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GENERAL NOTICE

Communications, Department of

General Notice

1409	Electronic Communications Act (36/2005): Public Service Broadcasting Bill, 2009: Charter of the Corporation and Charter of Community Broadcasting Services: For public comments	3	32663
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GENERAL NOTICE

**NOTICE 1409 OF 2009
MINISTER OF COMMUNICATIONS
ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)**

**NOTICE INVITING COMMENTS ON PUBLIC SERVICE BROADCASTING BILL
2009, CHARTER OF THE CORPORATION, AND CHARTER OF COMMUNITY
BROADCASTING SERVICES.**

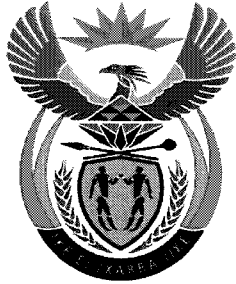
The Department hereby, in terms of section 3(1) of the Electronic Communications Act, 2005 (Act No. 36 of 2005), gazettes the Public Service Broadcasting Bill, Charter of the Corporation and the Charter of Community Broadcasting Services as a process to repeal the Broadcasting Act no.4 of 1999,

Interested persons are invited to furnish comments on the Public Broadcasting Service Bill, Charter of the Corporation and Charter of Community Broadcasting Services within 30 days of the date of publication of this notice at any of the following addresses:

For attention: Dr. Mashilo Boloka
The Director, Broadcasting Policy
Department of Communications;

post to: Private Bag X 860
Pretoria
0001;

or deliver to: First Floor, Block A3
iParioli Office Park
399 Duncan Street
Hatfield;



A CHARTER COMMUNITY BROADCASTING SERVICES

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PREAMBLE

Community broadcasting services is a non-profit broadcasting service which is for, by and about the community, whose ownership and management is representative of the community in pursuit of a social development agenda. In pursuit of this objective, community broadcasting services shall be guided by the following principles which underpin their operations:

- (a) Community development and participation;
 - (b) offers a plurality of views and a variety of news, information and analysis from a South African point of view;
 - (b) advances community interests.
 - (c) foster inclusivity by reflecting the diverse lives of South African communities;
 - (d) protection of children against harmful content;
 - (e) contribute to moral regeneration;
 - (f) respect human rights, including the right to privacy, unless a compelling public interest demands.
-

DEFINITIONS AND INTERPRETATIONS

Advisory Body means the Local Content Advisory Body established in terms of this Act

Appointing Authority often referred to as the appointing body to refer to the body charged with the appoint of the members of the Board in terms of this Act

Appointing body means the body charged with the appointment of members of the Board in terms of this Act;

Authority means the Independent Communications Authority of South Africa established by section 3 of the Independent Communications Authority of South Africa Act, 2000;

Broadcasting means any form of multidirectional electronic communications intended for the public, sections of the public or subscribers to any broadcasting service having appropriate receiving facilities, whether carried by means of radio frequency spectrum or any other electronic communications network or any combination of the aforementioned, and 'broadcast' is construed accordingly; [Definition of 'broadcasting' amended by s. 97 of Act 36 of 2005.]

Broadcasting service license mean a licence granted by the Authority to a person in terms of section 5(2)(b) or section 5(4)(b)

Broadcasting service licensee means a person to whom a broadcasting service license has been granted in terms of the ECA

Broadcasting licence means a licence granted and issued by the Authority in terms of the Electronic Communications Act, to a person for the purpose of providing a defined category of broadcasting service, or deemed by this Act or the Electronic Communications Act to have been so granted and issued;

Common carrier has a meaning corresponding with the definition of 'common carrier' in the Electronic Communications Act;

Community includes a geographically founded community or any group of persons or sector of the public having a specific ascertainable common interest

