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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**GENERAL NOTICE 597 OF 2021****INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA
(ICASA)**

**AMENDMENT OF THE MUNICIPAL ELECTIONS BROADCASTS AND
POLITICAL ADVERTISEMENTS AMENDMENT REGULATIONS, 2021**

The Independent Communications Authority of South Africa (“the Authority”) hereby, in terms of section 4 (7)(b) of the Electronic Communications Act, 2005 (Act No. 36 of 2005), as amended, amends the Municipal Elections Party Elections Broadcasts and Political Advertisements Regulations, 2011 published on 8 March 2011 in Government Gazette No. 34086 to the extent reflected in the Schedule.

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

**DR. KEABETSWE MODIMOENG
CHAIRPERSON
DATE: 11/10/2021**

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

The Independent Communications Authority of South Africa has, under section 4(3)(j) of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000), read with sections 4(1), 56, 57, 58 and 59 of the Electronic Communications Act, 2005 (Act No. 36 of 2005) as amended, made the Regulations in the Schedule.

SCHEDULE

1. Definitions

In these regulations "the Regulations" means the regulations published by the Authority under Government Notice No. 203 (Gazette No. 34086) of 8 March 2011 as amended by Government Notices No. 3 (Gazette No. 39738) of 26 February 2016, No. 161 (Gazette No. 44370) of 31 March 2021 and No. 588 (Gazette No. 45272) of 6 October 2021.

2. Short Title and Commencement

These Regulations are called the Municipal Elections Party Elections Broadcasts and Political Advertisements Fourth Amendment Regulations, 2021 and will come into operation upon the date of publication in the Government Gazette.

3. Substitution of Annexure A of the Regulations

The following annexure is hereby substituted for Annexure A of the Regulations:

ANNEXURE A**SCHEDULE 1****PROVINCIAL PRINCIPLES OF PEB AIRTIME ALLOCATION**

<p>Basic Allocation</p> <p>Percentage of slots to be allocated to all parties and independent candidates contesting seats in the Municipal Elections.</p>
<p>*District and Metropolitan Municipalities</p> <p>Percentage of slots to be allocated according to the number of District and Metropolitan Municipalities that the political parties are contesting within the province</p>
<p>*Proportional Representation District and/or Metropolitan</p> <p>The number of seats currently held at District and/or Metropolitan</p>

*The allocation of slots for the second and third principles will be based on the availability of the balance of the slots after basic allocation.

NATIONAL PRINCIPLES OF PEB AIRTIME ALLOCATION

<p>Basic Allocation</p> <p>Percentage of slots to be allocated to all political parties contesting seats in the Municipal Elections. 50%</p>
<p>Contested District and Metropolitan Municipalities</p> <p>Percentage of slots to be allocated according to the number of District and Metropolitan Municipalities that the political parties are contesting within the province – 25%</p>
<p>Proportional representation District and/or Metropolitan</p>

The number of seats currently held at District and/or Metropolitan – 25%

TECHNICAL STANDARDS AND QUALITY

For Radio:

The material must be submitted in the following technical format:

Format - Raw Mpeg 2

Channels - 2 (stereo)

Bit Rate - 384 Kbps

Sampling Rate - 48KHz

Mastering - -12db

For Television:

High Definition (HD) 16 X 9; Disc and File Format Delivery

Summary of Program Delivery Standards

All programs will comply with the 1920 x 1080i HD Standard in a 16:9 aspect ratio at 25 frames per second, 90 seconds 75% Line-up color bars and 1 KHz tone.

Digital Audio Reference level is defined as 18dB below the maximum coding value (-18dBFS) as per EBU recommended practice R128. Time code of program start is at 10:00:00:00.

Circular countdown clock of 30 seconds with details exactly as per Section 4.5.2. on delivery document must be present with Stereo audio on tracks 1&2.

Fade to silence at program end. End slate held in vision for further 10 seconds after end of program.

All files delivered should be transcoded to:

AVC INTRA 100 AS-11, OP1A MXF WRAPPER

SCHEDULE 2

GUIDELINES

1. INTRODUCTION

- 1.1. These guidelines are intended to outline a general approach that should be adopted by BSLs in their coverage of the municipal elections. Elections are an important public event and as such fall within the ambit of news and current affairs. BSLs are encouraged, in the public interest, to provide a full, impartial, and independent coverage of the elections.
- 1.2. The Authority does not intervene in the news and programming operations of the broadcasters. BSLs' role during elections does not differ from their normal journalistic role during non-election periods. Normal ethical considerations will continue to apply. A distinguishing feature of the election period is the obligation to achieve equitable coverage of political parties or independent candidates without abdicating news value judgments.

2. EDITORIAL MATTERS

- 2.1. Section 59 of the ECA prescribes specific requirements for the treatment of political parties or independent candidates during the election period by broadcasters in their editorial programming. The requirements are:
- (a) If during an election period, the coverage of any broadcasting service licensee extends to the field of elections, political parties or independent candidates and issues relevant thereto, the broadcasting licensee concerned must afford reasonable opportunities for the discussion of conflicting views and must treat all political parties and all independent candidates equitably.
 - (b) In the event of any criticism against a political party or an independent candidate being levelled in a particular programme of

any broadcasting service licensee without such party having been afforded an opportunity to respond thereto in such programme or without the view of the party having been reflected therein, the broadcasting service licensee concerned will be obliged to afford the party a reasonable opportunity to respond to criticism.

