

31st August 2021

Submission of comments from the Public Media Alliance:
With regard to the South African Broadcasting Corporation SOC Ltd. Bill 2021.

To: The Acting-Director-General Department of Communications and Digital Technologies

The concept of public broadcasting is almost one hundred years old, but as international research continues to [demonstrate](#), strong and independent public media continues to underpin democratic societies worldwide. The recent COVID-19 pandemic has yet again [proved](#) that where public media is independent, it has the trust of citizens and is therefore an essential tool for governments to counter mis- and disinformation. If managed effectively, it also provides a trusted and shared public media space for all citizens to turn to, in order to access essential, accurate and verified information.

It is with these key factors in mind that the [Public Media Alliance](#) [PMA], submits its response regarding the draft SABC SOC Ltd. Bill 2021. Our aim, as the largest global association of public media organisations, is to provide a global context in our review of this draft bill. We have not therefore focused on much of the detail of the draft as we have substantial overall concerns that are outlined below.

Our primary concern is that this draft bill indicates a missed opportunity for South Africa, and with respect to South Africa's continental leadership role, for Africa as a whole. If this bill had been drafted in parallel with the White Paper on Audio and Audiovisual Content Services Policy Framework, it would have offered a very real opportunity to provide a regulatory framework to develop, support and sustain the SABC as a contemporary national multi-platform public media organisation that was fit for the digital future. Other nations, such as [Canada](#) and [New Zealand](#), have recently taken the opportunity to ensure that their national public media systems are appropriate for the digital age by reviewing the legislation around their entire digital media infrastructure.

A strong, multiplatform, national public media organisation, evolved from the existing public broadcaster, but adhering to its core values, is essential for many aspects of democratic life in South Africa. It can play a central role in holding power to account, countering mis- and disinformation, improving digital media literacy and building a strong, diverse society, where all citizens can play their part in shaping the future of their nation. But only if it is trusted by citizens.

It is our understanding that the draft bill is intended to enhance the governance structures and finances of the SABC, which after a long period of chronic mismanagement, looks to have finally begun a solid recovery. The laudable objects of this draft bill, set out in point 3 of the draft, must first and foremost ensure that any new legislation enables and supports that continued recovery.

In our view, the critical factors challenging SABC at present are its financial sustainability and its independence. Neither are properly, nor effectively, addressed by this draft bill.

In terms of governance, the line between state control or state capture and enabling a fully independent public broadcaster can seem a fine one. But it is a very clear line and one that needs to be enshrined in any legislation. As per the 2017 Pretoria High Court ruling that affirmed the necessary independence of the SABC Board, executive members of the Board should be appointed solely by the board without the requirement of ministerial approval. The size of the Board is in this instance irrelevant, it is independence that is critical.

At all times the legislation should enshrine clear separation between the government of the day and the senior executive of the SABC. It is not the role of the government, or ministers, to micromanage a public broadcaster. Continued political interference will further undermine public trust and further erode the potential of SABC.

In terms of funding, this draft bill misses a real and necessary opportunity to ensure the stable and sustainable funding of SABC for the future. There is a potential to maintain public funding by moving from a licence fee for TV sets to a household levy, similar to that introduced in [Germany](#). Further innovation in funding should also be explored such as that proposed in [Spain](#) where a levy will be placed on digital streaming giants.

In summary,

- The opportunity should be welcomed to review the legislation around SABC but this should only be in parallel with the White Paper on Audio and Audiovisual Content Services in South Africa, to ensure that South Africa has a national public media organisation fit for a digital future.
- In order to rebuild public trust, the independence of the SABC must be clearly enshrined in any legislation around its governance.
- The future for any national public media organisation rests on strong and stable funding. The opportunity to review audio and audiovisual content services in South Africa must include the consideration of a contemporary funding mechanism for SABC such as a household levy, potentially supported by an innovative tax on other digital and commercial media, such as [that](#) proposed for RTVE in Spain.

It is our considered view that this bill should be paused pending the finalisation of the more forward-looking White Paper on Audio and Audiovisual Content Services Policy Framework, which should then inform future legislation on broadcasting in South Africa.

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