

F120

(120) TE me

702

Bophuthatswana Commercial Radio (Pty) Ltd
(Registered in Bophuthatswana)
101 Victoria Road, Sandown, Sandton 2196
P.O. Box 5572, Hivona, 2128
Phone: (011) 854 0400 Telex: 4 06246
Fax: (011) 860-982
Registration Number: 79-009

The Technical Committee on the
Independent Media Commission and
Independent Telecommunications Authority

WORLD TRADE CENTRE

Fax # 397-2211

Members: J. Kishi* (Chairman), S.B. Katz* (Managing), J.I. Herskowitz*, H.M. Brodberg*, C.W.P. Gibbons*, K.F. Gomme*, C.A. (SA) (Finance), I.D. Gould***, M.J. Dyke**** (Alt),
M.L. King*, A.Z. Levy*, I.S. Levy* (Alt), J.A.J. Marud*, L.S. Mungope** (Alt), A.J. van Dyken*
*South African, **Swazi, ***Canadian, ****British

the IBA of collective qualifications, expertise and experience in the fields
of, inter alia, broadcasting policy and technology, media law, frequency
planning, business practice and finance, marketing, journalism,
entertainment and education.

Members: J. Kishi* (Chairman), S.B. Katz* (Managing), J.I. Herskowitz*, H.M. Brodberg*, C.W.P. Gibbons*, K.F. Gomme* CA (SA) (Finance), I.D. Gould***, M.J. Dyke**** (Alt),
M.L. King*, A.Z. Levy*, I.S. Levy* (Alt), J.A.J. Marud*, L.S. Mungope** (Alt), A.J. van Dyken*
*South African, **Swazi, ***Canadian, ****British

913

5. We regret the lack of consensus with regard to the appointment mechanism. We urge appointment by an independent committee, whose decision should be final and automatically implemented by the Executive.
6. We prefer the term "commissioner" to "councillor", since the former implies executive responsibility and the latter advisory capacity. We furthermore find the need for a "council" within the IBA to be extraneous and unwarranted
7. We note the inclusion in the definition of a public broadcasting service of its commercially-operated broadcasting services. We urge the soonest possible privatisation by the SABC of its more patently "commercial" services, with due regard to the financing needs of the SABC. We believe that in general principle it is not sound public policy for the state broadcaster to compete against the private sector.
8. We also note, in the definition of a community broadcasting service, advertising as a source of funding for such a service. We believe that in general principle it is not sound public policy for a non-profit entity centrally defined as such to compete for revenues against the private sector.
9. With regard to the term of duration of radio licenses (Sec 49), we urge a longer and fixed period, namely 10 years, to be applicable to both public and private radio broadcasters, to allow security of tenure to cover the often significant investment required.
10. We further note with concern the provision (Sec 48 (3)) that the IBA "shall" prescribe minimum local music content. We contend this contradicts the spirit of public enquiry referred to under 5 above and in fact pre-empts the decision of the IBA. We urge that the IBA instead "may" make such prescription.

11. With regard to certain restrictions upon control of multiple stations (Sec 43(3), 43(5)) that "no person ... shall be in a position to control two private FM (AM) sound broadcasting licenses which have the same or overlapping licence areas." While we accept the concept of "same", we reject the idea of "overlapping" because of certain practicalities, e.g. licenses for Johannesburg and Pretoria which will most probably overlap.
12. In Sec 50 (1) (transfer of license without written authorisation of the IBA), we urge the addition of the words " ... which authorisation shall not be unreasonably withheld."
13. Also in Sec 54 (2) (code of conduct and exemptions), we urge - for reasons of practicality and to provide specifically for the structural needs of the members of the National Association of Broadcasters, of which Radio 702 is a member - that the wording be amended as follows:

"The provisions of subsection (1) shall not apply to any broadcasting licensee if that licensee is a member of a body that has proved to the satisfaction of the authority that its members WHO ARE DULY LICENSED BY THE AUTHORITY subscribe and adhere" etc.


STAN KATZ
MANAGING DIRECTOR

17 August 1993
Rap:46:ld