

Submission by Cape Town TV on the Public Service Broadcasting Discussion Document published in Government Gazette No. 32420

Preamble

1. Definitions

Cape Town TV (CTV) is a community television broadcaster licensed under a temporary class broadcasting license of one-year's duration. CTV was formed in 2006 when over 100 NGOs met at CTV's first AGM to formalize the organisation. CTV began broadcasting to the greater Cape Town region on 1 September 2008, after winning its first temporary license from ICASA.

As a community television broadcaster, CTV has a direct interest in the provisions of the Electronic Communications Act and all other relevant legislation and regulations pertaining to community broadcasting in South Africa. This submission thus addresses only those parts of the Public Service Broadcasting Discussion Document (herein after referred to as 'the Discussion Document') that are relevant to community broadcasting.

Since Cape Town TV is only concerned with the development of the community television sector, this submission is focused solely on this aspect of the Discussion Document and does not address issues pertaining to the public broadcaster (the SABC), nor to commercial broadcasting.

We must point out that the language used in the Discussion Document is confusing because it tends to conflate public service broadcasting¹ with community broadcasting. Although community broadcasting has a mandate to benefit the public in a variety of ways (the "public interest ethos" stated in the Discussion Document, p18), it can in no way be subsumed under the mandate of public service broadcasting, which in South Africa is the sole preserve of the SABC.

Section 32(1)(b) of the Broadcasting Act, No. 4 of 1999 states that a community television broadcasting service license may be granted by the Authority in the free-to-air television service category, and community broadcasting is the third tier of broadcasting services in South Africa which is differentiated from Public Service and Commercial broadcasting services in section 5(1) of the Act.

2. Problems in the sector

Community television in South Africa is still in its infancy, despite having existed in the form of temporary licenses since the mid-1990s. It has only been subsequent to ICASA's

¹ Or "public broadcasting service", as it is termed in the Broadcasting Act of 1999.

Position Paper on Community Television in 2004 that longer term licenses have been granted, albeit for only one year at a time, which has allowed stronger projects to make their presence felt on the airwaves and in the consciousness of the public. The exception to this is the “grandfathered” license of Trinity Broadcasting Network (TBN), an international organisation that was granted a community television license under apartheid and which was for many years the only licensed community television station in South Africa.

This state of affairs has resulted in a variety of models of community television broadcasting, ranging from TBN at the one end to Soweto TV, Cape Town TV and latterly Bay TV; while another license holder, Tshwane TV is still struggling to build capacity to go on air.

2.1 Community ownership and control

The problem is that while these various models are licensed as community television stations within the provisions of national legislation and ICASA regulations, they address compliance to these provisions in a variety of ways that do not always fit comfortably with the spirit of the legislation, which was born out of the struggle for liberation in South Africa and which consequently has a strong democratic and developmental focus.

Instances where licensed community broadcasters do not adhere to the spirit of the legislation include Soweto TV, which was the first organisation to be licensed under the current one-year license scenario. Soweto TV is firstly operated by a board that appears to have been appointed by the station’s management, and any claims the board may have to being democratically elected should be subject to rigorous scrutiny. There is also no apparent depth of community involvement through membership of the organisation, which means that its membership is not representative of the geographic community being served.

Moreover, the organisation is effectively controlled by a commercial production company, Urban Brew Studios. As Urban Brew’s managing director, Danie Ferreira stated in a recent interview, “Soweto TV is a community outreach project and more than a handholding venture for Urban Brew Studios. We put in equipment and offer a mentorship programme to Soweto TV by training people, bankrolling the station and building capacity. We are also responsible for bringing in revenues.” As this statement indicates, Soweto TV’s revenues are controlled by Urban Brew, which reportedly takes 50% of the advertising revenue and allocates the rest to the station. If these funds are controlled by Urban Brew and not by the board of Soweto TV, then the board does not have fiduciary control over the organisation and cannot then be said to control it.

A similar situation pertains in the case of Trinity Broadcasting Network (TBN), which was initially licensed under the auspices of the apartheid regime and which consequently had its license “grandfathered” as a community television license through the negotiated settlement that ended apartheid. The problem here is that TBN’s governance and levels of community engagement do not reflect the intentions of post-1994 legislation governing

the community television sector, which is intended to place ownership, control and participation within the ambit of the community being served by the broadcaster.

