

REPUBLIEK VAN SUID-AFRIKA
DEPARTEMENT VAN BINNELANDSE SAKE



REPUBLIC OF SOUTH AFRICA
DEPARTMENT OF HOME AFFAIRS

VERW.
REF.

HOOFKANTOOR HEAD OFFICE
GIVITAS
STRUBENSTRAAT STREET 248
PRIVAATSAK PRIVATE BAG X114
PRETORIA
2001

FAXS VERSENDINGSMEMORANDUM

FAX TRANSMISSION COVERING MEMORANDUM

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Datum
Date **1993.08.27**

Hoeveelheid bladsye
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Number of pages
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Bates

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**SUBMISSIONS BY THE SOUTH AFRICAN GOVERNMENT
ON THE SIXTH DRAFT OF THE IBA BILL**

1.

Ad Clause 28(8)

Sub-clause (b) is scrapped.

2.

Ad Clause 49

This clause to read as follows:

- (1) Subject to the provisions of subsection (6) no person shall -
 - (a) directly or indirectly exercise control over more than one private television broadcasting licence; or
 - (b) be a director of a company which is, or of two or more companies which are, between them, in a position to exercise control over more than one private television broadcasting licence; or
 - (c) be in a position to exercise control over a private television broadcasting licence, and be a director of any company which is in a position to exercise control of another private television broadcasting licence.
- (2) Subject to the provisions of subsection (6) no person shall -
 - (a) be in a position to exercise control over more than two private FM sound broadcasting licences;
 - (b) be a director of a company which is, or of two or more companies which are, between them, in a position to exercise control over more than two private FM sound broadcasting licences; or

- (c) be in a position to exercise control over two private FM sound broadcasting licences, and be a director of any company which is in a position to exercise control over any private FM sound broadcasting licence.
- (3) Subject to the provisions of subsection (6) no person referred to in subsection (2) shall be in a position to control two private FM sound broadcasting licences which have the same or overlapping licence areas.
- (4) Subject to the provisions of subsection (6) no person shall -
- (a) be in a position to exercise control over more than two private AM sound broadcasting licences;
 - (b) be a director of a company which is, or of two or more companies which are, between them, in a position to exercise control over more than two private AM sound broadcasting licences; or
 - (c) be in a position to exercise control over two private AM sound broadcasting licences, and a director of any company which is in a position to exercise control over other private AM sound broadcasting licences.
- (5) Subject to the provisions of subsection (6) no person referred to in subsection (4) shall be in a position to control two private AM sound broadcasting licences which have the same or overlapping licence areas.
- (6) The Authority may on good cause shown and taking into account the primary objects referred to in section 2, exempt a person from the limitations set out in subsections (1) to (5) on conditions laid down by the Authority.
- (7) The Authority may, whenever it deems it necessary in view of developments in broadcasting technology or for the purposes of advancing the primary objects referred to in section 2, institute and conduct a public enquiry and make recommendations to the Minister regarding the amendment of any of the preceding subsections.

- (8) The recommendations contemplated in subsection (7) shall be tabled in Parliament by the Minister within 14 days of receipt thereof if Parliament is then in ordinary session or within 14 days after the commencement of its next ensuing session.

3.

Ad Clause 50

This clause to read as follows:

50. (1) Subject to the provisions of subsection (2) no newspaper, either alone or in association with any other person in control of such newspaper, may own, directly or indirectly, more than 35 percent of the shareholding of a private broadcasting service.
- (2) The Authority may on good cause shown and taking into account the primary objects referred to in section 2, permit such newspaper, either alone or so associated, to own more than 35 percent of the shareholding of a private broadcasting service.
- (3) The Authority may, whenever it deems it necessary in view of developments in broadcasting technology or for the purposes of advancing the primary objects referred to in section 2, institute and conduct a public enquiry and make recommendations to the Minister regarding the amendment of any of the preceding subsections.
- (4) The recommendations contemplated in subsection (3) shall be tabled in Parliament by the Minister within 14 days of receipt thereof if Parliament is then in ordinary session or within 14 days after the commencement of its next ensuing session.

4.

Ad Schedule 4: Clause 3

The percentage of 25% is amended to read 35%.