

**IN THE COMPLAINTS AND COMPLIANCE COMMITTEE
OF THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH
AFRICA**

In the matter between:

S.O.S SUPPORT PUBLIC BROADCASTING COALITION First Complainant

MEDIA MONITORING AFRICA Second Complainant

and

**SOUTH AFRICAN BROADCASTING CORPORATION
SOC LIMITED** Respondent

COMPLAINT IN TERMS OF SECTION 17C OF THE ICASA ACT 13 OF 2000

I, the undersigned,

SEKOETLANE JACOB PHAMODI

do hereby make oath and state:

1. I am an adult male. I am the coordinator of the first applicant and am duly empowered, in this capacity, to represent the first applicant, depose to affidavits, sign all documents, take all steps and do all things necessary to give effect to secure the relief sought in these proceedings.



2. The facts in this affidavit fall within my personal knowledge unless the contrary is stated or appears from the context. They are, to the best of my knowledge and belief, both true and correct. Where I make submissions of a legal nature, I do so on the advice of the complainants' legal representatives. Full legal argument will be advanced at the hearing of this matter regarding the legal issues raised.

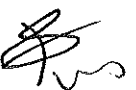
THE PARTIES

3. The first complainant is the **SOS: Support Public Broadcasting Coalition**, a non-profit voluntary association governed by a constitution ("SOS" or "the Coalition"), with its principal office at Suite 1, Art Centre, 22 on 4th Ave, Parkhurst, Johannesburg. SOS is a civil society coalition engaged in campaigns for public broadcasting in the public interest.

3.1. SOS is a civil society coalition that is committed to, and campaigns for, broadcasting services that advance the public interest. While the SABC is its primary focus as the key site of, and institution established to drive, public interest broadcasting, the Coalition also engages in the advancement of community broadcast media in South Africa. The Coalition is made up of a broad range of non-governmental organisations, trade unions and their federations, and individuals (including academics, freedom of expression activists, policy and legal experts, actors, script-writers, film makers, producers, directors).

3.2. SOS was formed in 2008. It has since then played an active role in seeking to monitor and resolve the problems facing the SABC. It has done so both by engaging with political processes – such as the Parliamentary Portfolio Committee on Communications – and public processes.

3.3. I attach marked "SJPI" a copy of the SOS Constitution, which contains a



list of the members of SOS.

4. The second complainant is the **Trustees for the Time Being of the Media Monitoring Project Benefit Trust**, known as **Media Monitoring Africa** ("**MMA**"). MMA has its national office at Suite 2 Art Centre, 22 on 4th Ave, Parkhurst, Johannesburg South Africa.
 - 4.1. The objectives of MMA include the promotion and development of media that is transparent, diverse, ethical and accountable to its audiences; critical and constructive communications by the powerful; and informed, engaged and connected to the citizenry. I attach marked "**SJP2**" a copy of the MMA Trust Deed.
 - 4.2. As appears from the confirmatory affidavits filed with this application, I am also duly authorised to depose to this affidavit on behalf of the second complainant.
5. The complainants approach the Complaints and Compliance Committee ("**CCC**") in their own interests as well as in the public interest.
6. The respondent is the **South African Broadcasting Corporation SOC Limited** ("**the SABC**"). The SABC is the public broadcaster of the Republic of South Africa, and a statutory public body established by the Broadcasting Act 4 of 1999 ("**the Broadcasting Act**"), having its principal place of business at the corner of Artillery and Henley Road, Auckland Park, Johannesburg, South Africa.
 - 6.1. The SABC holds two free-to-air television broadcasting licenses: individual broadcast service license no. 001/PBS/TV/SEPT/08 for the provision of a public television broadcasting service (SABC 1 and 2); and individual broadcast service license no. 003/PBS/TV/SEPT/08 for a commercial public television broadcasting service (SABC 3). The SABC also operates a large number of radio stations. In addition, the SABC

operates a 24-hour subscription news channel, as well as a 24-hour subscription entertainment channel on the digital satellite pay-television platform, DStv. It is understood that all of the SABC's services, excluding the 24-hour subscription entertainment channel, are also being distributed through the digital terrestrial and direct-to-home platforms in line with the dual illumination period provided for in the Broadcasting Digital Migration Policy, 2008 (as amended).

- 6.2. The relief sought in these proceedings all relates, directly or indirectly, to the SABC and the revision of its editorial policies, and all editorial decisions which derive their authority therefrom.

THE NATURE OF THIS COMPLAINT

7. This complaint arises from the recent adoption of the SABC's revised editorial policies by the Board. The adopted revised editorial policies are attached marked "SJP3".
8. As I explain below, on 9 May 2016, the complainants learnt that:
- 8.1. The SABC Board had adopted a set of revised editorial policies on 25 January 2016.
- 8.2. The SABC had subsequently submitted these to the Minister of Communications and the Independent Communications Authority of South Africa ("**the Authority**"), purportedly in fulfillment of certain obligations in terms of its license conditions and section 6 of the Broadcasting Act.
9. The complainants are of the view that the adoption of the revised editorial policies, and the editorial review process which preceded that adoption, was unlawful in that it contravened of section 6 of the Broadcasting Act. The



decision of the SABC has undermined the public's statutory and constitutional right to participate in the development of these policies in accordance with the Broadcasting Act.

FACTUAL BACKGROUND

10. In June 2013, the SABC initiated a process towards the review and revision of its editorial policies in line with section 6(5) of the Broadcasting Act.
11. In a meeting to which SOS was invited by the General Manager: Editorial Policy and Governance, Graham Welch, on 27 June 2013, he and his colleague presented the process that the SABC would be following in its review and revision of its editorial policies.
12. At this meeting, Mr Welch outlined to us that the review and revision process would consist of the following parts:
 - 12.1. An internal call for written and / or oral submissions in respect of the then existing policies from SABC staff;
 - 12.2. An external call for written and / or oral submissions in respect of the then existing policies from the public;
 - 12.3. The consideration of both sets of comments in the development of the draft revised editorial policies;
 - 12.4. The publication of and call for comments on the draft revised policies from the public; and
 - 12.5. The adoption and publication of the revised policies with a reasons paper attached thereto.
13. It ought to be noted that this meeting was not open to the public. The meeting was between SOS and the SABC. It is my understanding that similar meetings



were held with other identified stakeholders and interest groups. Similarly, those meetings were not open to the public, but limited to those stakeholders and interest groups invited to attend meetings with the SABC.

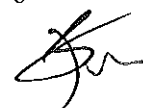
14. Pursuant to this stated process, SOS made written representations on its views of the effectiveness of the 2004 editorial policies in a submission dated 24 January 2014. Those written submissions are attached marked "SJP4". We also responded to some of the key questions set out in the SABC's editorial policy review public education booklet attached marked "SJP5", which is also published on its website.¹
15. Further to this, on Monday 2 December 2013, SOS made oral representations in respect of the 2004 editorial policies, as above, in the M1 studio at the SABC's premises in Auckland Park.
16. Thereafter, the process outlined in paragraph 12 above, was reaffirmed by Mr Welch in a statement dated 11 February 2014, published on the SABC's website, which provided as follows:

The revised policies will be released for public comment. Any changes that emerge as result of this round of engagements will be incorporated into the revised policies that will then follow the appropriate approval process before the process of implementation
...

All substantive issues raised at the Hearings and in the submissions will be addressed, if not in the policies themselves, in an accompanying document that will clarify the reasoning behind any changes made to the policies.

(Own emphasis.)

¹<http://www.sabc.co.za/wps/wcm/connect/3f5c4c0041e1e6e3ba41fb5393638296/Editorial+Policy+Booklet+word.docx?MOD=AJPERES&CACHEID=3f5c4c0041e1e6e3ba41fb5393638296>.



The full statement is attached marked "SJP6".

17. Thereafter, however, the SABC failed to publish or solicit public comment on the draft revised policies as was required in not only section 6(6) of the Broadcasting Act, but also committed to by the SABC's General Manager: Editorial Policy and Governance.
18. After more than a year of non-engagement with the complainants by the SABC, and with it having failed to publish and solicit public comment on a draft set of revised editorial policies, I wrote to Mr Welch on 25 February 2014. I requested feedback on when the public could expect the draft policies to be published for further comment and engagement. I received no response.
19. On 29 March 2016, I again wrote to Mr Welch requesting feedback on the editorial policy review process and whether any movement had been made on the process and the nature thereof. Again, I received no response.
20. My correspondence with Mr Welch is attached marked "SJP7".
21. As a result of Mr Welch's failure to provide feedback on the editorial policy review and revision process, I contacted the Democratic Alliance Shadow Minister of Communications, Phumzile Van Damme. I informed her that SOS had, to no avail, been seeking feedback on the state of the SABC's editorial policy review and revision process and asked that she make enquiries through the appropriate and official channels available to her.
22. On 9 May 2016, Ms Van Damme forwarded SOS two documents:
 - 22.1. A letter from the Minister of Communications addressed to Ms Van Damme; and
 - 22.2. A written reply to a parliamentary question, again from the Minister of Communications to Ms Van Damme.
23. The letter and written reply are attached marked "SJP8" and "SJP9"

respectively.

24. Upon receipt of these documents on 9 May 2016, the complainants learned that the SABC had purportedly concluded its review and revision of the editorial policies, and that the Board had purportedly adopted and submitted these to the Minister of Communications and the Authority pursuant to section 6(5) of the Broadcasting Act.

25. The letter and written reply outline the process actually used by the SABC in revising its editorial policies. The process comprised, *inter alia*, of the following:

25.1. an internal consultation process with the SABC's staff and a call for written and / or oral submissions on existing editorial policies adopted in 2004;

25.2. consultations with more than 30 identified stakeholders and interest groups and a call for written and / or oral submissions on existing editorial policies adopted in 2004;

25.3. 17 public hearings that were attended by over 2 000 people and a call for written submissions on the existing editorial policies adopted in 2004;

25.4. contributions from public audiences on the existing editorial policies adopted in 2004 using the various platforms available to the SABC;

25.5. receipt of 216 written submissions on the existing editorial policies adopted in 2004 from the public at large pursuant to the consultation and public hearing processes;

25.6. drafting the revised editorial policies taking into consideration the written and oral submissions made during, and pursuant to, the consultation and public hearing processes;

25.7. internally reviewing the draft revised editorial policies and thereafter



sending it to Board for approval; and

- 25.8. finally submitting the approved revised editorial policies to the Minister of Communications and ICASA.
26. While having undertaken an extensive public consultation process soliciting the views of the public on the existing editorial policies adopted in 2004, the SABC therefore, did not issue a *draft* of its revised editorial policies for public comment in line with Section 6(6) of the Broadcasting Act.
27. As a result of this failure, we issued a statement on 9 May 2016 outlining concerns with the flawed process. The statement is attached marked “SJP10”.
28. This statement served to inform both the public and the SABC of the flaws in the process used. Prior to 9 May 2016, it was not public knowledge that the Board had approved the revised editorial policy and submitted it to the Minister of Communications and the Authority. Nor, for that matter, was it public knowledge that the SABC did not afford the public an opportunity to comment on any draft of the revised editorial policies.

THE REVISED EDITORIAL POLICIES

29. The revised editorial policies substantially and materially revise the SABC’s editorial policies.
- 29.1. Although the language of the policies has largely remained unaltered, the revised editorial policies were principally crafted by deleting significant sections of the old policies.
- 29.2. The revised editorial policies also place a significant emphasis on the creation of platforms for all 11 official languages (a topic on which the old policies were largely silent).

- 29.3. Finally, there has been a notable change in the substance of the upward referral policy.
30. In what follows, I shall highlight those changes to the revised editorial policies that merit particular mention.
31. In respect of upward referral, the revised policy:
- 31.1. removes the Group Chief Executive Officer (“GCEO”) as the final arbiter of editorial decisions and places the Chief Operating Officer (“COO”) (in his new capacity as editor in chief) in that role;
 - 31.2. removes the prohibition on the editor in chief making day to day programming and newsroom decisions;
 - 31.3. makes upward referral mandatory if no guidance or resolution is forthcoming from one’s line-manager;
 - 31.4. removes the obligation placed on editorial staff to consult the Office of the Chief Legal Advisor; and
 - 31.5. removes any obligation placed on independent productions to adhere to the same upward referral editorial policy considerations.
32. In respect of programming, the revised policy:
- 32.1. removes any specific watershed period;
 - 32.2. removes detailed policy considerations on taste and decency, language, scheduling, discrimination and stereotyping, disability, race, gender, violence, privacy and dignity, HIV/AIDS, phone in discussion programs, children, sex and nudity;
 - 32.3. significantly streamlines the upward referral process in the case of serious complaints, from a five-step process, to one where the Manager: Broadcast Compliance refers to the Group Executive: TV, Radio &

News, who similarly refers to the COO; and

- 32.4. removes the Board's mandate to review the SABC's programming editorial policy every 5 years.

33. In respect of news, the revised policy:

- 33.1. removes the obligation to exercise care when interviewing people without broadcast experience;
- 33.2. removes the obligation to consider the relevant importance of an issue in investigative journalism;
- 33.3. removes the prohibition on the use of hidden cameras;
- 33.4. removes the obligation to report that information was exchanged for money;
- 33.5. removes the emphasis placed on giving effect to the right to privacy;
- 33.6. removes the obligation to avoid sensational reporting in the coverage of crime; and
- 33.7. removes the Board's mandate to review the SABC's news editorial policy every 5 years.

34. In respect of local content, the revised policy:

- 34.1. removes the requirement that the SABC offer a plurality of views and a variety of news, analysis and information from a South African point of view; and
- 34.2. removes the Boards mandate to review the SABC's local content editorial policy every 5 years.

35. In respect of religious broadcasting, the revised policy:

- 35.1. removes the allocation of time allowed for religious broadcasting;
- 35.2. removes the obligation on the SABC to consult with the Religious Broadcasting Panel; and
- 35.3. removes the Boards mandate to review the SABC's religious broadcasting editorial policy every 5 years.
36. It is therefore plain that the changes effected in the revised 2016 editorial policies are very significant.
37. Moreover, all of the changes just highlighted undermine the public's constitutional right to freedom of expression and breach the SABC's substantive duties in terms of section 16 of the Constitution of the Republic of South Africa, 1996 ("**the Constitution**") and the provisions of the Broadcasting Act.

THE ROLE OF THE SABC AS A PUBLIC BROADCASTER

38. The SABC is not merely a broadcast service provider. the SABC supplies the majority of South Africans with news and information. The legislature has ensured that the broadcaster must be responsive to the public's needs and value public opinion. The role of the SABC should be understood in the context of the constitutionally entrenched right of freedom of the press and the freedom to receive or impart information.
39. This premise finds support in the Constitutional Court's judgment in *Khumalo and Others v Holomisa*, which said the following:²

The print, broadcast and electronic media have a particular role in the protection of freedom of expression in our society. Every citizen has the right to freedom of the press and the media and the right to

² [2002] ZACC 12; 2002 (5) SA 401 (CC) at paras 22-24.

receive information and ideas. The media are key agents in ensuring that these aspects of the rights to freedom of information are respected. ...

In a democratic society, then, the mass media play a role of undeniable importance. They bear an obligation to provide citizens both with information and with a platform for the exchange of ideas which is crucial to the development of a democratic culture. As primary agents of the dissemination of information and ideas, they are, inevitably, extremely powerful institutions in a democracy and they have a constitutional duty to act with vigour, courage, integrity and responsibility. The manner in which the media carry out their constitutional mandate will have a significant impact on the development of our democratic society. ...

40. It is common cause that the SABC, which boasts three free-to-air channels, two subscription broadcasting channels and 18 radio stations, is the single largest and most accessed media institution in South Africa. Indeed, as it boasted in its 2014/15 annual report,³ with an average 38,289 million adult listeners across its 18 radio stations, weekly, and an average 19,925 million weekly adult viewers across its three free-to-air television stations and subscription news channel broadcast on DStv, the SABC is a critical institution for fulfilling the information, education and entertainment needs of a significant proportion of the people of South Africa.

THE LEGAL FRAMEWORK

41. The SABC is governed by different provisions to be found in various statutes, including the Electronic Communications Act 36 of 2005, the Independent

³ SABC Annual Report, Part 2, page 4, <http://bit.ly/25Ee86i>.

Communications Authority of South Africa Act 2 of 2014 and the Broadcasting Act, as well as its license conditions and its editorial policies.

42. All of these provisions must be interpreted in accordance with the provisions of the Constitution. In terms of section 39(2) of the Constitution, they must be interpreted in a manner that “promotes the spirit, purport and objects of the Bill of Rights.”
43. Of particular importance in this regard is:
- 43.1. Section 16(1) of the Constitution, which guarantees everyone the right to freedom of expression, including the freedom of the press and other media and the “freedom to receive or impart information or ideas”.
44. Moreover, the aforementioned provisions must be properly contextualised and interpreted to give effect to both the purpose of the statute in question and the foundational constitutional values of openness, responsiveness and accountability.
45. The failure to engage in the required process of public participation in the development of the revised editorial policies is inconsistent with the provisions of the Broadcasting Act.

The value and purpose of public participation

46. Section 195(e) of the Constitution provides that in terms of the basic values and principles governing public administration, “[p]eople’s needs must be responded to, and the public must be encouraged to participate in policy-making.”
47. In *Doctors for Life v Speaker of the National Assembly*, Ngcobo J held:⁴

The participation by the public on a continuous basis provides vitality to the functioning of representative democracy. It encourages

⁴ 2006 (6) SA 416 (CC) at paragraph 115. See also *Matatiele Municipality and Others v President of the RSA and Others* (No 2) 2007 (6) SA 477 (CC) (2007 (1) BCLR 47) paras 50 – 56.

citizens of the country to be actively involved in public affairs, identify themselves with the institutions of government and become familiar with the laws as they are made. It enhances the civic dignity of those who participate by enabling their voices to be heard and taken account of. It promotes a spirit of democratic and pluralistic accommodation calculated to produce laws that are likely to be widely accepted and effective in practice.

48. Public participation is best described at the active involvement of members of the public in decision-making processes that affect them. The importance of such cannot be underestimated. It encourages the exercise of rights and duties, it educates and gives power to those that feel powerless, it can lead to better decisions being made and it helps secure accountability.⁵

49. In *SABC Ltd v NDPP*, the Constitutional Court expressed itself as follows on this aspect:⁶

The need for public information and awareness flows from the nature of our democracy. Public participation on a continuous basis provides vitality to democracy.

50. The public has a right to participate in the editorial decisions taken by the SABC. The right flows from the Constitution and the governing framework. The Broadcasting Act, discussed in the next section, expressly provides for the participation of the public and public input on a regular basis in relation to editorial policies and in general. Consultation is, furthermore, a measure that enhances and promotes South Africa's democracy.

The Broadcasting Act

⁵ Cora Hoexter *Administrative Law in South Africa*, Second edition (2012) at 80-82.

⁶ [2006] ZACC 15; 2007 (1) SA 523 (CC) at para 28.

51. The SABC is regulated by the terms of the Broadcasting Act. The Broadcasting Act also provides for the overarching framework within which the SABC is required to act, including in its editorial decision-making.

52. Section 6(4) provides that the SABC:

[M]ust encourage the development of South African expression by providing, in South African official languages, a wide range of programming that –

...

(c) offers a plurality of views and a variety of news, information and analysis from a South African point of view;

(d) advances the national and public interest.

53. In terms of section 6(5) of the Broadcasting Act, the SABC Board is required to prepare and submit to the Broadcasting Authority various editorial policies.

54. Section 10(1)(d) of the Broadcasting Act provides that the “public service” provided by the SABC must “provide significant news and public affairs programming which meets the highest standards of journalism, as well as fair and unbiased coverage, impartiality, balance and independence from Government, commercial and other interests.”

55. Section 6(5) of the Broadcasting Act provides that:

(a) The Board must prepare and submit to the Authority not later than three months after the date of conversion, policies that will ensure compliance with the Authority’s Code of Conduct as prescribed and with the Corporation’s license conditions and with the objectives contained in this Act, including:

(i) news editorial policy;

(ii) programming policy;

- (iii) local content policy;*
- (iv) educational policy;*
- (v) universal service and access policy;*
- (vi) language policy; and*
- (vii) religious policy.*

(b) The Corporation must notify the Authority in writing of any amendments to the policies referred to in paragraph (a) as soon as reasonably possible.

56. The Broadcasting Act continues, in section 6(6) and (7), to provide that:

- (6) The Board must ensure that there is public participation in the development of the policies referred to in subsection (5) by inviting and considering public comment on such draft policies and by other means.*
- (7) The Corporation must provide suitable means for regular inputs of public opinion on its services and ensure that such public opinion is given due consideration.*

57. Section 6(5) of the Broadcasting Act places a statutory duty on the SABC to develop and submit to the Authority, a defined minimum set of policies that will ensure its compliance with its license conditions and the Authority's Code of Conduct.

58. Section 6(6) provides that SABC, in the development and / or revision of these policies has a duty to not only invite, but also consider public comment on these policies. Indeed, the language of the Broadcasting Act is peremptory in this regard, requiring that comment *must* be invited from the public in relation to the policies, especially draft policies. In addition, section 6(7) places an overall duty on the SABC to ensure that public participation occurs on a regular basis. The above three mentioned sections must be read together in order to fully appreciate

the interrelated duties that seek to give effect to the principle of public participation.

59. The provisions of section 6 therefore, place a premium on the principle of public participation. This accords with the object and purposes of the Broadcasting Act.
60. Section 2 provides that the Broadcasting Act's object is to establish and develop a broadcasting policy in the public interest. To that end, section 2(c) and (d) promote the dual purposes of a broadcasting system that is owned and controlled by the South African people.
61. The importance of the notions of control and ownership are reaffirmed by the preamble to section 3 of the Broadcasting Act which states:

This chapter [Chapter II: South African Broadcasting System] is of central significance to the Act, as it lays the basis that the South African Broadcasting system is owned and controlled by South Africans.

(Own emphasis.)

62. Section 3(1) of the Broadcasting Act provides that the South African broadcasting system serves to safeguard and strengthen the cultural, political social and economic fabric of South Africa; operates in the public interest; and ensures control by a diverse range of communities in South Africa and promotes ownership, control and management by persons from historically disadvantaged communities.
63. Furthermore, section 3(5) provides that the programming provided by the South African broadcasting system must meet the needs of the entire South African population; offer a range of South African content; and offer the public an opportunity to receive a variety of viewpoints on matters of public concern.
64. The construction of the Broadcasting Act envisages a system where the South

African people are not merely the recipients of broadcasting services but an integral component of the creation, management and ownership of those services. A comprehensive public participation process is the only means through which the creation, management and ownership of those services could be achieved.

65. Section 6 must be interpreted through the lens of public ownership and control and the need for comprehensive public participation to achieved these ends.
66. Section 6(6) must, therefore, be interpreted to place a peremptory statutory duty on the SABC to publish for public comment, a draft of any substantial and/or material revision of its editorial policies. In other words, the statutory duty created by section 6(6) is not a once off duty placed on the SABC the very first time it sought to craft editorial policies after conversion, but exists in perpetuity for the purposes of the revision of the SABC's editorial policies.
67. It is informative to set out the process followed in the development and adoption of the SABC's 2004 editorial policies, wherein:
 - 67.1. The SABC released *draft* editorial policies in April 2003 for public consideration;
 - 67.2. Invited written and oral representations on these *draft* policies for consideration, receiving a total of 920 written representations, of which 847 came from individuals and 73 from organisations; and
 - 67.3. Adopted, published and lodged the editorial policies with the Authority having duly considered these representations.⁷
68. In following the process outlined above, the SABC fulfilled the statutory duty placed on it by section 6(6) and (7) of the Broadcasting Act.

⁷ Lloyd, L., Duncan, J., Minnie, J. and Bussiek, H. (2010) Public Broadcasting in Africa Series: South Africa. An Open Society Initiative for Southern Africa: Johannesburg, South Africa.

69. The SABC invited comment in the form of written and oral representations on the 2004 draft editorial policies. It failed, however, to invite and consider public comment on the 2016 draft editorial policies, thereby rendering the 2016 revised policies unlawfully adopted.
70. The SABC manifestly and substantially failed to discharge its statutory duty in line with section 6(6) and (7) of the Broadcasting Act.
71. Moreover, the changes effected in the revised 2016 editorial policies undermine the public's constitutional right to freedom of expression and breach the SABC's substantive duties in terms of section 16 of the Constitution and the provisions of the Broadcasting Act.

CONDONATION

72. The first and second complainants seek condonation for the late filing of this complaint. We note that the CCC is empowered to grant such condonation on good cause shown, which we submit is well-established in the present matter.
73. It has been widely reported in the public that since the adoption of the revised editorial policies multiple legal challenges have been instituted against the respondent. These are set out chronologically below.
74. On 11 July 2016, ICASA directed the respondent to withdraw its decision banning the broadcast of violent protests. The ruling was given after the complainants in this matter, together with the Freedom of Expression Institute, submitted a joint complaint to the CCC.
75. On 20 July 2016, the Gauteng Division of the High Court, Pretoria, interdicted the SABC from continuing to censor the broadcasting and reporting of violent protests, as well as preventing the SABC from adopting or implementing any censorship policy which would be contrary to the mandate of the public

broadcaster. The urgent interdict was brought by the Helen Suzman Foundation. The SABC did not oppose the application on the date of hearing.

