

COMPETITION COMMISSION OF SOUTH AFRICA
In the matter of
MEDIA AND DIGITAL PLATFORMS MARKET INQUIRY ("MDPMI")
held in hybrid format at
Dtic Campus, Sunnyside Pretoria and virtually via MS TEAMS
on 04 March 2024

Chairperson: Chief Economist and Acting Deputy Commissioner:
Competition Commission: Mr. James Hodge

PANEL MEMBER:

Ms. Paula Fray

DAY 1:

SANEF

International Fund for Public Interest Media

Media and Digital Platforms Market Inquiry

START OF PROCEEDINGS ON 4 MARCH 2024

CHAIRPERSON: Good morning and welcome to the public hearings of the Media and Digital Platforms Market Inquiry. I am James Hodge, Chair of the Inquiry in my role as Chief Economist and Acting Deputy Commissioner of the Competition Commission and I'm joined by my fellow panel member and media industry veteran Paula Fray. Please refer to us as James and Paula throughout these proceedings. We are supported by a highly experienced technical team led by

10 Noluthanda Jokazi and Donnavan Linley, and that team includes Phathuthedzo Manenzhe, Aphiwe Nanto, Lumkisa Jordan, Sivuyise Mtiki, Kuhle Majola, Songezo Mabeche and Chandré Prince and we are also supported by cadets Nonolelo Vuba and Bandile Bhekiswayo. The inquiry was initiated to examine the distribution of media content of certain social media digital platforms, AI chatbots and the assisted Search and also the advertising technology or ad tech markets that connects advertisers and use publisher websites. The purpose is to determine throughout this inquiry if there are any

20 market features that may be adversely affecting competition or undermining the purposes of the Competition Act. And then, to comprehensively remedy those features that we find to be harming competition. The focus of that impact being on the media industry in South Africa. The inquiry was launched last October and has already gathered extensive information from a wide range of industry stakeholders from submissions made to the statement of issues,

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further statement of issues and request for information to both digital platforms and the media and some of the supporting industries. The public hearings will present another opportunity for stakeholders to not only provide their perspectives on some of the issues identified by the inquiry to date but also for the panel to discuss and debate with stakeholders those perspectives as well as some of the business models. Public hearings do play a critically important role in market inquiries to ensure transparency and accountability before the public not only for the inquiry but also the stakeholders that come before the inquiry. The panel welcomes the participation by a broad range of South Africa's mainstream media, community media, vernacular media, radio and television broadcasters including the public broadcaster and community broadcasters. Some of the largest global search and social media platforms which are also at the forefront of AI, ad tech companies, ad brokers, media associations, think tanks, and academics. The only global major platform that has so far refused to participate in these hearings is X Corp, formerly Twitter, represented by ENS. The panel does not find this position acceptable as it denies us the ability to discuss and debate the submission made by X Corp and it denies the South African public and the media that transparency and accountability which is so important. We also find it somewhat ironic that X has taken this position given its own value proposition to users which it describes as real time, global open public conversation platform where people can see every side of a topic, discover news, share their perspectives and engage in debate and

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discussion. The panel would like to hear from the public and the media on whether you think X Corp should be participating and what questions you have for them of relevance to the inquiry scope. You can do so on any of the social media platforms or directly and please use hashtag MDPMI. With those opening remarks, we now proceed to open the public hearings. Our first participant and stakeholder is a set of media associations, the South African National Editors Forum, SANEF, the Press Council of South Africa, the Association of Independent Publishers, the Forum of Community Journalists as well.

10 They will be followed by the International Fund for Public Interest Media and we'll close at 1 today but tomorrow we commence with Media 24 followed by Moneyweb, the Washington-based Centre for Journalism and Liberty, and then the GIBS Media Leadership Think Tank in the afternoon. The full schedule for this week is available on our website and also social media. So maybe without further ado, Sbu do you want to introduce your team and also those that have come in support that might speak as well. And we can then proceed to your presentation.

20 SBU NGALWA – SANEF: Thank you very much James. Good morning to everyone. I do have a team that came with here, but we also did prepare the manner in which we will present things, so if you'll allow me let me have my colleague Michael introduce the rest of the team. Thanks.

MICHAEL POWER – ALT ADVISORY: Chairperson Hodge, Ms Fray and members of the technical team and the Commission. My name is

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Michael Power from Alt Advisory. I have been asked by SANEF partners to facilitate today's conversation. I'm joined by Sbu Ngalwa the Chairperson of SANEF, the Editor in Chief of Eyewitness News and the Treasurer General of the newly reconstituted African Editors Forum. I'm also joined by Guy Berger, the former director for Freedom of Expression and media development at UNESCO, the former head of the school of journalism at Rhodes University and presently at [audio drops]. We will jointly present SANEF's oral submission. In addition to the three of us we are joined by Glenda Daniels, the
10 Secretary General of SANEF, Izak Minnaar, the Chair of SANEF's access to information and media policy subcommittee. Mr Minnaar is also acting as a representative of the Press Council of South Africa and as a representative of the Association of Independent publishers (AIP). We're joined by Reggy Moalusi the executive director of SANEF, and by Chris Mcinga a member of AIP and the manager of SANEF's community media digitisation drive. Chairperson as a point of departure as you will note from the three previous sub missions that SANEF and others have filed, other partners who endorsed SANEF's previous submission such as Media Monitoring Africa, SOS, and the
20 GIBS Media Leadership Think Tank, while remaining supportive of SANEF's position in this inquiry have elected to present their own oral submissions and as a result they are not present here today. In terms of housekeeping, we have handed up to the chair our oral note for submission and we have prepared an oral presentation by way of PowerPoint for today. There are two minor matters which just seek

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correction and if I can refer the chair to paragraph 57.1 of our written note. At the fifth line of paragraph 57.1 there is a minor typographical where it says that news media carry and they do not adequately, that's the first, under paragraph 69. It's on page 26. And it's the second last line. It should read AI generated as opposed to generated AI. Thank you.

CHAIRPERSON: Thank you Michael and we'll make this available on our website for the public hearing so others can also engage with it.

MICHAEL POWER – ALT ADVISORY: Thank you. Turning then to an
10 overview of our presentation. Chairperson as noted in SANEF's initial submission on the draft terms of reference, SANEF notes that the growth of digital platforms in recent years has had a detrimental effect on traditional revenue streams for news media organisations. As a result, SANEF and its partners appreciate the importance of this process to create an efficient and fair market in which diverse and alternative routes for the sustainability of journalism can be pursued. Importantly this inquiry has the potential to play a significant role in interrogating the interaction between digital platforms and news media organisations and SANEF notes that these types of processes
20 have already taken place in various other jurisdictions including Australia, Canada, the European Union, and the United Kingdom. This inquiry thus paves the way in establishing such investigations in South Africa and on the African continent and setting a precedent of accountability over the digital platforms in global South and global majority countries. As such, SANEF and its partners welcome the

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opportunity to continue to participate in this process. For today's purposes, chairperson and Ms Fray, I will address the inquiry on the first two questions that were asked in the invitation letter to SANEF being constitutional rights and access to credible news, and thereafter Competition between foreign news media and South African news media organisations. I will then hand over to Mr Ngalwa to address trends in news media and revenue generation for news media and consumer choice and the participation of SMEs and HDPs in the online distribution of news. Thereafter Mr Berger will take us through

10 the impact of dis- and misinformation and with leave of the chairperson we seek to introduce two additional topics for conversation, the first being the need for transparency, in data and advertising and the second is generative AI as a complicating element for media organisations. Chairperson if I then may turn to our first point for presentation and that's Constitutional rights and access to credible news. For reference of the panel, we're at paragraph 5 page 4 onwards of our written note. Chairperson the importance of the media to our constitutional democracy cannot be gainsaid. Our Constitutional Court has held that the constitutional importance of the

20 media in a democratic society is central to our constitutional dispensation. In recent jurisprudence from the Constitutional Court in AmaBhungane the court went further to note that the Constitution thus asserts and protects the media in the performance of their obligations to the broader society principally through the provision of section 16. So, when looking at the section 16 rights which underpin this present

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inquiry, the media has two obligations. One it is protected in and of itself through the constitutional provisions of press freedom and it equally acts as a safeguard and an allowance in the distribution of information and ideas to the public. So, the defence of media is simply not for media alone. It is also to foster the free flow of information ideas in a democratic state. Chairperson, we then note that in the further statement of issues which was presented by this inquiry and following reference to the Mediclinic judgement of the Constitutional Court, the commission has noted that there is therefore no question
10 that the interpretation of the Act including the Market Inquiry provisions must promote constitutional rights. Chairperson in our note we have detailed the interpretative scheme through which we suggest that this inquiry should consider the relevant provisions of the Competition Act and we suggest for present purposes it's not necessary to take the Commission through that scheme. However, we do seek to note the seven constitutional rights which are applicable to the present inquiry. The first being the right to freedom of expression which includes freedom of the press and other media and this is in as much as it pertains to public interest media and an effective and
20 quality news media eco system in South Africa. The second is the right to access information as it pertains to the impact of social media platforms on the economic viability and prominence of credible news as an essential component of a democratic society and effective participation and economic life. The third is the right to language and cultural participation which we hope to develop in further conversation

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during today's presentation. This pertains simply to media diversity and plurality and the centrality of community media in ensuring language diversity and media outcomes. The fourth is the right to equality, as it pertains to the ability for people to discover and access credible information across various divides such as language, gender class, and region. Fifth is the right to human dignity, as it pertains to, among others, algorithmic content recommendations which undermine individual agency and choice. The sixth is the rights of the child and the right to education, as it pertains to the impacts of mis and
10 disinformation which we will hear more about a bit later and the right to access both formal and informal basic and further education. And then lastly the right to privacy, as it pertains to the obligation on digital platforms to protect personal data which is not a legitimate reason to avoid providing access to anonymised or other data, such as to journalists and advocacy groups, when there is a public interest, and the access is both proportionate and necessary in a determined context. So Chairperson, Ms Fray, members of the technical team in sum, this commission invokes seven of our 27 rights in our bill of rights. This is no small feat. It constitutes over 25 percent of the
20 actionable provisions within our bill of rights and we have submitted both in SANEF's draft submissions or submission on the draft terms of reference in its submissions in the statement of issues and in its submissions on the further statement of issues that the constitution and particularly the allowance of press freedom underpin and are at the heart of this inquiry. Chairperson if I can then turn to section 2 and

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this was a question in the invitation letter to SANEF around competition between foreign and South Africa news media. This is not something that SANEF and its partners have addressed at this stage. It's not something that SANEF saw relevant at the earlier stages of this process and while SANEF may be in a position to provide further written submissions on these particular questions with leave of this inquiry we would welcome during the Q and A session after this presentation a conversation as to the relevance of these particular questions in as much as they pertain to digital platforms and media organisations. With that then Chairperson, I turn to hand over to Mr Ngalwa to address three and four of our note.

