



EXHIBIT CC 23

EXHIBIT CC 23(a)

EXHIBIT CC 23(b)

EXHIBIT CC 23(c)

EXHIBIT CC 23(d)

RELATING TO

**BONGUMUSA EMMANUEL
MAKHATHINI**



**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE**

2nd floor, Hillside House
17 Empire Road,
Parktown
Johannesburg
2193
Tel: (010) 214-0651
Email: inquiries@sastatecapture.org.za
Website: www.sastatecapture.org.za

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EXHIBIT CC 23(a)

STATEMENT

OF

**BONGUMUSA EMMANUEL
MAKHATHINI**

DOW JONES

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Sports broadcasting rights row still unresolved

Musawenkosi Cabe

944 words

2 September 2019

Mail & Guardian Online

AIWMAG

English

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The **SABC** and MultiChoice finally reached an agreement, but the threat of future blackouts remains

The impasse between the **South African Broadcasting Corporation (SABC)** and major satellite service MultiChoice with regards to the purchase of the Premier Soccer League broadcasting rights might have been resolved, but the problem will persist without a long-term solution. As the saying goes, "when two elephants fight, it is the grass that suffers the most", and millions of South Africans were left out in the cold during the protracted standoff over the broadcasting rights for domestic football. The beautiful game is the most loved and supported sport in the country and the majority of the millions who follow the game rely on the public broadcaster to keep up with football on radio and television. They couldn't do that during the deadlock in the negotiations for the new broadcast rights deal, for which MultiChoice paid just more than R2-billion. The cash-strapped **SABC** pleaded poverty and, more importantly, said they would be operating at a heavy loss if they paid the R1.4-billion MultiChoice wanted in exchange for being able to show 144 matches a season for the next five years. Millions of South Africans couldn't watch football during the impasse. This brutal assault on the public persisted unmitigated by the broadcasting regulator, the Independent Communications Authority of South Africa (Icasa), before the impasse was resolved through government intervention. Though the state's intervention via the ministries of sports and communications is commendable, the regulator needs to play its part if a long-lasting solution is to be reached. This problem is not only about capacity and finances, it is also about regulation. **SABC** chief executive Madoda Mxakwe said at the Icasa hearings on sports broadcasting that there are no criteria for sublicensing and the **SABC** is exploited in the process. Broadcasters without radio platforms buy and sell these rights to the **SABC**, which is the only entity that broadcasts sport over the radio. Monopoly bad for sports. Between 2012 and 2017, the Competition Commission received a number of complaints about MultiChoice for "abuse of dominance". Some of the complaints were that the pay television giant enjoyed exclusivity on sports rights through long-term contracts with rights holders, which pushed rival companies into the margins. Other complaints were that MultiChoice abused "its dominance by charging a very high monthly subscription" for people to access live prime sports. No choice was given to people to choose channels. Sports channels that show prime sports are only available on the most expensive subscription option, which costs almost R1 000 a month.

Though the Competition Commission decided against the prosecution of MultiChoice for "abuse of dominance" at the Competition Tribunal, it did find that the subscription television market was concentrated and difficult to access. It subsequently looked to Icasa for solutions when it recommended that there was a need for "targeted regulatory interventions to foster" change within sports broadcasting. The commission took the view that an inquiry by Icasa into subscription broadcasting was going to be more nuanced and broader in dealing with issues. Icasa did not respond when asked, as the regulatory authority, about the status of the inquiries and why it had not intervened during the **SABC's** battle with MultiChoice. For a long-term solution, Icasa will have to be directly involved. Policy and regulatory intervention are necessary to ensure that sports broadcasting survives.

New player, same problems. Pay television service Kwese TV was hailed as a "game-changer", including by Icasa, after it was granted a free-to-air television licence. The aim was that once in full operation, the station would have five channels, including a 24-hour dedicated sports channel. This would have brought more competition to the sports broadcasting landscape while the **SABC** dragged its feet in the transition from analogue to digital, which would have eventually led to it launching a dedicated sports channel. But Kwese TV was forced to shut down its pay television service when it struggled to sign up enough subscribers to sustain its broadcast rights payments, pushing it solely into the free-to-air space. The **SABC** suffered because of the consequences of the decline of Kwese TV on the continent. Last year, the public broadcaster acquired English Premier League (EPL) rights from the channel. This year, Kwese TV lost the rights and the **SABC** could not afford to buy the rights from the new rights holder. Big corporations invest in the game in the hope that their brands will reach millions. The PSL acknowledged this fact in its submissions to Icasa, when it said "sponsorship revenue is essentially driven by our ability to achieve a level of television exposure that will be attractive to our sponsors". The **SABC** has wide reach. Aside from the **SABC** Sport television platform, radio stations such as Metro FM, Radio 2000, uMhlobo Wenene FM and Ukhozi FM, which alone boast almost 10 million listeners, reach a wide audience that would be beneficial to most brands. A prolonged impasse and the continued blackout of PSL games will not have been in their interests.

To avoid blackouts of PSL matches and sports in general from becoming a norm, the **SABC** must get its house in order, Icasa must act swiftly in dismantling the monopoly of MultiChoice and the government needs to end "the war with itself" and devise a proper funding model for the **SABC**. If they do this, millions of working-class South Africans will not be deprived of sports content simply because they cannot afford pay television. This article was first published on New Frame.

Document AIWMAG0020190902ef9200004

THE MERCURY

MET

SABC sorry as power outage cuts services

101 words

2 September 2019

The Mercury

MERCURY

E1

5

English

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THE **SABC** has apologised for the disruption of broadcast services for all Johannesburg-based radio stations between 7am and 8am yesterday.

The affected radio stations included Metro FM, 5FM, Radio 2000, SAFM, and RSG, **SABC** spokesperson Vuyo Mthembu said.

"The disruption of broadcast services was due to a power failure in and around the Auckland Park area where the **SABC** building is located.

"The back-up generator was not able to kick in as expected," he said.

The **SABC** is pleased that these services have been restored," he said. | African News Agency (ANA)

Document MERCURY0020190902ef9200026

PRETORIA NEWS

MET

SABC making the headlines instead of reporting them

327 words

2 September 2019

Pretoria News

PRETNW

E1

2

English

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One of its tasks is to report on the news but in the past week the public broadcaster has featured in the news quite a bit.

On Friday the **SABC** announced that Sylvia Tladi would, in an acting capacity, be its new chief operations officer. This came as the Sunday Times reported that her predecessor Craig van Rooyen was one of three **SABC** executives to send a letter to the chair of the **SABC** board, complaining about board members meddling in the day-to-day running of the **SABC**.

Meanwhile, the board has denied there is disagreement among its members about meeting preconditions set by government for giving the **SABC** the much-awaited R3.2bn bailout. Last month the **SABC** told Parliament that it was still in negotiations with Treasury over funding, including answering questions about how it got in this mess and steps it is taking to rectify the situation.

Meanwhile the **SABC** is proposing to increase TV licence fees, a suggestion which reminded me of my ongoing saga with them over mine.

I have not owned a TV in years but according to them, I owe tens of thousands of rand. I am not alone: there are apparently nine million accounts on their database but only 1.8million holders pay fees.

Before you think I'm not law-abiding, we have more than one TV at home and, though we don't watch **SABC** shows, my husband does have a valid licence.

Another suggestion is a redefinition of what is a TV to include a computer screen or smartphone. Not my scene but I do listen to some **SABC** stations in my car. So I was aware of the silence at the weekend when stations based in Joburg went off air for an hour.

The reason, it turned out, was nothing sinister - only a power failure in Auckland Park and a generator that failed to start.

Document PRETNW0020190902ef920001q

The Star

MET
**SABC board denies
 infighting**

358 words
 2 September 2019
 The Star
 THESTR
 E1
 3
 English
 © 2019 Independent Newspapers (Pty) Ltd

THE **SABC** board has refused to be drawn on allegations of discontent between the board and **SABC** top executives.