TBN professes to serve a community of interest rather than a geographic community, that being the so-called “Christian community”. However the channel firstly only serves a particular sub-section of that community, that being the Protestant, evangelical sector, rather than Christians as a whole; and further it seeks to do so primarily through the provision of programming that is produced by the international TBN network rather than local production. The degree of involvement of the local Christian community is extremely limited; as TBN’s Pastor Roebarts admits², very few people actually turn up to attend the organisation’s AGMs, despite them being publicly announced through the media. This means that the local TBN board is essentially appointed in an undemocratic manner and is not representative of the community that is claimed to be served by the channel.

One would expect that local churches at least would be involved in the production and governance structures of any channel that claims to serve the Christian community, but this appears not to be the case. Furthermore, TBN belongs to the Association of Christian Broadcasters, which is founded on a narrow definition of Christianity that excludes those Christian churches that do not ascribe to the particular definition found in the organisation’s “Statement of Faith”. These factors militate against real community involvement in the operation of the channel, which means that effective ownership and control is vested firstly in the international TBN operation that provides the majority of foreign-made content and secondly in the station’s management, who appoint the board members.

Similar unsatisfactory situations pertain to the other two new licensees, these being Bay TV and Tshwane TV. While Bay TV has been in existence for about five years now, it has only very recently gone on air and hitherto has been driven by a group of young volunteers. AGMs have not proven to be effective mechanisms for electing a board and this has happened through management seeking suitable board candidates from university staff and prominent local people, many of whom are from the business community. While this method ensures that competent people are found for board positions, there is often little commitment from board members to active participation in the activities necessary for effective organisation, and secondly there are conflicts between different interested parties on the board; business people in particular are not familiar with the NGO environment and may see the channel’s objectives primarily through a focus on profitability rather than on community benefits.

These problems suggest that a more rigorous approach needs to be taken with respect to regulating the governance structures of community television licensees, in order to ensure that channels are in fact owned and controlled by the community. We suggest that Cape Town TV has evolved a worthy method of addressing this issue and that due cognisance be taken of this model, which is discussed in more detail below.

² Statement at the Misa-SA Community Television Seminar, 6-7 August 2009.

3. Digital migration

Community television broadcasting must also be seen within the context of the migration from analogue to digital terrestrial broadcasting. The migration is now underway, which means that community television broadcasters – and would-be licensees – face a period of uncertainty as Sentech searches for the optimal frequencies for digital terrestrial broadcasting. Community broadcasters are then faced with two scenarios, these being the migration period and the post-migration period, and all matters pertaining to transmission must be considered in the light of these two distinct situations.

During the migration period, broadcasters and applicants will continue to suffer from the purported lack of available frequencies, even though there are currently no licensees on certain frequencies that have been allocated for new entrants to the television broadcasting market. In addition, Sentech faces the problem of investing in analogue transmission equipment during this time to accommodate community television broadcasters, which may be rendered obsolete in a few years' time. In addition to this, Sentech technicians are caught up in the installation of digital transmission equipment, which gives them little time for installing analogue equipment.

After the migration process has been completed and digital broadcasting is the norm for television, community television channels will have to be accommodated on the digital terrestrial multiplexes or face the prospect of continuing to broadcast on analogue frequencies to a declining audience. The proliferation of channels in a digital environment is also a threat to the sustainability of community television, which will face increased competition for advertising revenue as well as for donations, sponsorships and social responsibility spend, particularly from the proposed SABC regional channels.

Digital broadcasting therefore offers both opportunities and challenges for community broadcasting.

Answers to questions raised by the Discussion Document

Section 5.1: Background

Question 50: Would you support such a charter?

Answer: Yes, Cape Town TV would support a Community Broadcasting Charter.

Question 51: How can the regulator be capacitated to monitor compliance with the charter and take appropriate action where possible?

Answer: Within the context of a seven-year class license, the regulator can insist on annual reports from community broadcasters that reflect the degree of compliance with the Charter. This can be combined with *in situ* inspections along with the mechanism of ICASA's Compliance and Complaints Committee which will act on any complaints or reports of infringements on the conditions of the Charter.

