



Ms Hajiera Salie

Parliamentary Portfolio Committee on Communications and Digital Technologies

Parliament Email: hsalie@parliament.gov.za

For Distribution to the Honourable Members of the Committee

23 February 2024

Dear Ms Salie

SOS COALITION, MEDIA MONITORING AFRICA AND THE SOUTH AFRICAN EDITORS' FORUM:
THE POSPONEMENT OF THE COMMITTEE HEARINGS ON THE SABC BILL - AN OPPORTUNITY
TO RECONSIDER

1. The SOS Coalition Supporting Public Broadcasting (SOS), Media Monitoring Africa (MMA) and the South African Editor's Forum (SANEF) (the Organisations) which made a joint written submission on the SABC Bill are concerned at the summary postponement of the public hearings of the Parliamentary Portfolio Committee on Communications and Digital Technologies which were scheduled to start on 22 February 2024.
2. Given that some of the organisations invited to make oral presentations had indicated a desire to do so in person (as we had done), enormous amounts of money had been spent on flights, ground transportation and hotel accommodation in Cape Town. With the last-minute postponement of the hearings (less than 36 hours before the hearings were due to start) such costs cannot be recouped.
3. No reasons have been proffered for the abrupt postponement but as it came just hours after the announcement by President Ramaphosa of the 29 May 2024 election date, we assume that it is election related. We have also been given no indication as to when the hearings are postponed to, leaving interested parties and the public unclear as to whether or not Parliament will be able to deal with the Bill before the elections.
4. Be that as it may, the Organisations wish to take this opportunity to urge the Committee to take advantage of the election date announcement to postpone deliberations on the SABC Bill as well or, better yet, to advise the Minister of Communications and Digital Technologies (the Minister) to withdraw the SABC Bill.
5. The Organisations have reviewed the written submissions made to the Committee which reflect that reaction to the SABC Bill is uniformly negative with interested parties:

- 5.1. pointing to the policy vacuum in which the SABC Bill has been developed;
 - 5.2. calling for the finalisation of the Draft White Paper into Audio and Audiovisual Content Services before any drafting of an SABC Bill (or indeed any other sector-related legislation) can begin; and
 - 5.3. with particular reference to the SABC Bill, clearly critical of the numerous retrogressive provisions in the Bill which propose to re-enact the many failures of the current structure, funding model and corporate governance that the Department of Communications and Digital Technologies (and indeed Parliament itself) have repeatedly acknowledged.
6. The Organisations are sympathetic to the position of the Committee, faced with a Bill that has been Cabinet-approved and formally introduced in Parliament by the Minister. Nevertheless, the Organisations respectfully submit that the SABC Bill is a missed opportunity:
 - 6.1. containing no innovative solutions to the perennial financial sustainability questions that have dogged the public broadcaster for decades now and in particular, kicking the issue of public funding of the unfunded public mandate into touch, thereby leaving the SABC dangerously at risk of having to commit acts of insolvency in the immediate to short term;
 - 6.2. rehashing the unworkable public / public commercial divisionalisation of the SABC albeit in the form of a subsidiary public commercial company despite no support from any quarter for such an initiative; and, most seriously,
 - 6.3. providing for aggressive Ministerial interventions in Board and operational decisions that our High Court has already and definitively declared unlawful.
 7. The Organisations respectfully submit that the Committee and indeed Parliament, with thirty years' experience under their belts, will be aware that basic rationality questions would be raised should they proceed to deal with and pass the SABC Bill as is. Indeed, the Organisations are of the view that the SABC Bill suffers from fundamental fatal flaws that cannot be fixed by amending certain of the more egregious provisions.
 8. Consequently, the Organisations urge the Committee to take the opportunity of the upcoming pre-election period to work with the DCDT to ensure that the SABC Bill is withdrawn and is not re-introduced in Parliament until it is preceded by thorough comparative international research, the necessary feasibility studies and, critically, by innovative, future-proofed and finalised policy pronouncements in the form of a White Paper.
 9. In the event that the SABC Bill is not withdrawn by the Minister, the Organisations urge the Committee not to consider the SABC Bill further and to rely on the overwhelmingly negative written submissions received from the public to reject the Bill.
 10. The Organizations are prepared to participate and contribute to the development of a progressive White Paper.

Thank you

Yours sincerely

Uyanda Siyotula, SOS Support Public Broadcasting Coalition

William Bird, Media Monitoring Africa

Reggy Moalusi, South African National Editor's Forum

This letter is endorsed by the organisations below who support the call for the withdrawal of the SABC Bill.

External Endorsements

1. Desmond and Leah Tutu Legacy Foundation
2. All nations community centre
3. Dear South Africa
4. Section 27
5. Center for Applied Legal Studies (CALS)
6. MyVote Counts
7. Ahmed Kathrada Foundation
8. Right 2 Protest
9. International Labour Research and Information Group (ILRIG)
10. People's Media Consortium (PMC)
11. Benchmarks' Foundation
12. Youth Must Rise

Internal Endorsements

1. South African. Screen Federation SASFED
2. Freedom of Expression Institute (FXI)
3. Right2Know Campaign (R2K)
4. Campaign for Free Xpression (CFE)
5. Workers World Media Production (WWMP)
6. Amanda.mobi
7. Cape Town TV (CTV)
8. Independent Producers Organisations (IPO)
9. Institute for Advancement of Journalism (IAJ)