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**WRITTEN REPRESENTATIONS BY THE SOS SUPPORT PUBLIC BROADCASTING COALITION ON THE ICASA DISCUSSION DOCUMENT ON THE REVIEW OF REGULATION ON SOUTH AFRICAN LOCAL CONTENT: RADIO AND TELEVISION, PUBLISHED JULY 2014**

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1. INTRODUCTION

1.1. In Notice 529 published in Government Gazette No. 37803 dated 4 July 2014, the Independent Communications Authority of South Africa ("ICASA") published the ICASA Discussion Document on the Review of Regulation on South African Local Content: Television and Radio ("the Discussion Document") and invited written comments. The original date for submission of written comments was 10 September. This has now been extended to 10 October.

1.2. These written submissions are made by SOS Support Public Broadcasting Coalition ("SOS"). The SOS Coalition represents a broad spectrum of civil society stakeholders committed to the broadcasting of quality, diverse, citizen-orientated public-interest programming aligned to the goals of the SA Constitution. The Coalition includes a number of trade union federations including COSATU and FEDUSA, a number of independent unions including BEMAWU and MWASA; independent film and TV production sector organisations including the South African Screen Federation (SASFED); community TV stations including CapeTV; and a host of NGOs and CBOs including the Freedom of Expression Institute (FXI), Media Monitoring Africa (MMA), SECTION27 and a number of academics and freedom of expression activists.

1.3. The SOS Coalition envisages and campaigns for a digital content landscape that:

1.3.1. Includes a diversity of programming and content that reflects the diversity of South Africa including those marginalised through issues of race, class, gender, age, disability and sexual orientation;

1.3.2. Includes increased local content;

1.3.3. Includes increased African language programming and content;

1.3.4. Includes increased public and community programming and content;

1.3.5. Includes increased genres of programming;

1.3.6. Ensures that the majority of quality programming and content is free to air and accessible to all people living in South Africa;

1.3.7. Ensures dialogic communications, so that all people living in South Africa have the ability both to receive and impart information, knowledge and ideas and not just be the recipients of messages from a few information providers; and

1.3.8. Ensures the sustainability of all broadcasters including in particular free to air broadcasters as these broadcasters are more accessible to all viewers.

1.4. The SOS Coalition envisages a public broadcaster and community broadcasters that:

1.4.1. Strengthen the goals of the South African Constitution, especially the Bill of Rights, including socio-economic rights;

1.4.2. Have strong institutional autonomy that is independent of sectional, political, commercial and personal interests;

1.4.3. Deliver programming under-pinned by the principles of quality, fairness, credibility, reliability, variety and balance;

1.4.4. Deliver programming that reflects the full range of South African opinions at national and local levels including the views of women, the old, the youth, the poor, unemployed, rural and informal settlement residents and LGTBIAQ communities;

1.4.5. Lead the broadcasting sector on African language and local content programming;

1.4.6. Deliver programming that includes Africa-wide and international issues from a South African perspective; and

1.4.7. Deliver programming that is commissioned and broadcast in the public interest.

1.5. SOS welcomes ICASA's publishing of the Discussion Document. Further, SOS notes the extensive research commissioned by ICASA to inform this document. However, Coalition members are disappointed that the Discussion Document doesn't sufficiently reflect this research. Further, despite the extensive nature of the research, SOS believes there are still research gaps. These gaps are discussed below. SOS calls for further extensive research on local content quotas to inform regulations.

1.5.1. SOS notes the international case studies included in the research. SOS thanks ICASA for the latter. However, SOS would like ICASA to further supplement this research by investigating monitoring and regulatory systems in Canada that include the coding of content so that it can be tracked across different channels, broadcasters and media platforms.

1.6. SOS notes the number of questions (51) included in the Discussion Document. SOS has chosen to bundle questions and answer those where it has an interest and / or access to the relevant facts.

