INDEPENDENT PRODUCERS’ ORGANISATION

SUBMISSION

TO THE

DEPARTMENT OF COMMUNICATIONS

ON THE

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

AMENDMENT BILL, 2010

(AS PUBLISHED IN GOVERNMENT GAZETTE NO 33324, 25 JUNE 2010,
NOTICE 650 OF 2010)

26 July 2010
SECTION ONE: INTRODUCTION

1. The Independent Producers’ Organisation (IPO) of South Africa is the longest standing and largest organisation representing producers of television content and films in South Africa. The IPO currently has fifty members, including major production houses and smaller emerging producers. A list of members is attached to this submission (Appendix A).

2. The IPO was established in 1999 to represent, promote and protect the specific needs and interests of broadcasting and film producers. We are committed, among other things, to:
   - Represent and promote the economic and cultural interests of the South African film, television and video production industry;
   - Develop support and implement growth strategies for the industry; and
   - Promote the development and establishment of aspirant and emergent producers and production companies.

3. The South African Government has identified film and television production as a priority growth area and a number of initiatives have been established to assist the sector in realising its potential – including a film and television incentive programme by the Department of Trade and Industry and an investment programme by the Industrial Development Corporation.

4. Since 1994 such government initiatives, together with the implementation of policies adopted by the Department of Communications and the regulator to ensure South African stories are aired, have resulted in significant growth in the sector. The number of people directly employed in the sector, for example, grew from about 5 000 in 1994 to an estimated 42 000 in 2008 – with a further estimated 105 000 jobs created in related support services (catering, casting, manufacturing etc).
5. IPO members are the major suppliers of local content programming to the South African Broadcasting Corporation (SABC), as well as to the commercial broadcasters (eTV and MNET). Our producers are responsible for drama, actuality, documentary, children, youth, variety, entertainment and educational programmes screened by South African broadcasters. In 2008 the value of all programmes commissioned amounted to about R1.45bn – with the bulk of this expended by the SABC.

6. The IPO thanks the Department of Communications (DOC) for the opportunity to make submissions on the proposed Independent Communications Authority of South Africa Amendment Bill, 2010 published in Government Gazette no 33324 on the 25 June 2010 in Notice no 650 of 2010.

7. As a member of the SOS Support Public Broadcasting Coalition (‘the Coalition’), the IPO has participated in crafting the submissions made by the Coalition on the proposed Bill. We endorse and support the SOS submission. This representation from the IPO should therefore be regarded as supplementary to the Coalition’s submission. It focuses on enhancing comments on those areas of particular relevance to IPO members.

8. The IPO is thus primarily focused on ensuring that the policy and legislative framework promotes the ongoing development of a vibrant, viable and creative independent production sector in line with the following government objectives:
   - The need to develop local programming content;
   - The need to promote investment in the broadcasting sector and build a viable independent production industry; and
   - The need to ensure that programming is varied and offers a range of South African content and analysis from a South African perspective, meeting the needs of all South Africans.
SECTION TWO: PRELIMINARY ISSUES

9. The broadcasting sector – including the independent production sector - can only grow and thrive if there is a strong and independent regulator which has the resources and capacity to develop an enabling regulatory policy and licensing framework and monitor and enforce compliance with rules and licence conditions. In South Africa, given the pre-democracy history of state controlled broadcasting, the regulator has had to play a particular role in developing innovative ways to facilitate the growth of broadcasting and encourage a range of content across all genres of programming for all South Africans.

10. While ICASA and its predecessor, the Independent Broadcasting Authority, did initially take on this responsibility and, among other things, licensed new players and developed local content policies, in more recent years, progress seems to have halted. The regulator has, for example, failed to review existing content quotas and mechanisms in place to grow the independent production sector and such rules have not been changed therefore since 2002.

