



**Independent Communications Authority of South Africa**

**COMMUNITY TELEVISION  
BROADCASTING SERVICES**

**POSITION PAPER**

**30 NOVEMBER 2004**

## **Submissions**

We thank the following organisations and individuals who made submissions:

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3. Malcolm Ramsay
4. Media Monitoring Project (MMP)
5. M-Net
6. National Association of Broadcasters (NAB)
7. National Community Radio Forum (NCRF)
8. Orbicom
9. Primedia Broadcasting
10. South African Broadcasting Corporation (SABC)
11. Sentech
12. Seriti Broadcasting Company

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## **A. INTRODUCTION**

### **1. Aims of the Position Paper**

Section 2 of the Independent Broadcasting Authority Act, No. 153 of 1993, (“the IBA Act”) states that the primary purpose of the Act is to provide for the regulation of broadcasting and for that purpose to, *inter alia*, promote the provision of a diverse range of sound and television broadcasting services on a national, regional and local level, which, when viewed collectively, cater for all language and cultural groups and provide entertainment, education and information; promote the development of public, commercial and community broadcasting services which are responsive to the needs of the public; ensure that broadcasting services, when viewed collectively develop and protect a national and regional identity, culture and character; provide for regular news services; actuality programmes on matters of public interest; programmes on political issues of public interest; and programmes on matters of international, national, regional and local significance.<sup>1</sup>

The significance of section 2 is that it very clearly places an obligation upon the Independent Communications Authority of South Africa (“the Authority”) to promote the introduction of a diverse range of sound and television services at national, regional and local level. Sound broadcasting services are currently offered at national, regional and local level. Television broadcasting services are, however, currently only offered at a national level, with the exception of Trinity Broadcasting Network (“TBN”), which was “grand-fathered” when the Authority’s predecessor, the Independent Broadcasting Authority (“the IBA”), was established in 1994. TBN operates at a local level in the Eastern Cape. The Authority has also, since 1996, licensed at local level a range of community groups as special events television licensees.

New legislative requirements for introducing public regional television, as well as technological advances and interest expressed in such licences by commercial and non-profit entities have placed the issue of the introduction of local television once again on the Authority’s policy agenda. Consequently the Authority has conducted a public inquiry to determine public demand for and the financial sustainability of local television services.

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<sup>1</sup> Section 2 of the IBA Act, No.153 of 1993.

The introduction of community television broadcasting services would satisfy the objects of section 2 of the IBA Act. The categorisation of broadcasting licences is set out within the three tier system of broadcasting in South Africa, namely public, commercial and community broadcasting services, as set out in section 5(1) of the Broadcasting Act, No. 4 of 1999 (“the Broadcasting Act”). Section 5(2) of the Broadcasting Act requires the Authority to consider licences in the following categories:

- (a) free-to-air broadcasting service;
- (b) terrestrial subscription broadcasting service;
- (c) satellite subscription broadcasting service;
- (d) cable subscription broadcasting service;
- (e) low power sound broadcasting service; and
- (f) any other class of licence prescribed by the Authority from time to time.

Community television broadcasting services will be licensed as free-to-air broadcasting services. This is in accordance with section 32(1)(b) which states that a community television broadcasting service licence may be granted by the Authority in free-to-air television service category.<sup>2</sup>

Against this background the Authority conducted an inquiry into local television. The Authority published a Discussion Paper titled “Inquiry into Local Television” on 22 August 2003. The purpose of the Discussion Paper was to generate comment from all stakeholders on the introduction of local television broadcasting services in South Africa. Its primary objective was to solicit public participation and input in developing the regulatory framework for local television in South Africa, and to generate discussion on the appropriate policy and licensing framework for the introduction of local television. The Discussion Paper was divided into sections dealing with the potential introduction of public local television, commercial local television and community local television services.

