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REPUBLIC OF SOUTH AFRICA
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No. 23541

THE PRESIDENCY

No. 849

24 June 2002

I-OFISI KAMONGAMELI

Inomboro 849

24 Juni 2002

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

Kwaziswa lapha bona uMongameli sele agunyaze umThetho olandelako, oga-dangiswa lapha ngomnqopho woku-phakela ilwazi mazombe:

No. 14 of 2002: Media Development and Diversity Agency Act, 2002.

Inomboro 14 ka 2002: UmThetho wokuThuthukisa zokuRhathiha Mazombe kunye neHlangano eJamele iindlela zokuRhathiha ezaHlukeneko, 2002.



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(English text signed by the President.)
(Assented to 18 June 2002.)

ACT

To establish the Media Development and Diversity Agency; to provide for its objective and functions; to provide for the constitution of the Board and the management of the Agency by the Board; to provide for the chief executive officer and other staff of the Agency; to provide for the finances of the Agency; to provide for the support of projects aimed at promoting media development and diversity; and to provide for matters connected therewith.

Preamble

WHEREAS IT IS DESIRABLE TO—

ESTABLISH the Media Development and Diversity Agency to help create an enabling environment for media development and diversity that is conducive to public discourse and which reflects the needs and aspirations of all South Africans;

REDRESS exclusion and marginalisation of disadvantaged communities and persons from access to the media and the media industry;

PROMOTE media development and diversity by providing support primarily to community and small commercial media projects,

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

Definitions

1. In this Act, unless the context indicates otherwise—
- (i) "Agency" means the Media Development and Diversity Agency established by section 2;
 - (ii) "Board" means the Board referred to in section 4;
 - (iii) "community" means a geographically founded community or any group of persons or sector of the public having a specific ascertainable common interest;
 - (iv) "community media" means any media project that is owned and controlled by a community where any financial surplus generated is reinvested in the media project;
 - (v) "Constitution" means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);
 - (vi) "diversity" with regard to media, means access to the widest range of sources of information and opinion, as well as equitable representation within the media in general;

(English text signed by the President.)
(Assented to 18 June 2002.)

UMTHETHO

Ukubhoma iHlangano yokuthuthukisa zokurhatha mazombe kunye nejamele indlela zokurhatha ezahlukeneko; ukugalelela imingopho kunye nemisebenzi yayo; ukugalelela ukubunjwa kweBhodo kunye nokuphathwa kweHlangano yokuthuthukisa zokurhatha kunye nejamele indlela zokurhatha ezahlukeneko yibhodo; ukugalelelela kwiMingophisi oMkhulu oLawulako (CEO) kunye nabanye abasebenzi beHlangano; ukugalelelela kweemali zeHlangano yokuthuthukisa zokurhatha nokujamele indlela zokurhatha ezahlukeneko; ukugalelela isekelo lamaprojekthi angotjhiswe ekukhuphuleni ukuthuthukisa zokurhatha nokuhlukana; begodu nokugalelela izinto eziphathelene nalokhu.

Isendlalelo

NGETJHEJO LOKOBANA KUFANELEKILE BONA—

KUHLONYWE iHlangano yokuthuthukisa ezokurhatha kunye nejamele indlela zokurhatha ezahlukeneko ukuthelwebha ukwakha ibhoduluko lokukgonakalisa ukuthuthukisa zokurhatha kunye nokuthuthukisa indlela ezahlukeneko zokurhatha zamaSewula Afrika woke;

KULUNGISWE ukurathelwa ngaphandle kunye nokubekelwa ngecadi kweziphakathi nabantu egade badinywe amathuba bona bangene kwezokurhatha kunye nebudulo lakhona;

KUKHUTJHULWE ituthuko yezokurhatha nemihlobo ehlukeneko yezokurhatha ngokumikelela isekelo, khulu khulu emiphakathini kunye nemaprojekthini amancami wokungenisa imali wezokurhatha;

Inhlathululo

1. KilomThetho, ngaphandle kobana kufengiswe ngenye indlela emloleni—
(i) “iHlangano” (Agency) kuthiwo iHlangano yokuthuthukisa ezokurhatha kunye nejamele indlela zokurhatha ezahlukeneko ehloniwe sigaba 2;

(ii) “iBhodo” kuthiwo iBhodo ebalwe esigabeni 4;

(iii) “Umphakathi” kuthiwo abantu ngokuya kokuhlala kwabo endaweni ethileko nanyana esinye nesinye isiqhema sabantu nanyana ingceny yomphakathi enekareko eqinisekako, nenqophileko efanakako;

(iv) “zokurhatha zomPhakathi” kuthiwo ibudulo lezokurhatha elinye nelinye eliphethwe begodu lingelomphakathi, lapho inzuzo esaleleko ibuye ifalwe emphakathini nanyana eprojekthini yezokurhatha;

(v) “umThethosisekelo” kuthiwo umThethosisekelo weRiphabhliki yeSewula Afrika, ka 1996 (umThetho oyinomboro 108 ka 1996).

(vi) “Imihlobo ehlukeneko” manqophana nezokurhatha, kuthiwo ukugxhona ukuthola imihombo yelwazi nemibono eyahlukeneko, kunye nokujanyelwa ngokulingana kwezokurhatha mazombe;

- (vii) "GCS" means the Government Communication and Information System;
- (viii) "media" means all forms of mass communication, including printed publications, radio, television and new electronic platforms for delivering content;
- (ix) "media development" means the development of the media environment and infrastructure so that historically disadvantaged communities and persons have access to the media as owners, managers, producers and consumers of media;
- (x) "member" means a member of the Board;
- (xi) "Minister" means the Minister responsible for GCS;
- (xii) "Portfolio Committee" means the Portfolio Committee on Communications of the National Assembly;
- (xiii) "prescribe" means prescribe by regulation;
- (xiv) "projects" means projects referred to in section 19;
- (xv) "small commercial media" means independent media enterprises or initiatives that are run for personal gain as micro, very small or small businesses as classified in the National Small Business Act, 1996 (Act No. 102 of 1996);
- (xvi) "support" means support referred to in section 17;
- (xvii) "this Act" includes any regulation made thereunder.
- Establishment of Agency**
- 20 2. (1) A juristic person known as the Media Development and Diversity Agency is hereby established.
- (2) The Agency acts only through the Board.
- (3) The Agency must act in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999).
- (4) The Agency is independent and must be impartial and exercise its powers and perform its duties without fear, favour or prejudice, and without any political or commercial interference.
- (5) The Agency must not interfere in the editorial content of the media.
- Objective of Agency**
- 30 3. The objective of the Agency is to promote development and diversity in the South African media throughout the country, consistent with the right to freedom of expression as entrenched in section 16 (1) of the Constitution, in particular—
- (a) freedom of the press and other media; and
- (b) freedom to receive and impart information or ideas.
- 35 and for that purpose to—
- (i) encourage ownership and control of, and access to, media by historically disadvantaged communities as well as by historically diminished indigenous language and cultural groups;
- (ii) encourage the development of human resources and training, and capacity building, within the media industry, especially amongst historically disadvantaged groups;
- (iii) encourage the channelling of resources to the community media and small commercial media sectors;
- (iv) raise public awareness with regard to media development and diversity issues;
- (v) support initiatives which promote literacy and a culture of reading;

(vii) "I-GIS" Kuthiwo iRherho lakarhulumente lokuthintana nokwazisa;

(viii) "ezokurhatha" kuthiwo zoke indlela zokuthintana nomphakathi mazombe,

kufakwa hlangana nemithole egadangisiseko, mthetho, ibhelevithini kunye

nezinye indlela zegezi (*electronic*) zokwethula imibiko;

(ix) "ukuthuthukisa ezokurhatha mazombe" kuthiwo ukuthuthukiswa

kwebhodulo lezokurhatha mazombe kunye nemithangalasisekelo

yakhona, khona imiphakathi egade ibandlululwe esikhathini sangaphambili

kunye nabantu abanjalo bazakukgona ukuba banikazi bezokurhatha

mazombe, abaphathi, abakhigizi kunye nabathengi bezokurhatha.