SBU NGALWA – SANEF: Thank you very much Michael. I hope I'm audible. Good morning once again chair and Paula and the rest of the Commission. I'll deal with the part with deals with trends in the media and also the role that the media plays in this country and its importance in our democratic space. I think, as Michael said we will not go through everything on our submission but just highlight the salient points as per the presentation. The one thing that we want to point out and I think this is also made in the draft terms of reference to this commission where we talk about the fact that information the citizenry is a key role of the news media organisations and which we believe is also crucial in equipping citizens with necessary information and the tools they need to exercise and also vindicate their rights. And we also draw the attention to the crucial link between journalism as a public good and the need for public interest content that serves the

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needs of society. The other point that we make is undeniable fact that an effective and a quality information ecosystem which is enabled by the news media is in the best interest of all society including both public and private interest. We talk a lot about news as a public good and public interest journalism and I think it's important for purposes of this commission to go through those concepts of it which I will do and the point we are emphasising here that journalism as a public good alongside the need for public interest content serves our society and the sustainability of the news media. When we talk of public interest

10 journalism in South Africa we talk of, we talk about journalistic activity that is central to the democratic function and the protection and promotion of the South African constitution including investigative journalism and this also includes reporting on public life of society and I know that in different parts of the world there are different interpretations or definitions of public interest journalism but all of them pretty much point to the importance of investigative journalism and also reporting on public life and I think that we capture as SANEF. The other interesting important point to make out here is that we believe that high quality, credible and accessible news is a public

20 good and it actually directly serves the public interest in democracy and sustainable development. The point about the media being a public sentinel is actually a point which we make very strongly and also it was made by the courts in the famous print media and another versus the minister of home affairs where in that ruling it was said and I read in considering the comprehensive quality of the right to freedom

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of expression, one also cannot neglect the vital role of a healthy press in the functioning of a democratic society. One might even consider the press to be a public sentinel, and to the extent that laws encroach upon press freedom, so too do they deal a comparable blow to the public's right to a healthy, unimpeded media and I think that point best encapsulates that sentiment chairperson and also as my colleague so eloquently put it earlier on. Now as a point of departure the reality here is we live in a South Africa which is diverse in terms of language, culture, politics and identity. So the issue of media diversity is a crucial component for us, a crucial component of press freedom. We know that South Africa is also a country with high inequality in terms of race, class and gender so it is important for us that the media represents different people and voices and that it helps guarantee that a plurality of national and local news and viewpoints and interests are presented in the public media and that includes those views that are not normally aired through your mainstream news channels. But we do know that media diversity in this country has not reached that point, and we do know that most newsrooms are located in urban centres and we do know that most of the mainstream media caters for the English and Afrikaans market to the neglect of the rest of the languages in this country, notwithstanding the fact that the majority of the people in this country speak vernacular languages. I will turn briefly to some of the, we did a study in 2020 which was chaired by Judge Kathy Satchwell, and it came back, we had a volume of about 300 and so pages. But I just want to touch on a few of the findings that were made in that

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inquiry that I think are relevant today. And one of the points that Judge Satchwell and her panel consisting of Rich Mkhondo and a former colleague, Nikiwe Bikitsha found that, and I quote “The oligopoly and lack of diversity persist, narrowing the public space for access to information and debate in a sociopolitical and economic landscape where English and Afrikaans dominate all platforms, paywalls encroach, data is expensive, and online access is limited.” And I think that paragraph best encapsulates the South African reality when it comes to access to media. And the other point that we make and I think it’s important for the Commission to take this into consideration is that there has been a tendency by tech companies in terms of when they are negotiating these media bargaining code type of models that they actually speak to the established media organisations and I think in South Africa it’s no different where. The danger of that is that you speak to a traditional media which in this country we know given our inequalities is mostly English and Afrikaans to the exclusion of the rest of the community media sector and also media that covers the news in the vernacular languages. We’ve seen this in the Australian example, and I think that is something that is important for this inquiry to note. I think it’s also important to note that when we’re talking about the system in which news publishers could be rewarded or benefited by platforms, normally, that’s normally done by looking at their online traffic. The more hits you’ve got, the more money you get. Now if you consider the very point I make about the disadvantaged position by the community media and vernacular media in this country have and

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also given the fact that we know that these AI tools and algorithms, they pretty much mirror the biases and also the skills of the very, I would say experts, who put them together and those biases actually do filter through. Now if you use that model in the South African context that then means that if you're going to go on clicks and online traffic, that then means there's a whole host of media that will be excluded from that. That's an important point for this commission to look at. Now when we get to the issue of fair compensation, we make this point and that's also in this submission, that the fair compensation

10 to us should be based on the value that the platforms derive from the content. Also we believe that small and local community media organisations should be enabled to participate and benefit from these systems and, but the reality is that we don't know what that value is because the tech companies do not provide that information. If you read a recent piece I think by Moneyweb it actually talks about the stalemate between South African publishers and Google in this instance and it's also round the issue of fair compensation if I may add. So as a result of this non transparency, we have a news media that does not have a clear indication of what is required for optimal

20 advertising performance and revenue to use the data that allows the successful targeting of an advert's intended audience. That's why we have seen in countries like the United States there was research done which captured or calculated what they believe is fair value for this content and I know that in Switzerland the same happened where that study came out saying that 40% of the revenue that Google generates

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in that jurisdiction is from news content. I think it would be prudent that as South Africa we have a similar study that looks at what we regard to be fair value in terms of what news publishers ought to be receiving for the content that actually is used on these various platforms. And then chairperson if I can turn to the issue of community media. I think I've made a few points around the history of this country and the importance of community media and I reiterate this point that for us media diversity is crucial to media freedom and development and we believe that the community media sector and the SABC are actually central to fostering media diversity and plurality in this country chairperson. We have seen once again that retreat to urban centres and most newsrooms because of the cash crunch and reduced revenue, they've actually closed bureaus in most of the remotest areas on this country which is to the disadvantage of the communities that live there. That is why then in SABC which has a language offering and also community media sector that also covers some of the indigenous languages is important to be prioritised going forward. And the other important point is that we do have, you know that for most of community media, we worked as a training ground for young journalists and they would go there every after school, to attend to work in this community media organisations before they for lack of a better word graduate to mainstream newsrooms. So, there's also a threat to sustainability and also the throughput of journalism when we have a weak community media in this country. I think the need for content in local languages has the potential to provide a greater value

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to these platforms and their users and it should be prioritised as a matter of public good. We actually did a test just to see how much these platforms, particularly Google responds to, or how much content they have in indigenous languages. And we searched for the mayor of Moses Kotane municipality in Setswana and we only came up with three responses and none of them were accurate. That's just one example and it's also something that further highlights the importance of these platforms, taking this content seriously. And as I wrap up chairperson, a number of questions that persist and we've
10 put them in the submission, that we believe that would help us better understand how these big tech, particularly Google, relates to community media and those questions are on the submission. I will not go through them in the interests of time. With that let me thank you and hand over to Prof.

MR. GUY BERGER - SANEF: Good morning everybody, good morning chair. Good morning James and Paula. It's a pleasure to be here as a founder member of SANEF and particularly to see SANEF championing community media. I was a board member of the MDDA some years ago and that is an issue that's close to my heart also.
20 Throughout most of my life I've been a digital champion so my remarks are not coming from the position of a luddite who is just wanting to go back to the smell of newsprint as nice as that is. I worked at UNESCO the past 11 years and there I was championing press freedom, pluralism, particularly in the communications sector, media development, access to digital opportunity. So, this one I did

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since I left UNESCO. It's called platform problems and regulatory solutions for which I had to read more than 800 studies and other documents. This one here I worked on when I was still at UNESCO. This is called *finding the funds for journalism to thrive* and more recently I did this one, *data sharing to foster information as a public good*. The case of media viability and the safety of journalists in the digital eco system. So I think it's not immodest if I say I think I'm an expert on these issues. To take you through some of the remaining parts of our submission [... inaudible ...]which is dealing with

10 disinformation. I'll just go to the next slide also, the additional matters, the question of transparency, data access and the generative AI. I'm not going to go through step by step because you have the written version of the oral submission and you have 150 pages in the earlier submission by SANEF and partners. So, what I want to do is present some of the thematic threads that give a cumulative case about the problems of the current set up and the distinctiveness that SANEF is asking for different areas, the different distinctive areas of redress that SANEF is asking the competition commission to look at. So, to kick off with I think it is a truism in these quarters to say that competition

20 is a valued goal but it's not an end in itself, it's a mechanism that's used by society to achieve results of value to the society and to fend off concentrations of power. Because concentrations of power are a means for the abuse of power. Competition is therefore not in isolation of its impact in the state for competition, in isolation of its impact on the wider constitutional and societal dispensations. Now what one

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sees in the SANEF submissions is a discussion of competition in two markets, the first is the market for attention and the second is the market for advertising. These are distinct but often interrelated markets and now we have a third emerging market and that is the market for content generation through generative AI. But I'm going to focus initially on these first two markets. So the market for the competition for attention is also competition for the hearts and minds of people and the second one of course is competition as has been mentioned in advertising revenue which is often a function of the attention economics vis a vis the different submarkets for which you are trying to get advertising to reach. So, the competition for attention to go back to that first market, it's analogous in some ways to competition in other sectors that there should be boundaries in this competition for attention. So, for example those who are selling sugar or alcohol or tobacco it can't just be competition, a free for all to the bottom. We do have safety rails in the society that are imposed by the state and if some companies in the spaces of sugar, tobacco and booze subvert these legal strictures and get dominant market status as a result then that dominant status is certainly not legitimately obtained and the competition commission in such a case would need to assess complaints about dominance with regard to the means by which the dominance was achieved. In the attention markets we need to ask how was dominance achieved. That is what I'll come back into a second, a very key question. In the second market, the competition for advertising mirrors much of the market in the competition for

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attention because the competition for attention is not detached from competition for advertising. Those with commercial interests who want to win the maximum advertising revenues face the need to win relevant segments of the attention economy. Dominance in the attention economy is a surefire way to get dominance in the advertising economy. Now of course competition is always about who wins and correlatively who loses. The problem arises not with that but when the winners get bigger and bigger and nobody has a chance to challenge them. History shows that a monopoly in the economics
10 sphere or the political sphere is not good for society. Now compounding the contemporary situation is that some of the same players in the attention market are also dominant in the advertising market so they control the major means of communication in the attention economy, they optimise network effects and user lock in to do so and then in parallel they also control the mechanisms of digital advertising. What makes this particularly risky is that some of these companies are in the hands of individual tech barons. Obviously, people like Mark Zuckerberg, Elon Musk, these are people whose sole decision can impact both these markets enormously as indeed we can
20 see just by cursorily following the news and that can have huge consequences on the information ecosystem. Once again I want to say the issue is not that there's competition and some are winning. It's the extent to which dominance in both these areas has been possible, that it has grown in such a way that there is a problem there. Now although these big tech companies say that there is competition

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in both markets this is quite open to challenge. In social media for example they sometimes point to the rise of TikTok but TikTok has only come onto the scene through incredible amounts of capital investment, way beyond what most entities can ever assemble. So TikTok is not an illustration of competition per se. Second of all far from competing with TikTok in innovative ways, one finds that Facebook, Instagram and YouTube are simply imitating the formats of TikTok. You only have to look at reels for example to see that. It's also well known that these big companies, I'm not making a moral case, it's in the nature of mega companies that get complacent, they've used their general resources not to innovate but to buy up others in the whole system. WhatsApp was a standalone company, now owned by Meta. Instagram was a standalone company, now owned by Meta. The startups and the ad tech sector were bought by Google. Google itself bought YouTube. These are not results of innovation coming from that, these are just because they consolidated their position even more. So this is not exactly evidence of big tech aligning with the key purpose of competition which is to foster innovation. Now today we do see a further dynamic. We see a further dynamic with both Google and Meta investing in generative AI business. Again they are copying ChatGPT with a run by open AI and other companies and services. So in that marketplace again we don't necessarily see a lot of innovation. To return back to the first two markets, I'll come later to this third market of the generative AI business, the first two markets, let me use an analogy here. Imagine

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if the manufacturers of heavy-duty trucks in South Africa were to incrementally over five years or eight years were to face competition from an importer who was able to undercut them through various measures, for example by presenting the levels of pollution emissions as being less than it actually is or by installing and or installing poor quality or zero safety belts and safety bags in those vehicles. Imagine further that this importer then was able to buy up the distribution chain for petrol and give preferential treatment to its own trucks. I think at that point we would say this has reached a point of domination as a result of unfair competition. To move from the analogy to where we are one can point to the costs incurred by news media in generating content, which puts it at a disadvantage vis a vis social media and Search which have found ways to make money out of content they don't have to pay for. One could perhaps say kudos to big tech for discovering this but if we dig a bit deeper we can see a few problems. News producers are legally liable for the content they produce but if you're big tech you can dodge any responsibility, for example for disseminating defamation because you simply say it's third-party content, it's not yours and you have no responsibility for what gets distributed through you. This is even though you make some money out of such content and even though you don't just carry it like a postal service delivery, your algorithms may well be amplifying that content and at the same time your quality controls are minimal at best. In the case of X your quality controls are more or less non-existent these days. In contrast of course news media in this country are legally

