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## GENERAL NOTICE

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### NOTICE 745 OF 2004



#### INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

#### APPLICATION BY THE SOUTH AFRICAN BROADCASTING CORPORATION (SABC) FOR THE AMENDMENT OF ITS LICENCES IN TERMS OF SECTION 22 OF THE BROADCASTING ACT

1. The Independent Communications Authority of South Africa hereby gives notice in terms of section 52(2) of the Independent Broadcasting Authority Act, Act No. 153 of 1993, ("IBA Act") that it has received an application for the amendment of the South African Broadcasting Corporation's (SABC) broadcasting licences in terms of section 22 of the Broadcasting Act, Act No. 4 of 1999 ("the Broadcasting Act"). According to the applicant, the proposed amendment will result in the licences reflecting the re-organisation of the SABC's services into a Public Service Division and a Commercial Service Division and its related obligations in terms of the Broadcasting Act and the IBA Act.
2. After receiving submissions from the public and the SABC's responses thereto, the Authority will hold public hearings on the proposed amendments.
3. As soon as reasonably possible after the conclusion of the public hearings, the Authority will publish the SABC's broadcasting licences, in draft form, incorporating both proposed amendments and additional conditions or obligations, if necessary, and will invite further comment thereon.
4. Section 22(2) of the Broadcasting Act empowers the Authority to impose "any appropriate licence conditions which are necessary in order to reflect the reorganisation of the Corporation into a public service division and a commercial service division and its related obligations in terms of this Act and the IBA Act".

#### RE-ORGANISATION AND PROPOSED AMENDMENTS

5. The SABC proposes that the following television and sound broadcasting services should be administered as part the public service division:

- SABC 1
- SABC 2
- iKwekwezi FM
- Lesedi FM
- Ligwalagwala FM
- Motsweding FM
- Munghana Lonene FM
- Phala phala FM
- Radio Sonder Grense
- Safm
- Thobela FM
- Ukhozi FM
- Umhlobo Wenene FM
- Ciskei FM
- Lotus FM
- Radio 2000
- XK-FM

The SABC proposes that the following sound broadcasting services and one television broadcasting service should be administered as part of the commercial service division:

- SABC 3
- 5FM
- Good Hope FM
- Metro FM

The SABC propose that each of the licences be amended as follows:

### **TELEVISION**

#### **5.1 SABC 1 (Licence Number: PBSTV2/2004)**

- 5.1.1 Amendment of the definition of the Licensee on the schedule to read as follows:

*"South African Broadcasting Corporation Limited (Public Service Division)"*

- 5.1.2 By insertion of the following condition after condition (4) four on page (3) three:

*"5. The Licensee shall at all times comply with its obligations in terms of section 10(1)(a)-(i) of the Broadcasting Act".*

**5.2 SABC 2 (Licence Number: PBSTV1/2004)**

- 5.2.1 Amendment of the definition of the Licensee on the schedule to read as follows:

*"South African Broadcasting Corporation Limited (Public Service Division)"*

- 5.2.2 By insertion of the following condition after condition (4) four on page (3) three:

*"5. The Licensee shall at all times comply with its obligations in terms of section 10(1)(a)-(i) of the Broadcasting Act".*

**5.3 SABC 3 (Licence Number: PBSTV3/2004)**

- 5.3.1 Amendment of the definition of the Licensee on the schedule to read as follows:

*"South African Broadcasting Corporation Limited (Commercial Service Division)"*

- 5.3.2 By insertion of the following condition after condition (4) four on page (3) three:

*"5. The Licensee shall at all times comply with its obligations in terms of section 11(1)(a)-(e) of the Broadcasting Act".*

**RADIO****5.4 SAFM (Licence Number: PBSR 1/2004)**

- 5.2.1 Amendment of the definition of the Licensee on the schedule to read as follows:

*"South African Broadcasting Corporation Limited (Public Service Division)"*

- 5.2.3 By insertion of the following condition after condition (4) four on page (2) two:

*"5. The Licensee shall at all times comply with its obligations in terms of section 10(1)(a)-(i) of the Broadcasting Act".*

**5.5 Radio Sonder Grense (RSG) Licence Number: PBSR 2/2004)**

- 5.5.1 Amendment of the definition of the Licensee on the schedule to read as follows:

*"South African Broadcasting Corporation Limited (Public Service Division)"*

- 5.5.2 By insertion of the following condition after condition (4) four on page (2) two:

*"5. The Licensee shall at all times comply with its obligations in terms of section 10(1)(a)-(i) of the Broadcasting Act".*

**5.6 Umhlobo Wenene FM (Licence Number: PBSR 3/2004)**

- 5.6.1 Amendment of the definition of the Licensee on the schedule to read as follows:

*"South African Broadcasting Corporation Limited (Public Service Division)"*

- 5.6.2 By insertion of the following condition after condition (4) four on page (2) two:

*"5. The Licensee shall at all times comply with its obligations in terms of section 10(1)(a)-(i) of the Broadcasting Act".*

**5.7 Ukhozi FM (Licence Number: PBSR 4/2004)**

- 5.7.1 Amendment of the definition of the Licensee on the schedule to read as follows:

*"South African Broadcasting Corporation Limited (Public Service Division)"*

- 5.7.2 By insertion of the following condition after condition (4) four on page (2) two:

*"5. The Licensee shall at all times comply with its obligations in terms of section 10(1)(a)-(i) of the Broadcasting Act".*

**5.8 Lesedi FM (Licence Number: PBSR 5/2004)**

- 5.8.1 Amendment of the definition of the Licensee on the schedule to read as follows:

*"South African Broadcasting Corporation Limited (Public Service Division)"*

5.8.2 By insertion of the following condition after condition (4) four on page (2) two:

*"5. The Licensee shall at all times comply with its obligations in terms of section 10(1)(a)-(i) of the Broadcasting Act".*

**5.9 Motsweding FM (Licence Number: PBSR 6/2004)**

5.9.1 Amendment of the definition of the Licensee on the schedule to read as follows:

*"South African Broadcasting Corporation Limited (Public Service Division)"*

5.9.2 By insertion of the following condition after condition (4) four on page (2) two:

*"5. The Licensee shall at all times comply with its obligations in terms of section 10(1)(a)-(i) of the Broadcasting Act".*

**5.10 Thobela FM (Licence Number: PBSR 7/2004)**

5.10.1 Amendment of the definition of the Licensee on the schedule to read as follows:

*"South African Broadcasting Corporation Limited (Public Service Division)"*

5.10.2 By insertion of the following condition after condition (4) four on page (2) two:

*"5. The Licensee shall at all times comply with its obligations in terms of section 10(1)(a)-(i) of the Broadcasting Act".*

**5.11 Ligwalagwala FM (Licence Number: PBSR 8/2004)**

5.11.1 Amendment of the definition of the Licensee on the schedule to read as follows:

*"South African Broadcasting Corporation Limited (Public Service Division)"*

5.11.2 By insertion of the following condition after condition (4) four on page (2) two:

*"5. The Licensee shall at all times comply with its obligations in terms of section 10(1)(a)-(i) of the Broadcasting Act".*



**5.12 Ikwekwezi FM (Licence Number: PBSR 9/2004)**

5.12.1 Amendment of the definition of the Licensee on the schedule to read as follows:

*"South African Broadcasting Corporation Limited (Public Service Division)"*

5.12.2 By insertion of the following condition after condition (4) four on page (2) two:

*"5. The Licensee shall at all times comply with its obligations in terms of section 10(1)(a)-(i) of the Broadcasting Act".*