The Authority invited stakeholders and the public to respond to the questions and issues raised in the Discussion Paper and to make an input on any issues related to the well being and survival of the broader television market in South Africa. The Authority received 12 submissions, 10 of the submissions indicated a wish to elaborate on the submissions made through oral representations. Oral hearings were held at the Authority’s offices on 16 and 17 October 2003.

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<sup>2</sup> Section 32(1)(b) of the Broadcasting Act, No.4 of 1999.

The Authority also commissioned a feasibility study on the viability of commercial local television. The study was published on 17 October 2003 and interested parties were invited to comment thereon by 31 October 2003. The Authority received seven written representations in this regard.

In analysing the framework for the potential introduction and regulation of local television services, the Authority was guided by, amongst other things, the need to promote the provision of a diverse range of television broadcasting services on a national, regional and local level which, when viewed collectively, cater for all language and cultural groups and provide entertainment, education and information; the need to promote the development of public broadcasting services which are responsive to the needs of the public; the need to ensure that broadcasting services, viewed collectively, develop and protect a national and regional identity, culture and character; the need to ensure that, in the provision of public broadcasting services, the needs of language, cultural and religious groups and the needs of the constituent regions of South Africa are duly taken into account; the need to promote stability within the broadcasting industry; as well as ensuring fair competition between broadcasting licensees.<sup>3</sup>

The Position Paper is divided into the Submissions and Findings sections. The Submissions section reflects questions posed by the Discussion Paper and also summarises the written and oral submissions on those and related questions, and the Findings section explains the Authority's decisions.

The Position Paper is also available in isiNdebele, Sepedi, Sesotho, Setswana, Siswati, Tshivenda, isiXhosa, Xitsonga, isiZulu and Afrikaans. Questions should be directed to Ms Judicia Monyela: Researcher, Policy Development and Research Department, at (011) 321-8456, OR Ms Aurelia Mazibuko, Researcher, Policy Development and Research Department, at (011) 321-8485.

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<sup>3</sup> Section 2 of the IBA Act.

## B. SUBMISSIONS

### 2. Frequency Assignment and Availability

The Discussion Paper stated that local television services would make use of the available spare capacity in the television band. It further noted, however, that there were potential demands on those spare capacities which necessitated prioritisation and reorganisation. These demands were stated as the rollout of Digital Terrestrial Television (“DTT”); the potential introduction of regional television broadcasting services; and the possible migration of current VHF television channels 11 and 13 to the spare UHF assignments in view of accommodating Digital Audio Broadcasting (“DAB”) in Band III.

The Discussion Paper sought opinion on the number of local television licences to be granted taking into account the scarcity of terrestrial frequencies. The Discussion Paper also sought opinion on the categorisation of frequencies in the advent of digitisation.

M-Net submitted that insufficient research, particularly as regards terrestrial broadcasting services, has been conducted in South Africa about the viability of migration from analogue to digital broadcasting. *“If and when it is decided that migration ought to occur, frequency plans to deal with migration, including the transition phase, will need to be prepared, and an overarching framework for migration, and specific time frames, will need to be developed. M-Net cautions against the Authority taking isolated decisions, in the absence of fully developed frequency plans and an overarching regulatory framework.”*<sup>4</sup>

Sentech submitted that the number of television licences to be granted would depend on the availability of interference free frequencies for regional and local television use and not causing harmful interference to existing television services. *“Sentech is of the opinion that the following frequency management issues need the urgent attention of the Authority before regional and local television licences are granted: to initially reserve television spectrum in metropolitan areas to facilitate migration from analogue television to DTT should be the foremost consideration of the Authority; limited spectrum available in metropolitan areas; and the decision of the Authority not to*

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<sup>4</sup> M-Net’s submission to ICASA on the “Inquiry into Regional and Local Television”, September 2003, at page 3.

