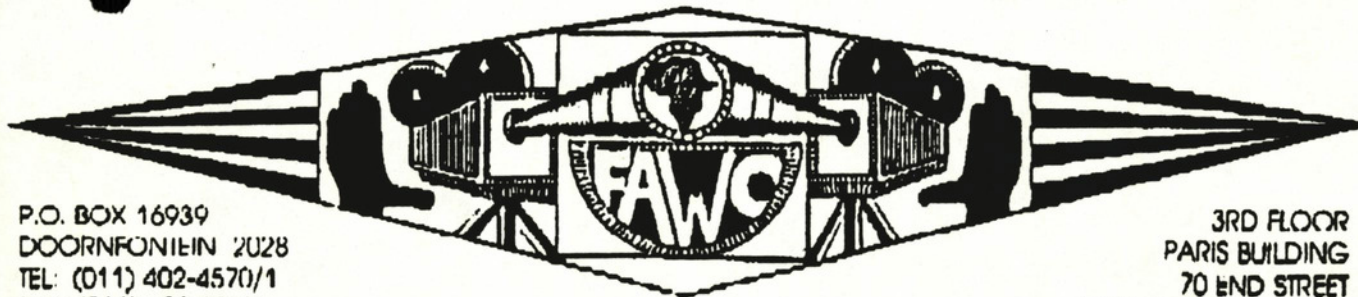


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# FILM AND ALLIED WORKERS ORGANISATION



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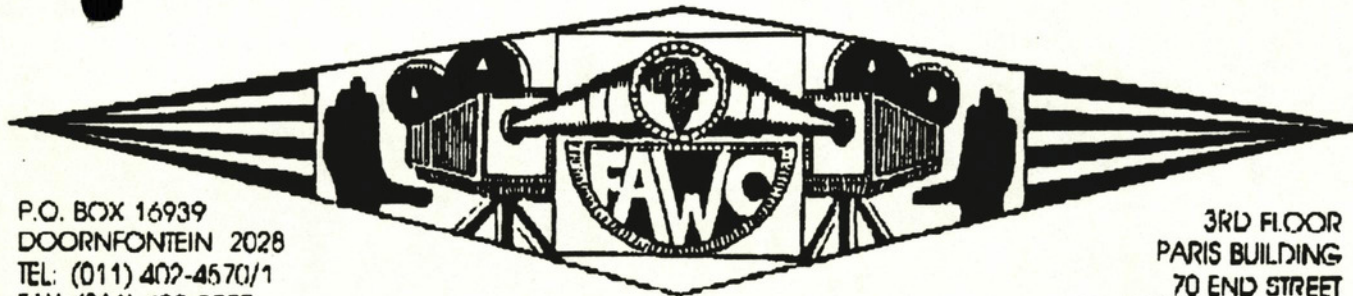
FAX TO : THE TECHNICAL COMMITTEE  
ON THE INDEPENDENT MEDIA  
COMMISSION AND THE  
INDEPENDENT TELECOMMUNICATIONS  
AUTHORITY

FROM : NICOLA GALOMBIK

DATE : 12/7/93

PAGES : 4

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**SUBMISSION ON THE FOURTH WORKING DRAFT OF THE INDEPENDENT BROADCASTING AUTHORITY BILL**

**TO: THE TECHNICAL COMMITTEE ON THE INDEPENDENT MEDIA COMMISSION AND THE INDEPENDENT TELECOMMUNICATIONS AUTHORITY**

**FROM: THE FILM AND ALLIED WORKERS ORGANISATION (FAWO)**

**DATE: 12 JULY 1993**

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After closely studying the draft Bill, the Film and Allied Workers Organisation (FAWO) welcomes the following aspects of the Bill:

- 1 The policy provisions of the Bill that will enable the IBA to regulate broadcasting in the public interest;
- 2 The depoliticised manner in which the IBA will be appointed, and its planned independent and transparent means of operation;
- 3 The three-tier structure enabling the development of public, commercial and community broadcasters;
- 4 The limitations on foreign control of the electronic media;
- 5 The limitations on the concentration and cross ownership of the electronic media;
- 6 The creation of a diversity of ownership of the electronic media at local, regional and national level;
- 7 The specific broadcasting licence conditions on local television content and South African contemporary music;
- 8 The criterion for private broadcasting licences that requires consideration of historically disadvantaged persons in licence applications;
- 9 The elimination of all forms of censorship;

10 The value placed on the independence of the IBA in relation to its regulation of all licences of electronic media operations.

FAWO does, however, feel that some aspects of the draft Bill could be tightened up and makes the following submissions:

1 The IBA should have five years as its term of office rather than three years so that it can plan future policy properly. A term of five years could possibly draw candidates from a wider field of expertise.

2 The criteria used for appointing IBA members should extend to candidates who can represent the public interest, and not only broadcasting experts and lawyers.

3 While we accept that the IBA should be accountable to the elected representatives in Parliament, we oppose the intervention of Parliament as proposed by the draft, because it politicises the policy and operations of the IBA. This could compromise the independence of the IBA.

4 Section 33 guarantees the licence of SENTECH and refers to it as the "Signal Distribution Company of the SABC". The IBA Bill must ensure the absolute independence of SENTECH so that all broadcasters can receive equal treatment.

5 The levels of fees and tariffs that broadcasters are levied by the IBA should take into account the commercial, national, regional, community or non-profit nature of the broadcasting service.

6 Cable and satellite broadcasting should fall within the regulatory scope of the IBA. Technological developments related to cable and satellite transmission will enter the South African broadcasting environment during the first term of office of the IBA. It would be very important for these new technologies to fall within the regulatory framework of the IBA from the beginning and not to allow their entry into the South African broadcasting environment to immediately impact on terrestrial broadcasting services in a random, arbitrary and unregulated manner.

7 Revenue raised by the IBA from broadcast licence fees should be utilised for the administration of the IBA and also channelled back to the local production industry as a whole.

8 The definition of local content should not exclude game shows and sport, since this contradicts the policy of the Bill regarding the development of national identity and culture. This would also discriminate against the local producers of game shows and sports programmes. However, broadcasters should be restrained from filling up local content and independent production commitments with game shows and sport. Local content and independent production quotas should apply to each form of programming.

The policy of affirmative action and gender sensitivity regarding the re-regulation of the airwaves should also apply to the appointment of the IBA itself.

10 Section 43.(2) h. should be extended to include a provision on equal employment opportunities for historically disadvantaged persons in the staff of the broadcast station, for which the applicant is requesting a licence. A preferential consideration in terms of awarding a broadcast licence should be given to an applicant who offers equal employment opportunities to historically disadvantaged persons on grounds of race, gender or disability. This is common practice in the USA under the Equal Employment Opportunity (EEO) regulations, adopted by the Federal Communications Commission (FCC), and has served to reverse discrimination in the employment of minorities, women and the disabled in the US broadcasting industry.

Given the history of discrimination in South Africa, this would be a vital corrective to ensure that black people, women and the disabled are not excluded from participating in the expansion of the South African broadcasting industry that will occur after the IBA is established. Failure to act responsibly on this issue now will almost certainly result in state interference in the IBA in the future, which would, in all likelihood, have the effect of compromising the independence of the IBA.

We wish to congratulate the Technical Committee on the remarkable work they have done so far in drafting the IBA Bill and wish them every success in bringing this complex and demanding task to completion.

Submitted on behalf of FAWO by

*N. Currie*

pp Nicola Galombik  
Chairperson  
12 July 1993