

**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)**

CASE NO: 008928/25

In the matter between:

E.TV (PTY) LIMITED	First Applicant
MEDIA MONITORING AFRICA	Second Applicant
SOS SUPPORT PUBLIC BROADCASTING COALITION	Third Applicant
and	
MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES	First Respondent
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	Second Respondent
SENTECH SOC LIMITED	Third Respondent
INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA	Fourth Respondent
SOUTH AFRICAN BROADCASTING CORPORATION SOC LIMITED	Fifth Respondent
CAPE TOWN COMMUNITY TELEVISION	Sixth Respondent
TSHWANE COMMUNITY TELEVISION	Seventh Respondent
SOWETO COMMUNITY TELEVISION	Eighth Respondent
1KZN TV	Ninth Respondent
TRINITY BROADCASTING NETWORK	Tenth Respondent
MEDIA DEVELOPMENT AND DIVERSITY AGENCY	Eleventh Respondent
CHAIRPERSON: NATIONAL ASSEMBLY PORTFOLIO COMMITTEE ON COMMUNICATIONS AND DIGITAL TECHNOLOGIES	Twelfth Respondent

CONFIRMATORY AFFIDAVIT


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I, the undersigned,

GARY WHITAKER

do hereby make oath and declare as follows:

- 1 I am the Chief Executive Officer of the Broadcast Research Council of South Africa (“BRC”), a non-profit industry body with its principal place of business at Ground Floor, Building 2, Albury Office Park, 1 Magalieszicht Crescent, Dunkeld West, Randburg.
- 2 The facts contained in this affidavit are true and correct and fall within my personal knowledge, unless otherwise indicated or apparent from the context.
- 3 The BRC is a non-profit organisation which aims to provide objective, accurate, transparent and trustworthy data which caters to the audience measurement needs of the radio, television, marketing and advertising industries in South Africa. The globally recognised methodologies used by the BRC are designed to align with international best practices and its data has been extensively used by the broadcasting industry and advertisers as the most reliable measurement of the viewing or listening behaviour of radio and television audiences in South Africa. While the broadcasting industry and advertisers have a common interest in ensuring that the data used is accurate, they have divergent interests which ensure that the methodology used ensures that audience measurement figures are neither understated nor overstated.
- 4 The primary mandate of the BRC in this respect is to:



- 4.1 Commission and coordinate industry research relevant to broadcasters, media agencies, advertisers, and marketers.
 - 4.2 Fund audience measurement research for both television and radio through industry levies.
 - 4.3 Promote and uphold fair, reasonable, and proper standards for broadcast media research.
 - 4.4 Ensure the official ratings measurement research is recognized as the definitive “*currency*” in South Africa.
 - 4.5 Hold the intellectual property rights for all research conducted and reports produced by service providers.
 - 4.6 Make audience measurement ratings accessible to the broader media and advertising industries.
 - 4.7 Ensure continued relevance by adapting research methodologies to market changes and technological advancements.
- 5 The BRC’s research thus serves as the gold standard dataset available to all industry stakeholders including broadcasters, media agencies, and advertisers in South Africa for several key reasons:
- 5.1 As a Joint Industry Committee (“JIC”), the BRC ensures that no single stakeholder has undue influence over the research, guaranteeing neutral and unbiased audience data.



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- 5.2 Given that all industry stakeholders involved have a common interest in the accuracy of the data, the BRC has established agreed-upon industry standard methodologies that ensure a neutral, standardized, and widely accepted data set used by the media and advertising sectors. This is further undergirded by the fact that the audience measurement conducted by the BRC ensures equal representation of all media players, including large and small broadcasters as well as advertisers.
- 5.3 This prevents bias that might arise if research were conducted solely by any one entity.
- 5.4 The BRC commissions independent research suppliers to conduct audience measurement, ensuring that data is free from manipulation or commercial influence. The BRC studies follow transparent methodologies that are subject to industry scrutiny and audit.
- 5.5 This credibility is essential for maintaining advertiser confidence in media investments and preventing disputes over audience figures.
- 5.6 The BRC adheres to internationally recognized standards for audience measurement and undergoes regular independent audits by independent third parties to validate data accuracy and methodological integrity.
- 5.7 The BRC's research provides a consistent, transparent, and universally accepted media currency, ensuring that all industry players rely on a harmonized audience measurement framework.
- 5.8 The BRC continuously evolves its methodologies to incorporate emerging media trends, hybrid measurement techniques, and technological advancements, ensuring that South Africa's audience research remains world-class.



- 6 For the media and advertising ecosystem to function effectively, all stakeholders must rely on a single, trusted dataset. The BRC exists to safeguard the integrity of South Africa's media trading environment, ensuring that advertisers, agencies, and broadcasters can make data-driven decisions.
- 7 In television audience measurement in South Africa, the BRC's dataset is known as TAMS (the "*Television Audience Measurement Survey*"). This dataset, which as I have explained is considered the gold standard dataset in South Africa, is produced using a methodology (which I describe below) that is internationally recognised and accepted globally as producing accurate and reliable results.
- 8 TAMS is the only study in South Africa that enables reach and frequency planning across all available audiences and segments in South Africa. It is also the only passive audience measurement system, meaning it does not rely on self-reported or claimed data. This methodology provides an accurate, second-by-second view of viewing behaviour while eliminating respondent bias that may lead to overclaiming or underclaiming.