*assign television frequencies in the UHF band above 800MHz should be cancelled, if regional and local television must also be licensed in metropolitan areas without harmful interference”.*<sup>5</sup>

Sentech also submitted that it conducted a study of the Frequency Management Spectrum requirements to migrate from analogue to digital television transmissions in metropolitan areas in South Africa, and that the outcome of the study was that sufficient frequency spectrum is available in the metropolitan areas. *“Two multiplexes can be deployed in metropolitan areas, without affecting current analogue services if the spare UHF-TV spectrum is used for migration; if no further television frequencies are assigned for analogue services in metropolitan areas and in some rural areas; and if the regional television network is developed using digital transmissions to utilise the frequency efficiency of digital”.*<sup>6</sup>

Sentech argued further that if new analogue television services were deployed on the last remaining available frequencies, South Africa would forfeit the smooth transition from analogue transmission to digital transmission. Sentech recommended that the last remaining two frequencies in metropolitan areas should be used for large area DTT single frequency networks.<sup>7</sup>

The NAB submitted that should the Authority accept a recommendation not to assign any more frequencies in the 800 MHz band, additional pressure would be placed on the remaining UHF television spectrum that could severely inhibit any expansion of analogue services. *“Considering that one or two analogue channels per site will be required for digital transmissions in the migration to a fully digital service, in addition to the existing analogue channels in use, the NAB submits that the Authority will be required to balance the frequency requirements of regional and local television against current frequency allocations of existing broadcasting, and future frequency requirements.”*<sup>8</sup>

Orbicom submitted that given the developments towards digital broadcasting and the possible tabling of Convergence legislation in Parliament later in 2003 or in early 2004, the Authority should not perpetuate technical obsolescence by introducing new services using analogue modulation

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<sup>5</sup> Sentech’s submission to ICASA on the “Inquiry into Regional and Local Television”, September 2003, at page 2.

<sup>6</sup> Sentech’s additional information on the “Inquiry into Regional and Local Television”, November 2003, at page 1.

<sup>7</sup> Sentech’s additional information, at page 3.

<sup>8</sup> NAB’s submission to ICASA on the “Inquiry into Regional and Local Television”, September 2003, at page 8.

techniques. *“It is believed that a recommendation has been made that the Authority should not assign any more frequencies in the 800MHz band. This will place additional pressure on the UHF television spectrum and severely inhibit any expansion of analogue services. Considering that one or two analogue channels per site will be required for digital transmissions in the migration to a fully digital service, in addition to the existing analogue channels in use, we submit that it is not feasible to licence additional local and regional television services using analogue modulation”*.<sup>9</sup>

### **3. Approach to Local Television Services**

#### **3.1 Viability**

Section 46(1) of the IBA Act states that in considering an application for a commercial broadcasting licence, the Authority shall with due regard to the objects and principles enunciated in section 2, take into account, amongst other things, the demand for the proposed broadcasting service within the proposed licence area; the need for the proposed service within such licence area, having regard to the broadcasting services already existing therein; and the expected technical quality of the proposed service, having regard to developments in broadcasting technology.

The historical legacy of the development of television in South Africa has resulted in the free-to-air television broadcasting system being dominated by the SABC’s free-to-air services. The SABC currently has a market share of 60% and covers about 73% of the country.<sup>10</sup> This will make it difficult for commercial regional and commercial local television licensees to enter the market, especially when the new public regional television broadcasting services begin operation.

The Authority’s feasibility study report indicated that commercial regional television broadcasting would not be viable without a subsidy from government. The feasibility study report indicated that licensing commercial regional and commercial local television broadcasting services would neither be commercially viable nor sustainable in the long term. Licensing commercial regional television broadcasting services would also fragment the free-to-air television market, which is already

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<sup>9</sup> Orbicom’s submission to ICASA on the “Inquiry into Regional and Local Television”, September 2003, at pages 3-4.

<sup>10</sup> AMPS 2002B.

struggling for sustainability. The report indicated that the break-even point for a new entrant capturing 10% of the advertising could only happen after 10 years.

### **3.2 Funding and Advertising**

The Authority's Position Paper on Commercial Television, 1997, stipulated an average of 10 minutes of advertising per hour to be measured annually, with a maximum of 12 minutes allowed in any hour.

