



Support Public Broadcasting Coalition

Virtual Roundtable on Public Broadcasting

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About SOS Coalition



The SOS Coalition represents a broad spectrum of civil society stakeholders; independent film and TV production sector organisations including the South African Screen Federation (SASFED); NGOs and CBOs including the Freedom of Expression Institute (FXI) and Media Monitoring Africa (MMA), and a number of academics and freedom of expression activists.



The SOS Coalition envisages **a public broadcaster that strengthens the goals of the South African Constitution**, including socio-economic rights.

Campaigns for **an SABC with institutional autonomy that is independent of commercial, government & party-political interests.**

Campaigns for SABC programming to be under-pinned by the **principles of credibility, reliability, variety and balance** and, further, for programming to be challenging and informative.

Campaigns for **the full range of South African opinions to be reflected** including, those views **traditionally marginalised** by the commercial media.

Campaigns **for the SABC to lead the broadcasting sector** on African language and local content programming.

Content



- **The digital public service media ecosystem**
- **Independent, converged regulator**
- **Funding for public broadcasting**
- **Migration to digital broadcasting**
- **Separation of powers of governance**
- The SOS Principles
- What are the sustainable ways to move the SABC into the future

A digital public service media ecosystem



- The continuation of **three tiers of broadcast** services (public, commercial and community) within the audio and audio-visual content, services and infrastructure ecosystem -
- A shift away from the traditional public service broadcasting (PSB) to **an integrated public service media (PSM) environment**, in which public services and **public-interest content** are made widely available across an **integrated multi-platform** media space.
- The SABC needs to ensure that all its programming is **made available for free** across its many radio stations, television channels and on-line platforms.
- The reality of convergence leads to the provision of digitised content over a range of integrated, interconnected and interoperable ICT platforms. An **integrated sector** requires a single Ministry and **a single regulator**.
- PSM Content: meets its obligations to entertain, educate and inform, reflects the full range of public opinion, with specific focus on views **historically marginalised by the commercial media**

Independent, converged regulator



- All audio, and audio-visual content, broadcasting and broadcasting-like services, signal distribution and frequency spectrum, must be regulated by **a single, converged, independent body, free of commercial and political interference.**
- It should be re-constituted as a Chapter 9 institution regulating all aspects of communications.
 - Its ambiguous position as a Chapter 9 institution must be rectified (specific inclusions in sections 181, 193 and 194), thereby better safeguarding its independence.
 - The Regulator must have increased funding for it to monitor and regulate effectively
 - The Regulator should retain its licence and administrative fees.
 - The Regulators independent research capacity -to enable meaningful in micro-policy development.
- The current content regulation regime, where regulation and co-regulation are technology-specific now unworkable in the era of convergence.
- We need to **develop a new co-regulatory scheme** for audio and audio-visual content services across all platforms, including: print, cinema, broadcasting, Internet and broadband, OTT and streaming services.

Funding for public broadcasting



- The struggle to create an independent and sustainable public broadcaster has been undermined by systemic corporate governance and financial management failures at the SABC over the last two decades.
- Parliament must ensure that the SABC has sufficient public **funding to pursue its public service programming mandate**, so that editorial independence is safeguarded, along with the long-term **independence, sustainability**, viability and effectiveness of public broadcasting.
- In addition, there are fundamental market structure problems that must be addressed by policy-makers and regulators

Funding for public broadcasting



- SOS supports these key **funding and market regulation principles**:
- A **mixed funding model** for the SABC including advertising, sponsorships, licence fees (to be renamed Public Broadcasting Fees)
 - **Parliamentary appropriations**: be significantly increased to 60% of budget by 2023 in line with repeated ruling party resolutions and be **ring-fenced** to support unfunded educational, news and health/Covid-19-related programming with a focus on meeting the developmental needs of the population
 - **Local Content Fund**: established and financed from a range of sources to ensure the production of good quality local public service content across a range of platforms: commercial, public and community.
 - The **segmentation** into “public” and “public-commercial” divisions should be terminated through policy and legislative changes so that **all channels are “public”**, and are obliged to comply with the Charter, and carry public service mandates. The public service channel (SABC 1) generates more money than the public-commercial channel (SABC 3).
- The SABC must spend the **majority of its funds on programming not** on management and overheads).