1.7. SOS held two workshops to gather the views from its members and affiliated organisations. The first workshop was held at the National Film and Video Foundation (NFVF) on 3 September 2014. It was targeted at South African Screen Federation (SASFED) and Right to Know campaign (R2K) members. The second workshop was held at the Wits Radio Academy on 25 September 2014. This workshop was targeted at community radio station members. Please see annexure A for attendance registers.

1.8. The recommendations in this submission reflect the views of the participants of the workshops mentioned above, as well as the working group members of the SOS Coalition. Please note that the recommendations put forward need to be considered as a package.

## 2. SOS'S VISION FOR LOCAL CONTENT REGULATION IN A CONVERGED DIGITAL WORLD

2.1. SOS notes the reasons why local content regulations were introduced in South Africa in the first place. As reflected in the Discussion Document, they were introduced to deal with the structural inequalities of content provision under apartheid and further to promote national identity, national pride and social cohesion; to promote freedom of expression and cultural diversity; to promote the development of a domestic market and industry for indigenous content; and to promote the development of an export market and a globally competitive industry. SOS believes that there has certainly been progress in terms of the original goals set, but feels that more needs to be done.

2.1.1. SOS members note the continued paucity of voices that reflect the views of women, the old, the youth, children, the poor, the unemployed, rural and informal settlement residents and LGTBIAQ communities.

2.2. SOS notes the critical importance of local content in the new digital environment. However, SOS notes that international studies point to the fact that local content including content that reflects local issues and local languages, cultures and religions is often neglected in the new global digital landscape. Further, public service content is often particularly neglected. Also, international studies point to the overall commercialisation and deterioration of the quality of content in the multi-channel environment (Einstein, 2004; Dragomir, 2008; Mendel, 2011).

2.3. To counteract these global trends SOS notes the importance of a basket of regulations and incentives to ensure that local content (including international and African content produced by South Africans) and in particular public service and community broadcasting content is supported.

2.4. SOS notes regulation needs to be appropriate to a multi-channel environment. It needs to take into consideration rapid technological advances including the fact that broadcasting and "broadcasting-like" audio and audio-visual content can now be accessed from a variety of providers including non-broadcasters such as telecoms operators and internet service providers. These new media providers are generally unregulated and unlicensed.

2.5. SOS believes that new global realities require regulators to adopt a more flexible approach in certain instances. However, this approach should not undermine the overall goal of ensuring a rich, diverse, public-service and community-orientated audio-visual and audio content environment. From an SOS perspective a more flexible approach should include the following:

   2.5.1. Regulation of local TV content across channel bouquets rather than across individual channels.

   2.5.2. Ensuring the prominence of local TV content, public service and community content through highlighting and giving prominence to this content on electronic programming guides (EPGs) and in on-demand catalogues.

   2.5.3. Streamlining of the regulatory regime e.g. the removal of complicated format factors in the television environment from local content regulations while finding other mechanisms to ensure these areas are still addressed.

   2.5.4. The introduction of innovative electronic tracking systems so that local content can be tracked (using the latest technology) across channels, broadcasters and platforms e.g. ICASA should explore the Canadian barcode registration system that ensures the registration (with the Regulator) of local content to allow for the tracking of content across different channels, broadcasters and platforms. (Please note SOS believes that the Regulator should have no say over the content of this content, save to confirm that it *is* local content.)

2.6. Further, SOS supports a series of (non-regulatory) incentives to promote the production of local content. These incentives should include:

   2.6.1. The creation of a local content fund that could be used by any broadcaster or audio or audio-visual content provider planning to produce public service and community-orientated local content. SOS believes that particular priority should be given to piloting and development of new programming and programming formats. Also, the fund should prioritise programming that focuses on marginalised languages; productions outside the main metropolitan areas (i.e. Durban, Cape Town and Johannesburg) and programming focused on women, children, the youth, old people, workers, the poor and LGTBIAQ communities.

2.6.1.1. Please note that this fund would not replace current funding available from DTI, NFVF, IDC etc. This fund would require additional funding. Funds could potentially be accessed from licensees who are allocated spectrum vacated through the digital migration process.

