

South Africa

Disaster Management Act, 2002

Department of Arts and Culture: Directions regarding live streaming Government Notice 490 of 2020

Legislation as at 11 June 2020

FRBR URI: /akn/za/act/gn/2020/490/eng@2020-06-11

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PDF created on 22 February 2024 at 01:13.

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Department of Arts and Culture: Directions regarding live streaming

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Disaster Management Act, 2002

Department of Arts and Culture: Directions regarding live streaming Government Notice 490 of 2020

Published in Government Gazette 43269 on 4 May 2020

Assented to on 4 May 2020

Commenced on 4 May 2020

[This is the version of this document from 11 June 2020.]

[Amended by Department of Arts and Culture: Directions regarding live streaming: Amendment (Government Notice 668 of 2020) on 11 June 2020]

I, Emmanuel Nkosinathi Mthethwa, Minister of Sport, Arts and Culture, in terms of regulation 4(10) of the Regulations made under section 27(2) of the Disaster Management Act, 2002 (Act No. 57 of 2002), and published in Government Gazette No. 43258, Government Notice No. R480 of 29 April 2020, hereby issue the Directions in the Schedule.

Mr E.N. Mthethwa, MP

Minister of Sport, Arts and Culture

1. Definitions

In these Directions, a word or expression bears the meaning assigned to it in the Regulations promulgated in Government Gazette No. 43258, Government Notice No. R480 of 29 April 2020, made under section 27(2) of the Disaster Management Act, 2002, and unless the context otherwise indicates-

"directions" means any and all directions relating to Covid-19 issued pursuant to regulations made by the Minister of Cooperative Governance and Traditional Affairs in terms of Disaster Management Act, 2002;

"disseminate" means distributing or broadcasting the produced creative content through digital streaming or any other digital platform or public broadcaster and licensed broadcaster;

"health protocols" means the Covid-19 health protocols determined by the Director-General of the Department of Health;

"national state of disaster" means the national state of disaster declared by Government Notice No. R. 313 published in Government Gazette No. 40396 of 15 March 2020;

"public entity" means a public entity under the Department of Sport, Arts and Culture;

"relevant infrastructure or facility" means a place or premises under the control of an entity of the department where cultural, entertainment, exhibitional, organisational or similar activities are held and includes but is not limited to theatres and playhouses;

"the Regulations" means the Regulations published in Government Gazette No. 43364, Government Notice No. 608 of 28 May 2020.

[definition of "the Regulations" substituted by section 2 of Government Notice 668 of 2020]

2. Purpose

The purpose of these Directions is to-

- (a) prescribe temporary measures or steps currently necessary to manage COVID-19 in order to reduce its impact in the Republic, by preventing the importation of, and minimising the local transmission of, COVID-19;
- (b) provide directions to the creative sector for film and television content productions using local cast or performers and crews. Any such production undertaken during this period must comply strictly with the appropriate health and safety protocols, the production dissemination or broadcasting of information to the public through live streaming and the applicable measures set out in these Directions; and
- (c) provide guidance to the arts and culture sector for productions using local cast or performers and crew during Alert Level 3.

[subparagraph (c) added by section 3 of [Government Notice 668 of 2020](#)]

3. Mitigation measures

The following mitigation measures for Alert Level 3 according to sub-sector, are necessary to prevent the spread of the COVID-19:

Alert Level 3	
Sub-sector	Mitigating Measures
Performing Arts Institutions or Playhouses that have the relevant infrastructure or facilities used for the creation and production of local content	<p>(a) These facilities may produce content for streaming and live streaming without audiences.</p> <p>(b) Monologs, minimal cast and technical support are required.</p> <p>(c) Production must take place in compliance with regulation 47(1) of the Regulations which requires the designation of a compliance officer who must ensure that safety controls are strictly adhered to.</p> <p>(d) All directions in respect of health protocols and the limitation of exposure of persons to COVID-19 must be adhered to as per Regulation 47(1).</p>
Film and Television productions using local cast, living legends and crew. This will include jobs throughout the value chain of production, post- production such as technical crew of sound engineers, special effects and animators.	<p>(a) All health protocols and social distancing measures must be adhered to as per Regulation 47(1) to curb the spread of COVID-19.</p> <p>(b) The following additional requirements will apply to content production:</p> <ul style="list-style-type: none"> • A maximum of 75 people on set, inclusive of cast members, staff, and crew; • Productions may resume including location shoots, outdoor scenes or group scenes with close proximity shots, based on risk assessment; • production companies may limit content that can be produced in controlled environments; • where location shoots are undertaken, the necessary precautions should be followed to limit interaction with members of the public; • travel for the purposes of filming should be limited to the required cast and crew; and <p>(c) Each production company must work closely with the respective broadcaster and the relevant industry representative bodies to determine the most appropriate “return to production” strategy and feasible implementation dates.</p> <p>(d) Visibility of Protocol Information: Information regarding the risk of spreading COVID-19, and what behavior is expected from everyone on set must be visibly displayed in common areas and must also be copied to all personnel of the company.</p> <p>Preparing the Workplace:</p>