11. The IPO has, together with partner organisations, publicly raised concern about ICASA’s ineffectiveness and failure to fulfil its legislative mandate. We have in particular highlighted doubts about whether or not the Authority is monitoring and enforcing compliance with quotas and licence conditions (which set the minimum numbers of hours of each genre of programming to be broadcast by individual broadcasters). The IPO has stated in this regard that the regulator appears to be abdicating its legislative responsibilities and has called on Government and Parliament to take steps to address ICASA’s ineffectiveness and apparent tardiness.

12. The impact of ICASA’s failure to fulfil its legislative mandate has exacerbated the effects on the local production industry of the financial crisis faced by the SABC. This is particularly concerning given the migration from analogue to digital transmission and the concomitant need for the production sector to grow to meet the content needs of the multi-channel environment.

13. The IPO therefore welcomes initiatives by the DOC to strengthen ICASA, and is committed to working with the Minister of Communications and other government and public institutions to achieve this objective. It is critical that such initiatives create the necessary regulatory certainty if the sector is to grow.
14. We are however concerned that the proposed Bill will not address these issues and could weaken rather than strengthen the regulatory environment. The reasons for our concerns are set out below:

14.1 The IPO believes the time given to comment on the Bill was too short to allow for thorough analysis and engagement with the proposals. The thirty days for comment did not allow for broad consultation on the impact of the Bill, or for discussion about additional measures that could be put in place to strengthen independent regulation in South Africa.

14.2 The limited time frame is particularly concerning given the far reaching implications of certain proposals in the Bill and their potential impact on the independence of the regulator, and therefore on editorial and creative independence, investment in the sector and the promotion of the regulatory certainty essential to an effective regulatory framework.

14.3 This is exacerbated by the fact that the DOC has not provided any discussion document and/or reasons for the proposals contained in the draft Bill. It is therefore extremely difficult to properly engage with the proposals and stakeholders have to assume what the motivation behind many of the suggested might be. This severely limits meaningful contributions on the draft Bill.

14.4 It is furthermore unclear if the proposals are based on any analysis of the reasons for the lack of effectiveness of the regulator, or if the Department has done any international best practice benchmarking to inform its suggestions. If such research has been conducted, it has not been made publicly available, limiting the capacity of stakeholders to make informed contributions on propositions. In this regard we note that, given the fact that ICASA has previously operated comparatively effectively, at least some of the failures might be attributed to poor leadership at the regulator exacerbated by ineffectual oversight, rather than problems with the underpinning legislation. Amendments to the law will not address such shortcomings in leadership, capacity and oversight.

14.5 We note further that the Department of Communications has on several previous occasions tabled proposals similar to certain of those contained in the draft Bill to Parliament, but does not seem to have taken the reasons for rejection of these previous proposed amendments into account in preparing this new Bill.

15. Given the above, we would like to emphasise that the format and time frames for comment on the Bill inhibit rather than encourage participation by members of the public in the policy making process, contrary to S195(1)(e) of the Constitution. The particular
format of a Bill limits participation to a very small portion of the public - such as those with legal and legislation drafting knowledge. This is exacerbated by the fact that the DoC has not released any reasons for decision for its proposals and has not to our knowledge consulted in any way with stakeholders on proposed provisions and suggested mechanisms to address inefficiencies at the regulator.

16. We thus urge the Department of Communications to withdraw the Bill and rather commence with a holistic policy review to assist South Africa in developing a comprehensive and visionary new framework for broadcasting and ICTs and ensure that the regulator is structured and resourced to meet objectives set. It is critical in developing a sound legislative and regulatory framework to take into account ICASA’s functions and mandates derived from other related legislation and policy. Any attempts to strengthen the regulator without considering such mandates into account will inevitably have shortcomings.

17. In light of the above, we would like to note that this submission is inevitably limited by the above identified challenges, and cannot therefore be regarded as a comprehensive summary of the independent production sector’s position on all aspects of the proposed amendments to the ICASA Act.

SECTION THREE: GUIDING PRINCIPLES

18. It is internationally accepted that a strong and independent regulator is essential for the growth of the broadcasting and electronic communications sectors and therefore to a country’s economic growth. This is reflected and reinforced in a range of international, African and SADC treaties, protocols and declarations.