76. On 26 July 2016, the Labour Court in Johannesburg ordered that four SABC journalists be reinstated with immediate effect. The journalists had been dismissed after criticising the respondent's policy to not broadcast footage of violent protests.
77. On 5 August 2016, former contributing editor at the SABC, Vuyo Mvoko's reinstatement application was dismissed at the Gauteng Local Division of the High Court, Johannesburg.
78. In addition to the litigious efforts, it is also known that attempted high level political interventions have taken place at the SABC. For instance, in July 2016, the African National Congress's sub-committee on communications invited the Minister of Communications to a meeting to explain certain developments at the SABC, including the adoption of the policies. On 23 August 2016 Parliament's oversight committee on communications summoned the Minister to report on the status of all entities within her Department's mandate, including the SABC.
79. The complainants have followed these developments closely, and have held the hope that the various legal and political interventions would result in a resolution of the present matter without the need for further intervention. Once the decision was taken to challenge the editorial policies, it was also necessary for the complainants to secure legal representation, both for legal advice and for assistance with the drafting of this complaint. Given the complexity of this matter, this too took time.
80. During this tumultuous time at the SABC, the complainants have been involved in various campaigns, either directly or through strategic support, against the SABC and capacity constraints did occur. The deponents have also been traveling for work, and due to both personal and professional demands, had difficulty in coordinating the deposition of the affidavits sooner.

81. As a result, the complainants seek condonation for the late filing of this complaint outside of the time period stipulated in the ICASA Act. It is submitted that no prejudice has been caused to the respondent by the delay.

RELIEF

82. In the circumstances, the complainants seek a ruling by this Committee as follows (or such alternative relief as the Committee deems appropriate):

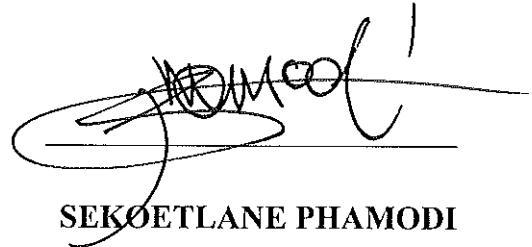
- 82.1. The complainants' late filing of the complaint is condoned.
- 82.2. The decision by the SABC Board to adopt the revised 2016 editorial policies is in breach of the Broadcasting Act and is declared invalid with retrospective effect.
- 82.3. The SABC is directed to:
- (a) forthwith reverse the decision to adopt the revised 2016 editorial policies;
 - (b) forthwith reverse all editorial decisions based on or drawing their authority from the revised 2016 editorial policies; and
 - (c) implement the 2004 editorial policies, pending the outcome of the editorial policy review process.
- 82.4. The SABC is directed to resume its editorial policy review within 30 days of this ruling. In doing so the SABC must comply with section 6(6) of the Broadcasting Act, and the process committed to by its General Manager: Editorial Policy and Governance in the communication dated 11 February 2014, including but not limited to the following:
- (a) The SABC Board is directed to publish draft revised editorial



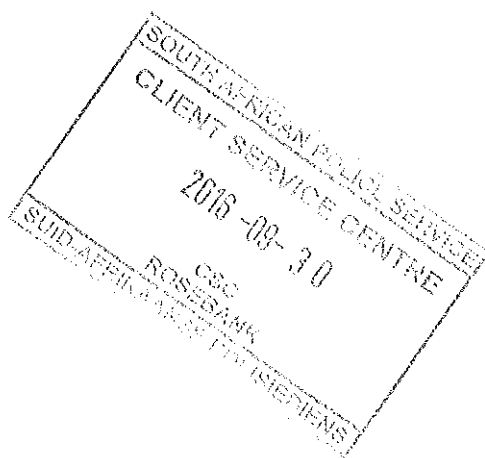
policies and invite and consider comment thereto; and

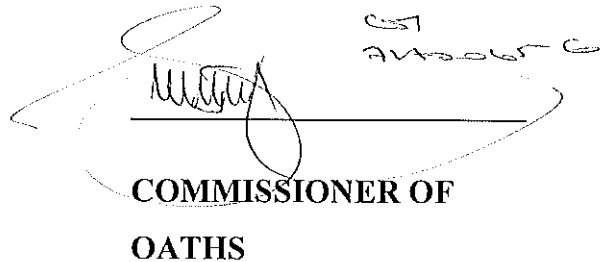
- (b) The SABC Board is directed to publish a reasons paper together with the adopted revised editorial policies justifying its revisions and / or decision not to make revisions proposed by the public in the notification and comments process.

82.5. The SABC is directed to ensure that the editorial policies emanating from the editorial policy review comply with section 16(1) of the Constitution and the substantive provisions of the Broadcasting Act.


SEKOETLANE PHAMODI

I hereby certify that the deponent knows and understands the contents of this affidavit and that it is to the best of her knowledge both true and correct. This affidavit was signed and sworn to before me at **JOHANNESBURG** on this the 30th day of ~~August~~ ^{September} 2016, and that the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended, have been complied with.




**COMMISSIONER OF
OATHS**

Full names: M/ntshame Mthole

Address: 15 Strydom Road

Capacity: Rosebank

011 776 4700



SOS: Support Public Broadcasting Coalition

CONSTITUTION

AS ADOPTED ON 9 APRIL 2013

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1. NAME

The organisation shall be known as the SOS: Support Public Broadcasting Coalition, alternately known as the SOS Coalition or SOS or the Coalition.

2. STATUS

SOS is a membership-based public broadcasting network representing trade unions, independent film and TV production sector organisations, non-governmental and community-based organisations, academics, freedom of expression activists and concerned individuals.

SOS shall:

- 2.1 Be a voluntary association not for gain.
- 2.2 Exist in its own right, separately from its members and employees.
- 2.3 Continue to exist notwithstanding any changes in its members and employees.
Be able to acquire, hold and alienate property, enter into agreements and do all things necessary to carry out its aims and objects and promote its members' interests, its property and its standing.
- 2.4 Hold assets separate from its members.

3 VISION

The vision of the SOS Coalition is to create a public broadcasting system dedicated to the broadcasting of quality, diverse, citizen-orientated public programming committed to deepening South Africa's constitutional values and principles.

The Coalition campaigns for the above by:

- lobbying for citizen friendly policy, legislative and regulatory changes to public and community broadcasting; and
- lobbying for transparency and accountability by all institutions governing public and community broadcasting including but not limited to Parliament, the Ministry and Department of Communications, the Independent Communications Authority of South Africa (ICASA), the Media Development and Diversity Agency (MDDA), the South African Broadcasting Corporation (SABC) and community broadcasters.

4. OPERATIONAL PRINCIPLES

SOS:

- 4.1 Is resolutely respectful of the independence and autonomy of its member organisations.
- 4.2 Is membership driven and rooted in an appreciation of the specific interests, concerns and programmes of each of its members.
- 4.3 Seeks creative and innovative approaches that promote the distinct role of a comprehensive broadcasting coalition.
- 4.4 Aims to represent the unified interests of the South African civil society broadcasting sector, not by way of replicating or supplanting the roles of individual organisations, but by bringing to the fore the interests of all its members in a mutually reinforcing sector-wide programme that is distinctive.



4.5 Operates on the principles of transparency and consensus.

- 4.5.1 Full consensus shall be required for all decisions relating to SOS Principles where "full consensus" shall be understood to mean total agreement within the decision making body; and
 - 4.5.2 Sufficient consensus shall be required for all decisions relating to strategy and tactics where "sufficient consensus" shall be understood to mean agreement among at least two thirds of the decision making body.
 - 4.5.3 Where consensus and / or sufficient consensus cannot be reached, members are encouraged to take up issues within the broadcasting sector independently.
- 4.6 Is opposed to all forms of discrimination and oppression and stands for a united, non-racial, non-sexist and democratic South Africa.

5. ORGANISATIONAL STRUCTURE

5.1 SOS shall consist of the following structures:

- 5.1.1 Host organisation
- 5.1.2 Membership
- 5.1.3 The Working Group as the representative leadership structure
- 5.1.4 The Finance and Management Committee as a standing sub-committee of the Working Group
- 5.1.5 Other sub-committees of the Working Group
- 5.1.6 Employees
- 5.1.7 Annual General Meeting (AGM)

5.2 Each of these structures is articulated in detail below.

6 HOST ORGANISATION

- 6.1 A well-established civil society organisation shall undertake hosting responsibilities and risks for and on behalf of SOS.
- 6.2 The host organisation shall be responsible and accountable for the financial and employee affairs of SOS.
- 6.3 The precise relationship between SOS and the host organisation shall be regulated by a Memorandum of Understanding (MoU), reviewed annually at the first Working Group following the AGM. The first MoU shall be adopted by the Working Group within two months of the adoption of the SOS Constitution.
- 6.4 This hosting arrangement may be terminated by mutual agreement between the Working Group and the Host Organisation. Alternatively, and should the parties not reach mutual agreement on termination, a dispute shall be declared in terms of Clause 25 below.



7. MEMBERSHIP

7.1 Membership of SOS shall be open to organisations and individuals that accept the principles, policies and programmes of SOS and abide by its Constitution and all rules of SOS and its Working Group.

7.2 Categories of membership

7.2.1 Ordinary member:

7.2.1.1 All organisations and individuals that agree to adhere to SOS's Vision and Operational Principals, who sign the SOS Membership Document and complete an application form are eligible.

7.2.1.2 Ordinary Members are required to participate in the activities of SOS including but not limited to internal discussions, seminars, round tables and direct action activities.

7.2.1.3 Members are entitled to the benefits arising from the work of SOS. Such benefits will be agreed by the Working Group, in their sole discretion.

7.2.1.4 Members will be invited, with adequate notice, to attend the annual general meetings of SOS.

7.2.2 Working Group member

7.2.2.1 All organisations that are already Ordinary Members (have agreed to adhere to SOS's Vision and Operational Principals, who sign the SOS Membership Document and complete an application form) and who commit to full and regular participation and prescribed by the Working Group, are eligible.

7.2.2.2 How to become a Working Group member

7.2.2.2.1 Once eligible, an organisation or individual must make written application for Working Group membership, which application is to be lodged with the Coordinator for a decision at the next Working Group meeting.

7.2.2.2.2 Approval of membership shall be by full consensus within the Working Group, whose decision shall be guided by the Coalition's founding principles.

7.3 Membership refusal

7.3.1.1 Membership may be refused where an organisation or individual does not meet the requirements of clause 7.1 above.

7.3.1.2 The Working Group cannot reach consensus on approval as guided by the Coalition's founding principles.

7.3.2 The reasons for the rejection of an application for membership by the Working Group shall, if requested, be provided to the applicant in writing.

7.4 Members shall not be personally liable for any loss suffered, liability or obligation incurred by the Coalition or any person as a result of an act or omission which occurs in good faith in the performance of functions for and on behalf of SOS in the advancement of its programmes.

8. RIGHTS OF MEMBERS

8.1 All Ordinary members shall have the right:

8.1.1 To take a full and active part in the discussion, formulation and implementation of the principles, policies and programmes of SOS.

- 8.1.2 To make a request to the Working Group to form a sub-committee to deliberate on and perform a task on any matter that affects that member and / or other members.
- 8.1.3 To regular communication from the Working Group and employees on the activities of SOS and on matters that are important to the broadcasting sector as a whole.
- 8.2 Ordinary Organisational members have the right:
 - 8.2.1 To nominate one or more representatives to be considered by the Working Group for eligibility to be members of the Working Group and through whom all communications shall be directed if accepted.
 - 8.2.2 For their representative(s) to be appointed to any committee, structure, commission or delegation of SOS.
 - 8.2.3 To be assured that any information regarding their organisations shall be used only with the purpose to benefit the work of SOS, and shall be treated as confidential if so requested.

9. MEMBERSHIP CODE OF CONDUCT

- 9.1 Members shall be organisations and persons of good standing within their communities, and shall not be guilty of:
 - 9.1.1 Having been convicted in a court of law and sentenced to a term of imprisonment without the option of a fine for any serious criminal offences in the last 5 (five) years.
 - 9.1.2 Misappropriation of the funds of SOS or any organisation or destruction of its properties.
Behaving corruptly in the conduction of the affairs of SOS or their member organisation or private business.
- 9.2 Members shall perform their functions in good faith, giving full effect to the obligations of SOS and its objects.
- 9.3 Members shall abide by the Constitution of SOS, its rules, standing orders and codes of Conduct as adopted or amended from time to time.
- 9.4 Members are to abstain from any conduct that may be deemed to conflict with the interests of SOS.
- 9.5 Members shall not prejudice the Integrity or reputation of SOS, its employees or its operational capacity including by:
 - 9.5.1 Impeding the activities of SOS.
 - 9.5.2 creating division amongst its membership;
 - 9.5.3 sowing racism, sexism, homophobia, tribal chauvinism, religious and political intolerance, regionalism or other forms of discrimination considered unconstitutional;
 - 9.5.4 behaving in a grossly disorderly or unruly way; or
 - 9.5.5 doing any other act which undermines or may be deemed to undermine SOS's effectiveness and/or standing as an organisation.

10. SUSPENSION AND TERMINATION OF MEMBERSHIP

- 10.1 SOS may suspend or terminate a member for any of the following reasons:
 - 10.1.1 On the written request of the member.



- 10.1.2 If the member has ceased to comply with clause 7.1 above as determined by full consensus at a Working Group meeting.
- 10.1.3 For serious misconduct as defined by the Membership Code of Conduct as per clause 9 above, and so determined by full consensus of members at a Working Group meeting.
- 10.1.4 For any other reason determined by full consensus of members at a Working Group meeting.
- 10.2 No member may be suspended or expelled unless they have been afforded an opportunity to state their case at a Working Group meeting, of which it has received not less than 7 (seven) days' notice in writing from the Chairperson. The matter with which the member is charged shall be set out in such notice.

11. THE WORKING GROUP AS THE LEADERSHIP STRUCTURE

- 11.1 The Working Group shall be the leadership structure of SOS.
- 11.2 Collectively, the Working Group provides strategic guidance and direction to the organisation, and guides the implementation of SOS projects and programmes.
- 11.3 It shall be comprised of one or more mandated representatives from organisational members, as well as individual members.
- 11.4 Employees, in particular the Coordinator, of SOS will be eligible for membership of the Working Group subject to Working Group consent. Such Employees shall have full powers to fully participate in and speak in working group meetings and not be part of decision making.
- 11.5 The Working Group shall, by means of full consensus, appoint the Finance and Management Committee at the first Working Group meeting following the AGM.
- 11.6 The Working Group shall be chaired by the Chairperson, Deputy Chairperson or their designated representative who must be a member of the Working Group.
- 11.7 Mandated representatives of organisational members may be changed at any time at the prerogative of the organisational member subject to notice to the Chairperson of the Working Group not less than 1 week prior to the date of the next Working Group meeting.
- 11.8 There are no limits on the term of service for Working Group members, including the Chairperson. However, each position within the Working Group stands open for election or re-election by SOS members on an annual basis at the AGM.

12. POWERS OF THE WORKING GROUP

- 12.1 The Working Group shall have the authority to lead and represent the organisation, subject to the provisions of the Constitution of SOS, its rules, standing orders and codes of conduct as adopted or amended from time to time.
- 12.2 Without prejudice to the generality of its powers, the Working Group shall:
 - 12.2.1 Develop and implement the policies and programmes of SOS.
 - 12.2.2 Report on any and all matters of interest to SOS.
 - 12.2.3 Establish such structures and committees and / or sub-committees as it considers appropriate to further the work of SOS.
 - 12.2.4 Receive reports of the activities and decisions of its committees and / or sub-committees and all other structures of SOS.

- 12.2.5 Guide and advise the committees and / or sub-committees, employees and all structures of SOS in the exercise of their functions.
- 12.2.6 The Working Group has the right to hold all of its sub-committees accountable for the affairs of SOS and has the right to veto, ratify or amend any decision of these sub-committees.
- 12.2.7 Approve and monitor the budget and expenditure of SOS.
Ratify the appointment of employees of SOS and the terms and conditions of their employment.
- 12.2.8 Approve or deny applications for membership of SOS.
- 12.2.9 Suspend or terminate the membership of an affiliated member of SOS in terms of clause 9 above.

13. SPECIFIC ROLES WITHIN THE WORKING GROUP

13.1 Chairperson

- 13.1.1 The Chairperson shall support the Coordinator and the Host Organisation as determined by the Working Group to provide direction to and implement the work of SOS.
- 13.1.2 The Chairperson shall preside over meetings of the Working Group, the Finance and Management Committee and AGM in accordance with the constitution of SOS, its rules, standing orders and codes of conduct as adopted or amended from time to time.
- 13.1.3 The Chairperson shall be appointed by the Working Group from within the Working Group.
- 13.1.4 The appointment shall take place at the first Working Group following the AGM.
- 13.1.5 The term of service shall be one year.
- 13.1.6 The Chairperson may not serve more than two consecutive terms.

13.2 Deputy Chairperson

- 13.2.1 The Deputy Chairperson, jointly with the Chairperson, will support the Coordinator and the Host Organisation to implement the work of SOS and provide direction to SOS.
- 13.2.2 In the absence of the Chairperson, the Deputy Chairperson shall preside over meetings of the Working Group, the Finance and Management Committee and AGM in accordance with the constitution of SOS, its rules, standing orders and codes of conduct as adopted or amended from time to time.
- 13.2.3 The Deputy Chairperson shall be appointed by the Working Group from within the Working Group.
- 13.2.4 The appointment shall take place at the first Working Group following the AGM.
- 13.2.5 The term of service shall be one year.
- 13.2.6 The Deputy Chairperson may not serve more than two consecutive terms.

13.3 Secretary

- 13.3.1 An Employee of SOS shall undertake the role of secretary.
- 13.3.2 The Secretary shall:
 - 13.3.2.1 Provide at least 5 (five) working days written notice of planned meetings together with the agenda for such meetings.

- 13.3.2.2 Take and retain the minutes of the Working Group and meetings and AGMs of SOS, as well as other records of SOS.
- 13.3.2.3 Distribute the minutes of all meeting as and when required to the relevant members.
- 13.3.2.4 Conduct the correspondence of the Working Group and send out notices of all Working Group meetings and AGMs.

13.4 Treasurer

- 13.4.1 Until otherwise determined by SOS, the Host Organisation shall be the custodian of the funds and property of SOS; and shall undertake the role of Treasurer in support of the Coordinator.
- 13.4.2 During this time, the role and functions of the Treasurer as stated in 13.4 below shall be performed in accordance with the Memorandum of Understanding between the Host Organisation and SOS.
- 13.4.3 Should SOS no longer require a Host Organisation a Treasurer shall be appointed as the chief custodian of the funds and property of SOS, or the responsibility shall be handed to the Coordinator.
- 13.5 Duties of the Treasurer shall include but not be limited to:
 - 13.5.1 Procuring the opening of a bank account in the name of SOS, which account shall be opened with an approved bank nominated by the Working Group;
 - 13.5.2 Receiving and banking all monies on behalf of SOS and shall together with any three designated members of the Finance and Management Committee operate a separate and dedicated banking account on behalf of SOS.
 - 13.5.3 Managing the day-to-day finances of SOS and ensure the keeping of such records and books of account as may be necessary to record clearly the financial position of SOS.
 - 13.5.4 Ensuring the records and books of account of SOS, including the Income and Expenditure Account and Balance Sheet, are annually compiled in terms of the financial year end of the organisation which shall be 28 February of each year.
 - 13.5.5 Submitting annually and presenting before the AGM a report showing the Income and Expenditure Account and Balance Sheet of SOS for the period since the previous AGM.
 - 13.5.6 Submitting to auditors, tax and any other relevant authorities the records and books of account of SOS and ensure SOS is legally compliant with regard to its finances; and Submitting monthly reports on the finances of SOS to the Working Group.

14. MEETINGS OF THE WORKING GROUP

- 14.1 The Working Group shall meet a minimum of once a month.
- 14.2 The Secretary shall schedule, in agreement with the Chairperson, the dates, times and venues of the minimum required meetings of the Working Group within one month of the AGM
- 14.3 Decisions of the Working Group shall be made by consensus.
- 14.4 Quorum for a meeting of the Working Group shall have been reached when the Chairperson or Deputy Chairperson or her/his nominee from within the Working Group and the

Coordinator or her/his nominee who shall also be a staff member, along with a minimum of three other Working Group members, are present.

14.5 If within 20 (twenty) minutes after the time appointed for the meeting a quorum is not reached, the meeting shall continue.

14.5.1 Any decision taken at such a meeting shall be reported to the Working Group within 1 (one) week for ratification either by "round robin" or at the next Working Group meeting.

15. THE FINANCE AND ADMINISTRATION COMMITTEE AS A SUB-COMMITTEE OF THE WORKING GROUP

15.1 The Finance and Administration Committee shall be a sub-committee of the Working Group and shall be accountable to the Working Group.

15.2 It shall be comprised of Working Group members. It shall consist of the Chairperson or Deputy Chairperson, the Treasurer, the Coordinator and two or more Working Group members, as appointed by the Working Group.

15.3 The Coordinator shall be a full member but shall recuse her/himself for all discussions pertaining to her/his conditions of employment.

15.4 The Host Organisation shall be an automatic member of the Finance and Administration Committee.

15.5 The Finance and Administration Committee shall be appointed by the Working Group at the first Working Group meeting following the AGM.

16. DUTIES AND FUNCTIONS OF THE FINANCE AND ADMINISTRATION COMMITTEE

16.1 Its primary objective shall be to ease the financial and administrative burden placed on Working Group members in order that the Working Group may retain its focus on providing strategic guidance and direction to the Coalition and guiding the implementation of SOS projects and programmes.

16.2 Without prejudice to the generality of its powers, the Finance and Administration Committee shall:

16.2.1 Recommend and draft policies on all matters of procedure relevant to finance and administration on which this Constitution is silent to the Working Group for ratification.

16.2.2 Undertake financial and administrative tasks, as requested by the Working Group.

16.2.3 Have the power to co-opt not more than 2 (two) additional members, who shall be members of good standing of the Working Group, at any time during its term of office, in order to provide for the effective functioning of SOS.

16.2.4 Have the power to fill a vacancy by appointing a replacement, who shall be a member of good standing of the Working Group, should a vacancy occur on the Finance and Administration Committee for any reason.

17. MEETINGS OF THE FINANCE AND ADMINISTRATION COMMITTEE

17.1 The Finance and Administration Committee shall meet prior to Working Group meetings.

17.2 The Coordinator shall provide at least 3 (three) working days written notice of planned meetings together with the agenda for such meetings.



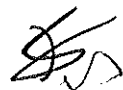
- 17.3 The Chairperson or Deputy Chairperson shall preside over all meetings.
- 17.4 In the event of the Chairperson or Chairperson being absent, a member of the Finance and Administration Committee shall be appointed to preside.
- 17.5 A quorum shall be comprised of 50% (fifty per cent) of the members of the Finance and Administration Committee.
- 17.6 If the meeting is not quorate, the Committee, through the Chairperson or Deputy Chairperson, may elect to proceed with the meeting. All decisions made shall be recorded and circulated electronically among the committee within five days for confirmation before presentation to the Working Group for ratification.
- 17.7 Decisions of the Finance and Administration Committee shall be made by full consensus. Where this is not possible the matter shall be referred back to the Working Group to determine a way forward.

18. OTHER SUB-COMMITTEES OF THE WORKING GROUP

- 18.1 Such sub-committees as may be deemed necessary by the Working Group and / or Finance and Administration Committee to fulfil the objectives of SOS may be created, according to need.
- 18.2 All sub-committees shall be accountable to the Working Group.
- 18.3 Sub-committees shall principally be constituted from members of the Working Group and the SOS membership base. The involvement of co-opted persons who are not SOS members shall be ratified at the next Working Group meeting and, if necessary, conditions for involvement of co-opted persons determined.
- 18.4 The life span of such sub-committee shall be determined by need, and there shall be no formal disestablishment procedure.

19. EMPLOYEES

- 19.1 While SOS still requires a Host Organisation, employees shall be appointed by the SOS Working Group and employed by the Host Organisation in accordance with its employment policies. Should the need for a host organisation to fall away, employees shall be appointed and employed solely by the Working Group.
- 19.2 The Coordinator shall be the chief member of staff and shall be accountable to the Working Group. Insofar as SOS still requires a Host Organisation, the Coordinator shall be accountable to the Working group in line with the policies of the Host Organisation.
- 19.3 All other employees shall be accountable to the Coordinator.
- 19.4 Employees shall not be legally liable for any of the obligations and liabilities of SOS.
- 19.5 Employees shall not be personally liable for any loss suffered by any person as a result of an act or omission which occurs in good faith in the conduct of functions for and on behalf of SOS.
- 19.6 Further details of employment arrangements with employees will be concluded in the MOU concluded between SOS and its host organisation referred to in Section 6 of this Constitution.



20. DUTIES AND FUNCTIONS OF THE COORDINATOR

- 20.1 The Coordinator shall undertake the following duties and functions, consistent with the Constitution and as agreed to by the Working Group:
- 20.1.1 Drive the vision and work of SOS.
 - 20.1.2 Supervise and direct the work of SOS and its structures
 - 20.1.3 Carry out the decisions and instructions of the working group
 - 20.1.4 Raise the finances necessary to implement the annual strategy and implementation plan, and be responsible for donor engagement and reporting in consultation with the Finance and Management Committee.
 - 20.1.5 In consultation with the Treasurer keep a record of all assets.
- 20.2 Any other staff shall undertake the duties and functions, consistent with their job descriptions and the support requirements of the Coordinator.