In the case of definite infringements or non-compliance, the regulator could either impose a fine or revoke a license. It must be borne in mind that the radio frequency spectrum belongs to the people of South Africa and no broadcaster has an intrinsic right to broadcast based on past licensing. ICASA must have the power to revoke licenses, including so-called “grandfather” licenses that have arisen from the actions of past administrations.

The existing scenario vis-à-vis the temporary, one-year licenses is its own compliance mechanism because these licenses are not renewable and the licensee must complete a new application each year, wherein a certain level of compliance may be recorded. However this is not to say that this situation is ideal; in fact it limits development of the community television sector because the investment required to establish a channel of necessity extends over a number of years, in terms of financial investment, capacity building in equipment and personnel, as well as audience and programming development.

Section 5.2: Defining Community Broadcasting

Question 52: Is the definition as provided for in the Broadcasting Act and EC Act sufficient?

Answer: No, it is not sufficient. The definition does not ensure real accountability to the community being served by the licensee, nor does it account for real representivity of that community in annual general meetings (AGMs).

The primary mechanism for community involvement in the broadcaster as envisaged in the definition is by way of committees for the selection and provision of programmes. This is a very weak level of involvement; firstly in practical terms it is difficult to get people outside of the broadcaster’s own personnel to become involved in such committees when they derive no direct benefit themselves from this activity. Secondly the involvement of a few individuals in any such committees cannot represent the interests of the community as a whole, and in fact is open to abuse where people may represent their own personal agendas rather than having the interests of the whole community at heart.

We recommend that the wording “encourages members of the community served by it or persons associated with or promoting the interests of such community to participate in the selection and provision of programmes to be broadcast in the course of such broadcasting service” be removed; and that alternative wording reflecting real community ownership and control be inserted instead.

This alternative wording must refer to strong community involvement in the ownership of the channel through substantial representivity of that community through a membership that is represented at the AGM. The organisation’s membership must be representative of the community being served; experience in the sector has shown that it is not sufficient for the broadcaster to simply publicly announce the AGM and expect that a representative sample of the community will turn up to vote in a new board and discuss

policy; the onus should be on the licensee to ensure that it has a strong membership base and that members participate in AGMs, which will require that they receive concrete benefits from such membership in order to motivate their participation.

It should definitely not be acceptable for the channel's own personnel or founders to appoint board members, based on insufficient community representation at AGMs. Membership and the AGM (and consequently election of the board) should be the primary litmus test of community involvement and ownership, in order to ensure that the channel is owned by the people and not by vested interests, whether they be business or any other special interest groups.

Cape Town TV has evolved what we believe to be a very strong method of ensuring community ownership and control of the channel, this being through establishing a membership base consisting of NGOs based within the broadcast footprint. The principle here is that organisations represent groupings of people rather than individuals; it is only organisations that can be members of Cape Town TV, rather than individuals – who can only represent themselves. Representivity is assured by splitting organisations into five sectors, these being Sport, Education, Labour, Arts & Culture and a catch-all category for all other NGOs and CBOs (community-based organisations).

We recommend that this model be adopted in legislation or regulations governing the sector, in order to ensure real representivity of the community to be served in governance structures.

Section 5.3: Objectives of Community Broadcasting

Question 53: What other elements should be included in the charter and how should each element be addressed?

Answer: We must first point out that the language used in the enumeration of the objectives of community broadcasting is misleading and inaccurate. This is most strongly felt in the points “Community participation” and “Ownership and control of the means of communication”. The latter refers to the establishment and function of programming committees. It is vital to note that this does not represent real community ownership and control, which is more properly addressed in the preceding point, “Community Participation”, which refers to “the production and management of communication systems”. In fact the definitions of these two sections should be swapped around, so that programming committees represent community participation and ownership and control is defined not only through “participation in the production and management of communications systems”, but also (as indicated under Section 5.2) through membership, AGMs and the election of the board.

Question 54: How can public service broadcasting ensure that the above objectives are met?

