

**Additional Written Memorandum by the Save Our SABC Coalition for the NCOP
Select Committee Considering the Broadcasting Amendment Bill – 10 September
2008**

1. During the oral hearings on the Broadcasting Amendment Bill (“the Bill”), the Save Our SABC Coalition (“the Coalition”) was asked to briefly set out *the main differences* between the written submissions made by the Coalition to the Portfolio Committee on Communications on the Draft Bill and the submissions made to the NCOP on the Bill.
2. We set these out below.
3. On Criteria for Appointment:
 - a. In regard to the Draft Bill the coalition originally made a number of suggestions to improve the criteria for appointment to the Board and also made suggestions for specific criteria for appointment to the Interim Board.
 - b. Upon publication of the Bill, the Coalition decided not to press for these issues for the following reasons:
 - i. in terms of the general criteria, it was felt that this would be better addressed in the Green/White Paper process leading to a new SABC Act; and
 - ii. in terms of the criteria for appointment to the Interim Board, the Coalition felt that the existing criteria would be sufficient (note: the Bill currently contains no criteria at all for interim board members). However, the Media Monitoring Project, a member of the Coalition, still believes the specific criteria the Coalition originally suggested (at the Portfolio Committee hearings) ought to be adopted by the NCOP.
4. On Quorum Issues:

The Coalition did not in fact initially pick up that the quorum for the Board would pose a significant problem for the Interim Board and this issue was addressed by the Coalition for the first time before the NCOP after it realised that the provisions of the Bill would be unworkable if passed as is (ie the Interim Board would not be able to sit), given the existing quorum provisions in the Broadcasting Act.

5. On Distinction between Executive and Non-executive Board Members:

Although the Coalition raised the importance of the appropriate distinctions between executive and non-executive board members before the Portfolio Committee, it has specifically emphasised this issue in the NCOP submissions because the provisions of the Bill regarding the removal of the entire Board and the proposed Interim Board will be unworkable if the necessary consequential amendments proposed by the Coalition are not enacted by the NCOP.

6. Removal Process

- a. The Draft Bill did not deal with the removal of individual non-executive members by recommendation of the Board. Consequently the Coalition felt it important to address this issue when the Bill was published. Our view is that this is not appropriate and we have made detailed suggestions for the deletion of this proposed subsection to ensure that the National Assembly is involved in such removal. During the NCOP oral hearings we were asked whether or not there was a role for the NCOP and the Coalition agreed that references to the National Assembly ought to be amended to refer to Parliament.
- b. The Draft Bill did not envisage the removal of the non-executive members of the Board as a collective. The Coalition is of the view that legislation providing for such an extraordinary occurrence must specifically contemplate due process and an enquiry by the Portfolio Committee preceding a Parliamentary resolution thereon.

7. The Interim Board

- a. In our original submissions on the Draft Bill, the Coalition strongly represented that an Interim Board could not sit over an election period. We have since decided not to pursue this given the much improved procedure for appointment of the Interim Board, subject to the appropriate appointment criteria amendments, as suggested by the Coalition, being made by the NCOP.
- b. The Coalition made representations before the NCOP on the timing of Parliament's recommendations to the appointing body in relation to candidates for appointment to the Interim Board. Given that such a process was not even envisaged in the Draft Bill, these submissions are different to those originally made.

8. Conclusion

- a. The Coalition wishes to reiterate to the NCOP that its submissions on the Bill were deliberately kept as short and concise as possible to assist the NCOP and the National Assembly to pass the Bill in the shortest possible time. However, the Coalition strongly urges the NCOP to make all of the amendments suggested by the Coalition in its written submissions because unless these changes are made, the Bill will be unworkable and will render Parliament's laudable efforts at addressing the current SABC crises ineffective.
- b. The Coalition looks forward to working with the NCOP in future on the drafting of an SABC Act to secure the future of our public broadcaster.