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GOVERNMENT NOTICE

DEPARTMENT OF COMMUNICATIONS

No. 124

17 February 2012

ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)

SUBSTITUTION OF PARAGRAPHS 1 TO 18 OF GOVERNMENT NOTICE 97, GOVERNMENT GAZETTE NO. 35014 PUBLISHED ON 07 FEBRUARY 2012 (AMENDMENT OF BROADCASTING DIGITAL MIGRATION POLICY)

I, Dina Pule, Minister of Communications, hereby substitute paragraphs 1 to 18 of Government Notice 97, Government Gazette No. 35014 published on 07 February 2012 with the following paragraphs:

1. Substitution of paragraphs 3 and 8 of the Table of Contents of the Policy

The following paragraphs are hereby substituted for paragraphs 3 and 8 of the Table of Contents of the Policy:

“3. ACCELERATED DUAL ILLUMINATION PERIOD, ACCELERATING THE BENEFITS OF DIGITAL TV

3.1 Digital switch-on and analogue switch-off”;

“8. IMPLEMENTING THE MIGRATION TO DIGITAL

The Establishment of the Digital Migration Project Office”.

2. Substitution of List of Acronyms of the Policy

The following List of Acronyms is hereby substituted for the List of Acronyms of the Policy:

“List of Acronyms

DCGHS	Digital Content Generation Hubs
DMWG	Digital Migration Working Group
DOC	Department of Communications
DTH	Direct to Home
DTT	Digital Terrestrial Television
DVB	Digital Video Broadcasting

DVB-S2	Digital Video Broadcasting - Satellite - Second Generation
DVB-T2	Digital Video Broadcasting – Second Generation Terrestrial
ECA	Electronic Communications Act
ICASA	Independent Communications Authority of South Africa
ICT	Information and Communications Technology
ITU	International Telecommunications Union
ITU-RRC	International Telecommunications Union – Regional Radio Conference
MPEG	Moving Picture Experts Group
MPEG-4	Improved compression technology developed by Motion Picture Experts Group currently being introduced globally for digital broadcasting
NGP	New Growth Path
NEPAD	New Partnership for Africa's Development
SADC	Southern African Development Community
STB	Set-Top Box
USAF	Universal Service and Access Fund”.

3. Substitution of paragraphs 2 and 4 of the Foreword by the Minister of the Policy

The following paragraphs are hereby substituted for paragraphs 2 and 4 of the Foreword by the Minister of the Policy:

“This Broadcasting Digital Migration (BDM) policy sets our parameters of migrating the country's broadcasting from analogue to digital. The policy therefore provides the framework for migrating the country's broadcasting systems from analogue to digital and meeting the ITU resolution that all countries in Region 1 should complete their migration by 17 June 2015. The policy is an outcome of a strong collaboration between government and industry and their firm commitment in building a people-centred and inclusive information society, thus improving the lives of our people.”;

“I hereby publish this policy to inform and guide the migration process, especially the dual illumination period. Further policy work will be undertaken as part of the broadcasting policy and digital dividend review.

In conclusion, the time to migrate to digital broadcasting system has inevitably arrived. We need to embrace it because it is a major step in improving our people's lives and I sincerely hope that this policy is a bold step in our quest to achieve that goal. The looming switch-on date in the last quarter of 2012 requires us to work at the speed of light, consistent with our business unusual strategy to enhance the benefits of digital television to all our people.”.

4. Substitution of subparagraphs 4, 6, 8 and 9 of paragraph 1 of the Executive Summary of the Policy

The following subparagraphs are hereby substituted for subparagraphs 4, 6, 8 and 9 of paragraph 1 of the Executive Summary of the Policy:

“The key benefit of digital broadcast technologies is that they use scarce national radio frequency spectrum far more efficiently than analogue technologies. This means that existing broadcasting services can be provided using less of the radio frequency spectrum they currently occupy. This enables additional capacity to deliver a diverse range of programmes in a range of different languages that meet the information, cultural and educational needs of audiences. Digital broadcasting also facilitates the delivery of e-government services, and provides opportunities for investment and job creation. In this way broadcasting digital migration can directly contribute to achieving the objectives of the New Growth Path.”;

“Digital migration begins with the 'switch-on' of broadcasting digital transmission signals and ends with the 'switch-off' of analogue ones. Until analogue switch-off occurs there is a period of 'dual illumination' during which both analogue and digital services are simultaneously broadcasted.”;

“For the digital migration process in South Africa to be successful it is necessary to have a clear government policy and Implementation plan. Also critical is the co-operation of all the relevant stakeholders working together with government. Given the country's socio-economic status, it may also be necessary to consider incentive schemes to support a significant number of households.”.