Answer: Again the language of the Discussion Document is misleading, as there is a distinction between public service broadcasting on the one hand and community broadcasting on the other.

Community broadcasting should firstly abide by not only the letter but the spirit of the legislation in affording a democratic means of communication to the community; the nature of community representation in governance structures and procedures has been dealt with in the sections above.

The non-profit nature of community television requires that organisations be structured in such a way that does not benefit individuals or groups financially through a profit mechanism. However we have seen in the case of Soweto TV that the channel's engagement with a commercial enterprise, namely Urban Brew Studios, has compromised the broadcaster's non-profit status as it is being used by Urban Brew Studios to make profits.

Community access is an area that needs elucidation, for participation in production activities is usually premised on the level of skills that participants have in video production processes. CTV has developed four mechanisms for community participation; firstly high-school students are recruited through youth organisations to participate in the Youth Programme, which entails training workshops in video production methods. Secondly, young people with a desire to embark on careers in video production, and who already have some training in video production or journalism, can join the team producing CTV's weekly current affairs programme. Thirdly, community members who wish to present their own talk shows can apply to do so in the Open Studio programme; and fourthly community members can submit their own videos for consideration as part of the programme line-up.

The above participative mechanisms suggest that it is primarily through enabling community members to engage in production activities that the sector can ensure community participation. However member benefits can also be a source of community participation – for example Cape Town TV offers members R17 000 worth of airtime as a membership benefit, as well as exposure on the channel through an on-screen membership list that is broadcast every day.

Another aspect of broadcasting that can help to sustain community involvement is an adequate signal distribution system. Sentech is the only viable solution for terrestrial broadcasting, but this state-owned company charges community broadcasters the same rates as it offers commercial broadcasters. While it is necessary for Sentech to remain a viable economic entity that can provide signal distribution to public service and community broadcasters, it is imperative that the mandate of this company be revisited in the light of the necessity to foster a developmental state in South Africa. In the past the Department of Communications (DoC) has provided material support to community radio stations in the form of capital equipment and subsidized broadcast costs, and it is essential that this same regimen be applied to community television. The proviso is that this support is afforded only to community broadcasters that adhere to the spirit of the legislation governing this sector, which must then be embodied in the Charter. The Charter should thus serve as a benchmarking tool through which community broadcasters can be measured as worthy to receive state support.

Section 5.4: News editorial policy

Question 55: How can this be tightened and furthermore ensuring effective monitoring on the part of the regulator?

Answer: It will be very difficult to quantify the ideas expressed in Section 32(4) of the Broadcasting Act. Individual community television projects will each have their own approach to fulfilling the requirements of this section. It must be pointed out that the production of programming has costs attached to it and while community broadcasters may wish to cover a wide range of issues pertinent to the community or sectors thereof that they serve, it is not always possible to do so, given the limited resources available.

It would be inadvisable for the Authority to attempt to exercise too rigorous control over the editorial policies of news broadcasts, save to ensure that they adhere to the Broadcaster's Code of Conduct, which covers news and related material in sections 34-38.

In terms of monitoring, community television broadcasters are obliged to apply for new licenses every year and compliance with the provisions of the legislation can be to a large extent effectively monitored through these applications. In the context of seven-year licenses, the regulator could insist on annual reports that address compliance to these requirements. Programme reports, recordings and schedules can be used to evaluate the degree of compliance in this regard.

Section 5.5 Local content policy

While some community television licensees like to produce all "local content" themselves, Cape Town TV has an open door policy to community contributions. Content submissions from community members are judged on production quality and content value within the framework of the channel's programming policy. Not all submissions are fit to be broadcast; however the channel encourages community members to submit their videos and broadcasts all those that fit the criteria.

While it may be attractive to legislate a degree of community production, this will be difficult to quantify; video production requires a level of skill and equipment that is not always readily available, particularly in rural areas, and a channel must have full access to studio facilities in order to produce any quantity of local content. The language of Section 32(4) sets out certain objectives for community broadcasting and these should be readily ascertainable by the nature of the programming that a channel transmits. There is then no need for further elucidations or restrictions at the level of the Charter.