21. ANNUAL GENERAL MEETING (AGM)

- 21.1 The role of the AGM shall be to report to members and the general public on the organisational activities and finances over the last reporting period, to present the strategic plan and budget for the year ahead for adoption, and to confirm members of the Working Group.
- 21.2 It shall also be used to raise the profile and work of SOS.
- 21.3 Every year within 15 (fifteen) months of but not before 10 (ten) months of the last AGM, the Chairperson shall call an AGM of all Ordinary and Working Group members.
- 21.4 Members shall be informed of the AGM and its agenda at least 14 (fourteen) calendar days in advance.
- 21.5 The AGM shall determine its own procedures in accordance with democratic principles.
- 21.6 The Chairperson shall preside over the AGM.
- 21.7 Quorum shall be reached when 25% of all Ordinary Members or 10 Members are present, whichever is the lower.

22. FUNDING AND FINANCING

SOS shall be financed from:

- 22.1 Grants.
- 22.2 Donations and bequests.
- 22.3 Monies received from any other legal source.
- 22.4 Income earned from surplus money deposited and invested.
- 22.5 Income earned from services rendered.

23. INCOME AND PROPERTY

- 23.1 The Treasurer in consultation with the Coordinator shall keep a record of all assets and income.
- 23.2 All finances and assets owned by SOS are under the custodianship of the Coordinator and the



Treasurer, and are owned by SOS and not any of its members or employees.

- 23.3 Members and employees may submit bona fide expense claims to the host organisation on condition the principle of such claim submissions are agreed to by the Coordinator prior to the expense being incurred and are ratified by the Finance and Administration Committee

24. AMENDMENTS TO THE CONSTITUTION

- 24.1 The Constitution may be amended by a resolution passed at a Working Group meeting by at least two-thirds of all Working Group members.
- 24.2 The written approval of the Host Organisation shall be required should the change to the Constitution impact on the Host Organisation.
- 24.3 Amendments shall be proposed in writing. The Secretary shall provide copies of any proposed amendments together with the agenda for the Working Group meeting as per clause 13.2 above.

25. DISPUTE RESOLUTION REGARDING THE CONSTITUTION

- 25.1 Should any dispute arise or a deadlock exist in relation to any matter which requires consensus between the Parties in the widest sense in connection with –

- 25.1.1 the formation or existence of;
- 25.1.2 the carrying into effect of;
- 25.1.3 the interpretation or application of the provisions of;
- 25.1.4 the Parties' respective rights and obligations in terms of or arising out of;
- 25.1.5 the validity, enforceability, rectification, termination or cancellation, whether in whole or in part of; and/or
- 25.1.6 any documents furnished by the Parties pursuant to the provisions of

this Constitution, or which relates in any way to any matter affecting the interests of the Parties in terms of this Constitution, then any Party may declare that a dispute exists by requesting that the Chairperson serve written notice on the other members of the Working Group.

- 25.2 Within 10 (ten) days of receipt of a written notice declaring a dispute, the Parties must try to meet and –

- 25.2.1 resolve the dispute; or

- 25.2.2 agree to a process for resolving the dispute.

- 25.3 If within 10 (ten) days of the dispute being declared, the Parties or their nominees do not meet or do not resolve the dispute or do not agree on a process for resolving the dispute,



the matter shall be referred to arbitration in terms of this clause 25, provided that a Party to the dispute has demanded arbitration by written notice to the other Parties.

25.4 The arbitration shall be held -

25.4.1 at a location in the relevant magisterial district;

25.4.2 with only the representatives and legal representatives of the Parties to the dispute present thereat; or

25.4.3 otherwise in terms of the Arbitration Act, No. 42 of 1965, it being the intention that the arbitration shall be held and completed within 21 (twenty one) calendar days after it was demanded.

25.5 The arbitrator shall be, if the matter in dispute is principally -

25.5.1 a legal matter, a practising advocate or attorney;

25.5.2 an accounting matter, a practising accountant; or

25.5.3 any other matter, any independent Person, agreed upon between the Parties to the dispute.

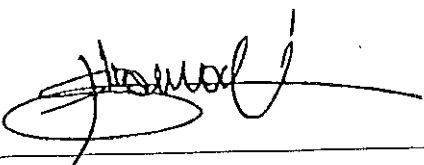
25.6 The decision of the arbitrator shall be final and binding on the Parties to the dispute and may be made an order of any competent court at the instance of any of the Parties to the dispute.

26. DISSOLUTION

26.1 SOS may only be dissolved with the agreement of two thirds of all Ordinary Members at a Special Meeting of Members convened for this purpose.

26.2 Any assets remaining after all its liabilities have been met shall be transferred to another non-profit organisation with similar objectives.

26.3 The Working Group members shall decide on the exact terms of the dissolution and the precise disposal of any assets.



COORDINATOR

09 APRIL 2013

DATE



"SJP2"

MEDIA MONITORING PROJECT BENEFIT TRUST

AGREEMENT OF TRUST

between

JOHN VAN ZYL

and

PAUL MASEKO

and

LYNDALL SHOPE-MAFOLE

and

TREVOR ABRAHAMS

and

LAURA POLLECUIT

and

JESSICA WENGROWE

25

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Handwritten signatures and initials at the bottom of the page, including "M. M.", "P. M.", "L. P.", and "J. W.".

10/1/11

MEDIA MONITORING PROJECT BENEFIT TRUST

2

5/5

AGREEMENT OF TRUST

between

JOHN VAN ZYL
("the founder")

and

PAUL MASEKO
("Maseko")

LYNDALL SHOPE-MAFOLE
("Shope-Mafole")

TREVOR ABRAHAMS
("Abrahams")

LAURA POLLECUIT
("Pollecut")

JESSICA WENGROWE
("Wengrowe")

10/1/11

10/1/11
John van Zyl
Paul Maseko
Lyndall Shope-Mafole
Trevor Abrahams
Laura Pollecut
Jessica Wengrowe

10/1/11
John van Zyl
Paul Maseko
Lyndall Shope-Mafole
Trevor Abrahams
Laura Pollecut
Jessica Wengrowe

1. INTRODUCTION

1.1 The founder, Maseko, Shope-Mafole, Abrahams, Pollecuit and Wengrowe (collectively "the trustees") have been involved in co-ordination between individuals and organisations committed to media education, research, lobbying and analysis for the benefit of the public at large.

1.2 The trustees have agreed to establish a trust known as the "Media Monitoring Project Trust" to receive and administer funds for the above purposes.

1.3 The parties wish to record in writing the provisions of the oral agreement of trust.

2. NAME

The name of the trust is "Media Monitoring Project Trust".

3. OBJECTS

The trust shall be devoted to purposes of promoting accepted standards of fairness, impartiality and diversity of opinion by publicly funded radio and television in the Republic of South Africa and its objects shall be one or more of the following :

3.1 to establish a special fund in the Republic of South Africa for the sole purpose of receiving donations to be used exclusively to defray any expenditure directly incurred in providing research, educational, monitoring or analytical facilities and information for members of the general public (including expenditure on educational and monitoring programmes but excluding expenditure in respect of any such programmes or other benefits granted to any person nominated by a donor to the trust) :

3.1.1 to inform and educate the appropriate monitoring bodies, interested parties and the public at large of the results of analysis and research and to draw their attention to the duties and obligations of the media as laid down by various

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international instruments, including the 1978 UNESCO Paris Declaration on the contribution of media to strengthening peace; as per section 10(1)(f) and (A) of the Income Tax Act, 1962 ("the Act"); or

3.1.2

to educate mediating authorities, political parties and the public at large in the principles of human rights and communications especially as they affect the freedoms involved in the democratic process, as per section 10(1)(f) and (A) of the Act;

3.1.3

to conduct literacy programmes to educate communities on how the media functions, as per section 10(1)(f) and (A) of the Act;

3.1.4

to compile regular reports during the course of the year and annual reports for distribution to political organisations, the media, peace observers, embassies and the public at large for educational purposes, as per section 10(1)(f) and (A) of the Act;

3.1.5

to conduct regular seminars on results of research projects for the benefit of other research organisations, civic groups, development organisations and the public at large, as per section 10(1)(f) and (A) of the Act

provide that -

the revenue shall contribute towards, encourage, finance, promote, assist and support the work, efforts and understanding of the general public, organisations and associations of a public character as regards the duties and responsibilities of the media in the Republic of South Africa or any independent state the territory of which formerly formed part of the Republic;

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- 3.2 the Trust shall co-operate with organisations and persons involved in similar work.

4. DONATION

- 4.1 The founder hereby donates to the Trustees in their capacities as such, the sum of R1, to be held by them, for the beneficiaries, upon the terms and conditions set out in this Trust Deed.

- 4.2 The trustees hereby accept the donation made by the founder, which shall be paid by the founder to the Trustees within 7 days of the date of this Trust Deed.

- 4.3 The donation may not be revoked by the founder under any circumstances.

5. VESTING OF TRUST ASSETS AND LIABILITIES

- 5.1 All assets acquired and all liabilities incurred by the trustees in their capacity as the trustees of the trust shall vest in the trustees that capacity and shall be administered by them in a separate fund ("the trust fund").

- 5.2 Assets of the trust may be registered in the name of the trust, the trustees for the time being, or a nominee for the trust.

- 5.3 The trust may sue or be sued in its own name.

6. APPLICATION OF TRUST FUND

- 6.1 The trustees shall from time to time and as often as they may think desirable, award, lend or otherwise disburse so much of the income of the trust as the trustees may in their discretion decide, in order to achieve all or any of the objects of the trust.

- 6.2 Unless otherwise approved from time to time by the Commissioner for Inland Revenue, the trustees shall in the exercise of their powers and authorities

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under 6.1 award, for the purpose of achieving the objects of the trust, not less than 75% of the net income within 12 months of the end of the financial year in which it accrued; provided that where funds are intended to be accumulated for a specific capital project the provisions of this clause 6.2 shall not apply where and to the extent that the accumulation of funds is approved by the Receiver of Revenue to whom the trust submits its annual income tax returns. Any unused income shall be accumulated or capitalised as the trustees from time to time deem fit.

6.3 No benefits may be awarded by the trust for any purpose other than charitable contributions to media research, educational undertakings and to the general public, as set out in this agreement. In particular the trustees shall ensure -

6.3.1 that no donor or any person nominated by a donor shall benefit from moneys paid into or out of the trust fund;

6.3.2 that donations to the trust are irrevocable and are subject to the provisions of this trust deed.

6.4 The word "income" shall include all accruals.

7. TERMINATION OF THE TRUST

7.1 The trust shall continue indefinitely, but the trustees shall have a discretion to terminate the trust at any time, if the majority of them are of the opinion that the trust no longer serves a meaningful purpose.

7.2 On termination of the trust the trustees shall award any remaining assets to a charitable fund which has similar objects to those of the trust and which is exempt from liability to pay income tax, donations tax, and estate duty.

8. POWERS OF TRUSTEES

8.1 Subject to any restrictions contained in this trust deed, the trustees shall have

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all the powers of a natural person of full legal capacity dealing with his own affairs, except any powers which it is not competent in law to confer on trustees. Without in any way limiting the scope of the trustees' powers, it is recorded that they shall have power from time to time, and on such terms and conditions as they may decide -

8.1.1 to deposit funds which are not otherwise invested in terms of their powers in accounts with recognised financial institutions, as defined in section 1 of the Financial Institutions (Investment of Funds) Act, 1984, including building societies and registered banks;

8.1.2 to purchase or otherwise acquire, hold, sell, lease as an occupier, deal with, dispose of or otherwise alienate immovable property, to erect or construct buildings or installations on that property, and to cultivate, develop, improve or otherwise turn that property to account or use it to the best advantage; but no immovable property may be acquired for the purpose of deriving rental income from that property;

8.1.3 to acquire, hire as an occupier, obtain the use of and dispose of movable property of any nature for purposes of the trust fund;

8.1.4 to enter into contracts, including loans as borrower or lender, suretyships, contracts of insurance and assurance and contracts for the services of advocates, attorneys, auditors, advisers, agents, secretaries and others, and to employ staff;

8.1.5 to grant mortgages, pledges and cessions as security in pursuance of the objects of the trust;

8.1.6 to accept any assets from any source for administration as part of the trust fund, provided that all donations shall be irrevocable and subject to the terms of the trust deed;

8.1.7 to determine which assets constitute capital and which constitute income, determine the time of capitalization of any income, and treat any amount as income even though received from wasting assets, without making provision for amortisation;

8.1.8 subject to the approval of the Commissioner for Inland Revenue from time to time, to invest all sums of money requiring investment in such securities wheresoever and whatsoever in any part of the world as the trustees may deem advisable, and to vary and transpose investments, and to make reinvestments from time to time, and to register, record or otherwise place and keep any or all of the securities at anytime forming the trust fund or any portion of the trust fund in the name of the trustees or in the name of a nominee or nominees of the trustees and at such place or places within or outside South Africa as the trustees may determine from time to time, so that the trustees shall have the same full and unrestricted powers of investing and reinvesting and transposing investments in all respects as if they were absolutely entitled beneficially;

8.1.9 generally to do all things as they consider necessary or desirable in the interests of the trust.

8.2 Without derogating from the wide powers conferred on the trustees by this agreement, and without interfering with the discretion of the trustees as set out in this agreement, it is recorded that it is intended -

8.2.1 that with a view to building up a substantial capital base for the

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trust the investment policy of the trustees, subject to the approval from time to time of the Commissioner for Inland Revenue, should be to invest a significant portion of the capital of the trust fund in sound equity holdings as a protection against inflation, all realised capital gains from time to time being re-invested;

8.2.2 that the trust will be administered as cost-effectively as possible, using where deemed appropriate, the resources of outside organisations in terms of co-operation agreements.

8.3 Delegation

The trustees may delegate any of their rights, powers and discretions to any one of them or to a committee which shall include at least one trustee.

8.4 Contracting with the trust

A trustee shall not be disqualified from entering into a contract with the trust or from being interested in any such contract, and retaining the profit arising from such contract, provided the trustee has disclosed the interest to the other trustees.

8.5 Restrictions on trustees' power

8.5.1 The trustee shall not have power to carry on any trading or business activities, to enter into any speculative activities, to engage in dividend stripping activities, to engage in the letting of immovable property on a systematic or regular basis, or to allow any person other than a beneficiary to occupy free of charge any building owned by the trust.

8.5.2 No benefits may be awarded for any purpose to any person other than a beneficiary under this trust deed.

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8.5.3

Interest-free loans may be made only to a beneficiary, and all other loans shall bear interest at rates not lower than the prevailing commercial interest rates. Loans may not be made to a trustee, a donor and/or any relatives of a trust or a donor, or to any private company, close corporation or trust in which a donor, trustee and/or any of their relatives are shareholders or directors, or members, or beneficiaries or trustees, as the case may be.

8.5.4

The trustees may not acquire shares in any private company in which a donor, a trustee and/or any of their relatives is a shareholder.

8.5.5

Notwithstanding anything contained in this agreement the trustees may not invest the capital of the trust fund or any surplus income not awarded, lent or disbursed in terms of 6.1 and 6.2, unless such capital or surplus income is invested as follows :

8.5.5.1 with a financial institution as defined in section 1 of the Financial Institutions (Investment of Funds) Act, 1984; or

8.5.5.2 in securities listed on a licensed stock exchange as defined in section 1 of the Stock Exchanges Control Act, 1985; or

8.5.5.3 in such other financial instruments as the Commissioner for Inland Revenue may approve from time to time.

8.5.6

The trustees may not accept any donations which are not

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9.4 Disqualification

9.4.1 A person shall be disqualified from being a trustee if -

9.4.1.1 the estate of that person has been sequestrated, whether provisionally or finally, or he has committed an act of insolvency as defined in the Insolvency Act from time to time;

9.4.1.2 he is insane or incapable of managing his affairs or has been declared a prodigal;

9.4.1.3 he has committed an offence involving dishonesty under the laws of any country;

9.4.1.4 he is over 70 years of age, unless the other trustees annually waive this disqualification in relation to any person; or

9.4.1.5 he has or assumes a high party political profile.

9.5 Vacation of office

A trustee shall cease to hold office if he -

9.5.1 becomes disqualified from being a trustee in accordance with the preceding sub-clause;

9.5.2 resigns on reasonable written notice to the other trustees (there being at least three other trustees in office);

9.5.3 is requested to resign in writing by the other trustees (there

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being at least three other trustees in office), and he fails to do so within four weeks;

9.5.4 has been appointed for a limited period and that period has expired;

9.5.5 has already served as a trustee for a continuous period of nine years, except where he is re-elected by a majority of votes at an annual general meeting.

9.6

Chair

The trustees may appoint a chair and a vice-chair either for such period, not exceeding one year, as they may decide or for a specific meeting.

9.7

Convening of meetings

9.7.1

The trustees shall hold an annual general meeting within six months after the end of each financial year at which the annual financial statements for the previous financial year shall be submitted for approval by the trustees.

9.7.2

The trustees shall hold such other meetings as they deem fit. Any trustee, with the concurrence of at least two others, may convene a meeting of trustees on not less than 21 days notice to the other trustees (or at such shorter period as may be approved by the majority of the trustees in office) and at a reasonable venue.

9.7.3

The notice shall specify the business to be dealt with at the meeting and, if possible, shall be accompanied by the minutes of the previous meeting.

9.7.4

Save as set out in this trust deed the trustees shall conduct their

business as they think fit.

9.8 Quorum

The quorum for a meeting of trustees shall be as follows -

9.8.1 where the number of trustees in office is five or less, the quorum shall be three;

9.8.2 where the number of trustees in office exceeds five but does not exceed nine, the majority of the trustees in office shall constitute a quorum;

9.8.3 where the number of trustees in office exceeds nine, the quorum shall be five.

9.9 Voting

9.9.1 Decisions shall be taken by majority vote of the trustees present at a meeting.

9.9.2 The chair shall not have a casting vote as well as a deliberative vote.

9.10 Written Resolutions

A written resolution signed by all the trustees who may at the time of the signing of the resolution be within the Republic of South Africa (as constituted on 31 May 1961), and being no less in number than is sufficient to form a quorum, shall have the same effect as if passed at a meeting. Such a written resolution may take the form of several documents, each signed by one trustee or more, setting out the text of the resolution.

9.11 Minutes, reports and records

9.11.1 The trustees shall keep minutes of their meetings and

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resolutions which shall be available for inspection by the trustees at the address of the trust.

9.11.2 A minute, or a certified copy of a minute, signed by the chair or by the trustees present at the meeting shall constitute evidence until the contrary is proved of the contents of the minute.

9.11.3 The trustees shall keep full and accurate records of the financial affairs of the trust which shall be audited annually within six months of the financial year end, which shall be on the last day of February of each year.

9.11.4 The trustees shall, on or before 30 June, in each year submit to every person who has made a donation to the trust within the preceding 12 months, a written report of their activities during the immediately preceding financial year of the trust, and a copy of the audited annual financial statements.

9.12 Remuneration

The trustees shall be entitled to be reimbursed for out of pocket expenses incurred on behalf of the trust but shall otherwise receive no remuneration for acting as trustees.

9.13 Exemption from liability

Except in the case of any loss arising from his own dishonesty

9.13.1 a trustee shall not be personally liable for any loss suffered by the trust, whatever the cause;

9.13.2 a trustee shall be indemnified out of the trust fund against any claims made against him arising out of or in any way connected

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with any act or omission in the course of the administration of the trust.

9.14 Acts valid despite defect in appointment

All acts performed by the trustees in good faith shall be valid notwithstanding any defect in their appointment.

9.15 Disputes

9.15.1

If any difference or dispute should arise between the trustees they should as far as possible resolve the difference or dispute by discussion, either with or without such professional advice as they may consider appropriate.

9.15.2

If the trustees are not so able to resolve the difference or dispute, then subject to any provisions of this deed which provides otherwise, the decision of a majority of trustees in office shall bind the minority and accordingly the powers, discretions and authorities given to or vested in the trustees may be exercised by a majority of them. Every such decision shall be regarded as a decision of all the trustees and shall be binding upon all persons, including beneficiaries, but not so as to render any trustee liable for anything done or omitted by a majority of the trustees without his knowledge or approval.

10. EXECUTION OF DEEDS

Subject to any express provisions which may be contained in this trust deed all deeds, documents or instruments required to be executed by the trustees shall be deemed to have been validly executed if executed in the name of the trust by any one trustee if duly authorised to do so.

11.

AMENDMENT OF TRUST

The trust shall have the power, with the agreement of not less than 75% in number

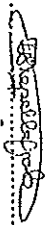
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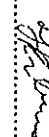
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of the trustees then in office, to alter, vary or add to the conditions hereof, including the power and authority of the trustees, provided that the amendments to the trust deed are submitted to and approved by the Commissioner for Inland Revenue.

SIGNED at Limerick on 17 December 1993.

AS WITNESSES:

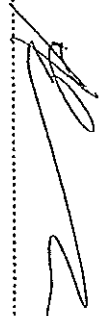
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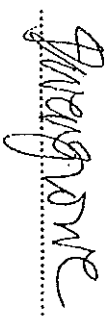
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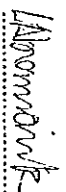
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SIGNED at Skerawbeg on 15 December 1993.

AS WITNESSES:


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SIGNED at Islands on 19 December 1993.

AS WITNESSES:

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SIGNED at *Philadelphia* on *17th* December 1993.

AS WITNESSES :

W. J. M.
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B. J. M.
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SIGNED at *Philadelphia* on *17th* December 1993.

AS WITNESSES :

M. J. M.
.....
C. J. M.
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W. J. M.
B. J. M.
M. J. M.
C. J. M.

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SABC REVISED EDITORIAL POLICIES 2016

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1. INTRODUCTION

The South African Broadcasting Corporation SOC Limited (herein under referred to as the Corporation / SABC) is required, in terms of Section 6 of the Broadcasting Act No 4 of 1999, as amended (herein under referred to as the Act), to develop policies that are intended to ensure compliance with the Code of Conduct of the Independent Communications Authority of South Africa (herein under referred to as ICASA), the Corporation's licence conditions, Regulations and the provisions of the Act.

In an effort to give structure and effect to the provisions of the Act, the Corporation's licence conditions and ICASA's Code of Conduct, the SABC has developed its Editorial Policies.

This document is a compilation of the policies, which the SABC is required to use as a guide in discharging its public broadcasting mandate. The policies represent how the Board give shape to and interpret the SABC's public broadcasting mandate, and provide a framework for editorial and content managers within which to operate.

The policies relate to all the SABC's content (whether produced internally or externally by an independent party), and to services directed at both national and international audiences. The policies apply to all the services offered on all SABC platforms (radio, television, online, social media, mobile device and any other platforms where the SABC's content may be accessed).

The policies are intended to assist staff to make informed decisions on editorial and content issues so that distinctive programmes can be made, while maintaining the highest ethical and editorial standards. Every member of staff (permanent, fixed-term and freelance contractors), are therefore required to study, understand and ensure compliance with these policies.

On-going professional development of SABC staff is a crucial part of the implementation of these policies. The SABC also assesses regularly the professional developmental needs arising from implementation of these policies in order to develop appropriate and on-going professional developmental programmes.

Whereas certain policies apply to specific programme areas, all the policies should be read together with Section 2: The SABC's Mandate and Section 3: Programming Policy of the SABC's Editorial Policies.

STATEMENT OF COMMITMENT

This policy takes into account the Constitution and a range of legislative and regulatory requirements in particular those contained in the Independent Communications Authority of South Africa Act, the Broadcasting Act, and ICASA policies and regulations.

Drawing on these, the SABC commits itself to being the voice and vision of every South African.

Accordingly, the Corporation serves to:

- provide a range of distinctive, creative and top quality programmes in all 11 official languages across our radio and television portfolio, and strive to reflect the needs of each language community in our programming;
- maintain distinct and separate radio services in each of the 11 official languages;
- treat all the official languages equitably on our television services;
- integrate South African Sign Language into broadcasting as a means of making programming accessible to people with hearing disabilities;



- strive to include other non-official languages spoken in South Africa, with particular emphasis on the Khoi, Nama and San languages, where possible.

In acting on these commitments the SABC is guided by the following:

- The need for institutions, including the public broadcaster, to take practical and positive steps to treat all the official languages fairly;
- The need to address the marginalisation of indigenous languages and South African Sign Language as part of the nation building project;
- The obligation to reflect the linguistic and cultural diversity, and multilingual nature of South Africa while promoting national unity;
- The SABC's responsibility to be responsive to the needs of all South Africans, including people with disabilities;
- The importance of language in communication as the carrier of values, attitudes, culture and expression.

AIMS AND OBJECTIVES

The SABC's primary role is to make its programmes accessible to all the audiences, and in that regard language is fundamental to meaningful communication. In keeping with this, the SABC aims to:

- Inform, educate and entertain South Africans in their languages;
- Promote understanding and acceptance of and between the linguistic and cultural groups in South Africa;
- Contribute to continual development of the 11 official languages and South African Sign Language;
- Promote multilingualism in South Africa.

SCOPE OF THE POLICY

The SABC is, in terms of the Independent Communications Authority of South Africa Act and the Broadcasting Act, required to provide broadcasting services in all the official languages and to cater specifically for the needs of people with hearing and vision disabilities. Accordingly, this is an overarching policy, affecting many activities of the Corporation.

This policy is therefore considered when the SABC:

- Develops strategic plans for the Corporation;
- Develops business plans and budgets for the Corporation;
- Formulates programme strategies, policies and plans for each radio station and television channel;
- Determines training needs and strategies;
- Develops audience research projects to gauge the needs of viewers and listeners and to assess response to programmes;
- Formulates plans for universal service and access to broadcasting;



- Investigates and formulates plans for the use of innovative technology.

