

19/20

FILM AND PUBLICATION BOARD

ABRIDGED ANNUAL REPORT

*THE HUMAN TOUCH IN A
VIRTUALLY CONNECTED WORLD*



We inform. You choose.

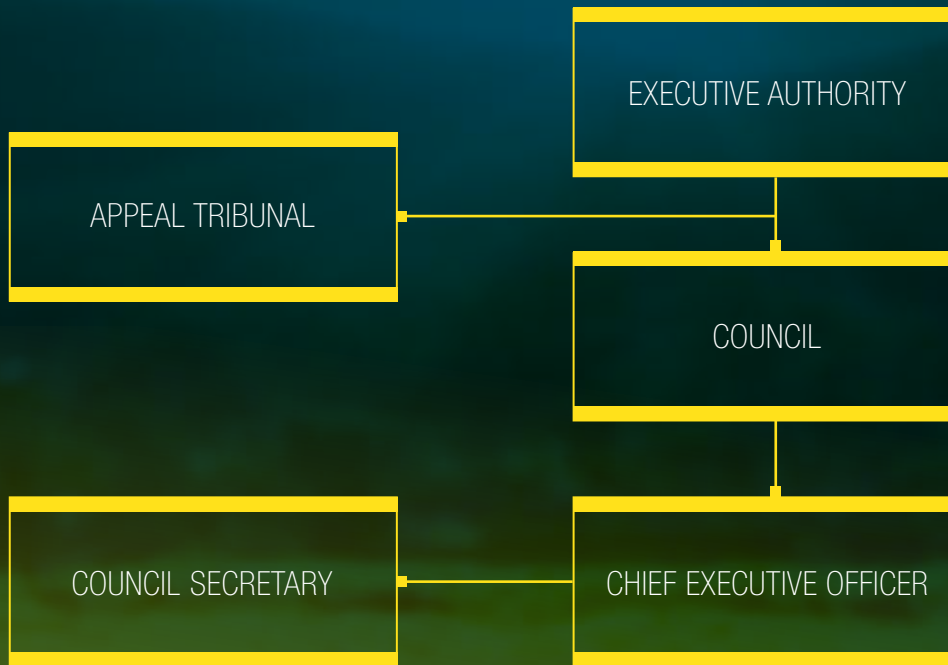




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FPB'S ORGANISATIONAL ENVIRONMENT





STRATEGIC OVERVIEW

FPB MANDATE

Derived from the Films and Publications Act 65 of 1996 as amended in 2004 and 2009, the Film and Publication Board (FPB) is mandated to regulate: (1) the creation, production, possession and distribution of certain publications and certain films by means of classification; (2) the imposition of age restrictions and giving consumer advice; and (3) make exploitative use of children in pornographic publications or films, or on the internet punishable. Therefore, the mandate of the FPB can be summarised as follows:

- i. Regulate the creation, production, possession and distribution of films, games and certain publications by classification
- ii. Protect children from exposure to disturbing and harmful material and from premature exposure to adult material
- iii. Render the use of children in and exposure of children to pornography punishable offences.

FPB VISION

A leading and credible content regulator that empowers the public to make informed choices

FPB MISSION

Ensure the regulation of media entertainment content by empowering the public, contributing to child protection and promoting the growth of the industry

FPB VALUES

The FPB embraces the Batho Pele (People First) principles of government as its core values to be observed at all times and demonstrated by all employees in all engagements with both internal and external stakeholders. The principles are key determinants that are meant to enable effectiveness. The strategy will promote the following values:

- a) Accountability
- b) Human Dignity
- c) Social Justice
- d) Integrity
- e) Professionalism
- f) Innovation

PRIORITIES FOR THE NEXT FIVE YEARS

The FPB Council endorsed the following seven strategic priorities to influence the application of the strategy;

- a) Technology-driven content regulation
- b) Public education (empower adults and protect children)
- c) Legislative review (technologically neutral legislative regime)
- d) International and local partnerships (to ensure better regulation of the web – with renewed focus on local partnerships)
- e) Research, compliance monitoring, and monitoring and evaluation to inform future priorities
- f) Resource mobilisation and development of appropriate funding models
- g) Strategic institutional alignment.

PRINCIPLES CENTRAL TO FPB REGULATIONS

- a. Protection of children from early exposure to adult material and use in child pornography (child sexual abuse material) productions – child pornography punishable by law
- b. Provide consumer advice on media content – ‘we inform, you choose’
- c. Provide designated areas for distribution of adult material (pornography).



CHAIRPERSON'S FOREWORD

FOR THE YEAR ENDED 31 MARCH 2020

The year under review ended with the world being plunged into a global pandemic, which affected the last quarter performance, resulting in an organisational achievement of 75% of our targets. The resilience of FPB team members during this unprecedented time is commended, as they continued their commitment to the legislative mandate. In the year under review the FPB received an unqualified audit opinion with findings from the Auditor General. This follows on the clean audit that was received in the 2018/19 financial year and is testament to a continued focus on good governance and oversight, organisational stability and process efficiency.

As leaders of tomorrow, children need the protection and guidance of adults, especially as they navigate various communication platforms for learning and entertainment.

The Films and Publications Act (FP Act) prioritises the regulation of content of films, games and certain publications, empowering consumers to make informed viewing choices. This is particularly useful in the screening of content to which children and vulnerable members of society are exposed. In this digital age, the organisation and its key partners advocate and educate on safe usage of the internet, social media, streaming and online services.

The FPB is a key role-player in the implementation of Outcome 14 of the National Development Plan (NDP) 2030 dealing with social cohesion and nation-building. For this reason, the signing of the amendment to the FP Act by the President of the Republic in the previous financial year is a major success for the organisation. Among other changes, the Amendment Act brings into the purview of the FPB the regulation of commercial online content and recourse for the public in cases of revenge pornography. Draft Regulations that support the amended Act are in place for comment by the public, and implementation will be prioritised in the new financial year.

South African society expects government to set clear policies to regulate different aspects of social life, with the sanctity of family and community advancement being at the centre of all that we do. The FPB, therefore, serves an important role in making sure that access to information, as well as learning and developmental opportunities presented by new technologies, are not abused or in any way used to harm the vulnerable.

With the growing reliance by citizens on digital content, this regulation is supported by the FPB's digital agenda. We will rely heavily into the future on new technologies and infrastructure that put the organisation at the forefront of online content regulation and on self-regulation by compliant distributors. In the year under review, we announced a major coup in bringing one of the biggest global providers of streaming content, Netflix, on board as a registered distributor of content for the South African market. This totals five online distributors with valid contracts. Engagements

took place during the year, resulting in 17 online distributors being compliant. This work will be strengthened by the Amendment Act.

The focus on children is an important aspect of creating a safe environment and ensuring responsible citizenry. It is imperative to prevent premature exposure of children to adult experiences, violence and socially inappropriate media content.

The Act makes the exploitation of children in child pornography unlawful and criminally punishable. This extends to the exposure of children to pornographic material. The Children's Act of 2005 adds a further dimension to this mandate in its definition of commercial sexual exploitation of a child, which entails 'procurement of a child to perform sexual activities for financial or other reward, including acts of prostitution or pornography, regardless of who receives such a reward, or trafficking of a child for use in sexual activities, pornography or prostitution'. Furthermore, the Children's Act makes it clear that any person who permits such commercial sexual exploitation of a child is equally guilty of that crime.

The FPB is currently the only African member of the International Association of Internet Hotlines (INHOPE). Through this organisation, our work with law enforcement to analyse suspicious content and bring perpetrators of child sexual-abuse material (CSAM) to book takes on a global dimension. Child exploitation knows no country boundaries with the internet.

Therefore, in addition to classifying media and entertainment content for age-appropriateness, the FPB's strategy includes extensive public education and awareness campaigns aimed at children, parents and educators. The constant message is that adults should take a keen interest in the viewing, gaming and reading activities of their children and those in their care. This is particularly important because, with expanded access to mobile devices and the internet, the risk of exposure to inappropriate content has multiplied. Immoral online activity targeted at children and women is

on the rise – some of whom are then groomed, trafficked and sexually exploited. The organisation will continue to advocate against online violence perpetrated on the most vulnerable in society in view of the scourge that is gender-based violence.

I call on South Africans from all walks of life to rally behind the work of the FPB to contribute to a safer environment for our children. As leaders of tomorrow, children need the protection and guidance of adults, especially as they navigate various communication platforms for learning and entertainment.

In addition to its own outreach programme, the FPB supported the Ministry of Communications and Digital Technology in its community education campaigns, which include Digital Terrestrial Television (DTT) awareness and rollout, as well as the launch and handover of cyberlabs in schools across the country. The FPB brings much needed safe content consumption to the communities in which technology is being rolled out.

The rollout of the Classification Guidelines, reviewed in the previous financial year, included education of consumers on classification ratings and consumer advisories. Additionally, this involved training of the creative sector and content distributors on the importance of content regulation for social cohesion. The Classification Guidelines are a powerful tool to ensure a fair, balanced and rights-respecting approach to classifying content. The guidelines are a product of countrywide consultation with the public, capturing what citizens currently view as priority areas of content that could harm our society and should thus be regulated on their behalf.