Section 5.6 Programming policy

It is submitted that the objective to "Promote the development of a sense of common purpose with democracy and improve quality of life" is too vague. It could mean that the station must endeavour to represent the interests of disparate groups within society in order to give people a sense of striving towards a common purpose in ensuring a democratic society. On the other hand it could mean that principles of democratic action

should be promoted, for example voting in elections or discussing political issues. In other words this would promote the democratic process in a socio-political sense and so unite people behind the project of working at democracy in society. The wording of this point should be re-worked to reflect a more precise meaning.

Section 5.7 Governance of the community broadcasting services

The Broadcasting Act stipulates that the licensee “must be managed and controlled by a board which must be democratically elected from members of the community in the licensed geographic area”. Experience has shown that some of the existing community television models do not adequately meet this criterion. There must be criteria in place to ensure adequate community participation in the membership and hence governance of the channel.

Question 56: What mechanisms should be put in place to improve Board appointment at community broadcasting services?

Answer: Ensure significant community participation at AGMs. The membership level must be assessed in relation to the size and makeup of the defined community to be served by the channel. One problem in attempting to measure the community served is the problem of how it is defined. The IBA Act notes two types of community, these being a community of interest and a geographic community. ICASA has prioritised geographic communities for the issuing of community television licenses, which makes sense in the context of a limited availability of frequencies. Geographic communities incorporate a number of communities of interest and hence more effectively serve the population as a whole.

It is clearly insufficient for a broadcaster to simply announce an AGM to the public and have just a few individuals turn up to elect a board. Similarly it cannot be the case that the management of the station or some other body outside of the AGM, elect or appoint board members themselves.

As has been stated under Section 5.2 above, Cape Town TV has developed a mode of membership that limits membership to other civil society organisations in the geographic area. This means that the membership represents the interests of thousands of Capetonians rather than simply a few individuals. We strongly recommend this as a preferred method of ensuring community ownership and control, and concomitantly a level of accountability to the community being served. In essence, membership of a community TV station should be limited to organisations within the broadcast footprint.

Furthermore, specific exclusions to governance structures (i.e. the board) should include businesses and religious organisations. Businesses bring a different agenda to the NGO environment as they focus on profitability before social benefit; and religious organisations focus on furthering their own particular theologies at the expense of other religious faiths or even of differing churches within the same faith, that are found within the community. Furthermore, some church groups or groupings are very wealthy and powerful and have the ability to dominate or “buy out” a community broadcaster, a

situation that would again prejudice the station against other churches or faiths. It is therefore recommended that the Charter specifically exclude businesses and religious groupings from participating in the ownership and control of community television stations, at both membership and board level. This does not preclude businesses and religious groupings from participating in content provision through programming or production activities.

Section 5.7.3 Terms for the Board

Question 57: Should policy specify the maximum terms for the appointment of Boards serving on community broadcasting services?

Answer: This is probably the best solution, as it should not be the case that Board members serve for too long. Legislation should limit board terms in accordance with standard NGO practices.

Question 58: What should be the qualifying criteria for Board members at community level of broadcasting?

Answer: Anyone can be democratically elected at an AGM. This must continue to exclude politicians – i.e. office bearers in political organisations or government officials – and anyone with a vested financial interest in the organisation.

CTV does not recommend any particular qualifying criteria for board membership. Board members need not be prominent people from within the community, highly educated people or otherwise powerful persons. Ordinary working men and women should be eligible for election in exactly the same way as for any other elective body in South Africa, as in government structures such as parliament. While it may in some instances be undesirable to have people with past criminal convictions as board members, this should not be a criterion that prevents people from being duly elected to board level, just as it does not prevent such persons from being elected to parliament.

Many local community television projects find it necessary to seek out persons who have a background in and/or understanding of the media environment to serve on the board. This can be said to be a desirable situation because community television in South Africa has to survive in a competitive media landscape; possibly this need could be relegated to a section of the Charter which enables a mechanism for additional appointments to the board aside from elected members. The Constitution of Cape Town TV for example allows for three nominated board members, a device that enables suitably qualified or knowledgeable people to be included at board level.