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2. THE SABC'S MANDATE

POWERS, FUNCTIONS, RIGHTS AND OBLIGATIONS

The SABC's mandate as a public broadcaster is derived from the Charter, which defines its objectives. The Charter is laid down in chapter IV of the Broadcasting Act and requires the SABC to encourage the development of South African expression by providing, in all eleven official languages, a wide range of programming that:

- Reflects South African attitudes, opinions, ideas, values and artistic creativity;
- Displays South African talent in educational, informational and entertainment programmes;
- Offers a plurality of views and a variety of news, information and analysis from a South African point of view;
- Advances the national and public interest.

The SABC's powers and functions, as well as its rights and obligations, are derived from a number of sources: legislation, the Charter, the licence conditions of each SABC station and channel, and regulations issued by ICASA from time to time, including the Code of Conduct for Broadcasters administered by the Broadcasting Complaints Commission of South Africa (herein under referred to as BCCSA).

South Africa's broadcasting legislation provides for a three-tier licensing structure for broadcasting services: public, commercial and community. The SABC has a number of radio stations and television channels. Each has a set of licence conditions that imposes obligations, including quotas for local content and requirements for geographical coverage and language services. These are laid down by ICASA, which is responsible for monitoring compliance with the licence conditions and with the objectives of the Charter.

The SABC is required to adhere to a Code of Conduct for Broadcasters that is approved by ICASA. As a member of the National Association of Broadcasters of South Africa (NABSA), the SABC is subject to the rules of the BCCSA which ensures that broadcasters adhere to certain minimum standards of programme content.

A central tenet of the SABC's Charter is that it enjoys freedom of expression, journalistic, creativity and programming independence. The SABC Board, which is appointed by the President of the Republic of South Africa on the advice of the National Assembly, controls the affairs of the SABC and is mandated explicitly to protect the freedom and independence mentioned above.

CORE EDITORIAL VALUES OF THE SABC

Public broadcasters worldwide share many features relating to independence, accountability and diversity. However, in the SABC context there are unique facets that also determine its positioning. These challenges are captured neatly in the preamble to the Constitutional Act, 1996, which forms the corner stone of this policy.



Among the core editorial values for the SABC are:

Equality

The SABC strives to provide programmes for everyone in all the official languages and promotes universal access to its services.

Editorial Independence

The SABC is governed by its Charter, which enshrines the journalistic, creative and programming Independence of the corporation, the constitutionally protected freedom of expression.

Nation Building

The SABC celebrates South Africa's national identity and culture, and provides its citizens with the information needed to participate in building our democracy.

Diversity

The SABC reflects South Africa's diverse languages, cultures, values and norms in its programmes.

Human Dignity

The SABC respects the inherent dignity of all South Africans and does not use language or images that convey stereotypical or prejudiced notions of South Africa's races, cultures and sexes.

Accountability

In discharging their editorial responsibilities, SABC executives, management and staff are accountable to the SABC Board which is charged with ensuring that the Corporation complies with the Charter.

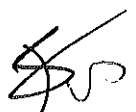
Transparency

The SABC ensures that principles of honesty, openness and transparency govern every aspect of its relationships with the shareholder, stakeholders, suppliers and the public.

EDITORIAL RESPONSIBILITY AND UPWARD REFERRAL

The scope of our programming means that the SABC has to provide consistent, relevant, useful and high-quality programming, including information and analysis. To sustain and deepen the trust the public has in the SABC, the Corporation has to maintain the highest standards of performance. The SABC requires its editorial staff to understand that with the legislated and constitutional protection of the Corporation's independence comes the responsibility to serve the public with the highest standards of excellence, care and integrity.

In this regard, subject to standard management and editorial controls, content producers and commissioning editors are responsible for both the production of the programme and the editorial management or both. Should any difficulty arise during programme production and/or editorial management or the programme producer or commissioning editor be unsure of anything, they should consult their line manager for guidance.



Should there be no resolution after such guidance from the line manager, then guidance shall be sought from the SABC's Chief Operations Officer (COO) who has the overall responsibility for SABC's content. The COO's decision on any editorial issue shall be final.

The SABC views upward referral as a mutually beneficial, nurturing and developmental approach for all the staff involved. It is not intended to move editorial decision-making upwards; it is intended, when required, to underpin collective decision-making and shared editorial responsibility, especially when staff are faced with contentious decisions as well as to underscore the interdependence of the Corporation's credibility and that of its editorial staff.

When used effectively, upward referral should be a seamless and flexible process. The earlier it is activated, the better, as this allows alternatives to be considered at the outset, instead of later, when few options are open. It is an approach that is taken by the world's premier public broadcasters. The practice of upward referral gives all staff an ideal mechanism for consultation, first with peers, and then with higher management, before taking a decision.

Should a programme producer or editor not refer an issue upward to their line manager, that programme producer or commissioning editor would be held accountable for the editorial decision so made.



3. PROGRAMMING

PREAMBLE

The mandate of the SABC is to provide relevant and diverse content. In this the Corporation is guided by:

- the Broadcasting Charter;
- the SABC's Editorial Values;
- the SABC's Editorial Code;
- BCCSA's standards and Code of Conduct.

The SABC encourages programming that is aligned to the provisions of the country's Constitution.

a. PROGRAMMING VALUES

In its programming the Corporation ensure compliance with broadcasting standards that are in line with the BCCSA Code of Conduct which ensures amongst other things, fair programming that is not offensive.

b. VIOLENCE

In addition to the requirements of the Code, the SABC's policy aims to:

- treat the subject of suicide, or attempted suicide, with circumspection, and not to give any detailed demonstration of the means of suicide;
- avoid portraying dangerous behaviour that children could easily imitate;
- use scenes of violence or cruelty to animals prudently and with adequate warning, as viewers are disturbed by such material.

The SABC's aim is not to see how much violence will be tolerated, but how little is needed to achieve honest ends without undue dramatic or editorial compromise.

c. CHILDREN

The starting point for the SABC's approach to children is based on the special protection afforded to those under the age of 18 by Section 28(2) of the Constitution of the Republic of South Africa, "A child's best interests are of paramount importance in every matter concerning the child". In addition to the clauses of the Broadcast Code the SABC will:

- Play a positive role in portraying children and their rights.
- Guard against any practice that may exploit or violate the rights of children.
- Ensure that children's stories are reflected in all their diversity, paying particular attention to those stories that reflect the experiences of the majority of South Africans.



- Treat boys and girls with equal opportunities, dignity and respect.

d. **WATERSHED**

Although the Code does not specify a watershed period for radio, the SABC abides by the dictum that stations do not broadcast material that is unsuitable for children at times when they are likely to form a large part of the audience. For instance, stations should be aware that children are likely to be listening to the radio while travelling to and from school.

e. **SEXUAL CONDUCT**

In addition, the SABC's policy on the portrayal of sex and sexuality is to ensure that it is defensible in the context and presented with caution and discretion.

f. **AUDIENCE ADVISORIES**

In addition to the provisions of the Code, the SABC:

- Will make cautionary announcements verbally and/or visually before the start of programmes that could be exceptionally disturbing to certain viewers.
- Will display age indicators and warning symbols for the full duration of on-screen promos and line-ups for each programme for the full duration of the promo.

g. **CLASSIFICATION**

Classification by Films and Publications Board

- (1) Where a Films and Publications Board classification for a film exists in terms of the Films and Publication Act No. 65 of 1996, such classification is the minimum advisory to be used for the broadcast of the film.
- (2) No film which carries an XXX classification in terms of the Films and Publications Act may be broadcast.

h. **COMPETITIONS**

Competitions and Audience Participation

- (1) Where audiences are invited on air to react to a programme or competition, broadcasting service licensees must make known the full terms of reference and conditions of a telephone call or an SMS.
- (2) Broadcasting service licensees must specify the terms of reference and conditions of the call or SMS, as the case may be, which is intended for any specified charitable cause.
- (3) Broadcasting service licensees must ensure that audiences who are invited to compete in any competition are made aware on air of the rules of the competition. Such rules must include the closing date and the manner in which the winner is to be determined.

PROCESS FOR DEALING WITH PROGRAMME COMPLAINTS

Complaints from members of the public that are received at the SABC and relate to matters of policy, or compliance with the Code are dealt with by the office of the Manager: Broadcast Compliance. When such complaints are received by the channels or stations or in any other department, they should be referred to that office without delay.

The SABC's policy is to deal with every such complaint. The response is either prepared in consultation with, or communicated immediately to, the management of the channel/station concerned, or the relevant head of SABC News. The services are required to take ownership of complaints about their services.

Trends in complaints and all the formal complaint processes are reported to Executive Management and Board regularly.

ICASA regulations require accurate record-keeping of all complaints received, with bi-annual reports prepared for submission to ICASA by the Broadcast Complaints Department.

COMPLAINTS LODGED WITH THE BROADCASTING COMPLAINTS COMMISSION OF SA

If a member of the public lodges a formal complaint with the BCCSA about a programme broadcast on any of the SABC services, the BCCSA notifies the SABC in writing, provides a copy of the complaint, and indicates whether a copy of the programme should accompany the written response from the SABC.

When the BCCSA requests material for review in any complaint process, the SABC is obliged to provide a complete copy of the programme as broadcast. This includes any on-screen and/or verbal consumer advice. If appropriate, a transcription of the text is required, and/or the Final Control Sheet for the programme.

The Manager: Broadcast Compliance prepares the SABC's response to the complaint, in consultation with the staff responsible for the broadcast, who may be asked to provide comments in writing. This submission, together with the material requested, has to be delivered to the BCCSA's premises within ten (10) days of notification of the complaint. The formal process is then conducted in accordance with the current Procedure of the Commission (available on the Internet at <http://www.bccsa.co.za>), which may be amended from time to time. When the BCCSA gives notice that a complaint is to be heard by the Tribunal, the Manager: Broadcast Compliance:

- requests the head of the service against which the complaint has been lodged to delegate an appropriate representative to attend the hearing (normally the person responsible for the programme in question);
- applies to the SABC's Legal Services for assistance, if the BCCSA advises that the complainant will have legal representation;
- prepares the SABC's case;
- consults, or refers a case to Legal Services when the need arises;
- defends the SABC at the hearing, assisted by a legal consultant, if necessary.

When the BCCSA's decision about a complaint, adjudication (by an individual commissioner), or judgement handed down by the Tribunal is received, the Manager: Broadcast Compliance circulates it immediately to all the relevant staff.



On being found guilty of a breach of the Code, a broadcaster may be reprimanded by the Commission or required to take certain steps to rectify a situation or instructed to broadcast a correction, retraction, or apology. The BCCSA is also empowered to impose fines for serious infringements.

COMPLAINTS LODGED WITH THE ADVERTISING STANDARDS AUTHORITY OF SA (ASA)

When a member of the public lodges a formal complaint with the ASA about self-promotional material broadcast on any of the SABC services, the ASA notifies the SABC in writing, provides a copy of the complaint and requests a copy of the material for review by the Authority. If the Authority finds that the complaint is not "frivolous or vexatious", the SABC may be called to a hearing and be subject to sanctions as set out in the Code of Advertising Practice.

The ASA has jurisdiction over channel and station promos that are broadcast on any other SABC service (e.g. an RSG promo flighted on SABC2, or an SABC3 promo on SAfm), or on any other broadcaster's channel/station. The ASA does not have jurisdiction over a channel/station promo broadcast on the same channel/station (e.g. an SABC3 promo flighted on SABC3) which is within the jurisdiction of the BCCSA.

The Authority therefore can entertain complaints about programme promos only if they are flighted on another broadcaster's service, if they are published in the print media, or placed on outdoor advertising (e.g. billboards).

When the ASA requests material for review in any complaint process, the SABC is obligated to provide a copy of the promo. The Manager: Broadcast Compliance requests this material from the relevant department and delivers it to the Authority within five (5) days.

COMPLAINTS ABOUT CONTRAVENTION OF THE SABC'S EDITORIAL POLICIES

Members of the public and any other SABC stakeholders can lodge complaints relating to the breach of the SABC's Editorial Policies and such complaints should be directed to:

The Manager Broadcasting Compliance

Private Bag X1

Auckland Park

2006

Complaints about any breach of the SABC's Editorial Policies that are not received directly by the Policy and Regulatory Affairs department should be referred to the Manager: Broadcast Compliance without delay.

In the event of a serious contravention of editorial policy, or repeated infringement, the matter is referred upwards as follows:

- Group Executive of TV, Radio or News (depending on the nature of the complaint);
- Chief Operating Officer;

SPONSORSHIP OF PROGRAMMES

The SABC is obliged to comply with ICASA's regulations on programme sponsorship.



ICASA defines programme sponsorship as direct or indirect financing, whether partial or total, of the production or transmission of broadcast programme material by an advertiser or person seeking to promote their activities or products.

ICASA regulates programme sponsorship and is concerned to ensure that editorial control remains with the broadcaster. To this end, the regulations stipulate that if there is any depiction during a sponsored programme of the name or logo of whoever provides the sponsorship, that depiction should be subordinate to the content of the programme. The regulations also provide that where there is programme sponsorship, the sponsor's association with the programme has to be stated clearly, both before and after the programme

The stations and channels, together with SABC Commercial Enterprises, ensure that the SABC is in compliance with these regulations.

INFOMERCIALS

ICASA has developed rules for infomercials with which the SABC has to comply with. The rules provide that:

- infomercials may not be carried during prime time, or during children's programmes;
- infomercials must be labelled in such a way as to make it clear that they are not programme material;
- no more than two hours of infomercials per day are allowed in the performance period (05:00 - 23:00) of each channel.

In addition to the above, ICASA encourages broadcasters to ensure that infomercials are not carried on all the free-to-air channels at the same time.

The stations and channels, together with SABC Commercial Enterprises, ensure that the SABC is in compliance with these regulations.



4. NEWS

The BCCSA Code of Conduct for Broadcasters requires the SABC to report news truthfully, accurately and objectively.

CURRENT AFFAIRS AND INFORMATION PROGRAMMING

The SABC occupies a distinctive position of trust in the lives of its viewers and listeners. The Corporation is the most extensive, all-inclusive and diverse news organisation in South Africa. The SABC considers it a duty to provide consistent, relevant, useful and top-quality information and analysis on which all South Africans can rely as they discuss and deliberate, form opinions and build a common future.

The Independent Communications Authority of South Africa Act, the Broadcasting Act, and the BCCSA Code of Conduct for Broadcasters set out the essential requirements for news and current affairs services that are to be studied, understood and observed by every member of the SABC's news staff.

This policy covers all the news, current affairs and information programming broadcast by the SABC, including news bulletins and current affairs programmes provided for radio, television and Channel Africa.

OBJECTIVITY, ACCURACY, FAIRNESS, IMPARTIALITY AND BALANCE

The SABC's right to freedom of expression comes with an obligation: the duty of every member of its news staff to uphold the highest professional and ethical standards. This includes that the SABC:

- Report, contextualise, and present news and current affairs honestly by striving to disclose all the essential facts and by not suppressing relevant, available facts, or distorting by wrong or improper emphasis.
- Do not allow its advertising, commercial interest, political or personal considerations to influence its objectivity when editorial decisions are made. The SABC is not the mouthpiece of the government of the day, nor should it broadcast its opinion of government policies, unless they relate directly to broadcasting matters.
- Seek balance by presenting relevant views on matters of importance, as far as possible. This may not always be achieved in a single programme or news bulletin, but should be done within a reasonable time. Owing to the nature and immediacy of breaking news items, the SABC will endeavour to obtain input from all relevant parties/sources when broadcasting breaking news items, but in the event that parties/sources are not immediately available for whatever reason, such input/comments will be obtained during the unfolding and more extensive coverage/reporting of the breaking news item.
- Is guided by news merit and judgement in reaching editorial decisions. Fairness does not require editorial staff to be unquestioning, nor the SABC to give every side of an issue the same amount of time.
- The SABC and its staff should not place themselves in any conflict situation which will have an effect of compromising the SABC's independence in its reporting of News and Current Affairs.
- Foster open dialogue with viewers and listeners, as the Corporation is accountable to the public for our reports.
- Aim to tell stories from a South African point of view and deal with issues that are important to South Africans. This includes local, African and global issues. The Corporation endeavours to contextualise for South Africans their life as global citizens, and to recount the story of South Africa



in all its variety and complexity. Given our history, and that South Africa is part of Africa, the SABC sees it as its responsibility to endeavour to represent Africa and African stories fairly and diversely

- Is committed to being a truly national public broadcaster, providing a showcase for all South Africa's provinces and its people.

LANGUAGE AND TONE IN NEWS

The use of South African languages should always take account of the needs and sensitivities of audiences.

Further guidelines on language use are laid out in the Programming Policy and the Language Broadcasting Policy of the Corporation.

INTERVIEWS

Interviews are an important tool of journalism. Interviews should be conducted in a structured manner that is aimed at achieving a specific goal and this can be achieved by conducting proper research prior to the interview.

Therefore it is important to inform an interviewee of the purpose of the interview, its duration and any other relevant matter, and to establish how he or she prefers to be addressed.

ECONOMICS AND BUSINESS NEWS

SABC News gives special attention to economics and business news aimed at informing and educating our audiences. Examples are business, commercial and labour laws; harmful business practices; effective ways of saving and spending money; prices, inflation and other basic economic indicators, and how these affect our audiences.

In commissioning and broadcasting economics and business news, SABC news staff should ensure that a range of views, perspectives and opinions - not only the orthodox ones - are presented in a balanced, fair and accurate manner and are well informed.

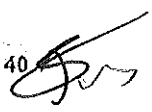
INVESTIGATIVE JOURNALISM

The SABC investigative journalism plays a vital part in pursuing matters of public interest systematically through innovative and reliable journalism, making it possible to access information that is crucial to the construction of a democratic society.

Given its nature, investigative journalism frequently involves legal considerations, and on such occasions the advice of the Legal Department is to be sought.

Clandestine methods of gathering news and information should be used with due regard of the law, the right to privacy, and the significance of the information bearing in mind that in some instances public interest takes precedence. If it were to become necessary and in the public interest to gather information to which the public normally does not have access, the matter should be referred to the GE: News and Current Affairs.

USE OF GUESTS, ANALYSTS AND SPECIALIST COMMENTATORS



The SABC's principle of providing the full spectrum of opinions, perspectives and comment also applies to selection and use of guests, analysts and specialist commentators. This requires editorial staff to select, as participants, people who have a wide range of views, opinions and perspectives, and are drawn from all over the country. Such people should be required to declare any vested interest they may have in the matter to be discussed.

The views expressed by guests, analysts and/or specialist commentators remain their views albeit expressed on a SABC platform as they were for purposes of discussion during an SABC News or Current Affairs programme.

PAYING FOR INFORMATION

The BCCSA Code of Conduct prohibits broadcasters from paying criminals for information, unless compelling societal interests indicate the contrary. As a matter of policy, the SABC does not pay people for information. In circumstances where compelling public interest and the right to know are involved, and access to information cannot be gained by other means, the matter is to be referred to the GE: News and Current Affairs for a decision.

PUBLIC OPINION SURVEYS

Polling and random sampling are methods used to discover facts, uncover attitudes and confirm hypotheses. However, to ensure the validity and reliability of the findings of such research, it has to be done according to proven scientific research methods. Before broadcasting the results of non-SABC surveys, journalists should obtain information on the methods used and the main results of the survey; seek the opinion of experts in the field, and consult SABC Market Intelligence on the validity of the methods used and interpretation of the findings.

The SABC may also conduct its own public opinion surveys, for which it takes full accountability. The Manager of News Research must approve any such survey, including the design, questionnaires and interpretation of the results, after consultation with the GE: News and Current Affairs. Statements gathered (live or pre-recorded) from people chosen at random - vox pops - are not scientific surveys. These should be presented solely to illustrate the range and texture of popular opinion on a topical issue. There should not be any suggestion - explicit or implicit - that the views broadcast in such a survey reflect wider public opinion.

PROTECTION OF SOURCES

The SABC firmly upholds the principle of journalistic freedom and the protection of a journalist's sources as a key element of this principle. At times, information that ought to be given to the public is available to journalists only through confidential sources. If the confidentiality of such sources of information were not respected, it would restrict the free flow of information in a free, open and democratic society.

In the event of a source not wanting to be identified publicly, the SABC uses the information obtained only when the source is known to the journalist and has prima facie credibility; the journalist has checked the reliability of the source and obtained corroboratory evidence from other relevant sources; and the identity and bona fides of the confidential source have been disclosed to the relevant Executive Producer ahead of the broadcast.



When protection of a source becomes a legal matter, the SABC does not advise its staff to refuse to obey an order of a court, but makes its legal counsel available for advice and to present legal argument in court to protect the source.

GENDER AND REPRESENTATION

The SABC will endeavour to have News and Current Affairs programming that are gender sensitive and balanced so as to ensure equal, fair and proper treatment of all people regardless of gender and/or sexual orientation. This will include, amongst others, ensuring that a gender balanced view is obtained on all matters that affect a certain gender.

PRIVACY

The Programming Policy expands on the SABC's approach to matters of privacy.

REPORTING ON SUFFERING AND DISTRESS

In terms of the SABC Editorial Code the Corporation is circumspect in the presentation of brutality, violence, atrocities and personal grief.

When covering any accident, disaster or conflict the SABC always gives a full, accurate and factual account of relevant matters such as time, location and casualty figures as it can be reasonably verified at the time. In doing so, the Corporation avoids causing needless distress or anxiety to those who already know of their loss. SABC editorial staff cover accidents and disasters with compassion and sensitivity that is frank and genuine.

The consequences of a tragic event or disaster call for considerable sensitivity on the part of the SABC. Reporting on these events should follow well established principles:

- As a rule, intrusive visuals of the dead should not be broadcast unless it is impossible to report on a story without using such visuals;
- Those injured or grieving should not be put under any pressure to give interviews;
- As far as reasonably possible, next of kin should not first learn bad news from a radio or TV newscast;
- A funeral should be covered only with the permission of the family, and treated sensitively and without intrusion, unless public interest dictates otherwise;
- The time of day of transmission - before or after the watershed - and audience sensibilities should always be considered;
- In cases where programming or content that carries sensitive material or is not age appropriate is to be broadcast, viewers should be given prior warning.

News bulletins should be prepared bearing in mind that children watch TV during the day and early evening, especially during school holidays. This could mean delaying graphic details and visuals of particularly disturbing events until the later bulletins, when it is reasonable to expect parents to be in a better position to monitor their children's viewing.

The guidelines are elaborated on further in the Programming Policy. Editorial staff should also consult the Legal Guidelines for Editorial Staff.

BROADCASTING EVENTS OF NATIONAL IMPORTANCE

The SABC gives full or extended live television and/or radio coverage of events of national importance. In scheduling these events, editorial staff should take into account that they inevitably result in schedule changes. Such events may include the opening of Parliament, the budget speech, State occasions such as visits by foreign dignitaries and State funerals; major commemorative events and the proceedings of national commissions of inquiry.

Other events that may warrant live coverage and involve scheduling and programming changes include major parliamentary debates, the opening of provincial legislatures, and significant conferences of the major political parties. Live coverage in this category requires approval of the relevant stations and channels in consultation with top management.

When an event of national importance is of a party political nature, editorial staff are to ensure that the SABC policies on objectivity, accuracy, fairness, impartiality and balance are adhered to.

The Policy on Language Broadcasting outlines further requirements for broadcasting events of national importance.

ELECTION BROADCASTS

The news policy is applicable both during elections and outside of elections. Outside of elections, the SABC approaches its coverage of political parties as it does with all other newsmakers. The Corporation is guided by its commitment to objectivity, accuracy, fairness, impartiality and balance. As such this policy does not deal specifically with the coverage of political parties outside of an election period as stipulated in the Independent Electoral Commission's policy guidelines.

Election broadcasts are regulated by the Independent Communications Authority of South Africa Act and regulations governing election periods. During an election period, the SABC is bound to comply with additional ICASA guidelines on equitable coverage of political parties, as a result, business entities, organisations and any stakeholders may not utilise the Corporation's platforms to advance individual or group interests during or outside election periods.

The Corporation's News staff are required to study, understand and observe the statutory provisions on election broadcasts in the applicable legislation. These requirements include the limitations on party election broadcasts, the time to be made available to political parties and scheduling of party election broadcasts, and political advertising during election periods. The SABC shall, in compliance with the Independent Communications Authority of South Africa Act, cease party election broadcasts 48 hours before the polling period begins.



5. LANGUAGES

As South Africa's public broadcaster, the SABC embraces the constitutional duty to treat all the official languages equitably, and with equal respect. The Constitution also recognises the need to promote South African Sign Language and indigenous languages.

The SABC's language Policy is derived from the Corporation's commitment to freedom of expression, which is protected by the Constitution, including the right of all South Africans to receive and impart information. The Corporation recognises that freedom of expression can be realised fully only when as far as reasonably possible every South African can inform and be informed in their language of choice. Access to meaningful information would also empower South Africans to participate effectively in every facet of society.

USE OF LANGUAGE IN BROADCASTING

In fulfilling its duty to protect and nurture South Africa's official languages, the SABC strives to ensure that they are all spoken correctly. In doing so the SABC commits itself to celebrating the rich diversity of dialects and accents in each language group.

Moreover, language usage should accord with the programme genre. It is fair to assume that more formal language would be used in news programmes, whereas more conversational, colloquial or everyday language would be used in drama.