19. Independence of broadcasting and broadcasting content regulation is further necessitated not only by the need to encourage growth and investment in the sector, but in order to promote and protect the right to freedom of expression and information.

20. The Declaration of Principles on Freedom of Expression in Africa adopted by the African Commission on Human and Peoples Rights in 2002 reinforced this principle in its Article VII by stating that any public authority for broadcast or telecommunications regulation

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1 These include the White Paper on Broadcasting (1999), the Broadcasting Act and the Electronic Communications Act
should be “independent and adequately protected against interference, particularly of a political or economic nature”. In view of this, the Declaration states that the appointments process for members of the regulatory body should be open and transparent and that the regulator should be formally accountable to the public through a multi-party body rather than to a particular Ministry or Department.

21. SADC’s Declaration on Information and Communication Technology adopted in 2001, further pledges that member countries will continue to promote a three tier system with Government responsible for developing a conducive national policy framework, independent regulators responsible for licensing and promoting diversity and plurality of broadcasting services and “a multiplicity of providers in a competitive environment” responsible for providing such services.

22. In recognition of this, South Africa’s Constitution provides specifically for the establishment of an independent broadcasting regulator in Section 192 and ICASA is listed as a constitutional entity in schedule one of the Public Finance Management Act. The PFMA sets out specific financial and reporting requirements for constitutional institutions to reinforce their accountability to Parliament rather than the executive and thus protect their institutional independence. This includes stipulating that such institutions shall have their own accounting officers, rather than report through the accounting officer of a department.

SECTION FOUR:. OVERVIEW

23. Many of the amendments would, it is submitted, in effect weaken rather than strengthen the regulator – in apparent contradiction to the intentions of the Minister and Department of Communications. Many such instances have been identified in the relevant sections below. The submissions in this regard are, however, not necessarily comprehensive and other proposals which might have such effect may have been overlooked given the limited time available for comment.

24. Several of the amendments moreover would have the effect of limiting the independence of the regulator, and questions about the constitutionality of these must be further interrogated before the Bill is tabled in Parliament. The SOS has made a substantive

2 Clause 2(1)(a) of the SADC Declaration on Information and Communications Technology, adopted in Blantyre in 2001
assessment of constitutionality of aspects of the Amendment Bill and the IPO supports submissions made by the Coalition in this regard. We would in addition like to highlight the chilling effect the introduction of such proposed provisions has on editorial and creative independence of broadcasting, and on investment and therefore the growth of the independent production sector. This inevitably inhibits the development of vibrant and creative local content and the local production industry.

25. The IPO would further like to ensure that any amendments facilitate innovative regulation, and is concerned that some of the provisions will increase the administrative and bureaucratic burden on the regulator, rather than address the need to ensure it is efficient and effective. Communications is a dynamic and fast changing sector, and an emphasis on form rather than substance will limit the regulator’s capacity to respond creatively to new trends and technology. As stated previously, we have identified instances below which we believe might add to the administrative burden, without necessarily increasing effectiveness. Again however we may have overlooked similar provisions, given the limited time available to consider the Bill.

26. We further would like to note our concern that the proposed Amendment Bill does not appear to deal comprehensively with all issues that impact on the effectiveness of the regulator. The IPO has identified some gaps in the Amendment Bill and has, where appropriate, suggested ways to strengthen existing legislation. There are however undoubtedly many other provisions which could be added to strengthen the regulatory framework, and we suggest therefore that any amendments to the existing legislation would inevitably be piecemeal if not guided by a holistic review of all electronic communications policies and related laws. As ICASA has repeatedly stated that limited financial resources have further hampered their capacity to fulfil their mandate, we would further suggest that the Department conduct a thorough analysis of the funding needs of the regulator to assess the veracity of such claims. Such challenges could be addressed without amending legislation.