The Council of the FPB was fully constituted during the reporting period and complied with all its statutory obligations, which included timely submission of quarterly performance information and financial reports to the Executive Authority and Parliament. The Appeal Tribunal is fully constituted but received no appeals during the reporting period.

The current Council ends its term on 2 December 2020. I thank the Ministers with whom we have built relationships for assisting the Council to fulfil its mandate, and Council members for their invaluable contribution to the FPB over the years and their resilience during unprecedented conditions. It has been a great honour working with these colleagues and I wish the incoming Council members and Chairperson all the best in continuing the great work of the FPB and its stakeholders.

In conclusion, my sincere thanks go to the Executives, Management and Staff of the FPB, and our stakeholders, for their contribution to the mammoth task of safeguarding the rights of South Africans, keeping our children safe and empowering communities. I encourage the FPB to strive to achieve 90% against its planned targets in the new financial year.



Mrs Thoko Mpumlwana
Council Chairperson



MEMBERS OF COUNCIL



MRS THOKO MPUMLWANA
COUNCIL CHAIRPERSON



MS SARAH MANGENA
COUNCIL DEPUTY CHAIRPERSON



MS YOLISWA MAKHASI
CHAIRPERSON: HR/REMCO



ADV ANDERSON MUDUNUNGU
COUNCIL MEMBER



DR NATALIE SKEEPERS
COUNCIL MEMBER



MS NOBUNTU DUBAZANA
COUNCIL MEMBER



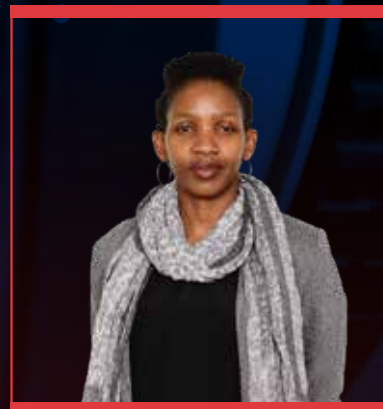
MR MATONE DITLHAKI
CHAIRPERSON: FINANCE COMMITTEE



MS NOMVUYO MHLAKAZA
COUNCIL MEMBER
Resigned 4 June 2019



ADV LUFUNO NEVONDWE
CHAIRPERSON OPITCOM



MS ZANELE NKOSI
CHAIRPERSON: RISK AND AUDIT COMMITTEE

EXECUTIVE COMMITTEE



MS ABONGILE MASHELE
ACTING CHIEF EXECUTIVE OFFICER
CHIEF OPERATIONS OFFICER



MR NDZIMENI RAMUGONDO
CHIEF INFORMATION OFFICER



MS LAURIE LESS
SHARED SERVICES EXECUTIVE



MR MAHOMED CHOWAN
CHIEF FINANCIAL OFFICER



MR TLALE MOKUTU
COUNCIL SECRETARY



CHIEF EXECUTIVE OFFICER'S FOREWORD

FOR THE YEAR ENDED 31 MARCH 2020

'Magic lies in challenging what seems impossible'

- Carol Moseley Braun

The end of a financial year provides valuable time for mindfulness, reflection and introspection. Notably, 2019/2020 brought us to the end of a five-year strategy cycle (2014/2015 – 2019/2020), which was characterised by rapid technological change and topped with a global pandemic. As an organisation tasked with regulating an industry that has embraced the massive technology change sweeping the globe, the FPB finds itself on a steep growth curve. We are delighted with the strides made with clients, partners and stakeholders in year under review, to move fully into the fourth industrial revolution (4IR).

We made good progress on achieving organisational efficiencies that improve our service offering to the sector and the public.

This move is aligned to our five-year strategic vision, and scenarios planning undertaken in February 2017, where the core drivers were to affirm our role as a content regulator in a democratic context, to elevate information and communication technology (ICT) as a significant enabler and to prioritise a 'high visibility, high impact' approach to stakeholder engagement.

We achieved 75% of our assigned targets for 2019/2020. Faced by the global Covid-19 pandemic that took the world by surprise towards the end of the financial year, we were unable to achieve greater outcomes, given the national lockdown. One of the casualties of the pandemic, given social distancing measures, was our flagship Southern African Development Community (SADC) workshop, a Pan-African engagement with regulators and industry to develop a harmonised continental framework for content regulation. With technology spurring greater globalisation of content consumption, the FPB has cemented its role as a leading content regular in stimulating a dialogue on synergies in Africa over the past two years.

The year 2019/2020 was one of consolidating previous gains in the legislative landscape, service delivery improvements, and achieving major gains in regulating online distribution platforms.

In conjunction with our Executive Authority and the DCDT, we brought the legislation that directs our regulatory mandate into alignment with changes in our environment. We celebrated a major coup in the year under review when the Films and Publications Amendment Bill was passed by both houses of Parliament and assented to by the President of South Africa on 9 October 2019. Since then we have worked feverishly behind the scenes to align our Regulations to the Amendment Act. Following a series of industry and public engagements on the draft Regulations that give life to the Amendment Act, we will be ready to implement in the new year. The road to achieving this has been long and arduous, as we worked to fulfil the rigours of our democratic processes.

A significant change in the Amendment Act is the regulation of content disseminated by commercial online distributors and the provision of a mechanism for reparations for victims of revenge pornography – a significant modern scourge that has arisen from the use of digital technology.

We made good progress on achieving organisational efficiencies that improve our service offering to the sector and the public. Notable contributors to this achievement are a dual focus on creating organisational stability through a consistent cohort of executives and staff, and on upskilling and reskilling. Government's digital agenda prioritises technology-related training and formal education opportunities allowed our staff to further their career development opportunities.

Increased efficiencies improved our turnaround times for content classification and distributor registrations/renewals, while ensuring that classification decisions continue to be aligned with South African values and norms. The Classification Guidelines, reviewed with inputs from subject matter experts and the general public in the previous financial year, constitute our framework for providing fair and accurate age ratings and consumer advisories. A concerted effort has been made to create a greater understanding of these revised guidelines among the creative sector, the distributor industry and the general public. The absence of appeals against our 2019/2020 classification decisions may be the result of this empowerment approach.

Our turnaround times are worth noting, with 91% of submissions for content classification processed within the targeted eight working days, the majority in five working days. This performance supports the smooth functioning of the industry and reassures distributors that the classification process does not affect their distribution schedules. Our service delivery improvement is further reflected in client satisfaction levels 3% above target.

A total of 180 raids was conducted with law enforcement officials to uncover illegal content, against a target of 48. This is testament to our strong relationship with the law

enforcement community, an essential ally in keeping illicit and harmful materials off our streets. The target of 10 000 distributor compliance inspections was exceeded by almost 1 000.


The FPB plays a significant role in safeguarding the children of South Africa from CSAM, working with police and prosecutors to bring perpetrators to book. In 2019/2020, we assisted in the analysis of 19 cases and completed 100% of the analysis of suspected CSAM within 10 working days of receiving the material.

As the world marches forward in its digital evolution, content consumption trends show an increased reliance by consumers on online channels for information and entertainment. During the year, we brought more online distributors onboard, including major international distributors. The piloting of our online content regulation (OCR) system has simplified and accelerated submission of content for classification.

This report summarises highlights and lessons learnt in the 2019/2020 financial year; lessons that are beneficial as we enhance the FPB regulatory model to realise our vision for 2020/2021 – 2024/2025 of a ‘media and society where FPB ratings are embraced’.

On behalf of the Executive Committee of the FPB, I thank the Executive Authority, Council and staff for their tireless efforts during the year to bring our mandate to life. Our extended partnership ecosystem of law enforcement, community-based, faith-based and non-governmental organisations (NGOs) has been a pillar in diffusing our message of safe content consumption and we appreciate these fruitful relationships. We thank our clients for walking this journey of continuous improvement with us and look forward to future engagements.

Our goal to inculcate a high-performance culture in our organisation can be achieved only by nurturing our network of enthusiastic and passionate supporters.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a thin horizontal line.

