

SCHEDULE 3

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 political parties and independent candidates 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 political parties and independent candidates 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 political parties and independent candidates 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 political parties and independent candidates should receive equitable treatment on current affairs programmes. If the programme intends to feature political party or independent candidate representatives, political parties or/and independent candidates 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 political parties and independent candidates 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 political parties and independent candidates 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 political party or independent candidates an opportunity to respond. The political party or independent candidates 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 political party or independent candidates. 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 political party or independent candidate 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 political party or independent candidate.

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. GUIDELINE FOR PRE-RECORDED PROMO FOR COMPLAINTS

The Authority hereby provides an example of the wording for the promo in line with section 7(1) of the Regulations as follows:

*“Any person aggrieved by any Political Advertisement or Political Election Broadcast that is broadcast by [insert name of station] may lodge a complaint within 5 days from broadcast with the Independent Communications Authority of South Africa (ICASA). To lodge your complaint, please contact ICASA’s Compliance Department via telephone number on **012 568 3233** or email **BroadcastingCompliance@icasa.org.za** and **Complaintsccc@icasa.org.za**”*
(The contact details of ICASA should be repeated twice).

6. HOW LICENSEES CAN INFORM THE AUTHORITY OF THEIR INTENTION TO BROADCAST PEBS AND PAS

A BSL that intends to broadcast PEBS and/or PAs must inform the Authority by writing an email to BroadcastingCompliance@icasa.org.za. For inquiries, broadcasters may call Ms Busisiwe Mashigo at **012 568 3233/0725939294**.

7. CONCLUSION

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