	<p>(e) The following are guidelines to prepare the workplace and the daily routine to be established thereafter:</p> <p>Sanitising of the environment needs to occur--</p> <ul style="list-style-type: none"> - before shoot commences; - during each shoot day and after wrap each day. <p>(f) There must be dedicated cleaning staff to sanitise and clean bathroom spaces on a regular basis throughout the day.</p> <p>(g) A daily register of all persons granted access to the set with details of their daily temperatures must be compiled.</p> <p>(h) Getting to work - Transport</p> <ul style="list-style-type: none"> - Where possible, all crew and cast must use their own transport. - For those without their own transportation, transport must be provided by the production management in terms of the guidelines issued by the Department of Transport. - Any transport mode arranged by the production management must be provided with a driver and all occupants in the vehicle must wear face masks. <p>(i) Catering on set</p> <ul style="list-style-type: none"> - Catered meals and craft must be packed in boxes per person with sealed cutlery. Alternatively, the crew and cast must be allowed to bring their own meals. - There must be no shared craft and catering areas. Crew and cast must be supplied with their own water bottles. <p>(j) Cast and Crew on set and shooting floor:</p> <ul style="list-style-type: none"> - As provided for in regulation 37(1)(c) cast and crew as workers, must be allowed. The number of cast and crew must be kept at a maximum of not more than 50 people on set inclusive of cast members.
<p>Creative sector services:</p> <p>Creative sector services include filming content, productions of commercials and entertainment for broadcasters and live streaming using local cast and crew.</p>	<p>(k) All health protocols and social distancing measures must be adhered to as per Regulation 47(1) to curb the spread of COVID-19. The above-mentioned additional Directions apply during content production.</p> <p>(l) The productions should somehow add storylines in support of COVID-19 safety measures.</p>

Visual Arts, Craft & Design: Photographers, Painters, sculptures, graphic artists, crafters and designers - (Freelance workers/independent contractors)	<ul style="list-style-type: none"> • All health protocols and social distancing measures must be adhered to as per Regulation 47(1) to curb the spread of COVID-19. • These directions also apply during content production. <p>(m) Where required by the applicable legislation, a person must have a permit to operate as a small business or a permit that allows the individual worker to operate and a permit referred to in regulation 33(4)(a) for movement to their studios or facilities (work spaces).</p>
Music recordings: for local broadcast, streaming and digital platforms	<ul style="list-style-type: none"> • All health protocols and social distancing measures must be adhered to as per Regulation 47(1) to curb the spread of COVID-19.
Performing Arts: streaming events - (Poetry, Comedy, Dance, Literature events, online workshops, e-learning)	<p>(n) All health protocols and social distancing measures must be adhered to as per Regulation 47(1) to curb the spread of COVID-19.</p>

[paragraph 3 substituted by section 4 of [Government Notice 668 of 2020](#)]

4. Scope and application

These Directions apply to the creative sector and services and to public entities that have the relevant infrastructure or facilities used for the creation and the production of local content to be disseminated.

5. Authorisation

These Directions are issued in terms of regulation 4(10) of the Regulations.

6. Live streaming of the creative sector services in support of COVID-19

- 6.1 During the national state of disaster, an authorised person or company in the creative sector may create or produce local content for broadcast and live stream any service or performance at any relevant infrastructure or facility under the control of a public entity upon written approval by the accounting officer or other delegated official of such public entity, on condition that there must be no audience at such infrastructure or facility at any given time: Provided that any person or company may utilise its own or other appropriate infrastructure or facility.
- 6.2 The production of live streaming content must take place on terms and conditions to be agreed between an authorised person or company that desires to utilise the relevant infrastructure or facility of the public entity in question and the accounting officer of the public entity or other delegated official.

7. General measures to contain the spread of COVID-19 during live streaming

A production for streaming must be conducted or performed in compliance with all applicable health protocols, Directions issued by the relevant Government Departments from time to time and in strict adherence to regulations 5, 16(6) and 28(2) of the Regulations.

8. Commencement

These Directions come into effect on the date of publication in the Government Gazette and terminate on the date that the Minister directs otherwise or when the national state of disaster terminates, whichever date comes first.