27. Finally, we would like to emphasise the unique nature of broadcasting and content regulation. Unlike other sectors, regulation of broadcasting is driven not only by economic objectives, but is aimed at meeting democratic, social, cultural and educational goals. When the broadcasting and telecommunications regulators were merged in 2000 to form ICASA, many stakeholders raised concern that broadcasting and content regulation could be marginalised, given the fact that telecommunications and ICTs bring in significantly more revenue. As indicated in Section Five below, the IPO does not
believe that proposed amendments address these concerns, and in fact submits that several of the proposals made in the Bill could result in broadcasting and content regulation being overlooked.

SECTION FIVE: SUBMISSIONS ON SPECIFIC PROVISIONS OF THE BILL

28. This section of the submission does not deal with all proposed amendments to the ICASA Act, but rather focuses on those aspects relevant to broadcasting and/or the promotion of a vibrant and creative independent production sector in South Africa.

29. The identified objects of the Bill are, as noted above, limited to only certain aspects of the regulatory framework, and thus do not appear to comprehensively address all areas that might impact on effective and efficient regulation of the broadcasting and electronic communications sectors.

30. The Bill proposes in Sub-section 2(a) to introduce a specific requirement that the regulator continue performing its functions in the event of legal challenge until such time as a court directs otherwise. The IPO supports the inclusion of such provisions in so far as they are in line with general legislative requirements in South Africa. The proposals will assist in stopping litigious licensees from delaying regulations aimed at furthering the objects of the underlying statutes.

31. Sub-Section 2(b) of the Bill proposes an amendment to S4(3)(c) of the ICASA Act limiting the regulator’s role to assigning of radio frequency spectrum rather than managing such. The IPO endorses the SOS submissions regarding this proposed limitation and its possible impact on effective regulation of the broadcasting sector in line with international best practice. We furthermore note that this amendment will result in legislative confusion as Section 30 of the Electronic Communications Act (no 36 of 2005), states that the Authority “controls, plans, administers and managers the use and licensing of the radio frequency spectrum”. Section 34 of the EC Act outlines the distinct roles of the Minister and regulator in this regard.

32. The Bill’s Sub-Section 2(c) reinforces the regulator’s obligation to monitor and enforce compliance with licence conditions. The IPO endorses this, but proposes that such clause should be extended to include the requirement that the Authority monitors and enforces compliance with all rules and regulations as well as licence conditions. We further propose:
32.1 That ICASA be required in legislation to publish annually an overview of compliance by licensees and a summary of actions taken by the regulator in instances of non compliance. We propose that the DOC evaluate international best practice related to this, such as requirements for OFCOM in the UK to annually conduct and publish market reviews.

32.2 That the regulator be compelled in law to regularly review its policies and regulations (at least every five years). Such reviews should be aimed at evaluating whether or not these have achieved intended objectives and if they need to be amended/updated given changes in the environment. We note for instance that the South African content quotas have not been reviewed since 2002 (although a technical amendment to the regulations was promulgated in 2005).

32.3 That the Authority be required to conduct and publish for public comment a thorough impact analysis before finalising any new rules or regulations. Such an analysis should focus on the impact of any regulations on licensees and their viability, as well as the effect of such rules on furthering the objects of legislation and policy. Such an approach is in line with international trends.

33. We note however that such injunctions are ineffective unless there is oversight of the regulator. We note, for example, that ICASA is compelled by the Broadcasting Act to monitor and enforce compliance by the SABC with its Charter. We are unaware if the Authority has ever proactively monitored such compliance. If it has, its findings in this regard have not to our knowledge been made publicly available. This apparent non-compliance by the regulator with legislation has however not as far as we are aware been raised by either Parliament or the Ministry of Communications.

34. We are further aware that the Authority has indicated that its capacity to monitor broadcasters is inhibited by a lack of resources. It is unclear if the Department of Communications has evaluated such statements, or considered how best it could equip the regulator to fulfil its monitoring obligation. Such issues cannot be resolved through legislation and we trust that the Department has addressed these matters comprehensively and is not only looking for legal solutions to implementation challenges.

