



Vol. 525 Cape Town, 10 March 2009 No. 31999
Kaapstad, 10 Maart

THE PRESIDENCY

No. 277 10 March 2009

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 4 of 2009: Broadcasting Amendment Act, 2009.

DIE PRESIDENSIE

No. 277 10 Maart 2009

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 4 van 2009: Uitsaaiwysigingswet, 2009.



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

EXPLANATORY NOTE:

[] Words between brackets, in bold print, indicate omissions from current provisions.

_____ Words underlined indicate new insertions.

ACT

To amend the Broadcasting Act, 1999, so as to delete “frequency planning” as one of the fields of qualifications, expertise and experience which the members of the Board of the South African Broadcasting Corporation Limited must have when viewed collectively; to provide for the removal of a member of the Board from office and for the resignation of a member; to make provision for a resolution of the National Assembly calling for the removal of a member and for the dissolution of the Board; to provide for the appointment of an interim board; and to provide for matters connected therewith.

BE IT ENACTED by Parliament of the Republic of South Africa, as follows:—

Amendment of section 13 of Act 4 of 1999, as amended by section 14 of Act 64 of 2002

1. Section 13 of the Broadcasting Act, 1999, is hereby amended by the substitution in subsection (4) for paragraph (a) of the following paragraph: 5

“(a) be persons who are suited to serve on the Board by virtue of their qualifications, expertise and experience in the fields of broadcasting policy and technology, broadcasting regulation, media law, **[frequency planning,]** business practice and finance, marketing, journalism, entertainment and education, social and labour issues.”. 10

Substitution of section 15 of Act 4 of 1999

2. The following section is hereby substituted for section 15 of the Broadcasting Act, 1999:

“Removal from office and resignation of member” 15

15. (1) The appointing body—

- (a) may remove a member from **[the]** office on account of misconduct or inability to perform his or her duties efficiently after due inquiry and upon recommendation by the Board; or
- (b) must remove a member from office after a finding to that effect by a committee of the National Assembly and the adoption by the National Assembly of a resolution calling for that member’s removal from office in terms of section 15A. 20

(2) A non-executive member of the Board may resign by three months' written notice addressed to the appointing body, provided that the appointing body may on good cause shown allow a shorter period."

Insertion of section 15A in Act 4 of 1999

3. The following section is hereby inserted in the Broadcasting Act, 1999, after section 15: 5

“Resolution for removal of member, dissolution of Board and appointment of interim Board

15A. (1) (a) The National Assembly may, after due inquiry and by the adoption of a resolution, recommend the removal of a member from office on account of any or all of the following: 10

- (i) Misconduct;
- (ii) inability to perform the duties of his or her office efficiently;
- (iii) absence from three consecutive meetings of the Board without the permission of the Board, except on good cause shown; 15
- (iv) 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; and
- (v) his or her becoming disqualified as contemplated in section 16. 20

(b) The National Assembly may, after due inquiry and by the adoption of a resolution, recommend the dissolution of the Board if it fails in any or all of the following: 20

- (i) Discharging its fiduciary duties;
- (ii) adhering to the Charter; and
- (iii) carrying out its duties as contemplated in section 13(11). 25

(2) The appointing body—

- (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 act in accordance with a recommendation contemplated in subsection (1) within 30 days; 30
- (c) must dissolve the Board if the resolution recommends the removal of all the members of the Board.

(3) (a) Upon the dissolution of the Board contemplated in subsection (2)(c), the appointing body must appoint an interim Board consisting of the persons referred to in section 12(b) and five other persons recommended by the National Assembly. 35

(b) The interim Board must be appointed within 10 days of receiving such recommendations and is appointed for a period not exceeding six months.

(4) The appointing body, on the recommendation of the National Assembly, must designate one of the members of the interim Board as the chairperson and another member as the deputy chairperson, both of whom must be non-executive members of the interim Board. 40

(5) A quorum for any meeting of the interim Board is six members."

Short title 45

4. This Act is called the Broadcasting Amendment Act, 2009.