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**Department:  
Communications  
REPUBLIC OF SOUTH AFRICA**

**TERMS OF REFERENCE FOR THE SOUTH AFRICAN BROADCAST  
PRODUCTION ADVISORY BODY**

## **1. ACRONYMS AND DEFINITIONS**

**Broadcasting industry-** Licensed Broadcasters for television and radio

**NFVF-** National Film and Video Foundation

**Regulatory bodies-** Film and Publication Board and the Independent Communications Authority of South Africa

**SABPAB-** South African Broadcast Production Advisory Body

**The Department-** The Department of Communications

**The Minister** – The Minister of Communications

## **2. INTRODUCTION**

2.1 The Minister is empowered by section 38 of the Broadcasting Act 4 of 1999 to establish the SABPAB to advise him or her on how the development, production and display of local television and radio content can be supported.

## **3. OBJECTIVES OF THE SOUTH AFRICAN BROADCAST PRODUCTION ADVISORY BODY**

3.1 The objectives of the SABPAB include making recommendations to the Minister to enable the Minister to determine:

3.1.1 policy and strategies to give effect to the production and display of local content;

3.1.2 financing strategies to support the production of local content;

3.1.3 supply-side measures and initiatives to support the production of local content;

3.1.4 policies to enhance the production of local content for the multichannel and digital broadcasting environment.

3.2 The advisory body shall consult the NFVF, regulatory bodies and the broadcasting industry prior submission of recommendations to the Minister.

## **4. FUNCTIONS OF THE SABPAB**

4.1 The advisory body must advise the Minister on:

- 4.1.1 How the development, production, and display of local television and radio content, can be supported;
- 4.1.2 the establishment of the local digital content industry including the financing models of the industry
- 4.1.3 fostering co-operation amongst stakeholders in the content industry and in particular digital content to develop shared knowledge and promote innovation and excellence;
- 4.1.4 production of broadcast materials that meet the cultural needs of South Africans;
- 4.1.5 the distribution of local content through electronic platforms;
- 4.1.6 distribution and exhibition of local content in foreign markets;
- 4.1.7 encouragement of entry by players from historical disadvantaged individuals in the local content production industry;
- 4.1.8 development of legislation and policy development for combating the distribution of illicit content;
- 4.1.9 development of the human resources to provide skills and training of local content providers, especially amongst historically disadvantaged groups including the Women, Youth and Persons with Disabilities.
- 4.1.10 funding of local content

## **4.2 GENERAL FUNCTIONS OF THE SABPAB**

- 4.2.1 fostering relationship between government and industry;
- 4.2.2 promote cooperation amongst the different sub-sectors of the content industry;
- 4.2.3 mobilise resources for content initiatives.

## **5. FUNDING**

- 5.1 The activities of the SABPAB shall be funded by the Department and from time to time the Department will collaborate with like-minded partners

## **6. COMPOSITION OF THE SABPAB AND TERM OF OFFICE**

6.1 The SABPAB consists of seven (7) members appointed by the Minister in a manner ensuring-

- (a) Participation by the public nomination process
- (b) Transparency and openness

6.2 The Minister will designate one (1) member as the Chairman of the SABPAB

6.3 The members of the SABPAB must be;

- (a) South African citizens;
- (b) committed to fairness, public consultation and accountability;
- (c) representative of the diversity of the South African nation;
- (d) from government, the regulatory bodies, broadcasting sector, content production, intellectual property, copyrights, broadcast cybersecurity, cinematographic sectors and from consumer stakeholders.

6.4 A member of the SABPAB holds office for a period of two (2) years and is eligible for re-appointment on expiry of his or her term of office, but may not serve more than two consecutive terms of office.

6.5 Once the SABPAB is established it may appoint a sub-committee (s) responsible for providing advice on strategies to give effect to local and digital content development and broadcast cybersecurity amongst others.

6.6 A member of the SABPAB shall vacate office if that member-

6.6.1 is removed from office by the Minister as contemplated in sub-paragraph 6.7; or

6.6.2 resigns by written notice addressed to the Minister; and

6.6.3 no longer represents the body that nominated him or her.

6.7 The Minister may remove a member of the SABPAB:

6.7.1 for misconduct;

6.7.2 for undisclosed conflict;

6.7.3 sharing of information of the SABPAB with third parties;

6.7.4 for permanent incapacity;

6.7.5 for absence from three meetings of the SABPAB:

- (i) without prior permission of the SABPAB; or

- (ii) unless the member shows good cause; or
- (iii) for engaging in any activity that may undermine the functions of the SABPAB.

6.8 If the chairman or a member of the SABPAB vacates office before the expiry of the period of office, the Minister must appoint a new chairman or member, as the case may be, for the remaining period of the chairman or member portion of that period within 90 days.

## **7. MEETINGS OF THE SABPAB**

7.1 The members of the SABPAB shall meet four times a year that is quarterly during the calendar year.

7.2 The Chairman, or in the Chairman absence the deputy Chairman, must preside at meeting of the SABPAB

7.3 If the Chairman or deputy Chairman of the SABPAB is not present, members present may choose one of the members present at that meeting.

7.4 Meetings of members shall be governed by a majority vote of members present at any duly convened meeting, provided that a quorum of one-third of the voting members are present at that meeting.

7.5 At any meeting a resolution put to the vote of the meeting must be decided by consensus

7.6 In the case of an equality of votes, the Chairman of the meeting at which the show of hands took place, is entitled to a second or casting vote.

7.7 Members shall personally attend meetings.

## **8. SECRETARIAT**

8.1 All administrative, financial and logistical matters related to the SABPAB's work will be managed by a dedicated Secretariat provided by the Department

8.2 The Secretariat is responsible for:

8.2.1 Overall administrative support to the SABPAB including:

8.2.1.1 organising the meetings of the SABPAB;

8.3.1.2 taking minutes of the SABPAB; and;

8.3.1.3 logistical arrangements of the SABPAB

## **9. REMUNERATION OF THE MEMBERS**

- 9.1 A member of the SABPAB not in full-time employment of State may be paid the remuneration and allowances determined by the Minister with the approval of the Minister of Finance in accordance with National Treasury Regulations.

## **10. INTELLECTUAL PROPERTY**

- 10.1 Government (“the department”) shall retain ownership of any information, documents, programmes, advice and reports collected and compiled by the SABPAB in the execution of the work outlined in section 4 and/or any other work performed by the SABPAB within the scope of Terms of Reference.
- 10.2 The product of the services by the SABPAB shall not be reproduced or distributed or made available in any other way without the written consent of the Minister.

## **11. ENGAGEMENT OF CONSULTANTS**

- 11.1 The SABPAB shall subject to the approval of the Department be entitled to engage the services of consultants to perform activities that fall within the scope of work set out in section 4.
- 11.2 The appointment of such consultant shall be done through the Secretariat ensuring that prescribed procurement processes are followed.