

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
BROADCASTING BILL**

[B 94D—98]

(As agreed to by the Portfolio Committee on Communications (National Assembly))

[B 94E—98]

REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE-AMENDEMENTE
OP
UITSAAIWETSONTWERP**

[W 94D—98]

(Soos goedgekeur deur die Portefeuljekomitee oor Kommunikasie (Nasionale Vergadering))

[W 94E—98]

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AMENDMENTS AGREED TO**BROADCASTING BILL**
[B 94D—98]**CLAUSE 40**

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

Regulations

40. (1) The Minister may, by notice in the *Gazette*, make regulations regarding—

- (a) any notice required or permitted to be issued by the Minister in terms of this Act; and
- (b) any administrative or procedural matter which it is necessary to prescribe in order to give effect to the provisions of this Act.

(2) No regulation may be made under subsection (1) on any matter falling within the functions of the Authority in terms of this Act, the IBA Act or any other law.

SCHEDULE

On page 50, in item 6, to omit the proposed section 13A and to substitute:

No. and Year of Act	Short Title	Extent of amendment or repeal
		<p>“General role and powers of Minister</p> <p>13A. (1) No acquisition or disposal of State broadcasting assets is valid unless it is approved by the Minister.</p> <p>(2) The Minister may direct the Authority—</p> <p>(a) to undertake any special investigation and inquiry on any matter within its jurisdiction and to report to the Minister thereon;</p> <p>(b) to determine priorities for the development of broadcasting services;</p> <p>(c) to consider any matter within its jurisdiction placed before it by the Minister for urgent consideration.</p>

No. and Year of Act	Short Title	Extent of amendment or repeal
		<p>(3) Any special investigation or inquiry contemplated in subsection (2)(a) shall be financed by money appropriated to the authority for that purpose.</p> <p>(4) The Minister shall, before a direction contemplated in subsection (2) is issued, consult the Authority.</p> <p>(5)(a) Subject to paragraphs (c) and (d) the Minister may issue to the Authority policy directions of general application on matters of broad national policy consistent with the object mentioned in section 2 of the Broadcasting Act, 1998, in relation to—</p> <ul style="list-style-type: none"> (i) the radio frequency spectrum, for the purposes of planning broadcasting and other services; (ii) the universal service coverage targets of the public broadcasting services; (iii) the Republic's obligations and undertakings under international treaties and conventions, including technical standards and frequency matters; (iv) the application of new technologies that interface with broadcasting; (v) government regulations on financial, revenue and expenditure controls. <p>(b) The Authority, in performing its functions in terms of this Act, must consider any policy direction issued by the Minister under paragraph (a).</p> <p>(c) No such direction may be issued regarding the granting of a licence or regarding the amendment, suspension or revocation of a licence.</p> <p>(d) No such direction may be issued which interferes with the independence of the Authority or which affects the powers and functions of the Authority.</p>

No. and Year of Act	Short Title	Extent of amendment or repeal
		<p>(6) The Minister shall, before a policy direction contemplated in subsection (5) is issued—</p> <p>(a) consult the Authority;</p> <p>(b) in order to obtain the view of interested persons, cause the text of such direction to be published in the <i>Gazette</i> together with a notice declaring his or her intention to issue that direction and inviting interested persons to lodge written representations in relation to the direction in the manner specified in such notice within 30 days from the date of the notice;</p> <p>(c) refer the proposed direction for comment to the committees of Parliament appointed for the purpose of considering matters relating to broadcasting.</p> <p>(7) The provisions of subsection (6) shall not apply in respect of any amendment by the Minister of a policy direction in consequence of comments or representations received by him or her pursuant to consultation, publication or reference in terms of that subsection.</p> <p>(8) A policy direction issued under this section may be amended, withdrawn or substituted by the Minister, and the provisions of this section shall apply, with the necessary changes, in relation to any such amendment, withdrawal or substitution.</p> <p>(9) The Minister shall table in Parliament the annual or any other reports of the Authority.”</p>