

FISH HOEK VALLEY RATEPAYERS & RESIDENTS ASSOCIATION

(Incorporating Fish Hoek, Clovelly and Sun Valley)

Central Circle, Fish Hoek 7975

Web: <https://www.fhvrra.org.za/> Facebook: www.facebook.com/FHVRRRA/

Heritage Western Cape: Conservation Body

TO: Pandelis Gregoriou, clientsupport@fpb.org.za

SUBJECT: draft Film and Publication Regulations ¹

DUE DATE: 17 AUGUST 2020

1. DISCUSSION

Thank you for this opportunity to comment on these regulations. Our sincerest wish is that the concerns raised here actually result in the changes requested.

As written, these regulations violate our freedom of opinion and freedom of expression as stated in Sections 15 and 16 respectively of our Constitution of the Republic of South Africa, 1996. It over reaches its authority over the entertainment industry.

After reading all 95 pages, the main purpose seems to be informing the public of age restriction XX or X18 ratings before viewing in order to offer a choice to view or not, which could be good for films and possibly, games. It is hard to imagine how all Internet publications must also pay and be rated before publishing. The latter is likely to form a type of unintended censorship resulting in validity of the term, "Darkest Africa" pertaining to access of information in South Africa.

Our sincerest hope is that the term "publications" will be removed from these regulations. Hate Speech is already covered in Section 16 (2) of our Constitution. We see no reason why all Internet content has to be classified.

We make no money from our social media posts. We would like to encourage our learners to become active citizens. Although Section 24.1 might allow our "publications" to be considered as educational material, we would still be required to pay fees for classifying our posts. Therefore, we might as well shutdown our informative website. Our attempt is to inform our community about local issues. Our website might report broken local sewer pipes, which are dirty, but not obscene. Paying the fee for getting this classified would quickly bankrupt us and our community would be all the poorer for this lack of info and paying fines of up to R150,000 and imprisonment for up to eight months is just unthinkable. Thus, registration of non-commercial online distributor as defined, is a problem for us.²

Most in our community still pay for a TV licence, although most never actually look at locally produced media, with the possible exception of our President's lockdown regulation announcements and even that is most often over the Internet and not via TV air transmissions.

In terms of good governance, the Appeals Tribunal should consist of independent, non-governmental persons with the authority to arbitrate and mediate.

It would appear to us that Internet content should be regulated by ICASA as the more appropriate body.

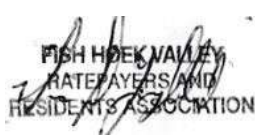
¹ <https://www.ellipsis.co.za/the-film-publications-board-and-online-content-regulation/>

² <https://mybroadband.co.za/news/internet/362712-serious-concern-over-south-africas-internet-censorship-bill.html>

2. SUMMARY OF RECOMMENDATIONS

We highly recommend that:

- the term “publications” is removed from these regulations;
- the registration of non-commercial online distributor is likewise struck off;
- the Appeals Tribunal should consist of independent, non-governmental persons; and
- that ICASA should be the Internet regulator as promulgated.

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DATE	15 August 2020