

FISH HOEK VALLEY RATEPAYERS & RESIDENTS ASSOCIATION

(Incorporating Fish Hoek, Clovelly and Sun Valley)

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Heritage Western Cape: Conservation Body

**TO: DIRECTOR-GENERAL (ACTING), DEPARTMENT OF COMMUNICATIONS AND
DIGITAL TECHNOLOGIES – aacs@dtps.gov.za**

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

DUE DATE: 30 NOVEMBER 2020

Thank you for this opportunity to comment.

1.2.9 We support the statement that “lowering the cost of data will be a critical element in ensuring that all South Africans have access to audio and audiovisual content service (AAVCS).”

1.2.10 To ensure that AAVCS cater for the needs of children, women, the youth and persons with disabilities, please include the aged.

2.1.9 Much is said in this white paper about technology trends. Video on-demand may partially have contributed to the decline in rental stores, but this was a long in the tooth technology that suffered from video disk scratches decreasing the visual quality or rendering sections unavailable for watching. It also had a cumbersome transport back to the store component that next morning. The overall video resolution of DVDs never matched the 4K UVD TVs. The rentals of DVDs were in decline already.

3.2.3 The definition of public broadcasting service should also apply to a NPO in addition to the South African Broadcasting Corporation, for future proofing.

3.3.2 The proposal to “regulate platforms providing AAVCS similarly, regardless of the platform used” is problematic as this could include smart phones, which are really too small for viewing. Those choosing this method of viewing would likely include those least able to afford licences as many of these devices are only afforded via contracts. Many older people with smart phones have limited their expenses by only switching on 2G communications. They also have no apps installed to enable them to view such content as video on-demand. See our proposed solution in 5.2.8.6 below.

3.3.3 For very old, very young or poor people with smart phones as stated in 3.3.2, the arguments of scarcity rationale, the public interest rationale and the pervasiveness / influence rationale are not applicable. The scarcity rationale is inappropriate as WiFi doesn't use radio spectrum frequency and it is very localised. The example given for public interest rationale was sports of national interest. This section appears to want to limit viewing of sports of national interest. Social media platforms, on-demand and video

sharing are pervasive. They are entertaining, but arguing they are influencing is a stretch due to the known proliferation of fake news, which is why Snopes and other fact-checking sites are increasing in popularity. That is, the current criteria for broadcasting services in legislation is just fine and doesn't need to be altered.

3.3.4 For this section to hold true, one would need to compare State-Owned Entities' (SOEs') managed wired or wireless electronic communication networks with commercial networks.

3.3.7 Trying to regulate pervasiveness is impossible. Should this white paper even try to judge influence or significant socio-economic impact? The concept of socio-economic impact based upon socio-economic impact is a tautology. To say that global size or meeting an annual turnover threshold influences proves that one doesn't understand trending.

3.3.9 seeks to penalise large global businesses for its apparent ability to influence. South Africa needs to join the world. Not set itself apart.

Typo: "It" should be "its audience numbers".

3.3.11 It could be argued that R100 million annual turnover is larger than even a medium sized company.

3.3.12 Large businesses have economy of scale and can create content directly or obtain the lowest content cost based upon its global volumes. Local companies will never be able to compete as our market is too small. If you charge punitive licence fees, these costs will just be passed onto viewers. You are just penalising the public.

3.4.3.1 What regulatory protection would the "public" be seeking that would require a global company to seek a broadcasting licence in South Africa? Most of these international players have child filters on their content already. Some of the shows broadcast on SABC are far worse. Global players have no interest in local issues that might border on being considered to be hate speech or inciting violence and they are far more liberal regarding sex and sexual orientation.

4.1.4 This is the same SABC that allowed Hlaudi Motsoeneng to run rampant. Trust has been broken. The SABC must now rebuild trust. The SABC should rather focus on the film industry and win international awards for excellence. Local, unbiased "good" news is also appropriate, but note that "free-to-air" eTV provides a more unbiased perspective. Local sports is of public interest.

4.3.1 We refute the statement of the "dependency of millions of South Africans on the SABC". Show us the proof for this statement.

4.3.4 Without an agreement in place to sell the services covering the expenses of SABC International or Foreign Broadcast Services, it doesn't need to exist as it would be a financial burden to the public.

To 5.1.1.1 "freedom of artistic creativity", 5.1.1.2 should ensure that LGBTQIA content percentage should not exceed the percentage actually found in our society.

5.2.7.16 is probably not necessary in that most smart television sets want to show that they can display as much content as is available and, thus, include automatic scanning of

stations available upon installation.

5.2.8.3 Is likely to be challenged by international companies as South African viewing is less than one percent of its total audience. However, Netflix is well aware of local drivers and has directly funded local content films. It is a market driven imperative that doesn't need to be legislated.

5.2.8.6 The problem with including "all AAVCS" devices is that not everyone views content or even listens to local radio on their phones. That is, any licence per device model should only pertain to a device that has a self-loaded app to specifically view local content. Locally sold smart phones should not include viewing apps automatically. These apps can be downloaded from Google Store / Apple Play along with a TV licence.

5.2.8.7, 5.2.8.8 and 5.2.8.9 should not apply to global OCS (video on-demand, video sharing websites or social media platforms).

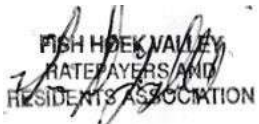
5.3.6 Instead of legislating that OCS content should "be subject to the jurisdiction of the FPB in respect of registration and classification", ICASA should work with its international partners to improve the OCS Code of Conduct and seek to remove content available to South Africans that fall within certain obnoxious categories. ICASA could also argue that the demand is too low to warrant its inclusion in our bouquets which makes more sense to proper commercially driven entities.

5.4.2 fails to mention the trend in modern consumerism – the ability to compare products.

Summary

In conclusion, we request the following:

- Add “aged” to 1.2.10;
- Add “non-profit organisation” to 3.2.3;
- Add “payment for TV licence” be included when downloading a local content viewing app to 3.3.2, 3.3.3 and 5.2.8.6;
- Remove 3.3.12 and 3.4.3.1 in their entirety;
- Remove 4.3.4 in its entirety;
- Add LGBTQIA percentage content to 5.5.1.2;
- Remove 5.2.17.16 in its entirety;
- Remove 5.2.8.3 in its entirety;
- Remove 5.2.8.9 in its entirety;
- Remove 5.3.6 in its entirety; and
- Add ability to compare products to 5.4.2.

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