

From : DARUID DISON ATTORNEYS PHONE No. : B113333437 Jul.12 1993 2:18PM P31

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FII.'VI AND ALLIED WORKERS ORGANISATION

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SUBMISSION ON THE FOURTH WORKING DRAIT Or' THE INDECPENDENT
BROADCASTING AUTHORITY BILL -

T0: TIIE TECIINICAL COMMITTEE ON TIIE INDEPENDENT MEDIA
COMMISSION AND THE INDEPENDENT TELECOMMUNICATIONS
AUTHORITY

FROM: TIIE I'ILM AND ALLIED WORKERS ORGANISATION (FAWO)

DATE: 12 JULY 1993

After closely studying the draft Bill, the Film and
Allied Workers Organisation (FAWO) welcomes the following
aspects of the Bill:

1 The policy provisions of the Bill that will enable the
IBA to regulate broadcasting in the public interest;

2 The depoliticised manner in which the IBA will be
appointed, and its planned independent and transparent
means of operation)

3 The three-tier structure enabling the development of
public, commercial and community broadcasters;

4 The limitations on foreign control of the electronic
media;

5 The limitations on the concentration and cross
ownership of the electronic media;

6 The creation of a diversity of ownership of the
electronic media at local, regional and national level;

7 The specific broadcasting licence conditions on local
television content and South African contemporary music;

8 The criterion for private bLrovaadcastlng licences that
requires consideration of historically disadvantaged
persons in licence applications;

9 The elimination of all forms of censorship;

From : DAVID DISON ATTORNEYS PHONE No. : @113333437 Jul.12 1993 2:19Â°M PA3

0 The value placaed on the independence of the IBA in relation to its regulation of all licensces of elecctronic media operations.

FAWO does, however, feel that somc aspects of the draft Bill could be tightened up and makes the following subnissions:

1 The IBA should have five years as its term of office rather than three years so that it can plan future policy properly. A term of five years could possibly draw candidates from a wider field of expertise.

2 The criteria used for appointing IBA members should extend to candidates whe can reprceoont the public intarest, and not only broadcasting experts and lawyers.

3 While we accaepct that the IBA cghould be accountable to the elected ropresentativea in Parliament, we oppose the intervention of Parliament as proposed by the draft, because it politicises the policy and operations of the IDA. This could compromise Lhe independence of the IBA.

4 Section 33 guarantees the licence of SENTECH and refers to it as the "Signal Distribution Company of the SABC". The IBA Bill must ensure Lhe absolute independence of SENTECH so that all broadcasters can receive equal treatment.

S5 The levels of fees and tariffs that broadcasters are lavied by the IBA should take into account the commercial, national, regional, community or non-profit nature of the broadcasting service.

6 Cable and satellite broadcasting should fall within the ragulatory scope of the IBA. Technological developments related to cable and satellite transmission will enter the South African broadcasting environment during the first term of office of the IBA. It would be very important for these new technologies to fall within the regulatory framework of the IBA from the beginning and not to allow their entry into the South African broadocasting environment to immediately impact on terrestrial broadcasting services in a random, arbitrary and unregulated manner.

7 Revenue raised by the lIBA from broadcast licence fees should be utilised for the administration of the lBA and also channelled back to the local production industry as a whela.

8 The definition of local content should not exclude game shows and sport, since this contradicts the policy of the Bill regarding the development of national identity ana culture. This would also discriminate against the local producers of game shows and sports programmes. However, broadcasters should be restrained from Âfilling up local content and independent production commitments with game shows and sport, Local content and independent productions quotae should apply to each form of programming.

From : DAVID DISON ATTORNEYS PHONE No. : 8113333437 Jul. 12 1993 2â\200\230: 19PN u'

. The polioy of affirmative action and gender sensitivity regarding the re-regulation of the airwaves should aleo apply to the appointment of the IBA itself.

10 Section 43.(2) h. should be extended to include a provision on equal omployment opportunitics for hictorically dicadvantaged perconc in the ctaff of the broadcast station, for which the applicant ie requesting a licence. A preferential consideration in terms of awarding a broadcast licence should be given to an applicant who offers equal employment opportunities to historically disadvantaged persons on grounds of racc, gender or disability. This is common practice in the USA under the Equal Employmocnt Opportunity (EEO) rogulations, adoptad by the Federal Communications Commission (FCC), and has served to reverce disorimination in the employnent of minorities, woman and tha disablad in the US broadcasting industry.

Given the history of discrimination in South Africa, this would be a vital corrective to ensure that black people, women and the disabled are not excluded from participating in the expansion of the South African broadcasting industry that will occur after the IBA is established. Failure to act responsibly on this issue now will almost certalnly result in state interference in the IBA in the future, which would, in all likelihood, have the effect of compromising the independence of the IBA.

We wish to congratulatae the Technical Committee on the remarkable work they have done so far in drafting the IBA 58111 and wish them every success in bringing this complex and demanding task to completion.

Szza}ttod on behalf of FAWO by

rrï¬\202icola Galonbik
Chairperson

12 July 1993