
SOS SUPPORT PUBLIC BROADCASTING COALITION

ICASA DISCUSSION DOCUMENT ON THE REVIEW OF REGULATION ON SOUTH AFRICAN LOCAL CONTENT: RADIO AND TELEVISION, PUBLISHED JULY 2014

QUESTIONS TO CONSIDER

1. INTRODUCTION

The Independent Communications Authority of South Africa (ICASA) has released a "Discussion Document on the Review of Regulation on South African Local Content: Radio and Television". This document was published in July with an initial deadline for comments of the 10 September 2014. The deadline has now been extended to October. The Discussion Document includes 51 questions. The SOS Coalition has done an initial review of these questions and has selected a number to answer. Please see questions below which are based on ICASA's questions. (Some have been reworded!). We will be discussing these at our joint SASFED / SOS workshop on Wednesday. The questions below refer in particular to local content quotas and local content requirements that are reflected in broadcasters' license conditions. If these regulations are not familiar to you, don't worry, we will be on hand to discuss them!

2. SELECTED QUESTIONS

- 2.1. Question 2 - Is the **definition of local content** still relevant to meet regulatory objectives?
- 2.2. Questions 3 – Is the **definition of independent television production** satisfactory?
- 2.3. Question 4 – Should **local sport** be considered **local content**?
- 2.4. Question 5 - Should the Authority continue **differentiating** local content quotas **for free to air (FTA) and subscription** broadcasters?
- 2.5. Question 6 - Should the **percentage of (local) content** sourced from **independent producers** be amended? If yes, to what percentage?
- 2.6. Question 8 – Since the Authority's and **broadcasters' reports on compliance** show that radio and television stations generally **meet or exceed the minimum quotas set in regulations**, should the Authority increase minimum quotas?
- 2.7. Question 9 - **Which** television **genres** should be **lightly regulated**? And which ones should be strongly regulated? And Why?
- 2.8. Question 10 – Should the Authority amend the way it deals with **repeat programmes**? Which genres should be allowed more repeats? Which should be allowed less?
- 2.9. Question 11 – How can the Authority **improve the incentives system** introduced in the 2002 regulations?

- 2.10. Question 12 - How can the Authority improve on **programming in marginalised languages** and **production areas**?
- 2.11. Question 16 – Does **the Authority’s monitoring** provide **accurate** results?
- 2.12. Question 17 – How can the current monitoring methods be adapted to become more **user-friendly** to both broadcasters and the Authority?
- 2.13. Question 18 – Please suggest **alternative monitoring methods** that will be feasible and cost-effective?
- 2.14. Question 19 - Are the current **penalties for non-compliance** in the local content regulations adequate? Please submit a suggestion to improve penalties for non-compliance? Should the regulations include penalties regarding submission of reports?
- 2.15. Question 20 - Do you believe that **social and cultural objectives** are met **through** the Authority’s local content **regulations**? How can the regulations be improved to enhance the objectives?
- 2.16. Question 21 – Does the **broadcast sector** reflect the **country’s cultural diversity**?
- 2.17. Question 22 – Have the overall **socio-cultural objectives** been achieved by the **SA content regulations**? If not what can the Authority do to ensure the objectives are achieved?
- 2.18. Question 32 – Are there any suggestions on **how the Authority can facilitate** the **growth of the independent production sector**?
- 2.19. Questions 37 – How should the Authority ensure that **local content programming** is **not compromised during the migration** to digital broadcasting?
- 2.20. Questions 38 - How should the Authority **reduce the burden of local content requirements for broadcasters** who are required to dual illuminate?
- 2.21. Question 40 – What is your **view on horizontal integration** between **production companies and licensees**? Should the Authority intervene in these?
- 2.22. Question 42 – What approach do you propose the Authority should follow regarding local content regulation of **FTA multichannel satellite platforms**? (Note currently not regulated)
- 2.23. Questions 43 – Should new **FTA digital terrestrial only licensees** that might be introduced during the digital migration period be subject to the **same regulatory regime as existing players** or should they have **lighter touch regulation** until they have either been established for a certain number of years, or have access to a set percentage of audiences and/or share of TV ad spend?
- 2.24. Question 44 - What local **content regulations** including independent production requirements should **community TV** have?
- 2.25. Question 45 – What **interim local content measures** should the Authority put in place, **if any** in relation to **terrestrial TV broadcasters for the dual-illumination period**?
- 2.26. Question 46 – Please provide suggestions regarding how the Authority should **regulate local content for DTT channels**?
- 2.27. Question 48 – How should the Authority **regulate local content** on **satellite** and **terrestrial multi-channel** subscription services **post analogue switch off**?

- 2.28. Question 50 – In a multi-channel environment, should the Authority set specific requirements in relation to the **prominence of SA content on any EPGs**?
- 2.29. Question 51 – Any **other issues** you would like to raise?