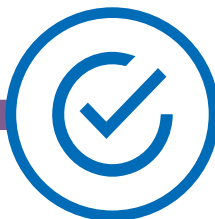
Ms Abongile Mashele
Acting Chief Executive Officer

OVERVIEW OF THE FPB's PERFORMANCE



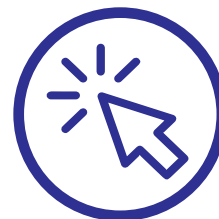
2 197

MANUAL
APPLICATIONS



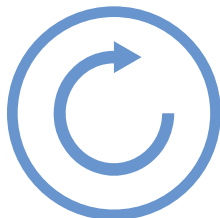
3 865

APPLICATIONS RECEIVED
FOR REGISTRATION



618

ONLINE
APPLICATIONS



2 412

RENEWALS



403

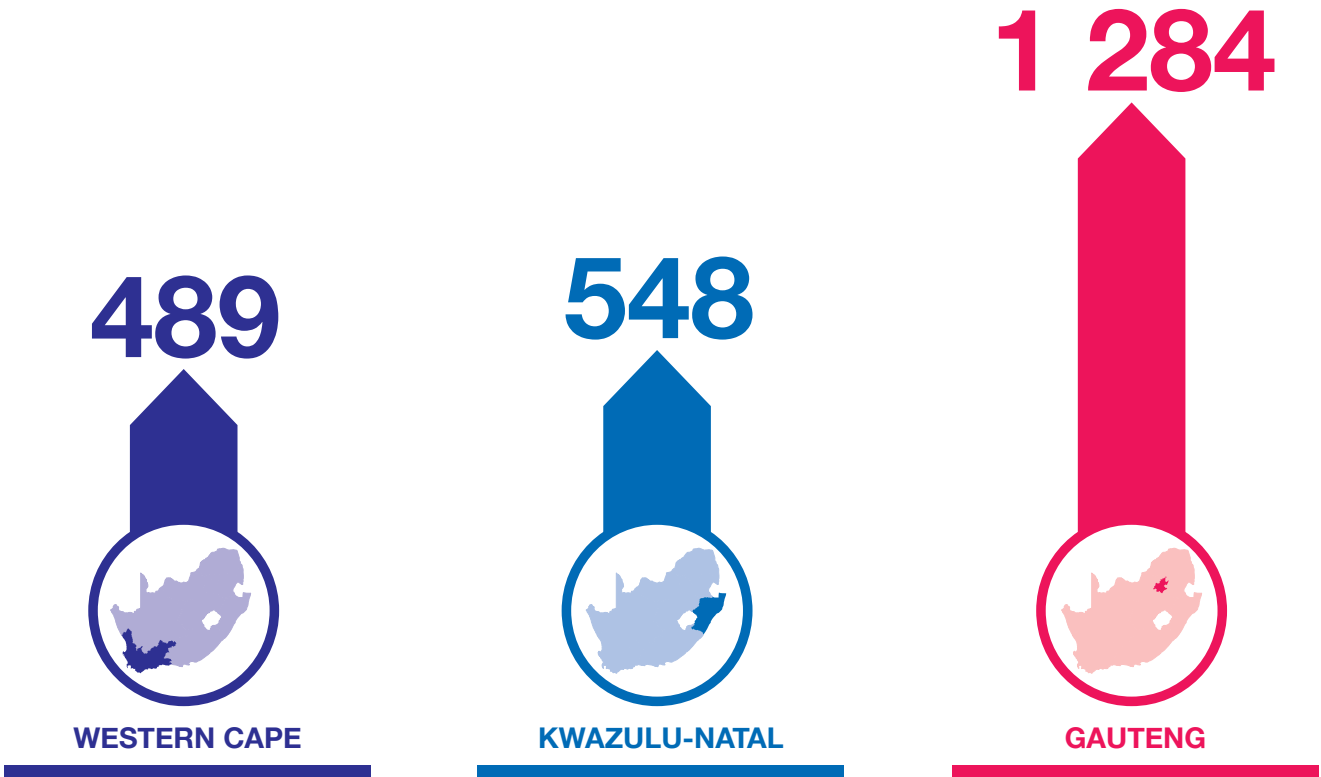
NEW
REGISTRATIONS



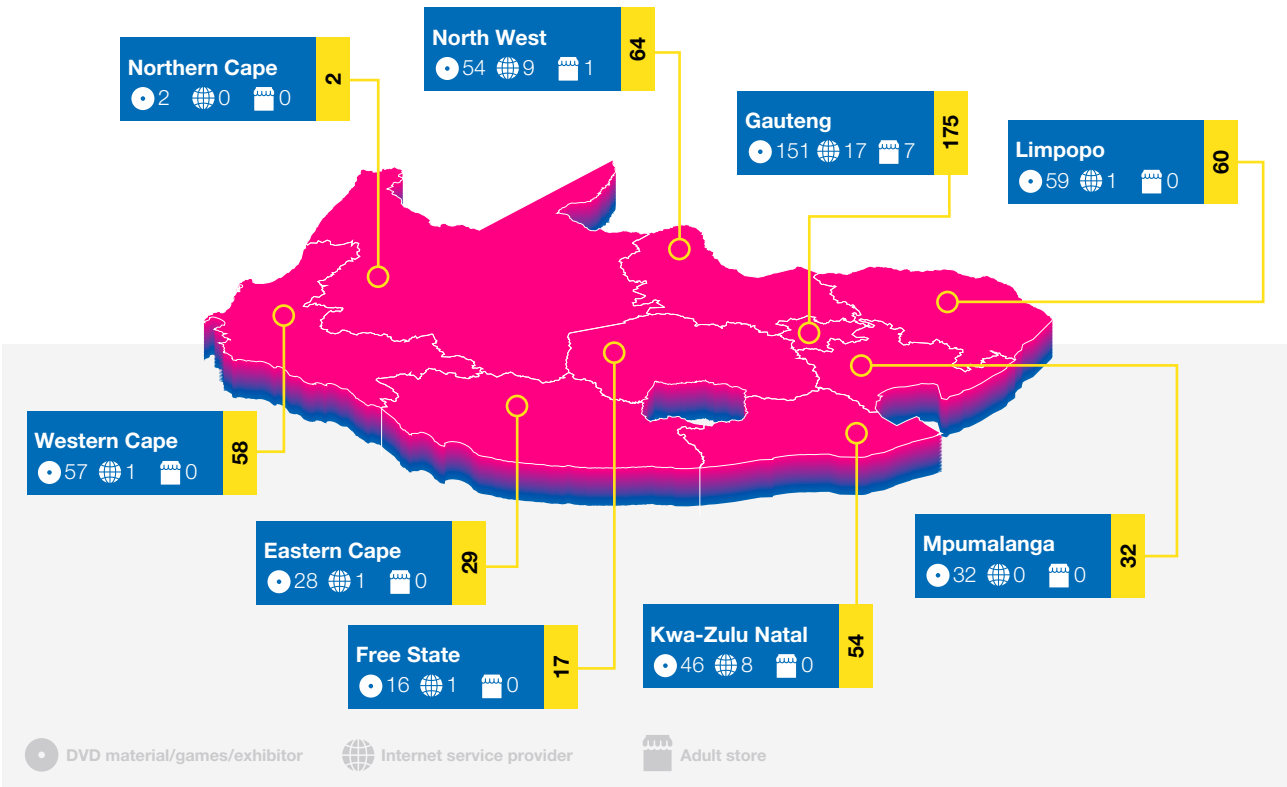
491

DISTRIBUTORS
