

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

### **BACKGROUND**

In terms of the Broadcasting Act, 1999 (Act No 4 of 1999), members of the South African Broadcasting Corporation Board are appointed by the President on the recommendation of the National Assembly, and hold office for a term of five years. The Act only provides for the removal of individual members of the Board upon the recommendation of the Board itself.

To this end there is no mechanism provided for in the Act for the resignation or removal of a Board member who does not perform his or her obligations in terms of the Act or for the dissolution of the Board.

### **PURPOSE**

The Bill seeks to address the lacuna identified in the Act, by redefining the “appointing body” and providing for mechanisms for a member of the Board to resign or to be removed by the appointing body, as well as to provide for a mechanism whereby the Board may be dissolved; to provide for the establishment of an interim Board and other incidental matters.

### **CLAUSE BY CLAUSE ANALYSIS**

Clause 1 provides for a new definition for “appointing body”.

Clause 2 provides for the procedure for appointing members to the Board and the designation of the Chairperson and Deputy Chairperson of the Board and the deletion of “frequency planning” from the field of expertise of Board members.

Clause 3 sets out the removal and resignation procedures of Board members.

Clause 4 sets out the grounds for removal of Board members, provides for the dissolution of the Board and the appointment of an interim Board.

### **CONSULTATION**

Department of Communications

The Bill was published in the *Government Gazette* for comment and various submissions were received and considered by the Portfolio Committee on Communications.

### **FINANCIAL IMPLICATIONS FOR THE STATE**

There are no financial implications for the State.

### **PARLIAMENTARY PROCEDURE**

The Parliamentary Legal Advisers are of the opinion that this Bill must be dealt with in accordance with the procedures established by section 75 of the Constitution.

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