M-Net proposed that advertising be allowed on local television broadcasting services. *“But the limits imposed on the amount of advertising ought to be more restrictive limitations than those imposed on the amount on commercial regional and local television services. The limitations to be imposed on public regional and local television services should be an average of five minutes of advertising per hour to be measured annually, and a maximum of six minutes allowed in any one hour”*.<sup>11</sup>

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<sup>11</sup> M-Net's submission to ICASA on the “Inquiry into Regional and Local Television”, September 2003, at page 6.

## **C. FINDINGS**

### **4. Frequency Assignment**

The licensing of any additional television broadcasting services requires the allocation of spectrum within the existing terrestrial broadcasting frequency plan. It follows, therefore, that a number of services would be competing for the very limited number of spare frequencies in the plan. Competing services would include national commercial and public television broadcasting services, regional television broadcasting services, community television broadcasting services, as well as digital terrestrial television broadcasting services.

In some areas only a single frequency remains available. In other areas two or more frequencies may be available at the main site but not at the respective gap-filler sites. It follows that it may in some cases be impossible to provide additional analogue coverage equivalent to that achieved for existing analogue services. Significant gaps may exist in the coverage areas.

International stakeholders including South Africa are in agreement that broadcasting services should migrate to digital platform for reasons acceptable to all. The technology is mature and enhancements and applications are continually being developed. The time frames for migration from analogue to digital depend on the individual countries. The International Telecommunications Union (“the ITU”) will soon finalise its re-planning of the television band exercise. Digital television services will have to utilise the spare UHF capacities in the terrestrial broadcasting frequency plan.

The representations received from the public on the issue of analogue-digital platform prioritisation call for an urgent migration plan. Whilst submissions in general agreed that the future of broadcasting would be digital, the overarching national policy on the introduction of digital terrestrial broadcasting and migration is not yet in place. The successful introduction of digital terrestrial television and the migration from analogue to digital will require a holistic approach and can not be considered only in the context of regional and community television.

The introduction and migration strategy for digital broadcasting hinges on the availability of spectrum and the Authority decided, in the Position Paper on Regional Television, to prioritise the

allocation of frequencies for digital in order to secure a migration path that would enable a smooth transition to digital. An overarching migration plan however, cannot be finalised without ministerial policy directives.

The Authority decided on the following to secure a migration path:

- to prioritise the introduction and migration to digital. If such prioritisation does not take place the inevitable future introduction and migration to digital will be seriously hampered;
- spectrum reservation for digital should ensure that the current analogue services are accommodated and also provide for future expansions;
- to make provision for two multiplexes (two analogue television frequency allocations) at each current transmission site (if available);
- the prevailing practice is that multiplexes accommodate 5 to 6 television channels. Possible multiplex configurations are as shown in the table below.

Multiplex 1	SABC1	SABC2	SABC3	SABC4	SABC5	SPARE
Multiplex 2	e.tv	M-Net	CSN	SPARE	SPARE	SPARE

- the network is to utilise single frequency network operation as far as possible and specifically in the metropolitan areas;
- some analogue channels at each current transmission site, have already been allocated for public regional services; and
- the remaining analogue assignments at the transmission sites will be re-categorised for commercial television broadcasting services to cater for e.tv analogue expansion, and community television broadcasting services.

Community Television frequencies are available for allocation to community television in following towns:

- Eastern Cape: Aliwal North, Bedford, Despatch, Kareedouw, and Queenstown;
- Free State: Bethlehem, Senekal, and Ladybrand;
- Limpopo: Blouberg, Mokopane, and Punda Maria;
- Kwazulu-Natal: Vryheid;
- Western Cape: Grabouw; Hexrivier, Knysna, Ladismith, and Matjiesfontein;
- Northern Cape: Calvinia, Fraserburg, and Williston;

- North-West: Christiana; and
- Mpumalanga: Davel, and Dullstroom.