CLOSED

TOP 3 PROVINCES WITH THE HIGHEST NUMBER OF REGISTRATIONS



CLOSURES PER PROVINCE

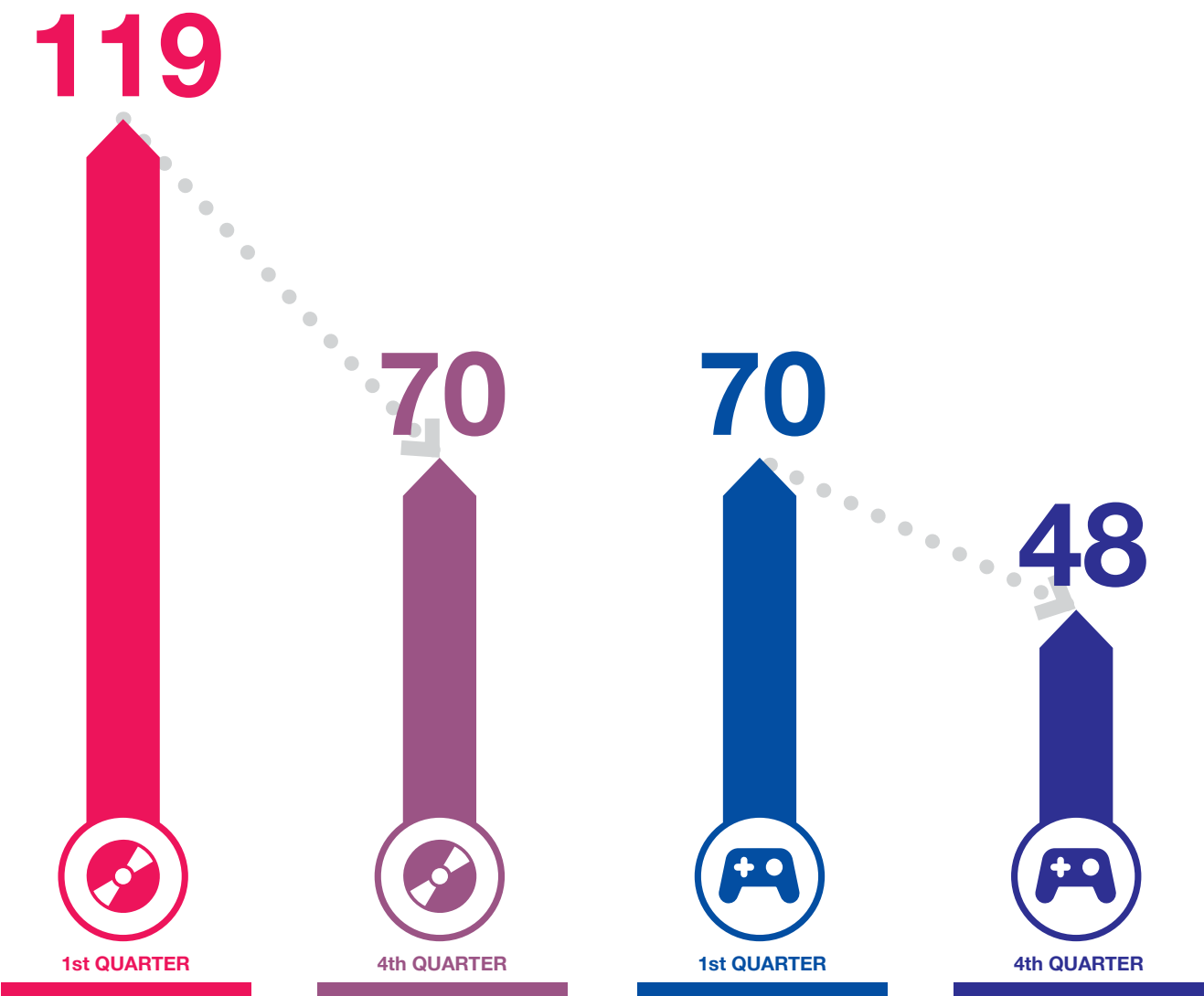


ONLINE DISTRIBUTOR REGISTRATION

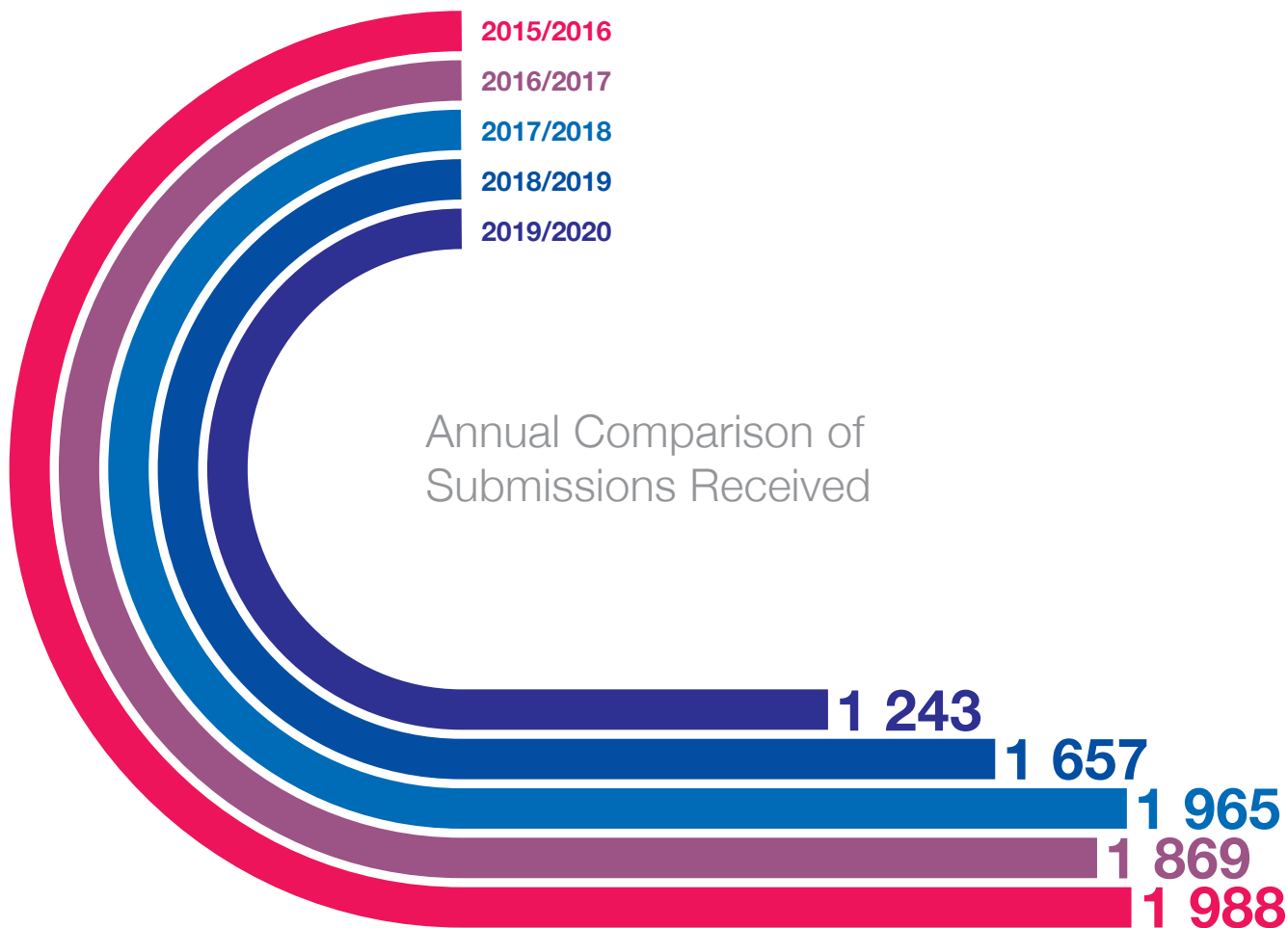


CONTENT SUBMISSIONS FOR CLASSIFICATION

DROP IN POPULARITY OF DVDs AND GAMES

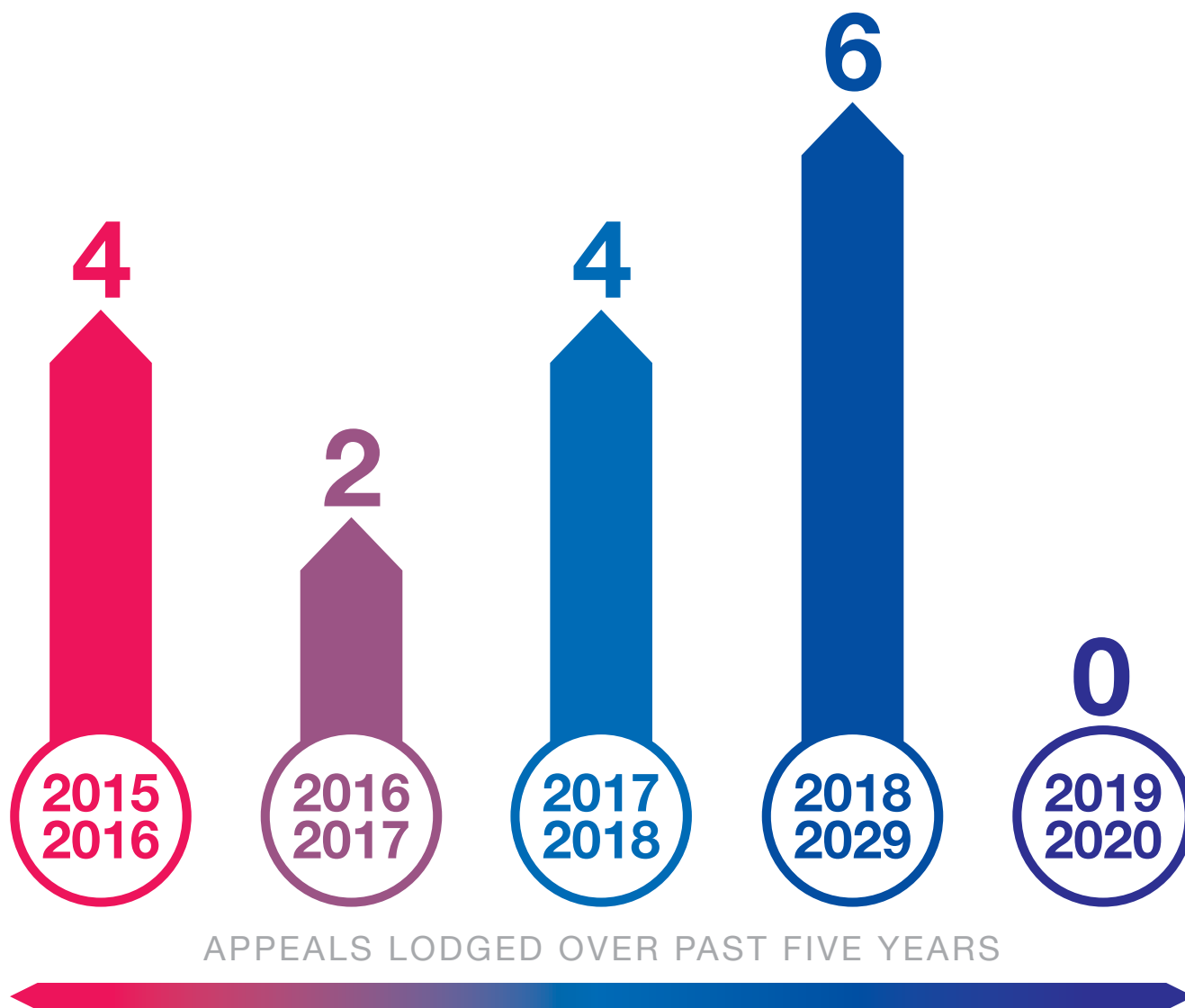


ANNUAL FIGURES – SUBMISSIONS FOR CLASSIFICATION



APPEAL APPLICATIONS

No appeal applications were lodged during the review year.