Community broadcasting service means a broadcasting service which—

- (a) is fully controlled by a non-profit entity and carried on for non-profitable purposes;
- (b) serves a particular community;
- (c) encourages members of the community served by it or persons associated with or promoting the interests of such community to participate in the selection and provision of programmes to be broadcast in the course of such broadcasting service; and
- (d) may be funded by donations, grants, sponsorships or advertising or membership fees, subsidies received in terms of section 88 of the Electronic Communications Act and Public Service Broadcasting Fund or by any combination of the aforementioned;"

Essential facility means an electronic communications facility or combination of electronic communications or other facilities exclusively or predominantly provided by a single or limited number of lincesees and cannot feasibly (whether economically, environmentally or technically) be substituted or duplicated in order to provide a service referred to in Chapter 3 of the ECA

Digital content” means any sound, text, still picture or other audio-visual representation, tactile representation or any other preceding, which is capable of being created, manipulated, stored, retrieved or communicated electronically;

Family member in relation to any person, means his or her parent, child or spouse, and includes a person living with that person as if they were married to each other;

Financial year – subject to the Public Finance Management Act, means a year ending 31 March;

Governing Council means a council charged with oversight responsibilities at community broadcasting services.

Media Development and Diversity Agency” means the Media Development and Diversity Agency established under the Media Development and Diversity Agency Act, 2002 (Act No. 14 of 2002);

Metro Content means content produced and packaged in the metropolitan areas of Johannesburg, Cape Town and Durban;

Out-of-metro content means content produced and packaged in the Republic that is not metro content;

Provincial government means the provincial government as contemplated in the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

PFMA means the Public Finance Management Act 1999 (Act 1 of 1999)

Public service broadcasting” means a broadcasting service, public, community and or commercial that is rendered by a broadcasting service licensee to the public in pursuance of national goals relating to democracy, culture and development;

Licence means a broadcasting, communications and or electronic communications network service licence issued in accordance with the Electronic Communications Act;

Local content means text, images (moving and/or still) that is of cultural or creative in nature that is written, presented, performed and or otherwise contributed to and owned by persons from South Africa transmitted over electronic platforms;

Member means a member of the Governing Council of the Community Broadcaster;

Public Service Broadcasting Fund means the fund established in terms of this Act;

Regional broadcasting service means a service including radio and television service provided by the Corporation or any other entity licenced in terms of the ECA for this purpose to foster regional development.

Sentech means Sentech Limited established in terms of the Sentech Act of 1996;

Transitional Period means the period that begins at the beginning of the day after the day on which this Charter is granted and ends at the end of 31st December 2016;

1. INCORPORATION AND PURPOSES

1.1. *Community Broadcasting Services*

- (1) Community Broadcasting Services shall continue to exist as entities referred to as community stations to serve community interest.
- (2) Community broadcasting is owned and controlled by a non-profit organisation whose structure provides for membership, management, operation and programming primarily by members of the community at large.
- (3) This can be a radio and/or television facility whose affairs are controlled by the Governing Council.

1.2. *Term of Charter*

- (1) This Charter shall come into effect upon the promulgation of the Public service broadcasting Act and it shall remain valid for a period of 10 years or any lesser period determined by Parliament.
- (2) This lesser period shall not be less than five years.

1.3. *The Community Broadcasting Services' nature and objects*

- (1) Community Broadcasting services exist to serve community interests.
- (2) Community broadcasting services may maintain, establish or acquire services through which commercial activities may be undertaken to any extent permitted by this Charter pursuant to the public service broadcasting mandate as outlined in the Public Service Broadcasting Act.

1.4. *How the Community Broadcasting Services promote community development Mandate*

- (1) The mission of community broadcasting services is to inform, educate and entertain and be a conduit of development in the communities.
- (2) Community broadcasting services should strive to fulfil this mission by means of—
 - (a) television, radio and online services;
 - (b) similar or related services which make output generally available and which may be in forms or by means of technologies which either have not previously been used by community broadcasting services or which have yet to be developed.
- (3) community broadcasting services may also carry out other activities which directly or indirectly promote their mandate, but such activities should be peripheral, subordinate or ancillary to broadcasting services as its core activities.

