



SENTECH

The signal distribution company of the SABC
Die seindistribusie maatskappy van die SAUK

F57
[57]

SPV/jcvn
Our Ref:jcvn:126:E

P.O. Box 91297
AUCKLAND PARK
2006
Tel no: 714-6208
Fax no: 714-4467

5 July 1993

Ms. Amanda Armstrong
The Technical Committee on the
Independent Broadcasting Authority Bill and
the Independent Telecommunication Authority
World Trade Centre
KEMPTON PARK

Dear Ms. Armstrong,

COMMENTS ON THE FOURTH WORKING DRAFT OF THE INDEPENDENT
BROADCASTING AUTHORITY BILL

The opportunity to comment on the draft Bill is much appreciated.

Sentech is very satisfied with the Bill in its present form and structure, and our comments are mainly aimed at clarifying certain technical aspects, and the role and responsibilities of broadcasting signal distribution licensees.

Your consideration of our comments will be much appreciated.

We are available at any time to assist you to complete this critical task.

Yours sincerely,

PAT FRASER
ACTING MANAGING DIRECTOR

Encl.:

397

COMMENTS ON THE FOURTH WORKING DRAFT OF THE INDEPENDENT
BROADCASTING AUTHORITY BILL BY SENTECH (PTY) LIMITED

A. GENERAL COMMENTS

1. Specific references (eg. Section 46) to technology and techniques such as FM and AM should be used with discretion because new techniques such as DAB (Digital Audio Broadcasting) may make existing techniques obsolete, and could provide loopholes in the Act. A solution may be to cover such detail in the Regulations.
2. Technical activities such as the determination of signal standards, technical specifications and liaison with the Telecommunications Authority as well as frequency spectrum management could best be done by one standing committee, the Broadcasting Technical Committee, which is proposed to replace the Broadcasting Spectrum Management Committee.

B. SPECIFIC COMMENTS

Chapter 1

Add to definition of "broadcasting services frequency bands"

... and any other additional part of the electromagnetic radio frequency spectrum defined nationally for the use of broadcasting services.

"Broadcasting Spectrum Management Committee" should be changed to "Broadcasting Technical Committee".

Chapter 2

Section 3(5) Add (d)

(d) the need to provide signal distribution to all persons relevant to the services.

Chapter 3

Section 10(1) Add (e)

(e) adapt and enforce the present signal standards (e.g. PAL System I and Nicam 728) and to select and approve any new such standards.

/2...

Chapter 4

Section 22(1) Replace (a)

(a) "The Broadcasting Technical Committee (BTC)".

(The BTC will have to deal with frequency spectrum management, the determination of signal standards and the provision of technical specifications).

Section 23 (1) Change (b)

(b) "such number of members not exceeding 6, but at least 3.....".

(At least as far as the BTC is concerned to be able to have sufficient representation from the various stakeholders).

Chapter 5

Section 29 Proposed new wording

The Broadcasting Technical Committee shall be a standing committee, responsible for the management of the broadcasting services frequency bands, the determination of signal standards to be used in South Africa, and the technical planning functions of the Authority.

Section 30(2)

The word order should be changed as follows:

"The Authority may determine the population density of a licence area and thereafter make its findings known by notice in the Gazette".

Section 31

The terms "allotment, allocation and assignment" have very specific meanings in frequency management and therefore the use of the term "allotment" in Section 31, should be changed or deleted. (ITU Definitions attached).

/3...

General Comments on Chapter 5

These following comments are made in support of the provisions in this chapter to empower the IBA to plan and assign the use of frequencies in the broadcasting bands.

It is critical that the IBA should be able to do so, otherwise it would find itself in a disadvantageous position at the mercy of another institution with its own priorities.

Inevitably an arrangement whereby another body, apart from the IBA, will manage the broadcasting frequencies will result in additional bureaucracy, frustration and dissatisfaction. Most importantly, it will damage the independent status of the IBA.

It may be argued by other institutions that it is necessary to have a single control of the frequency spectrum from a technical viewpoint and other administrative issues. This is not so, as is illustrated by the fact that the administration and planning of the broadcasting bands have been dealt with separately for the last 30 years. The Department of Posts and Telecommunications has only served as a post box in the registration of broadcasting frequencies with the International Telecommunication Union. Administrative arrangements can be made to cover this activity and others, such as interference problems.

The original approach to have a common Regulator for Broadcasting and Telecommunications is still the ideal. In the present situation, where the two will be dealt with separately, apparently at the insistence of the telecommunications institutions, it is necessary that the IBA be placed in a position where it can deal effectively with its mission.