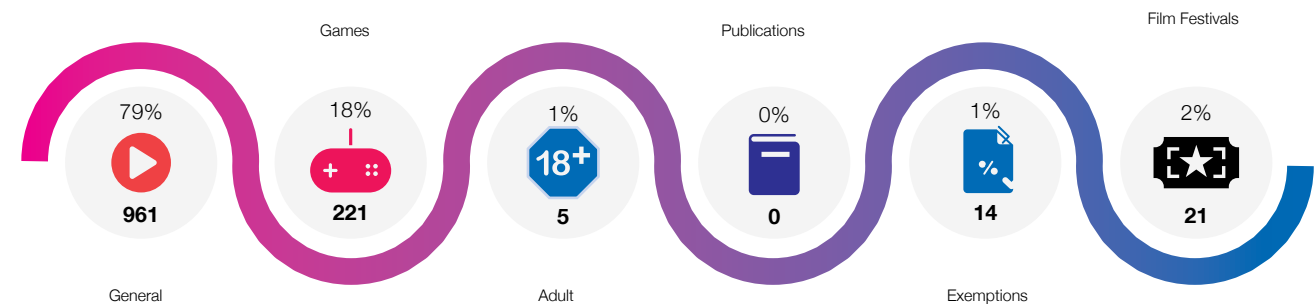


CLASSIFICATION DECISION TRENDS (2019/2020)

TYPES OF CONTENT CLASSIFIED

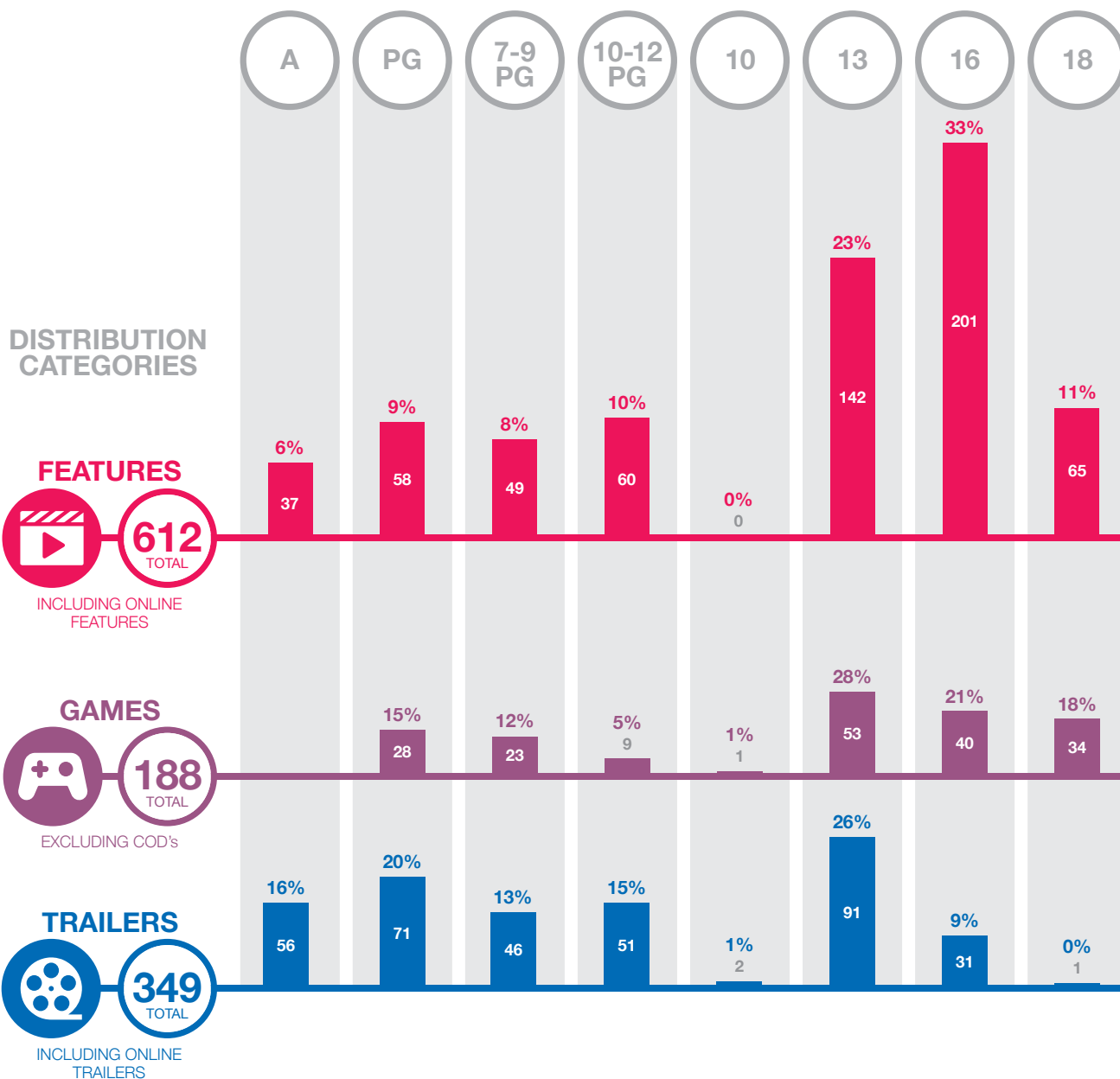
Annual - Types of Content Classified

Total classified: 1 222 titles (including CODs)