(x) "ilungu" kuthiwo ilungu lebhodo;

(xi) "Ungqongqo" kuthiwo uNgqongqo othogomele iRherho

lakarhulumente lokuthintana nokwazisa (GIS);

(xii) "Komiti yeenKhumda ePalamende" kuthiwo iKomiti yeenKhumda

kwezokuthintana yeBandla leSithaba;

(xiii) "qunta" kuthiwo ukugqama ngesiyalelo;

(xiv) "amaprojekthi" kuthiwo amaprojekthi abalwe esigabeni 19;

(xv) "Ukwerwebha ngokurhatha okuncani" kuthiwo amabulo wokurhatha

azijamelako nanyana imizamo yebulo lezokurhatha elilawulwa muntu

bona azuze ebulweni elimaphakathi, elincani nanyana elincani khulu

njengokubandlululwe emthethweni westithaba wamaBhizinesi amancane ka

1996 (National Small Business Act, 1996, umthetho oyiNomboro 102 ka

1996);

(xvi) "isekelo" kuthiwo isekelo elibalwe esigabeni 17;

(xvii) "umthetho" ubala hlangana nesinye nesinye isiyalelo esenziwe

ngaphasapho.

Ukubhonywa kweHlangano

2. (1) Kuhlonywa lapha ihlangano eyaziwa njengomuntu ngokomthetho, ihlangano

yokuThuthukisa ezokurhatha kunye nejamele indlela zokurhatha ezaHlukeneko.

(2) Ihlangano isebenza ngokusebenzisa ibhodo kwaphela.

(3) Ihlangano ifanele isebenze ngokuya komthetho ka 1999 wokurhatha

kweMali zakarhulumente (Public Finance Management Act, 1999, umthetho

oyiNomboro 1 ka 1999).

(4) Ihlangano izijamele begodu ayikafanele ukuthatha hlangathi, isebenzise amandla

wayo begodu yenze imisebenzi yayo ngaphandle kokusaba, ukukhetha nanyana

ukubandlulula, begodu namaphandle kokuthikamezwa ngezombanganya nanyana

ngokwemali.

(5) Ihlangano ayikafanele izifake ngokutshwenya emahleleni wokumumethweko

okuzakurhatha.

Umgopho weHlangano

3. Umgopho weHlangano kuphuhlisa ituthuko yezokurhatha mazombe neendlela

ezahlukene zokurhatha ephasini mazombe, ngokukhambisana nelungelo lekululeko

lokweza amazizo njengokulolwe kwaqiniswa esigabeni 16 (1) somThethosisekelo,

khulu khulu—

(a) ikululeko yezemililo kunye nokhululeko kokurhatha; kunye

(b) nekululeko yokumukela kunye nokudlulisa ilwazi nanyana imibono,

45 nangehliso leyo ba—

(i) kuthaze ubunikazi kunye nokuphatha, ukuthola, kwezokurhatha

babantu egade badinywe amathuba esikhathini sangaphambili kunye

namalimi wabomdabu agade adinywe amathuba esikhathini

50 sangaphambiki nengqema zamasisi;

(ii) kuthaza ukuthuthukiswa kwemithombo yabantu nebandulo kunye

nokulingiselela umsebenzi wemabubulweni wezokurhatha, khulu

khulu phakathi kwabantu egade badinywe amathuba esikhathini

55 (iii) kuthaza ukudluliselela kwemithombo borhela emirhatyweni

yomphakathi kunye nencoko ezincane zabathathi;

(iv) kuthaza ijhejo lomphakathi manqophana nokuthuthukiswa

(v) sekela imizamo ephuhlisa zokufunda kunye nesiko lokufunda;

- (vi) encourage research regarding media development and diversity; and
- (vii) liaise with other statutory bodies such as the Independent Communications Authority of South Africa and the Universal Service Agency.

Constitution of and appointment of members of Board

- 5 4. (1) (a) The Board consists of nine members.
- (b) Six members of the Board must be appointed by the President on the recommendation of the National Assembly, according to the following principles:
- (i) Participation by the public in the nomination process;
 - (ii) transparency and openness; and
 - (iii) the publication of a shortlist of candidates for appointment with due regard to subsection (4) and section 5.
- (c) Three members must be appointed by the President, taking into consideration section 15, of whom one must be from the commercial print media and another from the commercial broadcast media.
- (2) The President must appoint one of the members as chairperson of the Board.
- 15 (3) Members are appointed on a non-executive basis.
- (4) Persons appointed to the Board must be persons who are—
- (a) committed to fairness, freedom of expression, openness and accountability on the part of those entrusted with the governance of the public service;
 - (b) when viewed collectively—
- 20 (i) are representative of a broad cross section of the population of the Republic; and
- (ii) possess suitable qualifications, expertise and experience in fields such as community media, social, labour and development issues, media economics, financial management and funding, advertising and marketing, journalism and broadcast programming, media research, media training, literacy and education, media law, information and communication technology policy.
- (5) A member must, before performing his or her functions, take an oath or affirmation that he or she is committed to—
- (a) fairness, freedom of expression, openness and accountability; and
 - (b) upholding and protecting the Constitution and the other laws of the Republic.
- #### Disqualification
- 30 5. A person may not be appointed as a member if he or she—
- (a) is not a South African citizen and ordinarily resident in the Republic;
 - (b) is an unrehabilitated insolvent;
 - (c) is a member of Parliament, any provincial legislature or any municipal council;
 - (d) is an office-bearer or employee of any party, movement or organisation of a party-political nature;
 - (e) has, notwithstanding paragraph (f), at any time been convicted of theft, fraud, perjury, an offence under the Corruption Act, 1992 (Act No. 94 of 1992), or any other offence involving dishonesty;
 - (f) has been convicted after the commencement of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993) of a crime specified in Schedule 1 to the Criminal Procedure Act, 1977 (Act No. 51 of 1977), and has

UMTHEHO WOKUTHUTHUKISA ZOKU- uMthetho Ino. 14, 2002

RHATHA MAZOMBE KUNYE NEHLANGANO EAMELE

INDLELA ZOKURHATHA EZAHLUKENEKO, 2002

(vi) khuthaza ithubhululo manqophana nokuthuthukiswa kwezokuthathwa

(vii) nokuthintana nezinye iinkhundo zangokomthetho ezifana nabaphathi

abazilameleko bezokuThintana eSewula Afrika neHlangano yesiTjhaba

sokE yezemiSebenzi.