1.5. *Guaranteeing the editorial independence of the Community Broadcasting Services*

- (1) Under this Charter, Community Broadcasting services, in pursuit of its objectives and mandate enjoys

journalistic, creative and programming independence as enshrined in the Act.

(2) Notwithstanding the provision of physical space to community broadcasting stations, community broadcasting services must remain editorially independent from any municipality.

2. CONSTITUTION

2.1. *Introduction*

- (1) Within the Station, there shall be a Governing Council and a Station Management. These two interlinked bodies shall each play a very important, but yet complementary, roles within the station.
- (2) The primary role of the Governing Council is to set the overall strategic direction of the station, including its priorities, and in exercising a general oversight of the work of the Station Management.
- (3) The Station Management has responsibility for delivering the Station services in accordance with the priorities set by the Governing Council and for all aspects of operational management and efficient use of resources in accordance with the provisions of the PFMA and other relevant legislation.

2.2. *Relationship between the Governing Council and the Station Management*

- (1) In performing its duties, Station Management shall take instruction from the Governing Council.
- (2) The Governing Council shall be the sovereign body within the station, in the sense that wherever it has a function under this Charter or the Act, it may always fully exercise that function as it sees fit and require the Station Management to act in ways which respect and are compatible with how the Governing Council has seen fit to exercise that function.
- (3) Where the Station Management has operational responsibility for activities which are subject to a Governing Council function of approval, supervision, review or enforcement, any decision of the Governing Council in exercise of such a function shall be final within the station, unless in areas where the activity in question may also be subject to regulation by external bodies, such as the Authority.

2.3. *Guidance and best practice*

- (1) The Governing Council and the Station Management, in performing their respective functions, must have regard—
 - (a) to general guidance concerning the management of the affairs of public bodies as they consider relevant and appropriate; and
 - (b) to generally accepted principles of good corporate governance, but only—
 - (i) where to do so would not be incompatible with sub-paragraph (a), and
 - (ii) to the extent that such principles may reasonably be regarded as applicable in relation to their respective functions and within the particular constitution of the station as a community facility.

3. THE GOVERNING COUNCIL

3.2. *Legal nature of the Governing Council*

- (1) As a guardian of community interest, the Governing Council is a body which discharges a mandate in accordance with the Public Service Broadcasting Act, this Charter and any other appropriate legislation, including the PFMA.

3.3. *Composition of the Governing Council*

- (1) The Governing Council of a community broadcasting station consists of not more than five non-executive members democratically elected and appointed by the Community, from members of the community in the licensed geographic area, using an open and transparent process.
- (2) Officials of the local municipalities may be co-opted to the Governing Council as ex-officio members.
- (3) The community contemplated in subsection (1) must designate one of the members of the Governing Council referred to in subsection (1) as the chairperson and another member as a deputy chairperson.

3.4. *The Chairperson of the Governing Council*

- (1) It shall be the duties of the Chairperson as the figure-head of the Corporation to ensure that:
 - (a) that the Body performs its fiduciary duties as a cohesive unit;
 - (b) Strategic leadership to the Governing Council and the Corporation;
 - (c) Effective functioning of the Governing Council and its committees;
 - (d) Strategies are implemented and performance management systems with Executive management are in place; and;
 - (e) The Corporation account to the shareholder and the public.

3.5. *The Deputy Chairperson of the Governing Council*

- (1) The Deputy Chairperson must, when the chairperson is absent or unable to perform his or her duties, act in his or her stead and when so acting, exercise or perform any function of the chairperson.
- (2) Whenever the office of Chairperson is vacant, the Deputy-Chairperson shall be "Acting Chairperson" with all the powers of the Chairperson.

3.6. *Length of terms*

The members of the Governing Council must hold office for such period as the community may determine which period must not exceed four (4) years.