There are no community television frequencies in metropolitan areas such as Johannesburg, Pretoria, Cape Town, Durban, and Port Elizabeth, though it is envisaged that once South Africa has migrated to a digital platform frequencies will be freed up in these areas for use by community television broadcasting services.

The Authority is going to propose the re-categorisation of the spare commercial television frequencies in Johannesburg, Durban and Port Elizabeth, and the spare public television frequency in Durban North for community television use. This will be done in a Gazette and stakeholders, interested parties and the public will be given an opportunity to comment.

There are no spare public or commercial television frequencies in Cape Town. There is, however, one spare frequency available for digital terrestrial television service use. The Authority will, therefore, consider issuing proposed amendments to the regulations on special events licences to allow community television broadcasting licensees, in cases where there are unallocated frequencies and demand can be shown to exceed 30 days, to apply for a non-renewable temporary community television broadcasting licence for a period not exceeding 12 months. Such broadcasting licensees would be allowed to broadcast on frequencies reserved for use during migration from analogue to digital broadcasting.

## **5. Approach to Local Television Broadcasting Services**

The Authority's inquiry into local television demonstrated that while there is a need to satisfy the requirements of section 2 of the IBA Act, of promoting the provision of a diverse range of sound and television broadcasting services on a national, regional and local level, the South African television market is not yet ready to sustain commercial local television services.<sup>12</sup> The Authority has, therefore, decided not to licence commercial local television channels in the short-to-medium term.

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<sup>12</sup> Market Analysis for Commercial and Local Television – Commissioned by ICASA, October 2003, at page 145.

The findings of the feasibility study commissioned by the Authority held that the business case for commercial local television is very marginal at best. The Authority decided not to licence commercial local broadcasters as this would not be commercially sustainable in the long term. The Authority will, therefore, licence community local television broadcasting licensees.

The Authority has also decided not to licence public local television services since two public regional television services, SABC4 and SABC5, will be introduced soon.

The decision to licence community local television broadcasting services is in line with the Authority's Triple Inquiry Report, 1995, where the Authority recognised the importance of community television and its intention to licence as many of these as technological and financial capability permits. As only one of the three tiers of broadcasting is being introduced at local level, there is no need to distinguish between different types of local television and it will be referred to henceforth as community television.

## **6. Approach to the Regulation of Community Television**

### **6.1 Entities Prohibited From Holding A Community Broadcasting Licence**

Any entity applying for a licence must satisfy the Authority that it is not of a party political nature. Section 51 of the IBA Act states that no broadcasting licence shall be granted to any party, movement, organisation, body or alliance which is of a party political nature. In determining whether an applicant is in compliance with section 51, the Authority will, inter alia, consider the following:

- ownership;
- funding;
- board membership;
- management;
- programming; and
- consistent public identification with a particular political entity.

## **6.2 Licence Application**

Applicants for the provision of community television broadcasting licences are required to apply for licences in terms of section 41, read with subsections 47(1) and (2) of the IBA Act, and subsections (1), (2), (3), (4) and (5) of section 32 of the Broadcasting Act.

Section 47(1) of the IBA Act provides that, in considering any application for a community broadcasting licence, the Authority is required, with due regard to the objects and principles as enunciated in section 2, to inter alia take into account whether the applicant is fully controlled by a non-profit entity and carried on or to be carried on for non-profitable purposes; whether the applicant proposes to serve the interests of the relevant community; whether, as regards the provision of the proposed broadcasting service, the applicant has the support of the relevant community or those associated with or promoting the interests of such community, which support shall be measured according to such criteria as shall be prescribed; and whether the applicant proposes to encourage members of the relevant community or those associated with or promoting the interests of such community to participate in the selection and provision of programmes in the course of such broadcasting service.

Applicants will be required, in terms of section 47(2) of the IBA Act, to demonstrate the need, demand, capability, and expertise. Applicants will also be required to submit proof of funding and a business plan for the first term of the broadcasting licence. Applicants will also be required to demonstrate the technical quality of the proposed services.

The term of validity of a community television broadcasting service shall, in accordance with section 54(c) of the IBA Act, be four years.