Chapter 6

Section 34

Delete reference to subsections (7) & (8) & (9) of Section 41.

Section 35 Criteria for Broadcasting Signal Distribution Licences.

/3...

480

The provisions of section 43(2), except subsection (i), shall mutatis mutandis apply to broadcasting signal distribution licences.

Section 36 Conditions of Broadcasting Signal Distribution Licence.

- (1) A broadcasting signal distribution licensee shall;
- (a) comply with all the provisions of this Act, in particular the frequency plans and regulations of the Broadcasting Technical Committee.
 - (b) not provide broadcasting signal distribution services to broadcasters not licenced by the Authority.
 - (c) take due cognizance of the environmental impact of its activities and comply with the applicable Acts.
 - (d) allow inspection of its facilities by the Authority.
 - (e) be allowed to hold licences other than broadcasting signal distribution licences.
 - (f) be allowed to provide broadcasting signal distribution services internationally.

Section 37 Amendment of Broadcasting Signal Distribution Licence

The provisions of section 51 shall mutatis mutandis apply to Broadcasting Signal Distribution licences.

Section 38 Term of Broadcasting Signal Distribution Licence

Subsection (1) should refer only to subsection (1)(a) and not subsection (2) of Section 33.

Another subsection (subsection (3)) should be added:

(3) The term of licence allocated to Sentech shall be twenty years.

/4...

Section 39

Add reference to sections 64, 65, 66, 67, 68 and 69.

Chapter 7

Section 41(2)(b)

- (i) Change the word "frequency" by "technical parameters".
(The term "frequency" could become too restrictive with new technical developments).

Chapter 9

Section 63 (1). Add.

- (d) monitor compliance by broadcasting signal distribution licensees with the conditions of the broadcasting licence and the provisions of this Act.

Section 65(1)(b)

Change the term "public network operator" to "licensee" to address the comment in footnote 18.

Section 67. To address the comment in footnote 19.

Subsection (1) Add "broadcasting signal distribution licensee" after "broadcasting licensee".

- 1(c) Delete the word "programme" from the sentence.

ARTICLE 8

Frequency Allocations

(NOT SCANNED IN)

Introduction

- 391 § 1. In all documents of the Union where the terms *allocation*, *allotment* and *assignment* are to be used, they shall have the meaning given them in Nos. 17 to 19, the terms used in the three working languages being as follows:

Frequency distribution to:	French	English	Spanish
Services	Attribution (attribuer)	Allocation (to allocate)	Atribución (atribuir)
Areas or countries	Allotissement (allotir)	Allotment (to allot)	Adjudicación (adjudicar)
Stations	Assignment (assigner)	Assignment (to assign)	Asignación (asignar)

Section I. Regions and Areas

- 392 § 2. For the allocation of frequencies the world has been divided into three Regions¹ as shown on the following map and described in Nos. 393 to 399:

392.1 ¹ It should be noted that where the words "regions" or "regional" are without a capital "R" in these Regulations, they do not relate to the three Regions here defined for purposes of frequency allocation.

Section II. Specific Terms Related to Frequency Management

- 17 2.1 *Allocation* (of a frequency band): Entry in the Table of Frequency Allocations of a given frequency band for the purpose of its use by one or more terrestrial or space *radiocommunication services* or the *radio astronomy service* under specified conditions. This term shall also be applied to the frequency band concerned.
- 18 2.2 *Allotment* (of a radio frequency or radio frequency channel): Entry of a designated frequency channel in an agreed plan, adopted by a competent conference, for use by one or more administrations for a terrestrial or space *radiocommunication service* in one or more identified countries or geographical areas and under specified conditions.
- 19 2.3 *Assignment* (of a radio frequency or radio frequency channel): Authorization given by an administration for a radio *station* to use a radio frequency or radio frequency channel under specified conditions.

Section III. Radio Services

- 20 3.1 *Radiocommunication Service*: A service as defined in this Section involving the transmission, *emission* and/or reception of *radio waves* for specific *telecommunication* purposes.
- In these Regulations, unless otherwise stated, any radiocommunication service relates to *terrestrial radiocommunication*.
- 21 3.2 *Fixed Service*: A *radiocommunication service* between specified fixed points.
- 22 3.3 *Fixed-Satellite Service*: A *radiocommunication service* between *earth stations* at specified fixed points when one or more *satellites* are used; in some cases this service includes satellite-to-satellite links, which may also be effected in the *inter-satellite service*; the fixed-satellite service may also include *feeder links* for other *space radiocommunication services*.

403