3.7. *Termination of office*

- (1) A member of the Governing Council (whether Chairperson, Deputy-Chairperson or ordinary member) shall cease to hold his office—
 - (a) on the expiration of the period for which he had most recently been appointed ;
 - (b) if he resigns by written notice;
 - (c) if the community resolves that he be removed on account of-

- (d) misconduct;
- (e) absence from three meetings of the Governing Council without any apology;
- (f) inability to perform the duties of his or her office efficiently;
- (g) disqualification in terms of section 3.7.

3.8. Disqualification.

- (1) A person will not qualify to be appointed to the Governing Council if such person—
 - (a) is not a citizen of the Republic or a member of the community served by the station;
 - (b) is an office bearer or employee of any party, movement or organization of a party-political nature;
 - (c) is a member of Parliament, any provincial legislature or any municipal council;
 - (d) has a family member, business partner or associate that has a direct or indirect financial interest in or is employed by that community broadcasting service;
 - (e) has at any time been convicted, whether in the Republic or elsewhere, of—
 - (i) theft, fraud, forgery or uttering a forged document, perjury, an offence in terms of the Prevention of Corruption Act, 1958 (Act No. 6 of 1958), the Corruption Act, 1992 (Act No. 94 of 1992), Part 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004, or any other offence involving dishonesty; or
 - (ii) an offence under this Act or the Electronic Communications Act;
 - (f) has been sentenced, after the commencement of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), to a period of imprisonment of not less than one year without the option of a fine;
 - (g) has at any time been removed from an office of trust on account of misconduct.

3.9. Disclosure of conflict of interests.

- (1) A member of the Governing Council may not vote at, attend or in any other manner participate in, any meeting of the Governing Council, if in relation to any matter before the Governing Council —
 - (a) he or she or his or her family member, business partner or associate has an interest in the proceedings before the Governing Council; or
 - (b) he or she has any interest which may preclude him or her from performing his or her functions as a member of the Governing Council in a fair, unbiased and proper manner.
- (2) If, during the course of any proceedings before the Governing Council, there is reason to believe that a member of the Governing Council has any interest contemplated in subsection (1), that member must immediately fully disclose the nature of his or her interest and leave the meeting in question so as to enable the remaining members of the Governing Council to discuss the matter and determine whether or not that member should be allowed to participate in the proceedings.

(3) The disclosure, and the decision taken by the remaining members of the Governing Council, must be recorded in the minutes of the proceedings in question.

(4) If any member fails to disclose any interest as required by subsection (2) or, subject to that subsection, in any manner participates in the proceedings of the Governing Council, the relevant proceedings of the Governing Council shall be null and void.

3.10. Remuneration of members

(1) Members of the Governing Council shall not be paid any remuneration but shall be paid reasonable expenses properly and necessarily incurred concerning the affairs of the community broadcasting station, provided funds are available at the time such expense is incurred.

(2) Any expenses paid in terms of subsection (1) must be duly reported in the annual report of the community broadcasting station.

3.11. How the Governing Council Operates.

3.11.1. Meetings of the Governing Council

(1) The meetings of the Governing Council shall be held at such times and places as determined by the Governing Council.

(2) The Chairperson of the Governing Council shall be the Chairperson for each meeting, provided that if the Chairperson is not present or willing to act, the Deputy Chairperson shall act in his or her absence and when so acting exercise or perform any functions of the Chairperson.

(3) Meetings of the Governing Council shall be recorded and minutes thereof made available to the community on request.

3.11.2. Committees of the Governing Council.

(1) The Governing Council may appoint any subcommittees as it deems appropriate from time to time —

(a) to report to the Governing Council on the extent to which the public service division, including regional television service, the commercial service division and the international service division have achieved their objectives during the relevant period; and

(b) to perform such other functions regarding the organisation of the Corporation into the public service division, the commercial service division and the international service division, respectively, as may be delegated to them by the Governing Council; and

(2) The number, remit and composition of such committees are a matter for the Governing Council, but no such committee shall include anyone who is not a member of the Governing Council.

