



**NAB SUBMISSION ON THE DRAFT ICASA CODE OF
GOOD PRACTICE FOR THE PROVISION OF
BROADCASTING SERVICES TO PEOPLE WITH
DISABILITIES**

25 May 2005

1. INTRODUCTION

1.1. The National Association of Broadcasters ("the NAB") is the voice of South Africa's broadcasting industry. It aims to further the interests of the broadcasting industry in South Africa by contributing to the development and diversity of the environment.

1.2. NAB members include:

- the three television and the eighteen radio stations of the public broadcaster, the South African Broadcasting Corporation ("the SABC");
- all licensed commercial free-to-air and subscription television broadcasters;
- all licensed commercial sound broadcasters;
- both the common carrier and the selective and preferential carrier licensed signal distributors; and
- over thirty community television and radio broadcasters.

1.3. The NAB welcomes the publication of the draft Code of Good Practice for the Provision of Broadcasting Services to People with Disabilities ('the draft Code') and thanks ICASA for the opportunity to make comment.

1.4. As the Authority is aware the NAB has participated in the meetings of the Authority's Special Advisory Committee for People with Disabilities and remains committed to continuing its involvement in these important processes.

1.5. The NAB has also prepared a special report for the Special Advisory Committee on initiatives taken by the industry in accommodating People with Disabilities. This report focussed specifically on the commercial and community radio industries and was submitted on 24 October 2003.

1.6. The NAB did not comment on the draft Code published on 25 October 2004 as it was felt that individual broadcasters would be better positioned to comment on the specifics contained in the draft Code.

1.7. The NAB wishes to submit its comments for consideration as outlined below.

2. APPROACH AND APPLICATION

2.1. The NAB fully acknowledges the importance of broadcasters addressing disability issues. We are of the view that a Code as proposed by ICASA will go a long way in providing broadcasters with guidance in reaching these goals. The NAB is generally supportive of the approach taken by ICASA

2.2. The NAB notes that the draft Code does not seek to impose any legal obligations on broadcasters, but seeks to provide guidelines on the approach that should be adopted by broadcasters in providing services to disabled persons.

2.3. The NAB has further noted, from the press release that accompanies the draft Code, that ICASA intends holding public inquiries into services and access to people with disabilities. The press release further states that it is hoped that the telecommunications- and broadcasting sectors will begin to engage disability organisations in self-regulation. The NAB wishes to

assure ICASA that it will, as far as possible, play an active role in assisting ICASA in these processes. The NAB is supportive of the notion of self-regulation and agrees that this is the best approach to address these important objectives.

3. KEY PRINCIPLES

3.1. While the NAB is supportive of the key principles listed and while it understands that the draft Code's intention is to act as a guide, some of the listed principles are extremely difficult to implement.

Recommendations cited under 'Access' and 'New Technology and Audience Research' are cases in point.

4. BASIC STANDARDS

4.1. The NAB supports the guidelines provided in this area but wishes to point out that many of these activities are already catered for in legislation, regulation, the Code of Conduct for broadcasters and in some instances in internal policies of licensees.

4.2. The NAB submits that ICASA should take care not to create areas of overlap in implementation, monitoring and reporting with existing measures.

4.3. The NAB endeavours to, in instances where such mechanisms are not in place, assist broadcasters with guidance and best international practice.

4.4. It should also be noted that many of these standards are resource intensive and cannot be implemented all at once. It is the NAB's view that best practice, possible time lines and possible exemptions should form part of the industry inquiries that ICASA intends holding.

5. CONCLUSION

The NAB thanks the Authority for the opportunity to make these comments and wishes to confirm its continuing commitment to these important objectives. These objectives should however be realistic, attainable and measurable. Achieving these goals will also require cooperation between a number of interest groups and business sectors. The NAB could certainly play a role in this area, where and when needed.

Although the NAB supports the notion of self-regulation, we should take care not to create areas of overlap and duplication in jurisdiction and reporting.