35. **Sub-section 2(d)** of the Bill proposes that a clause be inserted in the principal Act compelling the regulator to abide by Ministerial policy directions. The IPO endorses the
SOS concerns about the constitutionality of this proposed amendment. We further note that this contradicts Section 3(4) of the EC Act which requires the regulator only to “consider” such directions.

The DOC has previously unsuccessfully tabled proposed amendments relating to the Minister’s powers to impose policy directions on the regulator. These were rejected as they were deemed to be in violation of the constitutionally enshrined independence of the regulator. We trust that the Department has considered the reasons for such previous rejections in crafting the current proposed amendments.

We furthermore highlight in this regard the critical importance of ensuring that broadcasting and content issues in particular are protected against even perceptions of interference in order to protect the right to freedom of expression and information.

36. The proposed amendment outlined in sub-section 2(e) of the Bill does specify and clarify the Council’s overall responsibilities in relation to the mandate and is thus broadly supported.

37. We note however that the proposed amendment outlined in sub-section 2(f) of the Bill appears to contradict the proposals in 2(e) as it limits the broad powers of delegation given in the previous section. This could result in sections of the law being declared void for vagueness and negatively impact on ICASA’s regulatory functions and capacity.

We are furthermore concerned that the requirement that a full quorum of Council decide on every licence granting, renewal, amendment or transfer could significantly impact on the efficiency of the regulator – and therefore its capacity to deal timeously with all regulatory issues. We trust that the DOC has analysed the implications of this on the efficiency of ICASA.

38. We presume that the intention of sub-section 2(h) of the Bill is to clarify the role of the chairperson of ICASA. We however have the following concerns:

38.1 The proposed amendment to Section 4(5)(b) of the principal Act would in effect remove the responsibility of the Council to delegate functions and give this power to the Chairperson alone. We do not think that this will further transparency or efficiency and believe it is important that the Council as a whole is responsible for deciding on any such delegations;

38.2 The proposed addition of Section 4(5)(e) impacts on the independence of ICASA as it allows the Minister to impose new functions on the Chairperson. Parliament has only to be notified of such – effectively reducing the legislature’s role in relation to
the regulator. The IPO endorses the SOS submission questioning the constitutionality of these proposals given this. The Council as a whole must be charged with ensuring the objectives of the underlying statutes are met and acting in the public interest. It is sufficient therefore to include a clause stipulating that the regulator may undertake any other functions necessary to fulfil its mandates as defined in the relevant legislation. There is no need therefore to provide for the Minister to impose functions either on the regulator or the Chairperson.

39. **Section 4** of the Amendment Bill proposes a reduction in the timelines for conclusion of an inquiry process by the Authority. The IPO supports any initiatives to bind the regulator to operate efficiently and timeously, but trusts that the DOC has conducted the necessary research to ensure that the limit of 90 days is in line with best practice internationally and is achievable – taking into account the need for the regulator to carefully consider regulatory approaches on major issues relating broadcasting and electronic communications. We note that there is no provision to enable the regulator to vary from the deadline set under carefully circumscribed circumstances. This omission could either force the regulator to make ill considered decisions or face legal challenge if the timelines are exceeded.

40. In **Section 5**, the Bill proposes amendments to Section 5 of the principal Act. The IPO endorses the submissions by the SOS which suggest a more fundamental review of the existing appointment provisions in light of questions of constitutionality. The IPO agrees with the Coalition’s concerns about the existing requirements set out in Sections 5(1A) and 5(1B) of the ICASA Act which provide for Ministerial selection of Councillors from a short list developed by Parliament. The IPO furthermore:

   40.1 Is concerned that it appears that the DOC does seem to have comprehensively reviewed the constitution of the ICASA Council, including the number of Councillors and the skills required in light of the objects of legislation.

   40.2 The amendments proposed in **Section 5(a)** of the Bill seem to suggest that broadcasting and content related regulatory issues have been overlooked as broadcasting is not identified as a key responsibility.