(3) The Governing Council may delegate particular functions, including decision-making, to such a committee on terms and conditions as it thinks fit.

3.12. Role of the Governing Council as guardians of community interest

3.12.1. General duties of the Governing Council

(1) The Governing Council must -

(a) control the affairs of the station;

(b) appoint the Station Management of the community broadcasting station.

(2) The Governing Council is the accounting authority of the community broadcasting station.

(3) The Governing Council may establish standing or special committees where necessary to assist it in carrying out its functions.

4. STATION MANAGEMENT

4.1. Constitution of the station management

(1) The affairs of the community broadcasting station are administered by an Station Management appointed by the Governing Council.

(2) The Station Management is accountable to the Governing Council.

(3) The Station Management must perform such functions as may be determined by the Governing Council.

(4) Notwithstanding the provisions of subsection (2) and (3), the Governing Council may not interfere with the day to day administration of the community broadcasting station.

(5) Governing Council members may only be appointed to the Station Management as an interim measure for a period not exceeding six months.

4.2. Composition of the Station Management

(1) The affairs of the station are administered by a station management consisting of the Station Manager, Programme manager and their equivalents appointed by the Governing Council.

(2) The station management is accountable to the Governing Council.

4.3. Role of the Station Management.

(1) The station management is responsible for—

- (a) the delivery of the Corporation's services in accordance with the priorities set by the Governing Council in accordance with the Charter;
 - (b) the direction of the Corporation's editorial and creative output;
 - (c) the operational management of the Corporation;
 - (d) ensuring compliance with all legal and regulatory requirements placed upon the Corporation (including the effective maintenance of public audience advisory councils and initial handling of complaints about the Corporation) except to the extent that they relate to the affairs of the Governing Council;
 - (d) ensuring compliance with requirements placed upon the Executive management by the Governing Council;
 - (e) making proposals to the Governing Council for anything which is for the Governing Council's approval in accordance with 3.14;
 - (f) the day-to-day management of the Corporation and its subsidiaries;
 - (f) the conduct of the station's affairs (except those relating directly to the affairs of the Governing Council) in a manner best designed to ensure value for money; and;
 - (g) accounting to the Governing Council for its own performance and the performance of the Corporation and its subsidiaries.
 - (h) In addition, the station management has all the functions expressly or impliedly conferred upon it elsewhere by or under this Charter.
- (2) In the exercise of its functions, the station Management shall be subject to the Governing Council approval.
- (3) Notwithstanding the provisions of subsection (2), the Governing Council may not interfere with the day to day administration of the community broadcasting station.

5. COMMUNITY PARTICIPATION AND DEVELOPMENT

5.1. Editorial policies

- (1) The Governing Council must prepare and submit to the Authority not later than 12 months following the commencement of this Act, revised policies that will ensure compliance with Public Service Broadcasting Act, the Authority's Code of Conduct as prescribed and the station's licence conditions and the objectives contained in this Act.
- (2) The mentioned in subsection (1) shall cover the following areas:

- (a) News and current affairs;

- (b) Programming and content;
 - (c) Community empowerment and participation;
 - (d) access to the station by the community;
 - (e) language use and distribution at the station.
- (3) The Governing Council must ensure that there is public participation in the development of the policies referred to in subsection (8) by inviting and considering public comment on such draft policies and by other means.
- (4) The Station must provide suitable means for regular inputs of community opinion on its services and ensure that such community opinion is given due consideration.
- (5) The station must develop a Code of Practice that ensures that the services and the personnel comply with—
- (a) the constitutional principle of equality;
 - (b) the equitable treatment of all segments of the South African population;
 - (c) the constitutional requirement of equitable treatment of all official languages;
 - (d) the rights of all South Africans to receive and impart information and ideas;
 - (e) the mandate to provide for a wide range of audience interests, beliefs and perspectives; and;
 - (f) a high standard of accuracy, fairness and impartiality in news and programmes that deal with matters of community interest.