Language in broadcasting should also take account of the social expectations and values of different language groups, and the right of every South African to be treated with respect and dignity. Language usage in broadcasting should therefore avoid giving offence and causing hurt unnecessarily. It should encourage respect and concern for everyone, and be free of elements such as prejudice, racist and sexist connotations. The Programming Policy and the Policy on News, Current Affairs and Information Programming expand further on this issue.

LANGUAGE OPERATING PRINCIPLES

In striving to play its part in reaching these common national goals, the SABC's Language Broadcasting Policy takes into account the:

- Use of groupings such as cognate, shared and widely understood languages so as to make the most cost effective use of scarce resources;
- Special action on marginalised languages;
- Attainment of language goals, including the use of South African Sign Language, in targeted programme genres;
- Combined use of unilingual and multilingual programming;
- Coverage of events of national importance to promote the development of national identity, social cohesion and nation building;
- Fair allocation of resources to achieve quality in programmes on all the broadcasting platforms;
- Application of appropriate technologies to achieve language coverage and access goals;
- Use of research to understand audiences' language broadcasting needs;
- Introduction of annual plans to focus implementation and monitoring of the Language Policy;



- Development of mutually beneficial relationships with key social partners, notably the Pan African Language Board.

RADIO

Radio is still the most widely used and most accessible broadcasting medium in South Africa. As audiences have fragmented increasingly into niche markets there has been an increased responsibility on the SABC, as the public broadcaster, to offer South Africans a wide range of programmes — irrespective of age, income or language. Accordingly, the SABC is charged with providing quality radio services in all 11 official languages. In making this pledge the SABC notes the:

- crucial part radio plays in the lives of many South Africans, as it is often the only medium available to them in their home language, and in many instances the only medium available at all;
- importance of investment in indigenous African language services as part of the nation-building project and developing social cohesion;
- unique part radio can play in promoting people's right to receive information, to express themselves, and to inform others.

PROGRAMMING GUIDELINES

A language service should be sensitive to and reflect the needs and lifestyles of the speakers of that language — including those of children, young people, urban and rural dwellers, and the elderly:

- A language service should provide programming in genres such as news and information, children's/educational programmes, and entertainment;
- Programmes should aim to reflect the realities of the target audience, while recognising their right to a wide range of programming from throughout South Africa and the world;
- Programmes should aim to foster unity.

CHILDREN'S PROGRAMMES

The Broadcasting Act requires the SABC to meet children's programming needs. Children require informative, educational and entertaining programmes of excellent quality, in their home language, aimed specifically at addressing their needs and instilling a sense of pride in their culture and language. These needs vary according to the circumstances and ages of children, from pre-school to school going and adolescence.

Radio programmes have a supportive role in nurturing and developing children's language capacity, cultural knowledge and experiences. Programmes can also assist in promoting understanding between children of different language and cultural communities.

The SABC should address the needs of children in its language radio services by offering programmes that cater specifically for them. The Programming Policy gives more information on children's programmes.

ALLOCATION OF RESOURCES



The SABC commits itself to ensuring fair allocation of financial and other resources to the language services so that they can meet the requirements of broadcasting programmes of excellent quality.

The SABC takes into account that radio remains for many the only medium available for receiving essential education and information, and good quality entertainment. Special attention should therefore be paid to developing and expanding programmes on services that target historically disadvantaged communities.

UNIVERSAL ACCESS

Through its Universal Service and Access Policy, which is described separately, the SABC ensures that its language services are accessible to South Africans who speak those languages.

TELEVISION

The SABC is committed to treating all the official languages equitably on television. This is achieved across the television portfolio as a whole, not on each individual channel. The SABC aims to meeting the air-time quotas of official languages in local programming.

Since prime time (18:00-22:00) is relatively short, the SABC is committed to considering and implementing innovative strategies for providing programmes equitably in all the official languages. One such strategy being implemented is to schedule programmes in different languages on and across SABC television channels in a complementary way.

LANGUAGE

In fulfilling its mandate to provide television programmes in all the official languages, the SABC takes into account the following:

- The Constitutional requirement to treat all the official languages equitably;
- The comparatively little television air time available, especially in prime time, and the complexities of allocating time equitably to all the languages;
- The similarities and differences between the official languages; for example, certain languages are part of a cognate group (languages that are mutually understandable within that group), others are not cognate but shared and understood by different communities, whereas some are neither mutually understandable nor widely spoken. In addition, some language communities are much bigger than others;
- The unique potential of television to showcase cultures and languages creatively; to nurture people's knowledge and experience of one another, and to contribute to developing a national identity.

GUIDELINES FOR EQUITABLE TREATMENT

- The SABC envisage broadcasting in every official language on television, while ensuring that programmes are accessible to as many viewers as possible. The Corporation aims at complementing its national television service by providing regional services as required by the Broadcasting Act, license conditions of these services and any other regulations.



- Equity is achieved through a combination of means, including unilingual productions and multilingual programmes. The Corporation strives to explore the use of technologies such as subtitling to ensure that programmes are accessible to as many viewers as possible.

In striving to achieve equity, the following factors are considered:

- The overall time allocated to each language;
- Scheduling of programmes when members of the target audiences are available;
- The range of programme genres available in each language;
- Financial and other resources for programmes in each of the official languages.

In determining allocation of time to each language, the SABC has due regard to:

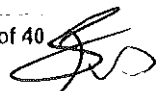
- The number of home language speakers in the coverage area of a channel;
- The geographical spread of the language;
- The extent to which members of a language community are able to understand other languages;
- The extent of marginalisation of the language;
- The extent to which it is understood by other South Africans;
- Available resources.

These criteria are intended to ensure that all the languages receive some air time, but not necessarily in equal amounts. Moreover, when these criteria are applied effectively, the SABC dedicates a greater amount of programme time to more widely spoken or shared languages, while committing itself to special projects for marginalised languages.

TELEVISION PROGRAMMING

For television programming, the SABC commits itself to the following principles:

- to broadcast a range of top quality programmes in each of the official languages in order to meet the information, education and entertainment needs of audiences comprehensively.
- to produce and screen news and information, children's educational programmes, and drama in different languages, while not neglecting other genres;
- to ensure that programmes in specific languages are broadcast at times to suit most of the members of the target audience in that language community;
- to broadcast programmes in the different languages that reflect the needs, lifestyles and circumstances of speakers of that language, including the children, young people, urban and rural dwellers, and the elderly;
- Scheduling of programmes across the SABC channels should be sensitive to audiences' right to have access to a range of programmes in their home language, and in languages they understand. To this end, television programmes across the channels are scheduled in a complementary manner;



- Programmes are aimed at fostering unity and a common South African identity, instead of separateness, and at promoting cross-cultural knowledge, appreciation and understanding. The Corporation believes that the country's diverse language groups and regions should be reflected to the nation and to themselves;
- The SABC creatively combines unilingual and multilingual programmes, and uses broadcasting technologies such as subtitling, to reach its language goals.

UNILINGUAL PROGRAMMES

The SABC ensures that across the television portfolio some programmes are dedicated to each official language. A programme would be classified as being in an official language if most of the programme were in that language.

MULTILINGUAL PROGRAMMES

The SABC is conscious of the part multilingual programmes can play in promoting knowledge and understanding of the country's diversity of languages and cultures. Such programmes, when used creatively, also reach out to wider audiences.

Accordingly, the SABC actively encourages production of meaningful multilingual programmes as a means of attaining its language broadcasting objectives. Multilingual programmes are those that include substantial amounts of more than one official language.

CHILDREN'S PROGRAMMES

Children require informative, educational and entertaining programming of excellent quality, in their home language, that is aimed specifically at addressing their needs and instilling a sense of pride in their culture and language. These needs vary according to the circumstances and ages of children, from pre-school to adolescence.

The SABC aims to broadcast a range of top quality educational, informative and entertaining television programmes for children of different age groups that are responsive to their language needs. This can be accomplished by means such as dubbing, multilingual programming and subtitling that is age appropriate.

When acquiring and broadcasting children's programmes the SABC takes children's language requirements into account. More information on children's programmes is detailed in the Programming Policy.

DRAMA

Drama provides a unique means of telling our South African stories and learning from and about one another. The SABC broadcasts top quality South African television dramas that collectively reflect South African languages and cultures. The Corporation also undertakes to investigate innovative and creative ways of ensuring that such dramas are accessible to as wide a range of audiences as possible, such as multilingual productions, subtitling, and dubbing.

MEETING THE NEEDS OF PEOPLE WITH DISABILITIES



The SABC is committed to responding to the broadcasting needs of all its audiences. Responding effectively to the needs of people with disabilities is an important part of our mandate. The SABC develops specific plans to facilitate access to its broadcasts for people with disabilities.

Broadcasting of programmes in South African Sign Language, as a recognised South African language, is one of the means of meeting the needs of people with hearing disabilities. While the broadcasting of Sign Language interpretation facilitates access to programming by the deaf and hard of hearing it also creates knowledge and understanding of South Africa's substantial deaf and hard of hearing community, and so contributes to nation building.

The SABC progressively expands the amount of programming that is signed, beginning with selected news and current affairs, and events of national importance. Special efforts are being made to provide Sign Language interpretation when programmes are recorded in front of live audiences. Such efforts facilitate participation by people from the deaf and hard of hearing communities in such programmes.

While focusing on providing programming that is signed, the SABC also acknowledges that a holistic approach is needed to address the needs of the deaf community. In this regard, closed captioning may offer a viable solution. The SABC will continue to explore various technology options which may assist in providing a holistic approach in addressing the needs of the deaf community.

In meeting the broadcasting needs of South Africa's community of people with visual disabilities specifically, the SABC undertakes to investigate the use of innovative technologies such as audio-description.

ALLOCATION OF RESOURCES

The SABC acknowledges that it is faced with limited air time and other broadcasting resources. In order to achieve its language broadcasting objectives, the SABC undertakes to achieve fair and equitable allocation of financial and other resources when commissioning and airing programmes in the official languages.

UNIVERSAL SERVICE AND ACCESS

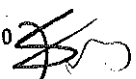
The Broadcasting Act requires that, as circumstances permit, a range of programmes in South Africa's official languages should be extended to all South Africans. The SABC undertakes to pursue this objective with regard to television, through its Universal Service and Access Policy.

RESEARCH

The needs and demographics of our language communities are changing and evolving continually. Since the SABC is committed to serving the broadcasting needs of these communities, it undertakes to research these needs regularly, and to ensure that such research informs its programming and scheduling strategies. The SABC also makes use of research to assess whether the strategies and innovations it implements meet audience expectations adequately.

TECHNOLOGY

The SABC recognises that technology offers innovative means of meeting the challenges of broadcasting in the country's official languages and South African Sign Language. The SABC therefore commits itself to undertaking relevant research into the creative use of technologies to facilitate



implementation of its mandate. Innovative technology research is encouraged in order to keep broadcasting in line with the market.

A handwritten signature in black ink, appearing to be 'SJS', located at the bottom right of the page.

6. UNIVERSAL SERVICE ACCESS

Since there is no definition of Universal Service and Access for broadcasting, this policy includes a definition of Broadcasting Universal Service and Access.

The SABC understands Broadcasting Universal Service and Access to mean:

"Provision of a range of audio and video broadcasting services to citizens throughout the Republic. The services shall include, but are not limited to, radio and television programmes that cater for information, cultural, religious and educational needs and are delivered via the most appropriate technical means available at an affordable price to broadcasters and audiences alike."

AIMS FOR BROADCASTING UNIVERSAL SERVICE AND ACCESS

The SABC's planning for expansion of coverage takes account of relevant demographic data and urbanisation trends.

The SABC also has to consider how to prioritise allocation of resources to extend coverage of the full range of public broadcasting services when, for instance, a huge investment in infrastructure results in reaching only a very few people, or provides a social but not a financial return. In each case, the extent of the proposed coverage, the number of people to be reached by the expansion, the extent of need of those people, the cost of the expansion, the nature of the service to be provided by the expansion, and frequency availability, among other things, will determine the feasibility of investing in transmission extension.

PRINCIPLES FOR ACHIEVING BROADCASTING UNIVERSAL SERVICE AND ACCESS

In achieving these aims, the SABC is guided by the principles set out below.

The SABC together with the relevant partners in the value chain share responsibility for the South African broadcasting system as a whole.

The principle established in national policy, legislation and regulations is that achieving Universal Service and Access is not solely the SABC's responsibility. Policy pronouncements affirmed consistently that Universal Service and Access is the responsibility of the South African broadcasting system as a whole. This includes other categories of broadcasting licensees, such as commercial and community broadcasters, as well as signal distributors. Policy and legislation specifically indicates that the signal distribution sector must provide universal access for all South Africans to broadcast services.

The SABC's responsibility is to define its contribution to Broadcasting Universal Service and Access. It therefore should provide regular reports of its achievements against its stated aims.

The SABC also liaises regularly with other stakeholders who share the responsibility for extending Broadcasting Universal Service and Access. These are primarily Sentech, ICASA, the Department of Communications, the Universal Service Agency of South Africa and Media Development and Diversity Agency.

Achievement of Broadcasting Universal Service and Access is subject to the financial resources available.

Broadcasting legislation recognises that resources to finance provision of the public broadcasting services are limited. The principle established applies to both public service obligations and achievement of Universal Service and Access. For instance, Section 3(4) of the Broadcasting Act of 1999, provides that "the broadcasting system as a whole must provide educational programming, and

where such programming is provided by a dedicated education service, must be extended throughout the Republic within the financial resources". Regarding commercial services, Section 30(d) of the Broadcasting Act of 1999 provides that: "commercial broadcasting services, when viewed collectively, must within a reasonable period of time be extended to all South Africans and provide comprehensive coverage of the areas which they are licensed to serve". Another section of the Broadcasting Act that makes the provision of services conditional on availability of resources is section 3(6), which says: "a range of programming in the Republic's official languages must be extended to all South Africans as circumstances permit".

Likewise, the SABC's approach to achieving Broadcasting Universal Service and Access has to take account of the financial resources available. In this approach, the SABC should strive for economic efficiency while achieving the maximum in terms of service delivery targets. As the SABC migrates from analogue to digital, the financial implications of dual illumination will need to be factored into our planning.

The SABC's approach takes cognisance of the approach to national development set out in the National Development Plan. Therefore aims have been fixed to guide planning and implementation that is co-ordinated to attain economic efficiency while achieving maximum impact on targets of service delivery. In practice, this would mean, for example, that as roll-out of the electricity grid advanced, detailed planning for expansion of TV coverage could be closely co-ordinated to occur as electricity became available.

The interoperability of systems and delivery platforms is the key to achieving Broadcasting Universal Service and Access.

Optimal solutions for expansion of coverage promised by the advent of digital broadcasting, across any of the delivery platforms (satellite, terrestrial or cable), are technically possible and financially feasible only if the networks and operating systems are interoperable.

MONITORING AND IMPLEMENTATION

As the need to achieve Broadcasting Universal Service and Access affects many areas of the SABC, the Board requires management to determine responsibility within the Corporation for driving implementation of this policy.

The Board also requires management to submit an annual action plan for Broadcasting Universal Service and Access, outlining goals and resources required. This would ensure that dynamic changes in the industry did not make plans redundant. It would also allow harnessing of technological developments to assist in attainment of Broadcasting Universal Service and Access. A summary of the previous year's achievements should be attached to this plan, including:

- A report of the SABC's achievements in terms of Broadcasting Universal Service and Access against the stated aims, including reasons for achieving or failing to achieve them;
- A breakdown of the services extended in the previous year, including the increase in population coverage of those services and the cost of the expansion.

Relevant aspects of these reports are included in the Corporation's Annual Report to Parliament.



7. LOCAL CONTENT

As South Africa's public broadcaster, the SABC is firmly committed to supporting the South African music and production industries by airing local television programmes and South African music. The SABC believes that South African music and television content play a key part in reflecting and celebrating our country's diverse people and cultures. Local content on the public broadcaster helps to restore a sense of pride and dignity in local music, performance, film and the arts. This, in turn, assists in furthering important public interest goals such as nation-building and social cohesion.

REQUIREMENTS AND COMMITMENTS

Various regulatory and legislative requirements applicable to the SABC in terms of local content were taken into account in developing this policy. They include those of the Independent Communications Authority of South Africa Act, the Broadcasting Act, and relevant ICASA regulations. Specifically, the SABC is guided by the following:

- The requirement that broadcasting services, viewed collectively, develop and protect national and regional identity, culture and character;
- The obligation of the SABC to take into account the needs of its audiences;
- The requirement that the SABC display South African talent;
- The requirement that the SABC reflect South African attitudes, opinions, ideas, values and artistic creativity;
- The need to support the production of local content by South Africans; particularly by historically disadvantaged people;
- The specific quotas set by ICASA for local television content, independent production and South African music on the SABC's public and commercial services.

In accordance with those obligations, the SABC commits itself to the following:

- To ensure that local television content is a significant and visible part of its schedules, throughout the broadcasting period and in prime time, in line with the quotas prescribed by ICASA;
- To ensure that it commissions a significant amount of its local television content from the independent production industry, in line with the quotas prescribed by ICASA;
- To continue to play a high level and wide variety of South African music across the SABC radio stations, in line with the quotas prescribed by ICASA.

SCOPE OF THE POLICY

The imperative to deliver significant levels of local content has a direct impact on all the SABC radio stations and television channels. These services are bound to comply with the ICASA regulations and licence conditions on local content. This Local Content Policy should be read together with those requirements and applies to all the SABC's radio and television services. It is the responsibility of the licensees — the radio stations and television channels — to comply with local content quotas. These platforms prescribe and agree the proportions of local content with internal suppliers, including the content hub, news, education and sport.



The policy should be considered when the SABC:

- Develops strategic plans and/or Key Performance Indicators for the Corporation;
- Develops business plans and budgets for the Corporation and its services;
- Formulates programme strategies, policies and plans for each station/channel.

TELEVISION

Definition of Local Television Content

Local television content is defined in the Independent Communications Authority of South Africa Act ¹as a television programme (excluding broadcasts of sports events and compilations of them, advertisements, teletext and continuity announcements) that is produced by a South African broadcaster, or by South African people.

DEFINITION OF INDEPENDENT PRODUCTION

Also in the Independent Communications Authority of South Africa Act, an **Independent production** ²is defined as a production of local television content by a person who is not employed directly or indirectly by a broadcaster, or by a person who is not controlled by, or in control of, any broadcasting licensee.

Local Content Quotas

Like all broadcasters, the SABC is bound by the local content and independent production quotas prescribed by ICASA. There are three sets of quotas for television:

- **Global local content quotas** for each television channel. These stipulate that a percentage of the air time between 05:00 and 23:00 should be allocated to local content. The global quotas distinguish between public and commercial television.
- **Genre quotas.** These stipulate that if a television channel carries a certain genre of programming (such as drama), a percentage of that type of programming is to be allocated to local content. The genres are defined in the ICASA regulations and span the following six areas: drama, informal knowledge building, children, education, documentary and current affairs. In each case a minimum percentage is prescribed. These quotas also distinguish between public and commercial television.
- **Independent production quotas.** Here the stipulation is that a percentage of the total amount of local content aired must be allocated to independent television productions. These quotas make no distinction between public and commercial services.

All the quotas are set out in regulations which may be reviewed by ICASA every three years.

¹ ICASA has proposed that all local content definitions be removed from the Act and be published in Regulations

² ICASA has proposed an amendment to this definition to also exclude a person controlled by a controlling shareholder of a broadcasting licensee.



COMPLIANCE WITH QUOTAS

It is the responsibility of each television channel to ensure that they comply with the local content quotas. Scheduling Managers in the channels send their schedules to the Policy and Regulatory Affairs Department monthly. Policy and Regulatory Affairs works with the channels to ensure consistency in the designation and measurement of local content, and adequate forecasting to identify any potential difficulties in meeting the quotas.

Policy and Regulatory Affairs consolidates the information received from channels and compiles it into reports that are submitted to top management. Annual local content compliance figures are published in the Corporation's Annual Report to Parliament.

THE SABC'S APPROACH TO LOCAL CONTENT ON TELEVISION

The following principles underpin the SABC's approach to local content on television:

- The SABC undertakes to broadcast a range of good quality local productions. This means the television portfolio as a whole airs local content in a variety of genres and programme types, targeted at different audiences.
- The SABC is eager to support development of television content on the African content and, if possible, will endeavour to showcase such material.
- The SABC recognises that it is the industry's biggest investor in skills development. Aligned to its investment in local content is a commitment to investing in empowerment and skills development processes that benefit the industry at large.
- The SABC strives to engage more fruitfully with partner organisations in the film and television industry in order to support development and transformation of the local production industry.

RADIO

DEFINITION OF SOUTH AFRICAN MUSIC

South African music is defined in the Independent Communications Authority of South Africa Act. In order to qualify as South African music, a musical work must adhere to the following criteria:

- The lyrics are written by a South African citizen;
- The music is composed by a South African citizen;
- The music and/or lyrics are performed principally by musicians who are South African citizens;
- The musical work is a live performance recorded wholly in South Africa, or performed wholly in South Africa, and broadcast live in South Africa.

QUOTAS FOR SOUTH AFRICAN MUSIC

The SABC's music stations are bound to comply with the South African music quotas prescribed by ICASA. These quotas stipulate that a percentage of the tracks played between 05:00 and 23:00 are to be South African. A distinction is made between public service and commercial radio. The quotas are reviewed by ICASA every three years.

COMPLIANCE WITH QUOTAS



It is the responsibility of each radio station to ensure that they comply with the local content quotas applicable to them. They are assisted by the SABC's Policy and Regulatory Affairs department in reporting their compliance to ICASA. Monthly compliance reports are made to top management, and annual figures are published in the Corporation's Annual Report to Parliament.

THE SABC'S APPROACH TO SOUTH AFRICAN MUSIC ON RADIO

The following principles underpin the SABC's support for South African music:

- ICASA makes a distinction between the level of local content expected from public service stations and from commercial stations, and has set a higher quota for public service stations.
- With 18 radio stations broadcasting in all the official languages, and in a range of formats, SABC radio stations are uniquely placed to showcase the wide range of musical expression in South Africa.
- Whereas the allocation of air time to South African music will always be the primary means of supporting local music, the SABC believes there are a number of other equally effective interventions that SABC radio stations are able to make in support of local music. SABC radio publicises local musicians through interviews, reviews and promotions.
- One of the greatest challenges facing SABC radio stations is to provide sufficient good quality local material in all music formats. This continues to have a direct effect on the stations' ability to meet their quotas. Towards addressing this concern, the SABC works with relevant forums such as the South African Music Forum convened by ICASA. The SABC hopes that through this work the broadcasting and music industries will be able to develop strategies jointly to address the issues of supply in South African music;
- The SABC strives to support the development of music on the African continent, and where possible will showcase such music.

MONITORING AND IMPLEMENTATION

The Board requires management to submit an annual local content action plan that identifies future goals arising from this policy. A summary of achievements of the previous year is to be attached to the local content action plan in order to facilitate a review of the achievements, opportunities and challenges.



8. RELIGIOUS BROADCASTING

South Africa is a multicultural and multiple faith society that is united by a common humanity and moral order. Within its diversity there are human values that call for the promotion of social harmony, national healing, reconciliation, social reconstruction and nation building.

Most South Africans acknowledge the Divine, which is expressed through a variety of religious beliefs and practices, and religious institutions. The SABC has an obligation to provide religious programmes and to broadcast religious material in a manner that is unbiased and representative of South Africa's religious plurality. In so doing, the SABC seeks to promote mutual respect for religious beliefs among the country's different religious groups.

In its religious programming, the SABC seeks to ensure that the distinctive identities of the religious traditions are broadcast in a way that facilitates the religious and moral objectives of justice, social harmony and the common good. Religious programming should play a meaningful part in the moral regeneration of South Africa.

Religious broadcasting should be undertaken in accordance with values that include:

- Sensitivity to the diverse nature of South African society and the need for justice, healing and reconciliation;
- Compassion and concern for human dignity and for all life, including the earth;
- Common South African good;
- Integrity, transparency and trust in all relationships;
- Commitment to the independence and autonomy of the SABC, within the parameters of its accountability to the South African public.

NATURE AND CONTENT OF RELIGIOUS PROGRAMMES

The following principles underpin the SABC's approach to religious programming:

- In achieving its religious programming mandate, the SABC provides both faith specific and multi-faith programmes. Faith specific programmes should give the major religious groups the scope to celebrate their life of faith and understanding of the Divine fully and without censure. Multi-faith programmes are in addition to faith specific programmes and should promote religious dialogue, respect and understanding among all the religious groupings in South Africa. The vehicles for delivery of religious programmes are the radio stations and TV channels in the SABC's public broadcasting portfolio.
- Whereas religious broadcasts have necessarily to comply with the SABC's Policy on Programming, the SABC takes particular care to ensure that in such programmes there is sensitivity to the beliefs of others, and that no religion is either attacked or undermined in such programmes.
- Religious broadcasting may not be used to request money from audiences, nor to support any programme of a political or ideological nature. Permission for fundraising, whether for emergency relief and/or social welfare, or for religious causes, should be obtained from the SABC before the broadcast.
- The theological content of meditational and worship programmes is at the discretion of the presenter, as a member of a particular religious organisation, but should comply with the Policy on Religious Broadcasting and other relevant SABC policies.