Ukubunjwa kweHlangano kunye nokukhethwa kwamalungu webhodo

4. (1) (a) IBhodo imumethe amalungu alithoba.

(b) Amalunga asithandathu webhodo afanele bona akhethwe nguMongameli ngokukhethwa mButhano wesiTjhaba, ngokulandela imithethokamabiso elandelako:

(i) ukubandakanyeka komphakathi ekambisweni yokukhetha;

(ii) ukungafihli litho nokuvuleka; kunye

(iii) nokugadanyiswa kwethelo elithiyhani labongikhethe ngethetho lesigatjama

(4) kunye nesigaba 5.

(c) Amalunga amathathu afanele bona akhethwe nguMongameli, ngethetho lesigaba

15, okuzakuthi linye ilungu livele kwabezokuthathwa ngehloso yokuzingenisela imali

ngemidlolo kanti elinye livele kwabezokuthathwa ngehloso yokuzingenisela imali

ngemithetho.

(2) UMongameli ufanele bona akhethwe linye ilungu njengosihlalo webhodo.

(3) Amalungu akhethelwa ekusebenzeni kungasikho, njengabalawuli.

(4) Abantu abakhethelwe eBhodini bafanele bona kube babantu aba—

(a) zimisele ngokulungu, ikululeko yokukhuluma, ukungafihli litho kunye

nokuzibophelela kilabo ababanikele umthwalo wokuphatha imisebenzi

kathulumente;

(b) nakuthethwa ngokuzuleko—

(i) babafameli bomphakathi weRiphabhliki ngokunaba; begodu

25 (ii) banelwazi elandelelo, iboni kunye nobukhono eentlobo ezifana

nokwazi kweziphakathi, zokuthathwa, zokuhlalisana, iindaba

zemiSebenzi kunye nezokuthuthukiswa, zecemali, zokuthathwa, zokuhlalisana, iindaba

ngisa, zokubika iindaba kunye nokuthathwa ngomoya, zethubhululo

30 lezokuthathwa, zibandulo kwezokuthathwa, zokufunda nokutlola

nezefundo, imithetho yezekothathwa, ilwazi kunye nomithethomgomomo

weheknothi yokukhululimisa.

(5) Ilungu lifanele, ngaphambi kokufeza umsebenzalo, lenze isifundo nanyana

ukuzibopha kobana lizaku:

(a) sebenza ngokulungu, ikululeko yokukhuluma, ukuvuleka nokuzibophelela;

kunye

(b) nokubulunga nokuvikelela umThethosisekelo kunye neminye imithetho

yeRiphabhliki.

Ukuqothwa

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5. Umuntu angeze akhethwa bona abe lilungu nangabe—

(a) akasiso isakhumazi seSewula Afrika begodu ngokujayelekileko akahlali

eRiphabhliki;

(b) Unemilando yeenkolodo begodu akakholi ithelaho lokumbuyisela

emajameni wangaphambili;

45 (c) uyilungu lePalamente, isibethamthetho esinye nesinye seprovinsi nanyana

umkhandlu kamaspala;

(d) usiphathiswa nanyana umsebenzi weHlangano yezopolitiki, iithiyhingo

nanyana ihlangano yezombangana;

50 (e) ukhe, ngaphandle kwehetho lendima (f), kwesinye nesinye isikhathi

waboyihlelwa ukweba, ukukhwebanisa, ukukhuluma amala afungile,

okumilando ngokuya komThetho wokulwa nobuKhohlakali ka 1992 (Corrup-

tion Act, 1992, umThetho wama-94 ka 1992), nanyana omunye nje umilando

ophathelene nokungathembeki;

55 (f) ukhe watholwa amilando ngemva kokuthoma koMthethosisekelo

weRiphabhliki yeSewula Afrika ka 1993 (umThetho oyinomboro 200 ka

1993), ngomilando onqothiswe eTjhedulini I yomThetho wekamabiso

yobuLelesi ka 1977 (Criminal Procedure Act, 1977, umThetho wama-51 ka

been sentenced to a period of imprisonment of not less than one year without the option of a fine;
(g) has, as a result of improper conduct, been removed from an office of trust; or
(h) has been declared by a court to be mentally ill or disordered.

Removal from office

6. (1) Subject to subsection (2), a member ceases to be a member of the Board and must vacate his or her office if—

(a) he or she becomes disqualified in terms of section 5, from being appointed as a member;

(b) he or she submits his or her resignation in writing to the President;

(c) he or she has, without the leave of the Board, been absent from more than two consecutive meetings of the Board;

(d) he or she is found to be incompetent or unfit to fulfill his or her duties;

(e) he or she is found guilty of misconduct; or

(f) he or she is found guilty of an offence under section 11(4).

(2) A member may be removed from office only on—
(a) a finding to that effect by the National Assembly; and
(b) the adoption by the National Assembly of a resolution calling for that member's removal from office.

(3) The President—
(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 remove a member from office upon adoption by the National Assembly of the resolution calling for that member's removal.

Vacancies

7. (1) (a) If a member contemplated in section 4(1)(b) dies or vacates his or her office in terms of section 6, the President may appoint a suitably qualified person, from the nominees referred to in section 4(1)(b), from which such member was appointed, to fill the vacancy for the unexpired term of office.

(b) If an appointment cannot be made in terms of paragraph (a)—
(i) the National Assembly must, as soon as possible, request nominations in terms of section 4(1)(b);

(ii) the National Assembly must compile a shortlist in terms of section 4(1)(b)(iii) and must make recommendations in terms of section 4(1)(b); and

(iii) the President must appoint a member from the recommendations referred to in subparagraph (ii).

(2) If a member contemplated in section 4(1)(c) dies or vacates his or her office in terms of section 6, the President must appoint another member in terms of section 4(1)(c) to fill the vacancy for the unexpired term of office.

Term of office of members

8. (1) The chairperson holds office for a period of five years.

(2) Subject to subsection (3), the term of office of members is three years.

(3) Fifty per cent of the members of the first Board who were nominated through a public process must hold office for a period of five years.

(4) Members referred to in subsection (3) must be determined by lot in accordance with the Schedule.

UMTHEHO WOKUTHUTHUKISA ZOKU-
 RHATHA MAZOMBE KUNYE NEHLANGANO EJAMILE
 INDLELA ZOKURHATHA EZAHLUKENEKO, 2002

1977), wagwetwa isikhathi esingasi ngaphasi konyaka muncye begodu
 akhange avunyelwe bona angahlawula;
 (g) ngamabanga wokungaziphathi kuhle, ukhe wakhuthiwa esikhundleni
 sokuthenjwa; nanyana
 (h) ubekwa yikhotho bona akakaphili kuhle emkhumbulweni nanyana
 uphambene umkhumbulo.

Ukukhuthiwa e-ofisini

6. (1) Ngokukhambisana nesigafana (2), ilungu lipheliswa bulungu balo eBhodini
 begodu lifanele lithiye isikhundla nakhibe—

(a) alikavumeleki ukuba ilungu ngokuya kwesigafana (5), ekubeni likhethwe
 njengelungu;

(b) litholela uMongameli incwadi yokubawa ukulisa umsebenzi;
 ngaphandle kwemvumo yeBhodo;

(d) litholakala lingakafaneli nanyana lingakalungeli ukusebenza lokhu
 elilindeleke kikhlo;

(e) litholakala limlandu ngokungaziphathi kuhle; namthana
 litholakala limlandu ngokuya kwesigaba 11(4).