**5.13 Munghana Lonene FM (Licence Number: PBSR 10/2004)**

5.13.1 Amendment of the definition of the Licensee on the schedule to read as follows:

*"South African Broadcasting Corporation Limited (Public Service Division)"*

5.13.2 By insertion of the following condition after condition (4) four on page (2) two:

*"5. The Licensee shall at all times comply with its obligations in terms of section 10(1)(a)-(i) of the Broadcasting Act".*

**5.14 Phalaphala FM (Licence Number: PBSR 11/2004)**

5.14.1 Amendment of the definition of the Licensee on the schedule to read as follows:

*"South African Broadcasting Corporation Limited (Public Service Division)"*

5.14.2 By insertion of the following condition after condition (4) four on page (2) two:

*"5. The Licensee shall at all times comply with its obligations in terms of section 10(1)(a)-(i) of the Broadcasting Act".*

**5.15 Lotus FM (Licence Number: PBSR 12/2004)**

5.15.1 Amendment of the definition of the Licensee on the schedule to read as follows:

*"South African Broadcasting Corporation Limited (Public Service Division)"*



5.15.2 By insertion of the following condition after condition (4) four on page (2) two:

*"5. The Licensee shall at all times comply with its obligations in terms of section 10(1)(a)-(i) of the Broadcasting Act".*

**5.16 Radio 2000 (Licence Number: PBSR 13/2004)**

5.16.1 Amendment of the definition of the Licensee on the schedule to read as follows:

*"South African Broadcasting Corporation Limited (Public Service Division)"*

5.16.2 By insertion of the following condition after condition (4) four on page (2) two:

*"5. The Licensee shall at all times comply with its obligations in terms of section 10(1)(a)-(i) of the Broadcasting Act".*

**5.17 5FM (Licence Number: PBSR 14/2004)**

5.17.1 Amendment of the definition of the Licensee on the schedule to read as follows:

*"South African Broadcasting Corporation Limited (Commercial Service Division)"*

5.17.2 By insertion of the following condition after condition (4) four on page (2) two:

*"5. The Licensee shall at all times comply with its obligations in terms of section 11(1)(a)-(e) of the Broadcasting Act".*

**5.18 Metro FM (Licence Number: PBSR 15/2004)**

5.18.1 Amendment of the definition of the Licensee on the schedule to read as follows:

*"South African Broadcasting Corporation Limited (Commercial Service Division)"*

5.18.2 By insertion of the following condition after condition (4) four on page (2) two:

*"5. The Licensee shall at all times comply with its obligations in terms of section 11(1)(a)-(e) of the Broadcasting Act".*

**5.19 Good Hope FM (Licence Number: PBSR 18/2004)**

5.19.1 Amendment of the definition of the Licensee on the schedule to read as follows:

*"South African Broadcasting Corporation Limited (Commercial Service Division)"*

5.19.2 By insertion of the following condition after condition (4) four on page (2) two:

*"5. The Licensee shall at all times comply with its obligations in terms of section 11(1)(a)-(e) of the Broadcasting Act".*

**5.20 Radio Ciskei (CKI FM) (Licence Number: PBSR 23/2004)**

5.20.1 Amendment of the definition of the Licensee on the schedule to read as follows:

*"South African Broadcasting Corporation Limited (Public Service Division)"*

5.20.2 By insertion of the following condition after condition (4) four on page (2) two:

*"5. The Licensee shall at all times comply with its obligations in terms of section 10(1)(a)-(i) of the Broadcasting Act".*

**5.21 XK-FM (Licence Number: PS 22/2001)**

5.21.1 Amendment of the definition of the Licensee on the schedule to read as follows:

*"South African Broadcasting Corporation Limited (Public Service Division)"*

5.21.2 By insertion of the following condition after condition (4) four on page (2) two:

*"5. The Licensee shall at all times comply with its obligations in terms of section 10(1)(a)-(i) of the Broadcasting Act".*