- (c) If within 48 hours before the commencement of the polling period or during the polling period, a broadcasting service licensee intends broadcasting a programme in which a particular political party or an independent candidate is criticized, the broadcasting service licensee must ensure that the political party or independent candidate is given a reasonable opportunity to respond thereto in the same programme, or to do so as soon as reasonably practicable thereafter.

2.2. The Authority advises broadcasters to take special care during the final 48 hours prior to Election Day. There will be limited time for broadcasters to ensure that political parties' or independent candidates' right of reply is honoured during this period. Broadcasters should, therefore, ensure that parties are given time to reply, should this be necessary, within the same programme during this period.

3. EQUITABLE TREATMENT

3.1. Equitable treatment means fair treatment -

Each BSL will be expected to treat parties fairly. Equitable treatment is unlikely to be achieved in a single programme but can be achieved in a series of programmes. Each BSL should be consistent in its treatment of contesting parties and of conflicting views.

3.2. Broadcasting service licensee must seek out information –

BSLs should recognise their obligation to the electorate to provide a full and accurate record of events and developments. BSLs should not rely on political parties or independent candidates to bring information to them but should actively seek out information. Failure to do so will give parties with greater resources inequitable amounts of news coverage.

4. PRINCIPLES TO BE ADHERED TO

To further assist BSLs in fulfilling the requirements of the Act the following principles will apply:

4.1. Fairness

- (a) All news coverage should be fair to all interests concerned.
- (b) Care should be taken to balance the exposure given to the non-political activities of candidates (such as attendance at functions, sporting events, etc).
- (c) All parties should receive equitable treatment on current affairs programmes. If the programme intends to feature party representatives, parties contesting the elections must be invited, with reasonable notice, to participate either in the same programme or in a series of programmes.
- (d) The requirement that broadcasters give an opportunity for conflicting views to be heard should not be interpreted as a requirement that all parties be heard on any subject, only that all views be heard. Nor is it a requirement that all views be heard on the same programme.

4.2. The right of reply to broadcast criticism

- (a) Each BSL should afford all political parties and independent candidates reasonable opportunity to respond to criticism broadcast by that BSL. However, affording parties reasonable time to respond should not amount to forcing BSLs to turn their editorial programmes into a series of replies and replies-to-replies. There should be a distinction between demands for the right to reply to mild or rhetorical criticism, which properly forms part of the cut and thrust of robust political contest; and demands for the right to reply to criticisms which result in clear and immediate damage to a political party or an independent candidate.

- (b) With regard to rhetorical criticisms, BSLs must have the flexibility to incorporate responses into their formal news patterns. With regard to damaging criticisms, BSLs should give the offended party an opportunity to respond. The party should be afforded the earliest and most appropriate opportunity to do so. Broadcasters should, however, not allow political parties or independent candidates to use their right to reply to criticism to manipulate or distort the general principle of equity.

4.3. Coverage of government

During the election period, BSLs must recognise that government officials are in a position to use their incumbency to advance their electoral prospects. During the election period, BSLs should regard with particular caution any statement or action by an official of an incumbent party. In particular, BSLs need to ensure that, during the election period, they do not afford the policies of incumbent parties' or independent candidate's greater legitimacy than they would afford those policies or actions if the party was not in government.

4.4. Coverage of non-participating organisations

In providing a reasonable opportunity for the discussion of conflicting views, non-participating political parties, independent candidates, and organisations affiliated to alliances should not be excluded from debates and news bulletins. They should be included in terms of normal journalistic practice – when the topic is one in which they have a material interest. However, they should not be included with such frequency that they distort the general principle of equity between registered, contesting parties.

4.5. Coverage of election results

BSLs, particularly the public BSL, have an obligation to inform the electorate of the election results, as they become available. Coverage of election results may also include a comment, analysis, and interpretation. Special care should be taken to ensure the accuracy of all results broadcast.

5. CONCLUSION

The guidelines provide a framework to BSLs covering the elections in which the system of Party Election Broadcasts and Political Advertising will operate.”

AMENDMENT OF THE MUNICIPAL ELECTIONS BROADCASTS AND POLITICAL ADVERTISEMENTS REGULATIONS, 2021

REASONS FOR DECISION OCTOBER 2021

1. INTRODUCTION AND REASONS

- 1.1. On 6 October 2021 the Authority published the third amendment to the Municipal Elections Party Elections Broadcasts and Political Advertisements Regulations, 2011.
- 1.2. The amendment to Annexure A was intended to introduce principles of allocation that caters for both political parties and independent candidates.
- 1.3. The amendment however resulted in the omission of the standards and guidelines applicable for the broadcasting of the Party Election Broadcasts ("PEBs").
- 1.4. The fourth amendment to the Regulations is thus intended to provide the standards and guidelines applicable to the broadcast of PEBs.

2. CONCLUSION

The Authority wishes to thank the stakeholders for alerting the Authority of the omission. The inclusion of the standards and guidelines will ensure that the broadcast of PEBs takes place in a fair and transparent manner.

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