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liable even for readers' letters and for posts on news media websites. This costs money of course. So while news media have to spend money on content generation and ensuring its legality the platforms do not have the same burden of liability. We often hear from the platforms that they do spend some money on quality control and they like to cite what they call prevalence metrics. Prevalence is how much bad content they caught by human or automated means and what they show is a relatively small percentage of their total users who saw this content. But the same metrics don't show the actual engagement with that content, which is of course key how much people are liking, sharing, commenting on it and so on and they don't show further even if it's a small out of the total distribution of this content which is risky to women for example, or which is reaching vulnerable people like teenagers who are vulnerable to body image content. So the way that the platforms say they are doing quality control and the metrics they present are particularly configured to suit their interest and don't give you the whole picture. So the SANEF submission is requesting the competition commission to impose some requirements on big tech as a redress so that big tech should properly spend on quality assurance on their platforms and it's not enough to hope that they will just do this out of their own ethics. It needs to be part of the costs of doing business in South Africa and of course transparency is essential to verify that they are doing what they claim to be doing. Now to the extent that issues such as imposing some obligations of the cost of business on these platforms may go beyond the competition

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commission authority, I'm not sure to what extent you can impose a duty of care on these companies which have unfair advantage, but to the extent it goes beyond your authority or part of it, there's nothing to stop you the competition commission from recommending actions to other regulatory authorities or to parliament which can help address this very unequal playing field where news has one hand tied behind its back and the platforms have both hands free. Let me move on because at the same time SANEF and partners also raise another distinctive point of redress in relation to a problem. This is because

10 it's one thing to have the platforms doing a better job of weeding their patch. That's a start but weeding doesn't mean that nutritious crops will automatically flourish in that space. In fact because of their negative externalities of their content, platforms mode of business needs to be evaluated in terms of whether or how they contribute or not contribute to democratic and economic life in South Africa. It is the case that platforms facilitate social and family ties and cohesion, yes they provide diversion and entertainment. Yes they contribute to some economic transactions, and a few offer revenue sharing options to content providers. But all of this needs to be weighed against the

20 negatives, because it's not just a case of the positives versus the negatives, and you weigh it up. The negatives can undermine the positives. In the USA you had social media promoting Black Lives Matter. Very good. But the same social media was implicated in an insurrection that nearly overturned the US election. The insurrection would have overturned any gains in the Black Lives Matter, so you

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have to say, you have to see that the dangers can easily outweigh and undercut the benefits. In fact the benefits even need to be discussed because much as social media does promote social communications, it's algorithms are also well known to promote polarisation even within families. I won't go into it now, but there's a lot of evidence on that. It may well be that Facebook Marketplace is a good service but it's also a site of fraud and people being killed following up on Facebook Marketplace. So these are serious questions that need to be looked at. What is the contribution here of
10 this big tech. And the particular issue that SANEF is signalling is that news media at all levels from the community to the national experiences disadvantages on disseminating news on these services. Now I'll come to the issue of whether platforms pay something to use producers, that's a third issue I'll come to, but for now the point is that even if they were paying or not paying they still should be considering a fair showing for news on their services. So instead of their algorithms promoting and recommending other kinds of content, we do see that in many cases they are actively demoting news and again the evidence is clear on this. The SADEF submissions have spelt out
20 this is specially harsh for the local and community media and indigenous languages meaning that the playing field for them is more akin to facing the Drakensberg from the lowlands and figuring out how the hell anybody up there will ever see you and discover you down there. How your content will ever scale the plateau. What if you're a woman start up media in the space, what obstacles will you face there.

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The point is that news media and particularly small media and newcomers are blocked from growing, from creating jobs and from contributing that sphere of information into the ecosystem because the dominant players in the ecosystem are not interested in that kind of content. Okay so far I've covered two points. The skew that exists between the obligations and the cost of the platforms on one hand and the news producers on the other hand and I've touched on the way that the platform business models are deleterious on the effects on society and on news producers, specially those news producers who are upcoming. It should not be beyond the resources of big tech to find a business model that would actually be more pro news than it is at the moment. So that is what SANEF is asking for there also, a reconsideration of the business model. To move to the third area now, I'll come to this question of money, because even though big tech social media and Search are increasingly unfavourable to news, this kind of content is still helping them to make money. I mentioned the Canada case where Meta blocked news but users in Canada found workarounds because they want to see news, circulate news, talk about news on Meta platforms there. And more illustratively one just has to look at TikTok which is a self-proclaimed entertainment platform. You just look at, first you find countless people talking about issues in the news. That is amidst the profitable ads that TikTok shows almost every five videos, there's an advert, they're making money there's political content that's coming from news on their platforms, but they say that this is not something that merits them recompensing.

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So the problem is not only that people don't get access to the original news reports but that the enterprises doing the hard work of news gathering, verifying, editing and packaging the news cannot do so indefinitely without receiving any financial support from those who make money thanks to this work. Last week you will have seen that the venerable Weekend Post newspaper serving Gqeberha closed shop. In the preceding weeks we've seen more retrenchments, in major South African media companies so the overall slide is really continuing in news media. The point is that many countries have

10 measures to ensure a flow of value to rebalance things here. Here as everybody knows commercial broadcasters have to pay a levy to the media development and diversity agency. In the USA the cable TV industry has to fund the information channel C-Span. There are many different mechanisms that are being applied to the platform news publisher relationship. Last week Indonesia just announced a new one, compulsory bargaining code overseen by an independent committee there. So this is stuff that as South Africa is not exceptional by looking at these issues.

Let me come now to the fourth issue and then I'll start wrapping up.

20 The submission by SANEF and its partners deals with Ad tech, as has been said. Transparency is needed here to establish exactly whether we have gatekeeper price gouging and self-preferencing and we need to also know how much of ad tech is funnelling fake news websites. Just yesterday I was listening to a podcast about fake obituary websites that have a lot of Google automated advertising on them.

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They create any obituary, people, they go to that and its indexed on Google so not only for discovery but in terms of the monetisation of those websites. So I've looked at, just to repeat, at unequal conditions in the attention marketplace, inhospitable nature of these gatekeepers to the distribution of public interest news and the impact that this has on the media and the public and there's three. I've looked at the revenue question, who gains from whom, how can value be more fairly synergistically and sustainably generated and shared. And fourth I mentioned ad tech. So the last point I want to talk about is

10 that, dealing with artificial intelligence. So in this context everybody will notice that we've seen in the past ten years two trends in the information ecosystem globally. The one is the decline of news, and the other one is the rise of misinformation, disinformation and hate speech. Now these are not coincidental actually. The very same system that is squeezing news is also the system that ends up elevating this other content. And now of course we have that perfect storm of things happening there, which is destroying the information environment when what we need is to develop the information. That perfect storm is getting incredibly even worse because now you have

20 generative AI. And this generative AI we've all seen examples of it being used to create and target harmful content. We see it in, we also see in it the now familiar spectre of a business that's built on news publishers content, in this case too often without their consent, their credit or their compensation. Some of the usual suspects implicated earlier in this discussion are now also involved in this newly arising

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and interlinked business. So you have the business of distributing content and now you've got the business of generating content. They both benefit from news but in this country neither is currently required to put something back in. Now some of these AI services and some of their applications exist within their own market for content generation services and outside of the attention economy and outside of the advertising market. But much of it is already intersecting and here when we look at these two businesses, content production and content distribution we see that the most strategic space today is the distribution business. Because you can produce as much disinformation as you want with generative AI but you've got to get it out there and that's where you've got to go through these gatekeepers. Of course now you sometimes have the same companies causing problems there and causing problems here. But the thing is that the likes of Facebook, X, WhatsApp, TikTok, YouTube, Google Search, these occupy the key strategic space for discovery and circulation of content and that's why I think the competition commission would be well merited to give special attention to this distribution nexus, not to say that the AI nexus is irrelevant. In fact the argument in our oral submission is don't wait until you can sort out everything before you address this distribution problem because the whole question of intellectual property and generative AI and compensation there and quality control there and safeguards there, these are things still in very fast evolution but you don't have to wait until all that gets more clearer. The point I want to

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make finally is that news media are caught in a pincer grip now because if they exercise their right not to be scraped by artificial intelligence, under the current technology they also cut themselves off from being listed in Google Search so you know you can't win in that way. It would be a loss for everybody if news publishers were to be cut off from both a generative AI business and from the Search business. The result would be low quality content would dominate, have a greater wave ranking in generative AI. It would be even more of a proportion of what exists in the distribution space and users of social media and Search services receiving all this, would of course in their mix, they'd have even less news. So the alternative to parasitic relationships that are existentially threatening the hosts is to have an external intervention, one that can enable a real synergy across these markets rather than an exploitative one. So in conclusion for the competition commission examining the markets in production of content, generative AI, distribution of content, social media and Search and monetisation of content, advertising, it's essential to keep sight of what the ultimate outcome is desired. To be noted as I said earlier, the competition commission itself cannot deal with the entire gamut of challenges we face but there's a lot that you can do to contribute to a much-needed solution. This is not a call to prop up inefficient old-style media but it's a question of creating conditions for digital transformation where there can be real results and new entrants can actually come into the picture, so you have not just saving existing news but expanding, opening up for newcomers and

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a key mechanism you can use for that is to get transparency. Much greater transparency and data access in all three markets and no redress will be possible unless there really is transparency for accountability. So the outcome is not just to secure existing media and existing levels of pluralism but to facilitate the expansion of the field for new entrants to take part in the digital information and advertising economy and to be able to thrive and enrich the whole. The whole is what South Africa needs and deserves. It's the ecology to which we are all entitled. A healthy information ecology and a vibrant one. At the moment it's in danger. Thank you.

SBU NGALWA – SANEF: Thank you very much Guy. Chairperson in addition to our comprehensive submission we do make a summary of the points and I think we just want to highlight four of those for this commission and I think it will be important for this inquiry to consider the issue of provision of access to credible news as a public good that it is a constitutional matter as opposed to just being about commercial competition and I think my colleague did cite a few and also in a submission, cite a few rulings which talk to that issue. I think we've made a fair case around the issue of fair compensation for news, and news in the public interest and news that is used on the platforms and the call for research in that regard. The issue of credible news is also one that is important for us and I think most people will say what is credible news as opposed to all news. We actually are referring here to news organisations that subscribe to self-regulatory bodies like the press council of South Africa and also subscribe to the press code

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which is our ethical code. We believe that if the platforms actually prioritise this news as opposed to all other news and also it will work as a perfect antidote, to disinformation and I think Prof has spoken, made a good point around the issue of transparency of the algorithms and the sharing of data between media companies and big tech platforms. With that let me thank you chair.

CHAIRPERSON: Thank you very much for those submissions and also the comprehensive written submission that we received. I mean as you ended off there, it's right that these are certainly weighty issues
10 and I suppose our process is one of examining it, building evidence, and determining on the back of evidence findings rather than simple legislative process of just making a law and we are bound by that. I think part of this inquiry, although we've opened the door to discussion of remedies also has to look at the finding part as well. I think for the, I speak for the panel, I think what we're starting to see is certainly a lot more nuance in this area in terms of the different media players and also the roles of the different platforms. I think there has been sometimes a tendency to lump everyone in together and I'm glad your presentation and your submission sought to at least tease out some
20 of the different media roles and I think for us some of the questioning today would just be to get a lot more of that nuance, because I think it lays a good foundation for the discussion that we're going to have throughout these hearings. So you have spoken a bit about community, vernacular and even broadcasters but I just wanted to start by just asking for a brief sort of set out and I think this is also for

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the benefit of the public because the public hearing has an educational aspect as well. But how you see the different roles of mainstream vernacular community and even broadcasters at least in providing the credible news as you put it and the public good that the media may play.

MICHAEL POWER – ALT ADVISORY: Thank you James. Paula, Sbu will lead us with Izak Minnaar following thereafter.

SBU NGALWA – SANEF: Thank you very much Chair. I think the distinction we make, at a basic level just saying this is also educational. I think the concept of a public good is one that is well understood but I think for proposes of record it is to understand that which is considered a public good is that which is easily available for everyone to use but it's not, it's usage by one person does not necessarily disadvantage the other. Now the community media sector is particularly and the SABC are particularly important in the issue of the diversity of the media. I think that's what you're asking chairperson. Particularly around the issue of language provision and we do find that when it comes to indigenous languages, those are not well promoted on the platforms, as an example I made earlier around the searches and for us to reach that point where we have a diverse media that is representative of the people of this country we believe that platforms should actually work with local media to promote those languages. I think that is why it is particularly important for the, and that's why we make the point about the SABC, the SABC will be here to make their own submission but I just think it's a point we make to

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highlight the importance of this sector in the provision of news generally.

