



RIGHT2KNOW

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To: Acting Director General

Department of Communications and Digital technologies

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1. Who is the Right 2 Know Campaign?

- The Right2Know Campaign (“R2K”) is a nation-wide coalition of people and organisations concerned with promoting openness and the free flow of information, particularly in terms of the right to access information and right to freedom of expression which are entrenched in our Constitution.

(<https://www.r2k.org.za/>)
- Right2Know’s vision is to “seek a country and a world where we all have the right to know – that is to be free to access and share information. This right is fundamental to any democracy that is open, accountable, participatory and responsive; able to deliver the social, economic and environmental justice we need. On this foundation, society and an international community can be built in which we all live free from want, inequality and indignity”.
- The Right 2 Know campaign notes with great enthusiasm the draft white paper on Audio and Audiovisual content services Policy Framework. We have noted many positive changes and a move to regulate content with a democratic hand rather than a less democratic and stringent hand.

2. INTRODUCTION AND EVOLVING AUDIO AND AUDIOVISUAL CONTENT SERVICES LANDSCAPE IN SA

- The Right 2 Know campaign appreciates the attempt to still focus on DTT. In the same breath we note the slow pace in which DTT has taken in South Africa, we therefore recommend a more vigorous policy framework with action points to remedy the dismal failure this far in achieving DTT.
- The implementation of DTT will also begin to close the digital gap in South Africa. If there is a true commitment from the department to create equal access to digitization in the 4IR then DTT must be tackled and tackled as soon as possible.
- Addressing the current dismal failure in a nonchalant way rather than admiring and working on DTT will prove prudent.
- Launching forward in the process of DTT will be more in line with participating and creating equality in the 4IR as there will be more spectrum to be available to network providers this has been identified as a key factor to decreasing data costs.
- The decrease in data costs will result in more availability for internet access for communities and therefore more support for community broadcasters that are struggling to maintain relevance.

3. Funding of Public service content

- We note the new frameworks intention to ensure that public service broadcasting programming of local significance will be the responsibility of community broadcasting licensees. We encourage and support a system whereby community media is included in the implementation of this intention.
- We recommend that this intention expressed by the white paper must include transmission costs for community media. It is important to include and ensure sustainability for community media under this framework.
- Social sustainability, Refers to all the social processes that are needed to create sustainable community media, including community participation in governance, management, operations, content production, generation of income, and feedback.
- This requires for the regulatory framework to ensure that whilst regulating mechanisms are in place to ensure community participation in content production in community media where in the current context due to political monopolising community participation in content production in community media is low.

4. Licensing

- We note the support from the white paper to ensure community TV to remain local not provincial; this is vital in avoiding community broadcasters being used as pawns for political gain as we have seen on community radio.
- We note the recommendation to have community broadcasters who want to broadcast terrestrially using radio frequency spectrum to apply in a competitive licensing individual licence. Though the paper highlights why this move is vital we are concerned as application into an individual license has more costs involved and has a more intense process.
- When considering community broadcasters we must be aware that there is scarcity in funds creating low sustainability.
- This is especially with regard to radio broadcasting. The majority of radio broadcasters cannot get online due to internet access and the communities they operate in having little to no access to adequate access to the internet so far as streaming online.

5. Protection of constitutional Principles

- The constitution of South Africa has been referred to as the most democratic in the world. Keeping in line with the constitution will benefit South Africa and ensure that there is diversity in the industry.
- We are pleased with the commitment to align the content regulation of audio and audiovisual content services with the constitution.
- We are pleased also with the excetialisation of the right to freedom of expression being at the heart of the white paper.
- We note the move to change section 192 of the constitution to replace the words "broadcasting" with "audio and audiovisual content services".
- This is a recommendation we support as the white paper expresses the new definition of 'broadcasting' is a subset of AAVCS.
- The constitutional amendment willll allow for the policy framework especially around freedom of expression to govern all the content rather than just broadcasting under audio and audiovisual content service.
- We support the recommendation that the government should develop a framework to assist community and non-profit NGOs with transmission costs.
- We equally support the call for the granting of section 18(a) tax status to community/non profit media projects.
- The above recommendations will assist the community broadcasters be sustainable. We recommend in addition to the above framework that there be an inclusion of community broadcasters and non profits in the designing and implementation of the framework that it not centralised to the regulator.

6. Conclusion

The Right 2 Know campaign is encouraged by the direction of the white paper it's emphasised on addressing long time issues within the industry. Such as copyrights and the financial capacitation

the industry needs to create an industry where artists and producers have ownership. This will also be achieved together with pushing for the finalization of the copyrights amendment bill and the performers bill 1.

We are also pleased with the efforts the white paper makes at inclusion such as inclusion and efforts towards creating equal platforma for differently abled persons.

We further thank the department of communications and digital technologies.

Lazola Kati

Communication Rights Organizer