(2) Ilungu lingakhuthiwa esikhundleni kwaphela—
 (a) ngokufihlo komButhano westiThaba ngemva kwefunisiso yawo; kunye
 (b) ngokumukelwa kwesivumelwano somButhano westiThaba sokobana
 ilungelo likhuthiwe esikhundleni.

(3) UMongameli—
 (a) angajamisa ilungu esikhundleni salo kwesinye nesinye isikhathi ngemva
 kokuthoma komhlangotho womButhano westiThaba wokukhuthiwa
 kwelungelo;

(b) ufanele akhuphe ilungu esikhundleni salo ngemva kobana umButhano
 westiThaba uvumelele ngokomthetho kobana ilungelo likhuthiwe
 esikhundleni.

Isikhundla

7. (1) (a) Nakhibe ilungu elibalwe esigabeni 4(1)(b) liyahlolongakala namkha lithiya
 isikhundla salo ngokuya kwesigaba 6, uMongameli angakhethe omuncye umuntu
 obandulwe ngokufaneleko ebanwini abaphakanyiswa ngokwesigaba 4(1)(b), lapho
 ilungeli lakhethwa khona, ukuzalisa isikhundla ngaphambi kokuphela kwehemu
 ye-ofisi leyo.

(b) Nakhibe ukukhethwa lokho akugonakali bona kwenzeke ngokulandela
 indima (a)—

(i) umButhano westiThaba uzakufanele bona ubawe amagama azakupha-
 kanyiswa eenkorweni ezifaneleko ngokuya kwesigaba 5(1)(a) no (b),
 ngokuthaba okungakghonakala;

(ii) umButhano westiThaba ufanele bona wenze irhelo elithihani ngokuya
 kwesigaba 4(1)(b)(iii) begodu ufanele bona wenze imphakamiso ngokuya
 kwesigaba 4(1)(b); begodu

(iii) noMongameli ufanele bona akhethe ilungu cemphakanyisweni ezibalwe
 endinyaneni (ii).

(2) Nakhibe ilungu elibalwe esigabeni 4(1)(c) liyahlolongakala namkha lithiya
 isikhundla salo ngokuya kwesigaba 6, uMongameli angakhethe omuncye umuntu
 ngokwesigaba 4(1)(c), ukuzalisa isikhundla ngaphambi kokuphela kwehemu ye-ofisi
 leyo.

Ithemu ye-ofisi yamalungu

8. (1) Usihlalo uzakubamba isikhundla sakhe iminyaka emihlanu.

(2) Ngokuya kwesigafana (3), ithemu ye-ofisi yamalungu, iminyaka emithathu.

(3) Ubuncani bakhona, 50% wamalungu weBhodo yamathomo aphakanyiswa
 ngokwekamiso yomphakathi, afanele bona abambe imkhundla zawo isikhathi
 esiminyaka emihlanu.

(4) Amalunga abalwe esigafaneni (3) afanele bona abekwe mbuthano woko
 ngokukhambisana neTjheduli.

(5) No member may be appointed for more than two consecutive terms of office.

Remuneration of Board members

9. The Minister must, in consultation with the Minister of Finance, determine the remuneration of the members.

Meetings of Board

10. (1) The first meeting of the Board must be held at a time and place determined by the Minister, and thereafter meetings must be held at such times and places as the Board may determine.

(2) The Board must meet four times a year.

(3) The chairperson of the Board may at any time, and must at the request in writing of not fewer than four members, convene a special meeting of the Board, to be held at such time and place as the chairperson may determine.

(4) There may not be more than eight special meetings per year.

(5) A quorum for a meeting of the Board is the majority of its members.

(6) The chairperson must give 14 days' prior written notice of every meeting of the Board to all members.

(7) A decision of the majority of the members present at any meeting constitutes a decision of the Board and, in the event of an equality of votes, the chairperson must have a casting vote in addition to his or her deliberative vote.

(8) In the absence of the chairperson the remaining members must from their number elect an acting chairperson who, while he or she so acts, performs all the functions of the chairperson.

(9) Subject to section 11(3), a decision taken by the Board or an act performed under that decision is not invalid merely by reason of—

(a) any irregularity in the appointment of a member;

(b) a vacancy on the Board; or

(c) the fact that any person not entitled to sit as a member sat as such at the time when the decision was taken;

Provided such decision was taken by a majority of the Board members present at the time and entitled to sit, and those members at the time constituted a quorum.

(10) Minutes of proceedings of every meeting of the Board must be recorded and entered in a book kept for that purpose.

(11) Minutes of the proceedings of each meeting must be submitted at the next meeting of the Board and, if passed as correct, must be confirmed by the signature of the chairperson and must, when so confirmed, be evidence in a court of law of the proceedings of the first-mentioned meeting.

(12) The Board must require the chief executive officer to attend any of the Board's meetings, but the chief executive officer is not entitled to vote.

Conflicting interests

11. (1) A member may not vote at, attend or in any other manner participate in, any meeting of the Board, nor be present at the place where the meeting is held, if—

(a) in relation to an application for support, he or she or his or her family member is a director, member or business partner or associate of, or has an interest in, the business of the applicant or of any person who made representations in relation to the application; or

(b) in relation to any matter before the Board, he or she has any interest which might preclude him or her from performing his or her functions as a member in a fair, unbiased and proper manner.

(2) (a) If, during the course of any meetings of the Board, there is reason to believe that a member has any interest contemplated in subsection (1), that member must

(5) Akunalungu elingakakethwa bona libambe amathemu alandelanako adlula kwamabili.

Umrholo wamalungu webhodo

9. UNgongqothle ufanele, ngokusebenzisana noNgongqothle wezeeMali, abeke umrholo wamalungu.

Imihlangano yeBhodo

10. (1) Umhlangano wamathomo webhodo ufanele bona ubanjwe endaweni kunye nangetikhathi esizakubekwa nguNgongqothle, bese ukusuka lapho, imihlangano izakubanjwa ngeenkhathi kunye nendaweni ezizakubekwa yiBhodo.

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(2) IBhodo ifanele bona ihlangane kane ngonyaka.

(3) Ushlalo webhodo unelungelo lokobana kesinye isikhathi, begodu ufanele bona nakabawisa ngencwadi malunga angasingaphasi kwamane, abize umla ngano okhethekileko webhodo, ozakubanjwa ngesikhathi nendaweni ezakubekwa ngushlalo.

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(4) Akukafaneleli bona kube nemihlangano engaphezu kwebunane ekhethekileko ngonyaka muncy.

(5) Ikhoramu yomhlangano webhodo, linengi lamalungu wayo.

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(6) Ushlalo ufanele bona anikele isaziso esilolileko samalanga ali-14 ngaphambi komuncy nomuncy umhlangano webhodo emalungwini woke wayo.

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(7) Isiqunto senengi samalungu akhona komuncy nomuncy umhlangano sizakuthathwa njengetisiqunto seBhodo, begodu nakwenzeka bona kube namavowudi aliingana, ushlalo uzakufanele bona enze yakhe ivowudi yokuhlukanisa ngaphezu kwavowudi yakhe ejayelekeleko azikhethelela ukuyenza.

