

ROT AT SABC SLOWLY LIFTING

By Phephelaphi Dube: Director, Centre for Constitutional Rights

The Centre for Constitutional Rights (CFCR) welcomes today's decision handed down by the Supreme Court of Appeal (SCA) in the matter involving South African Broadcasting Corporation (SABC) journalist and part of the 'SABC 8', Vuyo Mvoko. The decision, which sees his original contract with the SABC reinstated, also has the SABC pay for the legal costs he incurred in challenging the unlawful conduct of the SABC. Importantly, the decision underscores key constitutional values which should undergird public administration in the nation.

The decision makes it apparent that the Public Broadcaster is bound by constitutional considerations, and these considerations should be reflected in the manner in which the SABC conducts itself. According to the SCA, *"... the SABC should be careful not to be a law unto itself. It has to operate within its statutory mandate and, like the rest of us, it has to conduct itself within constitutional parameters."*

In addition, the decision affirms section 195 of the Constitution, which provides, amongst others, that public services must be provided impartially, fairly, equitably and without bias, and that public administration must be accountable. A reading of the Court's record in the matter made it apparent that the SABC, with the former acting Chief Operating Officer, Hlaudi Motsoeneng, at its helm, had been anything but impartial, fair or lacking bias.

Crucially, the decision acts as a reminder of the *Broadcasting Act's* premise that the South African broadcasting system is owned and controlled by South Africans. As such, it should be free from political interference and is the ultimate tool through which freedom of expression and the journalistic, creative and programming independence of the broadcasters are enabled, as guaranteed by the Constitution.

While it may have taken the death of Suna Venter, disruptions to the lives of the SABC 8, court decisions, a Public Protector's report, as well as a parliamentary enquiry into the mismanagement at SABC, it would appear as if the rot that had taken hold at the Public Broadcaster is finally lifting.