

Overview: Draft White Paper on Audio and Audiovisual Media Services and Online Safety (July 2025)

The Minister of Communications and Digital Technologies has published a [Draft White Paper on Audio and Audiovisual Media Services and Online Safety](#) for public comment. The **deadline for comments is 10 August 2025**: these can be sent to fwpsa2025@dcdt.gov.za.

This is the third draft of this policy – [full history available here](#). This version is less detail-oriented, consisting of high-level policy proposals and principles and an associated implementation plan.

Why do we need a new policy? Existing policy and the Electronic Communications Act 2005 (“the ECA”) do not recognise the global shift from linear broadcasting to streaming platforms, user-generated content, and on-demand media consumption. The way we access content, who we access it from and how we pay for it has changed: this is the law playing catch-up.

Focus areas: the Minister has chosen to highlight –

- Developing a *new licensing framework* for audio and audio-visual media services (AAVMS) that provides for traditional broadcasting services as well as on-demand content services (OCS) (e.g. Netflix) and video-sharing platform services (VSPS) (e.g. YouTube).
- Possible creation of an *ombudsman for the regulation of online media services* to work alongside existing regulatory, co-regulatory and self-regulatory bodies in order to address gaps such as regulation of disinformation. A formal invitation to existing bodies to submit proposals for how this ombud will operate will be issued within 60 days of finalisation of the Draft Policy.
- *Updating definitions*: redefining public broadcasting and developing appropriate definitions for new forms of AAVMS.
- *Determining the obligations* to be placed on new categories of licensees.
 - Regulation of over-the-top (OTT) services requires a thorough assessment to ensure equal treatment of licensees, specifically broadcasting licensees, and the treatment of OTTs
 - Local content creation and promotion
 - Retransmission rights, especially in respect of sporting events
 - Copyright protection, noting the requirement for a joint effort by the relevant government ministries through an Inter-Ministerial Committee or similar forum
 - Protection of children
 - Accessibility for persons with disabilities
- The need to *review foreign ownership restrictions* and promote foreign investment in the provision of AAVMS. This includes potentially adopting the definition of “control” in the Competition Act for use in the ECA.
- *Skills development, digital and media literacy*

Summary of implementation steps: Once the Draft Policy has been finalised, there will be three broad implementation stages.

	Activities	Estimated duration
Stage 1: policy finalisation, legislative amendments, research and consultation	• Amend the ECA for urgent issues (e.g. removing restrictions on foreign ownership and control) • Direct ICASA to undertake research into the focus areas listed above • Invitation to existing regulatory co-regulatory self-regulatory bodies relevant to AAVMS regulation to submit proposals around creation of an ombud scheme and preparation of required legal instruments • ICASA inquiry into appropriate regulatory amendments to give effect to this Policy	6 -12 months
Stage 2: reform outdated regulations, introduce new regulations, determine if a new law is required and what amendments to other laws are necessary, finalise a code of conduct	• ICASA to revise or create new regulations to give effect to policy and amendments to the ECA, and to advise if new legislation is required to harmonise and rationalise any duplication in regulatory entities, policies, laws, and other instruments of regulation • Full implementation of the ombud scheme and consultation on and the adoption of a Code of Conduct	12-18 months
Stage 3: drafting of a Bill and the repeal of related legislation (if required)	• If there are still gaps in the regulatory framework for AAVMS and online safety, then recommendations will be sought in relation to developing new legislation • A socio-economic impact assessment will be undertaken on implementation of the goals and objects of the Policy	24 months