The Sunday Times reported that "**SABC** top brass threaten to quit over board meddling".

"The **SABC** board has reaffirmed its utmost support and respect for the **SABC**'s executive directors who have done a sterling job so far in very difficult circumstances.

"The board will not be drawn into discussing internal board matters and alleged differences between board members," board chairperson Bongumusa Makhathini said yesterday.

"The **SABC** board denies that there is a disagreement among board directors about meeting the preconditions set by the government for providing a R3.2billion bailout.

"At a meeting of the **SABC** board (on Saturday) it was unanimously agreed to write to the minister of finance and the minister of communications and digital technologies, respectfully disagreeing with the view that the **SABC** had not met the Treasury's preconditions for funding.

"In the letter to the ministers, the board expressed its concern with the contents of a letter from the two ministers received on August 27, 2019, and believes that the ministers have not been fully briefed on the information provided by the **SABC** so far.

"It is the **SABC** board's understanding that the public broadcaster has either complied or substantially complied with each precondition, as demonstrated by the substantive documentation supplied over a period of eight months. In the letter to the ministers, the board attached details on the **SABC**'s compliance with each condition and has asked for an urgent engagement to discuss the matter."

The board had informed the ministers that as a result of the current status of the **SABC**'s funding request, the board was left with no option but to implement the requirements of the Companies Act, taking into account the severe implications on the directors' liabilities.

The board had assured the ministers of its commitment to serving the corporation in the public interest. To this end, the board would continue to work with the department of communications and digital technologies and the National Treasury, Makhathini said. | African News Agency (ANA)

Document THESTR0020190902ef920000h



Top news items in major South African news outlets

guyuan

133 words

1 September 2019

11:49

Xinhua News Agency

XNEWS

English

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CAPE TOWN, Sept. 1 (Xinhua) -- The following are news highlights in South African major news outlets on Sunday:

--Eastern Cape Police Commissioner Lieutenant General Liziwe Ntshinga on Saturday promised his full support in the investigation into the murder of champion boxer Leighandre "Baby Lee" Jegels.

Jegels, 25, was allegedly shot and killed by her policeman boyfriend who also shot and wounded her mother on Friday night in East London.(Eyewitness News).

--Chief Justice Mogoeng Mogoeng said on Saturday that private political party funding should be discouraged in a constitutional democracy in order to avoid the risk of state capture.

The Chief Justice was delivering a lecture at the University of the Free State, titled "Transformative Constitutionalism." (The **South African Broadcasting Corporation**).

Enditem

01

Document XNEWS00020190901ef91005h9

Weekend Argus

NOW

PAC takes aim at SABC

488 words

1 September 2019

Weekend Argus

WEEKA

E1

9

English

© 2019 Independent Newspapers (Pty) Ltd

Newly re-elected PAC president Narius Moloto has taken the **SABC** to task for what he claims has been "concealing black history and the pain of apartheid".

The **SABC** which is at most times struggling to pay salaries, may now have to explain to Parliament on the alleged plot to whitewash apartheid.

Moloto said he had written to the **SABC** board, the Minister of Communications, Stella Ndabeni-Abrahams, the portfolio committee on communication and the Broadcasting Complaints Commission of South Africa to complain about what he deemed "a gag on black history".

This emanates from a complaint Moloto made against the **SABC** claiming the broadcaster was only covering the ANC, the DA and EFF's election campaigns. Moloto claimed that in the last 10 years the **SABC** had only looked for negative stories about the PAC.

"The national broadcaster has blotted out the PAC's struggle history. If we are lucky to get a mention, all they'll talk about are the factions and challenges within our party. They're trying to blot out how much apartheid hurt black people.

"Our part in the Struggle is never mentioned. Every party has challenges but they will go out of their way to find individuals to insult the party" Moloto said.

In an interview with Independent Media, Moloto said they were aware that journalists were taking money to air good stories.

"They won't cover us objectively because we don't have money to give them. We don't bribe people for good press. It is a known fact that that is the way things work now".

Moloto has had his share of controversy in the last few months with another PAC grouping saying their elective conference was illegally constituted and Moloto was not the president of the PAC. Although two court judgments have taken Moloto's side, the other faction is still baying for blood.

"The national broadcaster has made it its duty to disinform the public about the PAC. Last week Friday it reported about a non-existent court order preventing our conference. According to them, we did not proceed with the national congress in Limpopo. Although after heavy engagements it was later corrected, last week they entertained a PAC 'defectee' Apa Pooe who went there to repeat the same lies without taking him to task," Moloto added.

Moloto said South Africa should not be in the dark about who fought for freedom, claiming that they were with the ANC in the trenches.

"We understand that it is convenient and financially rewarding to report on the ANC as the only party that fought for freedom, but no one should attempt to obliterate the PAC from history."

The **SABC** board had not responded to Independent Media's questions by the time of going to print.

Another faction claiming to be the real PAC said they would be holding their special congress next month.

Document WEEKA00020190901ef910001z

General

Sylvia Tladi is SABC acting COO; Tladi was the candidate best suited for the job, the SABC said.

Citizen reporter

91 words

30 August 2019

The Citizen

CZEN

English

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Sylvia Tladi has been appointed as acting chief operations officer (COO) of the SABC, the broadcaster announced.

This comes after the former incumbent, Craig van Rooyen, stepped down earlier this month for personal reasons.

Tladi was the candidate "best suited for the job" while the SABC finalises the process to appoint a permanent COO, it said.

The SABC offices in Auckland Park, Johannesburg. Photo: Karen Sandison / African News Agency (ANA)

Document CZEN000020190901ef8u0000j

SABC is struggling financially

186 words

30 August 2019

Inside Satellite TV

INSATV

English

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South Africa's public broadcaster **SABC** is technically insolvent, according to its CFO Yolande van Biljon.

Reportedly some **SABC** suppliers are unwilling to take up new contracts because of long delays in receiving payment for work done.

The CFO admitted the problems, saying: "There are instances where we are unable to honour payments and even unable to adhere to committed contracts, which means we often need to renegotiate because we have been unable to meet the requirements."

"Currently, **SABC** is technically insolvent. We are also under tremendous strain towards being factually insolvent as a result of our liquidity issues. Cash is depleted and the trade and other payables amount to R1.8-billion as at June 2019.

"There are a number of significant suppliers that make this up, notably [transmission company] Sentech (R554-million), our signal distribution provider, as well as SuperSport, Samro and various other content providers (amounting to R174-million). We have monthly engagements with all these parties," she said.

The financial problems have meant a freeze on hiring since September 2018.

((Distributed via M2 Communications - <http://www.m2.com>))

Document INSATV0020190830ef8u00003

BusinessDay

News

PUBLIC BROADCASTER - SABC directors are at risk of being delinquent

Bekezela Phakathi

652 words

29 August 2019

Business Day

MEWBUD

3

English

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PUBLIC BROADCASTERSSABC directors are at risk of being delinquent

SABC CEO Madoda Mxakwe tells parliament the public broadcaster's turnaround strategy is being hampered by a lack of funds

Parliamentary WriterThe **SABC**'s board of directors could be declared delinquent as the embattled public broadcaster is trading under insol-vent circumstances.

The main source of news for the majority of SA's population is technically insolvent. Its falling revenues mean it cannot service its debt of almost R2bn.

The Companies Act states it is illegal for directors of an insolvent company to continue trading after they become aware of its insolvent status.

The broadcaster is struggling with a huge infrastructure maintenance backlog and an unsustainable wage bill.

The **SABC** recorded an unaudited loss of R483m in the 2018/2019 financial year.

A year earlier it incurred a loss of R622m. Over the past decade it has made a profit in only three years, from 2011 to 2013. Those years had the lowest investment in content, according to an **SABC** presentation to parliament.

The corporation's dire financial situation worsened during the 2018/19 financial year and it ended March 2019 with a cash balance of just R72m.