2.6.2. Support to local content hubs and provincial film commissions in all provinces.

2.7. To ensure easy acquisition of local content, SOS strongly supports the strengthening and growing of our independent TV film production and music industries. SOS supports the development of robust, diverse, independent production and music industries that reflect the demographics and diversity of our country in terms of race, class, gender, sexual-orientation, language and religion. Further, SOS supports initiatives that will strengthen and develop local content industries in areas outside Johannesburg, Durban and Cape Town. SOS calls for government to initiate a research process including an economic survey and strategy exercise resulting in clear recommendations to support local creative industries to operate as independent entrepreneurial businesses.

2.8. Alongside the support for the growing of a robust production industry the SOS Coalition also supports the building of creative internal TV / audio-visual production capacity within broadcasters with a particular focus on development work including the development of new formats, the conducting of pilots etc.

2.9. SOS notes the joint responsibility of all broadcasters and content providers to shoulder local content responsibilities. In broad brushstrokes SOS supports the current regulatory system that ensures regulation of all broadcasters and content providers but with a hierarchy of obligations. In terms of audio-visual / TV content, SOS believes that public broadcasters should be at the top of the pyramid with the most obligations, then free-to-air commercial broadcasters followed by subscription broadcasters. SOS particularly supports the growing of the new community TV broadcasting sector. In this regard SOS believes that it is important to ensure greater flexibility. In terms of radio / audio content, SOS believes that there should also be a hierarchy of obligations with public and community broadcasters at the top of the hierarchy, followed by commercial broadcasters. However, this does not negate the fact that commercial broadcasters should play an important role in the production, commissioning and broadcasting of local content.

2.9.1. SOS supports ICASA doing further research into the community TV sector to ascertain the needs and constraints under which community TV broadcasters operate. SOS believes that this research will be critical to the designing of local content obligations for community TV.

2.9.2. SOS supports one of the key principles that underpin the Electronic Communications Act (ECA) – “technological neutrality”. The ECA calls for ICASA to create a licensing regime that ensures that all licenses granted are technologically neutral. SOS thus believes that free-to-air (FTA) satellite TV and FTA terrestrial TV services should have the same regulations. Also, subscription satellite and subscription terrestrial services should have the same regulatory regime. ICASA should explore the application of this principle for the regulation of radio – including the regulation of FM and AM Radio, digital radio and radio-like services delivered over the internet.

2.10. As stated above SOS believes that increasingly all broadcasters will be delivering on-demand services. Further, SOS notes that over time more "broadcasting-like" content will be delivered over the internet. To ensure that this content reflects local, public-service and community content needs, SOS believes this content should be regulated. Please note that this is not a call for general regulation of the internet but only for specifically defined "broadcasting-like" content.

2.10.1. SOS supports investigation of the definitions of "broadcasting-like" content and the broad regulatory principles that underpin the European Audio Visual Media Services Directive (AVMSD), 2010.[1] This Directive has created a regulatory framework that brings "television" broadcasts on a number of platforms and on-demand services into a single regulatory framework. SOS believes strongly that ICASA should investigate this further.

2.10.2. The AVMS Directive defines an "audio visual media service" as a service which is under the editorial responsibility of a media service provider with the principle purpose of providing for the general public, programming in order to inform, educate and entertain by means of an electronic communications network. It excludes all user-generated content.

2.10.3. An AVMS can be either a linear AVMS or a non-linear AVMS. A linear AVMS is a service provided by a media service provider for simultaneous viewing of programmes on the basis of a programme schedule. A non-linear AVMS is a service provided by a media service provider for the viewing of programmes at the moment chosen by the user and at his/her individual request on the basis of a catalogue of programmes selected by the media service provider i.e. on-demand content.

2.10.4. The AVMS Directive brings these linear and non-linear services together and creates a two-tier system of regulation with stricter regulation for the linear tier. The common rules that affect both tiers include prohibitions around hate speech, a focus on making services available to people with visual and hearing disabilities, and some commercial regulations around sponsorship and product placement. The rules applicable to linear services include stronger protection for minors and regulations for the promotion and distribution of European television programming.

