

# Transparency, prescience and speed - broadcasting in the new South Africa

Victoria Rubensohn reports on the challenge of broadcasting regulation in South Africa.

**W**riting this in the midst of the Packer/Fairfax frenzy, the ABA environment looks a little more exciting than usual. However, viewed from the other side of the Indian Ocean, in South Africa, the role of our broadcasting regulator looks comfortably tranquil.

South Africa established its Independent Broadcasting Authority (IBA) early in 1994, and by November, when it began conducting hearings for its daunting "Triple Inquiry", it had acquired seven Councillors and approximately 45 staff, none of whom, with the exception of one Councillor, had any previous experience of independent regulatory activity.

Transparency is, naturally enough, a paramount virtue in the "New" South Africa. In pursuit of this ideal, the IBA Councillors were appointed by the outgoing De Klerk government in March 1994, after a strenuous round of public hearings (or more appropriately, public grillings) by a selection panel appointed by the Transitional Executive Council - a process so public and transparent that the very concept would be likely to strike fear into the heart of Australian regulators!

## the Triple Inquiry

**E**stablishing themselves with a skeleton staff, the IBA was immediately launched into an enormously taking "Triple Inquiry", into the protection and viability of public broadcasting services, Cross media regulation of private (commercial) broadcasting licences and local content regulations for television and radio. On the former subject, the IBA will make recommendations to the Minister; on the latter two, it will make the regulations itself.

The Triple Inquiry hearings are scheduled to end in late April 1995, and as the IBA is the first independent authority of its kind set up in the new South Africa, those hearings have represented a pioneering experiment in public process, and as such, have been carefully scrutinised by the press and interested parties. For the first time all interested South Africans have had an opportunity to have their voices heard, both through submissions and the less conventional method of written questions from the public gallery at the hearings

themselves. Though the hearings have, by necessity, been held only in Johannesburg, the IBA has for most of them chosen a venue in a part of town accessible to Johannesburg's black population.

The context into which this exercise in transparency fits, is the *Independent Broadcasting Authority Act* of October, 1993. This *Act* (largely modelled on our *Broadcasting Services Act*) establishes the IBA "to regulate broadcasting activities in the public interest", independent of all political influence and free from political or other bias or interference. The signs so far are that the Government of National Unity (GNU) is stringently observing that commitment.

The scope of the IBA's remit renders it far more powerful than the ABA, its regulatory power over the public broadcasting sphere being the clearest example. The *Act* also provides for the devolution of powers relating to the administration, management, planning and use of the broadcasting services frequency bands to the IBA.

## the broadcasting environment

**T**his new regime ushers in a profoundly different broadcasting environment for all South Africans, and the shift from a "police state" culture to one of almost obsessive transparency is almost dizzying in its nature and its speed. Inevitably, the new order, committed by Parliament to a genuine mixed broadcasting system, will involve a considerable transfer of power from the South African Broadcasting Corporation (SABC), which, as South Africa's public broadcaster (albeit receiving over 70% of its revenue from commercial sources), dominated the broadcasting scene, with growing competition from the private terrestrial, subscription service M-Net. M-Net, a South African invention which has now gone international, is owned by the four major press groups in South Africa, and was established in 1986 to secure access for them to the tv advertising market in order to preserve their print monopoly position.

SABC presently has three tv channels and 23 radio services, 16 of which are regional. Apart from M-Net, BOP-TV, situated in the previous "homeland" of Bophuthatswana is the only other tv service

available, and is run on a commercial basis.

Both Bop and M-Net broadcast predominantly US material. Apart from SABC's 23 radio services (predominantly FM), Radio 702, a commercial talk service broadcasts in the region surrounding Johannesburg. The SABC radio empire is vast by Australian standards, but its size is determined in part by the existence of eleven official languages in South Africa, plus a number of additional unofficial languages. Radio Zulu claims the largest black audience in the country, of approximately 3 million.

All existing commercial services were grandfathered for eight years by the *IBA Act* of 1993.

## new licences

**S**ince the beginning of 1995, the IBA has been licensing community radio services on a one-year temporary licence basis. Many of these services obtained 3 month test licences in the latter part of 1994. This licensing is proceeding rapidly, and by April 1995, the IBA expects to have conducted hearings into 200 applications for community licences, which should produce up to 80 licences. Placing a priority on the issuing of community licences has obvious political significance in a country where the majority has been denied a voice for so long.

The IBA will not call applications for private tv and radio licences until after the publishing of the regulations generated by the Triple Inquiry, probably in the last quarter of 1995. By that stage, the significant changes which SABC is presently undergoing and planning should be more evident, rendering the broadcasting environment into which private licences will be introduced, more certain. Decisions as to the number of private licences which might be issued have not yet been taken, and clearly in part depend on frequency availability and competing demands on the broadcasting spectrum.

## challenges

**H**owever, the commitment of the South African government to a mixed system of broadcasting is absolute - only the way the numbers shake out remains in doubt. The

IBA is now also having to consider the implications of broadcasting services delivered outside the broadcasting service frequency band (e.g. wireless cable), and the imminent arrival of international satellite footprints over South Africa.