MR. IZAK MINNAAR - SANEF: I think to look at what is the ultimate objective, the ultimate objective is not to find a way for media companies to survive, to find a way for credible public interest content to serve the nation. But I actually want to put it the other way round. So what is the ultimate objective. The ultimate objective is for the public at large to have universal access to credible news that can help them to exercise their democratic rights in a democratic South Africa and really what we're trying to do here is to say how can one in a new
10 environment, where new models of information dissemination developed, how can one make sure that you strengthen ways of getting credible content into the public domain and to as many people as possible. So within the media environment you have different roles played by for instance national media, to achieve that and not very well by the way, because most national media are English and to a lesser extent Afrikaans, but not in the languages most of the people in South Africa speak. But you have community media for instance servicing that area and particularly radio and the public broadcaster's
20 radio services which is by far the largest or the media with the biggest reach into all parts of South Africa. So while there's been a big focus often on we need to get publishers, we need to prop them up, we need to look at the whole range of different players and the roles and their audiences to see what is the best way to service the public with proper information. Another development in the media space over the past

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decade or two forced often by downscaling of newsrooms, is the establishment of specialist units like AmaBhungane and Bhekisisa and a whole host of investigative or speciality units. There's already been quite a big change in the way that information gets disseminated in that they often act as a kind of a bureau and that a number of different platforms use their content. So there's been changes in the model in the media itself but what has not changed or the problem that we're sitting now is how dominant players like the tech platforms should be. The role that they should play in making sure that the content that still gets produced, that it gets to the broadest possible public and of course then some kind of compensation for the content that they produce. If I have not answered part of your question just say so but I wanted Chris here on my side to just talk a little more about the role of community.

MR. CHRIS MCINGA - SANEF: Thank you Izak. Good morning colleagues, chair, James and Paula. Thank you so much for this opportunity. My name is Christopher. I'm here to represent the Association of Independent Publishers and also to paint a picture of what community media looks like. I believe that once we've got that understood within this Commission we can then be in the position to understand it better and also to represent or help you represent us better as well. So I'll start off by just outlining what Association of Independent Publishers is all about. It's an institution that was established quite a while back. I should have done my research, but I'm a new member there but I'm making some really good roadmap

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within the kind of members that they have. I'm a new publisher as well. So Association of Independent Publishers has about over 190 publications and these are independently owned community newspapers. Now the picture of these kind of newspapers and publishers, you're looking at, some of them are one-man shows, being an editor, founder, salesperson and distributor at the same time. Some of them have got about five or six people, of which some have got volunteers and perhaps some interns working for those community newspapers. Now the thing is about all of these members
10 that Association of Independent Publishers has in their stable and pretty much representing, is that they are in the community. They are responsible and they create content from the community. So therefore they are responsible and also are held to account for whatever they distribute within that community. So I think that's something that is really important here is that they also are affected by the issues that they report on. So there is a face, there is someone in that community and he might even be delivering that paper to you physically at your home and you might bump into him at a local store. So I hope that kind of gives you a better understanding of the kind of publishers that
20 Association of Independent Publishers represents. Now I also need to just make it clear that Association of Independent Publishers is not claiming to represent all of the independent newspapers in South Africa. It's a membership-based institution so that's another point that we need to mention. I do understand there's other players like Caxton Community Newspapers or local newspapers who are also going to

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be doing their own submission but I think there's a differentiator between them and us. But I think most of the things that we might unpack here today as well might be or are also experienced by them but they're more established. But the other thing about AIP, I'll call it AIP for the sake of time, is that they represent indigenous languages as well. There's a couple of publications there, perhaps 60% are indigenous languages and are grassroots, like a grassroots representation. When I say grassroots I need to explain this concept is that when you are a community newspaper number one, in order to get advertising as an example you need to have an ABC certificate which is the Audited Bureau of Circulation certificate to show that the copies that you print are what you are distributing. Now if you don't have an ABC certificate, you either have a verification of free distribution certificate which is also issued by the ABC as an institution. So grass roots are those that print irregularly, some of them print maybe two editions a month or one edition a month, some of them who have got ABC certificates print weekly if not more than that. So that's just to frame the community media space. So now why I'm here really is to speak the language of these guys, to help you better understand, and to ask, you are more than welcome to ask more questions to better understand the community independent media space. Thank you.

MS. PAULA FRAY: So Chris what percentage of your membership is online only versus members who print and are online.

MR. CHRIS MCINGA - SANEF: Thank you so much for that question.

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I do not have the exact percentage but I would like to say a very small percentage, because they just recently started to embrace online and I also sit here as the project lead of one of the SANEF's project which is called the community media digitisation drive, which does not look at only printed newspapers but also community radio stations and community television. Now the project itself by SANEF is to not just take the traditional community media products and give them a website but it's also to deep dive into those business to say how commercially viable are you going to be when you're in the digital space. Which is why I'm here to also represent that that picture is looking very bleak. We're not being included in the digital ecosystem of generating any form of revenue online. I hope that answers your question Paula. If you'd like I'll do an audit to see and give you a proper percentage for the sake of this commission.

MS. PAULA FRAY: Thank you and I think the commission is at the hearing directly from quite a number of the community media on their experiences online so we'll take it forward then. I want to come back to SANEF though and to ask SANEF what is your definition of news, when we're talking about news as a starting point and could you just explain that when we're talking about news as content what that package is that you might be looking at on a day or a weekly basis.

SBU NGALWA – SANEF: Can I give the definition for news to my good professor and journalism teacher? But I think the last point I wanted to make to what Chris was saying to your question Paula that's also the point we make in our submission in that there's no

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incentive for community media to transition to digital because they do not generate that much. There is research that says that in terms of their turnover it's about 8 or 9 percent that they get from digital advertising which then means that the traditional print run actually is still more lucrative even though it's dying and outdated. Those are some of the challenges that we highlight.

MICHAEL POWER – ALT ADVISORY: This is an important point which it should also be, if I can be so bold to suggest, be asked of the platforms because when Meta cut off news in Canada on their
10 platforms they ended up with a list of news websites where if there were links to them they would not allow them on their websites. But in some cases even discussions about these seem to have been cut like with the wildfires going on so that was quite an expansive, news wasn't just the property of the news media but it was basically news content. So I was going to say that, I think there was a recent study done by UNESCO and IPSOS and they asked people which sources do they mainly have disinformation as opposed to news and 70% of South Africans said it's mainly on social media and then the question where do you get your news and 57% said we get our news on social
20 media. So people are seeing more fake news on social media than they say news but still 57%. But the point I'm trying to make here is that when you ask a person what's news, what's the average person's understanding of news, I think people can understand that news is also what it's not. It's not hate. It's not disinformation, it's not lies. It should be truthful, not say its' always neutral, but it should be truthful,

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verified, it's a result of some editorial process. I think one of the things that one can bundle into this is also informed comment because there's a lot of comment that's not informed but the one thing that the news media does is give informed comment. So the comment is based on verified facts, not just any old facts, it's information in the public interest. This is part of the ethics of the media if you're going to publish factual stuff but it's a person's personal stuff that doesn't qualify as legitimate news. It is a round about answer but I think that it's just easy to take a kind of a common-sense view about what does the public see as news. It's new information and information as opposed to pure opinion. Information as opposed to pure entertainment. It's information as opposed to lies and fraud and deceit, so what is news. It's what's there, that people understand as a way to dependably orientate themselves to what's happening in the society, to make decisions about participating in the economy or voting or going to catch a taxi at a taxi rank where there may be violence, which is what happened to me this morning, etc.

10 CHAIRPERSON: See I'm the economist and Paula's the media expert so the questions from me may differ.

20 MICHAEL POWER – ALT ADVISORY: Can I just quickly add a follow on to that. Izak is here for the press council because Latifa is ill. But what's also important and in the SANEF submission is that the people who claim to be journalists and they're propagandists or they recycle press releases and so on, but in terms of SANEF, it accepts that news, and has a kind of a quality control mechanism such as the press

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council of the BCCSA. This is a key defining aspect for making the pitch to the companies and to yourselves and internationally there's various other systems called the journalism trust initiative and so on but here South African media says that if you're a member of one of these two it means that you have a quality control, a public redress mechanism and I think that is a key defining thing for what should count as news vis a vis the platforms in South Africa. Sorry to interrupt.

CHAIRPERSON: Not at all. Thanks for that clarity. I just want to come
10 at it at a slightly different angle as well. So I think the public's
experience of what a broadcaster or a newspaper or now a digital
website is that it's not just about political content. There's also
entertainment, there's also you know, food, sport, and I suppose for
local community, there's what's happening at the local school, there
may be what's happening in terms of certain services but also what's
happening in the community and other things. So it seems your
business model is not just about what we sometimes think which is
just narrow political content. I imagine your commercial model also
factors that in and that's what I just want to understand. If we are
20 talking about the hardships of the media industry, is it that your
commercial model is selling a package that you might look to get a lot
more adverts in the travel, sports section to support your other stories
or do you narrowly look at whether a particular story is cost effective
or not based on how many ads it may sell on your website or attract
around it on an SABC broadcast?

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SBU NGALWA – SANEF: I think chairperson the important point to make is that when we talk about public interest journalism and credible news we are not saying other forms of journalism like sports, or entertainment are not important. I think the reason why we specifically focus on this area of news is actually about, it's about the intrinsic value that journalism has to the daily life and the functioning of a democratic society and more importantly the issue of public life. So I think for us yes the entire industry is in trouble and it's not to say that, because even if you pick up a newspaper you have different
10 sections and most of the newsrooms in this country also do have various sections, from sports to lifestyle but I think for the purposes of this commission, what we are saying, I think to your question Paula about what is news, we made a distinction of what we regard as credible news and as Guy has said anyone who subscribes to the press council and also to the South African press code at least can be held accountable for what they publish. We think that talks to the issue of credible news and I think I did give what we regard as SANEF as a definition of public interest journalism but I think the main I just wanted to make the point that we don't discriminate against other
20 forms of journalism. We just think that in terms of the responses and also the sustainability interventions that the public interest journalism should be prioritised. I don't know if that answers your question.

CHAIRPERSON: I think for the panel the question is more about I suppose the commercial aspects. What's interesting in this inquiry is how platforms see the world and how the media see the world and I

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think for me it's just to tease out a little bit about, you spent a fair bit about what you think is wrong on the platform side but I just want to understand how you're thinking as well. So you know, just to take an example, Google might say well if I look at the value of news, I look at how many ads show on the same page. Is that your approach to your own publications or do you think about I need to generate a package of revenue from all of my reporting that sustains all of that and it may be that some sections do better than others in attracting advertising but that doesn't mean I follow that and just produce more
10 of that content. So how do you see the news business and your business and how do you see the production of public interest where the social value may exceed the economic value. How do you think differently to what you are saying the platforms think?

MR. GUY BERGER - SANEF: So I think the platforms at one level don't discriminate between different content but effectively their systems are geared towards engagement and so because engagement, the longer they keep you engaged, the more ads they can show, the more data they can get. It so happens that news is not specially engaging in the way that sensation, anger, emotion is. That's
20 the life, but they, it becomes a bit of a self-fulfilling thing in a way because if you're not going to give people exposure to news on social media, they don't know what they're missing. It's a question that it's not that the audience market is fully set forever, there's a way to present in content feeds, here's some news. Maybe they use different metrics to rate different kinds of news so if you're a clearly a person

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who's from their data, because they have for example Facebook when they show you one advert use 28 million data points, their systems, that's how they calculate, whether it shows, they'll say okay we, from our data on you we think that a financial advert or financial news would be useful for you and we'll show some financial adverts.

CHAIRPERSON: I just want to interrupt you. I think the focus for us is how the media thinks. You say you invest in public interest. The commercial side of that may not warrant that. Why do you go and investigate. You're clearly thinking about it and coming at it from a
10 different perspective.

