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ATTN:

Mr. Mac Maharaj
Technical Committee on the
Independent Media Commission
and Independent Telecommunications Authority

From: D. Cherry
Capital Radio
TK&P (Pty) Ltd



THE STATION WITH AN ATTITUDE.

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CAPITAL RADIO



THE STATION WITH AN ATTITUDE

P.O. Box 806
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05.07.93

ATTN: Mr Mac Maharaj
The Technical Committee on the
Independent Media Commission
and Independent Telecommunications Authority
P.O. Box 307
ISANDC

Comments on the Fourth Working Draft of the Independent
Broadcasting Authority Bill.

Dear Sir

Capital Radio having studied the proposed bill would like to suggest the following modifications to the bill. The first part deals with definitions as we feel that some of the definitions need more clarity. The rest of the comments deal with the balance of the bill.

Yours faithfully


D. CHERRY
TECHNICAL MANAGER

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Chapter 1 (Definitions Amendments)

"Broadcasting" to disseminate (audible or information matter) from a wireless transmitting station or by cable network intended for a large number of users having the appropriate receiving facilities.

"Broadcasting Signal Distribution" means the process of dispersing the licenced broadcasters programme by means of transmission on a frequency/ies as defined in the broadcasting licence by the Authority.

Reason for the amendments: Studio to transmitter links (STL) operate on frequencies outside the Authority of the IBA and fall under the authority of SAPT (future ITA) and hence the IBA cannot grant a broadcasting signal distribution licence on these grounds as stated in existing definition.

Community Broadcasting Service"

(d) May be funded by donations, grants, sponsorships and advertising from businesses based in the licence area or membership fees, or funded by a combination of these sources.

Reason for amendment: The public and especially the private broadcaster rely on advertising as the sole incoming revenue. The community broadcaster has a number of sources and hence the restriction of advertising from businesses within the licensed area. "Best of both worlds" for all classes of broadcaster.

"Newspaper" means a newspaper that is published at least once a week and is registered with the Department of Home Affairs as a "newspaper".

Reasons for Amendments: To clarify the definition of a newspaper.

"Radio" to "Radio Transmission" means an electromagnetic wave propagated in space and having by convention a frequency of lower than 3000 GHz.

Reason for amendment: The term radio means different things to different people. Ambiguous.

"Sound Broadcasting Service" means a broadcasting service that can be received by a radio receiving set.

Reason for amendment: The term "sound radio set" has different meanings to different people.

"Sound Radio Set" to "Radio Receiving Set" means a device capable of receiving broadcast transmissions by a broadcasting service and reproducing them in the form of sound, but not in the form of images or visible signs or signals.

Reason for amendment: As stated above.

"Television set" to "Television Receiving Set" means a device capable of receiving broadcast transmissions by a broadcast television service and reproducing them in the form of images or other visible signals with or without accompanying sound(s).

Reason for amendment: To clarify "Receiving by Radio".

Chapter 7 41 (9) No provision if licensee fails to commence broadcasting within the period determined by the Authority.

i Does the License become void.

ii Licensee can apply for extension - authority to determine if extensions warranted.

If extension is granted published in Govt Gazette and reason given plus new commencement date of broadcast stated.

Chapter 43 (2) L. Should be left to the Authority to be "pro-active".

Chapter 7 45. Is fair and should stay.

Chapter 7 46. Is fair and should stay to prevent "moving of goal posts". Could be modified later if developments in broadcasting technology warrants this.

Chapter 7 (47) 7. Query: Is circulation of 300 000 per day? Per week?

Chapter 7 (48) 2. Query: Example, Will a union(s) which is/are affiliated to Cosatu which is linked to the ANC, be disqualified. Section needs more definition.

Chapter 7 (50). The prime function of the IBA is frequency spectrum management, how is the Authority going to police these regulations? Or how is the broadcaster going to prove he/she is?

This section will need more work, the local film, video and music industry are hanging their coats on the IBA hanger to protect their industries. Policing and action will prove difficult whoever accepts responsibility.

Chapter 7 (52). 2. Seven years - TV.
3. Five years - Radio.

Long enough term for investors to recoup and for the IBA to review if broadcaster is benefiting the community.

4. Stays

All new broadcasters will know conditions.

Chapter 7 (55) 4. Amendments: The IBA may request accounts or records for inspection.

Chapter 8 (58). Question? Is there going to be a maximum percentage of broadcast time to airing of advertisements?

Chapter 8 (59) 1. Question? What about a private or community sound broadcaster - talk shows etc.

Chapter 8 (62) 2. Addition: Maybe all political party broadcasts should cease 12 hours before polling stations open, to prevent any possible bias to maintain equality.

Chapter 9 (63) Query. Does the broadcasting monitoring and complaints committee deal with technical issues such as interference from other broadcasters or other spectrum users or the Broadcasting Frequencies Spectrum Management Committee.

Chapter 10 (70) L. Query: Does technical control mean stating technical specifications of apparatus. If not, the Act does not state which specs (SASC, BBC, EBU, FCC) will be instituted in SA or is this decision to be left to the IBA.

General Comments

i Technical specifications not mentioned.

ii Will all broadcasters in the different classes abide by specs or will community broadcasters have their own? It should be that all must conform.

iii Inspection of equipment before broadcasting begins not mentioned.

iv Suspension of license if broadcasters equipment develops fault and does not meet specs not mentioned. Re-commencement of broadcast and re-inspection of equipment before broadcast can resume not mentioned.

v Fines, suspension and other offenses to be defined.

vi How is the FRA going to determine license fees, will community and/or public broadcasters pay license fees.

(vii) Do broadcasters in the TBVC states who at present carry out their own signal distribution, qualify for a signal distribution licence under the 'grandfather' clause? as is the case with Sertel (Pty) Ltd.