AGE RESTRICTIONS

CONSUMER ADVICE FOR CLASSIFIED FILMS

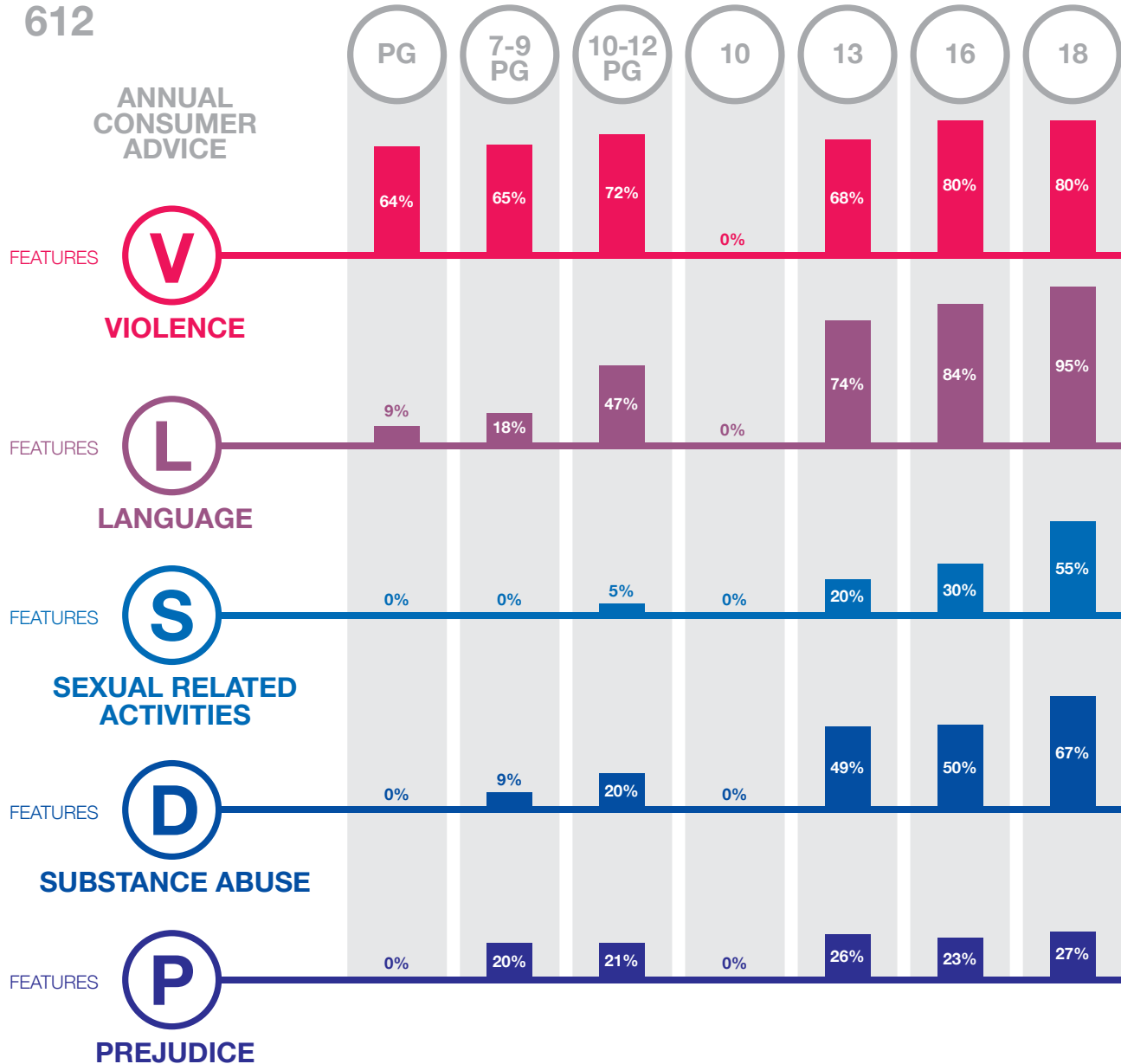




CLASSIFIABLE ELEMENTS

CONSUMER ADVICE FOR CLASSIFIED FILMS

612





CLASSIFIABLE ELEMENTS

CONSUMER ADVICE FOR CLASSIFIED GAMES

188

ANNUAL
CONSUMER
ADVICE



VIOLENCE



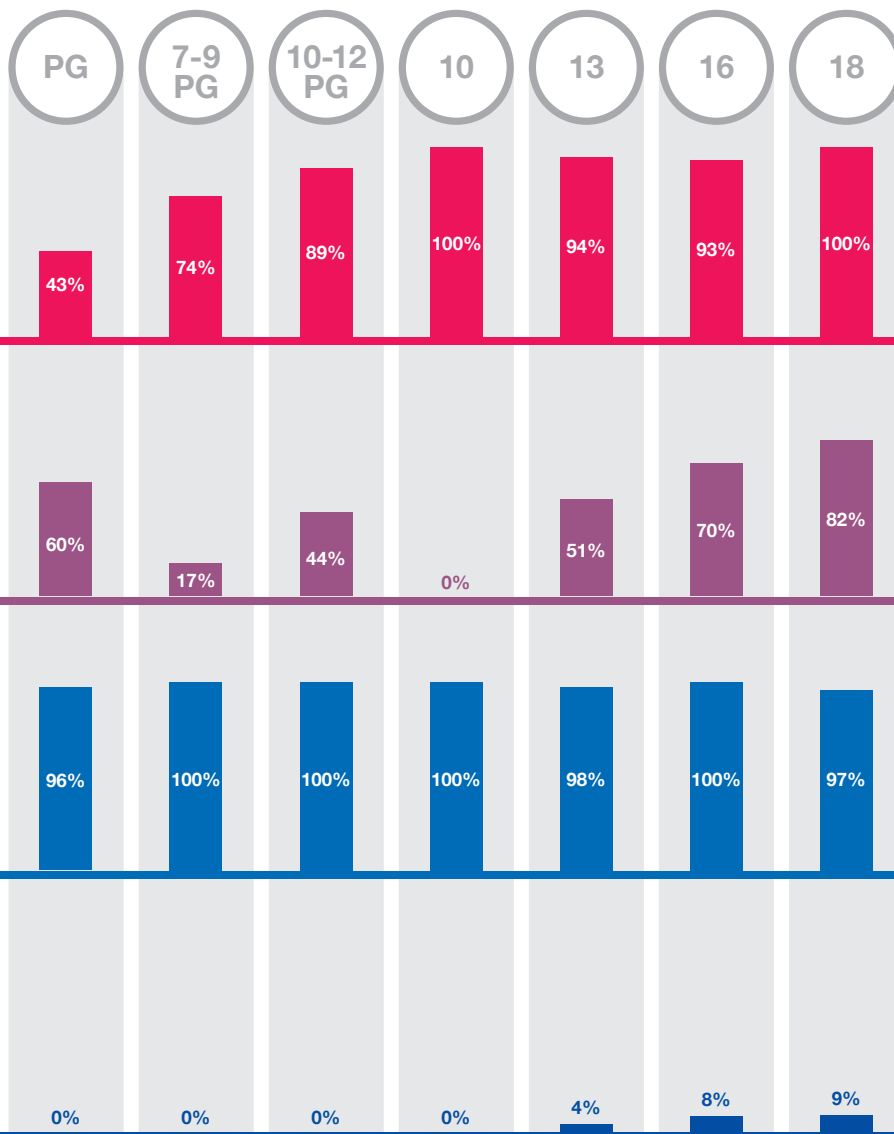
LANGUAGE



COMPETITIVE
INTENSITY



SUBSTANCE ABUSE



FILM FESTIVAL GROWTH



300

SOUTH AFRICAN

FILMS WERE SCREENED AT FILM
FESTIVALS IN SOUTH AFRICA

2018
2019

12

FESTIVALS EXEMPTED

427

FILM FESTIVAL
CONTENT SUBMITTED

2019
2020

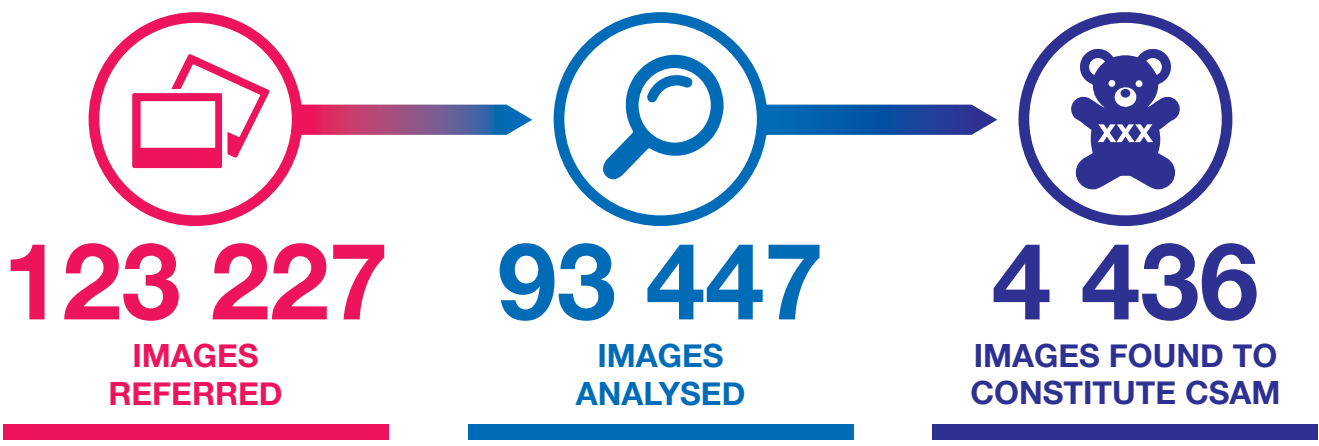
21

FESTIVALS EXEMPTED

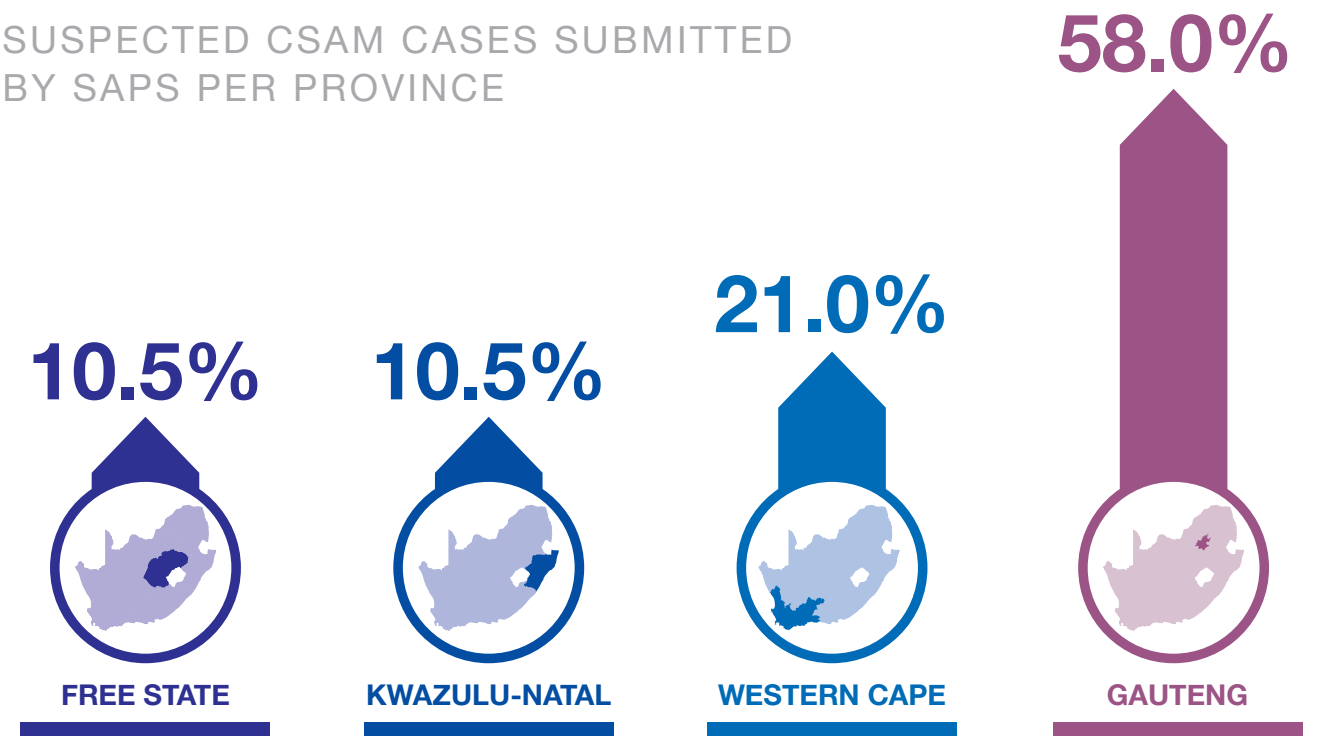
857

FILM FESTIVAL
CONTENT SUBMITTED


CHILD PROTECTION



SUSPECTED CSAM CASES SUBMITTED BY SAPS PER PROVINCE



COMPLIANCE MONITORING



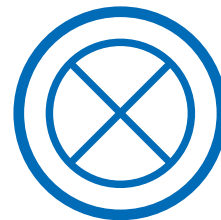
**R13.75
MILLION**

WORTH OF ILLEGAL
MATERIAL **CONFISCATED
AND DESTROYED** BY
LAW ENFORCEMENT
AFTER COURT
CONCLUSION/RULING



10 953

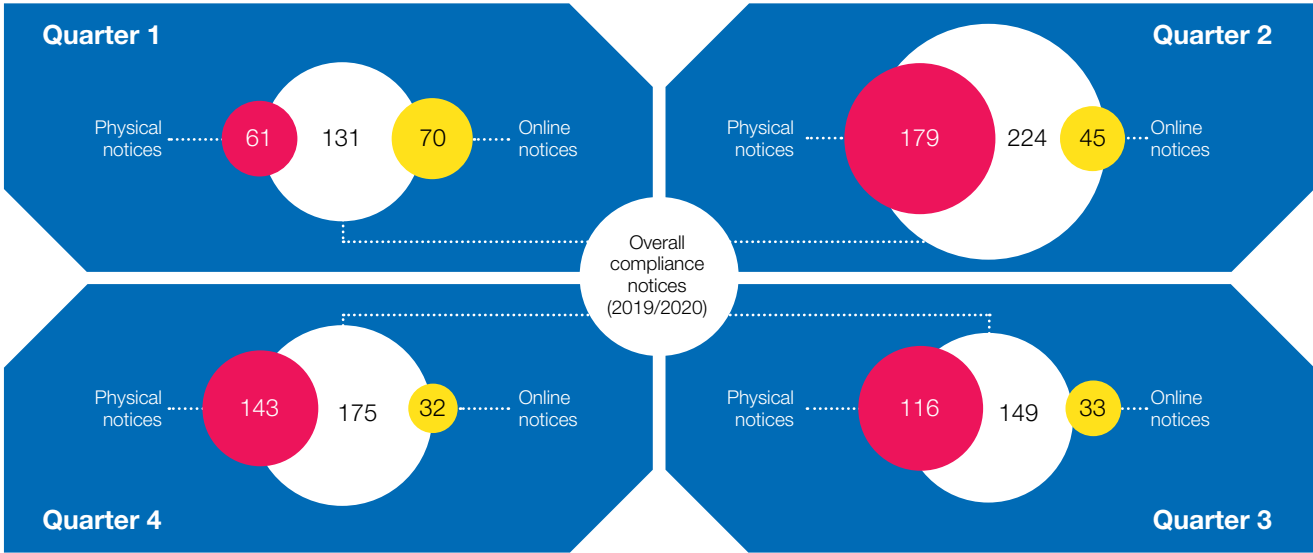
INSPECTIONS CONDUCTED



679

NON-COMPLIANCE NOTICES

NON-COMPLIANCE NOTICES ISSUED



INDUSTRY ENGAGEMENTS



FILM AND PUBLICATIONS AMENDMENT ACT AND REGULATIONS

The President of South Africa assented to the Films and Publications Amendment Bill, 2015, after it was accepted by both houses of Parliament, thereby promulgating the Films and Publications Amendment Act, 2019.

The Amendment Act comes into operation on a date to be proclaimed by the President in the Government Gazette.

The current Films and Publications Regulations, 2014, needed to be amended, given the promulgation of the Amendment Act and because they do not fully reflect the demands and technological advances, especially of online platforms. Amendments will better align the Regulations with constitutional values aimed at protecting children from disturbing and harmful content.

The Legal and Regulatory Affairs Unit directed the review of the Regulations, with inputs from various FPB business units.