MR. GUY BERGER - SANEF: There definitely is a different perspective. I mean news producers are of course interested in engagement and reach and so on but it's not the dominant driving value. There is a lot of debate in the media industry that when stuff is online you should not be simply responsive to what people are clicking on. You also have to bring some journalistic ethics and public interest. So there may be some sugar you have to sweeten the pill but you also give them some nutritious, important content as well because those are your ethics as a public service journalist. So I think media does
20 work in a different way and media do have a package of things and some soft forms of media some forms of journalism attract more advertising in hard forms. Advertisers don't want to be next to you know depressing news. But other news, lifestyle news, sports news, all these other kinds of news do attract, travel, leisure so media does have more of a packaged approach as opposed to basically it's in my

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reading, it's purely virality and engagement on the social media.

MICHAEL POWER – ALT ADVISORY: James if I may just add to that, I think there's an important distinction to be drawn between the commercial elements of journalism and the public interest criteria around journalism. I think a key example here would be investigative journalists who seek to fund their operations but not necessarily generate a profit and the importance of investigative journalism cannot be gainsaid to uncovering everything from the Gupta leaks onwards. There's both the constitutional case for uncovering this information as well as there's an economic one for investors and others to understand what is happening within our society. So in looking at that question I think you have two models. You have a public interest civil society led model and then you have a pure commercial model and we're aware that some of the big publishers will be testifying in the coming days. They may be able to speak to the former but SANEF's interest lies in the latter and that is promoting journalism as a public good to fulfil a constitutional obligation.

MS. PAULA FRAY: I just want to ask a little bit, where are we going to see, that while mainframe media has a really big search presence and gets a lot more referral traffic from Search, for community media and vernacular we don't see such being that critical but social media is in fact, as an example you've got for Media 24 about 6% social media referrals but for Isolezwe you've got about 32% social media referrals to stories. I wonder if you can just speak to that in terms of how your members view both Search and social media and the

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importance of both. Perhaps if you can speak to that firstly and then perhaps you can go deeper.

MR. CHRIS MCINGA - SANEF: Sure thank you so much Paula so I will speak on behalf of the independent community media space. Like I said earlier on, not a large amount of those publications are now online. Okay so that's number one and with those that are online it is difficult to even feature on Google News as an example. And then there's an element of language as well, of for Search like the example, my colleague was mentioning, if you were to search a particular story
10 in a vernacular language the likelihood of that website featuring above the fold on search engine result page is very slim. So I don't know what's happening in the algorithms of Google but as a matter of fact if we knew what's happening perhaps we could do something better but ja. When it comes to Google News hardly any independent community newspaper features and also when it comes to Search it's difficult to feature on Search. On Facebook or social media for example, we wake up with it. We get to see what everyone else is doing in our community, whether it is from small organisations, they're posting on Facebook and I think that is why perhaps the consumption
20 of news is more higher on social and that's where we also promote. We also promote our content on there. So we've got a frenemy with social media because we have to follow where the audience is, and currently it's on the social media platforms and that is where most of the traffic that comes through to the website comes from Facebook. However, there's a lot more of people rather reading the news on

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Facebook and not even clicking through to the website. On Googles, call it big tech, all the other search engines, they might be seeing us as a little grain of salt as opposed to a nice nugget of something. That's why they're probably featuring it more than then the bigger players. So that's just from the community media space. I hope that answers your question.

MICHAEL POWER – ALT ADVISORY: If I can add something, it's a complex thing and Google is changing. If you look at Google in the past few years or so, when you search first of all you get AI generated answers, you don't get links and those answers are partially [unclear] but there's no traffic [unclear] that comes from that. Then after the suggested answers you get YouTube links. Well hello. We know who owns YouTube and eventually you might, [unclear] so this is an issue about [audio breaking] but Search doesn't only exist and people don't only search on Google. Those who've got teenagers, will know that their teenagers search for homework stuff, they search on YouTube. They don't go to Google Search engine, they search for video. The same on TikTok. Search is actually much wider than the search engines. And then we also have to ask what are the algorithms in
10 Search and what will they surface because if the dynamic in social
20 media is engagement are they going to yield up content that's not engaging even though it may be informative. Because it's not search as a kind of a neutral abstract objective process. This is search in harness of a business model. Search goes hand in hand with recommendations. Often people will get recommendations, even

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unsolicited recommendations, which directs them in a certain way so that your agency to just come there and think I'm just going to search on YouTube, I'm going to search on Google, it's not as if you come in as an autonomous person, you come in and there's a thing set up encouraging you in certain directions. That's a whole other debate but we shouldn't treat Search as if somehow this was just, the kind of service it used to be back in the early days of Google where they'd say we give you the most credible content. That was before even social media started setting up search facilities on social media.

10 MS. PAULA FRAY: Could you speak a bit more about how you see the role in the different platforms in the news eco system, X, Instagram, Facebook, etc.

MICHAEL POWER – ALT ADVISORY: Again the platforms are changing. X used to be a key generator of traffic to many media houses and then they started, even before Elon Musk took over, they started demoting you if you had a hyperlink in your Tweet, whether it was to whatever, a hyperlink to some other website because they wanted to keep people in the ecosystem. You find the same with Facebook. If you click on a link it keeps you within the ecosystem. If
20 you did, if you said there's a new article on Twitter and you put the link you wouldn't get as much exposure to those who follow you as if you said there's a new article and you don't put the link. That's how they've changed to use this corralling of audiences within their spaces. I think that is from a media point of view problematic, because they have the lock in effects, the network effects, lock in effects,

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people can't get out of the systems, and they can't use their friends and their networks and their saved recommendations and so on. And then in terms of the other platforms, I do think that WhatsApp is extremely important. WhatsApp and WhatsApp groups is really, and WhatsApp has channels which we touch on. But the thing is WhatsApp has got so many millions of options. Unless WhatsApp were to say to people there's an election coming up here's some channels, IEC, SABC, people don't even know it's there. It again comes back to what do they promote and why do they promote it. With

10 WhatsApp they don't have advertising, they still collect data. They also still have this model to keep you on WhatsApp as long as possible. It goes to the big data business. And then TikTok I think is, a personal view, it's more of an indirect relationship to news because people are talking about news and the actual news publishers is not people who do news who are directly on TikTok is not as big as they are on other platforms. But I believe when you come to YouTube, SABC's biggest online audience is through YouTube so if they go on TikTok but TikTok you have to have a particular format, short form video.

20 MS. PAULA FRAY: You would have heard James say in his opening remarks that X although they've made a submission have declined to participate and answer questions at the hearings and I'm just wondering what your view was, whether X should in fact participate in hearings like that.

MICHAEL POWER – ALT ADVISORY: I think it's better for our chair

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to respond but if I can give a personal response, any business making money in this country or in any country should do due diligence and meet the basic standards of the country. If you look on X they have advertising so they're making some money but there doesn't seem to be the commitment to cooperating with authorities.

MR. CHRIS MCINGA - SANEF: It's quite unfortunate actually that they chose not to come here. I think the point is that any business that operates in this country should actually respect local authorities and I think it's quite unfortunate that they didn't come to this commission
10 because I think part of the issues we're talking about in terms of news being deprioritised by platforms like Meta and X talk to the submissions that we've made here. It would have been great to have them here. Thanks.

CHAIRPERSON: I just wanted to pick up on the earlier question by Paula. From what we can see and read in the SANEF digitalisation pilot that there are decisions made about which social media or Search might be part of your strategy and Chris you said that setting up a website and being on Google Search is difficult but what we can see so many community newspapers have a Facebook page, that's
20 what they've prioritised. And with the mainstream media maybe they look at X and Facebook. Facebook is large it seems for everyone but X may not feature for community media and so I suppose what we were just trying to tease out is from the media perspective was how you see the platforms in terms of their role for mainstream, community, vernacular, how that may differ because to put a blunt

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question, if Google is not working and something else is working are you still alright and if you get Google working for you, might that also create other opportunities but also issues. So just your view not on how they operate but just the role they play in their positioning.

MR. IZAK MINNAAR - SANEF: Let me start on that. If you do an analysis of referral traffic for different kinds of media, you'll see very different patterns and two big publishing houses were seemingly very similar type may have totally different referral patterns and it has all to do with the editorial initiatives on to what extent they actually for
10 instance actively or not post material to Facebook as an example. So for some of the media houses who have for years built up an audience on Facebook, with Facebook now suddenly just decided they are going to try and have less to do with news, it's a huge issue. They lose a huge chunk of their audience. Similarly I think for every media house it's important that your content is prioritised on Google Search and Google news Search. I think if you look at Google referral traffic there's probably more of a pattern. Some of the numbers that I've seen would be anything between 30 and 70 percent of traffic to news
20 websites would come from Google Search. I think it's quite different with Twitter, it also depends on how the particular newsroom wants to deal with Twitter.

MR. CHRIS MCINGA - SANEF: Thank you so much for that question. Yes Twitter for community newspapers is neither here nor there. It's a nonstarter, it's only been working. And I'm talking now from experience having worked at the Caxton Group as well during their

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early stages of digitisation back in 2010. So how I view these social media platforms is that they are, you have to use them. And I'm speaking now from the heart because I think for the community media publishers that I'm here to represent, we are at the right time. We are actually in a good space right now and having been invited to the competition commission on this topic. For us it's a good place to be because then we are seen as serious, we are serious, and we're representing the people that rely on us in the communities for news. Otherwise if we don't exist we are not going to, we're going to be

10 letting people mislead each other, sharing things on Facebook so we are there to say look let's have these kind of conversations. I really see these social media platforms as agencies and if we have to talk about money I would see that they should be getting agency commission and getting the rest of the money that they generate from news to the people that produce the news. If we kind of look at it from that perspective, I'm coming up with some kind of what I would love to see, I would be tested, but the thing is I honestly see them as agencies and they should be getting 20%, 15% of revenue that they generate from news. Because the majority of that money is actually

20 supposed to go towards the people that produce the content. I know I digress but I think I'm speaking from the heart to say that look we have to use them to generate traffic. Yes we do have Facebook pages. But those pages are actually our marketing strategies and we should give them opportunity to get a bit of money as well but the majority should be going to the where the production of the content is being done.

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SBU NGALWA – SANEF: Another point on social media is newsrooms do use them for different purposes. Like you'd produce different content that are suitable for a particular market for instance with TikTok, whatever content we put out on TikTok, that would be short, sharp and punchy because that we understand to be how TikTok operates. But then we'd still have a comprehensive for instance on issues like election manifestos, you would have a more comprehensive longer explanation of a particular party's manifesto as opposed to doing a simple piece which is elections in 60 seconds or
10 manifesto in 60 seconds that might be suitable for Tik Tok. So newsrooms do kind of use those different platforms for those purposes. But I think the point here is also the fact that when the algorithm changes we don't know. You just see a dip. Sometimes what we face in terms of online traffic as news publishers is sometimes there's a fluctuation or a sudden dip in traffic and you don't know where that comes from. There is no transparency from the platforms to say this is what we've done and this is how this will impact you and I think that also talks to part of the reason we are here today. Thanks.

20 MS. PAULA FRAY: Can we ask Professor Glenda Daniels to speak please?

PROF GLENDA DANIELS: My point relates to an issue that's just been alluded to but not clearly spelt out, for example X has been found to be the worst culprit with the billing of women journalists. The cyber misogyny of women has actually gone rife over the last 10 years and

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it's gotten worse literally every year. There's no accountability at all. Nobody knows where to go, how to go. You try and phone Twitter about a complaint and they leave it there, because they want the traction, they want the attention and so forth. So the fact that women are being threatened with rape, murder, they are being doxed and trolled, etc. Nobody seems to know what do about this. I'm afraid to say, at one time, I don't know if we mentioned statistics here, there were about 10,000 journalists in the newsroom, there are now less than 500 which is all related to the sustainability of journalism and in that matrix women journalist voices are being lost even more than others because they are the ones that are suffering this scourge actually. Just yesterday there was one with Karyn Maughan with a picture of a gun to her head. It's all over X. What is X doing about it, nothing because they are enjoying the attention. So that's the one thing. This all relates to participation, plurality, diversity of voice and half of the population if not more than half of the population are actually women. In a nutshell I think that really must be put on the agenda when we are making this submission. It's just, it's the particularity about gender equality that I'm talking about. Thanks so much.