The fledgling IBA still very sparsely staffed, faces enormous challenges in a very short time-frame - challenges which would appear daunting to any mature broadcasting regulatory agency. The importance of its role in ensuring an equitable and healthy

broadcasting sector in South Africa cannot be overestimated.

The significance of its task is perhaps best illustrated by the fact that the illiteracy level in South Africa is about 60% of the population, with estimates as high as 80% among rural women. The obvious consequence is that the use of print media among the majority population is extremely limited, although there is strong evidence of multiple access via a literate "reader". Thus broadcasting is of obvious social, educational

and political significance. TV access, as opposed to ownership, is estimated as up to 50% of the black community, but is limited by the price of sets and limited electrification in non-urban areas. In these circumstances, the importance of radio to the black community is overwhelming, and will be a significant factor in the IBA's blueprint for the broadcasting environment of the New South Africa.

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## Cool or Gross Childrens TV

Cathrine West reviews recent developments in childrens television

*"I feel embarrassed for them doing it on national television" boy, grade 3-4 on kissing and partial nudity on TV.*

*"I feel like I want to get a bazooka and blow the two up and get rid of it, because I hate fighting and sometimes I leave the room" boy, 10 years of age, on violence in television programs.*

### what the children think

These are two examples of concerns expressed by Australian kids to the Australian Broadcasting Authority ("ABA") in its recent survey of children's attitudes to violence, sex and swearing on Australian television (*ABA Monograph 4*). The survey involved 1,602 primary school children between 8 and 12 years of age from schools in NSW and 18 focus groups of 5-12 year olds in Sydney and NSW country towns. A group of parents was also surveyed.

The survey of children themselves is the first by the ABA. The ABA has previously conducted research into adult attitudes to classification issues but has not undertaken research of childrens' views. The ABA considers it has a statutory responsibility under the *Broadcasting Services Act 1992* ("the Act") and the Childrens Television Standards to take into account children's television interests. One of the objects of the Act is "to ensure the providers of broadcasting services place a high priority on the protection of children of exposure to program material that may be harmful to them (section 3(j)).

The results of the survey include:

- violence, in particular depictions of animals being hurt or people being killed, was most likely to upset children;
- in contrast, sex and nudity concerned only 8% of children and swearing upset only 2% of children;
- almost 66% of children did not like to watch children being hurt and almost

60% were concerned by parents arguing or hitting each other;

- almost 50% of children enjoyed programs depicting realistic monsters and ghosts;
- children take an active role in their television viewing, expressing independent motivation both in the selection of programs and in their reaction to programs that upset them. For instance, 92% of children claim to watch the news citing personal interest in being informed of current events as their motivation. 55% of children indicated that they had stopped watching television or changed channels as a result of being upset by a television program. Girls are 22% more likely than boys to stop watching programs that included violence, kissing and swearing;
- almost 66% of children claimed to watch television every day, whilst just over 25% of children said that they did not watch television everyday but on most days. Over 50% of children watched television before school and 77% watched after dinner on school days.

The second stage of the survey will consist of a research study by the ABA into what children enjoy about the television programs they watch. This stage will involve consultations with producers and writers of childrens shows.

### Australian content

The ABA is presently reviewing the requirement for minimum levels of Australian content for commercial television broadcasters. The current Television Program Standard (TPS14), inherited by the ABA from the Australian Broadcasting Tribunal, contains a minimum requirement of the equivalent of 16 hours per year for Australian childrens drama for the primary school age group

("Australian C Drama").

In 1992, the commercial broadcasters averaged the equivalent of one extra hour of Australian C Drama above the minimum level. The ABA has proposed in a recently released Working Paper that the current requirement be doubled to 32 per year, to be phased in over a period of 3 years.

After the release of the Discussion Paper, the ABA received a submission from the Federation of Australian Commercial Television Stations ("FACTS") arguing that the quota system under TPS14 creates an imperative to mass produce programs and that there is no explicit legislative requirement for the ABA to determine a standard that sets particular levels for childrens drama programs or any program genre. Further, that the only regulation of Australian content should relate to a transmission quota rather than a specific requirement for the broadcast of certain types of drama. FACTS considers that the usefulness of the quotas in the sixties and seventies in boosting drama production has been outlived and they now inhibit diversity and high end drama.

The ABA took the view in the Discussion Paper that the standard for specific drama is necessary to ensure the continued production and broadcast of childrens drama on commercial television. The ABA did not accept FACTS submission. The ABA considers that section 122 of the Act requires it to determine a standard in respect of the Australian content of programs of commercial television and, in exercise of this power, it has a significant degree of discretion as to what constitutes "Australian content of programs" sufficient to include specific quotas for childrens drama.

The ABA has also suggested that the definition of "Australian program" be extended to programs in relation to which a certificate under section 10BA of the *Income Tax Assessment Act* has been issued. This