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FAX COVER SHEET

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TO RECIPIENT COMPANY : TECHNICAL COMMITTEE

~~FOR ATTENTION~~ : INDEPENDANT

FROM : BROADCASTING & AUTHORITY

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The South African
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12th July 1993

Technical Committee: Independent Broadcasting Authority
Multi-Party Forum
World Trade Centre
Kempton Park

Dear Sirs

Comments on 4th Draft, Independent Broadcasting Authority Bill

The Council of the South African Scriptwriters Association (SASWA) have had insufficient time to make a thorough study of the proposed IBA legislation, and consequently request that more time be made available to them to ascertain how this legislation will affect writers working in the electronic media, and to make representations in this regard to the Technical Committee.

The SASWA Council has, however, formulated an initial response to certain aspects of the legislation, as set out below.

Broadcast Licence

S.41 of the draft IBA Bill sets out the procedures to be followed when notice is given of the Authority's intention to grant licences. It was felt that more comprehensive guidelines should be laid down as to how people working in the broadcast industry, as well as the general public, are to be notified by the Authority of such an intention.

It is suggested that:

1. In addition to publication in the Gazette, notices should appear in the press, on radio and TV, and also in other appropriate media.
2. All bodies representative of people involved in the film and broadcast industries should be notified.
3. All persons and bodies who make representations to the Authority in respect of applications for licences should thereafter be individually notified of the time and place of

the hearings to be held in connection with the granting of those licences.

Local Content and Independent Production Quotas

While it is recognized that the finer technicalities of programming content cannot be legislated, and need to be regulated by the Authority, SASWA felt that requirements for local content could be set out in greater detail in the legislation.

It is also felt that provision should be made for the Authority to give notice that it intends to set minimum content and independent production requirements, and then to hold public hearings in this regard, as is done with the granting of licences.

It is felt that S.50(1) should define local television content in greater detail. Game shows should not be excluded from the definition, and drama should be specifically defined as having its own local content requirement.

The following observations were made by the SASWA Council:

1. A major proportion of programming time is taken up by various types of dramatic work, particularly on channels operating on a purely commercial basis. Most of these dramatic works are imported.

As dramatic work is one of the most important sources of work for writers and other people working in the film and television industries, it is felt that drama in particular should have its own minimum content legislated for, either in the Act or the Regulations.

2. As currently defined, the local content requirement could be met by programmes which might, to give some examples, be described as magazine, news, religious, childrens', educational, documentary, discussion and actuality programmes. It is feared that this could leave more expensive drama productions with insufficient legislated local content to allow for a viable local industry.
3. This is not to suggest that these other programmes should not enjoy substantial programming time, as they too employ writers and other film and television personnel. However, if the South African industry is to grow, and eventually export programmes, dramatic productions must be encouraged.
4. Different categories of dramatic work should also be recognized. Soap operas and sitcoms are cheaper to make than

outdoor drama productions, and hence important training grounds for all members of the film and television industries. However, all types of drama production should be encourage to make for a viable local industry.

5. The Council of SASWA would like to see that a percentage of all material broadcast in South Africa was scripted by South African writers, with different categories of writing perhaps given different percentage requirements. This is obviously something that would need to be researched by the IBA once established.

However, it is suggested that a minimum local content requirement be laid down in the Act, with powers given to the Authority to raise this minimum at different times for different categories of production.

6. Local content and independent production requirements should specifically define which people, doing what work, such as writing, directing, cinematography, etc., are included in the concept of key personnel which appears in s.50(1)(a)(v).

Code of Conduct

Grave concern was expressed by the Council of Saswa that s.2 of the code of conduct, particularly ss.(1), amounts to legislated censorship. It is not clear who is to decide what is offensive, obscene, etc. It was also felt that greater differentiation had to be recognized for different broadcasters. A public broadcaster, for example, probably ought to be more constrained in what it broadcasts than a subscriptio broadcaster, whose audience is more targeted.

This section may also conflict with a future Bill of Rights.

Ministerial Powers

Concern was expressed that various provisions of the draft bill envisage approval being given by the Minister before Regulations for the effective functioning of the Authority can be promulgated, and before licence fees can be set. (The relevant sections are 10(2), 13(1) and (2), and 70.)

It was felt that this leaves the Authority open to indirect political pressure in the event of a government not being pleased with its decisions. A means ought to be found to bypass the Minister if there is deadlock in this respect, perhaps through access to the courts.

Yours faithfully

~~Handwritten signature~~ 59
Cameron Hood
SASA Chairman