

Flaws in proposed ICASA Bill

The South African Screen Federation (SASFED) executive, in support of SOS: Support Public Broadcasting Coalition's press statement, has indicated that it is deeply concerned by provisions of the proposed Independent Communications Authority of South Africa Amendment Bill, 2010 that, in its opinion, would undermine the independence of ICASA.

It comments that, against the background of repeated political interference in the affairs of the public broadcaster, certain provisions of the bill are ominous for the independent role held by ICASA. Many clauses in the new bill relate to a set of proposed new powers for the Minister of Communications, effectively undermining ICASA's independence and changing its structure so that the Council and Chair of Council effectively report to the Minister.

Undermining of independence

- The Bill removes the CEO from ICASA and replaces him/her with a COO. Previously, the CEO, as is the case with a constitutional bodies, was ICASA's accounting officer. Now ICASA will no longer have its own accounting officer. The DG of the Department of Communications will play this role.
- The Bill states that ICASA must implement policy and policy directives issued by the Minister, that the Chairperson of Council must "perform such functions as the Minister may determine, subject to prior notification being given to Parliament" and even that the Minister will determine what roles councillors play on Council.
- A panel constituted by the Minister in consultation with Parliament will conduct the evaluation of councillors. The panel must be chaired by the Minister or someone delegated by the Minister.
- The Minister in consultation with Parliament will even nominate the Complaints and Compliance Committee members; responsible for ensuring the broadcasters comply with regulations.

International agreements may be flouted

It would appear ICASA will be encouraged to operate as an extension of the Department of Communications. This is totally at odds with South Africa's constitution and the country's international obligations in terms of various international agreements (such as the Windhoek Charter on Broadcasting in Africa, 2001 and the African Commission on Human and People's Rights 2002) and best practices (such as the African Commission on Human and People's Rights).

Complete overhaul of several Acts needed

SASFED supports the view that the various Acts under which the broadcast sector currently operates are fragmented, confusing and often outdated and contradictory. The only way to resolve this is to undergo a full review and public process where the Department devise a White Paper and then move to the drafting of comprehensive, coherent legislation - both in terms of the Public Service Broadcasting Bill and in terms of this new ICASA Amendment Bill.

It would also like to see a simultaneous review of the Copyright Act as part of this process.

Bill needs longer, deeper review

The organisation is alarmed by the amount of uncoordinated new bills currently being published by various government departments directly affecting the production industry and which are being "pushed" without thorough consultation with the public or relevant role-players most affected.

It is disappointed that once again the Department, despite introducing substantive legislative amendments that shift the very nature of independent regulation and broadcasting in the country, has given stakeholders a mere 30 days to comment.

It urgently requests that the Department organise a number of provincial consultation sessions with stakeholders and shift

deadline for comment to the very earliest the end of August 2010 to ensure substantive, meaningful inputs.

The executive also supports SOS's call that the Department of Communications releases its research behind the Public Service Broadcasting Bill that motivated this Bill.

SASFED structure

SASFED represents South Africa's leading independent film, television and audiovisual content industry organisations, and was constituted in March 2006. It is the official country representative to FEPACI, the Pan-African Federation of Filmmakers and is formally affiliated to SOS and the TVIEC - Television Industry Emergency Coalition.

Its current full membership includes:

- Documentary Filmmakers Association (DFA)
- Independent Producers' Organisation (IPO)
- Personal Managers Association (PMA)
- South African Guild of Actors (SAGA)
- South African Guild of Editors (SAGE)
- The Official South African Casting Association (OSCA SA)
- Women in Film and Television, SA (WIFTSA)
- Women of the Sun (WOS)
- Writers Guild of South Africa (WGSA)

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