5. Substitution of subparagraphs 1, 2, 3, 4, 7, 8 and 9 of paragraph 2 of the Executive Summary of the Policy

The following subparagraphs are hereby substituted for subparagraphs 1, 2, 3, 4, 7, 8 and 9 of paragraph 2 of the Executive Summary of the Policy:

“We will endeavor to switch-on the digital terrestrial television signal in the last quarter of 2012. The date for switch-off of the analogue terrestrial signal will be determined by the Minister of Communications after engaging with the Cabinet and relevant broadcasting sector stakeholders.

National broadcasting digital signal coverage shall be extended in a phased manner, covering 74 percent of the population by early 2012 and 95 percent by the end of 2013. Areas that may be deemed difficult or uneconomical to reach will be covered by DTH satellite using the DVB-S2 technology, or any new technology to be determined by the Minister in policy.

During the dual illumination period, two (2) national multiplexes will be prioritised for public, commercial as well as community broadcasting services. Although the digital migration process focuses on incumbent broadcasters, especially the free to air services, government continues to be committed to increasing diversity of ownership and content of the broadcasting sector and facilitating the development of a dynamic, competitive environment.

In this regard, ICASA, shall, taking into account its powers and mandate as set out in relevant legislation explore how to best introduce new services and licensees to facilitate such diversity. The increased capacity and spectrum availability given the introduction of DTT provides an opportunity for the licensing of new pay television service providers in the short term, and new free to air services in the medium to long term. Competition is needed to achieve a range of national policy imperatives including consumer choice, economic empowerment, promote domestic and foreign investments.

Sentech shall provide signal distribution services to the public broadcasting and community services as the common carrier on a non-preferential and non-discriminatory basis.”;

“Regional Television services will be required to provide an open window for community television programming for a minimum period to be determined by ICASA. The Authority will promulgate the necessary regulations and guidelines for implementing this policy provision.

ICASA will also ensure that Community TV services are accommodated in the existing multiplexes. The community broadcasting sector has an important role to play in fostering social and economic development at the local level.

Two metropolitan networks of frequencies designated for the provision of mobile broadcasting services will be made available.

The following Technical Standards are approved:

- DVB-T2 (EN 300 755) is adopted as the national standard for broadcasting digital terrestrial television in South Africa.
- DVB-S2 (EN 300 421) is adopted as the national standard for broadcasting digital satellite television in South Africa.
- MPEG-4 is adopted as the compression standard for South Africa's Digital Terrestrial Television (DTT) rollout, while existing direct-to-home (DTH) services continue to use MPEG-2 with the option to migrate to MPEG-4 when commercially viable.”.

6. Substitution of paragraphs 1.1.5 and 1.1.10 of the Policy

The following paragraphs are hereby substituted for paragraphs 1.1.5 and 1.1.10 of the Policy:

“1.1.5 The key benefit of digital broadcasting is that it uses the scarce national radio frequency spectrum far more efficiently than analogue technologies. This means that existing and additional broadcasting services can be provided using less radio frequency spectrum than they currently occupy.”;

“1.1.10 For the digital migration process in South Africa to be successful within the dual illumination or transitional period, it is necessary to have a clear Implementation Plan. Also critical is the co-operation of all relevant stakeholders working together with the public.”.

7. Substitution of subparagraphs (b), (c), (d), (h), (i) and (j) of paragraph 1.2.3 of the Policy

The following subparagraphs are hereby substituted for subparagraphs (b), (c), (d), (h), (i) and (j) of paragraph 1.2.3 of the Policy:

- “b) create an environment for the uptake of digital terrestrial television by TV owning households, including the poor;
- c) ensure a future for existing broadcasting services and introducing new services, taking into account the gaps related to programming of provincial content as well as parliamentary and government information, especially for the poor;
- d) give effect to the decision to implement digital migration within a Cabinet approved dual illumination period;”;
- “h) facilitate the development of a world-class and sustainable South African electronic manufacturing industry;
- i) facilitate the development of the creative industries;
- j) promote fair competition in the television broadcasting industry; and
- k) provide for the establishment of the Digital Migration Project Office to manage and monitor the implementation of digital migration in South Africa.”.

8. Substitution of subparagraph (c) of paragraph 1.4.1 of the Policy

The following subparagraph is hereby substituted for subparagraph (c) of paragraph 1.4.1 of the Policy:

“c) better picture quality with an option of High Definition Technology; and,”.