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(8) Nangabe ushlalo akakho, amanye amalungu akhona afanele bona, kilabo abakhona, akhethe ozakuba ngumjaphethe kasihlalo, ozakwenza yoke imisebenzi kasihlalo ngesikhathi azabe abambile.

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(9) Ngokuya kwesigaba 11(3) isiqunto esithethwe yiBhodo nanyana okwenziwe ngokulandela isiquntwesoso angeze kwangasebenzi ngamabanga nje wokobana—

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(a) kube nokungakhambi kuhle ekukhethweni kwelungu;

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(b) kunesikhala eBhodini; nanyana

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(c) indaba yokobana kube nomuntu eBhodini obangafanele bona ahla ngenelungu ngesikhathi kudathwa isiquntwesoso.

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Ngaphandle kobana isiquntwesoso sithethwe linengi lamalungu webhodo akhona sikhatheso begodu anelungelo lokuhlala, begodu ikawo malungu enza ikhoramu sikhatheso.

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(10) Amamithi wokwenzeka emhlanganweni omuncy nomuncy webhodo afanele bona arekhodwe bese adlola encwadini eyenzelwe lokho.

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(11) Amamithi wokwenzeka emhlanganweni omuncy nomuncy afanele bona ethulwe emhlanganweni olandelako webhodo, nakhibe ayemukelewa, afanele bona atikithwe ngushlalo, begodu nakafakazelwe ngalendlela, angathathwa njengetobutakazi ekhitho yomithetho ngokwenzeka emhlanganweni obalwe ekuthomeni.

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(12) IBhodo ingabawisa uMngophisi omkhulu olawulako bona akhambele namkha ngumthi wemihlangano yeBhodo, kodwana uMngophisi omkhulu olawulako akanalungelo lokuvowuda.

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Amakareko atshayisana

11. (1) Ilungu angeze livowude, ikhambele nanyana ngenye indlela libandakanyeke emihlanganweni yeBhodo, namthjha libe khona lapho kubanjwa khona umhlangano nakhibe—

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(a) mangophana nesibawo sokusekelwa, lona namthjha ilungu lomdenalo limngophisi, ilungu nanyana umhlangani ebubulweni, nanyana imekareko ebubulweni yombawo nanyana omuncy nomuncy umuntu okhulumele mangophana nesibawo; nanyana

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(b) mangophana nenyce into ephambili kwebhodo, imekareko engalikhandela bona lenze umsebenzi njengetlunga ngendlela elungileko, engathathi hlangothi begodu efaneleko.

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(2) (a) Nakwenzeka bona ngesikhathi kwenziwa nofana yini eBhodini, kunamabanga wokukholiswa ekuthini ilungu imekareko egatjanganeni (1), ilungelo lifanele

immediately fully disclose the nature of his or her interest and leave the meeting in question so as to enable the remaining members to discuss the matter and determine whether or not that member should be allowed to participate in the meeting.

(b) The disclosure, and the decision taken by the remaining members, must be recorded in the minutes of the meetings in question.

(3) If any member fails to disclose any interest as required by subsection (2) or, subject to that subsection, if he or she is present at the place where a meeting of the Board is held or in any manner participates in the meeting of the Board, the relevant meeting of the Board is null and void.

(4) A member is guilty of an offence and liable on conviction to a fine not exceeding R250 000 or to imprisonment for a period not exceeding five years, or to both such fine and imprisonment, if he or she—

(a) contravenes subsection (1); or

(b) fails to disclose any interest or fails to leave the meeting or hearing as required by subsection (2).

Staff

12. (1) The Board must appoint a person qualified and experienced in accounting and financial matters, and who is, as far as possible, qualified or experienced in the fields set out in section 4(4)(b)(ii), as chief executive officer of the Agency.

(2) A person is disqualified from being appointed or remaining a chief executive officer if he or she is a Board member or subject to any of the disqualifications mentioned in section 5.

(3) A chief executive officer holds office for a period not exceeding five years and may not be appointed for more than three consecutive terms of office.

(4) The Board may at any time terminate the appointment of the chief executive officer—

(a) if that chief executive officer failed to perform the duties of his or her office efficiently;

(b) if, due to any physical or mental illness or disability, that chief executive officer has become incapable of performing his or her functions or performing them efficiently; or

(c) for misconduct.

(5) The chief executive officer and staff must be appointed in accordance with procedures applicable to the appointment of public servants in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994).

(6) The terms and conditions of service of the chief executive officer and other staff of the Agency, including their remuneration, allowances, pensions and other service benefits, are determined by the Board.

(7) The remuneration, pension and other service benefits referred to in subsection (6) must be determined in accordance with a system approved by the Minister with the concurrence of the Minister of Finance.

Functions of chief executive officer

13. (1) Subject to the written directions of the Board and section 15(2)(b), the chief executive officer may appoint such other staff for the Agency as are necessary to perform the work arising from or connected with the functions of the Board or the Agency.

(2) The chief executive officer must—

(a) ensure that the instructions of the Board are carried out;

(b) report to the Board on the activities of the Agency; and

(c) compile an annual report on the activities of the Agency and submit the report to the Board for approval.

(3) The report referred to in subsection (2)(c) must include—

(a) audited financial statements;

(b) a list of all beneficiaries;

UMTHETHO WOKUTHUTHUKISA ZOKU-
 RHATHA MAZOMBE KUNYE NEHLANGANO EAMBELE
 INDLILA ZOKURHATHA EZAHLUKENOKO, 2002

bona lizeze ibhobo lekarako yalo bese lithiya umhlango nanyana ukulalelwa lokho
 khona amalunga aseleko azakuxoxisana ngendaba leyo, bese bafheja bona ilungelo
 lifanele livunyelwe bona lifake isandla emhlanganweni loyo.
 (b) Ukuvezwa kunye nesiqunto esithathwa malunga aseleko, sifanele bona sitholwe
 emaminihini waloyomhlango.

(3) Nakwezeka bona ilungu libhalile ukuveza ikarekwalo ngokuya kwesigafana
 (2) nanyana, ngokukhambisana nesigafaneso, nakhibe ilungelo likhona endaweni
 yomhlangano webhodo, namijhana nganofana ngiyiphi indlela liba nesabelo
 emhlanganeni loyo webhodo, inkambiso zebhodo wezo azisebenzi.
 (4) Ilungu linomlandu begodu lingahlawuliswa imali engadluli ku-R250 000 nanyana
 lingavalalelwa isikhathi esingaphhezu kweminyaka emihlanu, nanyana lingahlawuliswa
 bese livavalelwa, nangabede—
 (a) Iipula isigafana (1); nanyana
 (b) Lingavezzi ikareko yalo nanyana lingathiyi umhlangano nanyana ukulalelwa
 elimekareko kikho, njengokukhulwa kwesigafana (2).