5.2. Community Audience Advisory Council.

- (1) To encourage participation by the community in the affairs, selection and provision of programmes at the station, the Governing Council must establish a Community Audience Advisory Council.
- (2) The Community Audience Council shall serve as a link between the station and the community.
- (3) The Council shall comprise persons representing the diverse perspectives of the station's coverage to bear on the work of the station's and its services to the community.
- (4) It shall be the responsibility of the Governing Council member to ensure that a forum or platform exist for members of the community to discuss issues including access, content offerings, and the promotion of the station's developmental mandate, etc.

- (5) The Council should:
- (a) be consulted on the station's performance in promoting the mandate;
 - (b) submit a report to the Governing Council every 6 months on the station's performance in each community of coverage and advise on issues arising; and
 - (c) publish an Annual Review Report each year, assessing the extent to which the station is meeting the mandate as outlined in this Charter for inclusion in the station's Annual Report for presentation to Parliament.
- (6) It shall consist of persons not employed by the station with experience and/or relevant skills for the effective functioning of the station.
- (7) The Governing Council shall elect one of the Council members as chairperson on rotational basis.
- (8) In the absence of the chairperson, members of audience council can elect one of their members to preside at such meetings.
- (11) The meetings of the advisory council shall be held at such times and places as the advisory audience council may determine.
- (12) Since this is an ad hoc structure, its work shall not be determined on the basis of the quorum.
- (13) The council must present regular reports to the Governing Council on any matter, including community complaints, and on any matter affecting the affairs or interests of the station.
- (14) Members of the advisory council will not be remunerated for their services, but will be reimbursed for expenses incurred by them in carrying out their duties, as determined by the Governing Council.
- (15) It shall be the responsibility of the Governing Council to ensure that the work of Audience Councils is supported by the station.
- (16) The detail of how the Advisory Audience Councils are to be set up, run and recruited must be set out in a Framework developed by the Governing Council.

5.3. *Language Obligations*

- (1) Unless exempted by the Electronic Communications Act, community broadcasting services shall broadcast in the languages of their coverage area.
- (2) Programming offered by community broadcasting services, news and current affairs, sports, shall predominantly be community-oriented

5.4. *Partnership for Development*

- (1) Community Broadcasting services are established to foster development in communities.
- (2) To promote this mandate, community broadcasting services must partner relevant institutions, bodies and persons, particularly local municipalities in pursuance of this developmental mandate.

6. ORGANISATIONAL MATTERS

6.1. *The Station Manager*

The Station manager shall be the editor-in-chief of the station. As such, he/she shall be accountable for the editorial and creative output and general management of resources of the station.

6.2. *Staff of the station*

(1) The station may engage such officers and other employees as it may deem necessary for the attainment of its objects, and may determine their duties and salaries, wages, allowances or other remuneration and their other conditions of service in general.

(2) The station may—

(a) in any other manner provide for housing to its officers and other employees on such terms and conditions as it may determine;

(b) establish or support associations or institutions for the promotion of the interests of its officers and other employees of their dependants;

(c) establish or support aid funds for the rendering of assistance to its officers and other employees or their dependants under such circumstances as it may approve;

(d) assist in financing the training or further training of its existing or prospective officers and other employees of the Corporation; and;

(e) provide for its employees by means of insurance with an insurance company or by means of a pension or provident fund or in any other manner, pecuniary benefits upon termination of service or at any other time.

(3) Except in case of station management positions, **the appointment of general staff**, and their terms and conditions, shall be a responsibility for the station management.

6.3. *The staff of the Station*

(1) A community station may engage such employees as it may deem necessary for the attainment of its objects, and may determine their duties and salaries, wages, allowances or other remuneration and their other conditions of service in general such circumstances permit

(2) Such employees on a full-time, part-time or voluntary basis depending on the financial position of the station.