9. Substitution of paragraphs 2.1.3, 2.1.4 and 2.2.1 to 2.2.4 of the Policy

The following paragraphs are hereby substituted for paragraphs 2.1.3, 2.1.4 and 2.2.1 to 2.2.4 of the Policy:

“2.1.3 Universal Service and Access and the availability and accessibility of broadcasting services to all citizens is a key component of successful digital migration. In order for households to continue to receive television services on their current analogue TV sets after the analogue signal is switched off, Set-Top-Boxes (STBs), which convert the digital signals into analogue signals, are required. The total TV-owning households in SA are estimated at 11.5 million, of which approximately 72 percent rely exclusively on free-to-air broadcasting services. Of these 11.5 million TV households, about 5 million are poor households who would find it very difficult to afford STBs.

2.1.4 Government has decided, as a matter of policy, to consider finding the means to make STBs affordable and available to the poorest TV-owning households. This support by Government should be seen as part of its commitment to bridging the digital divide in South Africa. The Government has therefore decided, as mandated by section 88 (1) (a) of the Electronics Communications Act (ECA), to subsidise poor TV households through the Universal Service and Access Fund (USAF). In supporting the South African bid to host the Square Kilometre Array (SKA), government will also subsidise affected communities using satellite technology. The government will also consider extending the incentive schemes to households that can only experience free-to-air digital services via DTH platform, to ensure close to 100% coverage, which include the following signal distribution realities:

- a) Self help Stations;
- b) Low Power Stations;
- c) Northern CAPE Astronomy Geographic Advantage Act 21 of 2007;
- d) Areas that may be deemed difficult or uneconomical.

2.1.5 Given the particular South African context, STBs will accommodate and facilitate special features which enable access to e-government services for all citizens.

2.1.6 Digital broadcasting also enables the provision of services in a multiplicity of languages, and for increased access by people with disabilities, in line with Government's vision for broadcasting set out in relevant policies and legislation. STBs should accommodate features which enable greater access and the regulator should take such national objectives into account when licensing new channels and services.”;

“2.2.1 The South African Government has adopted the New Growth Path and Industrial Policy Action Plan. These initiatives aim to guide and improve the country's economic growth.

2.2.2 The ICT sector is one of the sectors identified as having the potential to contribute to the achievement of these policies and initiatives objectives through infrastructure roll-out, reducing cost of doing business, small business development and contributing to creating a macro-economic climate conducive for economic growth.

2.2.3 Globally, poverty is associated with low access to information and knowledge. Government therefore regards greater information and communication flows within and between communities and regions as an important tool in the war against poverty in South Africa. The digital divide is to some extent a cause as well as a consequence of poverty.”.

10. Substitution of paragraph 2.5.5 of the Policy

The following paragraph is hereby substituted for paragraph 2.5.5 of the Policy:

“2.5.5 As part of contributing to the objectives of NGP through enhancing global excellence in the manufacturing of electronic goods, the manufacturing of STBs locally will be implemented within the context of the National Industrial Policy Framework.”.

11. Substitution of heading of paragraph 3 of the Policy

The following heading is hereby substituted for the heading of paragraph 3 of the Policy:

“3 ACCELERATED DUAL ILLUMINATION PERIOD, ACCELERATING THE BENEFITS OF DIGITAL TV”.

12. Substitution of paragraphs 3.3.1 and 3.3.2 of the Policy

The following paragraphs are hereby substituted for paragraphs 3.3.1 and 3.3.2 of the Policy:

“3.3.1 Government is committed to meet the deadline for analogue switch off by 17 June 2015 in line with the relevant ITU the resolution.. Taking into account the different processes which need to be completed before digital switch-on, Government has decided that the digital signal should be switched on by the end of the 2012/2013 financial year. A final date for the commencement of the dual illumination period will be announced by the Minister of Communications after engaging with Cabinet and all relevant stakeholders, including the broadcasting industry. The date for the final switch-off of the analogue signal will similarly be announced by the Minister of Communications after engaging with Cabinet and other relevant stakeholders and assessing the extent of take up by audiences of the necessary equipment to facilitate universal access to broadcasting services.

3.3.2 The Government recognises that the aggressive dual illumination period in South Africa will be a significant challenge. However, this shorter period provides a range of national benefits, including the following:

- a) The best economic outcome through bringing forward the digital dividend and reducing cost duplication during the transitional period;
- b) Opportunity to meet the global ITU-RRC agenda for digital migration;
- c) Bridging the 'digital divide' between technology haves / and have-nots; and
- d) Support for the emerging digital broadcasting industry in terms of the deployment of new services, content and equipment.”.