In terms of ensuring a viable, sustainable community television service, it must be noted that the duty of the board is to set an overall policy framework within the context of which broadcasting and related operations occur. The onus of building a sustainable project rests primarily on the station's management, and it is at this level that a sound skills base must be ensured. It must be clear within the organisation's structure that the relationship between the board and management is one of employer/employee – in other words the channel's management is appointed by the board and not the other way around.

The channel must then have clear employment practices where all employees, including senior management, are firstly sought by due process of recruitment, then contractually appointed to their positions as employees of the organisation who report to the board through a structured mechanism, such as Cape Town TV has employed where the Station Manager or Station Director reports to the Board and sits on the Board's management committee, which oversees the channel's operations.

Furthermore it is the board that must maintain fiduciary control over the organisation, rather than some outside entity as in the case of Soweto TV.

Section 5.7.4 The licensing process for community broadcasters

Question 59: To what degree has the new licensing regime ushered by the ECA maintained or diluted community broadcasting distinctions provided for in the new repealed IBA Act?

Answer: The Discussion Document makes two points under this heading; the first pertains to government support for the inception of community television channels, noting that “the funds available cannot sustain the sector especially if the number continues to increase at the current levels”; while the second pertains to the definition of the community to be served by the licensee as either a community of interest or a geographic community.

In terms of government funding for community television, we must point out that it is in the interests of both government and community television licensees to maintain a strong and mutually beneficial relationship in order to serve the developmental needs of the country. The present regime has adopted as its focus the notion of the “developmental state”, which has to overcome problems such as poverty, the “dual economy” and associated social ills. Community television can provide a powerful means of communication with people at a local level in delivering information that is useful for their development as well as government information and services aimed at this same end. It would then be irresponsible for either the community television sector to neglect its relationship with government, and for government to neglect its responsibility to develop a viable community TV sector.

Regarding the funding issue, experience has shown that there are few sources of seed funding for community television outside of government, through its agency the MDDA. Existing funding organisations have shown no interest in investing in the sector and where business has stepped in, it is to serve its own interests in profitability rather than to benefit the community. It is therefore essential that government, principally through the MDDA and the DoC, continue to provide funding for the sector. This support can be structured to limit the number of community television channels that receive such support, in ways such as restricting the number funded to, say, one project per province. At present the MDDA only provides support for the first three years of a project's existence, so such a restriction need not be an absolute limit on the number of community television stations arising over time.

One of the major costs for television broadcasting is that of transmission, which is only really viable through Sentech. It is essential that government and the sector work together to devise a way of supporting these transmission costs. Discussions in the sector indicate that the DoC should provide at least partial funding for transmission costs for the sector to be sustainable, at least in the near to medium term when it is still developing; and perhaps for a longer term, particularly in rural areas where commercial funding will be very limited. This support is necessary in the environment of analogue broadcasting, where each channel is responsible for hiring its own transmitter from Sentech. Furthermore, any such support must be limited to those stations that adhere to the terms of the Charter – i.e. those that are demonstrably owned and controlled by the community they serve in a democratic manner, rather than those that are subservient to the interests of business, or foreign or independent groupings.

It is also essential that the nature of the community to be served by the broadcaster be clearly defined. This is not the case in the ECA, which as the Discussion Document notes, does not differentiate between communities of interest and geographic communities. There is in fact no clearly definition of community to be found in the legislation; where broadcasters have been licensed to serve geographic communities, ICASA's Chief Licensing Officer, Thabo Ndlovu, has indicated that the community is defined by the broadcast footprint³. This may be an adequate definition, but it should then be stated as such in the regulations.

ICASA has prioritised licensing stations that serve geographic communities rather than communities of interest. This makes sense because a geographic community contains a variety of communities of interest, and so is a more effective means of serving community interests as a whole. It must also be borne in mind that there is an apparent shortage of frequencies in an analogue broadcasting environment, which is a further incentive to limit licensing solely to geographic communities.

It is recommended that wording in the ECA restricts community television licenses to broadcasters serving geographic communities. This will serve to conserve funding sources and make the most effective use of the frequency spectrum.

Question 60: In view of sustainability problems for the sector, are the new license procedures viable for sustaining community broadcasting services in South Africa?