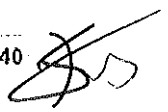
- The format of religious programmes and the choice of presenters should meet the technical, creative and professional criteria required by the SABC.
- The SABC provides religious programmes in a variety of formats including documentaries, magazines and actuality programmes. The aim of these is to encourage religious comment on matters of national concern, and to introduce people to faiths practised in South Africa and, where appropriate, elsewhere.
- The SABC sources religious programmes through its standard content procurement procedures including commissioning, licensing and /or content that may be acquired at no cost to the Corporation or the supplier.
- Religious broadcasting should strive to be contextual and relevant, and to reflect our African reality. Towards further correction of the neglect of African culture in the public media, special attention is given to African Religion and traditional cultures.
- Religious programmes should take account of regional factors, target audiences, language and cultural preferences, and the devotional needs of specific groups.

PAID BROADCASTING

In addition to its normal provision of religious programmes, the SABC may make air time available for purchasing by religious groups for broadcasting of religious material. The sale of such air time would be negotiated on a commercial basis and be guided by the following:

- The sale of air time to religious groups may in no way detract from the SABC's mandate to provide religious programming.
- The sale of air time to particular religious groups should be consistent with the time allocated to those groups, as determined every three years. Within this, the SABC shall also ensure that there is a fair representation of various denominations in religious groups.
- Religious material broadcast in slots that have been sold to religious groups is always to be consistent with the SABC's Policy on Religious Broadcasting and all the other relevant policies. The SABC reserves the right to accept or reject an offer to purchase air time based on the material proposed.
- In considering offers to purchase air time, the SABC gives preference to good quality local material.
- Profits from the sale of air time to religious groups should be directed to the funding of religious programmes.
- Scheduling of such air time is the prerogative of the SABC.
- Sponsorship, fundraising, advertising and commercial branding in air time sold to religious groups are governed by the rules of SABC Commercial Enterprises.
- Operational Guidelines to guide transactions on air time sales are available on request.
- These programmes will also have to meet the editorial standards directed by the SABC.

MONITORING AND IMPLEMENTATION



The Board requires management to submit an annual religious broadcasting action plan that identifies future goals arising from this policy. A summary of achievements from the previous year is to be attached in order to facilitate a review of the achievements, opportunities and challenges.



9. EDUCATION

The SABC is required by legislation to inform, educate and entertain viewers and listeners. The broadcasting of educational programmes is therefore essential to the implementation of its public service mandate.

The SABC recognises that to right the wrongs inflicted by decades of apartheid education on the knowledge, literacy and skills profile of South Africa requires the collective contribution of all educational authorities, institutions and individuals. The SABC recognises that through broadcasting, it can make a unique contribution to this national project. Complementary to what is offered by schools, colleges, higher education institutions and work place training, radio and television can make the most significant contribution to learning.

The SABC also acknowledges that an informed and educated citizenry is fundamental to the sustained development of South Africa. Through its educational programmes it is well placed to advance national goals of equality, dignity and an inclusive society and works towards these ends.

In fulfilling its educational mandate, the SABC is guided by the constitutionally enshrined right of all South Africans to receive education — in the official languages of their choice, where reasonably practicable. The SABC also aims to attain the goals set in the Independent Communications Authority of South Africa Act and the Broadcasting Act, and the relevant policies and regulations. In particular, the SABC takes into account the requirement of the Broadcasting Act that the SABC's public broadcasting services should:

"include significant amounts of educational programming, both curriculum-based and informal educative topics from a wide range of social, political and economic issues, including, but not limited to, human rights, health, early childhood development, agriculture, culture, justice and commerce and contributing to a shared South African consciousness and identity".

This Policy on Educational Broadcasting sets the framework within which the SABC implements this mandate and responds to the national literacy and skills development challenge.

OBJECTIVES

The SABC commits itself to:

- provide innovative educational programmes of excellent quality across our radio and television services, aimed at meeting the diverse formal and informal learning needs of all our audiences, including children, youth and adults. These include:
 - Programmes that support the curriculum-based activities of the education and training sectors and cover a wide range of subjects and fields;
 - Programmes that promote public education on rural development and urban renewal, human resources development, citizens' rights and responsibilities, healthy living, innovative solutions to personal, family and community challenges, national identity, culture and heritage;
- ensure that the radio and television services in the SABC's public broadcasting portfolio devote adequate air time to educational programmes, and schedule them at times that are appropriate for the target audiences;
- ensure that the radio and television services in the commercial portfolio support a culture of lifelong learning through informal knowledge-building initiatives that are relevant to their format and target audience;

- provide educational programmes in various of the official languages and, in selected genres, Sign Language, taking into account the language needs of each target audience;
- broadcast a significant amount of locally produced educational programming, recognising that such programmes are often best for meeting the educational needs for South Africans. However, the SABC also recognises that it is important to expand audiences' knowledge of the African continent and the rest of the world, and accordingly will ensure that internationally acquired programmes satisfy these goals;
- enhance the effectiveness of educational programmes by implementing a coherent education methodology that incorporates multimedia strategies such as the use of print, the Internet, satellite, fixed and mobile telephone networks and SMS;
- supplement educational methodologies through outreach programmes, where appropriate, in the form of training and support for users of materials aimed at deepening the educational impact of the content;
- ensure that sufficient resources are apportioned for implementing the educational mandate. To this end the SABC secures financial and other resources from a variety of sources, including the government and licence fees, private and international donors, advertising and sponsorship, co-productions and related programme partnerships with a range of national, continental and international institutions.

KEY PRINCIPLES

The following guidelines enable the SABC to:

- ensure that educational broadcasting is relevant and appealing to targeted audiences and with sensitivity reflects the diverse experiences and needs of all South Africans;
- ensures that its educational programmes address imbalances in the historical provision of education, especially, but not exclusively, those based on race, gender and disability;
- The SABC links its educational broadcasting to national priorities and needs, supporting the achievement of outcomes-based education, lifelong learning, and the association of educational and life experiences;
- The SABC builds strategic partnerships that enable it to provide an effective educational broadcasting intervention.

SCOPE OF THE POLICY

The SABC radio stations and channels are required to comply with any legislation, regulations and licence conditions that are relevant to educational programmes. The Policy on Educational Broadcasting is also to be read together with the other relevant editorial policies including the Programming Policy, the Language Broadcasting Policy, and the Universal Service and Access Policy.

This Policy on Educational Broadcasting is considered when the SABC:

- Develops strategic plans and budgets for the Corporation to meet its educational mandate;
- Produces or commissions educational programmes or multimedia content;
- Develops schedules for channels and stations;

- Procures international educational material.

Every independent producer and consultant contracted to produce educational material for the SABC should be made aware of this policy.

GUIDELINES FOR IMPLEMENTATION

- The SABC ensures that its services, in combination, air a significant amount of educational programming that complies with the objectives outlined in this policy;
- At least one of the SABC's television channels screens programmes specifically in support of the primary and secondary school curricula. This is supplemented by programmes on public broadcasting radio stations;
- The SABC ensures that educational programmes are scheduled at times that are suitable for the target audiences;
- All the educational programmes have clear goals. Such goals and expected outcomes are established before the production, commissioning or acquisition of any educational programme;
- The SABC's educational broadcasting business unit, together with the commissioning editors and executive producers responsible, is tasked with ensuring that these outcomes are achieved through creative and innovative programming.

PROGRAMMING GUIDELINES

- Educational programmes should conform to the highest broadcasting standards. They should utilise a wide range of programme formats designed to ensure that the aim of the programme is achieved creatively and is appropriate to the subject matter and target audience;
- Educational programmes should utilise innovative technologies and techniques (including dubbing, multilingual programming and subtitling) in order to increase the effectiveness and comprehensibility of programmes in different language communities;
- All the educational programmes should be challenging and informative, aim to promote a culture of learning and teaching, and support the drive for life-long learning. The basic tenet of all the educational programmes is to seek to impart knowledge and problem-solving skills, promote critical thinking and, when necessary, assist in changing attitudes and behaviour;
- Educational programmes should relate to the personal circumstances of the viewers and listeners, and seek to impart the knowledge and skills that would help them to change their circumstances for the better;
- Educational programming should, if appropriate, assist in fostering a harmonious relationship between South Africans and the environment, and promote sustainable development;
- Educational programmes comply with all the SABC editorial policies, including those on portrayal and stereotyping of people, violence, and the classification and scheduling of programmes. Educational programmes should seek not only to avoid stereotypes based, for example, on race, ethnicity and disability, but to challenge proactively any stereotype or bias, and so assist in changing attitudes;

- Educational programming should utilise a range of subject experts and interviewees, who, for example, are of different races, genders and physical abilities, and hold differing views, in order to reflect our diverse society.

ADVERTISING IN RELATION TO EDUCATIONAL PROGRAMMES

The SABC will use every possible source of funding to meet its obligations in terms of this policy, including commercial sponsorship, subject to the following:

- When a programme is required to be presented - wholly, or in part - in a setting that simulates a place of business (for example, a supermarket), care should be taken in designing the setting, and the props used, to reduce identification with particular companies or proprietors;
- Programmes or programme material produced externally, or in created settings, may not be used to carry indirect commercial advertising;
- Care should be taken to avoid the exposure of advertising signs or other commercial identification in programme content. Where this is impossible, it is the responsibility of the producer, or the director, or both, to play down as much as possible such extraneous commercial exposure.

EDUCATIONAL MANDATE AREAS

Arising from the Broadcasting Act, the following educational thematic areas have been identified:

- Early Childhood Development;
- Children at Home;
- Formal Education;
- Youth Development;
- Adult and Human Resources Development;
- Public Education.

EARLY CHILDHOOD DEVELOPMENT

Programmes for early childhood development are aimed at supporting the holistic development of young children (from 0 - 7). The SABC recognises that as relatively few South African children have access to any structured early childhood education, these programmes assist in preparing young children "to be ready to learn". Educational programming also supports the implementation of the national Grade R (Reception Year) curriculum. Moreover, this programming will equip caregivers with the knowledge and skills to facilitate and support the growth and development of young children.

Early childhood development programmes should meet the following standards:

- Be entertaining and actively engaging the audience;
- Develop children's self-esteem;
- Enhance listeners' and viewers' imagination;
- Reflect the personal experiences and cultures of the audience;

- Affirm children's sense of self and place;
- Take account of language needs and the needs of learners with disabilities;
- Be focused primarily on health, nutrition and safety.

CHILDREN AT HOME

Educational programming for children at home is aimed at children of school going age who are not at school, and seeks to create the space for children to engage and express their thoughts and opinions on issues that affect them.

Educational programming for children at home is required to meet the following standards:

- Be entertaining, enabling children to learn, have fun and interact with others;
- Take account of language needs and the needs of learners with disabilities;
- Promote healthy living, social awareness, self-esteem and an understanding of human rights;
- Be focused primarily on science, technology, mathematics, economics and communication.

FORMAL EDUCATION

Formal educational programmes affirm and support the development of Foundation Phase learners and Intermediate Phase learners.

Formal education programming is required to meet the following standards:

- It should support the implementation of the national school curriculum by providing resources of excellent quality developed specifically to assist both teachers and learners to achieve national set goals and outcomes.

EDUCATIONAL BROADCASTING

- It should enhance learning in all the learning areas of the curriculum: literacy, numeracy and life skills (Foundation Phase), languages, mathematics, social sciences, arts and culture, life orientation, natural sciences and technology (Intermediate Phase);
- Educational programming should also take account of learners' language needs, including the language needs of people with disabilities, in this case, deaf learners.

YOUTH DEVELOPMENT

Youth development programmes are aimed at promoting a culture of life-long learning among young people, both at and after school.

Youth programming is required to meet the following standards:

- It should aim to develop self-esteem among listeners and viewers and provide a platform for expression;
- It should contextualise young people's realities, fears, concerns and needs;



- It should showcase youth solving problems, thinking critically, acting independently, developing creatively — intellectually, socially, cognitively and emotionally —and addressing, overcoming and transforming their future;
- It should create an awareness of the rights and responsibilities of all citizens, including the youth, as contained in the Bill of Rights of the Constitution.

ADULT AND HUMAN RESOURCES DEVELOPMENT

Adult and human resources development programmes affirm the concept of life-long learning, and support development of the skills and knowledge needed for survival in a competitive and ever-evolving world. Programmes are aimed at meeting the formal and informal skills development needs of both the employed and the unemployed, and support South Africans in their occupational endeavours. Programmes include adult literacy, skills development, educator development and entrepreneurial skills development.

PUBLIC EDUCATION

Public educational programmes are aimed at offering the information, knowledge and skills South Africans need for effective participation and interaction in society. They promote the drive for life-long learning, and foster tolerance and understanding of one another and all our cultures.

Such programmes enable people to take informed decisions, encourage critical thinking, and impart problem solving skills.

RESEARCH

The SABC evaluates the impact of its programmes continuously. Research is done to assess audience needs and to evaluate the effectiveness of the programmes. This includes audience research (e.g. to establish people's needs) and formative and summative research which enables understanding of the contribution of programming to audiences development.

MONITORING AND IMPLEMENTATION

The SABC executive management submits to the Board an annual action plan that identifies educational priorities for each of the educational mandate areas (outlined above). When necessary, these strategies are drafted in consultation with stakeholders. Implementation of these strategic plans is evaluated annually.

REVIEW

This policy is reviewed by the SABC Board every five years.

"STP4"



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Attention: Mr Graham Welch
General Manager for Editorial Policy, SABC

Email: editorial@sabc.co.za

24 January 2014

Dear Mr Welch,

RE: Written Representations by the SOS Coalition on the SABC Editorial Policy Review.

1. Introduction

- 1.1 The SABC's editorial policies were developed in terms of the Broadcasting Amendment Act, 2003. The policies came into effect on 1 April 2004.
- 1.2 The policies are meant to ensure compliance with the SABC's license conditions and the Broadcasting Act's objectives.
- 1.3 The policies contain the following: the SABC's mandate, powers, functions, rights and obligations in terms of editorial issues; a programming policy; news and current affairs and information programming policy; language policy; universal service and access policy; local content policy; religious policy and education policy.
- 1.4 The Broadcasting Act requires public participation in the development of these policies. The SABC released draft editorial policies for public comment in April 2003 and adopted these in April 2004. The Corporation embarked on a significant public process, convening provincial meetings. There was a huge response to the process – 920 written submissions were received

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(Lloyd et al, 2010). The SABC thus has an excellent track record re: running participatory public policy processes.

- 1.5 The editorial policies were due to be reviewed every five years but due to management and Board problems at the SABC the process was only initiated in 2013.
- 1.6 The SOS: Support Public Broadcasting Coalition welcomes the opportunity to comment on the 2004 editorial policies.
- 1.7 Further, the Coalition wishes to extend its comments to the editorial review process itself.
- 1.8 SOS encourages all its individual members to comment on the policies and on the process.
- 1.9 The SOS Coalition represents a broad spectrum of civil society stakeholders including a number of trade union federations including COSATU and FEDUSA, a number of independent unions including BEMAWU and MWASA; independent film and TV production sector organisations including the South African Screen Federation (SASFED); a host of NGOs and CBOs including the Freedom of Expression Institute (FXI) and Media Monitoring Africa (MMA), and a number of academics and freedom of expression activists.
- 1.10 The SOS Coalition envisages a public broadcaster that strengthens the goals of the South African Constitution, especially the Bill of Rights, including socio-economic rights. The Coalition campaigns for an SABC with institutional autonomy that is independent of commercial, government and party-political interests. The Coalition campaigns for SABC programming to be under-pinned by the principles of credibility, reliability, variety and balance and further for programming to be challenging, mind-changing and informative. In addition, the Coalition campaigns for the full range of South African opinions including in particular those views traditionally marginalised by the commercial media to be reflected. Finally, the Coalition campaigns for the SABC to lead the broadcasting sector on African language and local content programming. Please see SOS vision document linked

2. Overall comments

- 2.1 The Coalition welcomes the editorial policy review process. However, SOS believes that the process could be significantly strengthened to ensure greater participation. SOS shares its recommendations in this regard.
- 2.2 Overall the Coalition believes that the present editorial policies, 2004 are thorough, comprehensive and in line with international good practice. However, the SOS Coalition believes that there have been significant compliance problems. SOS shares its recommendations in this regard.



- 2.3 Although in general the SOS Coalition supports the overall principles under-pinning the 2004 Editorial Policies, the Coalition makes suggestions to deepen the definitions of balance, diversity and pluralism.
- 2.4 In 2013 SABC management put a proposal on the table calling for "70% good news". SOS shares its concerns as regards this proposal and puts forward a counter-proposal.
- 2.5 The Coalition comments on issues of lines of editorial accountability including the role of the editor-in-chief and the principle of "upward referral" of editorial decisions in the Editorial Policies.
- 2.6 The Coalition comments on the need to ensure that programming briefs are not overly restrictive
- 2.7 The Coalition comments broadly on funding issues including the need for sufficient funding for programming and commercial issues related to the Editorial Policies such as payment for broadcasts and advertiser-funded programming.
- 2.8 Further, due to significant broadcasting technology and broader policy developments certain sections of the policies are now outdated. The SOS Coalition points out where these policies need updating.

3. Editorial Review Process

- 3.1 The SOS Coalition believes that the SABC has demonstrated its capacity to run successful participatory processes. This is evidenced in its previous editorial review process as discussed above. The Coalition commends present SABC staff for their commitment. However, the Coalition believes that the process could be significantly strengthened. The Coalition realises this is very late in the day but still proposes the following:
- 3.1.1 That a thorough internal review process is conducted with Journalists and editorial staff in terms of the challenges they have experienced in implementation of the Editorial Policies since 2004 and that this internal review process is made public.
- 3.1.2 That the SABC makes public the research it has conducted in terms of the review process.
- 3.1.3 That in terms of this research, internal review etc. the SABC draft a set of questions that is then distributed with the editorial policies to assist and direct the public with their submissions.
- 3.1.4 That the SABC drafts a summary version of the editorial policies.
- 3.1.5 That the editorial policies, summary document and questions are translated into a number of SA languages.



- 3.1.6 That the SABC uses its multiple platforms including radio, TV channels and websites to inform the public about the policy review and to encourage citizens to participate in the process.
- 3.1.7 That the SABC ensures that the policies are discussed on their various talkshows.
- 3.1.8 That the SABC ensures maximum transparency as regards the review process by uploading all research related to the review and all public submissions onto the SABC website and by explaining its decision-making processes every step of the way.

4. Lack of compliance

- 4.1 From discussions with SABC journalists, a number of controversies that have erupted in the media (including the banning of the "Big Debate" TV series in 2013) and evidence from programming itself, the Coalition believes that the SABC's editorial policies are frequently not applied. The Coalition believes that this lack of compliance, in the main, is not a technical issue but in fact an issue of political will. The Coalition is worried that a culture of secrecy and censorship has started to tighten its grip at the SABC. This culture of secrecy must be fought and dismantled. To begin to reverse this culture of secrecy, fear and censorship we believe that a one day multi-stakeholder summit should be urgently convened including SABC journalists; senior editorial staff and leadership; ICASA councillors and relevant staff; Members of Parliament; civil society, labour and business stakeholders; and journalists from international public broadcasters. This should be held at the beginning of 2014 before the elections. The summit should be action and recommendation focused.
- 4.2 The Coalition notes that certain of the editorial policies (e.g. the language policy) include a special compliance section that calls for the SABC to produce action plans and reports on progress made. Further, the editorial policies call for progress reports to be captured in the SABC's annual report. We commend the SABC re: including these compliance sections. However, we believe that it is essential that each of the editorial policies include these sections and that progress on all policies is included in the annual report. We believe that a standard reporting format needs to be adopted re: these policies so that progress can be monitored over time.

5. Principles underpinning the editorial policies of the SABC

- 5.1 As mentioned above the SOS Coalition supports the following editorial principles – credibility, reliability, variety, balance and diversity of views including in particular those views traditionally

marginalised by the mainstream commercial media. SOS believes that the SABC must lead the broadcasting sector on local content and African language programming.

5.2 SOS believes that in the main the SABC's present editorial policies reflect these core editorial values.

5.3 However, the Coalition believes that these principles could be further strengthened. The Coalition calls for the "core editorial value" of "Independence" to be strengthened to refer directly to the fact that the SABC should be independent of all vested interests including government and commercial interests.¹

5.4 The Coalition believes that the "core editorial value" of "diversity" should be extended to include the phrase and "diversity of views" to ensure that the public broadcaster includes a genuine diversity of views and perspectives not just a plurality of similar views albeit from different individuals and groupings.²

5.5 In terms of the SABC's "editorial code" – the Coalition believes that the principle of "balance" must be extended to include a "diversity of views". The Coalition believes that a simple "balance of views" will not sufficiently allow the broadcaster to explore all aspects of topics chosen for discussion.³

6. "Good news" versus "public-orientated and user generated news"

6.1 The SOS Coalition wishes to take issue with SABC management calls for the SABC to cover "70% good news". The Coalition is extremely worried that this directive could be used as a propaganda tool to uncritically "showcase" the work of government (also major corporates or other bodies that wield public power). Further, the Coalition notes the ambiguity of the concept of "good" news – it depends on an individual's position in society as to whether a story is "good" or "bad" news. For instance a low salary increase for workers is potentially a good news story for bosses but a very bad news story for workers. In addition the Coalition believes that quotas for "good news" don't make sense - news is driven by events that unfold in the world around us. Even if good news could be defined, it is impossible to determine upfront in the wake for instance of a natural or man-made disaster that the broadcasters should broadcast "70% good news". However, the Coalition does note that around the world there have been trends to ensure that news is more public / audience focused and that news is orientated to assist the public to get involved and to take action (Lee-Hunter, 2011). The Coalition believes that including this

¹ "Core editorial values" are captured on page 3 of the Editorial Policies.

² Refer to page 3 of the Editorial Policies.

³ Refer to page 4 "Editorial Code" of the Editorial Policies.

orientation could be helpful and potentially empowering. In light of the above, the Coalition believes that the issue of "good news" could potentially be turned on its head. The Coalition calls on the SABC to rather ensure a much stronger "public-emphasis" by ensuring more "user generated content" and content focusing on user / public / audience perspectives.

- 6.1.1 In terms of a user-generated content - the Coalition notes that the Thai public broadcaster for instance has pursued user-generated content with much success in its news broadcasts. All news broadcasts include an insert generated by members of the public themselves. Users are given training and further an annual award is given to the best user insert.
- 6.1.2 In terms of a public/ audience focus – the Coalition believes that the SABC should generate - in partnership with civil society, social movements, labour and business organisations - new lists of alternative sources to be used in addition to their present sources. The Coalition believes that the role of the SABC as our public broadcaster is to ensure a greater diversity of views particularly from individuals and groupings that are presently marginalised in the media including the unemployed, the youth, children, the elderly, the rural poor, LGBT groupings and so forth.
- 6.1.3 The SABC should explore options of ensuring more user-generated content is broadcast.
- 6.1.4 The editorial policies should focus on the importance of this "public", "audience driven", "citizen-orientated" content perspective.

7. Suitable lines of editorial accountability and protocols

- 7.1 The present SABC editorial policies call for the Chief Executive Officer of the SABC to play the role of editor-in-chief. Coalition members have debated this issue in-depth. The Coalition notes the perspective that it is not appropriate for the CEO to play this role because s/he is involved in the business side / overall sustainability of the Corporation and that this could have an adverse effect on the editorial policies of the SABC. One of the suggestions thus put forward was that the appropriate person to play the role of editor-in-chief was the head-of-news. The argument against this however was that the SABC's editorial policies do not include only news and current affairs programming but also other programming including drama, soaps, sport etc. Given this issue the Coalition believes that a new group-executive position should be created to oversee the editorial direction and policies of the SABC. The role of this position must be clearly defined.
- 7.2 The Coalition believes strongly that the role of Chief Operating Officer should be clearly defined in terms of its emphasis on operations. The Chief Operating Officer should thus play no role in editorial decisions.



7.3 The Coalition notes the controversies around the SABC's editorial policy of "upward referral". Present editorial policies state that individual producers and commissioning editors have editorial control but that if difficulties arise they should "consult" their direct supervisor. This process of upward referral can extend as far as the CEO. The Coalition notes serious problems with these policies given the fact that the CEO is effectively (through the SABC's Articles of Association) appointed by the Minister of Communications. This undermines the independence of the SABC. The Coalition believes – although this is not a matter for the Editorial Policies – that the Articles of Association should be amended to ensure that the Minister has no role to play in the appointment of SABC executives, this should be the sole prerogative of the SABC Board. In light of the present arrangement the Coalition's suggestion for a new editorial post to be created, is all the more critical.

8. Programming briefs

8.1 The Coalition notes that the SABC's editorial control in crafting programming briefs has become too restrictive. The Coalition believes that although the SABC needs to set clear goals for each channel, it needs to ensure greater room for creativity and for alternative programme production at the level of programming briefs.

9. Funding Issues including ensuring sufficient funding for programming and commercial/ donor influences on the SABC including paid for broadcasts and advertiser funded programming

9.1 The Coalition notes the problems that have arisen at the SABC due to the Corporation's commercial funding model. The SABC relies on approximately 80% advertising. Further, the Coalition notes problems with the division of the SABC into a public and public commercial division to ensure cross-subsidisation of public TV and radio. The Coalition notes the fact that (Ironically) the public division makes more money than the commercial division, ultimately undermining this cross-subsidisation model. A key outcome of this policy has been the intense commercialisation of all SABC programming both public and public commercial.

9.1.1 Further, the Coalition notes the major financial problems the SABC has experienced over the last few years including a significant financial crisis in its 2008/9 financial year. As a result the SABC was forced to rely on a government guarantee of R1.47bn to allow the Corporation to borrow from commercial banks. However, the SABC was forced to pay back these loans - obviously with interest. SABC programming budgets have been placed under significant



pressure due to this crisis and have forced producers to produce programming on a shoe-string with obvious impact on the quality of programming.