Abasebenzi

12. (1) Ibhodo ifanele bona ikhethe umuntu ofundileko begodu onelwazi
 kwezokuhlathulula ukusefenziswa kweemali, begodu, ngendlela okungakgoneka
 ngayo, ofundileko nanyana onelwazi cenkorweni ezibalwe esigabeni 4(4)(b)(ii),
 njengoMngophisi oMkhulu oLawulako weHlangano.
 (2) Umuntu uzakukhulwa ekubeni akhethe nanyana ekurageleli phambili
 njengoMngophisi oMkhulu oLawulako nangabede ulungu lebhodo nanyana abhalilewe
 ngamabanga wokugqibela abalwe esigabeni 5.
 (3) Umngophisi oMkhulu oLawulako ubamba isihlalo isikhathi esingeze sadula
 iminyaka emihlanu begodu angenze akhethe bona apha the amahlamla angaphhezu
 kwamathathu, alandlanako e-ofisi.
 (4) Kwesinye nesinye isikhathi, ibhodo ingajamisa ukukhethewa koMngophisi
 oMkhulu oLawulako—
 (a) nangabede uMngophisi oMkhulu oLawulako abhalilewe ukwenza umsebenzi
 wakhe ngefanelo;
 (b) nangabede, ngamabanga wokugula ngokomzimba nanyana emkhumbulweni
 nanyana ukukhubala, umngophisi oMkhulu oLawulako ubhalilewe kukwenza
 umsebenzake ngefanelo; nanyana
 (c) nangaziphathi kuhle.

(5) Umngophisi oMkhulu oLawulako kunye nabasebenzi batanele bona bakhethewe
 ngokuya kweenkambiso ezisefenziswa ekukhetweni kwabasebenzi bakathuthumende
 ngokuya komthetho wabasebenzi bakakRhumumende ka 1994 (Public Service Act, 1994,
 IsiMemezelo somthetho se-103 saka 1994).
 (6) Iingamiso kunye neemvumelano zomsebenzi umngophisi oMkhulu oLawulako
 kunye nabanye abasebenzi behlangano, kubalwa nemitholo yabo, amalungelo
 akhambisana nomsebenzi abawenzako, ipentihini kunye neminye imisebenzi
 yokuthokozwa emsebenzini, kuzakubekwa yiBhodo.
 (7) Umtholo, amalungelo akhambisana nomsebenzi awenzako, ipentihini neminye
 imisebenzi yokuthokozwa emsebenzini okubalwe ngehlapha esigafaneni (6), kufanele
 bona kubekwe ngokuya kwehlelo eliphasiswe nguNgqongqophelwe wokuthintana
 ngokuvumelana noNgqongqophelwe wezeeMali.

Imisebenzi yomngophisi oMkhulu oLawulako

13. (1) Ngokulandela iintjengiso ezidolileweko zebhodo kunye nesigaba 15(2)(b),
 umngophisi oMkhulu oLawulako angakhethe abasebenzi abanye eHlanganweni
 njengokukhulugeka, ukufezakalisa umsebenzi ovela nanyana othintene nomsebenzi
 webhodo nanyana weHlangano.
 (2) Umngophisi oMkhulu oLawulako ufanele bona—
 (a) aqinisekise bona iyalelo zebhodo ziyafezakaliswa;
 (b) abike eBhodini ngemisebenzi yeHlangano; kunye
 (c) nokuhlenganisa umbiko wonyaka ngokwenziwa yiHlangano begodu 55
 nokuthumela umbiko eBhodini bona uphasiswe.
 (3) Umbiko obalwe esigafaneni (2)(c) ufanele umumathelwe—
 (a) imitshende zecemali ezihloliwe ngokomthetho;
 (b) irhelo labo boko abarhalelwe;

General functions of Board

- (c) an evaluation of how the Agency's mandate has been achieved; and
(d) a projection of forthcoming activities.

14. (1) The Board must, in the promotion of media development and diversity—
(a) identify historically disadvantaged communities and persons that are not adequately served by the media;
(b) select projects in accordance with the criteria prescribed in terms of section 19(3) to receive support;
(c) ensure that the Agency's objectives, achievements and activities are made known to the public; and
(d) negotiate with public utilities, organisations and financial institutions to acquire indirect support for projects, including support in the form of—
(i) discounts or subsidies in print and signal distribution, postal rates and telephone tariffs; and
(ii) low-interest rate loans.
(2) The Board may delegate any of the functions mentioned in this section, except the function specified in subsection (1)(b), to the chief executive officer.

Finances of Agency

15. (1) Funds of the Agency consist of—
(a) money appropriated by Parliament;
(b) money received in terms of agreements contemplated in section 21;
(c) domestic and foreign grants;
(d) interest derived from any investments; or
(e) money lawfully accruing from any other source.
(2) The money referred to in subsection (1) must be utilised to—
(a) fund projects and activities connected therewith, including project evaluation, feasibility studies, needs analyses, research and training; and
(b) defray expenses, including expenses regarding remuneration, allowances, pensions and other service benefits referred to in section 12(6), incurred by the Agency in the performance of its functions under this Act as long as such expenses do not exceed the prescribed percentage of the funds referred to in subsection (1).
(3) The Auditor-General must audit the financial statements of the Agency.

Annual Report

16. (1) The Board must submit the approved report referred to in section 13(2)(c), to the Minister within three months of the end of the relevant financial year.
(2) The Minister must table a copy of the annual report in Parliament within 30 days after it has been received by him or her if Parliament is then sitting and, if Parliament is not in sitting, within 14 days after the next ensuing sitting of Parliament.

Nature of support provided by Agency

17. The nature of support provided or facilitated by the Agency may be in the form of—
(a) financial support by—
(i) direct subsidies that are cash grants;
(ii) emergency funding aimed at strengthening and ensuring the survival of media projects;

Imisebenzi mazombe yeBhodo

- (c) igalisiso lokobana iHlangano iwufuze njani umsebenzayo; begodu
 (d) negalelophambili ngezinto ezizakwenzeka esikhathini esizako.

14. (1) Ekuratheleni phambili itutuko yezokurhathya neendlela ezahlukeneko
 zokurhathya, iBhodo ifanele bona —

- (a) ithole imiphakathi ebigade idinywe amathuba ekadeni kunye nabantu
 abangafihlwa ngokuzeleko kwezokurhathya gasdesi;
 (b) ikhethe amaprojekthi ngokuya kweenjamiliso zokuhlunga ezibalewe ngokuya
 kwesigaba 19(3) ukuthola isekelo;

- (c) iqinisekise bona iinHlangano neminqopho yazo, impumelelo kunye
 nezikwenzako kuyaziswa emphakathini; kunye
 (d) nokubonisana neminyango yemphakathi, iinHlangano kunye neenkungo
 zeemali ukuthola isekelo elingakanqophi lamaprojekthi, kubalwa hlangana
 nesekelo elifana —

- (i) nezaphulo nanyana irhelelho leemali ekuphalahlaliseni amatshwayo, 15
 indleko zokuposa neendleko zokubetha umtato; kunye
 (ii) nemali-mboleko enamakonyana amancami.
 (2) IBhodo inganikela umngophisi omkhulu olawulako eminye yemisebenzi yayo
 ebalewe kilesigaba, ngaphandle komsebenzi ololewe bungophya esigatyaneni (1)(b).