## **6.3 Defining Community Television**

Section 1 of the Broadcasting Act, 1999 defines a community broadcasting service as a service which-

- is fully controlled by a non-profit entity and carried on or to be carried on for non-profit purposes;
- serves a particular community;

- encourages members of the community served by it or persons associated with or promoting interests of such community to participate in the selection and provision of programmes to be broadcast in the course of such broadcasting service; and
- may be funded by donations, grants, sponsorships or advertising or membership fees, or by any combination of the aforementioned.

The IBA Act provides for two types of community broadcasting services. These are broadcasting services catering for a **geographic community** and broadcasting services catering for a **community of interest**. The community served by a geographic broadcasting service is geographically founded. The service caters to persons or a community whose communality is determined principally by their residing in a particular geographic area.

The community served by a community of interest broadcasting service is one which has a specific ascertainable common interest. The distinctive feature of the broadcasting service is the common interest that makes such a group of persons or sector of the public an identifiable community. Types of broadcasting services catering for a community of interest include services catering for institutional communities, religious communities, cultural communities, etc.

The Authority has in general decided to prioritise the licensing of geographic community television broadcasting services due to the scarcity of television frequencies in South Africa.

## 6.4 Principles of Community Television

Section 32(3) of the Broadcasting Act states that a community broadcasting service must be managed and controlled by a board which must be democratically elected from members of the community in the licensed geographic area. In licensing community television services the Authority shall demand compliance with the following aspects:

- **public access:** the model of community television challenges the traditional division between broadcasters on one side and viewers on the other side. In community television the viewer becomes the broadcaster. Viewers get access to the airwaves. Management of community television act as responsible civic custodians. Their chief responsibility is not to ensure that anyone who chooses to appear on television may do so freely, but to require that those who appear do so responsibly;

- **local origination:** the majority of the programmes broadcast by community television broadcasting services must be produced and sourced locally;
- **community participation:** viewers must get involved in the production and management of communication systems and in the ownership and control of the means of communication. As far as community participation in the selection and provision of programmes is concerned, community television broadcasters will be required to establish programming councils/committees. These councils/committees should be representative of different sectors within the community served; and
- **non-profit:** one of the characteristics of a community broadcasting service is that it is a service which is fully controlled by a non profit entity and carried on for non-profitable purposes. The words “non-profit entity and carried on for non-profitable purposes” do not mean or imply that community broadcasting services are not supposed to generate income. They mean that all surplus funds derived from the running of a community broadcasting station must be invested for the benefit of the particular community.<sup>13</sup> This could be in the form of giving financial study assistance to needy members of the community, establishing and/ or funding community projects, etc. The Authority shall, in accordance with section 32(5) of the Broadcasting Act, audit the financial records of all community television services.

## 6.5 Funding of Community Television

The White Paper on Broadcasting Policy, 1998, states that community broadcasters will access the government assistance training programme to develop their broadcasting trainers.<sup>14</sup> This means that community television broadcasting services can apply to the Media Development and Diversity Agency (“the MDDA”) for financial assistance.

Section 3 of the Media Development and Diversity Agency Act (“the MDDA Act”) states that the objective of the MDDA is to promote development and diversity in the South African media throughout the country, consistent with the right to freedom of expression as entrenched in section 16(1) of the Constitution, in particular:

- (b) freedom to receive and impart information or ideas, and for purpose to-

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<sup>13</sup> Section 32(5) of the Broadcasting Act.

<sup>14</sup> White Paper on Broadcasting Policy, published by the Department of Communications, 1998, at page 27.

- (i) encourage ownership and control of, and access to, media by historically disadvantaged communities as well as by historically diminished indigenous language and cultural groups;
- (ii) encourage the development of human resources and training, and capacity building, within the media industry, especially amongst historically disadvantaged groups; and
- (iii) encourage the channelling of resources to the community media and small commercial media sectors.