It has requested a R3.2bn government guarantee to stay afloat and to pay off some of its debt, but its bid for funding has so far been unsuccessful.

It applied for government funding as far back as November 2017, but the Treasury has been reluctant to agree to it.

It wants the broadcaster to first meet preconditions, such as removing noncore and nonperforming activities, maximising advertising revenues and clawing back expenditure on content.

SABC CEO Madoda Mxakwe said the public broadcaster's turnaround strategy is being hampered by a lack of funds. He believed the strategy could yield results in 18 to 24 months.

Briefing parliament's select committee on public enterprises & communication on Wednesday, CFO Yolandi van Biljon said that in December 2018 the Companies and Intellectual Property Commission (CIPC) issued a notice to the corporation in terms of the Companies Act to show cause regarding reckless trading or trading under insolvent circumstances.

"A response was provided to the commission, however, the commission indicated that the situation will be monitored closely. CIPC is following up on this matter on a monthly basis," said Van Biljon.

"Trading under insolvent circumstances is accepted to mean that a company does not meet the solvency and liquidity test criteria. Currently the **SABC** is unable to pay its debts, in some cases in arrears of six months.

"This will be directly contravening the Companies Act, and if that is the case, may lead to liability for the directors."

The Companies Act states that a company must not carry on its business recklessly, with gross negligence, with intent to defraud or trade under insolvent circumstances.

Acquiring new debt may also increase the risk of negligence on the part of directors.

The **SABC** owes R554m to state signal distributor Sentech, which could suspend its service at any time, which would lead to a blackout. The broadcaster owes MultiChoice's SuperSport division R259m and various content providers R174m.

Van Biljon said several major content providers of key programming have ceased production and are retaining content until outstanding payments have been received.

"The public broadcaster relies heavily on these programmes to generate advertising revenue and the inability to invest in content negatively affects the financial sustainability of the **SABC** and the local production industry. Should this crisis not be addressed as a matter of urgency, the **SABC** would be unable to operate and the 'black-on-air' scenario is a real and highly possible threat."

Deputy communications minister Pinky Kekana said the department will continue working with all stakeholders to ensure that the **SABC** becomes sustainable and directors are not declared delinquent.

phakathib@businesslive.co.za

Madoda Mxakwe

Document MEWBUD0020190829ef8t0000k

UKHOZI FM STILL KING!

210 words

29 August 2019

Daily Sun

DASUN

English

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~. Credit: Daily Sun

According to a new radio audience measurements survey by The Broadcast Research Council of South Africa, Ukhozi FM is still the biggest radio station in Africa!

The survey reveals that from the period of January 2019 to June the Zulu language station had a weekly audience reach of 7.7 million, the **South African Broadcasting Corporation (SABC)** says that this is the biggest since 2016.

Sibonga siyanconcoza kuwena mlaleli wethu ?? pic.twitter.com/faJj5s0epq — Ukhozi FM Official (@ukhozi_fm) [August 27, 2019](#)

It looks like Umhlobo Wenene has been gaining a lot of mhlobos. It saw a 7% audience increase reaching a weekly audience of 5.6 million.

Metro FM which has gone through a lot of drama in the last 6 months with the firing of DJ Fresh and all is the third biggest radio station in the country with a weekly audience reach of 4.2 million. This is a drop of about 100k from the period of October 2018 to March 2019.

SABC radio station saw a 1.4% of audience share in the country with 73.2%. The struggling company says that this reiterates their commitment to continuously deliver on its mandate in an increasingly competitive broadcasting landscape.

Document DASUN00020190829ef8t0005t



Top news items in major S. African media outlets

guyuan

190 words

29 August 2019

08:16

Xinhua News Agency

XNEWS

English

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CAPE TOWN, Aug. 29 (Xinhua) -- The following are news highlights in South Africa's major media outlets on Thursday.

-- The **South African Broadcasting Corporation (SABC)** needs a capital injection and between 18 and 24 months for its turnaround plan to start yielding results, group CEO Madoda Mxakwe told Parliament on Wednesday.

Mxakwe and other officials of the public broadcaster briefed Parliament's select committee on public enterprises and communication on the **SABC's** financial stability and other human resources related issues. (Fin24)

-- South African Express has resumed operations on Wednesday after being suspended for most of the day.

The airline management cited operational challenges for the interruption. (Eyewitness News)

-- The National Treasury told Parliament on Wednesday that should electricity utility Eskom fail to implement its funding plan by the end of March next year, it will end up requiring additional funding.

This would be in addition to the special funding of 59 billion rand (about 3.85 billion U.S. dollars) to be spread over two financial years from this year until 2021. (The **South African Broadcasting Corporation**)

Enditem

01

Document XNEWS00020190829ef8t006hd

BusinessDay

News

COMMUNICATIONS & DIGITAL TECHNOLOGIES - SABC, Post Office top of the list for new department

Bekezela Phakathi

663 words

28 August 2019

Business Day

MEWBUD

2

English

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COMMUNICATIONS & DIGITAL TECHNOLOGIES SABC, Post Office top of the list for new department

The reconfigured department is prioritising turnaround strategies for the two entities, both of which are relying on government bailouts

Parliamentary Writer The reconfigured department of communications & digital technologies says it will prioritise the strategic turnaround of two major entities in its portfolio: the SABC and SA Post Office.

The department, which is finalising its merger with the department of telecommunications & postal services, briefed MPs on Tuesday on the reconfiguration process. Department officials said that a turnaround strategy for the SABC will be finalised by the end of September, while that of the Post Office is "gaining traction".

The two entities have been hamstrung by acute management and financial problems in recent years, which have left them on the brink of collapse. The SABC, which remains the main source of news and commentary for millions of South Africans, has previously warned that it could be forced to switch off its cameras and microphones due to its debilitating financial situation. It has requested R3.2bn from the government to stay afloat.

The SABC's projected figures show factual insolvency. Forecasts indicate that the public broadcaster will end the 2018/2019 financial year with a net loss of R568m against a budgeted loss of R288m. It had a net loss of R622m for the 2017/2018 financial year.

The Post Office is facing a similar crisis and continues to rely on government bailouts to stay afloat. It posted a loss of R908m for 2017/2018.

Its CEO, Mark Barnes, recently resigned following a disagreement with the government and the board on their decision to completely separate the Post Office and Postbank, which has applied for a full banking licence.

Establishing the bank was seen as one aspect of a multi-pronged strategy to modernise the Post Office and put it on a profitable and sustainable path.

The Post Office "turnaround has been long in the making and is gaining traction as the entity is positioning itself as the infrastructure for delivering a variety of government services", deputy minister Pinky Kekana said in a presentation to MPs on Tuesday.

"This needs to be supported by ongoing investments, particularly in digital technologies, to enable and support this value proposition. Major opportunities exist in the e-commerce space to further diversify revenues by providing a technology platform for small, medium and micro-sized enterprises and the logistics for the entire industry."

Postbank is a subsidiary of the Post Office and has its own board. The government and the ANC have stated their intention to convert the bank to a fully licensed, state-owned bank. Barnes's vision when taking on the job to rescue the Post Office was to create an integrated service providing mail, logistics and financial services in one entity.

The department confirmed on Tuesday that the ownership of Postbank "is completely removed" from the Post Office.

"The Bank Controlling Company (BCC) has been finalised and [is] in the implementation stages. In the new BCC structure, the minister of communications & digital technologies will now become the sole shareholder of Postbank ... The department is finalising the required amendments to the SA Postbank Limited Act."

As for the **SABC**, the department said a turnaround strategy is to be finalised by the end of September "to put the public broadcaster on a sound operational and financial footing".

This, the department said, will involve an assessment of the public mandate and how it will be funded.

