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| **MINISTRY OF COMMUNICATIONSREPUBLIC OF SOUTH AFRICA**Private Bag X 745, Pretoria, 0001, Tel: +27 12 473 0164 Fax: +27 12 473 0585Tshedimosetso House,1035 Francis Baard Street, Tshedimosetso House, Pretoria, 1000 |

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NO: 246**

**246. Mrs V van Dyk (DA) to ask the Minister of Communications:**

(1) Whether the Freelance Contract for Performers announced by the SA Broadcasting Corporation (SABC) on 27 August 1997 between the SABC and actors is the final, legal and binding contract; if not, what legislation was put in its place;

(2) whether production companies are altering contracts at will; if not, what is the position in this regard; if so, what steps is the SABC taking to ensure that the correct contract is used at all times;

 (3) whether the contract may be amended without prior written approval by the SABC; if so, what are the relevant details;

 (4) why do actors allegedly not receive remuneration in line with the 15% received by producers and 10% received by writers in the commercial exploitation of programmes when sold to other television stations;

 (5) whether the SABC has agreed to negotiate the fee in giving effect to clause 7.2 of the actors’ contract; if not, what is the position in this regard; if so, why does the SABC not agree with the proposal of the SA Guild of Actors to at least set the actors’ portion at 15 %?NW1205E

**REPLY**

**I have been advised by SABC as follows:**

1. Yes, the Freelance Contract for Performers of 27 August 1997 between the SABC and actors is indeed the final, legal and binding contract.
2. No, production companies are not altering contracts at will, however, should any alterations be required those will be effected after agreement between the SABC and affected company.
3. No alternations may be made without the SABC’s consent. The SABC issues the performers’ agreement and advises specifically that clauses 5 and 7 cannot be altered without prior approval of the SABC. [***Clause 5 and 7 are attached***]
4. The payment of actors is prescribed in clause 7 of the Agreement in question. The SABC is merely adhering to the percentages set out in the agreement.
5. There is no new agreement in place and the SABC is complying with the stipulated payment of 2%. The SABC can enter into new negotiations but it would have to be with all representatives in the Industry and not only with SAGA.

**Ms. Stella Ndabeni-Abrahams, MP**

**Minister**