In addition to a feedback report submitted, the unit drafted responses to the South African Law Reform Commission Discussion Paper 149: Sexual Offences, notably on cited provisions pertaining to the FP Act.

In the fourth quarter, the revised draft Films and Publications Regulations, 2019, was approved by the Council, then submitted to the Executive Authority for consideration and approval. A notice informing the public that the draft was open for comment was prepared and submitted to the Executive Authority for publication in the Government Gazette.

The Socio-economic Impact Assessment Report to be submitted with the final draft of the Regulations was discussed with the Department of Performance Monitoring and Evaluation. On 27 February 2020, the Minister of Communications and Digital Technologies communicated approval of Regulations, but the announcement in the Government Gazette was delayed in the wake of the Covid-19 pandemic.

RESEARCH, POLICY AND ADVOCACY

Research that keeps pace with changing technologies is central to inform FPB operations and practices. In the year under review the following was implemented:

1 Research Strategy: global benchmarking of best practice and trends analysis to ensure relevance and agility in adapting to a fast-changing world

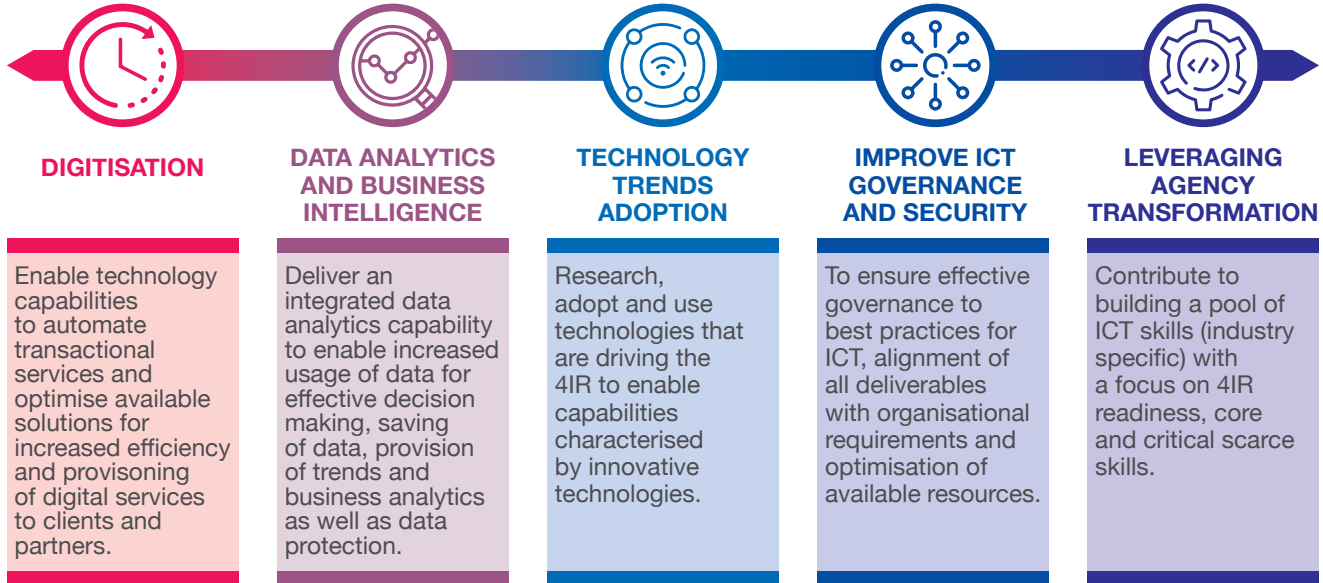
2 Establishment of a Research Reference Group to leverage external capacity that strengthens FPB's work.

3 Biennial Convergence Survey conducted with more than 7000 South Africans assessing the correlation between FPB Ratings and social norms and standards.

4 Socio-Economic Impact Assessment Report to be submitted with the final draft Regulations.

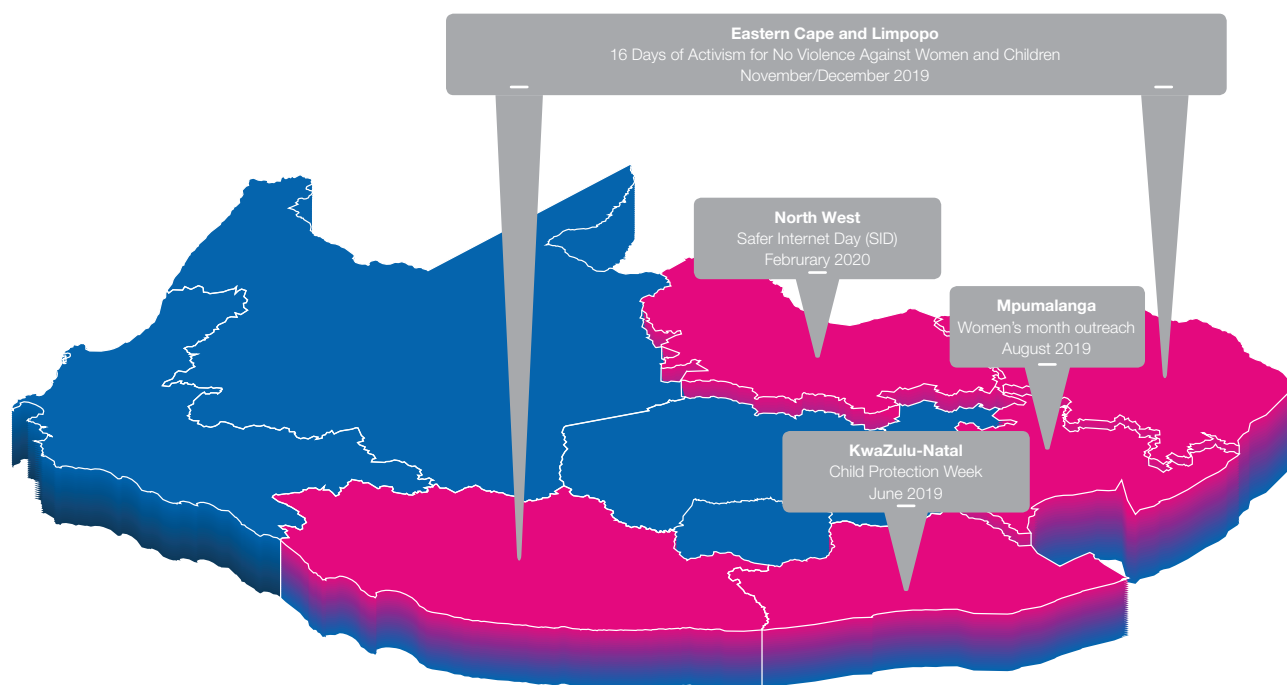
FPB'S DIGITAL AGENDA

To enable technology capabilities to automate transactional services and optimise available solutions for increased efficiency and provisioning of digital services to clients and partners.