CHAIRPERSON: Thank you for that intervention. I think it is important that that is not lost and I think it's made in your submission and also in the submission of others that also journalists may be targeted through social media and that may also impact negatively on trying to do public interest journalism. Just to pick up on the evolving space,

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just two examples and just to comment on that. You mentioned TikTok. TikTok is relatively young as a platform. We see it rapidly rising in the Reuter's institute ranking of where people go for news. And of course what people see as news may not be what they see as news but I was interested also recently, the head for government relations in Kenya had indicated that also the type of content people are going there is changing. There may be only so many videos of lip synching and dancing you can stomach and then people look for business for an interesting list of topics. The news from the
10 submissions we've got seemed to have only started understanding what they can do on TikTok and how they can reach the audience so even they are at an early stage it would seem. The other is Google. What was interesting to me is a lot of Search as we call it is coming from Google Discover which for anyone with an android phone know where you go to get entertainment news, sports, but that seems to be far bigger than Google News and sometimes even Google Search. It's lumped together but that is a personalised service, it's not a Search service but it's using the content they have access to package what may have been in a Facebook news feed at some point but now is
20 not. So I think it is evolving. Maybe just get your comments on some of those examples before we carry on with other questions.

MR. GUY BERGER - SANEF: I don't have a comprehensive response to offer, but what's interesting is that your Facebook started off saying we are here to connect your friends and family and then they got into meaningful engagement and then they started imitating TikTok so if

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they shifted towards that TikTok model. TikTok is really, it's no different to Netflix in a sense, although it's user-generated content but it's not your social network that is determining what comes on TikTok. It's personalised on the basis of you and the basis of what is getting virality broadly. It's almost going from a social media model towards a Hollywood model in terms of what you are outputting but it's very personalised in the way that Netflix is personalised and clearly that's a good business but the question then is you can do that if you TikTok because you're buying data on a data market about people, you are

10 collecting a huge amount of data and so then you have little news media on the side which is not in the data driven business in the same way and could never be getting the same scale of data and analysis and analytics and so on. It then falls to TikTok to say within the way that they configure what they're going to show you because all recommended content, sometimes responds to questions, but or to people you're going to follow but that they, could they make a business whereby every 10th video they put in something that's kind of coming from a member of the press council or press council people are doing video or a member of the BCCSA. So that is a question for

20 them. As far as Google goes, again Google, it's a very good point you make that Discover is again a data driven, almost broadcast model so it's not pure Search and it's very much based on individual data profiling and the whole use of third-party cookies, which they have been using. For the purpose of those who don't know, third party cookies is when any website you go it's collecting data on you and

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often sharing that data big to those big platforms and that's why they have such big data and they can do that. It's not a bad thing from an individual point of view but it's also a question of can we have a fragmented society where people only have individual very personalised service or do we need a common public space which is what news media tries to do, tries to have more of a collective interest and to serve the same content to a range of people. It may be a niche but it is more than one.

MR. IZAK MINNAAR - SANEF: I think this question also speaks to the
10 vulnerability of news media in dealing with the platforms in that you never know what's next. An important content contributor of a type of content that we argue there should be an obligation on tech platforms to carry but there is no effort to share information and data, [breaking up] I have no idea how my content is doing on another platform. No information is shared with me to give me an idea of what I can do better or different so that my content performs better or what I can do to tap into some of the algorithms to make sure that my content gets to the right place. A few years back when I was still editor of SABC Digital News we had this instance [unclear] started what was then still
20 Twitter, we got a visit from Facebook to say oh by the way the kind of video material you post to Facebook, we just want to say to you we have started to deprioritise it, because we need to compare with short videos on Twitter and you better start making short videos and post that to Facebook because then your stuff will be better, will perform better. So that is after the fact, no consultation, no prior notice that

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there's going to be a change. As a result, many news services are doing and that's why you also see is to [breaking up] format put it on X, on Facebook, on Google and everywhere to try just get to some kind of audience and I'm not sure that that is also productive and I think it's also very kind of prescriptive to content providers, to force them into formats and expenses to start doing that. A final point on this, the fact that those content then becomes available across platforms, same material speaks to another issue in that you can never get a full picture of how that piece of content is doing. Each platform has different ways to measure impact as an example. Never ever will they speak to each other or put something in place or have a better idea of how your content is doing across platforms.

CHAIRPERSON: I think we're out of time because of our schedule and we never have enough time with each individual stakeholder but in the interests of getting through the timetable we do need to keep it shorter. There's a huge amount we would like to engage further with SANEF and partners but I also think a lot more will come out with other stakeholders as we dig deeper and progress through this hearing. Just maybe for your benefit on the international, I'm not looking for a response now but to give you some context, part of our scope is to look at how platform algorithms may affect competition between different media. It was mentioned Sbu by yourself that there's an oligopoly that mainstream has not transformed. That is something we also look at, it's not just the competition that may happen with the platform itself. And maybe if community media is not

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on Google that might be a problem but if they're also producing very different news that may shape how we think about it as well. On the foreign media, I suppose it's a question if foreign media is reporting on things that you're not reporting on, then of course that's maybe more an agency relationship. Chris mentioned that. It's also the case that foreign media is reporting on some South African events and then the question of how does your reporting feature relative to domestic media's reporting and that may also go to the diversity of voice and South African voice on some of these issues. But also South African

10 media do report on key international events and have a different perspective and voice to maybe some of the other international media. So on those international events such as the Gaza war where does South African media stack when you search or go look at a top news tab or flick onto your Google Discover. Those are the questions that we had, and as we tried to set out unsuccessfully also was noted certain deals were being done globally. Are those starting to influence how the algorithms behave. We are just aware and Reuters makes the point in their research there can be a risk of a winner takes all, in the media side of who can monetise, who can put up paywalls, who

20 can generate the revenue. But I think importantly you rightly pointed out that we're not alone in thinking about these things. But critical for the panel and the technical team is we must have a South African perspective. It happens in the context and I think you're rightly sketched that out. We can't just be saying because Australia did it or now Indonesia, that's what we do. We need to understand it deeply in

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a South African context because we do have a lot of unique challenges and a lot of countries that have looked at this developed economies not developing. So it's important that we through the proceedings of this public hearing bring out that detailed South African dynamic and the particular aspects of that that affects. Obviously, news as you pointed out as a public good is important for democracy. It's critically important for this country so we have to get it right for our circumstances as well. So thank you for the presentation and coming in. I think we have definitely benefited from all of this and we look
10 forward to the future engagements. I think out of these public hearings we will potentially send out more requests for information that may be very specifically targeted around the presentations you've made and some of the issues you've raised. It's unfortunate we couldn't get into things like misinformation, AI, constitutional rights but we do have many questions and we'll send that through. There's also within this an opportunity to also have in camera if there is specific sensitive information that you wish to share. But the submissions also allow for that confidentiality regime. So thank you for being the first and for kicking us off.

20 SBU NGALWA – SANEF: Thank you chair and thank you co chair. I think as you say if there are any further submissions we will be able to make those to the commission as it so pleases and thank you to you for your reception and thank you to the fellow members for joining us. Thank you chair.

CHAIRPERSON: Our next stakeholder while we have the shift in

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seats is the ... We're going to take a five-minute break while we have a switch over and then we'll be joined by Khadija Patel from the International Fund for Public Interest Media.

CHAIRPERSON: Welcome back from the break and we're proceeding now in the public hearings with Khadija Patel from the International Fund for Public Interest Media. Welcome Khadija. I know you don't have a PowerPoint presentation, something I admire. But if you could give us some of your opening remarks and then the panel has questions for you.

- 10 KHADIJA PATEL – INTERNATIONAL FUND FOR PUBLIC INTEREST MEDIA: Thanks very much Chairperson. As part of my abiding protest against big technology I refuse PowerPoint but thank you for inviting me. I'm actually a great fan of technology and I don't think I would have been a journalist in South Africa without technology. I didn't train as a journalist in university. I actually trained in social linguistics and languages and literature. And got into journalism quite by accident. I was a blogger back when there was a great hankering over whether blogging would spell the end of journalism. Through blogging as a master's student I discovered I
- 20 could get paid to write. Started off writing about cricket and then worked in a community media and ended up the editor of the Mail and Guardian for some reason. So I am an ardent believer still of the democratising potential of digital technology specially when it comes to the free flow of information. I think that must be made very clear. I think that technology continues to be an essential tenet in ensuring

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the free flow of information and that really is why many of us around the world are concerned about the crisis we are currently in. Because we are in a crisis. Professor Daniels in the last session mentioned the number of journalists in active employment in South Africa today and it's startling and that contraction is absolutely startling and has happened very very rapidly and what we want to make clear as well is that this is not us feeling hard done by because a couple of our friends don't have jobs any more. But rather the point here is that the fewer journalists we have in active employment the less we know

10 about the complexity of South Africa. Any place, any space is deeply complex. It's filled with different stories and the role of journalists in a free media has always been to flesh out that complexity. To help us understand what is happening. And our understanding is slowly being eroded. And I would say is almost, our understanding of each other is almost at dangerous levels right now when we think about the levels of xenophobic threats being made publicly. So yes we are in a crisis and the crisis is that there is no business model for independent public and risk media. There isn't one. Unless you're backed by a billionaire or you're the New York Timers or the Guardian you're not likely to be

20 making much money out of news. And that has particular consequences then for how much work we can do. We can lay the blame for this current crisis that someone will say but it's the journalist's fault they never saw this coming. Or to have done more to have stopped this. Others will say it's all about technology. They fooled us into this position. But I don't think it's productive for us to go

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on a hunt for who is the culprit. Rather I think we can together arrive at a conclusion that there is a crisis and that crisis imperils safety, security and humanity in South Africa. What I'm doing now is my work is with the international fund for public interest media. Which is an international organisation launched officially just last year in New York at the official World Press Freedom Day Celebrations and the International Fund has come out of the realisation of this crisis which is not unique to South Africa. And the realisation that we need a system of responding similar to what we've seen in global health. Just
10 as we have the global fund that responds to particular global health challenges, we need an international fund built along similar lines to respond to the threat facing and it's an existential threat to independent public interest media around the world. It is a fund, it's a financing mechanism. We ensure both the short and medium term financial survival of individual media organisations while at the same time working with ideas, organisations to try to find the systemic change that needs to happen to ensure that we have a healthy media ecosystem. So the international fund is headquartered in Paris but has regional representation around the world. In Africa we're led by
20 regional director Mahmud Kamara. We similarly have directors for Latin America as well as Asia and the Pacific. We work only in low and middle income countries because some of our funding is derived from ODA development assisters and as a result of that we cannot work in high income countries but this is somewhat of a blessing and not clearly an obstacle because the need is certainly greater in low

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and middle income countries. Much of the challenge that we are articulating here that we're trying to delve into here, exists as well in the US, especially in what they call fly over country. But when you hear the astonishing amounts going into local media in the US right now. We don't have access to that kind of philanthropy in South Africa and that is why countries like South Africa, media markets like South Africa are specially fragile right now. We, I'm going to say again we have a crisis and this crisis is specially acute right now. My colleagues spoke in the last session and you had some questions about referrals
10 from social media. Globally referrals from social media are down between 50 and 80 percent over the last year. This is being felt by everybody from the largest news organisations like the Guardian right up to Rappler, an independent news organisation in the Philippines. Of course there's no communication of this. Like most changes in the algorithm, us sitting here in the bottom part of South Africa just kind of figure out that something's changed, something's not working any more. We've got to figure out is it something we've got to tinker with in our code or has this or other platform just made new decisions. I can tell you that as an editor this is one of the frustrating things of
20 trying to ensure that you have a digital audience. We do not have access to the connections within these organisations that can tell us this or that is happening, and I don't say this lightly. If you read for example Ben Smith's book, Traffic. Ben Smith was the editor of BuzzFeed News which was shut down last year sometime. Many of us even in South Africa ended up replicating the tone and style of