2.10.5. As discussed above SOS calls on ICASA to investigate these issues. SOS recommends that ICASA consult with internet service providers and IPTV and streaming audio providers in formulating future regulations.

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[1] Please see the following website for further details on the Directive. http://epthinktank.eu/2014/03/25/the-avmsd-implementation-and-future-perspectives/

2.11. SOS notes that in terms of present policy and regulations ICASA has not defined “on-demand” content as broadcasting content. This content thus falls outside ICASA’s regulatory purview. SOS believes that these debates should be re-opened.

2.12. Finally, SOS notes the critical importance of ICASA playing its monitoring and compliance role. SOS notes the increased complexity of the new monitoring and compliance environment and thus believes it is essential that all monitoring and compliance processes are streamlined for ICASA *and* for all broadcasters. Ideally broadcasters should play a more self-regulatory role, with ICASA playing more of an auditing role. ICASA’s capacity to play this auditing role must be strengthened. SOS notes that the passing of regulation is entirely meaningless if ICASA fails to monitor. One monitoring system that should be investigated is the Canadian barcode system mentioned above.

## 3. SOS LOCAL CONTENT REGULATION RECOMMENDATIONS

3.1. Television:

3.1.1. SOS notes that the **definitions** included in the Discussion Document can only be amended in terms of the Electronic Communications Act (ECA). In terms of amendments to the ECA, SOS recommends the following:

3.1.1.1. That local sports programming should be included in the definition of local content but ICASA needs to investigate this further. Caps should be included on the amount of sport that can be calculated as part of local content so that it doesn’t dominate. Also, ICASA must explore the incentivising of coverage of women’s and minority sports.

3.1.1.2. That the definition of “television content” should now refer to “audio-visual content”.

3.1.1.3. That the definition of “independent TV production” must emphasise the issue of *control*. Independent producers and independent production companies need to ensure genuine control over their creativity, intellectual property and working conditions if their work is to be seen as independent. This should be emphasised in the definition.

3.1.2. As stated above SOS supports a hierarchy of obligations with public broadcasters subject to the most local content obligations, followed by free-to-air commercial players and then subscription broadcasters. SOS supports moving community TV broadcasters to a new category separated from public broadcasters with less onerous regulations.

3.1.3. SOS strongly supports the continued use of quotas (with small increases) as a regulatory tool for the following reasons: (See 3.1.5 below.)

3.1.3.1. That as ICASA's own research has shown local content quotas have had a positive impact on the production of local content.

3.1.3.2. That as ICASA's own research has shown broadcasters now generally meet and exceed local content quotas, it is thus important to push broadcasters a little further to boost the television production and music industries and audiences access to local content.

3.1.3.3. That generally South Africa's local content quotas are low in comparison to other countries such as the UK, Canada, Australia and Nigeria and therefore these is room for increases. (See ANC, 2012: 17 and ICASA's own research on these issues.)

3.1.4. SOS proposes that these new increased quotas are introduced and then reviewed after a two year period.

3.1.5. SOS's proposals for quotas are articulated below.

3.1.5.1. Satellite **<u>subscription broadcasters</u>** have from 2006 been required to contribute only 10% of their total programme acquisition budget to local content across all their bouquets and channels. SOS proposes that ICASA increase this percentage to at least <u>20%</u> of acquisitions budgets. SOS suggests that this should apply to ALL subscription broadcasters irrespective of transmission (i.e. terrestrial, satellite). The local acquisitions budget should be spent on a balance of different genres (defined below). <u>Thirty percent</u> of the local acquisitions budget should be spent on African language programming and <u>60%</u> of all local content spent on independently produced local content.