The department is considering merging three regulatory institutions within its portfolio: the Independent Communications Authority of SA, the Film and Publication Board and the .za Domain Name Authority. The aim is to have a holistic regulation across the internet value chain, including domain name regulation and internet governance. A decision to merge will be made only after an impact study has been completed.

phakathib@businesslive.co.za

Document MEWBUD0020190828ef8s00002

Government

SABC wants to increase TV licences, but DA says no way; The opposition says the public broadcaster needs to find another way to turn around its dismal financial situation.

Citizen reporter

337 words

28 August 2019

The Citizen

CZEN

English

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In a statement on Wednesday, the Democratic Alliance said it would fight the financially embattled **SABC's** proposal to increase TV licence fees.

Briefing the select committee on public enterprises and communications in the National Council of Provinces earlier in the day, the **SABC's** CFO, Yolande van Biljon, stated that a proposal to increase TV licence fees had been drafted and sent to Minister of Communications Stella Ndabeni-Abrahams.

The DA said they were opposed to any additional, in essence, "taxation of already overburdened South African taxpayers, as well as those who are impoverished and struggling to put food on the table".

They called on the public broadcaster to find new revenue streams to stay afloat instead of imposing increases to TV licence fees.

The DA's Phumzile Van Damme said the **SABC** needed to find innovative measures to strengthen their collection of revenue as poor South Africans would, without doubt, be unlikely to afford any increases in licence fees.

"The **SABC** must position itself as a trustworthy and properly managed entity to encourage current TV licence holders to make payments.

"Furthermore, the broadcaster should explore purchasing content that will attract viewers - by doing so, they will see an increase in advertising revenue. Advertising makes out the bulk of the **SABC's** revenue, and an increase in advertising will surely be a boost for the **SABC**.

"We look forward to feedback regarding funding of the **SABC** - especially given the fact that the public broadcaster is still reeling from the financial consequences of well-chronicled years of mismanagement, looting and governance failures."

Van Damme said the public should not have to pay for the **SABC's** "sins" through additional TV licence fees.

"We trust that the current **SABC** management will prove its mettle, by steering the **SABC** to a profitable position."

(Edited by Charles Cilliers)

Document CZEN000020190831ef8s0000o



Government Saddened By Death of David Kekana

Government of South Africa

225 words

28 August 2019

14:10

AllAfrica

AFNWS

English

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Government is deeply saddened by the death of renowned **SABC** sports analyst and former Sunday Times journalist, David Kekana. He passed away on Sunday after a long battle with diabetes. According to reports the memorial and funeral will be held at Rhema Bible Church North 'Randburg' starting at 9am and is open to members of the public to attend.

Kekana was a vital part of the **SABC** sports team, with his career at the public broadcaster spanning 18 years. He was known for his objective and critical analysis in sports performance, especially soccer, and his death has left an indelible mark on the fraternity. He also made a meaningful contribution to policy formulation in order to build sport as a channel for social cohesion in the Gauteng province.

"There is a strong link between sporting events and positive social effects including reinforcing identities, uniting people from every walk of life, promoting social cohesion amongst others. Sports is the social fabric that binds us together, and the manner in which Kekana analysed sports, unknowingly united people through dialogues and interaction. Government sends its heartfelt condolences to his family, colleagues and members of the public who tuned in to hear his analysis. He will be sorely missed," said GCIS ADG, Phumla Williams.

Issued by: Government Communications

Document AFNWS00020190828ef8s0018k



Condolences for Sports Analyst David Kekana

SAnews.gov.za

183 words

28 August 2019

11:36

AllAfrica

AFNWS

English

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Government has extended condolences to the family and friends of renowned **South African Broadcasting Corporation (SABC)** sports analyst and former Sunday Times journalist, David Kekana.

Kekana, 47, passed away on Sunday after a long battle with diabetes.

Kekana was a vital part of the **SABC Sport** team, with his career at the public broadcaster spanning 18 years.

He was known for his objective and critical analysis in sports performance, especially soccer. He made a meaningful contribution to policy formulation in order to build sport as a channel for social cohesion in Gauteng.

"There is a strong link between sporting events and positive social effects, including reinforcing identities, uniting people from every walk of life and promoting social cohesion.

"Sport is the social fabric that binds us together. The manner in which Kekana analysed sport unknowingly united people through dialogue and interaction.

"Government sends its heartfelt condolences to his family, colleagues and members of the public who tuned in to hear his analysis. He will be sorely missed," said GCIS Acting Director-General, Phumla Williams.

Document AFNWS00020190828ef8s000uz



LIF

Tributes pour in for SABC's David Kekana

230 words

27 August 2019

Daily News

DAILNW

E1

9

English

© 2019 Independent Newspapers (Pty) Ltd

AFTER the devastating news of the passing of SABC sports analyst David Kekana, South Africans took to social media to pay their respects.

Kekana passed away on Sunday at Milpark Hospital after a long battle with chronic diabetes.

Tributes started pouring in on Twitter from fans, friends and colleagues as Mzansi remembered the fallen veteran broadcaster and sports anchor.

Among those paying their respects were musician and businessman DJ Sbu, comedian Mpho Popps Modikoane, former Metro FM sportscaster Mpho Letsholonyane and Power FM sports presenter Thabiso TT Tema.

"Sad news indeed. South Africa mourns the loss of our brother. Condolences to close friends and family. #RIPDavidKekana," wrote DJ Sbu.

Popps wrote: "To think I saw you just the other day, in a way I got to see you one last time and say bye without even realising it, you were your good old self, jolly and ever-smiling.

"Your untimely passing has struck a chord with so many of us, you are gone way too soon madala - #RipDavidKekana"

"We have lost a WEALTH of information. A man who knew a lot about sport!! A joker," wrote Letsholonyane.

"Farewell my brother, it seems like each day we receive sad news on how we've become poorer as a country as some of our most gifted depart," wrote Minister of Transport Fikile Mbalula.

Document DAILNW0020190827ef8r0000q



MultiChoice signs deal with SABC for Premier Soccer League rights

100 words

26 August 2019

Telecompaper Africa

TELAFR

English

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MultiChoice Group's SuperSport and the **South African Broadcasting Corporation (SABC)** have announced a commercial agreement on terms that will allow the free-to-air broadcast of the Premier Soccer League (PSL). The deal runs for five years and recognises the need to maintain the financial sustainability of the PSL and to ensure that the **SABC** fulfils its mandate to serve the interests of the public with regard to sports.

Both parties are pleased that the impasse has been resolved and they look forward to a mutually beneficial working relationship.

Document TELAFR0020190826ef8q0005I

SABC lets down the poor

134 words

26 August 2019

Daily Sun

DASUN

English

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I was totally flabbergasted at the way Safa, the PSL and **SABC** have taken people for granted.

League games started a few weeks back, yet there was no agreement about which matches would be publicly screened.

The blackout of soccer matches was a terrible blow for football lovers and a shameful way to treat the beautiful game.

Not showing the games was like showing the middle finger to the public and soccer fans.

This shows how greedy the leaders of these organisations are. They preferred to show lots of matches on the pay channel, rather? than letting the have-nots watch.

Rugby fans also have to wait until matches are finished on the pay channel. **SABC** shows them by the time you already know the score.

) Vukile Maki, Mdantsane

Document DASUN00020190826ef8q000bb

Sunday Report
SABC bosses slated for ignoring CCMA subpoenas

Aubrey Mothombeni
 774 words
 25 August 2019
 Sunday World
 SUNDW
 Sunday World
 2
 English
 Copyright 2019 Times Media (Pty) Ltd
 Axed GM Mkhize challenges dismissal

mothombenia@sundayworld.co.za

SABC CEO Madoda Mxakwe and CFO Yolande van Biljon have been chastised by a labour court judge for allegedly defying a subpoena issued by the Commission for Conciliation, Mediation and Arbitration (CCMA).

This comes after the **SABC** and its executives had filed an application before the labour court earlier this month asking the court to set aside four subpoenas issued against them by the CCMA in the matter between the **SABC** and its axed general manager for supply chain management and special projects Ayanda Mkhize.