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BuzzFeed because that's what we saw being done, that's what was getting shared. We end up creating content that we see mostly American counterparts doing because that's how we understand, that's how we interpret the algorithms. So we end up with news products that are hollowed out frankly through the years. Because the Faustian bargain we made with technology platforms was they would deliver scale to us. We gave them our links and content and they delivered the scale and for several years those of us who knew how to do it well received that [inaudible] we could not have received through our traditional platforms at all. That has now slowly been cut back. We know that Facebook wants to exit news entirely, that has profound consequences for a place like South Africa where Facebook is the largest social media platform and people understand the internet as social media platforms. My concern is and we think about particularly the social media referrals and juxtapose that to a very poorly performing advertising economy in South Africa right now. Most publishers will tell you there's no business out there. The direct business is going through ad agencies, there's just nothing left there any more and the CPMs we get, the rates that we receive in South Africa when we implement technology from Google or when we put up our content on YouTube, the rates that we get are far inferior to what our colleagues in the US or Europe are getting. We could build up channels which are a million plus strong, which is a big audience in South Africa but we're not going to be making enough out of that advertising to be able to sustain that. So then we're told, what you

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need to prioritise is reader revenue. Payrolls, memberships, that's what you have to do. Stop banging the advertising role, that's gone. Focus on reader revenue. In South Africa we have one of the best example of successful reader revenue product in the Daily Maverick. It is not a subscription model it is a membership model but there is a limit number of people who have disposable income for such things. That's why it's not, we're not seeing these kinds of models being universally applied. If it was easy to happy everybody would have done that by now. The Nordic countries have for a long time been the
10 envy of many of us, they have had immensely successful reader revenue if you think about Norway it's a high-income country, high literate and you've got the monopoly on the Norwegian language. People are going to subscribe to you. And yet my colleagues, I've just spoken to an editor whose entire paper was shut down in Oslo outside of Oslo in the last few weeks and in Finland there's a similar consolidation with more layoffs happening and this is a consequence of their economies performing poorly over the last 18 months. So in sluggish or slow economies even in high income countries, reader revenue projects are now not working. So that is not an option for us
20 in South Africa at all. What we are mourning is not the death of newspapers. But instead we are really afraid of is a future without access to news at a low price point and when I say news I mean high-quality independent news. That's what newspapers ultimately represented and that is what's missing right now. Digital technology ought to be facilitating that at scale in ways we've never seen before

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and yet the reverse is happening. The truth is that digital technology platforms are incentivised by creating profit for their shareholders. They're not incentivised by the democratic objectives of South Africans so we need to ensure that their objectives and ours are able to be achieved together. Already we are seeing a lot of angst over the implementation of generative AI and in many cases as far as we can tell some of the large platform companies are happy to just let the current crisis run its course because they need to focus on the next big thing which is generative AI. Guy in his comments earlier mentioned when you do a Google search in South Africa these days you get questions and answers. It's already being implemented here and what's shifted already is the value exchange between news publishers and technology. Previously I'm an editor and we publish the story about this commission, it gets put up on our website. That link is indexed by Google, on one or other of its gateways. Let's just focus on Google. Now the way Search is evolving is I would click what happened at the competition commission today and I would not need to go into News 24 to actually read that article instead how the future might evolve is there would be an answer there for me because what generative AI does is it reads all of our work and feeds back that answers to you on its own platform. So that value exchange is now already shifting so that Faustian bargain we made for scale is already falling apart and it's falling apart in the graveyard of news as we have it already. I'm pretty sure I can talk a lot more but I'll allow you to ask questions.

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CHAIRPERSON: That was important to hear specially on the first day and set the scene for the hearing. I think you make a good point about paywalls and membership and how that is evolving and certainly from the submissions we've got to date the challenge in a country like South Africa is as you say there's a very small amount of people who can pay but also even the ability to fund the public broadcaster probably is not the same as the BBC and so advertising is going to play a much bigger role if we're going to hit that price point certainly. Maybe Paula just to start with you.

- 10 MS. PAULA FRAY: I wonder Khadija if you could just speak very very briefly on your experiences as the editor of a community paper, the Daily Vox vs the mainstream media paper the Mail and Guardian and just navigating the platforms as such.

KHADIJA PATEL – INTERNATIONAL FUND FOR PUBLIC

- INTEREST MEDIA: You'd be surprised with the Daily Vox we actually had better access to Google and that is because my cofounder was employed by Al Jazeera at that time and Al Jazeera had their own avenues into the upper reaches of Google. When we sometimes had issues with indexing, particularly on Search it would be, one email
20 away. I remember for a long time I really struggled because Google continued to mark us as a blog and we really wanted to be taken seriously as a news source and it took, direct access to Google. I mean obviously we tried to write to who exactly do you write to at that time, Google didn't have an office in South Africa. You'd be surprised whereas I didn't have those connections myself when I was at the Mail

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and Guardian and relied on organisations like SANEF to try to understand who is doing what, where and how we are able to approach a different task of the technology platforms. Facebook as it was then was much more accessible to us than Google at some point. Obviously they come to us with gifts, carrying gifts which are mostly their products saying hey we want to do more video, we're going to do more video, we'll give you a bit of money to start up a video team. It was funny because I met a former Facebook representative in an informal setting a few months ago and we were with somebody who produces entertainment content. And she laughed at me and said see if you had listened to me back then you would be him, he has now got daily traffic or a few hundred million or something. He just takes existing entertainment shows and clips them in. So he's earning good money out of that so I said to her your idea was great and I don't deny that we needed a video team then but who was going to pay for it when you left. That really is I think some of the frustration for us as journalists here in South Africa is that most often we are able to reach the tech companies when they're trying to tell us about some or other product. Sometimes they're really useful products. I've received various times of Google trainings throughout my career that have, been instrumental in how I put together stories or how I look at data, you know, so respecting as well that news not all being propaganda. Most of it has been really useful but that is really most of our engagements with tech companies. It is very difficult because we are classified as rest of the world. The tech companies have this

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designation, US when they put together their company algorithm, sorry organigram it's the US and everybody else is called rest of the world. We fall in rest of the world it doesn't matter whether we're 100 million strong or a billion strong we're still rest of the world. This points to the way tech companies structure themselves and how they have presence in the countries they work in, what type of investment they make in those countries, even for things like safety, like Professor Daniels mentioned earlier. I think at one stage it was the Facebook whistleblower who gave the number of safety offices that were
10 working across East Africa at one point in this very diverse linguistic region and I think it was something like four safety offices covering a plethora of languages so they did not see a genocide being planned online so to speak. There isn't a structural problem that has been well documented in the way the tech platforms operated and I know that Google do have offices in South Africa. The Google News office is quite new, about 18 months old so hopefully that bodes well for the future but until then it's basically a guessing game most of the time.

MS. PAULA FRAY: How do you define public interest media?

KHADIJA PATEL – INTERNATIONAL FUND FOR PUBLIC
20 INTEREST: There are so many definitions and the international fund, we have our own definition on our website which I'll be happy to share with you but for me public interest media is any media that allows people to understand their world better. Media that is free from undue influence first of all and that allows people to understand their world better. For a short definition that is it.

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MS. PAULA FRAY: If the social value of public interest media exceeds the commercial value, then how was this resolved in the past in order to ensure that we were able to have public interest media and how did we pay for public interest media previously?

KHADIJA PATEL – INTERNATIONAL FUND FOR PUBLIC

INTEREST MEDIA: Historically, the problem is that I think that this is unprecedented in the scale that we're seeing it. I think we'll have to think about things previously in some jurisdictions there was far more public subsidy that existed for media, in some high-income countries continues to exist but the truth is that advertising for the longest time did sustain news media. Philanthropy has played some part. It's notable that some of the best journalism in South Africa over the last 10 years has been donor-funded journalism but philanthropy can't be the solution. Philanthropy certainly will be essential to ensuring the survival of media but ultimately we have to find a public solution to this.

MS. PAULA FRAY: When you think about how many people make money out of content that they haven't produced and if you look at the cost to produce. I wonder if you could give us a sense of what it would cost to do a large-scale investigation that would need follow up and follow through.

KHADIJA PATEL – INTERNATIONAL FUND FOR PUBLIC

INTEREST MEDIA: Investigative journalism is the most expensive form of and you're mostly looking at ... Your first expense is time, in order to do an investigation well so to have a highly experienced

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investigative journalist put six months of the time solely on one project, you're looking at least R 300 000 maybe. I'm being conservative here. That's without the cost of any transport they might need to South Africa, any access to data services, any other, any other people that you have to bring in to help, if it's a data project, it's a swarm of data, you need data scientists, if you don't have one on your team. So depending on what type of investigation it is for six months, you need to look at something between R 300 000 and R 500 000 if an investigative journalist is focussing on one story but that is increasingly becoming a rarity in South Africa. I'll be surprised if there are any investigative journalists focussed on one story for that length of time these days.

CHAIRPERSON: You said earlier that the shrinking of journalists had meant that we know less about the complexity of South Africa. Just on a practical side, fewer journalists, does that mean that newsrooms are saying I can't afford to pursue this story, or the depths of stories is lost because a journalist is doing multiple investigations at the same time. So just practically in your tenure as editor but also what you see.

KHADIJA PATEL – INTERNATIONAL FUND FOR PUBLIC

INTEREST MEDIA: Both actually. Close to the end of my tenure at the M and G I remember being in a room with several editors and we were having dinner together. What was remarkable for me, I think there was a water crisis somewhere in the country at that time. I can't remember if it was outside of the major metros so it was a substantial investment to send someone to that place. None of us had people

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there and this was a crisis that had been unfolding over a number of weeks. Tellingly this was January 2020. We ought to have known there was a firestone coming. I remember one editor from a very successful Joburg-based newsroom saying I'm not sure if I'm even sending someone to cover the state of the nation address. We'll cover it from TV. That can give you an idea of how difficult it is actually. As an editor you've got a budget, you've got to think about how you're going to be allocating that budget, the safety of that journalist, you've got to think about accommodation, you've got to think about travel.

10 It's often not one journalist. You have a photojournalist or a video journalist who's going as well so it's not just one person. There are various costs associated and it becomes extremely difficult to do that kind of work. I'll speak candidly and I've spoken candidly about the fact that at the M and G one of our greatest issues was that our cars kept breaking down. We simply could not afford the upkeep of the newsrooms' vehicles and that had consequences on how we were able to allocate stories. Especially if they were outside of Johannesburg. So we have this skewed view also of what is happening in the country. As a consequence of this. The Mail and
20 Guardian's situation is quite profound and very pronounced compared to others. But I think every newsroom in South Africa is similarly making these types of calls based on the costs and resources that we simply do not have to ensure that these stories are done well.

MS. PAULA FRAY: In an interview you did you spoke about the economic divide and the access to quality journalism that the good

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stories are behind a paywall that the general public receiving information outside the paywall I think you said were getting rubbish. But then you also spoke about, it's not the divide in readers, also a divide in the providers of news because the news business is unsustainable. Only rich or powerful people have the means to own, produce or transmit news nowadays. Could you speak to that?

KHADIJA PATEL – INTERNATIONAL FUND FOR PUBLIC

INTEREST MEDIA: Thanks very much Paula. I increasingly think that

10 seeing young women specially told that's not a job you want to pursue.

It irritates me to no end because I want every woman who wants to be a journalist to be able to go and do that, but it's my colleagues who are pointing out the very real pitfalls that a young journalist may face, and we're seeing this around the world not just in South Africa. Even when visiting Wits a few months ago speaking to a former Wits student there and she laughed and said I wonder how many of my fellow students are actually still journalists. Increasingly what happens is that you'll end up in public relations or many other journalism adjacent jobs simply because you almost need a supplemental
20 income to be a journalist or some other clever way of making it work.

Of course it is a generalisation, there are very capable journalists in South Africa earning good salaries. What I'm pointing to is that there's a barrier for ensuring and maintaining a career in journalism right now. That will have consequences for the racial diversity of newsrooms in South Africa. It will have consequences also for the access to the

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types of stores we do and again our idea of what is happening outside if our window is only being framed by a certain type of people.

MS. PAULA FRAY: Is there a relationship between declining media sustainability and declining media trust.

KHADIJA PATEL – INTERNATIONAL FUND FOR PUBLIC

INTEREST MEDIA: I think to many extents, it certainly happened parallel. I do believe that what we can't discount is an organised campaign against media as well that is being driven by presidential candidates in the US to presidential candidates in South Africa. So there is a level of organised campaign that I think that further erodes this trust that's happening alongside it but the fact that newsrooms are not on in their best shape, has also meant that you can point to remember those guys made that mistake, you can't trust anything that they say. It has made us more vulnerable to the perception of being untrustworthy. So I would say it's in parallel rather than a direct consequence but certainly a parallel with some meeting point at some point.