9.1.2 Although the Coalition realises that this is not the focus of this submission, it is critical to note that SOS has called on the Department of Communications to urgently resolve (in consultation with civil society and other key stakeholder groupings) the issue of the SABC's funding model and to craft a new funding model for the SABC as part of its major ICT policy review process. Please note the SOS's proposals for a new funding model contained within the Coalition's vision document. The Coalition believes strongly that the SABC should receive a certain percentage of public funds to pursue its public mandate.

9.2 Ultimately the Coalition believes that particularly advertiser but also donor-funded programming potentially undermines the SABC's editorial independence and should be scrapped. However, this policy should be progressively realised once other sources of funding – particularly public funds – have been secured.

9.3 The Coalition notes that present advertiser and donor-funded programming should strictly adhere to the SABC's editorial policies.

9.4 The Coalition notes the anomaly in the religious broadcasting section - the Editorial Policies speak to the issue of paid-for religious broadcasts. The Coalition believes that ideally, (wealthy) religious groupings should not be allowed to pay for programming. However, the Coalition notes that in present circumstances (given financial constraints) this kind of programming may continue to exist. In these circumstances this programming must strictly adhere to the SABC's editorial policies.

10. The influence of DTT and other digital technologies on the editorial policies

10.1 The Coalition believes that there are a number of sections in the editorial policies that will potentially be rendered obsolete if the SABC acquires further television channel capacity. The Coalition thus calls for the updating of the language, religious and education policies to reflect this increased capacity - but only as and when channels come on line. The Coalition thus believes that the policies need to reflect the present constrained reality but also reflect on the possibilities of increased capacity. Increased channel capacity will potentially allow for greater coverage of all languages including minority languages and greater coverage of (marginalised) religious, education and sport issues etc.

10.2 The Coalition believes that the editorial policies also need to reflect more on the issues of multi-screen and "360 degree programming" i.e. programming that is delivered on traditional

radio and TV channels but also as part of video on demand services and on websites, twitter and facebook pages. More and more the SABC should be delivering its content across these platforms. The implications of these new kinds of delivery of content on editorial issues need to be included in the policies. As a starting point the SABC needs to share its digital plans.

11. Conclusion

11.1 The Coalition thanks the SABC for the opportunity to comment on these policies.

12. References

Lloyd, L., Duncan, J., Minnie, J. & Bussiek, H. (2010) *South Africa: Public Broadcasting In Africa Series*, Open Society Initiative for Southern Africa: Rosebank

Lee-Hunter, M. (2011) *Mapping Digital Media: Digital Media and Investigative Reporting*, Reference Series No. 2.

Kind Regards,

Sekoetlane Phamodi
Coordinator (Acting)
SOS: Support Public Broadcasting Coalition



"STP5"

Editorial Policy Review

About The Policies

Foreword

The SABC is reviewing the corporation's current Editorial Policies. Audiences and staff are two of the SABC's primary stakeholders and this booklet has been compiled in order to facilitate their participation in the process. The booklet provides an overview of the current Editorial Policies in a Question-and-Answer format as well as identifying some of the discussion points for the review process. These discussion points are not intended to restrict debate and contributions on all elements of the policies are welcomed. The full editorial policies are available at the SABC website, sabc.co.za, or from any SABC office.

Introduction

Q: Why does the SABC have Editorial Policies?

The SABC is required in terms of Section 6(5) of the Broadcasting Act (as amended), to develop policies that are intended to ensure compliance with the ICASA Code of Conduct, the Corporation's license conditions, and the Provisions of the Act. These policies are required to include a news editorial policy, and policies on programming, local content, education, universal service and access, language, and religion.

Q: What is the purpose of the Editorial Policies?

The policies are intended to help the editorial staff negotiate difficult editorial issues and decisions so that distinctive and compelling – and sometimes controversial – programmes can be made, while maintaining the highest ethical and editorial standards. Essentially the policies provide the framework within which SABC staff take decisions about the content that is carried on our platforms.

Q: Do the policies apply only to radio and television services?

No, the policies relate to all the SABC's content, and to services for both national and international audiences. They apply to all the services, irrespective of whether they are carried on radio or television, online, by short message service (SMS) or mobile phone, produced by an SABC department or an independent company.

Q: What do Editorial Policies deal with and why?

The Broadcast Act of 1999 (as amended) requires the SABC to develop the following:

- i. News editorial policy
- ii. Programming policy
- iii. Local Content policy
- iv. Educational policy
- v. Universal service and access policy
- vi. Language policy and
- vii. Religious policy

The SABC chose to include all the above in the current Editorial Policies. Additionally, there is also a section which describes the Mandate of the Corporation, which includes the Core Editorial Values of the SABC, an Editorial Code and Editorial Upward referral.

In addition, the editorial policies mandated areas to develop policies that dealt with specific issues as they arose, in this context News & Current Affairs developed the following additional policies that have been approved by Board of the SABC:

- Policy guidelines on the use of commentators and analysts
- Policy on the coverage of state funerals
- Policy on equitable coverage during national elections

Q: Why is SABC reviewing the Editorial Policies?

The Editorial Policies state the policies should be reviewed at regular intervals. In addition, since the Editorial Policies were initially introduced in 2004, the broadcast environment has undergone some fundamental changes which impacts on the way in which content decisions are made – this has implications for the editorial policies and

the review needs to ensure that the Editorial Policies reflect these developments, while still providing an enabling environment for staff to meet the Public Broadcast mandate.

Q: How is the review being conducted?

The original policies were the outcome of months of consultation; this review will follow the same process – with extensive engagements with both SABC staff and members of the public. Public hearings will be conducted in each of the provinces and our audiences will also have the opportunity to participate through programmes on radio, television and using interactive media, such as facebook and the SABC website.

The SABC's experience with the current editorial policies will also inform the review as will learnings from other public broadcasters, most of which have Editorial Policies or Guidelines in place.

Review: Some general issues

Implementation:

During the initial phase of the review, concerns were raised regarding the on-going implementation of the Editorial Policies within the SABC. In this context, is it necessary to include specific clauses within the editorial policies to ensure that they are adhered to and properly implemented across the enterprise?

Commercial funding/Public Broadcasting contradiction:

Almost uniquely for a public broadcaster, the SABC derives the majority of its income from the commercial sphere – specifically traditional advertising activities. This means that the SABC is subject to many singular challenges to its ability to deliver on a public broadcasting mandate and many of these challenges impact directly on the editorial decision-making process. The Editorial Policies are relatively silent in terms of managing the contradictions that can arise as a result of serving both a commercial and public mandate – are there ways in which the policies can do this?



Technological developments:

The most significant audience-facing technological developments, in terms of editorial policies, are:

- The rise (and continuing growth) of social media.
- The imminent transition from an analogue broadcast transmission network to a digital transmission network. Blogs, micro blogs, content communities and social networks are the social media that are of most concern for the Editorial Policies and within that, there are four areas that require attention in terms of the Editorial

Review:

- The use of social media sites as information sources, particularly in a news environment.

This is an issue that can be explored more in the News & Current Affairs Section of the Editorial Policies

- The use of social media networks by SABC staff in their personal capacity. A distinction will probably have to be drawn between those staff members whose public profiles are inextricably linked to the SABC and those who are not.
- The use of SABC platforms to promote third party social media sites also requires review

- The management of user-generated content, such as below-the-line comments on blog-style web pages.

While the impact of Digital Terrestrial Television (DTT) is yet to be felt, it will have a profound effect on television content in the future. The increased bandwidth that will allow for the broadcast of far more channels, and an assessment will need to be made on whether this quantitative shift will impact on Editorial Policies. The imminent launch of DTT is also driving policy and regulatory reviews that need to be taken into consideration when engaging with the policies.



Current Policies: Mandate

Q: What are the core editorial values of the SABC?

Equality – The SABC provides programmes for everyone, in all the official languages, and promotes universal access to its services.

Editorial Independence – The SABC is governed by the Charter of the Corporation, which enshrines the journalistic, creative and programming independence of the staff of the corporation, and the constitutionally protected freedom of expression.

Nation Building – The SABC celebrates South Africa's national identity and culture, and provides its citizens with the information they need to participate in building our democracy.

Diversity – The SABC reflects South Africa's diverse languages, cultures, provinces and people in its programmes.

Human Dignity – The SABC respects the inherent dignity of all South Africans, reflects them in all their diversity, and does not use language or images that convey stereotypical or prejudiced notions of South Africa's races, cultures and sexes.

Accountability – In discharging their editorial responsibilities, SABC management and staff are accountable to the SABC Board, which is charged with ensuring that the corporation complies with the Charter.

Transparency – The SABC ensures that the principles of honesty, openness and transparency govern every aspect of its relationships with the Shareholder, stakeholders, suppliers and the public.

Q: Why do we need these core editorial values?

The values, based on those articulated in the Constitution — including national development, unity, diversity, non-racialism, non-sexism, democracy and human dignity — represent those things that are commonly held by South Africans to be important. They bridge political, class, racial and gender divides, and although we are still at the start of our project of national development, those are what anchor us as a nation. For the public broadcaster, then, they must form the foundations of its editorial policies.



Review: Editorial Values

- Do these values remain relevant to public broadcasting in the context of a developmental state?
- Are there any values that have been omitted, should any of the current values be removed or the content given to them altered?
- In addition to the issues that have been outlined above, there is also a need for the principles to be unpacked and made practical

Q: What is the Editorial Code?

The Editorial Code was developed by the SABC Board in 1993 and was revised to form part of the Editorial Policies in 2003. The Code emerged from the Core Values and when revised in 2003, it took into account subsequent developments in law. In its current iteration the Editorial Code has fifteen clauses, eight dealing specifically with News and Current Affairs, six with all genres and two specifically with programming. The issues addressed in the Code are also dealt with in the relevant sections of the Editorial Policies.

Q: What does 'Upward Referral' mean?

Upward referral refers to the voluntary process by which editorial staff consults their supervisor on any editorial decisions they are uncertain about. Should any difficulty arise during programme production and/or editorial control, or the programme producer or commissioning editor be unsure of anything, they should consult their supervisor for guidance. This process of voluntary upward referral extends as far as the Group Chief Executive Officer, in his/ her capacity as editor-in-chief. The SABC views upward referral as a mutually empowering, nurturing and developmental approach for all staff involved. It is not intended to shift editorial decision-making upward; rather it is intended, when required, to underpin collective decision-making and shared editorial responsibility— especially when faced with difficult decisions – and to highlight the interdependence of the credibility of the corporation and that of its editorial staff. Upward referral is also not intended to disallow the production and broadcasting of controversial



and compelling programmes; rather it is intended to make and commission such programmes while maintaining the highest ethical and editorial standards.

Q: Are there any matters that must be referred upwards?

There are certain matters that when dealt with by editorial staff, they must be referred upwards. These instances would include interviews with criminals or people wanted by the police, and showing or featuring people in a live broadcast for entertainment purposes using hidden cameras. There are a total of fourteen instances, listed in the Editorial Policies document, which are mandatory to be referred upwards.

Review: Editorial Code & Upward Referral

- Is it necessary to prescribe under what circumstances upward referral is mandatory and, if it is, is the list as set out in Editorial Policies appropriate or do items need to be added or removed from that list?
- Is it appropriate for the Group Chief Executive Officer to be the Editor in-Chief, if not who assumes ultimate responsibility for Editorial Content and how is that exercised?

Current Policies: Programming

Q: What policies and regulatory requirements govern the SABC programme content?

- The Charter
- The SABC's Core Editorial Values
- The SABC's Editorial Code of Practice
- The SABC's obligation to comply with the industry standard, the Code of Conduct for Broadcasters, which is administered by the BCCSA
- The SABC's obligation to comply with ICASA license conditions and regulations

Q: Are there any principles that guide the SABC's programming?

The SABC's approach to programming is guided by the following principles:

- The programmes are underpinned by the SABC's core editorial values. These influence the production, commissioning and acquisition of all its programmes

- The SABC endeavors to offer a wide range of information, education and entertainment in a variety of genres and formats, in which everyone should find something of interest some of the time
- As the national public broadcaster it is the SABC's duty to encourage the development of South African expression. It therefore showcases South African talent, supports South African culture, and aims to develop programmes that are identifiably South African.
- The SABC aim is to contextualise for South Africans their life as global citizens, and to bring them the very best of programmes the world has to offer
- Given our history, and that South Africa is part of Africa, the SABC deems it its responsibility to endeavour to represent Africa and African stories fairly and diversely
- Freedom of expression is at the heart of SABC programmes.

Q: Why do we have to give adequate warning to viewers about content in programmes?
Careful scheduling and appropriate warning or advice allows our public to make informed choices about what they want to see and hear. This practice does not detract from the SABC's editorial responsibilities in any way, but actually entrenches the culture of respect for freedom of expression, and the right to receive and impart information.

Q: What are the various symbols we use as warnings?

The Code of Conduct for Broadcasters requires us to give audience advisories that are clear to audiences so that they can make informed choices about what they would like to see or hear; or allow their children to see or hear. These include age indicators (13, 16, 18), and symbols for content – violence (V); explicit sexual conduct (S); nudity (N); bad language, including profanity (L); and prejudice (P).

Q: Why are programmes dealing with adult themes broadcast late at night?

The watershed period (21:00 – 05:00) is the time after which progressively more adult material may be shown on television. Before the watershed, material which is not suitable for children may not be shown. The watershed is regulated by the Code of Conduct for Broadcasters and infringements are dealt with by the BCCSA.



Q: Is there a watershed time for radio?

Although the Code of Conduct for Broadcasters does not specify a watershed period for radio, the SABC abides by the dictum that stations do not broadcast material that is unsuitable for children at times when they are likely to form a large part of the audience. For instance, stations should be aware that children are likely to be listening to the radio while travelling to and from school.

Q: What do I do if a programme has profanity?

The Code says that bad language, including profanity and other religiously insensitive material, should not be used in programmes that are specially designed for children. Further, that no excessively or grossly offensive language should be used before the watershed on television, or at times when large numbers of children may be expected to be in the audience.

The SABC's Programming policy acknowledges that although profanity has become a part of daily expression and hence is frequently used on television, it is offensive to many viewers. The SABC therefore endeavors to apply the "L" warning symbol rigorously when profanity is concerned, in order to minimize distress to those audiences who may be offended. The following BCCSA guidelines should also apply:

- In the case of a drama or documentary unless particularly aggravating circumstances are present, taking in vain of the Lord's Name may be used in post-watershed feature films by characters or persons portrayed in broadcasts, subject to due warning as to language, and with an appropriate age restriction.
- In family time the words have to be removed insofar as it is possible to do so. High frequency is not allowed.
- Where presenters use such language in a derogatory manner towards listeners – even after the watershed – it amounts to a contravention of the Code.

Q: What does the policy say on our role in terms of language usage in programmes?

A public broadcaster is an important source of information and culture, and could influence standards and values through its use of language. The SABC has therefore to

maintain high standards of integrity with regard to language usage. Guidelines are as follows:

- Not to use language simply for its shock value
- Never to use profanity gratuitously • Not to ban the use of bad language in programmes, but to permit it only when it is defensible in terms of context and authenticity/credibility
- That language usage should take religious sensitivities into account.

Q: What is the SABC's policy on discrimination in respect of disability?


The SABC recognises that groups with disabilities often feel marginalized, and that it is a duty of the public broadcaster to promote access by these audience segments to its services and programmes and to ensure that the presentation of people with disabilities in our programming is fair. The SABC therefore treats people with disabilities respectfully in its programming, and we are committed to reflecting issues of disability in a way that does not perpetuate harmful negative stereotypes of the disabled. We are also committed to exploring mechanisms for enhancing our delivery to people with disabilities. Where possible, we also strive to involve disabled persons in such initiatives.

Q: What is the SABC doing in terms of discouraging violence against women?

The Editorial Policies of the SABC specifically state that its programming content, when judged within context, does not promote violence against women depict women as passive victims of violence and abuse degrade women and undermine their role and position in society promote sexism and gender inequality reinforce gender oppression and stereotypes.

Q: When is it acceptable to broadcast scenes of violence on television?

The Code of Conduct lays down very stringent requirements of when violence can be broadcast or not. To supplement this, the Programming Policy of the SABC states that scenes containing images of violence may only be broadcast if they are needed in order to portray legitimate information or context.



The SABC therefore has a duty not to glamorise any type of violence, nor to promote it, and to depict it only when it could help to portray a story, evoke compassion, prompt help, or simply be an accurate representation of real events. If used at all, audience advisories are essential. The SABC's aim is not to see how much violence will be tolerated, but how little is needed to achieve honest ends without undue dramatic or editorial compromise.

Q: Does the Editorial Policy protect the right to dignity and privacy?

The Code requires the electronic media to exercise exceptional care and consideration in matters involving the private lives and private concerns of individuals, bearing in mind that the right to privacy may be overridden by legitimate public interest. The SABC expects decisions of this kind to be taken with due consideration of the Corporation's values.

Q: Who decides what children see or hear?

Broadcasters may not transmit material that is unsuitable for children at times when large numbers of them may be expected to be in the audience. Despite this, the onus is on parents to take decisions on what their children may or may not watch, as long as we fulfill our obligation to air appropriate advisories which allow them to make this decision.

Q: I have heard that censoring a film is illegal. Is this true and how does the SABC handle it?

Censorship as it existed in the old era, where only the interests of a few were taken into account, is no longer sanctioned by South Africa's new Constitutional environment in which there are very few limitations on freedom of expression. In order to allow audiences to make their own choices, the preference is to provide warnings on air to enable them to make such choices. It remains then the right of every individual to decide what to watch and regulate what children may watch.



Q: How do we deal with complaints from the public about our broadcasts?

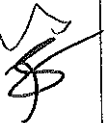
Complaints from members of the public that are received at the SABC and relate to matters of policy, or compliance with the Code, are dealt with by the office of the Manager: Broadcast Compliance. When such complaints are received by the channels or stations, or in any other department, they should be referred to that office without delay. The SABC's policy is to deal with every such complaint. The response is either prepared in consultation with, or communicated immediately to, the management of the channel/station concerned, or the relevant head of SABC News. The services are required to take ownership of complaints about their services.

Q: Does the SABC control what may be advertised on its services?

Yes, to the extent that the SABC complies with the rules prescribed by the Advertising Standards Authority of South Africa. The Sales and Marketing Division also reserves the right to accept or reject advertisements which are not deemed to be in the public interest or which are contrary to the SABC's own Editorial Policies.

Q: What are the guidelines on stereotyping?

We undertake to include in our programming non-stereotypical representations of the disabled, women, black and homosexual people, and of any other South Africans who have often been marginalised by the mainstream media, or represented in narrow and stereotypical terms. The SABC's policy is as follows: 1. To treat every part of society with respect 2. Not to identify people solely by ethnic origin, and to mention colour only when it is relevant to the topic under discussion 3. To avoid any unnecessary reference to disability, as it is often seen as insulting or implying deficiency, and not to use language that could add to such an impression: e.g. "deaf" or "hard of hearing" should be used, and "a person who has a disability" instead of "invalid" or "cripple" or "retarded" 4. To use non-sexist language so as to avoid giving offence, or creating the impression – through repetition - that certain activities are associated with only one sex.



Review: Programming

- Are the above still relevant, are there instances where a more (or less restrictive or proscriptive approach should be adopted?
- In a number of instances – such as the policies regarding violence and sex & nudity are essentially lifted from the Broadcast Complaints Commission of SA Code. Should these be included in the policy and, in those instances where it is, which takes precedence should a change be made to the code from which the clause/s comes from?
- What relevance does this section have for on-line or other non-traditional services?
- In this section, as well as News & Current Affairs, there is a commitment to achieving gender representivity – however, neither of these commitments defines the concept nor do they provide guidance on how it can be achieved.
- Much of the programming section is about restrictions – should there be a greater focus on what should be done and how it should be done?

Current Policies: News

Q: Does the GCEO have control over News and programming?

The role of Editor-in-Chief is one of many responsibilities that the GCEO assumes and should not be confused with the functions of the Heads of Radio, Television, News, Sport and Education or of the other Editors and Channel and Station Managers employed by the SABC. The GCEO's role is not to make day-to-day programming or newsroom decisions. However, the Board of the SABC delegates responsibility, and holds accountable the GCEO for the performance of all news and other programmes, broadcast and presented on all SABC radio, television, internet and other services.

Review: News

- Are the above (& other clauses) in the policies still relevant and where should adjustments be made?
- SABC has been criticized for biased reporting; are there specific elements of the policies that can be used to address this?

- In the context of criticisms of how the SABC reports on itself has been dogged by controversy, how can the Editorial Policies be structured so that staff are empowered to report on itself fully and fairly?

Current Policies: Language

Q: What is the SABC commitment in respect of broadcasting in all official languages?

The main commitments are to: • Provide a range of distinctive, creative and top quality programmes in all 11 official languages across our radio and television portfolio, and strive to reflect the needs of each language community in our programming • Maintain distinct and separate radio services in each of the 11 official languages • Treat all the official languages equitably on our television services • Integrate South Africa Sign Language into broadcasting as a means of making programming accessible to people with hearing disabilities • Strive to include other non-official languages spoken in South Africa, with particular emphasis on the Khoi, Nama and San languages.

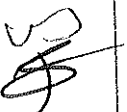
Q: What is our position on non-official languages and sign language?

The SABC commits itself to providing quality radio programmes in non-official South African languages, in particular in the Khoi, Nama and San languages. The SABC progressively expands the amount of programming that is signed, beginning with selected news and current affairs, and events of national importance. Special efforts are being made to provide Sign Language interpretation when programmes are recorded in front of live audiences.

Q: What does "equitable treatment" of languages mean?

The term equitable means just, fair and reasonable — not necessarily equal— treatment.

In this regard, the SABC aims to broadcast every official language on television, while ensuring that programmes are accessible to as many viewers as possible. We aim to complement our national television service by providing regional services as required by the Broadcasting Act, (as amended) pending the licensing of these services by ICASA and appropriation of funds for this purpose, by Parliament. Equitability is achieved



through a combination of means, including unilingual productions and multilingual programmes. We strive to explore the use of technologies such as subtitling to ensure that programmes are accessible to as many viewers as possible. At times this objective is met the best by broadcasting in cognate or widely understood languages. When this is applied, the SABC rotates the use of languages in any cognate group in order to achieve equitability.

Q: What is our approach on multilingual broadcasting?

The SABC is conscious of the part multilingual programmes can play in promoting knowledge and understanding of the country's diversity of languages and cultures. Such programmes, when used creatively, also reach out to wider audiences. Accordingly, the SABC actively encourages production of meaningful multilingual programmes as a means of attaining its language broadcasting objectives. Multilingual programmes are those that include substantial amounts of more than one official language.

Q: Which South African languages are recognised in the policies as more marginalized than others?

XiTsonga, TshiVenda, SiSwati and isiNdebele are recognised as being more marginalised than the others and there is an additional responsibility on institutions such as the SABC to address this marginalization.

Q: What factors are taken into account when deciding how much time each language gets on television?

In determining allocation of time to each language, the SABC has due regard to:

- The number of home language speakers in the coverage area of a channel
- The geographical spread of the language
- The extent to which members of a language community are able to understand other languages.
- The extent of marginalisation of the language
- The extent to which it is understood by other South Africans
- Available resources.



Review: Language

- Are the above (& other clauses) in the policies still relevant and where should adjustments be made?
- The commitment to redressing past imbalances and with the exception of noting that resource allocation should take this into consideration, does not go beyond that; should the editorial policies include such a commitment and if they do, should it be unpacked to indicate how these past imbalances can be addressed.
- What position should the SABC take with the evolution of language? Is it alright to make use of slang in programming or should the SABC be the protector of language purity?
- Should the SABC take it upon itself to be a custodian of language, how does it go about measuring the purity of language? There are eleven (11) official languages in South Africa, all of which have difference variations, what measure is used to determine which dialect is pure?

Current Policies: Universal Services

Q: How much of South Africa's population does the SABC cover with its three television channels?

Coverage is currently as follows: SABC1 - 89% SABC2 - 91% SABC3 - 77%

Review: Universal Services

- Are the above (& other clauses) in the policies still relevant and where should adjustments be made?
- Considering all other parts of the Editorial Policies deal specifically with content, is it appropriate for this part to be included in the Editorial Policies?

Current Policies: Local Content

Q: What are the three areas in which local content is prescribed by ICASA?

Global local content quotas for each television channel. These stipulate that a percentage of the air time between 05:00 and 23:00 should be allocated to local

content. The global quotas distinguish between public and commercial television • Genre quotas. These stipulate that if a television channel carries a certain genre of programming (such as drama), a percentage of that type of programming is to be allocated to local content. The genres are defined in the ICASA regulations³ and span the following six areas: drama, informal knowledge building, children's, education, documentary and current affairs. In each case a minimum percentage is prescribed. These quotas also distinguish between public and commercial television • Independent production quotas. Here the stipulation is that a percentage of the total amount of local content aired must be allocated to independent television productions. These quotas make no distinction between public and commercial services. All the quotas are set out in regulations which may be reviewed by ICASA every three years.

Review: Local Content

- Are the above (& other clauses) in the policies still relevant and where should adjustments be made?
- The policies commit the SABC to developing African content; how do we deal with that?
- The policies commit the SABC to developing African content; how do we deal with that?
- Does the SABC have any local content responsibilities beyond the licensed services – if so should it be reflected in the Editorial Policies?
- Earlier in the document, the issue of the appropriate management of the content value chain in order to deliver public mandate broadcasting was raised as an issue that needs to be addressed – this may be the appropriate place to do so.