3.1.5.2. SOS notes that there is a disparity in the **<u>free-to-air commercial broadcasting</u>** sector with e-TV having a 45% local content requirement for its main terrestrial channel. In contrast other free-to-air commercial broadcasters currently have only a 35% local content requirement. Free-to-air satellite delivery is not being monitored. SOS recommends that all free-to-air commercial broadcasters should be treated equally, and that ALL free-to-air commercial broadcasters targeting a South African audience, irrespective of the method of content delivery (i.e. terrestrial, satellite and IP) should be required to have <u>45%</u> of their broadcast time measured across their entire channel bouquet as local television content. The time should be spent on a balance of different genres measured across a bouquet of channels. <u>Thirty five</u> percent of local content on all FTA Commercial Broadcasters should be African language programming. SOS proposes that <u>60%</u> of all local content based on time across all the channels of the free-to-air commercial broadcaster, should be independently produced local content.

3.1.5.3. **Public broadcasters** should have their current 55% local content per channel increased to 60% measured across their channel bouquets as a percentage of time and irrespective of the media of transmission (i.e. Satellite, Terrestrial or IP). Fifty percent of their local content time should be African language programming. SOS proposes that 60% of all local content based on time across all channels should be independently produced local content. To incentivise more pre-licences at least 35% of the local content should be on pre-licences, and co-productions where the broadcaster does NOT own a majority equity stake. This would also further allow for content to be re-used on other broadcasters' platforms and encourage sharing of content in a multi-channel environment.

3.1.5.4. In the case of **Community Broadcasters** SOS calls for their present obligations to remain unchanged i.e. 55% local content per channel measured against the performance period, or should the community broadcaster offer more than one channel measured across their channel bouquets as a percentage of time and irrespective of the media of transmission (i.e.: Satellite, Terrestrial or IP). Thirty percent of their local content time should be African language programming and 40% should be outsourced to independent producers.

3.1.5.5. In the case of the free to air broadcasters, measurement should be calculated as a percentage of the "performance period" across all channels within that network's bouquet of channels.

3.1.5.6. All the above classes of broadcaster (Subscription, Commercial, Public and Community) should include a balance of EACH of the genres across channel bouquets:

- Documentary,
- Drama,
- Arts and Culture Programming,
- Science and Education, and
- Children's Programming.
- Further and separately measured (but which can be one of the above genre types) at least 5% of the local programming must be Animation Programming. (Community broadcasters however should be exempted from this obligation.)
- Please note: exemptions should be included for specialist broadcasters.

3.1.5.7. SOS believes that the current **repeats measurement system** in the Free to Airspace has proven unwieldy and hard to track. (Please note that repeats do not apply to subscription broadcasters. This is due to the fact that local content is calculated as a percentage of programme acquisition budgets. Repeats are not relevant here.) SOS proposes (in line with Canadian regulatory systems) that all local content programmes, whether independently produced or produced by a broadcaster in-house, should be submitted to an on-line ICASA run system where it should be issued a unique number / barcode which stays with that programme for life. Every broadcaster should then be obliged to report local content programmes in a simple online report to ICASA on a daily / weekly basis. SOS proposes that the following standard repeat regulations apply to all classes of free to air (i.e.: Commercial, Public and Community) broadcasters:

3.1.5.8. The first two runs of a programme on any channel within a network counts 100% of the duration of that programme.

3.1.5.9. In the case of Children's Programming or Educational Programming, an additional repeat should count as 100% of the duration of the programme.

3.1.5.10. In the case of high budget drama (with production budgets exceeding R16 0000 per min) or high budget documentary (with production budgets exceeding R7 000 per minute) an additional repeat will count at 100% duration. The figures will be adjusted for inflation on an annual basis.

3.1.5.11. An additional two repeats will count for 50% of the duration of the programme in the case of any exposure on the same network of channels.

3.1.5.12. Should a programme be sold from one network to another local network and such local programme was owned by such network, or sold by a producer or other rights holder to more than one local broadcaster, the programme will count again as described in 3.1.5.8 to 3.1.5.11.

3.1.5.13. In the case of Community Broadcasters broadcasting in DTT, such broadcaster is allowed an additional two repeats of any programme to count 100% towards compliance with local content quotas.