6.4. *Communication with staff of the Station*

(1) The Governing Council and the station management must each ensure that at all times they have in place suitable arrangements under which they (or their representatives) will, where appropriate—

(a) consult staff of the station on all matters affecting the interests of those staff; and;

(b) seek to consult with any appropriate organisation with a view to maintaining or (as the case may be) establishing and maintaining adequate arrangements of the kind mentioned in paragraph (2).

(2) The arrangements are for—

(a) the settlement by negotiation of the terms and conditions of staff; and

(b) the discussion of matters of mutual interest to the station and its staff, including—

(i) the health, safety and welfare of such staff;

(ii) equal opportunities and training; and;

(iii) efficiency in the operation of the Station's services.

(3) The arrangements must in particular be in keeping with the respective functions of the Governing Council and the station management this Charter and with the general nature of the relationship between the Governing Council and the station management described in this Charter.

7. REPORTS AND ACCOUNTS

7.1. *Annual reports and statements of accounts*

(1) The Governing Council shall keep-

(a) Such accounting records as are necessary fairly to reflect and explain the state of affairs—

(i) of all moneys received or expended by it;

(ii) of all its assets and liabilities;

(iii) of all its financial transactions and the financial position of its business; and

(iv) as soon as possible, but not later than six months after the end of each financial year, annual financial statements to be prepared showing, with all the appropriate particulars, the moneys received and the expenditure incurred by it during, and its assets and liabilities at the end of, the financial year.

(2) The accounting records and financial statements referred to in subsection (2) shall be audited by an auditor appointed by the Governing Council.

(3) The Governing Council must prepare an annual report on the work and activities of the community broadcasting station of the previous financial year, that includes a balance sheet and a complete statement of revenue and expenditure for that financial year audited by the auditor referred to in subsection (2), and the report of that auditor, within four months of the end of the financial year.

(4) The Governing Council must make the annual report available to the community and to the Authority immediately after its preparation.

(5) The annual report must be presented by the Governing Council to the community at a meeting called for this purpose and be available at the community broadcasting station for inspection by any interested person.

7.2. *Inspection of accounts*

(1) All surplus funds derived from the operations of a community broadcasting station must be invested for the benefit of the particular community and monitored by the Authority, which has the power to audit the financial records of the community broadcasting station.

8. GENERAL.

8.1. *The Station's nature and powers*

(1) The station may not by virtue of the powers conferred upon it by this Charter do anything for which a licence is required in terms of the Electronic Communications Act, unless it has obtained the licence in question and complies with the conditions thereof.

(2) Notwithstanding anything to the contrary contained in the Electronic Communications Act, or any other law, the station is entitled, against payment of the annual fees which the Authority may from time to time determine, to be issued with a licence contemplated in subsection (a).

8.2. *Compliance with Charter and other legislations*

(1) The station shall strictly and faithfully comply with this Charter. This includes complying with requirements set out in other appropriate legislations which have effect by virtue of provisions of this Charter.

(2) Where the station fails to comply with paragraph (1) of this article in any respect, anyone who is aggrieved and/or adversely affected may be entitled to seek an appropriate remedy.

9. SCHEDULE: TRANSITIONAL PROVISIONS

(1) Community Broadcasting Stations must, within 24 months from after the promulgation of this Act comply with the provisions of the Charter of Community Broadcasting Services.

(2) During the Transitional Period—

(a) anything duly done by the Governing Council and/or the station management during the Transitional Period or prior to the commencement of is Charter shall be taken to have been done for and on behalf of the station.

A Charter Community Broadcasting Services | 2009

(b) the Governing Council and the station management may each do anything that appears to it necessary or expedient to do in order to be prepared to exercise any of its functions under or by virtue of this Charter when that period ends .

Charter Ends!

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The closing date is **7th December 2009** (Earlier submissions are encouraged to expedite the analysis). Please note that comments received after the closing date may be disregarded.

For further enquiries related to the Bill, contact **Miyelani Khosa** and/or **Humbulani Rambau** @ (012) 427 8174 and 012 421 7046 respectively.