

FAWO

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Film and Allied Workers Organisation (Western Cape)  
106 Chapel Street, Woodstock, 7945.

Phone: (021) 45 1545  
Fax: (021) 45 2008

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TO: TECHNICAL COMMITTEE ON THE IMC AND ITA  
WORLD TRADE CENTRE

DATE: 12 JULY 1993

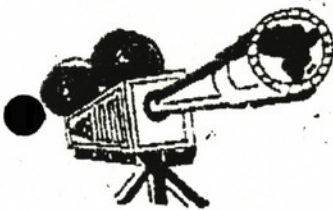
FAX NO: (011) 397-2211

FROM: FILM AND ALLIED WORKERS' ORGANISATION (WESTERN CAPE  
REGION)

RE: SUBMISSION ON THE INDEPENDENT BROADCASTING AUTHORITY BILL

NO OF PAGES: 4 (including this page)

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## FAWO (WESTERN CAPE) SUBMISSION

We support, in particular, the following proposals:

- \* the transparent process of appointing IBA members
- \* the independence of the IBA from state control
- \* limitations placed on foreign ownership of private broadcasting entities
- \* the inclusion of affirmative action in regard to licence allocation
- \* attempts to limit cross-media control of private broadcasting services
- \* attempts to entrench local television content and the use of independent television production as specific licensing conditions

Our recommendations are as follows:

### 1. STRUCTURE, COMPOSITION AND REGULATION OF THE IBA

- 1.1 Ombuds office - We are concerned about the accountability of the IBA to potential broadcasters and the public interest. There is no effective means of regulating the conduct of IBA members and ensuring that they properly discharge their duties. We believe that the establishment of an ombuds office is essential to both address this problem and to provide a channel for public input on conduct and decisions of the IBA.
- 1.2 Regional access - The bill does not effectively provide for access to the proceedings, decisions and documentation emanating from the IBA (cf Ch 7, s41(5)). All regions must have direct access to this information through the establishment of well-publicised local access points. The IBA should also take into account the difficulties of rural licence applicants in deciding where the public hearings must take place.

- 1.3 Appointment of IBA members - Whilst we support the procedure laid down in schedule 1, we believe that the public hearings must be broadcast on public television.
- 1.4 Composition of the Broadcasting Monitoring and Complaints Committee (Ch 4, s23(3)) - The bill should stipulate that at least one member of this committee must have substantial media experience.

## 2. CATEGORIES OF BROADCASTERS: CRITERIA

- 2.1 Definitions - The present definition of a public broadcasting service could include a community broadcasting service. This could give rise to much uncertainty regarding the provisions which apply to the different types of services, and must be clarified.
- 2.2 Community broadcasting services - Community broadcasters will not have as many resources as private and public broadcasters and will therefore have more difficulty in complying with the license application procedures. Accordingly, the IBA should be expressly directed to take this into account in setting fees and the amount, if any, of security and other procedural requirements.
- 2.3 Special events / test licenses - The bill should provide for these categories of broadcasters. This type of licence should be made available as soon as possible, and in particular during the period running up to elections. Furthermore, this would give the IBA substantial assistance in assessing test and special events broadcasters, should they subsequently apply for permanent licences.

## 3. EXISTING BROADCASTING SERVICES

We believe that existing broadcasters must be brought within the new broadcasting dispensation in a more structured manner. Existing broadcasters have an unfair advantage over new broadcasters, and should also be submitted to public scrutiny. We believe that it is crucial that provisions be drafted, requiring a re-assessment of all existing broadcasters so that the IBA can make appropriate amendments to their licences and prescribe special conditions.

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4. GENERAL PRINCIPLES

- 4.1 Affirmative action - We note the references to affirmative action in the bill, but believe that it should be more deeply entrenched in the regulation of broadcasting in South Africa. Affirmative action should be specifically provided for in the Object and Policy portion of the bill (Ch 2). The requirements of s43(2)(h) should be extended to include employees of the proposed broadcasting service.
- 4.2 Local content - We refer to the "Joint Submission on Local S A Television Content and Independent Television Production" dated 9 June 1993. We believe that the bill should provide for actual minimum percentages for each category of broadcasting service, to be set by regulation.
- 4.3 Satellite technology - The bill fails to ensure that international broadcasters, broadcasting in South Africa via satellite technology, are regulated by the IBA. This aspect needs serious attention.
- 4.4 Future drafts of the bill - We note that various sections of the bill are incomplete. It is necessary for future working drafts to be made available for public comment and recommendation.

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