

REPUBLIC OF SOUTH AFRICA

**BROADCASTING
AMENDMENT BILL**

(As introduced)

(MINISTER FOR POSTS, TELECOMMUNICATIONS AND BROADCASTING)

[B 15—97]

REPUBLIEK VAN SUID-AFRIKA

UITSAAIWYSIGINGSWETSONTWERP

(Soos ingedien)

(MINISTER VIR POS-, TELEKOMMUNIKASIE- EN UITSAAIWESE)

[W 15—97]

ISBN 0 621 27139 X

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.
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BILL

To amend the Broadcasting Act, 1976, in order to reduce the membership of the Board of the South African Broadcasting Corporation; and to provide that the proceeds of the sale of regional radio stations be paid into the National Revenue Fund.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 4 of Act 73 of 1976, as amended by section 2 of Act 61 of 1982, section 1 of Act 73 of 1993 and section 1 of Act 50 of 1996

1. Section 4 of the Broadcasting Act, 1976 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) not less than [15] 9 and not more than [21] 16 members; and”.

Amendment of section 24 of Act 73 of 1976, as substituted by section 18 of Act 61 of 1982 10

2. Section 24 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) (a) The corporation shall [as soon as may be practicable after the coming into operation of section 18 of the Broadcasting Amendment Act, 1982] establish a consolidated income fund into which, subject to paragraph (b), all money raised, and received, by the corporation, and any other revenues of whatever nature shall be paid, and the corporation may [after that date] establish such other funds for specific purposes as it may deem necessary in the carrying out of its activities, in which case any payment for those purposes shall only be made out of the fund intended therefor. 15 20

(b) The proceeds of the sale of regional radio stations shall be paid into the National Revenue Fund referred to in section 213 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996).”.

Short title

3. This Act shall be called the Broadcasting Amendment Act, 1997. 25

**MEMORANDUM ON THE OBJECTS OF THE BROADCASTING
AMENDMENT BILL, 1997**

1. In terms of the existing provisions of the Broadcasting Act, 1976 (Act No. 73 of 1976), the Board of the South African Broadcasting Corporation (SABC) must consist of not less than 15 and not more than 21 members. This requirement does not allow sufficient flexibility when Board members resign during their periods of office and is also not in line with the composition of comparable Boards of other institutions in South Africa. In order to make the composition of the SABC Board more flexible and to provide for a more practical and workable arrangement, it is proposed that the Board consist of at least 9 but not more than 16 members, as the President may determine from time to time.

The Bill also provides for the transfer of the proceeds of the sale of the SABC's regional radio stations to the State. Currently the Broadcasting Act provides that such income accrue to the SABC. It is therefore necessary to amend the Act to provide for this change.

2. The clauses of the Bill are dealt with as follows:

Clause 1

Amends the present provision in the Broadcasting Act (section 4(1)(a)) to reduce the number of Board members to vary between 9 and 16 inclusive, instead of the current 15 to 21 inclusive.

Clause 2

Deals with the amendment of section 24(1) of the Broadcasting Act by the addition of paragraph (b). Paragraph (b) stipulates that the proceeds of the sale of the regional radio stations of the SABC be paid into the National Revenue Fund. (In paragraph (a) — the existing subsection (1) — a reference which has served its purpose and is no longer relevant is deleted.)

Clause 3

Provides for the short title.

3. In the opinion of the State Law Advisers and the Department the Bill should be dealt with in terms of section 75 of the Constitution, 1996.

Persons and establishments consulted:

Department of Finance
SABC