Mkhize challenged her dismissal by the public broadcaster at the CCMA, arguing that the employer's processes were not fair.

The papers show that Mkhize was fired on October 17 last year for misconduct based on several allegations of tender irregularities. The **SABC** had claimed that Mkhize deleted certain documents from her work laptop implicating her in the irregularities.

However, the papers show that despite an arbitration hearing set by the CCMA for August 21, and all parties informed, three **SABC** executives and their attorney, who were listed as witnesses by Mkhize, elected not to participate in the process, leading to the issuing of subpoenas against them.

Mxakwe, Van Biljon, IT practitioner Manuel de Oliveira, as well as Werksmans Attorneys' Sandile July, were subpoenaed to attend the hearing for questioning and were expected to produce any evidence relied upon by the **SABC** when dismissing Mkhize.

According to Mkhize's replying affidavit and the subpoenas issued against the **SABC** officials dated August 5, Mxakwe instructed the **SABC** to conduct a forensic investigation into allegations that Mkhize wiped documents implicating her in tender irregularities.

In the affidavit, Mkhize had asked that Mxakwe be presented as a witness in her case as he was in possession of a forensic report that led to a disciplinary hearing against her. She said the **SABC** and its CEO were also refusing to hand over the forensic report to her.

Mkhize also asked for Van Biljon to avail herself as a witness arguing that the CFO initiated disciplinary proceedings against her and later abandoned them in favour of a dismissal based on breach of trust.

"The applicant was unfairly dismissed by the respondent despite the fact that there was an ongoing disciplinary hearing which at that stage had already had three sittings," reads one of the subpoenas.

Arguing for the subpoena of De Oliveira, Mkhize said the IT specialist conducted the forensic investigations and examined her computer, and that it was his findings that led to her dismissal.

The **SABC** executives and their lawyers elected to challenge the subpoenas issued against them, arguing that it was an abuse of process and therefore irregular and invalid.

The **SABC** argued that its executives were too busy running the state-owned company and therefore unable to attend the arbitration hearing for two days.

In the same application, the **SABC** had urged the labour court to intervene in the matter arguing that its refusal to do so would have dire consequences in that other dismissed employees could simply have subpoenas issued as a strategy of harassment, in the course of arbitration hearings.

However, judge Andre van Niekerk disagreed and dismissed the **SABC**'s application with costs, stating that the public broadcaster and its counsel failed to convince him that the labour court had jurisdiction on the matter.

Van Niekerk said he was convinced that the CCMA director had followed all the processes in issuing the subpoenas and he ordered the executives to go back to the CCMA and argue their position there.

Mkhize declined to comment on the matter.

SABC spokesperson Vuyo Mthembu hit back and said Mkhize was actually appointed irregularly at the **SABC** to start with and accused her of being malicious with her CCMA subpoenas.

She said the **SABC** can't afford to have her back on their payroll as trust between the two parties had broken down.

"Furthermore, the organisation was unable to trust Mkhize whilst being aware that Khaba Yasembo and Lesikho Human Capital, companies in which Ms Mkhize has an interest in, were involved in fraudulently obtaining loans from SEFA under the pretext that they had contracts with BMW and Transnet.

"It ought to be borne in mind that in the event of a breach of contract, which is unlike ordinary forms of employee misconduct, an employer has the election, as provided for under the common law, to terminate the contract. In light of Mkhize's conduct, the **SABC** elected to exercise its common law remedies," said Mkhize.

SABC CEO Madoda Mxakwe / Supplied

Document SUNDW00020190826ef8p0000t

Search Summary

Text	South African Broadcasting Corporation OR SABC
Date	In the last week
Source	All Sources
Author	All Authors
Company	All Companies
Subject	All Subjects
Industry	All Industries
Region	All Regions
Language	English
News Filters	Company: South African Broadcasting Corporation
Results Found	86
Timestamp	2 September 2019 9:42



EXHIBIT CC 23(b)

STATEMENT

OF

**BONGUMUSA EMMANUEL
MAKHATHINI**



**MINISTRY: COMMUNICATIONS
REPUBLIC OF SOUTH AFRICA**

Private Bag X860, Pretoria, 0001, Tel: +27 12 473 0164 Fax: +27 12 473 0585
Tshedimosetso House, 1035 Frances Baard Street, Pretoria, 1000

www.gov.za

HE President MC Ramaphosa
President of South Africa
Union Buildings
Pretoria

Dear Mr President,

SUBJECT: RESIGNATION OF SABC BOARD MEMBER - MS KHANYISILE KWEYAMA

1. This correspondence serves to advise His Excellency that Ms Khanyisile Thandiwe Kweyama has resigned as a member of the SABC Board with immediate effect; thus resulting in another vacancy in the SABC Board.
2. The reason for the resignation is the appointment of Ms Kweyama as PRASA Chairperson.
3. The resignation is hereto attached.

Yours Sincerely,

**MS STELLA NDABENI-ABRAHAMS, MP
MINISTER OF COMMUNICATIONS
DATE: 2018/12/02**



The Honourable

President Cyril Ramaphosa

President of the Republic of South Africa

Union Buildings

Pretoria

Per email:

December 3, 2018.

Dear Honourable President

RESIGNATION AS MEMBER OF THE BOARD OF THE SABC

In terms of Section 15(2) of the Broadcasting Act, 4 of 1999, as amended, I hereby tender my resignation as a member of the Board of the South African Broadcasting Corporation.

I apologise for not completing my full tenure of 5 years in this position. I remain passionate about building the public broadcaster into an institution South Africans, and indeed Africans across the continent, can be proud of. However, I find I am unable to agree with the current Board's direction, and in particular its failure to appreciate the oversight role of Parliament and its committees. The dissatisfaction of oversight committees was apparent in three successive hearings, and reached across all political parties. My endeavours to persuade the Board to change course, including the suspension of retrenchments, have not been accepted.

I humbly request that I be released from my fiduciary duties as a Board member with immediate effect, and that the 3 months' notice period required in the Act be waived. I remain willing to serve South Africa as ever.

Yours faithfully



JOHN MATISONN

3 Hospice House

La Rochelle St,

Franschhoek,

Western Cape, 7690.

083-310-6508

Mathatha Tsedu
159 Blairgowrie Drive
Blairgowrie
2194

05 December 2018

Your Excellency
President Matamela Ramaphosa
West Wing
Union Buildings
TSHWANE

RESIGNATION AS A MEMBER OF THE BOARD OF THE SOUTH AFRICAN BROADCASTING CORPORATION (SABC): MATHATHA TSEDU

Dear President Ramaphosa, Ndaa

I wish to kindly advise that I hereby tender my resignation as a member of the board of the South African Broadcasting Corporation (SABC) and request that you waive the three months notice period so that the resignation becomes effective as soon as you have accepted it.

I wish to also express my gratitude to Parliament, the Government of our Republic and the people of this country for having given me an opportunity to serve our nation through the work of the SABC, both as Deputy Chairperson of the Interim Board and later as a member of the permanent board. I have tried at all times to live up to the highest possible ideals of commitment to service to our people in line with the mandate of the SABC as a public broadcaster.

The work of both the Interim Board and the permanent board, in rooting out corrupt practices and reversing fraudulent activities, speak for itself and I am proud that I played my little role in that ongoing exercise. I accepted the appointment on the understanding that resources would be available to fulfil the responsibilities. However the financial crunch facing the SABC is getting worse by the day and all efforts by the board to source a government guarantee have yielded nothing in over 18 months of pleadings.

It is therefore no longer possible for me to continue in this role and beg your understanding for my action to terminate my membership of the board.

