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## GOVERNMENT NOTICE

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### DEPARTMENT OF COMMUNICATIONS

No. 475

19 June 2012



### DEPARTMENT OF COMMUNICATIONS

#### *BROADCASTING ACT 4 OF 1999*

#### **PUBLIC NOMINATION TO SERVE ON SOUTH AFRICAN BROADCAST PRODUCTION ADVISORY BODY**

I, **Ms Dina Pule, Minister of Communications**, hereby in terms of section 38 of the (*Broadcasting Act* of 4 of 1999), request the public to nominate persons to serve on the **South African Broadcast Production Advisory Body** to advise on how the development, production and display of local content can be supported in the Republic.

The **South African Broadcast Production Advisory Body** shall comprise 12 members appointed by the Minister representing government, the regulator, industry, civil society, consumer groups, and organised labour with proven experience and expertise in content creation and development, production, marketing, distribution, acquisition, policy and regulation, intellectual property, legal, cyber security and any relevant content industry expertise.

The *Terms of Reference* outlining the functions of the **South African Broadcast Production Advisory Body** are hereby attached and available on the Department's website [www.doc.gov.za](http://www.doc.gov.za). Nominations of persons to serve on the advisory body must reach the Ministry of Communications within 30 days after publication of the gazette.

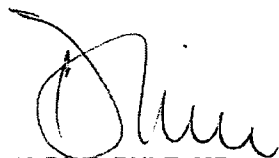
The Minister of Communications

Attention: (Ms)Sewela Letsoalo

Department of Communications, P/Bag X 860, Pretoria

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A handwritten signature in black ink, appearing to read 'Dina Pule'.

**MS DINA PULE, MP**

**MINISTER OF COMMUNICATIONS**

**DATE:** 19.06.2012



## **TERMS OF REFERENCE FOR THE SOUTH AFRICAN BROADCAST PRODUCTION ADVISORY BODY**

### **1 Introduction**

The Minister of Communications ("the Minister") is empowered by s(38) of the Broadcasting Act 4 of 1999 to establish the South African Broadcast Production Advisory Body to advise the Minister on how the development, production and display of local television and radio content can be supported.

### **2. Name**

The structure will be called the South African Broadcast Production Advisory Body.

### **3. Objectives of the South African Broadcast Production Advisory Body**

- 3.1 The objectives of the South African Broadcast Production Advisory Body "the Advisory Body") include making recommendations to the Minister to enable the Minister to determine:

3.1.1 policy and strategies to give effect to the production and display of local content

3.1.2 financing strategies to support the production of local content; and

3.1.4 policies to enhance the production of local content for the multichannel and digital broadcasting environment; and

- 3.2 The advisory body shall consult the National Film and Video Foundation and the broadcasting industry prior submission of recommendations to the Minister

### **4 Functions of the South African Broadcast Production Advisory Body**

- 4.1 The advisory body must advise the Minister on:

4.1.1 How the development, production, and display of local television and radio content, can be supported;

4.1.2 the establishment of the local digital content industry;

- 4.1.3 fostering co-operation amongst stakeholders in the content industry and in particular digital content to develop shared knowledge and promote innovation and excellence;
- 4.1.4 production of broadcast materials that meet the cultural needs of South Africans;
- 4.1.5 the distribution of local content through electronic platforms;
- 4.1.6 distribution and exhibition of local content in foreign markets;
- 4.1.7 encouragement of entry by players from historical disadvantaged individuals in the local content production industry;
- 4.1.8 development of legislation and policy development for combating the distribution of illicit content;
- 4.1.9 development of the human resources to provide skills and training of local content providers, especially amongst historically disadvantaged groups including the youth, women and people with disabilities.

#### **4.2 General Functions of the Advisory Body**

- 4.2.1 fostering relationship between government and industry;
- 4.2.2 promote cooperation amongst the different sub-sectors of the content industry;
- 4.2.3 mobilise resources for content initiatives.

#### **5 Funding**

The activities of the Advisory Body shall be funded by the Department.