Iimali zeHlangano

15. (1) Iimali zeHlangano zimumethe —

- (a) imali ebuthlelelwe yiPalamende;
 (b) imali etholwe ngokuya kweemvumelwano ezibalewe esigabeni sama-21;
 (c) izabelo zekhayapha kunye nezangaphandle kwenatha le;
 (d) amakonyana avela ekusiseni okhunye nokhunye; nanyana
 (e) imali etholakele ngokomthetho evela nanyana kimuphi umthombo.

- (2) Imali ebalewe esigatyaneni (1) ifanele bona isetjenziselwe —
 (a) ukusakeka ngeemali amaprojekthi kunye nokwenziwako okuthintene nalo, 25
 kubalwa hlangana nokuthola amaprojekthi, ukubhalubaba bona kuzaku-
 phumeleka kangangani ngeprojekthi leyo kunye nefunisiso yecndingo, 30
 irhubhululo nebandulo; kunye

- (b) nokubhadelela indleko, kubalwa hlangana neendleko ezimangaphana
 nemitholo, amathelobho afaneleko akhambisana nomsebenzi awenzako
 (allowances), ipenjhini kunye neminye imisebenzi neendleko zokuthokozwa
 emasebenzini ezibalewe esigabeni 12(6), iHlangano engene kizo 35
 ekufezakaliseni umsebenzayo ngokuya komThetho, ikani nangabe indlekezo
 azidluli iphesenti ebekiweko yeeemali ebalewe esigatyaneni (1).
 (3) Umthethojincwadi-Mazombe weemali ufanele ayijoye iintatimende zeemali
 zeHlangano.

Umbiko wonyaka

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16. (1) IBhodo ifanele bona ithumele umbiko owemukelekileko obalewe esigabeni
 13(2)(c), kuNgqongqoythe esikhathini secnyanga ezintathu ngemva konyaka weemali
 ezijijefwako.

- (2) UNgqongqoythe ufanele endlele ikhophi yombiko wonyaka ePalamende
 emalangenani ama-30 ngemva wemukelewe nguye nangabe iPalamende ihlezi, 45
 begodu nangabe iPalamende ayikahlali, emalangenani ali-14 ngemva kokuhlala okuzako
 okuhleliweko kwePalamende.

Ihlobo lesekelo elinikelwa yiHlangano

17. Ihlobo lesekelo elinikelwa nanyana elikghonakaliswa yiHlangano lingaba
 ngilelelihlobo —

- (a) isekelo leemali elivela —
 (i) eemalini zokurhelelwa eziyikhethelwe;
 (ii) neemalini ezivela ngokurhaba ezingqoyhiswe ekuqiniseni kunye
 nekuphumeleliseni kokuragela phambili kuhle kwamaprojekthi
 ezokurhathya mazombe (wemidiya); 55

- (b) training opportunities and capacity development in all areas of media production and distribution;
- (c) conducting feasibility studies for new projects;
- (d) media research;
- (e) any indirect support referred to in section 14(1)(d); and
- (f) identifying, gathering and distributing resources for media development through agreements with strategic partners.

Allocation of support

18. (1) Direct subsidies referred to in section 17(a)(i) may be granted to community media projects.
- (2) Community media projects may also receive any other support contemplated in the Act.
- (3) Small commercial media projects primarily receive low interest rate loans referred to in section 14(1)(d)(ii) and may receive, subject to subsection (1), any other support contemplated in this Act.

Projects

19. (1) All projects must be aimed at achieving the objectives of the Agency as contemplated in section 3.
- (2) The Board must, when selecting projects, take into consideration the communities and persons identified in terms of section 14(1)(a).
- (3) The Board must, prescribe—
- (a) detailed criteria for selecting—
- (i) community media projects;
- (ii) small commercial media projects; and
- (iii) research projects;
- (b) the manner in which an application for support for projects must be made; and
- (c) the information that must accompany the application.
- (4) The Board must prescribe the percentages of the money referred to in section 15(2)(a), to be utilised for—
- (a) community media projects;
- (b) small commercial media projects; and
- (c) research projects.
- (5) The information referred to in subsection (3)(c) must include information regarding—
- (a) the objectives and goals of the project;
- (b) business plans containing measures for future sustainability; and
- (c) the proposed budget.

Evaluation of projects receiving support

20. (1) The Board must evaluate all projects receiving support so as to—
- (a) assess the progress of such projects; and
- (b) ensure that such projects are achieving their agreed goals.
- (2) If the Board is of the opinion that a project concerned is not achieving its goals, the Board may—
- (a) instruct the person in control of the project, in writing, to rectify the problem identified by it;
- (b) if the instruction contemplated in paragraph (a) is not complied with, suspend or terminate the support provided to the project concerned.

Agreements

21. (1) The Board may enter into agreements with any organisation in terms of which financial or non-financial assistance is given to the Agency for the furtherance of the objectives of this Act.

- (b) amathuba wokubandula kunye nokuthuthukisa ubukhosi cendaweni zoke zokukhigizwa kwezemidya (ezokurhathwa mazombe) kunye nokuphuhlalajwa; (c) ukwenziwa kokufunisiswa okugalela ubungako bepumlelo yamaprojekthi amathuba; (d) ithubhululo kwezokurhathwa; (e) elinye nelinye isekelo elingakanqophi elibalwe esigabeni 14(1)(d); kunye (f) nokuthola, ukubutholela nokuphuhlalajwa kwemithombo yethuthuko yezo-kurhathwa ngeemvumelwano nabalingani abaqakathekileko.

Ukunikelwa kwesekelo

18. (1) Imali zokurhathela buncopho ezibalwe esigabeni 17(a)(i) zinganikelwa amaprojekthi wezokurhathwa womphakathi. (2) Amaprojekthi ezokurhathwa mazombe womphakathi angathola elinye nelinye irhelelho lokuskekela elibalwe kilomThetho. (3) Amaprojekthi amancani wokurhathwa ngokurhathwa athola imalimbaleko enamakonyana amancani ebalwe esigabeni 14(1)(d)(ii) begodu angathola, ngokuya kwesigatjana (1), elinye nelinye irhelelho lokuskekela elibalwe kilomThetho.

Amaprojekthi

19. (1) Woke amaprojekthi afanele bona angqibisiswe ekutholeni inhlalo zeHlangano ebalwe esigabeni 3. (2) Ngesikhathi iBhodo ikhetha amaprojekthi, ifanele bona ifheje imiphakathi kunye nabantu ababalwe esigabeni 14(1)(a). (3) IBhodo, kumele igqoke— (a) irhelelo elinabaleko elizakusetyenziswa ekukhetheni— (i) amaprojekthi womphakathi ezokurhathwa mazombe; (ii) amaprojekthi amancani wokungenisa imali wezokurhathwa; kunye (iii) namaprojekthi werhuhululo; (b) indlela isibawo sesekelo esizakufanele bona senziwe ngayo; kunye (c) nelwazi elifanele bona likhambisanane nesibawo. (4) IBhodo, kumele igqoke amaphesenti wemali ebalwe esigabeni 15(2)(a), ezakusetyenziselwa— (a) amaprojekthi womphakathi ezokurhathwa; (b) amaprojekthi amancani wokungenisa imali wezokurhathwa; kunye (c) namaprojekthi werhuhululo; (5) Ilwazi elibalwe esigatjana (3)(c) lingabala lelo elimanqophana— (a) nemingqopho kunye neenhloso zeprojekthi; (b) amaqhinga webhizinisi amumetha indlela zokuragela phambili nekusaseni; (c) nebhajethi ehlongozwako.

