



**SOS: Support Public Broadcasting Coalition**  
22 Art Centre, Suite 1, Cnr 4<sup>th</sup> Ave & 6<sup>th</sup> Street,  
Parkhurst, 2193, Johannesburg  
Phone +27 74 690 1023; +27 76 084 8077  
Email [carol@soscoalition.org.za](mailto:carol@soscoalition.org.za)  
[sekoetlane@soscoalition.org.za](mailto:sekoetlane@soscoalition.org.za)  
Website [www.soscoalition.org.za](http://www.soscoalition.org.za)

## **PROGRESS ON DIGITAL MIGRATION – SOS COALITION CONCERNS AND PROPOSALS**

**15 January 2013**

The SOS: Support Public Broadcasting Coalition welcomes the Department of Communications conciliatory meeting with free-to-air broadcasters, eTV and SABC, yesterday. The meeting was to try and resolve the ongoing set-top box (STB) conditional access control dispute following the judgment handed down by Judge Pretorius in December, last year. In the judgment, Judge Pretorius declared the Minister of Communication's decision to instruct Sentech to take responsibility for STB controls in May 2012 unlawful and that the responsibility should be left to free to air broadcasters –including present incumbents eTV and the SABC – instead.

As part of the migration to digital TV, government plans to facilitate the manufacture and distribution of STBs to allow citizens to watch television on their old analogue TV sets. The conditional access control measure is being implemented to protect government's significant investment in the implementation of the Digital Migration Process.

The Coalition strongly encourages the Minister not to take the matter on appeal. The Coalition believes that more time will be wasted if the Minister takes this route. As stated in a DOC press statement released today the process could be delayed by up to 3 years. This would see digital switch-on only commence after the International Telecommunication Union Deadline of 2015. This cannot be allowed to happen.

The SOS Coalition, therefore, believes that the Minister and the relevant broadcasters need to resolve the STB conditional access control dispute out of court as a matter of urgency. The Coalition further believes that the Minister must publicly clarify her role in the digital migration process. SOS agrees with the judgement that the Minister has a clear policy making role - not an operational role - as clarified in the judgement.

Further, the SOS Coalition calls on ICASA to publicly assert its role in the DTT process. The judgment points to ICASA's passivity and failure to assume responsibility for the regulation of the control of STBs. To this end, and in line with government policy, ICASA must ensure the interoperability of STBs, fair access to the muxes, and the implementation of pro-competitive measures to level the broadcasting playing fields. This includes ensuring all broadcasters have fair access to premium content including sports rights. ICASA also needs to license new players.

ICASA must move swiftly ahead in its finalisation of its DTT Regulations, ensuring that they create an environment conducive to the nurturing of diversity of players and programming, with an emphasis on public service and local programming.

Lastly, and in keeping with the judgment's and Constitution's injunction for an independent regulator, the SOS Coalition calls on the Minister to withdraw the ICASA Amendment Bill, 2012 due to the fact that it significantly weakens and undermines the independence of the regulator, preventing it from functioning as it should. The role of ICASA, and ways to strengthen the institution, should rather be debated as part of the ICT Policy Review process.

We need all role-players in the DTT process to play their part to ensure that the DTT process benefits all South Africans.

The SOS Coalition represents a number of trade unions including COSATU, COSATU affiliates CWU and CWUSA, FEDUSA, BEMAWU and MWASA; independent film and TV production sector organisations including the South African Screen Federation (SASFED); and a host of NGOs and CBOs including the Freedom of Expression Institute (FXI), Media Monitoring Africa (MMA), and the Media Institute of Southern Africa (MISA-SA); as well as a number of academics and freedom of expression activists.

**For more information contact:**

Kate Skinner

(082) 926 6404

**OR**

Sekoetlane Jacob Phamodi

(076) 084-8077