Regards

For Africa, Always

Mathatha Tsedu

tsedumathatha66@gmail.com

0824540527

The Honourable
President Cyril Ramaphosa
President of the Republic of South Africa
Union Buildings
Pretoria

Per email: presidentrsa@presidency.gov.za

4 December 2018

Dear Honourable President

RESIGNATION AS A MEMBER OF THE SABC BOARD

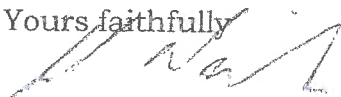
In term of Section 15(2) of the Broadcasting Act, 4 of 1999, as amended, I hereby tender my resignation as a member of the Board of the South African Broadcasting Corporation.

I apologise for not having served my full tenure of 5 years. However, the inability of some of the Board members to understand the difference between corporate independence, accountability and political interference has led to a breakdown in the relationship with the Minister.

The SABC has a pressing issue of lack of funds which requires immediate attention. For that reason I do not wish to delay the governance process with appointing an interim structure to manage the affairs of the corporation.

As such, I humbly request that I be released from my fiduciary duties as a Board member with immediate effect and that the 3 month period required in the Act be waived. The basis of my request is that my immediate withdrawal from the affairs of the SABC Board would not cause any prejudice to the Board.

Yours faithfully



KRISH NAIDOO

38 Bear Park
Gibson Drive West
Buccleuch
Sandton
Johannesburg
082 961 1276
krishn@nwweb.co.za



EXHIBIT CC 23(c)

STATEMENT

OF

**BONGUMUSA EMMANUEL
MAKHATHINI**

- 1 Sep 2019
- Sunday Times
- By CAIPHUS KGOSANA

SABC brass threaten to quit over board 'meddling'

• The SABC's three top executives have threatened to quit, claiming they face constant meddling and interference from members of the board.

This week the three top bosses — group CEO Madoda Mxakwe, outgoing chief operating officer Craig van Rooyen and chief financial officer Yolande van Biljon — wrote to the board, detailing instances of alleged interference by two of its members.

The board is responsible for the SABC's broad strategic mandate and is not permitted to interfere in the day-to-day activities of the public broadcaster.

On Tuesday, the three sent a letter to board chair Bongumusa Makhathini responding to the board's request for examples of interference after they complained about it in an initial letter sent in June.

The examples they cited include:

- A board member's suggestion that they give ministers free access to SABC news in return for "political mileage";
- Editorial interference in the news department, including an incident where a state-owned agency sent an e-mail to a producer demanding that an SABC board member, who is the CEO of that agency, be interviewed on one of the flagship news programmes;
- Board members allegedly using board meetings to demand tickets for various events, including sports and elections gala dinners, to which they did not pitch up; and
- Board members being unprepared for meetings, or arriving late, which "disrupts" the executives' work and wastes their time.

In the letter, the executives accuse a board member of peddling a lie about executives hatching a plan to pay themselves performance bonuses while the public broadcaster begs for a government bailout.

But those close to the implicated board members hit back, saying they were being targeted by the three executives and other board members for asking difficult questions about the corporation's ability to meet the stringent turnaround targets set by finance minister Tito Mboweni as a precondition for a R3.2bn bailout.

"The SABC has not met the bailout conditions, in fact they want a bailout without conditions. That is what those board members are concerned about and what they keep questioning the

leadership of the organisation about. This is the reason why they are being singled out," said a source close to the implicated board members.

The latest drama comes as the government this week again rejected the SABC's request for a R3.2bn bailout.

In a letter sent on Tuesday to the broadcaster's board, communications minister Stella Ndabeni-Abrahams and Mboweni refused to release any of the funds "until the two departments are satisfied that the public broadcaster has fully complied or demonstrated a commitment to comply with all preconditions for funding".

These include that the SABC should tell the Treasury how much money it needs and back this up with a detailed cash-flow projection for the next 12 to 18 months.

The Treasury also wants the broadcaster to identify how it will boost revenue and cut costs, and tell it how much money it is saving. It must also investigate what caused its financial collapse and why previous turnaround plans have failed.

The Sunday Times has seen minutes of a board meeting held on July 31, called to discuss the executives' first letter of complaint about the treatment they allegedly received from two board members.

In their first letter, the executives complained that their ability to make decisions was compromised by "a breakdown of trust and second-guessing of their leadership" by some board members.

In a heated meeting, Mxakwe threatened that he and his two colleagues would "walk" if the board did not address their concerns.

"I think this board needs to take a decision whether they want us here or not because these few board members are continuing to add chaos and havoc in this organisation ... I cannot be expected to lead an organisation where there's constant undermining of what we are doing, particularly in the circumstances we find ourselves in at the SABC," he said.

The executives singled out deputy board chair Mamodupi Mohlala-Mulaudzi and board members Marcia Socikwa as "troublemakers". Sources told the Sunday Times that Socikwa attended the meeting at which the accusations were discussed but MohlalaMulaudzi was not present. Mohlala-Mulaudzi and Socikwa declined to comment.

Mxakwe told the meeting that the situation was untenable.

"Personally, I took a huge salary cut to be here. We are here to play a role in this country in turning around this organisation. So it does concern me that these few board members are still continuing to undermine the work that collectively we are doing at the SABC," he told the board.

Van Rooyen, who has since resigned as chief operating officer, echoed Mxakwe's concerns. He cited threats by board members that executives would not receive performance bonuses.

"I really want the best for the SABC. Like the CEO, I took almost half a salary cut to come here and I did not come here for a bonus ... often in this very meeting I hear board members say we won't get a bonus. I didn't come for a bonus," he said.

Van Biljon told the board that serious aspersions were being cast about their integrity "on an alarming and regular basis".

At the meeting, Makhathini came to the executives' defence, vouching for their integrity, experience and performance and urged the rest of the board to support them.

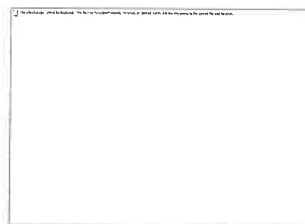
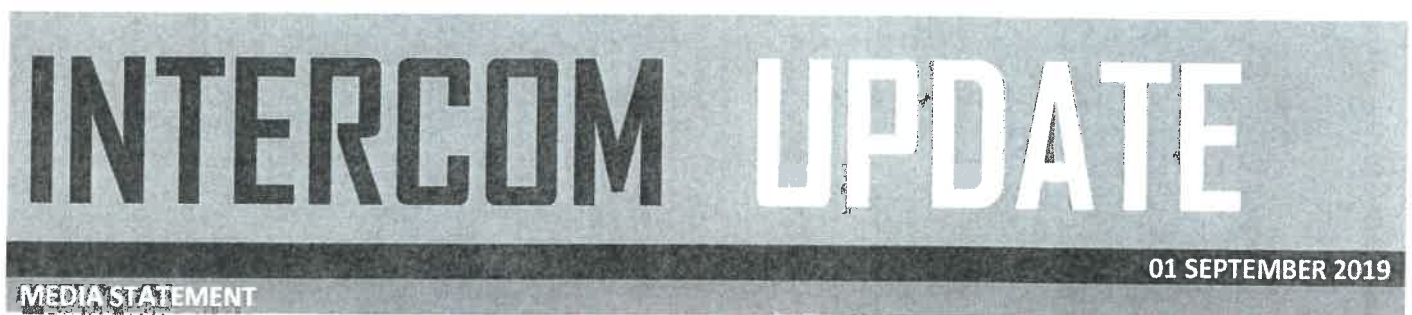
Contacted yesterday, Mxakwe referred queries to Makhathini. Van Rooyen and Van Biljon could not be reached for comment.

Makhathini said he would not discuss internal board matters. "The board reaffirms its utmost support and respect for the executive directors, who have done a sterling job thus far," he said.