Answer: Concomitant with the call for a clear definition of community, there should be a due process for licensing procedures in any particular region. ICASA could announce that a license is being made available in that region and call for applications. Various applicants can then state their case at a public hearing as well as submitting their written applications to ICASA, which can then evaluate the different respondents based on the criteria of the regulations and of the Charter.

³ Conversation between Mr Ndlovu and Cape Town TV's Broadcast Manager Mike Aldridge in 2008.

Section 5.7.5 Funding

Question 61: How should community broadcasting services be funded?

Answer: As the Discussion Document points out, advertising alone is not sufficient for sustaining community broadcasting services that serve the public interest in the manner prescribed in the regulations. The means of financing a medium affects the nature of that medium, and the introduction of commercial imperatives into the domain of public service broadcasting tends to detract from the developmental and public benefit mandate of the broadcaster. This point has been repeatedly raised in discussions about the funding of the SABC and is an even greater concern in the much less resourced community broadcasting sector.

Community broadcasting must draw its support from a variety of sources and the existing legislation does provide for this. Some of the issues pertaining to funding have been discussed under section 5.7.4 above; it is essential that government play a founding role in developing community television and it is recommended that government look to providing a third of the costs of a community television channel. This support should come initially from both the MDDA and the DoC, while other levels of government at provincial and local level should be encouraged to provide active support for the sector through funding. This will however require a strong focus on monitoring compliance with the regulatory framework and the Charter, as well as on fiduciary and governance issues.

For a television channel to be successful, an optimum level of operations must be reached. Cape Town TV for example is disadvantaged by a lack of funding which limits its ability to hire the transmission facilities required to provide adequate signal distribution to the whole of the Cape Town metropolitan region. At present, Cape Town TV has to pay more than R50 000 a month for one low-power transmitter, which does not provide adequate signal strength or reach; a stronger transmitter on the Tygerberg site is required, but this will cost more and already the channel has fallen behind in its payments towards the cost of this transmitter. In fact at least two more transmitters are required to adequately serve the Cape Town region because of the mountainous terrain, with concomitant hire costs that are presently quite beyond the reach of the channel, and which hence greatly inhibit its ability to become sustainable.

It is essential that government, through the MDDA and the DoC, re-examine its level of funding for the sector in the light of the real requirements of effective broadcasting; this must not lead to a focus on the high technology used by national broadcasters, but should be pitched at an appropriate level for community broadcasting, in order to ensure that the sector remains sustainable in terms of the income streams that are attainable at this level.

The MDDA should be responsible for seed funding of the running costs of community television projects (backed where possible by other government structures at local or provincial level), while the DoC could provide capital equipment and subsidies for analogue transmission costs. Provincial and/or local government could provide grants for core running costs as well as investing in airtime on the channel within which government programming can be run.

Another key provision should be instated with the advent of digital terrestrial broadcasting from 2012 onwards. Since all of the national broadcasters will be sharing the costs of transmitters on the digital multiplex, it makes sense that community television should be accommodated on this multiplex on a “must carry” basis. Community broadcasters would thus be freed from the onerous transmission costs, as the major broadcasters would have to pay for the transmitter hire regardless of whether or not a community broadcaster is using one of the available channels.

It does not make sense to see community television remaining on analogue frequencies for long after the digital migration is complete, for they would then be using expensive transmission facilities for a declining audience, which is a totally unsustainable option. Such a “must carry” provision on the DTT multiplex would also free government (the DoC) of the burden of subsidizing transmission costs for these broadcasters; and it would also mean that the problems of weak or insufficient coverage for community broadcasters would be removed. The “must carry” option has been recommended to government by the combined voice of the sector, through the submissions of the National Community Television Coordinating Committee to the DoC’s Draft Broadcasting Digital Migration Strategy in 2007.

Conclusion

Cape Town TV thanks the DoC for the opportunity of commenting on this important legislation and in defining the way forward for the community television sector. We believe it is vital that the legislation and regulations governing the sector be reformed, along with the policies of related organisations such as the MDDA and the DoC itself.

A Charter for the sector would be a real advantage that can serve to ensure that the sector is properly governed in accordance with both the spirit and the letter of the legislation and regulatory frameworks established by government.

Submission date: 31 August 2009