Ukutholwa kwamaprojekthi athola isekelo

20. (1) IBhodo ifanele ibhole woke amaprojekthi athola isekelo bona ikwazi— (a) ukuthola iragelophambili lalawo maprojekthi; kunye (b) nokunqinisekisa bona lawo maprojekthi afezakalisa inhlalo zawo. (2) Nangabe iBhodo inombono wokobona iprojekthi ethileko ayifezakalisi imingqopho yayo, iBhodo— (a) ingayalela umuntu ophethe iprojekthi ngomlolo bona, ararulele umraro obonwa yiBhodo; (b) nangabe isiyalelo esibalwe kundima-(a) singalandelwa, isekelo leprojekthi leyo lingajanyiswa kwesikhathana nanyana lqedwe nya.

Imvumelwano

21. (1) IBhodo ingangena esivumelwaneni nananyana ngiyiphi ihlangano lapho irhelelho leemali nanyana elingasilo leemali izakunikelwa khona iBhodo ekufezakaliseni umngqopho walomThetho.

Regulations

22. (1) The Minister may, in consultation with the Board, make regulations regarding any matter that is required or permitted to be prescribed in terms of this Act.
(2) The Board must, not less than two months before any regulation is made, cause the text of such regulation to be published in the *Gazette*, together with a notice declaring the Minister's intention to make that regulation and inviting interested persons to furnish the Board with comments thereon or representations in regard thereto.

Short title and commencement

23. This Act is called the Media Development and Diversity Agency Act, 2002, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

Iiyalelo

22. (1) UNgongqofhe ngokubonisa nabhodo angenza iiyalelo manqophana nanyana khuyini efunekako namkha evumelekile bona ibekwe namkha iquntwe ngokuya komThetho lo.
(2) IBhodo ifanele bona, esikhathini esingasi ngaphasi kweenyanga ezimbili ngaphambi kokukhupha namkha yisiphi isiyalelo, yenze bona umtlole wesiyalelo loyo ugadangiwe eGurandeni lakarhulumente, kunye nesaziso esiveza iminqopho kaNgongqofhe ukwenza isiyalelweeso nokumema abantu abanekareko bona bathumele IBhodo ngemibono yabo nanyana lokho abakuhlongozako.

Isihloko esithunyeziweko kunye nokuthoma kokusebenza komThetho 10

23. LomThetho uzakwaziwa njengomThetho wokuThuthukisa zokurhatha mazombe kunye neHlangano eyamele indlela zokurhatha ezahlukeneko ka 2002, begodu uzakusungula ukusebenza ngelanga elizakutlolwa nguMongameli esazisweni somthetho eGurandeni lakarhulumente.

Schedule

DETERMINATION BY LOT FOR PURPOSES OF SECTION 8(4)

1. Upon having appointed the members of the Board in terms of section 4 of this Act, the Board must forthwith proceed, in an open and transparent manner, to determine by lot, as required by section 8 of this Act which three of such six members must hold their offices for a period of five years after their appointment. The chairperson of the Board must conduct the lot (hereinafter referred to as the designated person).
2. The designated person must thereupon ensure that the name of each one of the six members is written on a separate piece of paper of equal size in identical shape and colour.
3. The designated person must thereafter display the six pieces of paper contemplated in item 2 to every person who is present at the place where the lot is being conducted who is desirous of inspecting any such piece of paper.
4. The designated person must thereafter fold every such piece of paper in such a manner that the name thereon is not visible, and place all such pieces of paper in an empty container.
5. The designated person must thereupon appoint an impartial person (hereinafter referred to as the drawer) to draw three pieces of paper from the said container.
6. The designated person must thereafter shake the container in such a manner as to thoroughly mix the pieces of paper therein, and must hold such container in such a position that the drawer is unable to see the pieces of paper inside.
7. The drawer must thereafter draw three pieces of paper from such container and hand them to the designated person without unfolding any of them.
8. The designated person must then unfold each of the three pieces of paper handed to him or her as contemplated in item 7, read out the names written thereon and display every such piece of paper to every person who is present at the place where the lot is being conducted and who is desirous of inspecting the same.
9. The three persons, whose names have been so drawn, must hold their offices for a period of five years after the date of their appointment as such.

UMTHEHO WOKUTHUTHUKISA ZOKU-
RHATHA MAZOMBE KUNYE NEHLANGANO EJAMBE
INDLELA ZOKURHATHA EZAHLUKENEKO, 2002
uMthetho Ino. 14, 2002

Itjheduli

NGOKWEKATHO NGOKUYA KWESIGABA 8(4)

1. Ngemva kokukhethwa kwamalungu weBhodo ngokuya kwesigaba 4 salomThetho, iBhodo ifanele bona iragele phambili, ngendlela evulekileko, ifunise ngokwekatho, njengoyalelwa sigaba 8 salomThetho lapho amalunga amathathu kwasithandathu, afanele abambe iinkundla zawo esikhathini seminyaka emihlanu ngemva kokukhethwa. Usihlalo weBhodo ufanele bona enze ikatho (lapha uzakubizwa njengaloyo ogunyaziweko).
2. Ogunyazeliwe umthwalo wekatho ufanele aqinisekise bona igama lalinye lamalunga asithandathu lilioliwe ephetheni elihlukeneko elilingana namanye begodu elifana ngombala nejamo.
3. Loyu ogunyaziweko umthwalo wekatho ufanele bona ajenjise iintokana ezisithandathu ezibalewe esigabeni 2 kuye woke umuntu okhona lapho kuzakukhethwa khona begodu onetisakalo yokubona nokuhlola iintokanezo zamaphepha.
4. Umuntu ogunyaziweko ufanele bona asonge elinye nelinye iphephana ngendlela ezakwenza bona igama eliloliweko lingabonakali, bese ubeka lamaphephana woke esimumathini esingenalitho.
5. Umuntu ogunyaziweko uzakufanele bona akhetho umuntu ongathathi hlangathi kilokhu (ozakubizwa njengomtsomuli) bona atsomule amaphephana amathathu esimumathini esibaliweko.
6. Umuntu ogunyaziweko uzakufanele bona akhuhlize isimumathi ngendlela yokuhlanganisa ngokuzeleko zoke iintokana zamaphepha, begodu abambe isimumathi ngendlela ezakwenza umtsomuli angaboni iintokana zamaphepha ezingaphekathi kwesimumathi.
7. Umtsomuli uzakufanele bona atsomule iintokana ezintathu zamaphepha esimumathini bese uzinikelela ogunyaziweko ngaphandle kokuyihaphula amaphepha asongiweko.
8. Umuntu ogunyaziweko uzakufanele bona ayhaphule amaphephana la amathathu anikelwe wona mtsomuli njengokubalewe ephuzwini 7, afundele phezu amagama aloliwe emaphepheni, afundele woke umuntu ukhona endaweni lapho ikatho yenziwa khona begodu ongathanda ukuhlola lokho.
9. Labo bantu abathathu, amagamabo atsonyuliwe ngalendlela, bazakuhlala eenkhundleni zabo isikhathi seminyaka emihlanu ngemva kwelanga lokukhethwa kwabo.