to the phased switch-off.
- b) The online registration system is still not operational and people don't know where to register for STBs due to post office closures.

S.A