   40.3 This is reinforced by the proposed deletion of the requirement in section 5(3)(b)(ii) of the principal Act which specifies that the Council collectively must include people with journalism, entertainment, education and marketing expertise. The IPO is concerned about this apparent undermining of content related skills in favour of more generic ICT knowledge, but suggests, rather than just reinsert this clause, that the DOC,
together with stakeholders, comprehensively review this section of the existing law. The law, rather than listing required qualifications, could more broadly specify that the Council must be made up of people with regulatory, broadcasting, content and electronic communications expertise. The current wording and approach it is suggested is impractical and extremely difficult for the legislature to comply with, given that the Act suggests that nine people should have qualifications between them in 11 distinct areas.

41. **Sections 6(a), (b), (c) and (d)** of the ICASA Amendment Bill propose changes to the performance management system introduced in 2006. We endorse the submissions made by the SOS which question the practicality of these provisions. We moreover note that, to our knowledge, the Department and Ministry have not as yet entered into performance contracts as required by the current law.⁢¹

We further submit that the reported dysfunction of ICASA and its apparent failure to fulfil its legislative mandates and obligations effectively and efficiently suggests not only a lack of leadership at the regulator, but also weaknesses in oversight. Parliament has commissioned a number of studies to consider ways and mechanisms to strengthen its oversight capacity and capability in relation to constitutional institutions and public entities, and we believe that these should be considered in reviewing the framework. Adapting existing clauses which have clearly been insufficient, ineffective and challenging to implement would not address the fundamental need to ensure leadership and accountability.

42. The IPO notes that no proposed amendments have been suggested in the Bill to Section 8 of the ICASA Act which deals with the conditions and circumstances for removal of a Councillor from office. Given the ineffectiveness of the regulator, it is suggested that a clause allowing removal from office for non attendance of a minimum percentage of meetings without good cause could be considered in addition to the criteria already set out. This would ensure that individual Councillors do fulfil their responsibilities.

43. The IPO further notes that no amendments have been suggested to Section 11 of the ICASA Act which deals with meetings of Council. It is standard practice that such clauses should stipulate the minimum number of meetings which should be held. The

⁢¹ The Director General of Communications reportedly confirmed in Parliament at the beginning of 2010 that the performance contracts had not been finalised at the time, though indicated that they would be in place shortly.
current Act however does not specify this and it is suggested that the law would be strengthened with such inclusion.

44. **Section 7** of the Bill suggests, among other things, that the CEO of ICASA be replaced with a Chief Operations Officer. The IPO is unclear of what has motivated such proposed amendment or what the implications of this are, but notes that it appears contrary to general provisions and practice in relation to public entities and institutions. We are unaware of any public institution managed by a COO rather than a CEO. The IPO therefore disagrees with the proposed amendment, pending clarification of the reasons for such proposed change clearly articulating the motivation for the amendment and clarity on how this would strengthen broadcasting regulation and the regulator.

45. **Section 8** of the Bill proposes that Section 15(2) of the principal Act be deleted. This proposal, more than any other, raises fundamental questions about the constitutionality of the proposed changes.

In terms of the PFMA, all constitutional institutions have their own accounting officers. ICASA is, as noted previously, given constitutional independence in terms of Section 192 of the Constitution, and is thus listed in Schedule One of the PFMA as a constitutional institution. Specific treasury regulations reinforce Chapter 5 of the PFMA which effectively affords constitutional institutions the same status as departments of government. These provisions, among other things, specify that such institutions are accountable to Parliament rather than the Executive or any particular Department. This is in line with African and SADC treaties and agreements ratified by South Africa (including those identified in Section Three of this submission).

The proposed deletion of this provision seems to be intended at undermining the regulator’s financial and institutional independence and giving it the status of a public entity, accountable through the DG and relevant Minister in terms of the PFMA, rather than to Parliament.

As noted in previous sections, the independence of ICASA is essential to ensuring freedom of expression and securing the editorial and creative independence of broadcasters and programme producers. This is necessary to promote regulatory certainty and investment in the industry.