13. Substitution of paragraphs 5.1.2.6, 5.1.2.7, 5.1.3.1 and 5.1.3.2 of the Policy

The following paragraphs are hereby substituted for paragraphs 5.1.2.6, 5.1.2.7, 5.1.3.1 and 5.1.3.2 of the Policy:

“5.1.2.6 have a STB control system to enable mass messaging;

5.1.2.7 have a robust STB control system that will also benefit the consumers by ensuring that they don't have to own multiple boxes for both current and future free-to-air broadcasting services; and

5.1.2.8 enable access to a secure bootloader mechanism by a government entity or agency or any entity so designated by government to ensure access to the STB control system by future broadcasting licensees on the free to air DTT platform.”;

- “5.1.3.1 DVB-T2 (EN 300 755) is adopted as the national standard for terrestrial digital television broadcasting in South Africa. DVB is reported to be the fastest growing DTT platform in Europe and other parts of the world. Many governments have started to plan for analogue switch-off and DVB-T2 has become the de facto standard, which has been adopted by the whole of the ITU Region 1 comprising Europe, Middle East and Africa.
- 5.1.3.2 DVB-S2 (EN 300 421) is adopted as the national standard for digital satellite television in South Africa.
- 5.1.3.3 MPEG-4 is adopted as the compression standard for South Africa's DTT rollout.”.

14. Amendment of paragraph 5.1 of the Policy

Paragraph 5.1 of the Policy is hereby amended by the insertion of the following paragraph after paragraph 5.1.3:

- “5.1.4 The national standard will include a robust free to air STB Control System to ensure that only conformant Set Top Boxes can work in the electronic communications network in South Africa.”.

15. Substitution of paragraphs 6.1.8, 6.1.10 and 6.1.11 of the Policy

The following paragraphs are hereby substituted for paragraphs 6.1.8, 6.1.10 and 6.1.11 of the Policy:

- “6.1.8 This Policy contemplates that about sixteen (16) standard definition digital channels will be created per radio frequency currently assigned to one analogue channel.”;
- “6.1.10 Government is committed to development of the three tier broadcasting system. In particular, government intends to use the opportunity brought by DTT to facilitate the development of Community TV. Accordingly, community TV shall be accommodated in the existing DTT multiplexes. This will also ensure that all analogue frequencies allocated to community TV services are cleared to facilitate the smooth migration process.
- 6.1.11 In line with ITU recommendations, part of the digital dividend will be set aside for mobile communications services. In addition, government will consider opportunities to facilitate the introduction of Video on Demand and digital audio broadcasting services.

6.1.12 In terms of the Broadcasting Act, the network of radio frequencies dedicated for public broadcasting shall be co-assigned to and managed by Sentech as the common carrier on a non-preferential and non-discriminatory basis. Sentech must also provide broadcasting signal distribution to commercial broadcasters, taking into consideration that the ECA allows for self provisioning by broadcasters. Such services shall also be provided on non-preferential and non-discriminatory basis.”.

16. Substitution of paragraph 7.1 of the Policy

The following paragraphs are hereby substituted for paragraph 7.1 of the Policy:

- “7.1. The rollout of the digital transmission network shall be conducted in a phased manner.
- 7.2 Transmission facilities for MUX 1, or any multiplex allocated for the public broadcaster, shall aim to cover 74 percent of the population by early 2012 and close to 95 percent by late 2013, thus enabling analogue switch-off in South Africa. Areas that are difficult to reach will be covered through DTH by satellite means.
- 7.3 The coverage requirements for transmitters for MUX 2 will be based on the broadcasters’ licence conditions.”.

17. Substitution of paragraphs 8.1 and 8.2 of the Policy

The following paragraph is hereby substituted for paragraphs 8.1 and 8.2 of the Policy:

“The Establishment of the Digital Migration Project Office

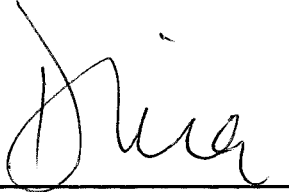
The Policy provides for the establishment of a Digital Migration Project Office (DMPO) within the Department. Key among its functions include: provision of project management and monitoring services to the Digital Migration Programme, liaison with relevant stakeholders, including ICASA and STBs manufacturers, monitoring the implementation of policies and plans and providing regular reports to the Minister of Communications.”.

18. Substitution of paragraph 9.1 of the Policy

The following paragraph is hereby substituted for paragraph 9.1 of the Policy:

“9.1 This Policy is guided by the unique challenges that the country faces. In addressing these challenges, the Policy seeks to enable South Africa to emerge as a global leader in harnessing ICTs for socio-economic development. This

Policy will assist the Government to meet its commitments to the people of South Africa as well as to the global community, especially the developing world.”.

A handwritten signature in black ink, appearing to read 'Dina', written over a horizontal line.

MS DINA PULE, MP
MINISTER OF COMMUNICATIONS

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