

# SABC seeks to alter rules giving pay-TV stations free use of channels

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The SABC has asked the Independent Communications Authority of SA (Icasa) to conduct an urgent public review of regulations that allow pay-TV operators to carry its television channels for free.



Credit: [Robbie Tshabalala](#)

Passed in 2008, the so-called "must carry" regulations oblige all subscription broadcasters with more than 30 channels to transmit the SABC's three free-to-air television channels.

The SABC board is reviewing all contracts and regulations that hamper its sustainability.

The Treasury is considering the SABC's request for a R3bn guarantee after the broadcaster made record losses in the past two financial years and faces a liquidity crisis.

In a letter to Icasa's acting chairman, Paris Mashile, SABC chairman Bongumusa Makhathini said the "must carry" regulations had "had a serious impact on the SABC from a potential revenue point of view".

The regulations "zero rate" the SABC channels and had created a "noncommercial negotiating environment", he said.

The submission said the regulations seemed to have been drafted on the basis that the "must carry obligation" was an onerous one for subscription broadcasters, which would be "doing the public broadcaster a favour" by carrying its channels.

"The SABC will demonstrate in the public process that, on the contrary, the SABC 'must carry' channels have commercially benefited MultiChoice Africa at the expense of the public broadcaster," wrote Makhathini.

SABC1, SABC2 and SABC3 were among the most-watched channels on MultiChoice's DStv, the public broadcaster stated.

"By reviewing and amending the regulations, [Icasa] will be fulfilling one of its core statutory objectives as set out in " the Electronic Communications Act, which is to 'protect the integrity and viability of public broadcasting services'," Makhathini said.

Icasa spokesman Paseka Maleka said the regulator had noted the contents of the letter.

"Icasa wishes to advise that in developing any regulations, [it] is required by law to follow a prescribed and detailed process in line with principles of administrative justice and fairness.

"The process must involve engagement of all stakeholders through public consultation. The process was followed during the development and implementation of the 'must carry' regulations; and the SABC participated fully in that process."

Maleka said the review of the regulations was not in Icasa's plan for the current financial year, so the SABC's request could only be considered in line with Icasa's future planned programmes of performance.

**Source:** Business Day

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