

REPUBLIC OF SOUTH AFRICA

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**PORTFOLIO COMMITTEE AMENDMENTS  
TO**

**ASTRONOMY GEOGRAPHIC  
ADVANTAGE BILL**

**[B 17—2007]**

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*(As agreed to by the Portfolio Committee on Science and Technology  
(National Assembly))*

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**[B 17A—2007]**

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**AMENDMENTS AGREED TO****ASTRONOMY GEOGRAPHIC ADVANTAGE BILL****[B 17—2007]****CLAUSE 1**

1. On page 5, in line 12, to omit “telecommunications” and to substitute “electronic communications”
2. On page 5, in line 13, to omit “telecommunications” and to substitute “electronic communications”
3. On page 5, in line 14, before “public” to insert “juristic person,”;
4. On page 5, after line 15, to insert:

**“broadcasting service”** means the broadcasting service as defined in section 1 of the Electronic Communications Act, 2005;  
**“broadcasting service license”** means the broadcasting service license as defined in section 1 of the Electronic Communications Act, 2005;
5. On page 5, in line 32, to omit “with radiated power”; and insert “;”
6. On page 5, in line 49, before “person” to insert “juristic”;
7. On page 5, in line 57, before “mobile” to insert “and”;
8. On page 5, in line 57, after “mobile” to omit “telecommunication” and to substitute “electronic communication”;
9. On page 5, in line 57, after “vehicles” to omit “and roof-top telecommunication installations”;
10. On page 6, after line 12, to insert:

**“radio frequency spectrum license”** means radio frequency spectrum license as defined in section 1 of the Electronic Communications Act, 2005.

**CLAUSE 5**

1. On page 7, after line 26, to insert:

“(b) declare any area or part of an area in the Republic”;
2. On page 7, in line 32, to omit the expression “paragraph (b)” and to substitute “paragraph (c)”;
3. On page 7, in line 34, to omit “(b)” and to substitute “(c)”.

CLAUSE 8

1. On page 8, in line 38, after “8.” to insert “(1)”;
2. On page 8, after line 42, to add:
  - (2) The withdrawal or exclusion can only be done where the purpose of the declaration as provided for in section 7(2)(b), (c) or (d) is no longer necessary.

CLAUSE 10

1. On page 9, in line 27, after “10.” to insert “(1)”;
2. On page 9, after line 32, to add:
  - (2) The withdrawal or exclusion can only be done where the purpose of the declaration as provided for in section 9(2)(b) or (c) is no longer necessary.

CLAUSE 12

1. On page 10, in line 19, after “12.” to insert “(1)”;
2. On page 10, after line 24, to insert:
  - (2) The withdrawal or exclusion can only be done where the purpose of the declaration as provided for in terms of section 11(3)(b), (c), (d), (e) or (f) is no longer necessary.

CLAUSE 15

1. On page 11, in line 9, before “public” to insert “juristic person,”;
2. On page 11, in line 9, after “entity” to omit “organisation” and to substitute “institution”.

CLAUSE 20

1. On page 13 in line 8, after “7(1)(c)” to omit “or 9 (1)(c),”.

CLAUSE 22

1. On page 14, in line 23, before “authority” to omit “sole”.
2. On page 14, in line 23, after “authority” to insert “subject to subsection (2),”;
3. On page 14, from line 26, to omit “after” up to and including “communications” in line 27, and to substitute:

“with the concurrence of ICASA, in so far as the Minister’s action is likely to affect broadcasting service license or broadcasting service”;

4. On page 14, after line 60, to insert:

“(6) Notwithstanding anything contained in any other law, ICASA must not issue a broadcasting service license or a radio frequency spectrum license after the coming into force of this Act where the service to be licensed would cause radio frequency interference in a core or central astronomy advantage area, unless the conditions set out in the license make provision for the protection of such areas”.