Funding for public broadcasting



- SOS proposes the following **Pro-competition and pro-public** principles:
- DStv has a dominant position, in the entire television sector. This negatively affects the viability of all other television operators, whether public or commercial. Therefore, policy, law and regulation must ensure that DStv:
 - Dstv **Pays commercial rates** for the SABC channels it carries as part of its “must carry” obligations;
 - Dstv **Collects the public broadcasting fee** from each of its subscribers and pays this over (monthly or annually as the case may be) to the SABC;
 - Has a sliding **scale of allowable advertising revenue** to protect the viability of FTA television broadcasters without a subscriber revenue stream;
 - Dstv treat its **decoder platform as an essential facility**, and make it interoperable, and available to other subscription broadcasters at a reasonable, cost-based access fee in order to facilitate competition.
- Develop policies to ensure that audio-visual content services delivered **over the internet** such as Amazon Prime, Netflix, Facebook and Google to **contribute to our economy** via appropriate taxation mechanisms which contribute to local content production

Migration to digital broadcasting



- The digital migration needs to deliver the **digital dividend**,
- Above all it must protect **access by the public to free-to-air**, public broadcasting,
- **Impact of delays in Digital Switchover:**
- Changed market and technological circumstances
- In our view, that a full transition to a digital terrestrial television (DTT) environment as originally envisaged **is possibly no longer an option.**

Migration to digital broadcasting Continued...



- This reappraisal needs to be governed by the following objectives:
 - To provide **universal affordable access for all to digital** television infrastructure, services and content;
 - To **safeguard access for all to public service** television broadcasting and public interest content, including via the imposition of **must-carry obligations**;
 - To **deliver a wide choice of high-quality content**, newsworthy, entertaining, informative, educational and culturally enriching;
 - To support **the poor, the disadvantaged**, those on social grants and in remote areas, so that they are able to afford and **benefit from the transition to digital platforms**,
 - To manage **the digital dividend** so as to ensure optimal utilisation of the spectrum thus released, and to **fund local media for the benefit of the public as a whole**;

Migration to digital broadcasting Continued...



- A fundamental and urgent review of the entire broadcasting digital migration project is essential, with the following options placed under consideration:
- the shelving in its entirety of the entire digital terrestrial television project, and its **replacement with the delivery of all television services and content by means of digital satellite**, in combination with fibre optic broadband;
- the restriction of **digital terrestrial television services** and content to the more cost-effective, **affluent urban areas**, supplemented by **digital satellite** television in the more **remote and rural areas**.
- SOS supports the migration of all existing broadcasting services, radio and television, to digital platforms, including OTT, FTTx, DTT, DAB+ and DRM.
- The opportunities presented by the increasing rollout of high-speed, high-capacity broadband are massive. For the future, **Government needs to ensure that all people in South Africa have access to fast, cheap reliable broadband internet**

The Separation of Powers: PPCC



- A historical legacy of Parliamentary inaction, state capture and Ministerial interference in the SABC board and management affairs has seen the SABC in crisis for much of the past two decades.
- **Parliament exercises a legislative and oversight role**, holding the SABC accountable through its independent Board for corporate plans and finances and performance
- The PPCC needs to Implement the **recommendations of the Adhoc Committee** report beginning with the following three key issues:
 - Reviewing the **funding model** (at pg: 77, at para 33.1.6)
 - Ensuring the **amendment of the legislation**, including the Broadcasting Act, 1999 and the Companies Act, 2008 **to strengthen the SABC without weakening Parliament's oversight** role (at pg: 79, at para 34.3)
 - Regulating the role of the shareholder representative, that is, the Minister of Communications and Digital Technologies, "to ensure **against undue encroachment** in matters normally reserved for the SABC Board" (at pg 82, at para 39.2.2).



The Separation of Powers: Minister



- The SABC's oversight and governance structures must be clarified.
- In *SOS Coalition and others v SABC and Others*, 2017 at paragraphs [121] and [124]), the judgment makes it clear that ***“the effect of section 13(11) is to confer on the Board the exclusive power to control the affairs of the SABC.”***
- The Minister is accordingly precluded from exercising any powers by which she may control the directors in how they control the affairs of the SABC”.
- The role of the Minister as shareholder representative is, essentially, to **provide the SABC** with the necessary **support** to meet its public mandate.
- Its role clearly **does not extend to micro-managing** the Board's decisions or courses of action in relation to the operations of the SABC.
- The Minister remains responsible for policy.
- **The focus: Enhancing the ability of the SABC to turn the desperate situation around.**

Thank You

The entire contact information is framed within a stylized graphic of a television set. The TV has a black frame with a white screen area. On the right side of the frame, there are two circular dials with diagonal lines and a series of horizontal lines below them, resembling a speaker grille. The text on the screen is as follows:

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