Methodology Overview

- 9 The BRC conducts an establishment survey to determine the size and composition of the total TV universe in South Africa. The pay-tv universe is further refined using DStv's audited subscriber numbers, which are released in March and September of each year.
- 10 The BRC recruits a panel of homes that is representative of the total TV universe, including both pay-tv and free-to-air viewers. While a panel of 2,800 homes would be sufficient for South Africa's population size from a statistical reliability perspective, the TAMS panel

consists of 3,134 homes, enhancing measurement accuracy. This means that the TAMS methodology exceeds the standards set for global best practice.

- 11 Each panel home is equipped with passive audience measurement meters that are connected to every television in the household. Household members are assigned a unique identifier on a remote control, which they press when they start watching TV. Viewing behaviour is then recorded passively until the individual stops watching.
- 12 The collected data is transmitted to Nielsen Media, the BRC's official TAMS supplier, for processing and validation. The processed data is then distributed to software bureaux, which convert it into a usable format for media planning, audience analysis, and advertising trading.
- 13 Because the TAMS panel is longitudinal, it captures changes in audience behaviour over time as panel households naturally shift in and out of different viewing platforms. This ensures that industry stakeholders have an up-to-date and accurate understanding of South African television consumption trends.

BRC measurements of households viewing television by way of analogue signal

- 14 I attach, marked **GW1**, a table which reflects the number of households in South Africa viewing television by way of analogue signal as measured by the BRC in February 2025, which are the most recent numbers available at the time of deposing to this affidavit. I also confirm that the annexure FA3 attached to the founding affidavit of Mr Antonio Sergio Lee is a document of the BRC that reflects the audience measurement data as at 20 January 2025.


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[Handwritten Signature]
DEPONENT

I certify that the above signature is the true signature of the deponent and that he has acknowledged that he knows and understands the contents of this affidavit which affidavit was signed and sworn to before me in my presence at **JOHANNESBURG** on this day of **MARCH 2025**, in accordance with Government Notice No. R1258 dated 21 July 1972, as amended by Government Notice No R1648 dated 19 August 1977, as further amended by Government Notice No. R1428 dated 11 July 1980, and by Government Notice No R774 of 23 April 1982.

Ek sertifiseer dat bostaande verklaring deur my afgeneem is en dat die verklaarder erken dat hy/sy vertrouwd is met die inhoud van hierdie verklaring en dit begryp. Hierdie verklaring is voor my beëdig/bevestig en verklaarder se handtekening/merk/duimafdruk is in my teenwoordigheid daarop aangebring.

I certify that the above statement is true to me and that the deponent has acknowledged that he/she knows and understands the contents of this statement. This statement was signed and sworn to before me and the deponent's signature/mark/thumbprint was placed thereon in my presence.

te Sandton op 2025-03-07 om 09 34

[Handwritten Signature]
(HANDTEKENING) KOMMISSARIS VAN EDE
(SIGNATURE) COMMISSIONER OF OATHS

ONGEWONE PHUMALELA NGQENI
VOLLE VOORNAME EN VAN IN DRUKSKRIEF
FULL FIRST NAMES AND SURNAME IN BLOCK LETTERS

02 Summit Road, Morningside
BEDRIEFSADRES (STRAATADRES)
BUSINESS ADDRESS (STREET ADDRESS)

CS7
RANG/RANK

SA POLISIEDIENS
SA POLICE SERVICE

72630531
CS7
[Handwritten Signature] OF NGQENI
COMMISSIONER OF OATH



GWI for

	30 September 2023	25 November 2023	14 May 2024	29 June 2024	31 October 2024	20 January 2025	28 February 2025
	HH Universe						
Exclusive							
Pay TV Only (No DTT, No OVHD)	7 105 398	7 137 638	7 120 141	7 151 894	7 170 605	7 171 712	7 159 897
OVHD Only (No Pay, No DTT)	2 582 289	2 631 419	2 726 501	2 727 588	2 769 962	2 856 156	2 872 869
DTT Only (No Pay No OVHD)	1 410 820	1 421 694	1 343 719	1 328 829	1 183 154	1 202 788	1 222 476
Analogue Only (No Pay, No OVHD, No DTT)	4 409 715	4 351 919	4 317 782	4 319 224	4 433 873	4 332 147	4 281 439
Exclusive Total	15 508 222	15 542 670	15 508 143	15 527 535	15 557 594	15 562 803	15 536 681
Duplicated							
Pay TV + OVHD (No DTT)	193 025	177 047	205 113	201 588	182 960	175 500	179 337
Pay Tv + DTT (no OVHD)	150 977	134 458	125 265	106 699	106 619	112 972	120 948
OVHD + DTT (No Pay)	13 564	11 357	28 388	40 748	29 400	25 296	39 605
Pay Tv + OVHD + DTT	10 783	11 040	9 662	-	-	-	-
Duplicated Sub total	368 349	333 902	368 428	349 035	318 979	313 768	339 890
Total Households	15 876 571	15 876 572	15 876 571	15 876 570	15 876 573	15 876 571	15 876 571