We submit that Section 8 of the Bill is unconstitutional and that it be accordingly deleted and that Section 15(2) of the ICASA Act be retained.

46. As highlighted previously, we suggest that amendments to Section 16 of the ICASA Act be considered to specify more clearly how ICASA should report on how it has met its
mandate and the impact of its actions on its objectives. This would assist Parliament to have better oversight and ensure more transparency and accountability to the public.

47. We note that no proposed amendments have been suggested to Section 17 dealing with standing and special committees. We suggest that any comprehensive review of ICASA and its effectiveness should include an assessment of whether or not it would be necessary to establish a standing broadcasting sub-committee of the Board responsible for the sector in order to ensure that broadcasting and content related issues are not marginalised within the regulator. Convergence does not in any way remove the need for a specific focus on content issues, but rather, as has been recognised internationally, reinforces the need for a continued focus on such matters to ensure, for example, that information, social and cultural public needs are met.

48. **Section 10** of the Bill proposes that clause 17A of the principal Act be amended to require Ministerial nomination of members of the Complaints and Compliance Committee of ICASA. This Committee holds hearings into alleged breaches by licensees of licensing conditions, regulations and the Code of Conduct for broadcasters (should they not have opted for self-regulation). It is thus extremely important that there be no perception that there is any control by Government or the Executive of such Committee. The proposed amendments would negate this and the IPO supports the SOS’s submission that such provisions would be unconstitutional. If there is a need to strengthen the CCC, we would recommend that consideration rather be given to, for example, ensuring that ICASA follows a public process of nomination of members of the Committee.

**SECTION SIX: CONCLUSION**

49. The IPO would once again like to thank the DOC for the opportunity to make submissions on the Amendment Bill.

50. As previously indicated these submissions have been limited by the short time set by the Department for representations and can in no way be regarded as a comprehensive review of all provisions in the Bill, or a holistic analysis of shortcomings in the existing regulatory framework.
APPENDIX A

INDEPENDENT PRODUCERS' ORGANISATION
LIST OF MEMBERS 2010

Blast Films
Blue Moon Corporate Communications
Bomb
Born Free Media
Clive Morris Productions
Combined Artistic Productions
Community Media Trust
Curious Pictures
Current Affairs Films
Danie Odendaal Productions
DO Productions
DV8
Endemol
Film Afrika
Fireworx Media
Frank Films
Franz Marx Films
Free Range Films
Fremantle Productions/Waterfront TV
Get The Picture
Imani Media
Journey, Home & Treasure
Light and Dark Films
Makhaola Ndebele
Maxi-D Productions
Moonlighting
Morula Pictures
Moviemakers International
Natives At Large
Ochre Media
Paw Paw Films
Penguin Films
Philo Films
Pieter Cilliers Productions
Plum Productions
Puo Pha Productions
Sasani Africa
Scipio Entertainment
Shadow Films
Soon Associates
Spectro Productions
Stark Films
T.O.M Pictures
Ten10 Films
Trader Films
Tuba Films
Two Oceans Productions
Uhuru Productions
Underdog Productions
Videovision Entertainment

EXECUTIVE COMMITTEE MEMBERS 2010

Desiree Markgraaff – Bomb (Co-Chair)
Tendeka Matatu – Ten10 Films (Co-Chair)
Ramadan Suleman – Natives At Large
Marvin Saven – Moonlighting Films
Harriet Gavshon – Curious Pictures
Mfundi Vundla – Morula Pictures
Kevin Fleischer – Stepping Stones
Bridget Pickering – Fireworx Media
Dan Jawitz – Fireworx Media
Lodi Matsetela – Puo Pha Productions
Rehad Desai – Uhuru Productions
Portia Gumede – Paw Paw Films
Zaheer Goodman-Bhyat – Light And Dark Films
Richard Nosworthy – Plum Productions
Ben Horowitz – Trader Films
Eileen Sandrock – Sasani Africa (Treasurer)