

**Broadcasting Amendment Bill is debated in the National Council of Provinces:
“Save our SABC” Coalition calls for a few further amendments**

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The Broadcasting Amendment Bill was debated in the Select Committee on Public Enterprises and Labour yesterday. This was the last time that the public could make inputs. The Bill deals in the main with the removal of individual SABC Board members and the Board as a collective.

The “Save our SABC” Coalition, representing COSATU, the Treatment Action Campaign, a host of NGOs and CBOs including the Freedom of Expression Institute, the Media Monitoring Project, and the Media Institute of Southern Africa have welcomed the Bill. We believe that it deals with major gaps around the removal of Board members in the present Broadcasting Act, 1999. The present Act only allows for the removal of individual Board members on the recommendation of the Board itself, which is clearly inadequate.

The Coalition however believes that amendments to the Broadcasting Act are too important to be handled in a piecemeal fashion. We are thus calling in the medium term for a major legislative review process including a public, consultative Green Paper / White Paper process leading to the promulgation of a new SABC Act.

In the short term we are calling for a few final amendments to the Broadcasting Amendment Bill and to the Broadcasting Act itself to ensure that some of the immediate crises plaguing the SABC are dealt with. The Coalition is calling for amendments to the following:

- Appointments to the Board
- Removal of Board members
- Quorum issues
- Criteria for appointments to the Interim Board

In terms of *appointments* the Coalition believes that the SABC crisis started with problems around appointments to the Board. To restore the credibility of future SABC Boards there needs to be greater transparency and public participation in appointment processes. The Coalition believes that we need shortlists of candidates to be published with the names of nominees, public interviews for short-listed candidates, and MPs to give written reasons for the selection of candidates. Further to this, the Broadcasting Amendment Bill needs to deal with a serious gap in the Broadcasting Act regarding the appointment of the full-time executive members to the SABC Board i.e. the Group Chief Executive Officer, Chief Operating Officer and Chief Financial Officer. The Broadcasting Act is silent on who appoints the above. To avoid a repeat of the current crisis or interference from the Minister we believe the non-executive members of the

Board (appointed by Parliament) should appoint the executive members. At present the Minister plays a role which undermines the independence of the SABC.

In terms of *removal* of Board members the Coalition supports the criteria for the removal of individual Board members in the Broadcasting Amendment Bill but we disagree with the proposal to allow the Board to remove one of its own. The Coalition believes on principle that all non-executive appointments and removals should go through Parliament. In terms of the removal of Board members as a collective the Coalition believes that it needs to be made explicit that only the non-executive members of the Board can be removed. The executive members of the Board are subject to labour law provisions. Further they are part of the Interim Board and if removed could make Interim Board provisions unworkable. Also, we want to emphasise that we believe that the removal of non-executive Board members as a collective should only happen in extraordinary circumstances to safeguard the independence of the SABC.

Finally, in terms of *quorum* issues the Coalition believes that a major problem has now arisen. The quorum for a normal board meeting is 9 members but the interim board includes only 8 members. Without amendments to the quorum clause the interim board will not be able to sit. Finally, we believe that *criteria are needed for appointments of non-executive members to the Interim Board*.

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