#### CLAUSE 23

1. On page 15, in line 3, after the first “may” to insert:

”, with the concurrence of ICASA where his or her action is likely to affect broadcasting service license or broadcasting service,”

#### CLAUSE 25

1. On page 17, to omit subsection (5) and to substitute:

“(5) (a) A report contemplated in subsection (4)(a) must be compiled by a person approved by the competent authority at the expense of the person who intends to undertake the identified activity.

(b) The Minister must prescribe the criteria for the approval of the person referred to in paragraph (a).”

2. On page 17, after line 45, to insert:

“(12) Where the identified activity in a coordinated astronomy advantage area is part of a broadcasting service license or broadcasting service, ICASA must be the competent authority”.

#### CLAUSE 27

1. On page 17, in line 56, to omit “subsection” and to substitute “subsections”;

2. On page 17, in line 57, after “(3)” to insert:

“and (5)”;

3. On page 18, after line 13, to insert:

“(5) Where the identified activity, in a coordinated astronomy advantage area, is part of a broadcasting service license or broadcasting service, and after carrying out the review contemplated in subsection (1), the Minister must notify ICASA in writing of such review and conditions contemplated in (2).

(6) Upon receipt of the notice contemplated in subsection (5), ICASA must instruct the licensee to take steps, within 60 days, to reduce or eliminate the impact of the identified activity on existing or proposed astronomy or related scientific endeavours in any astronomy advantage area.”

4. On page 18, line 23, insert “subsection” before (2).

## CLAUSE 28

1. On page 18, from line 19, to omit “after” up to and including “communications” in line 20, and to substitute:
 

“with the concurrence of ICASA, in so far as the Minister’s action is likely to affect broadcasting service license or broadcasting service”;
2. On page 18, from line 21, to omit “whether” up to and including “Republic” in line 22;
3. On page 18, from line 27, before “public” to insert “juristic person,”;
4. On page 18, after line 35, to insert:
 

“(5) Before making a declaration as contemplated in subsection (2) where members of the public are likely to be affected thereby, the Minister must conduct a public participation process in terms of section 42”.

## CLAUSE 29

1. On page 18, in line 45, after “structure” to omit “.“and substitute ”,”
2. On page 18, after line 45, to insert:
 

“provided that in the performance of its functions under this subsection the management authority must at all times comply with the safety and other reasonable requirements of the private land owner or the affected persons”.

## CLAUSE 37

1. On page 20, in line 50, after the first “may,” to insert:
 

“with the concurrence of ICASA, in so far as the Minister’s action is likely to affect broadcasting service license or broadcasting service in the core or central astronomy advantage area and“
2. On page 21, from line 23, to omit “generally” up to and including “may be” in line 24, and to substitute:
 

“to declared astronomy advantage areas”
3. On page 21, from line 28, to insert:
 

“(6) Where the actions contemplated in subsection (1)(b) are part of a broadcasting service license or broadcasting service in a coordinated astronomy advantage area or anywhere in the Republic, the Minister must notify ICASA in writing of such actions.  
 (7) Upon receipt of a notice contemplated in subsection (6) ICASA must, in terms of the procedure contemplated in section 4 of the Electronic Communication Act, 2005, prescribe national standards or measures for the control or minimisation of radio frequency interference”.

CLAUSE 44

1. On page 23, after line 36, to insert:

“(6) Where a management authority has reasonable grounds to believe that a person has not complied with conditions, standards or other instruments prescribed by ICASA in terms of section 37(7), the management authority must refer the matter to ICASA to enforce compliance.”

CLAUSE 50

1. On page 25, in line 10, after (50.) to insert “(1)”;
2. On page 25, after line 42, to insert:

“(2) When making regulations contemplated in subsection (1) where such regulations are likely to affect broadcasting service license or broadcasting service outside the core or central astronomy advantage area, the Minister must do so with the concurrence of ICASA”

CLAUSE 51

1. On page 25, in line 44, to omit “material”

CLAUSE 52

1. On page 26, in line 15, to omit “or any condition prescribed in terms of section 27(2)”.
2. On page 26, in line 27, to omit “or (2)”.