3.1.5.14. All repeats referenced above WILL need to be logged daily / weekly into the ICASA online database by the broadcaster using the unique reference number for every programme which will be transferred should any sale of such programme occur. Should any broadcaster fail to report on any programme or lose track of any unique reference number, or air a programme without a unique reference number, such broadcaster should be fined with extensive penalties. (A more lenient compliance regime should be negotiated for community TV broadcasters.)

3.1.5.15. The data of repeats reflected against the unique references numbers should be made available by ICASA to registered collection agents for renewal and repeat fees for actors, writers and other categories of repeat fees as may be payable and it should be made a regulatory requirement that all local broadcasters pay the required fees for such repeats in line with international best practice.

3.1.6. The table below represents a summary of our recommendations.

| Category | % Local Content | | Indi % / Local | | Repeats Allowed | |
|---|---|---|---|---|---|---|
| | Current | Proposed | Current | Proposed | Current | Proposed |
| Subscription Terrestrial | 10% of time in Performance Period per channel. | 20% of acquisition budget across all channels. | 40% of local content. time per channel spread evenly by genre. | 60% of local portion of acquisition budget across channels | Only first screening counts 100% of duration, limited repeats at 50%. | No limits on repeats as based on percentage of spend in future. |
| Subscription Satellite | 10% of acquisition budget across all channels. | 20% of acquisition budget across all channels. | 40% of local content. time per channel spread evenly by genre. | 60% of local portion of acquisition budget across channels | No repeat limits as based on percentage of spend. | No repeat limits as based on percentage of spend. |
| FTA Commercial Regs (SABC 3) | 35% of time in Performance Period per channel. | 45% of time in Performance Period across all channels. | 40% of local content. time per channel spread evenly by genre. | 60% of local portion of time across channels + | Only first screening counts 100% of duration, limited repeats at 50%. | 2-4 screenings per network at 100%, and two extra at 50%. |
| FTA Commercial Licence (E-TV) | 45% of time in Performance Period per licence. | 45% of time in Performance Period across all channels. | 100% of local content. time other tan news and sport. | 60% of local portion of time across channels, including news and sport + | Only first screening counts 100% of duration, limited repeats at 50%. | 2-4 screenings per network at 100%, and two extra at 50%. |
| Public Broadcaster | 55% of time in Performance Period per channel. | 60% of time in Performance Period across all channels. | 40% of local content. time per channel spread evenly by genre. | 60% of local portion of time across channels, including news and sport + | Only first screening counts 100% of duration, limited repeats at 50%. | 2-4 screenings per network at 100%, and two extra at 50%. |

| | | | | | | |
|---|---|---|---|---|---|---|
| Community Broadcaster ** | 55% of time in Performance Period per channel. | 55% of time in Performance Period across all channels. | 40% of local content. time per channel spread evenly by genre. | 40% of local portion of time across channels, including news and sport + | Only first screening counts 100% of duration, limited repeats at 50%. | 4-6 screenings per community broadcaster at 100%, and two extra at 50%. |

3.2. Radio:

3.2.1. SOS notes the Discussion Document's questions as regards a number of key **definitions**. As discussed above, SOS notes that these can only be amended in terms of the Electronic Communications Act (ECA). In terms of an amendment to the ECA SOS recommends that radio content should refer to "audio content".

3.2.1.1. The definition of South African music should have stricter requirements, needing majority input from citizens on all levels of production for a song to be classified as local.

3.2.2. Currently, radio broadcasters need to play a specified quota of South African music within the performance period (5am – 11pm), spread reasonably evenly over the whole broadcasting period. This quota is presently at a minimum of 40% for public and community sound broadcaster and 25% for commercial and public commercial sound broadcasters. Subscription sound broadcasters have a minimum quota of 10%. Beyond this, specific local content requirements are set out in the licence conditions.

3.2.2.1. On the issue of **increased quotas,** SOS advocates for commercial stations to be required to increase their local content to at least 40%. This is considering that they have fewer obligations in terms of other prescribed programming. SOS supports an increase to 50% or more for public and community stations to encourage the airing of even more local content. Since some stations feel strongly that quotas should not be increased, we recommend that a thorough investigation of the expected impact be done. If an increase is implemented it should be done in increments to allow the industry to adjust.

