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GENERAL NOTICE

Parliament of the Republic of South Africa

General Notice

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GENERAL NOTICE

NOTICE 831 OF 2008

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

Publication of Draft *BROADCASTING ACT AMENDMENT BILL* [2008]

A draft of the Broadcasting Act Amendment Bill, as presented to the Speaker of the National Assembly by the Portfolio Committee on Communications, is hereby published for comment. Interested persons and institutions are invited to submit written comments on the draft legislation on or before 25 July 2008, to the following persons:

The Secretary to Parliament
For the attention of:
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Amendment to section 15 in Act 4 of 1999

1. The following amendments are hereby effected in the Broadcasting Act, 1999 -

(a) After "body" to insert "- (1)"

(b) After "Board" to delete [.] and to insert "; or (2) must remove a member from the office after due enquiry and the adoption by the National Assembly of a resolution calling for that member's removal from office in terms of section 15A."

Insertion of section 15A in Act 4 of 1999

2. The following section is hereby inserted in the Broadcasting Act, 1999, after section 15:

" **15A** (1)The National Assembly may by the adoption of a resolution recommend the removal of a member or members from office only on account of-

(a) misconduct;

(b) inability to perform the duties of his or her office efficiently;

(c) absence from three consecutive meetings of the Board without the permission of the Board, except on good cause shown;

(d) failure to disclose an interest in terms of section 17 or voting or attendance at, or participation in, proceedings of the Board while having an interest contemplated in section 17; or

(e) his or her becoming disqualified as contemplated in section 16.

(2)The President -

(a) may suspend a Member from office at any time after the start of the proceedings of the National Assembly for the removal of that Member;

(b) must remove a Member from office upon the recommendation of the National Assembly to do so;

(c) must dissolve the Board if the resolution recommends the removal of all the Members, and appoint a new Board in accordance with section 13(1).

(3) Upon the dissolution of the Board the President must appoint an interim Board consisting of the executive members of the Board together with not more than four other persons to perform the functions of the Board until a new Board contemplated in subsection (2)(c) is appointed.

(4) The President must designate one of the members of the interim Board referred to in subsection (4) as the chairperson and another member as deputy chairperson, both of whom must be non-executive members of the interim Board.”

**MEMORANDUM ON THE OBJECTS OF THE BROADCASTING ACT AMENDMENT
BILL, 2008**

(a) Particulars of proposed legislation

The legislation seeks to amend the Broadcasting Act, No 4 of 1999, so as to insert-

- i) a provision for the removal of a member of the South African Broadcasting Corporation (SABC) Board by the appointing body on the recommendation of the National Assembly, and
- ii) a provision for the dissolution of the SABC Board.

(b) Objects of the proposed legislation

- i) The Broadcasting Act does not provide for a mechanism whereby the SABC Board may be dissolved if it is unable to perform its functions;
- ii) The Act only provides for the removal of individual members of the Board upon the recommendation of the Board itself;
- iii) The amendment would ensure that due process is followed when there is a need for the Board as a whole to be dissolved and also provides for the responsibilities of the Board to be executed by an interim Board until the appointment of a new Board.

(c) Financial implications for the State

The proposed legislation will not lead to any additional expenditure by the State.

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