CHAIRPERSON: You spoke to almost how this may shape, who goes into journalism and what stories, and we get any diverse views and you defined public interest journalism as free from influence as well. I just wanted to get your perspective. I mean philanthropy can be pure philanthropy but pursuing philanthropy you want to make sure you're doing things that philanthropists find interesting and if you move to pay wall strategy you also want to know what is interesting to those who have the money. Do you see these factors as free from influence

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for one I mean and two is it a sustainable path to public interest media?

KHADIJA PATEL – INTERNATIONAL FUND FOR PUBLIC INTEREST MEDIA: Are we talking about philanthropy or the paywalls?

CHAIRPERSON: Both and it goes to Paula's previous question as well about the –

KHADIJA PATEL – INTERNATIONAL FUND FOR PUBLIC INTEREST MEDIA: I don't think either of them are the gateways to

10 sustainability. I think that they both might be among a mix of strategies that have to be employed to obtain resilience. I hate the word sustainability because media right now is inherently an unsustainable enterprise but rather to obtain resilience. But certainly I think that as a media manager what you have to weigh up, right, at any time is when you're getting some kind of philanthropic support, what are the, do they have any kind of editorial guidelines that come with that. So it's not popular in South Africa but for example elsewhere in Africa there are many grants that come, mostly small grants like a \$20,000 grant to investigate corruption in the Niger Delta and there's many
20 such grants that are quite popular in much of Africa. In South Africa we don't have access to that, you know that kind of philanthropy thankfully but the kind of philanthropy that has sus – honestly, sustained some organisations has come with its own baggage. So though many funders and now I'm talking about private philanthropy, I'm talking about the likes of Lumine, the Open Society Foundation,

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these are organisations that are well known for their funding to media, many of them signed contracts that set out that they will never ever have any control over the editorial output of the organisation. What it does, what we have to weigh up then however is the association we have with these organisations and whether that is something that we want to put, basically put our brand against. So even now there's I think something in a South African paper, just last week basically alluded to me for example being a South African agent. I mean an American agent. Still missing a salary from the CIA ... laughter ... but, 10 you know the point that I'm bringing up is that it's not free from the perception of influence. Though it might be free of influence there is the perception of influence and this is why when taking philanthropic funding you have to be clear about communicating what this is for and how it's used. So and it has its own philanthropy particularly has the pitfalls of being subject to the whims of one or a group of people. Right, so billionaire X can decide today that you know, he's not interested in the media anymore and actually wants to explore space travel and rather put that money into space travel and then that puts, you know if you were depending on a grant from that philanthropy that 20 puts you in a particular challenge, which has also been experienced. It's a very real problem for many organisations around the world right now. So neither, I think there are important parts of the ecosystem and part of the revenue mix, if we want to go about it that that might be available. But when it comes to reader revenue and being guided by audience behaviour, this is the tricky part, because for example, I

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often give the, I often tell people, I think I became a journalist because my father used to have Sky News on and the only reason he was watching Sky News was he used to wait for 20 past the hour because he's a Liverpool fan and he only was waiting for the sports news but I was basically in front of the TV watching the rest of it and listening fascinated by the news. This is pre internet. So there has to be that mix of stuff and you know that, you know, the audience behaviour is going to go this way. But at the same time I think that a responsible editor has to balance out reader behaviour with your public interest

10 mandate as well. I think that, you know, what we are increasingly in media management talking about is a product centric approach to think about a news product and a news product is diverse, it has the stories about corruption but it also has a cross word, so to ensure that products are well rounded and accessible to people with very different tastes, with very different information needs as well and I think, you know, that's important. There is, there's a definite danger to, be exercising, that kind of, like your filter bubble and using your readers as the filter bubble and just confirming their bias. With what you're doing, because you know that rewards you with, you know with the

20 scale that you need to build revenue. So this is why you know, there has to be, you know some kind of interrogation of our values. Of our news values, especially when we're talking about a value exchange with tech companies. What are our news values and how is that, how is that driven. So it's difficult, I think that I would like to think that, specially in South Africa from what I see I think the editors try their

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best to not act completely responsively to their audience behaviour but try to ensure that they are meeting their audience needs while at the same time exercising the public interest imperatives of their work but it can, you can for example run into interference at some point. When things are good you can do that. When things are tougher it becomes more difficult to do that. As an editor in a newsroom, within an organisation that wasn't doing so well that meant that yes that sometimes, tone it down a bit on the corruption stuff, do a bit more lifestyle, I think we can get some luxury brands. It's something I can
10 smile about now but it was absolutely galling at that point. So you know, really, I think the current conditions don't make these decisions any easier for an editor. I think ultimately we want to ensure that an editor is able to exercise these decisions without fearing that their next pay cheque or their newsroom's next pay cheque may be endangered.

CHAIRPERSON: I get a sense from that response as well that personalisation might be the enemy of public interest in the sense that you would starkly produce content, what you're saying for different, catering for different interest to get a broader audience but now one
20 can personalise everything. You can target different things to different people so individuals may not see everything. But I suppose the question, I just want to go back to, you said you are not just about a fund, you are also about ideas for sustainability. I think you did say there's no model right now but what are some of those ideas about building sustainability that might have promise that you are seeing.

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KHADIJA PATEL – INTERNATIONAL FUND FOR PUBLIC

INTEREST MEDIA: We're thinking increasingly about national funds.

We've helped to finance a national fund in Sierra Leone. Of course it's a very small country with a very small media market. It cannot compare to the scale of what might be needed in South Africa. But a very interesting context. With its own pitfalls as well, right now what happens when a government changes and a government doesn't feel like this is the most important thing to do any more, but really, I think that it begins really with the whole of society buy in to say that this is something that's important and we're going to do something about it.

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Similarly we're exploring something in Brazil along these lines, we're of course, trying to think about SANEF has documented its ideas for some kind of fund here in South Africa so I think that one of these things that we are trying to grapple with is the national fund and it will certainly not be the cutter, to make the cookie in every country, but I think it has some interesting promise in certain contexts at a certain level, I think that's something but of course the question is where is the funding for this fund going to come from and this is why I think this is the more interesting question is whether it becomes some kind of

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public subsidy, some kind of public financing of this or is it some kind of world bank mechanism that feeds this. There are many permutations and I don't think that we have the answer. Right now the national funds that we're exploring really are trying to respond to the immediate emergency to ensure that we're able to get financing, at scale to, to a wide breadth within a certain jurisdiction. In time I can

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see how the objectives of these funds will obviously have to change. We then also have to think about where the future funding comes from. As the international fund we are only meant to exist for the next 10 to 15 years. We're an ambitious lot of people who think that we're going to solve this in the 10 years and then retire. So the, the clock I think is ticking but the point is that the international funding is in and of itself not the solution. It really is the stop gap emergency measure powered as well with the ideas and recommendations and policy support for the future. So yes, so these kinds of, I think this is really

10 really important. I think another important systemic change, we are looking at is also reframing the relationship between news media and technology companies as well and trying to find ways of ensuring that there is a more equal exchange of value, specially with the dawn of generative AI and what that might bode for the future of news media. No one knows exactly how that might turn out. We're seeing organisations like the Guardian have basically stopped the crawling of its website. That has profound consequences. We can't advise South African news media organisations to say hey switch off your indexing because open AI is just going to crawl it. The other thing that

20 we might have is that these organisations are again all based in global north will then have a predominantly northern view of the world so you know the chatbots that emerge will then not be informed for example by South African experience or South African information. So these are some of reframing technologies relationship with news media. Again we don't, I don't know what the answer might be there, but some

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level of reframing and working together with both parties I think is essential as well.

CHAIRPERSON: I was interested in that context, your comment earlier about the need to align the objectives or incentives. I mean do you see a way through to that?

KHADIJA PATEL – INTERNATIONAL FUND FOR PUBLIC

INTEREST MEDIA: Yeah. I'm wondering how optimistic I am. I've just come back from leave so maybe I'm more optimistic than I should be.

I think that it is in the best interests of any business whether it is
10 technology or otherwise for there to be a thriving independent media
in the countries which they work. I think Professor Berger has said
this best as a paragraph that I have lying around somewhere where
he speaks about how business meets media and I think that's exactly
that, that we're not adversarial. But rather that as much as these
technology companies come here to make money, they need to
understand the country as well and if we're not here to help them
understand the country they will be able to make less money. Their
risks will be greater. So I think that it is in the best interests of
technology companies who continue to have a business interest in
20 South Africa to ensure that there is a thriving independent media.

CHAIRPERSON: I suppose, you know not to scourge around the elephant in the room, I mean Meta doesn't seem to think this, so given its deprioritisation or at least not think for itself if it's pursuing other objectives, so maybe that is a, they might say they have a business and their business is in fact not the public interest media, their

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business is community, rather than that. So are you, are you saying almost, ja, if there isn't public interest media and democracies undermined the pie and the economy is going to be a lot smaller and you all have an interest in making sure.

KHADIJA PATEL – INTERNATIONAL FUND FOR PUBLIC

INTEREST MEDIA: Exactly that. And that is what is at stake. I think that, I think that Facebook's decisions are ultimately short-sighted and I think I'm very sad for the flow of information in places like South Africa where most people are using Meta products like WhatsApp or
10 Facebook to experience the internet and I hope that in time that's a decision that they might revisit.

CHAIRPERSON: Maybe just a couple of last ones from me. Are you good?

MS. PAULA FRAY: I'm good.

CHAIRPERSON: I mean in this global fund and debate you mentioned something in Sierra Leone and Brazil and you're working across the globe. How do you think Africa and South Africa differ and watch and at least we make sure we understand in trying to locate some of that global debate with a local lens?

20 KHADIJA PATEL – INTERNATIONAL FUND FOR PUBLIC

INTEREST MEDIA: First of all I think that South Africa is quite distinct from other parts of Africa. At the moment especially in the interrogation of this relationship here. I know in Kenya there's the beginning of some work on this but they are further away. So but I think that we're similar in the experience, in the collective experience

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of this problem in that we've all experienced the shrinkage of our newsrooms. No more business model left etc but I think that where South Africa is quite different is that we have a particular economic context within which we are living in. A very very sluggish economy for a number of years now which makes doing business very very difficult, is especially difficult for new entrants, and on top of that we have a particular political context and I think that is important to stress as well. We are a young democracy and require perhaps greater vigilance of our democracy because it was so hard won. I think that

10 that for me is really, you know there are developments just in the last couple of weeks from elsewhere in this regard in Indonesia for example, some new permutations coming up in Australia and while I think that is valuable for us to look over and understand what's happening and of course reframe what we're doing and how we're responding, I think that we cannot miss our own context and what we need in South Africa and ultimately I think that for us, I want to conclude by saying that this is, the problem that we're facing is not the fact of journalists not having jobs or some or other publisher not having a bonus, but rather the real challenge we're facing here is that

20 most South Africans no longer have access to quality information on the platforms where they are receiving information and that really is, that is the problem. We have a young, the other, we have a young population who have probably never bought a newspaper or never waited for the 7pm news. Their only experience of news is a mobile phone. And this is why we're different to Europe in that respect, in that

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our population is so much younger so the stress for us really is to ensure that media is resilient enough to meet the needs of younger people as well.

CHAIRPERSON: Thank you for those concluding comments, and ja I think you're right. I mean what I found interesting in some of the Reuters research was you know like Facebook for news in the UK, 17%. Kenya it's 66% and here it's 56%. And they make the point how younger audiences even in those countries are consuming very differently, and whilst some of us older people are sticking to our
10 traditional ways. If you look at as we move on, it's going to be a very different picture, even in those countries.

KHADIJA PATEL – INTERNATIONAL FUND FOR PUBLIC INTEREST MEDIA: Absolutely. Absolutely.

CHAIRPERSON: So I think it is a good point but thank you so much for your contribution and I'm sure we as I indicated to the previous stakeholders, you know we are likely to have some follow-up questions. We can't get to everything in this session. But I think, I think you've raised some important, important issues for not just the panel but the public and the media to contemplate as well as we go through
20 these hearings.

KHADIJA PATEL – INTERNATIONAL FUND FOR PUBLIC INTEREST MEDIA: Thank you very much. Thank you.

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END OF PROCEEDINGS ON 4 MARCH 2024