Current Policies: Religious Broadcasting

Q: How is airtime for religious programming allocated?

In allocating air time to religious groups, the SABC is committed to the principle of fairness and applies this principle in determining the time allocated to each group. These allocations are made on a three-yearly basis, after consultation with the Religious Broadcasting Panel (RPB), taking the following into account:



- Data on the percentage of the population in each religious group, as per the latest available census information.
- The need for each of the major religions to enjoy meaningful and sufficient programming of a faith specific nature
- The need for all the religions to be reflected in religious programmes
- The need for sufficient programming of a multifaith nature
- The need to redress past imbalances in religious broadcasting.

Q: Why does the religious programme policy give special attention to African Religion? Religious broadcasting should strive to be contextual and relevant, and to reflect our African reality. Towards further correction test of the neglect of African culture in the public media, special attention is given to African Religion and traditional cultures

Review: Religious Broadcasting

- Are the above (& other clauses) in the policies still relevant and where should adjustments be made?
- The religious policies locate editorial control of meditational programmes outside the SABC. The policy also allows for the establishment of a Religious Broadcasting Panel, which will report to the Board, define the allocation of time to different religious groups and liaise with religious communities. Both these appear to be abrogation of editorial control being located within the SABC and should be addressed.
- The most important issue that arose regarding Religious Broadcasting, was whether or not the assumptions made around the importance of broadcasting as per sectarian interests was appropriate.
- Is the identification of the major religions still appropriate & how are the sometimes considerable differences within religions, eg Shi'ite & Sunni, Orthodox & Pentecostal managed?
- Paid for broadcasts have been raised as problematic in the context of public service religious broadcasting, but the Editorial Policies allow it – is this appropriate?

Current Policies: Education

Q: What are the six broad areas in which the SABC provides educational programmes across its services?

Arising from the Broadcasting Act, the SABC has identified the following educational programme areas: • Early Childhood Development • Children at Home • Formal Education • Youth Development • Adult and Human Resources Development • Public Education

Q: What priority is given to education needs?

The SABC ensures that its educational programmes address imbalances in the historical provision of education, especially, but not exclusively, those based on race, gender and disability. The SABC links its educational broadcasting to national priorities and needs, supporting the achievement of outcomes based education, lifelong learning, and the association of educational and life experiences.

Q: Does the SABC's educational programming policy commit to formal or informal education or both?

The SABC commits itself to providing innovative educational programmes of excellent quality across our radio and television services, aimed at meeting the diverse formal and informal learning needs of all our audiences, including children, youth and adults.

Review: Educational Programming

- Are the above (& other clauses) in the policies still relevant and where should adjustments be made?
- Education is the only part of the Policies that deals extensively with children's programming. However, the Reithian formulation of entertaining and informing applies to youngsters as well – surely the provision needs to be made for policies around children's programming.

Where can I get a copy of the current Editorial Policies?

To get a copy of the current Editorial Policies, please go to www.sabc.co.za/editorialpolicy

How can I get more information on the Editorial Policies review?

To get more information email editorial@sabc.co.za or call (011) 714 9111

Where can I send my submission into the Editorial Policies?

You can send your submission through the following channels:

Email: editorial@sabc.co.za

Post: Editorial Policies

Private Bag X1

Auckland Park

2006

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to be a combination of letters, possibly 'S' and 'F'.



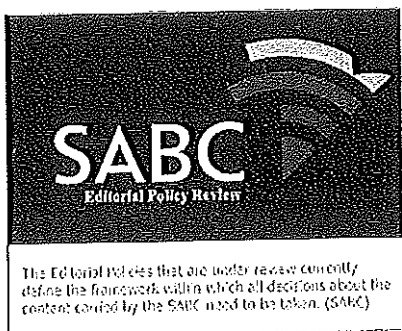
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All SABC editorial policy review contributions taken seriously

Tuesday 11 February 2014 11:08

Graham Welch: SABC General Manager - Editorial Policy & Governance



TAGS:
SABC Editorial Policy News Current Affairs
Television Radio Graham Welch

The SABC and the decisions taken by its staff are subject to scrutiny in the way few other institutions and no other media organisations experience. Whether there is a decision to can a programme or the announcement of a resignation, one thing is guaranteed – the generation of heated debate and acres of column space.

Often the passion that commentators, politicians, activists and members of the general public bring to these conversations is informed by the critical role the SABC plays as South Africa's national public broadcaster.

Many of the most intense conversations about the SABC relate directly to decisions that are taken about content carried on SABC platforms.

Those content decisions are taken within a context. This context includes guidelines that

provide a framework for the way in which decisions around content, whether controversial or not, are taken. These guidelines are collectively known as the Editorial Policies of the SABC.

The Editorial Policies of the SABC are currently under review. Through-out the review process the SABC has recognised the importance of public participation.

The emphasis that the SABC has placed on public participation means that there has been and there remains an opportunity for those who care about the SABC, public broadcasting and content to participate in the Editorial Policy Review and play a significant role in defining the way in which the SABC deals with all content carried on its platforms for the next five years.

The SABC Editorial Policy Review process is also approaching a significant milestone – the 14th February 2014 deadline for written submissions from the public on the current policies.

This deadline is part of a larger process that began in June 2013 when the corporation began an extensive process of stakeholder consultations and public hearings.

The SABC hosted 15 public hearings, attended by almost 2,000 people, in towns as diverse as Kuruman and Khayelitsha, Thohoyandou and Pietermaritzburg. At these public hearings members of the public made inputs on the policies and raised their issues about the content carried on the SABC.

The hearings were recorded and the transcription of those recordings is underway. Additionally, 148 written submissions have been received to date from members of the public. All contributions – including the transcripts of the hearings and all the written submissions will be made available on the SABC's website.

Following the February submission deadline, the collation of all the inputs will be finalised. These, together with benchmark studies and inputs from SABC staff will inform any revisions to the policies. Any changes to the policies will also have to be guided by the Constitution of the Republic of South Africa and adhere to all legislative and regulatory requirements.

The revised policies will be released for public comment. Any changes that emerge as result of this round of engagements will be incorporated into the revised policies that will then follow the appropriate approval process before the process of implementation. Implementation will not be limited to the roll-out of the policies at the SABC, but will also include a public education element.

The SABC Editorial Policy Review process is also approaching a significant milestone – the 14th February 2014 deadline for written submissions from the public on the current policies.

The SABC views the finalisation of the Editorial Policy Review as a critical deliverable in 2014. This is because an effective and implementable Editorial Policy is essential to the SABC's success as a national public broadcaster.

The Editorial Policies that are under review currently define the framework within which all decisions about the content carried by the SABC need to be taken. They deal with general programming, news and current affairs, language, local content, universal service and access, religious programming

and education. In addition there is a section within the policies that addresses the Editorial Mandate of the Corporation, describing the core values, an editorial code and the process of upward referral.

The inputs made at the recently concluded public hearings dealt with a wide-range of issues, many of them – such as plolline developments in popular soopies – were of an operational rather than policy nature. These operational issues have been shared with relevant areas of the business and where they have policy implications will be considered in the review.

Despite sometimes straying into the operational, the public hearings saw the thorough dissection of nearly all aspects of the policies. Some of these policy issues were raised more frequently than others.

The emphasis that participants placed on the way the way in which the SABC uses language and the way in which the non-metropolitan regions are represented in both fictional and factual programming cannot be over-stated. The SABC's approach to religion and religious programmes and the ways in which the SABC could better service the needs of people with disabilities were also raised.

SABC News and Current Affairs programming – at both an operational and policy level – came under scrutiny, with issues around editorial independence, 'positive' coverage and urban bias generating discussion. As with the initial development of the policies, upward referral and the role and functions of the Editor-in-Chief were also subjected to scrutiny. There were also calls for the Editorial Policies to place greater emphasis on ensuring implementation, monitoring and adherence.

Sport, television scheduling and portrayals of sex, nudity and violence were some of the other hot topic issues.

The views presented at the hearings and in the submissions received were as diverse as the people who hold them. Contributions about similar issues often represented diametrically opposing viewpoints.

This diversity of views means it would not be possible for the SABC to adopt an approach where the revised editorial policies simply reflect all the different inputs received. All this would achieve would be an internally incoherent, unimplementable document. Nor is the review process going to be reduced to a popularity contest where if the majority of inputs call for a particular policy outcome that outcome will automatically be included in the final policies.

However, all contributions made at all points of the review process have and will be taken seriously. All substantive issues raised at the Hearings and in the submissions will be addressed, if not in the policies themselves, in an accompanying document that will clarify the reasoning behind any changes made to the policies.

The Editorial Policy Review provides more than just an opportunity for SABC's audiences to participate and make a contribution to content decision-making at the SABC; it is an opportunity to ensure that the SABC remains accountable to a public broadcasting ethos and delivers the services that South Africans require.

The current Editorial Policies can be found at www.sabc.co.za/editorialpolicy and all submissions should be sent to editorial@sabc.co.za. Submissions, or requests for copies of the Editorial Policies, can also be sent to Editorial Policy, Pvt Bag X1, Auckland Park, 2006.

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"SJP7"

From: Sekoellane Jacob Phamodi <sekoellane@soscoalition.org.za>
Subject: Re: SABC Editorial Policy Review 2013/4: Fact sheets on process, so far.
Date: 29 March 2016 at 9:58 AM
To: Sekoellane Jacob Phamodi <sekoellane@soscoalition.org.za>
Cc: Graham Welch <welchgb@sabc.co.za>

Dear Graham,

I'm following up on this, once again.
Please could you share information on whether any movement has been made on the process, and the nature thereof.

Thanks and best wishes,

—
Sekoellane Jacob Phamodi
Coordinator – SOS: Support Public Broadcasting
076 084 8077

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On 25 Feb 2015, at 10:48 AM, Sekoellane Phamodi <sekoellane@soscoalition.org.za> wrote:

Dear Graham,

I'm just following up on where we are with the Editorial Policy Review. The last we spoke, a draft set of policies was in the offing.

All the best,

—
Sekoellane Jacob Phamodi
Coordinator – SOS: Support Public Broadcasting
076 084 8077

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On 11 Feb 2014, at 1:52 PM, Graham Welch <welchgb@sabc.co.za> wrote:

Hi Sekoellane –

Hope you are well. Here's an article that has been posted on the SABC News website that addresses some of the questions that you raise:

<http://www.sabc.co.za/news/a/458c988042e3c9a5a8a3eec823441fa5/All-SABC-editorial-policy-review-contributions-taken-seriously-20141102>

All the best,

Graham

From: Sekoetlane Jacob Phamodi [mailto:sekoetlane@soscoalition.org.za]
Sent: 06 February 2014 09:53 AM
To: Graham Welch
Subject: Re: SABC Editorial Policy Review 2013/4: Fact sheets on process, so far.

Hi Graham,

Ja, I totally understand. Thanks so much, it's much appreciated.

Will wait to hear from you, then.

Good luck!

Sekoetlane Jacob Phamodi

Coordinator (Acting) – SOS: Support Public Broadcasting

076 084 8077

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On Thu, Feb 6, 2014 at 9:00 AM, Graham Welch <welchgb@sabc.co.za> wrote:
Hi –

Thanks & apologies for not getting back to you sooner; things have been a little frenetic here but we will be issuing the info asap.

Cheers,

From: Sekoetlane Jacob Phamodi [mailto:sekoetlane@soscoalition.org.za]
Sent: 06 February 2014 12:56 AM
To: Graham Welch
Cc: Carol Mohlala; Editorial; William Bird; R2K MFD Group
Subject: Re: SABC Editorial Policy Review 2013/4: Fact sheets on process, so far.



Hi Graham,

Just following up on this request.

Best,

—
Sekoetlane Jacob Phamodi

Coordinator (Acting) -- SOS: Support Public Broadcasting

076 084 8077

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On Mon, Feb 3, 2014 at 9:51 AM, Sekoetlane Jacob Phamodi
<sekoetlane@soscoalition.org.za> wrote:
Dear Graham,

So good to see you on Friday evening. I hope you enjoyed yourself at the MMA 20th Birthday Celebration.

During our brief chat at the party, we discussed some of the facts and figures around the policy review process, so far, and how the public has been responding to it. You indicated that you might be able to generate/send a fact sheet for/to us, just to give a sense of the work you're doing and the response to it. As well as to demonstrate the sectors of SA which have been responding to yourselves as well as, importantly, those who have not.

As I said, then, I really do believe that getting, (re-)packaging and sharing that information can be useful as an advocacy tool to promote greater participation in the policy review process which, I think, we're all invested in being a success. Further, I think some of the issues you raised, on Friday (particularly around those loudest on the problems in the SABC are quietest in the solutions-making) are really important for us to reflect on and grapple with.

I really look forward to hearing back from you on this - below I've put out some of the key

questions I have for if and/or when you are able to package the data for us.

Thanks and all the best,

Questions

How many public hearings have been held, thus far, and when?
How many people, representing which groups, were at each?
How were these people reached by the SABC to participate in the review?

How many written representations did you receive at each deadline? That is, how many on the 13 December 2013 and 24 January 2014 deadlines, respectively?

Is the SABC using its broadcast platforms to highlight and discuss the policy review process? In what ways? Advertorials? Discussions and debates? On which platforms and at what times?

—
Sekoetlane Jacob Phamodi

Coordinator (Acting) – SOS: Support Public Broadcasting

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MINISTRY: COMMUNICATIONS
REPUBLIC OF SOUTH AFRICA
Private Bag X745, Pretoria, 0001, Tel: +27 12 473 0430
URL: <http://www.doc.gov.za>

Ref: MINCOM2016/04/19/13
Enquiries: B Baloyi
Tel: 012 4730469

Phumzile Van Damme, MP
DA National Spokesperson
Shadow Minister of Communications
DASO Western Cape Constituency Head

Email: Phumzilevd@da.org.za

Dear Honourable van Damme

**RE: URGENT – REVISED SOUTH AFRICAN BROADCASTING CORPORATION
(SABC) EDITORIAL POLICY**

1. Your letter of 18 April 2016 has reference.
2. The decision to embark on the process of an Editorial Policy Review was driven by legislative and regulatory requirements. The SABC is required, in terms of Section 6 of the Broadcasting Act, to develop policies that are intended to ensure compliance with the:
 - ICASA Code of Conduct,
 - the Corporation's licence conditions, and
 - the provisions of the Act.
3. The SABC's review of its Editorial Policies were initiated during the 2013/14 financial year and consisted of five phases i.e.:
 - Phase 1: Identifying the project deliverables, devising a charter and ensuring that delivery was properly resourced.
 - Phase 2: Desktop Research.

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Phase 3: First Consultation Process. This was an internal consultation process that was geared at identifying the issues that need to be addressed. Extensive workshops have been held with all Editorial areas of SABC business units.

Phase 4: Consultation. Consisted of three streams – conversations with identified stakeholders, public hearings where SABC audiences will have an opportunity to provide input and the solicitation of contributions from audiences using our platforms.

Stakeholder engagements were held with more than 30 organisations and interest groups from across the country and were followed by 17 public hearings, where each province hosted at least one. Almost 2,000 people attended these hearings.

The public consultations were extensively advertised on all SABC television and radio platforms and in selected print media. The SABC received 216 written submissions from individuals and organisations. These inputs were processed and evaluated for possible inclusion into the SABC's revised Editorial Policies.

Phase 5: Completion of the final Editorial Policy. Internal review process was finalised. The final Editorial Policies document was presented and approved by the SABC Board on 25 February 2016. Subsequently, copies of the SABC's revised Editorial Policies were submitted to the Minister of Communications and ICASA.

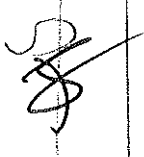
4. As indicated above, Section 6 (6) of the Broadcasting Act *"The Board must ensure that there is public participation in the development of the policies referred to in subsection (5) by inviting and considering public comment on such draft policies and by other means."*
5. The SABC complied with the above through the meetings with stakeholders, public hearings and written submissions.
6. A copy of the SABC's revised Editorial Policy is enclosed.

Kind Regards



MS FAITH MUTHAMBI, MP
MINISTER OF COMMUNICATIONS

DATE: 2016.04.20





**MINISTRY: COMMUNICATIONS
REPUBLIC OF SOUTH AFRICA**

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Tshedimosetso House, 1035 Francis Baard Street, Tshedimosetso House, Pretoria, 1000

NATIONAL ASSEMBLY

QUESTION FOR WRITTEN REPLY

QUESTION NUMBER: 1489

DATE: MAY 2016

Ms P T van Damme (DA) to ask the Minister of Communications:

Why did she not publish a draft version of the revised editorial policy of the SA Broadcasting Corporation (SABC) for public comment prior to the approval of the specified policy by the SABC Board, as was promised by a certain official (name and details furnished) on 11 February 2014 (details furnished)? NW1658E

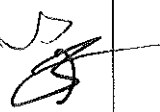
REPLY: MINISTER OF COMMUNICATIONS

The revised SABC editorial policy has been approved by the SABC Board and is currently being implemented. Public consultation has taken place, wherein stakeholder engagements were held with more than 30 organisations and interest groups from across the country and were followed by 17 public hearings, where each province hosted at least one. Almost 2,000 people attended these hearings. The public consultations were advertised on SABC platforms and in selected print media. The SABC received 216 written submissions from individuals and organisations.

In this regard, the Board has, as per the Broadcasting Act, ensured that there is public participation in the development of the SABC's editorial policy.

MR NN MUNZHELELE
DIRECTOR GENERAL [ACTING]
DEPARTMENT OF COMMUNICATIONS
DATE:

MS AF MUTHAMBI (MP)
MINISTER OF COMMUNICATIONS
DATE:

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info@soscoalition.org.za, www.soscoalition.org.za

SABC Must Withdraw Illegitimate Editorial Policies Passed in Bad Faith

09 May 2016

SOS notes with concern that the SABC has finalised and is implementing its revised editorial policies without having completed the public participation process it had set out. Since 2011, SOS has been at the forefront of the demand for the revision of the editorial policies which are, now, five years overdue, underscoring the importance of ensuring thorough and transparent public participation wherein the views of the public are not taken seriously in name alone, but are substantively engaged and reflected in the final policies.

In January 2014, the SABC's General Manager of Editorial Policy and Governance, Graham Welch, assured the people of South Africa that:

The revised policies will be released for public comment. Any changes that emerge as result of this round of engagements will be incorporated into the revised policies that will then follow the appropriate approval process before the process of implementation...

adding further that

Implementation will not be limited to the roll-out of the policies at the SABC, but will also include a public education element...

and that

All substantive issues raised at the Hearings and in the submissions will be addressed, if not in the policies themselves, in an accompanying document that will clarify the reasoning behind any changes made to the policies.

Instead of undertaking the promised public participation process, thereby creating a legitimate expectation on the stated terms of engagement in this singularly important process, the SABC has undermined the legitimacy of the process and the revised policies themselves. Not only did it fail to fulfil its commitment to the people of South Africa to contribute meaningfully to the revision of the editorial process, but went as

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far as seeking their approval and implementation under cover of darkness, and using the public's first round of engagement to rubber-stamp compliance with its statutory requirement to ensure public participation in bad faith.

We have already seen how, under these illegitimately revised editorial policies in which upward referral of editorial decisions is now mandatory, engagement with topical issues of significant public interest such as alleged State capture has been censored from discussion on our airwaves.

Being a public institution tasked with the singularly important responsibility of servicing the information needs of the people of South Africa and bringing them in dialogue with one another, the SABC is doubly enjoined to operate in good faith and be an example of democracy in a pluralistic society in action. Instead, it continues to undermine democratic participation in its own governance and increasingly operates as a State broadcaster like we had under the erstwhile apartheid government.

Inasmuch as the rot of State capture of our public broadcaster has set in, and the assault on its independence and credibility continues through the introduction of anti-democratic policy and legislation like the Broadcasting Amendment Bill, SOS continues to fight for an independent and publicly accountable national public broadcaster that puts the people before the powerful. And we call on all the people of South Africa to join us as we demand an SABC that works.

We, therefore, call on the SABC Board to:

- report on the public participation process undertaken and whether it complied with both the commitments it made, as well as all relevant statutory and policy requirements;
- direct the suspension and withdrawal of these illegitimately passed editorial policies until the full public participation process committed to is concluded; and
- direct the publication of all submissions made in respect of the editorial review process, together with the promised explanatory memorandum outlining the rationale for each revision made to the editorial policies.

We call on ICASA:

- to reject the registration of these editorial policies in compliance with the SABC's license conditions until the public participation process is concluded; and
- take remedial measures against the SABC for both failing to revise the editorial policies within their seven-year implementation cycle, as well as failing to undertake a full and transparent public participation process in good faith.



Further, we call on Parliament to:

- Summon the SABC to account for its failure to live up to its constitutional and statutory responsibility of ensuring full and transparent public participation in the development of the revised editorial policies; and
- Take necessary remedial action against the SABC for failing to discharge its responsibility, in this regard, in good faith.

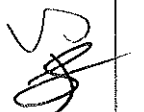
About SOS: The SOS Coalition represents a broad spectrum of civil society stakeholders committed to the broadcasting of quality, diverse, citizen-orientated public-interest programming aligned to the goals of the South African Constitution. The Coalition includes a number of trade union federations including COSATU and FEDUSA, a number of independent unions including BEMAWU and MWASA; independent film and TV production sector organisations including the South African Screen Federation (SASFED); a host of NGOs and CBOs including the Freedom of Expression Institute (FXI), Media Monitoring Africa (MMA), SECTION27 and a number of academics and freedom of expression activists.

About MMA: Media Monitoring Africa (MMA) started in 1993 and is a non-profit organisation that aims to promote democracy and a culture where media and the powerful respect human rights and encourage a just and fair society.

For more information, contact:

Sekoetlane Phamodi (SOS): 076 084 8077

William Bird (MMA): 082 887 1370



**IN THE COMPLAINTS AND COMPLIANCE COMMITTEE
OF THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH
AFRICA**

In the matter between:

S.O.S SUPPORT PUBLIC BROADCASTING COALITION First Complainant

MEDIA MONITORING AFRICA Second Complainant

and

**SOUTH AFRICAN BROADCASTING CORPORATION
SOC LIMITED** Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

WILLIAM ROBERT BIRD

do hereby make oath and state:

1. I am the director of the Media Monitoring Africa Trust, operating as Media Monitoring Africa (MMA), which is located at suite 2, 22 Art Centre, 6th Street, Parkhurst, Johannesburg.
2. I am duly authorised to depose to this confirmatory affidavit. In this regard, I enclose a resolution marked "WRB1".



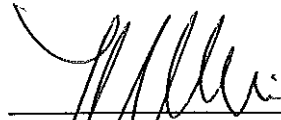
3. I have read the founding affidavit of SEKOETLANE JACOB PHAMODI and confirm that the facts contained in the affidavit are within my personal knowledge unless appear otherwise from the context and are to the best of my knowledge both true and correct.

DATED AT 3 October ON THIS THE DAY OF October 2016



WILLIAM ROBERT BIRD

I certify that this affidavit was signed and sworn to before me on this the day of 2016, the deponent having acknowledged that he knows and understands the content of this affidavit, the Regulations contained in Government Notice No 1258 of 21 July 1972 and R1648 of 19 August 1977, having been complied with.



COMMISSIONER OF OATHS

Full names:

Address:

Capacity:

3 October 2016
TARYN HINTON
EX OFFICIO
COMMISSIONER OF OATHS
PRACTISING ATTORNEY
REPUBLIC OF SOUTH AFRICA
2 C GAMBIA ROAD
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MEDIAMONITORING

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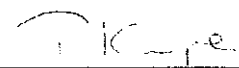
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Media Monitoring Africa (MMA)

WRITTEN RESOLUTIONS OF THE EXECUTIVE COMMITTEE

IT IS RESOLVED THAT:

1. The decision to lay and prosecute a complaint with the Complaints and Compliance Committee of the Independent Communications Authority of South Africa (the "CCC") against the South African Broadcasting Corporation Soc Limited (the "SABC") is ratified;
2. The decision for Sekoetlane Phamodi the Coordinator of the SOS Support Public Broadcasting Coalition (the "SOS") to depose the complaint on behalf of MMA is ratified;
3. The decision to instruct Legal Resource Centre ("LRC") to represent the MMA in the above proceedings and for LRC to brief counsel, is ratified;
4. Sekoetlane Phamodi in his capacity as Coordinator of the SOS is authorised to take all steps necessary on behalf of MMA to lay and prosecute a complaint with the CCC against the SABC;
5. All actions taken to date by Sekoetlane Phamodi in laying and prosecuting a complaint with the CCC against the SABC, including signing the affidavit on the behalf of MMA in the aforementioned complaint are ratified; and
6. This resolution may be executed in one or more counterparts, all of which taken together shall constitute one instrument.


Tawana Kupe


Justine Limpitlaw

25/08/2016
Date

5/09/2016
Date




MEDIAMONITORING AFRICA

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Email info@mma.org.za • www.mediamonitoringafrika.org

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Paula Fray

30/08/2016
Date

Laura Pollecutt

Date

Mandla Langa

Date

YH
mb

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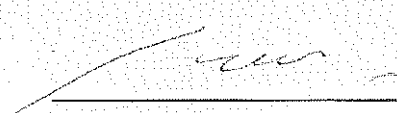
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Paula Fray

Date



Laura Pollecutt

30/08/2016
Date

Mandla Langa

Date

Handwritten initials: MB