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6. In addition to the abovementioned amendments the SABC's application also contains the following information:
    - 6.1 The SABC's public service delivery to date;
    - 6.2 The legal context of the application;
    - 6.3 Market conditions;
    - 6.5 Re-organisation; and
    - 6.6 Approach to the amendment of broadcasting licences
  7. The Authority will publish this background information on its website and the full document will be available in the Authority's library. The Authority is still considering an application by the SABC for certain financial information to be regarded as confidential.
  8. The effective date of the proposed amendments will be the date when the decision of the Authority is published in the Government Gazette.
  9. Interested parties are invited to lodge written representations in relation to the application with the Authority to Thabo Ndhlovu, Manager: Licensing Unit at Block D, Pinmill Farm, 164 Katherine Street, Sandton, Johannesburg **OR** Private Bag X10002, Sandton, 2146 **OR** by fax no. (011) 448 2186 by 21 May 2004.
  10. Persons, who lodge representations in terms hereof, shall at the time of lodgement furnish proof to the satisfaction of the Authority that a copy of the representation has been sent by registered post or delivered to Mr. Peter Matlare, Group Chief Executive, Radio Park, Henley Road, Auckland Park, 2092 **OR** Private Bag X1 Auckland Park, 2006 **OR** fax to (011) 714 4869.
  11. The persons who lodge representations must indicate whether they require an opportunity to make oral representations to the Authority.
  12. The application and representations received pursuant thereto will be open for inspection by interested parties during the normal office hours of the Authority.
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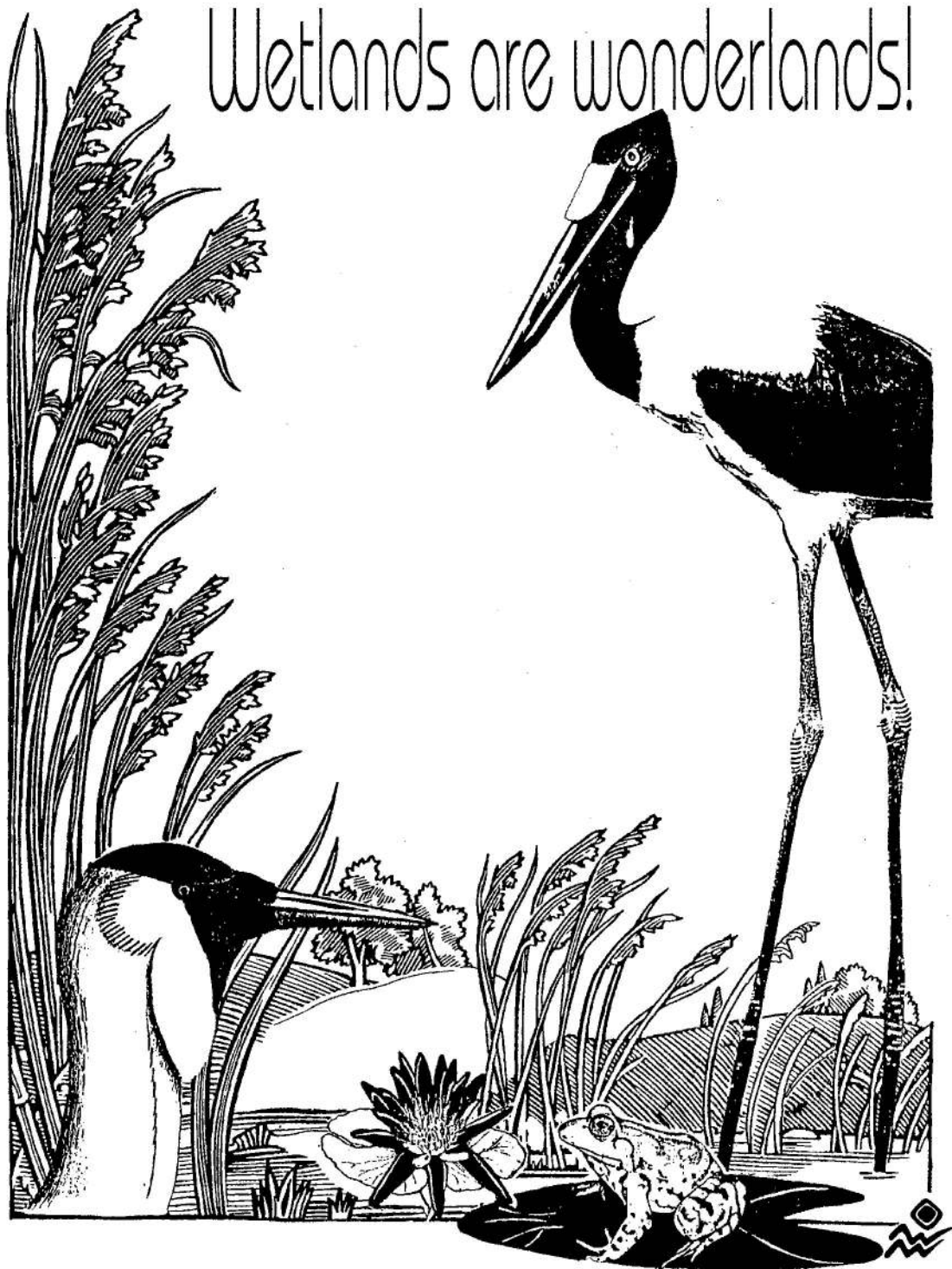
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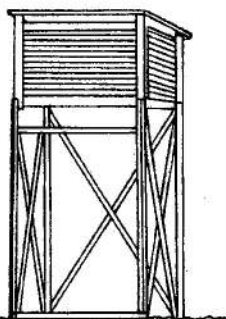
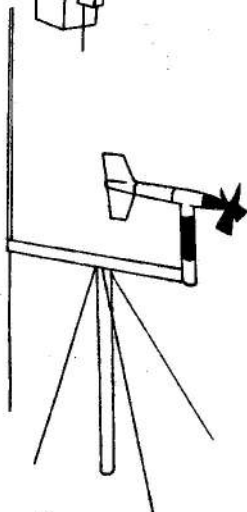
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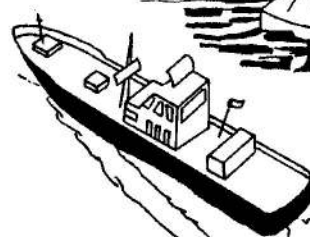
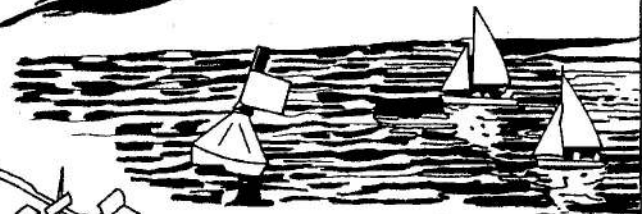
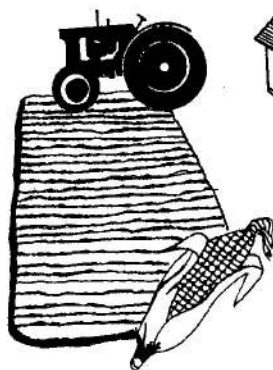
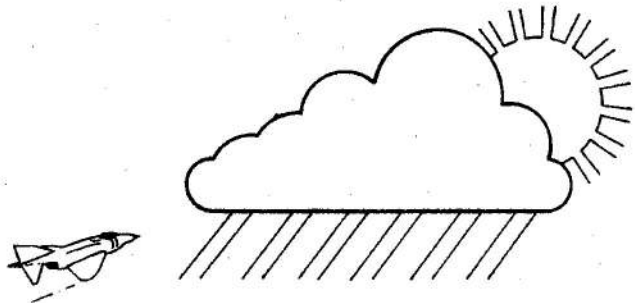
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