3.2.3. The current regulations do not directly encourage content that is of immediate interest and pertaining to the local community specifically or only. Such **hyper-local content** would support many of the purposes of radio by catering to the specific needs and diversity of a community in a way that other media may not. The Authority should implement incentives like rewarding hyper-local content with added quota points. The same should be investigated with continental African content.

3.2.4. SOS supports a local music quota being implemented on the music played on **talk radio broadcasters** if the current practice is at a very small amount. This should be at 40% or the current quota agreed for the similar licence group of that station.

3.2.5. SOS strongly advocates against **horizontal integration** between recording companies and licensees, given that this would likely lead to unfair bias and competition or compromised music quality. We recommend stations should have to declare conflicts of interest (such as station management having shares in recording companies) to the Authority and comply with a maximum quota of music played from the concerned music source, for instance 40%. Alternatively, ICASA could work together with the Competition Board on this.

3.2.6. SOS suggests ICASA implement some of the following simpler and more effective methods of monitoring, giving the lack in monitoring many stations have experienced.

3.2.6.1. Allowing stations to compile and send reports electronically. ICASA should do random audits of broadcasters' reports.

3.2.6.2. Encouraging ICASA to hold annual information sessions with stations, particularly community stations to educate and update station managers on monitoring and compliance requirements. (This will deal with the high turnover of staff in stations.)

3.2.6.3. Encouraging ICASA to implement a system of ranking stations. Stations with a good track record re compliance should be labelled 'green' for instance. They would then be monitored less regularly, yet still effectively. This would allow the Authority to focus its capacity on those ('yellow' and 'red') stations with a known track record of difficulty with compliance or non-compliance.

3.2.7. For the monitoring of music the Authority should investigate, with the help of SAMRO (South African Music Rights Organisation), the use of an electronic database of local music that would simplify monitoring and access to local music by stations. The use of acoustic fingerprint software could be implemented in this process to obtain an accurate reading of a station's compliance.

3.2.7.1. ICASA should look at ways to encourage stations to use existing software and services that can simplify compliance reports, by arranging reduced rates for stations with such companies.

3.2.8. While present local content regulations have encouraged cultural diversity, for instance through language diversity, broadcasters note the vagueness and complexity of terms like cultural diversity and national identity in the South African context, which makes it hard to quantify their effectiveness. ICASA should consider elaborating on these descriptions. In order for the Authority to ensure increased diversity they would have to actively intervene in the kinds of players in the industry, for instance by putting out a call for certain types of stations representing minority communities.

3.2.9. While SOS recognises the **language diversity** already in effect, marginalised languages should be encouraged more. SOS believes that these languages should include the Khoisan languages not included among South Africa's official languages.

3.2.9.1. The Authority should consider working together with established NGOs and civil society groups to promote and monitor programming for marginalised communities, like the Pan South African Language Board and university African Language departments.

3.2.10. SOS recommends ICASA implement a formal way for stations to notify the Authority if their capacity to fulfil language requirements has changed. This is due to a high turnover of staff within a licence period, often making stations unable to fulfil promised ratios of languages.

3.2.11. SOS recommends that ICASA does not intervene in **music formats** beyond what is stipulated in licence conditions, since this is an unnecessary complication and restricts stations.

3.2.12. The Authority should work with government and other structures to lower **data costs** and widen access to the internet. Special attention needs to be given to the streaming of local broadcasters, for instance at a reduced rate. This would facilitate marginalised programming being available throughout the country and give local broadcasters the advantage over international media.

3.2.13. SOS strongly advises that the Authority prepare itself for the **digital future of radio**, to ensure that effective regulatory frameworks are ready and the industry's interests are protected. This may involve a reorganisation of the spectrum and the opportunity to licence more players.

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Sekoetlane Jacob Phamodi

Coordinator

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