#### **6 Composition of the South African Broadcast Production Advisory Body and Term of office**

- 6.1 The South African Broadcast Production Advisory Body consists of 12 members appointed by the Minister in a manner ensuring-
  - (a) Participation by the public nomination process
  - (b) transparency and openness
- 6.2 Every appointment of a member of the Advisory Body must be published in the government *gazette*.
- 6.3 The Minister will appoint the Chairperson of the South African Broadcast Production Advisory Body
- 6.4 The members of the Advisory Body must be;
  - (a) South African citizens;
  - (b) committed to fairness , public consultation and accountability;

- (c) representative of the diversity of the South African nation;
  - (d) from government, the regulator, broadcasting, content production, intellectual property, cyber security, and cinematographic sectors.
- 6.5 A member of the Advisory Body holds office for a period of 5 years and is eligible for re-appointment on expiry of his or her term of office, but may not serve more than two consecutive terms of office.
- 6.6 Once the Advisory Body is established it must appoint a sub-committee responsible for providing advice on strategies to give effect to local and digital content development and cyber security.
- 6.7 A member of the Advisory Body shall vacate office if that member-
- 6.7.1 is removed from office by the Minister as contemplated in sub-paragraph 6.8; or
  - 6.7.2 resigns by written notice addressed to the Minister
- 6.8 The Minister may remove a member of the Advisory Body:
- 6.8.1 for misconduct
  - 6.8.2 for permanent incapacity
  - 6.8.3 for absence from three consecutive meetings of the Advisory Body:
    - (i) without prior permission of the Advisory Body; or
    - (ii) unless the member shows good cause; or
- 6.8.4 for engaging in any activity that may undermine the functions of the Advisory Body.
- 6.9 If the chairperson or a member of the Advisory Body vacates office before the expiry of the period of office, the Minister must appoint a new chairperson or member, as the case may be, for the unexpired portion of that period within 90 days.
- 7 Meetings of the South African Broadcast Production Advisory Body**
- 7.1 The members of the Advisory Body shall meet four times a year, that is quarterly during the calendar year.
- 7.2 The Chairperson, or in the Chairperson's absence the deputy Chairperson, must preside at meeting of the Advisory Board.
- 7.3 If the Chairperson or deputy Chairperson of the Advisory Body is not present, members present may choose one of the members present at that meeting.

- 7.4 Meetings of members shall be governed by a majority vote of voting members present at any duly convened meeting, provided that a quorum of one-third of the voting members are present at that meeting.
- 7.5 At any meeting a resolution put to the vote of the meeting must be decided by show of hands.
- 7.6 In the case of an equality of votes, the Chairperson of the meeting at which the show of hands took place, is entitled to a second or casting vote.
- 7.7 Members shall personally attend meetings, but if a member is unable to attend, such member may nominate a representative to attend the meeting on his/her behalf. The representative will be accorded the observe status in such a meeting.
- 7.8 The nominated representative may only attend the meeting once the member has submitted a written request and permission is granted by the Chairperson of the Advisory Body for the nominated representative to attend.
- 7.9 If a member fails to attend two consecutive meetings in a calendar year, the Chairperson shall be entitled to refuse to allow a nominated representative to attend a meeting on behalf of that member.
- 7.10 Nominated representatives shall not be entitled to be remunerated for their attendance of meetings or reimbursed for any expenses incurred.

## **8 Secretariat**

- 8.1 All administrative, financial and logistical matters related to the Advisory Body's work will be managed by a dedicated Secretariat provided by the Department of Communications.
- 8.2 The Department will appoint an administrator responsible for co-ordinating the functions of the Secretariat and supervising the staff of the Secretariat.
- 8.3 The Secretariat is responsible for:
  - 8.3.1 Overall administrative support to the Advisory Body including:
    - 8.3.1.1 organising the meetings of the Advisory Body;
    - 8.3.1.2 taking minutes of the Advisory Body; and;
    - 8.3.1.3 logistical arrangements of the Advisory Body

**9 Remuneration of the South African Broadcast Advisory Body**

- 9.1 A member of the Advisory Body not in full-time employment of State may be paid the remuneration and allowances determined by the Minister with the approval of the Minister of Finance in accordance with National Treasury Regulations.

**10 Intellectual Property**

- 10.1 The Department of Communications shall retain ownership of any information, documents, programmes, advice and reports collected and compiled by the Advisory Body in the execution of the work outlined in section 4 and/or any other work performed by the Body within the scope of Terms of Reference.
- 10.2 The product of the services by the Advisory Body shall not be reproduced or distributed or made available in any other way without the written consent of the Minister of Communications.

**11 Engagement of Consultants**

- 11.1 The Advisory Body shall subject to the approval of the Department be entitled to engage the services of consultants to perform activities that fall within the scope of work set out in section 4.
- 11.2 The appointment of such consultant shall be done through the Secretariat ensuring that prescribed procurement processes are followed.
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