

Only the board can appoint SABC executives

The executive members of the SABC should be appointed solely by the board without any requirement of approval by the minister of communications, the High Court in Johannesburg ruled on Tuesday, 17 October 2017.



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The ruling brings clarity on the role of the communications minister and the president in the appointment of the CEO, chief financial officer, chief operating officer and board of the SABC.

The SABC does not have permanent executives after former communications minister Ayanda Dlodlo refused to approve the candidates who were proposed for the interim board on the grounds that they were not sufficiently qualified.

In the judgment, the court noted that the executive members were to be appointed solely by the board without any requirement of approval by the minister. It said the Broadcasting Act was silent on the appointment of the executive directors.

Furthermore, certain sections of the amended memorandum of incorporation of the SABC and the board charter were not consistent with the Broadcasting Act. The court suspended the declaration of invalidity for a year to allow for the defects to be remedied.

"The president's power to appoint nonexecutive directors of the SABC is purely a formal power as the National Assembly is the appointing authority who interviews and selects candidates," it noted.

"The editorial powers of the CEO trump those of the editors of the SABC. The influence wielded by the executive over the content broadcast by the SABC can be easily abused as evidenced by the public broadcaster's 'unfortunate history of internal censorship'."

The amended version of the memorandum of incorporation extended new powers to the minister over the administration and operations of the board.

In 2014, then communications minister Faith Muthambi introduced an amended version of the SABC's memorandum of incorporation, giving her power to veto the board's recommended candidates for the top three executive positions.

Source: Business Day

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