The Authority has also decided, in accordance with section 1 of the IBA Act, that community television broadcasting services should be funded by advertising, grants, donations and sponsorships. The Authority has also decided to limit advertising to an average of 10 minutes per hour measured annually, with a maximum of 12 minutes allowed in any hour.

## **7. Programming Contributions**

Section 32(4) of the Broadcasting Act states that the programming provided by a community broadcasting service must reflect the needs of the people in the community which must include amongst others cultural, religious, language and geographic needs and must:

- (a) provide a distinct broadcasting service dealing specifically with community issues which are not normally dealt with by the broadcasting service covering the same area;
- (b) be informational, educational and entertaining;
- (c) focus on the provision of programmes that highlight grassroots community issues, including, but not limited to, developmental issues, health care, basic information and general education, environmental affairs, local and international, and the reflection of local culture; and
- (d) promote the development of a sense of common purpose with democracy and improve quality of life.

Community television broadcasting services will be expected to broadcast programming that supports and promotes sustainable development, participatory democracy and human rights as well as the educational objectives, information needs, language, culture and entertainment interests of participating groups such as women, youth, civic and sport interest groups.

## **7.1 Language Obligations**

The Authority is guided by section 2 of the IBA Act which requires it to ensure that a diverse range of sound and television broadcasting services on a national, regional and local level which, when viewed collectively, cater for all language and cultural groups and provide entertainment, education and information.

Chapter 1, section 6(1), of the Constitution of the Republic of South Africa has declared eleven official languages at national level: Afrikaans, English, isiNdebele, Sesotho, Sepedi, Setswana, siSwati, Tshivenda, Xitsonga, isiZulu, and isiXhosa. Section 6(2) states that recognising the historically diminished use and status of the indigenous languages of our people, the state must take practical and positive measures to elevate the status and advance the use of these languages. Without detracting from the provisions of subsection (2), all official languages must enjoy parity of esteem and must be treated equitably.

Section 2e(i) of the IBA Act obliges the Authority to ensure that, in the provision of public broadcasting services the needs of language, cultural and religious groups are duly taken into account.

Language is one of the most evident characteristics that define a given ethnic group and gives it identity and character as a group. Language is not only a constitutional right, but also the right to language is basic to the articulation and enjoyment of all other rights. When the right to language is taken away the right to communicate, to be authentic, and to be able to be heard is also taken away.

Community television broadcasting services shall be required to broadcast in languages used in the relevant communities.

## **7.2 News**

Community television broadcasting services are guided by a sense of qualitative priorities as well as by their cultivation of a reputation for accessibility to local concerns and responsiveness to local needs. Section 2 of the IBA Act obliges the Authority to ensure that, when viewed collectively, broadcasters must provide for regular news services, actuality programmes on matters of public interest, programmes on political issues of interest, and programmes on matters of international, national, regional and local significance. The duration of news bulletins per day shall be specified in the licensees' licence conditions.

## **7.3 Actuality Programming**

Community television broadcasting services shall be required to ensure that they provide a range of actuality programmes. This includes documentary programming, documentary drama, informal knowledge building programmes and regular current affairs programmes. The number of hours per week of actuality programming shall be specified in the licensees' licence conditions.

## **7.4 Children's Programming**

It is recognised internationally that specific provision needs to be made to ensure that children are provided with programming that entertains, informs and educates them. Children need to be provided with programming which is made specifically for them, which enhances their understanding and existence of the world and which reflects their culture, language and life experiences and which affirms their sense of self, community and place. Such programming should be broadcast at times when children form part of a larger audience.

Three values apply to the principle of safeguarding the welfare of children and juveniles in the media environment:

- respect for the child's personality and development needs. This implies the affordable and convenient provision of media materials that will foster creativity and imagination, broaden horizons, stimulate curiosity and critical awareness and encourage social, cultural and civic competence;

- fairness in the sense of setting limits on advertisers' powers to reach and influence children and the media content intended for them; and
- avoidance of the exposure of children to harmful materials and overly adult fare before they are ready for it.