4

Thembani T. Monani**Subject:**

FW: INTERCOM UPDATE: SABC BOARD RESPONSE TO SUNDAY TIMES STORY - "SABC BRASS THREATEN TO QUIT OVER BOARD 'MEDDLING'" -01 SEPTEMBER 2019

From: Corporate Communications**Sent:** Sunday, September 1, 2019 4:50 PM**To:** ***All SABC Personnel <national@sabc.co.za>**Subject:** INTERCOM UPDATE: SABC BOARD RESPONSE TO SUNDAY TIMES STORY - "SABC BRASS THREATEN TO QUIT OVER BOARD 'MEDDLING'" -01 SEPTEMBER 2019**MEDIA STATEMENT****SABC BOARD RESPONSE TO SUNDAY TIMES STORY - "SABC BRASS THREATEN TO QUIT OVER BOARD 'MEDDLING'"**

Johannesburg Sunday, 01 September 2019. The SABC Board has reaffirmed its utmost support and respect for the SABC's Executive Directors who have done a sterling job thus far in very difficult circumstances. The Board will not be drawn into discussing internal board matters and alleged differences between Board members.

The Board comprises persons chosen through a public process who have a range of skills and experience and who will continue to be critically engaged in their duties and responsibilities. It is well known that the SABC faces huge historic challenges, which the Board is committed to turning around. This was reported in Parliament last Wednesday.

5

The SABC Board denies that there is disagreement amongst Board directors about meeting the preconditions set by Government for providing the R3.2bn bailout. At a meeting of the SABC Board on 30 August 2019, it was unanimously agreed to write to the Minister of Finance and the Minister of Communications and Digital Technologies, respectfully disagreeing with the view that the SABC had not met the Treasury preconditions for funding. In the letter to the Ministers, the Board expressed its concern with the contents of a letter from the two Ministers received on 27 August 2019 and believes that the Ministers have not been fully briefed on the information provided by the SABC thus far. It is the SABC Board's understanding that the public broadcaster has either complied or substantially complied with each precondition, as demonstrated by the substantive documentation supplied over a period of eight months. In the letter to the Ministers, the Board attached detail on the SABC's compliance with each condition and has asked for an urgent engagement to discuss the matter.

The Board has informed the Ministers that as a result of the current status of the SABC's funding request, the Board is left with no option but to implement the requirements of the Companies Act, taking into account the severe implications on the Directors' Liabilities.

The Board has assured the Ministers of its commitment to serving the Corporation in the public interest. To this end, the Board will continue to work with the Department of Communications and Digital Technologies and the National Treasury.

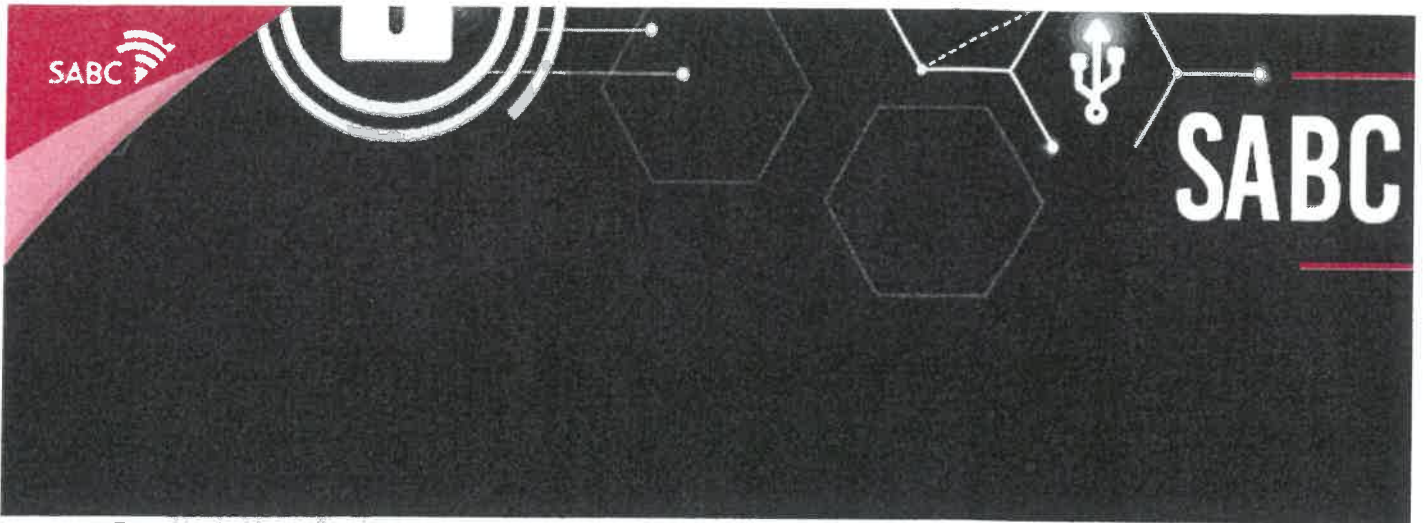
CHAIRPERSON BONGUMUSA MAKHATHINI, ON BEHALF OF THE SABC BOARD

Issued By: Group Communications
Media Enquiries: Ms. Vuyo Mthembu (SABC Spokesperson)
Mthembuv@sabc.co.za | T. [011 714 2236](tel:0117142236) | C. [083 300 9221](tel:0833009221)



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EXHIBIT CC 23(d)

STATEMENT

OF

**BONGUMUSA EMMANUEL
MAKHATHINI**

**IN THE COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE
("THE COMMISSION")**

STATEMENT

I the undersigned,

BONGUMUSA EMMANUEL MAKHATHINI

hereby states as follows:

1. I am an adult male South African citizen, currently the chairperson at the SABC since October 2017.

QUALIFICATIONS

2016 General Management Programme

Harvard Business School (HBS)

2008 M Com (Business Management)

University of Johannesburg

2000 BA Honours Degree, University of Zululand

1999 B Paed Degree (majored in Geography and Business Management), University of Zululand

2000 Diploma in HR Management, University of Zululand

2005 Certificate in Finance and Economics

University of Johannesburg

1995 Matriculated, Dlamvuzo Senior Secondary School

EXPERIENCE SUMMARY

Chairperson, SABC Board

Executive Board Member, British American Tobacco Southern Africa

Executive Board Member, South African Breweries

Board Member, SAB Thrive Fund

Board Member, Ekurhuleni World Outreach Centre Advisory Board

Board Member, Sport Trust Board

Board Member, Industry Association for Responsible Alcohol Use

President of Convocation at the University of Zululand

Member, University of Zululand Council

Member, Student Representative Council

Director of Business Development for Ekurhuleni World Outreach

2. The content of this statement is true and correct and falls within my own personal knowledge, unless the contrary clearly appears from the context or otherwise stated.

3. I was approached by investigator associated with the Commission of inquiry into allegations of state capture, corruption and fraud in the public sector including organs of state ("the commission") and have been requested to provide a statement which details my dealings with the South African Broadcasting Corporation("SABC").

4. The South African Broadcasting Corporation ("SABC") is one of the key institutional pillars of our democracy, delivering essential content to millions of South Africans on multiple platforms and in 14 different languages, on a daily basis. The SABC remains one of South Africa's national treasures. Like many of our state and public institutions that are the subject of this Inquiry into State Capture, the SABC has had a turbulent recent history and, at least from a financial point of view, the Corporation has been mortally damaged by the unlawful and irregular practices of a succession of boards and management. It is my belief and commitment, as shared by my fellow board members and our executive directors, that the Corporation must be properly managed and restored to ensure fulfillment of its unique public mandate and adherence to the values that underpin our Constitution.

