**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**FRIDAY, 24 FEBRUARY 2023**

**DUE DATE: 10 MARCH 2023**

**481. Mr M Hlengwa (IFP) to ask the President of the Republic:**

(1) What are the details of the outstanding legal issues that he needs clarity on before he can appoint a permanent SA Broadcasting Corporation Board of Directors;

(2) whether there are provisions of the Broadcasting Amendment Act, Act 4 of 2009, on which he relies in delaying the appointment; if not, on what exactly does he derive the authority to delay the appointment; if so, what are the relevant details?

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**REPLY**

In terms of the Broadcasting Act sections 1 and 13, the President is the appointing authority, who appoints the members of the SABC Board on the Advice of the National Assembly. In terms of the President’s oath of office and sections 83, 84(1), 84(2)(e) and 237 of the Constitution, he must uphold and respect the Constitution, and perform his responsibilities diligently and without delay.

In appointing members of the SABC Board, or in performing any other obligation, I have a responsibility to ensure that proper lawful processes have been followed, including before the matter is brought to me.

The full submission on the appointment of the SABC Board was only made available to me in mid-January 2023.

In fulfilment of this Constitutional responsibility, I wrote to the Speaker of the National Assembly on 3 February 2023 and 9 March 2023 seeking clarity on:

* the legality of having a reserve pool, and what ‘eventualities’ were envisaged by Parliament;
* whether the individuals in the ‘reserve pool’ had been vetted;
* whether the Portfolio Committee had considered all of the objections received by the Committee during selection process.

In a letter dated 10 April 2023 the Speaker of the National Assembly indicated that the resolution adopted by the National Assembly last year is lawful and that the President is not precluded from selecting a candidate from the reserve pool of three names in case any of the 12 names are not legally appointable.

I duly appointed the SABC Board on 17 April 2023.