



Southern African Communications Industries Association NPC
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Ms Nonqubela Jordan-Dyani
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15 February 2021

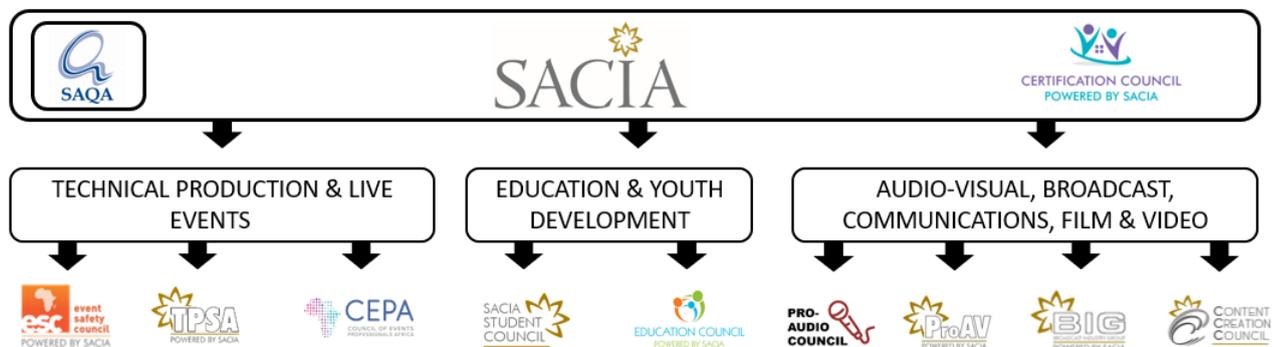
By email: aacs@dtps.gov.za

Dear Madam,

**COMMENTS ON THE DRAFT WHITE PAPER ON AUDIO AND AUDIOVISUAL CONTENT SERVICES POLICY
FRAMEWORK: A NEW VISION FOR SOUTH AFRICA 2020**

1. ABOUT SACIA

1.1. SACIA, the Southern African Communications Industries Association, is the SAQA-recognised professional body for the communications industry in South Africa. We award several professional designations to industry professionals working in the broadcast, events and entertainment sector and are focused on promoting the adoption of professional standards and ethical business practices within these sectors. SACIA consists of a few interest groups as depicted in the figure below, which includes the Broadcast, Audio-Visual and Technical Production Industries.



2. SACIA'S SUBMISSION

- 2.1. The broadcast and technical production freelance community make up the majority of SACIA's members. The freelance community was, and still is, severely impacted by the covid-19 pandemic. Our members depend on a healthy and thriving local production sector to exist.
- 2.2. Our submission will therefore focus on the definitions, local content and the sections related to the sustainability of the SABC.

3. DEFINITIONS

- 3.1. SACIA is pleased that the white paper proposes to regulate all audio and audio-visual content services whilst employing a technology neutral approach. The draft white paper mentions "content" 225 times, yet there is no definition for the term.
- 3.2. Content is at the heart of this white paper and it is our belief to provide a holistic policy framework, the AAVCS white paper should include a definition for content.
- 3.3. We propose the definition for "content" read as follows; "The ideas and information that is presented to a user/s using sound, video or text".
- 3.4. We note that the definition for "user generated video" on page10 only refers to video content. We propose that this definition be amended to read "*user generated content*".
- 3.5. We also respectfully propose that there be a definition for "local content". The definition can read as follows; "means content which is created in South Africa".

4. LOCAL CONTENT

- 4.1. SACIA is pleased that local content quotas will also apply to On-demand content services. The draft white paper proposes that local content whether public, commercial or community/non-profit in nature does not exceed 30% of the video catalogue.
- 4.2. SACIA notes that the objective of local content quotas is to allow audio and audio-visual content services to play an integral role in developing and reflecting the South African identity, its character and cultural diversity. Whilst we appreciate the recommendation in the white paper to exempt audio broadcasting services and on-demand audio content available on the internet from needing a license, it should be noted that audio remains the most widely consumed medium in South Africa.
- 4.3. We therefore strongly recommend that such services should require a license. The reason is that some companies may opt to use this as a loophole to launch audio and on-demand audio content services in South Africa.
- 4.4. SACIA also recommends that the local content quota applies to audio content services as well, and not only to video.
- 4.5. Local content quotas have assisted in growing a very vibrant local production sector. The AAVCS

policy framework should ensure that the local production sector continues to be nurtured and supported.

- 4.6. To stimulate the local production sector, the Department of Trade and Industry (DTI) has been proactive in developing a programme for **Foreign Film and Television Production and Post-Production Incentive** (issued in July 2018) that provides guidelines of an Incentive Programme.
- 4.7. We submit that the Audio and Audio-visual Content Services white paper should include guidelines for production and post-production of local content;
 - 4.7.1. Some international production companies only opt to use South Africa for its location. They bring along their own crew and equipment.
 - 4.7.2. It should be mandatory for international production companies to use South Africa experts, services and equipment for the production and post-production of Local Content. If this provision cannot be mandatory, then we propose that a “first right of refusal” mechanism be implemented.
 - 4.7.3. The DTI’s *Foreign Film and Television Production and Post-Production Incentive* should be reviewed to align with the AAVCS policy framework and that the *Qualifying South African Production Expenditure* be reviewed to include lower budget foreign films. These will stimulate more job creation opportunities for the freelance sector.

5. SABC

- 5.1. An independent and commercially healthy public broadcaster is beneficial to the local production sector. SACIA supports the proposal for a comprehensive overhaul of the SABC’s funding model.
- 5.2. SACIA requests to participate in this process when it starts.
- 5.3. We note the proposal to change the title of the “Broadcasting Act” to the “the South African Broadcasting Corporation Act”.
- 5.4. We respectfully propose that specific matters related to the SABC be dealt with as a separate charter in the AAVCS policy framework. This approach reduces the number of Acts; AAVCS Act (includes SABC specific matters), ECA Act and the ICASA Act.

6. CONCLUSION

- 6.1. We welcome and support this important initiative to review the audio and audio-visual content services sector.
- 6.2. SACIA members are all recognized industry professionals with specific knowledge and experience in the broadcast sector. We believe we can provide informed input to this document and would appreciate an opportunity to participate in the further refinement of this white paper.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Kevan Jones', with a stylized flourish extending to the right.

Kevan Jones
Executive Director
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