Children's programming shall include programmes for children between the ages of 0 to 6 years and 7 to 12 years. Early childhood programming should address the language needs of the audience. Children's programming should include entertaining, informative and educative programming in a range of programme formats.

The number of hours per week of children's programming shall be stated in the licensees' licence conditions.

## **8. South African Television Content**

Section 53(1)(a) of the IBA Act defines South African television content as television programming (excluding transmissions of sports events, advertisements, teletext and continuity announcements) which is produced:

- (i) by a broadcasting licensee; or
- (ii) by a person who is a citizen of and permanently resident in the Republic; or
- (iii) by a juristic person the majority of the directors, shareholders or members of whom are citizens of and permanently resident in the Republic; or
- (iv) in a co-production in which persons referred to in subparagraph (i), (ii), (iii) or (iv) have at least a fifty percent financial interest; or
- (v) by persons referred to in subparagraph (i), (ii), (iii) or (iv), in circumstances where the prescribed number of the key personnel who are involved in the production of the television programme, are citizens of and permanently resident in the Republic; or
- (vi) by persons referred to in subparagraph (i), (ii), (iii) or (iv), in circumstances where the prescribed percentage of the production costs are incurred in the Republic.

South African television content is vital to ensuring that South African television reflects and develops South Africa's local, regional, and national identities, cultures and characters. South

African content regulations also assist in the promotion and development of the South African television production industry.

The inclusion of South African programming in the schedules of community television broadcasting services is both a social necessity and an economic opportunity for South Africa. South African drama creates a sense of pride and it also creates a competitive edge that relates to the unique cultural heritage and identity of South Africa. The potential economic benefits from the production of South African programmes for the television industry are considerable. The production of local drama will develop the local production industry and also create jobs for script writers, actors and producers.

The Authority has decided on the overall South African television content quota of 55% for community television services from start-up.

The Authority's South African Television Content Regulations, 2002, incentivise the production of South African drama, African language drama, children's drama, children's informal knowledge building programmes, arts programming, and diversity of commissioning (i.e 3 points commissioning programming from Mpumalanga, Limpopo, North West, Northern Cape, Eastern Cape and Free State, and 2 points for commissioning programming from Kwazulu-Natal). The Authority has decided, in addition to the above-mentioned Format Factors, to incentivise the production of the following genres in African languages, specifically for community television services:

- Documentary - 3 points for any documentary produced in any of the following languages: isiNdebele, Sepedi, Sesotho, Setswana, Siswati, Tshivenda, Xitsonga, isiXhosa and isiZulu;
- Children's Programming - 3 points for any children's programme produced in any of the following languages: isiNdebele, Sepedi, Sesotho, Setswana, Siswati, Tshivenda, Xitsonga, isiXhosa and isiZulu; and
- Arts Programming - 3 points for any Arts programme produced in any of the following languages: isiNdebele, Sepedi, Sesotho, Setswana, Siswati, Tshivenda, Xitsonga, isiXhosa and isiZulu.

## **9. Independent Television Production**

Section 53(1)(b) of the IBA Act defines independent television production as a production of South African television content:

- (i) by a person not directly or indirectly employed by any broadcasting licensee; or
- (ii) by a person who is not controlled by or is not in control of any broadcasting licensee.

The Authority stated, in the Position Paper on South African content quotas on television and radio, 2002 that with the extended quotas for South African television content, no adjustment was required to increase the opportunities for local producers to contribute to the diversity of South African programming. The Authority, therefore, retained the independent television production quota at 40%.

The Authority has decided that the independent television production quota for community television services be 40% as well.

## **10. Content Related Matters**

### **10.1 Compliance with National Laws and the Authority's Regulations on Sponsorship**

Community television services must comply with national laws relating to restrictions on advertising and sponsorship, and the Authority's 'Advertising, Infomercials and Programme Sponsorship Regulations (1999).

### **10.2 Code of Conduct**

Community television services shall comply with the Authority's Revised Code of Conduct for Broadcasters, 2003.