5. I was appointed to the SABC Board as the Board Chairperson in October 2017 as part of a new Board that had been appointed for five years. This new Board was handed the baton by the Interim Board, which had been appointed for six months following Parliament's adoption of the Final Report of the Ad Hoc Committee Inquiry on the SABC Board Fitness to hold office ("the Ad Hoc Committee Inquiry Report") during February 2017. The completion of the Ad Hoc Committee Inquiry Report had come after three years of civil society and political party litigation against the then SABC Board and management which had resisted the proper implementation of the remedial action as set out in the 2014 Public Protector Report into the SABC titled "When Governance and Ethics Fails".
6. Furthermore, on the day we were appointed by the President of the Republic on 17 October 2017, a High Court judgement was handed down in the Gauteng Local Division by Justice K. Matojane in the matter between SOS: Support Public Broadcasting and others versus the Minister of Communications, the SABC and Mr Hlaudi Motsoeneng. This judgement commonly referred to in the industry as "the Matojane judgment", not only set aside certain actions of the then Minister of Communications and SABC Board, but found that sections of the SABC's Memorandum of Incorporation (MOI) were invalid and inconsistent with SABC's constitutionally important role as an independent public broadcaster. This judgement was not appealed, and it is now regarded as seminal with respect to understanding the independence of the public broadcaster and the role of the Executive Authority or Shareholder with respect to the Board of the SABC and the public broadcaster in general.
7. In order to properly understand what the SABC Board inherited in October 2017, it is respectfully submitted that this Commission have due regard to the 2017 Ad Hoc Committee Inquiry Report, the 2014 Public Protector Report and the Matojane Judgment. I have been advised that these important documents have been supplied to the Commission's investigators and lawyers.
8. In particular, in order to set the scene for the SABC's submissions today, I would like to quote from an extract of the Ad Hoc Committee Inquiry Report as follows:

“The Committee was appointed following widespread concerns from the public about the SABC’s ability to exercise its mandate as the public broadcaster. In addition, the Board could no longer convene quorate meetings as several non-executive Board members had been removed or had resigned.”

9. There is prima facie evidence that the SABC's primary mandate as a national public broadcaster has been compromised by the lapse of governance and management within the SABC, which ultimately contributed to the Board's inability to discharge its fiduciary responsibilities. The SABC has consequently deviated from its mandate as the public broadcaster, and from providing a platform and a voice to all South Africans to participate in the democratic dispensation of the Republic. The SABC has also failed to provide an important platform for community involvement, education and entertainment, reflecting the rich and diverse cultural heritage of South Africa. Instead, there appears to have been flouting of governance rules, laws, codes and conventions, including disregard for decisions of the courts and the Independent Communications Authority of South Africa (ICASA), as well as the findings of the Public Protector of South Africa (Public Protector). This collective conduct:
 - 9.1 rendered the SABC potentially financially unsustainable due to mismanagement as a result of non-compliance with existing policies and irregular procurement;
 - 9.2 interference in as far as editorial independence which is in direct conflict with journalistic ethics; and
 - 9.3 saw the purging of highly qualified, experienced and skilled senior staff members in violation of recruitment/human resource policies and procedures; purged staff have in many instances been replaced without due consideration for, or compliance with established recruitment policies”.
10. The Interim Board was tasked with following up on the 24 recommendations of the Ad Hoc Committee inquiry, and these actions were taken over by Board on which I am still part of today. The transition between the Interim Board and the October 2017 Board was seamless because all the Interim Board members were reappointed to the new permanent Board. I understand that our executive directors will give more details into the consequence management and other actions taken by the SABC following the Ad Hoc Committee Inquiry and Public Protector reports.

11. Unfortunately our work had to be halted in 2018 December, as four Board members (from the previous Interim Board) resigned with immediate effect rendering the board inquorate and unable to continue its work as required by the law. Some board members cited lack of financial support from government, personal reasons, heavy workload while others had different views to the remaining board members as to what SABC independence and impartiality meant. The board remained inquorate for five months until Parliament was able to fill the vacancies and this delay had a deleterious impact on the Corporation's renewal and rehabilitation efforts.
12. In spite of this setback, actions taken to stem chronic failures in governance and ethics in the organization have subsequently continued. The Board has continued to implement measures to stabilize the Corporation at a governance level and has stepped up actions to address the endemic levels of corruption and maladministration that had been prevalent at the SABC for many years. I am pleased to report that we have made significant headway in this regard and we remain firmly committed to ensuring that the SABC roots out all forms of unethical and unlawful conduct.
13. Unfortunately, the SABC's financial position has remained under severe pressure, with the Corporation still paying the price for years of compromised leadership, failed governance and prejudicial decision-making. Self-inflicted actions, like the arbitrary 90/10 decision, continues to impact on the SABC revenue. The Corporation sits on a huge and unsustainable cost base, built up over time without proper consideration for a workable operating model.
14. Broadcasting is a cyclical business, requiring investment and strategic steps 24-36 months in advance, in order to ensure the broadcaster has the right quality content in order to attract the necessary audiences. Because of the unlawful and prejudicial actions during the period reviewed by Parliament and the Public Protector, the SABC continues to struggle financially and is unable to simply shake off the damage caused, without financial assistance by government.

15. The SABC's dire financial situation worsened further during the 2018/19 financial year and the Corporation ended March 2019 with a cash balance of only R72m. Its cash flow is depleted and consequently the SABC cannot honour payments to service providers, adhere to its committed contracts, and commission local content productions.
16. The SABC ended FY2018/19 with an unaudited loss for the year of R483m. Losses have decreased over the past number of years from R1 billion in 2016/17, to R622m in 2017/18, to an unaudited loss of R483m in FY2018/19 (as at May 2019, audit still in progress) – this is a 33% improvement. However, the SABC's financial position remains severe.
17. The SABC applied for Government Funding as far back as early 2017 due to its severe liquidity crisis which is threatening the Corporation's status as a going concern, as also highlighted by the Auditor General.
18. The applications were based on the Corporation's dire financial situation, along with its Board approved Strategic Roadmap and turnaround plans designed to stabilize the SABC and return it to profitability whilst fulfilling its public mandate.
19. Depoliticizing the SABC is of paramount importance in the renewal, rehabilitation and strengthening of governance systems. Appointing competent and credible executives with the prerequisite skills and experience is at the heart of the renewal process. The Board is confident that, under the executive leadership of Mr Madoda Mxakwe, SABC management has been successfully implementing the turnaround strategy and has been keeping the Public Broadcaster afloat, despite severe cash constraints
20. The first application for government guarantee was submitted in early 2017 during the Interim Board period. In November 2017 a further updated application was submitted. Subsequently, more than two years later SABC and after continued engagement with National Treasury, the SABC has not received funding from government. Discussion are ongoing and we remain hopeful that the necessary support will be given. If it was not for the caliber of the current

executive team, the turnaround strategy and the support from our clients and the commitment of our employees, the SABC's ability to continue broadcasting and paying its staff would be severely compromised. Nonetheless, the SABC continues to fulfill its public mandate to the best of its ability, has grown revenue, cut a R1 billion of costs, has driven consequence management and delivered election coverage of our previous national elections that is widely considered to be the fairest and most balanced coverage ever by the public broadcaster.

21. On the governance side, we continue to have a consistent drive to address all the governance and legacy issues facing the SABC, including the issues raised by the Public Protector's remedial actions, Ad Hoc Committee Inquiry report, SIU reports, reports by the Auditor General of South Africa (AGSA) and the SABC's own Internal forensic investigations.
22. Two independent inquiries were established last year to deal with sexual harassment and interference in editorial independence. Both inquiries have been concluded. The recommendations of the sexual harassment inquiry are being implemented and considerable amount of work has gone into addressing issues in our newsroom and guaranteeing the protection of our editorial independence. The SABC's coverage of the elections is a testament to this fact. SABC Board continues the process of confronting its difficult past by addressing these practices by opening up and owning up.
23. Our executives will go into more granular detail as to what we were confronted with in the Corporation and what measures and steps are being taken to address legacy issues and plan for the future.
24. I would like to thank the Commission for giving me this opportunity to make these introductory remarks and set the scene and I remain available to assist the Commission in its work going forward.

This is all I wish to state

Dated and signed at Auckland Park on this 29 day of August 2019

A handwritten signature in black ink, appearing to read 'Makhathini', written over a horizontal line.

Mr B E Makhathini

SABC CHAIRPERSON