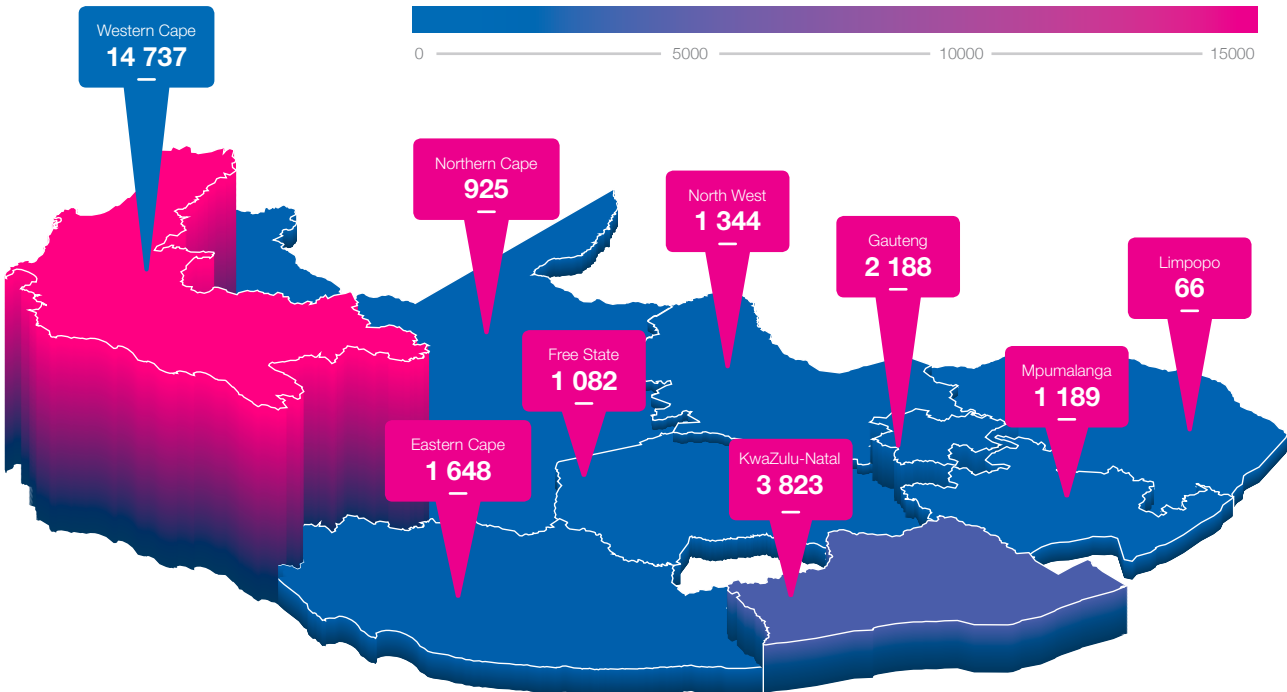


COMMUNICATIONS OUTREACH AND PUBLIC EDUCATION

FLAGSHIP CAMPAIGNS



NUMBER OF LEARNERS REACHED FINANCIAL YEAR – 2019/2020





OUTREACH
ACTIVITIES
CONDUCTED

35

SCHOOLS

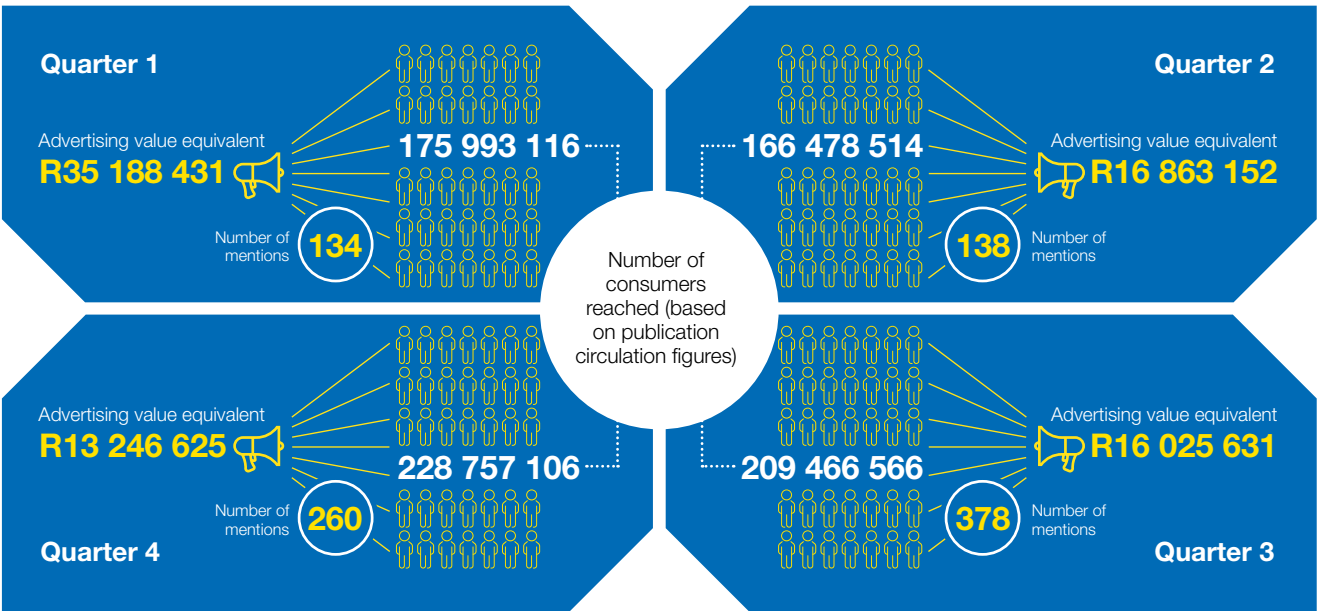
6

CINEMAS


7

YOUTH NGOs

MEDIA COVERAGE AND PENETRATION



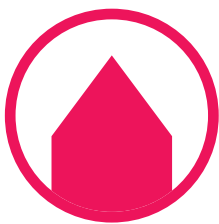
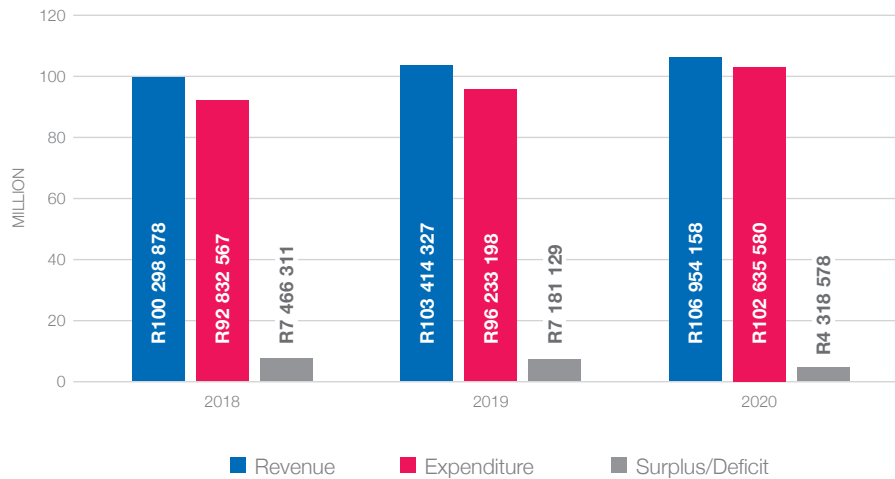
1 083

ITEMS HAD BEEN
POSTED ON FACEBOOK,
TWITTER, INSTAGRAM
AND YOUTUBE

FINANCIAL TRENDS

REVENUE AND EXPENDITURE ANALYSIS



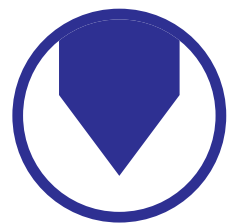
3%

**TOTAL
REVENUE**



5%

**OPERATIONAL
GRANT**

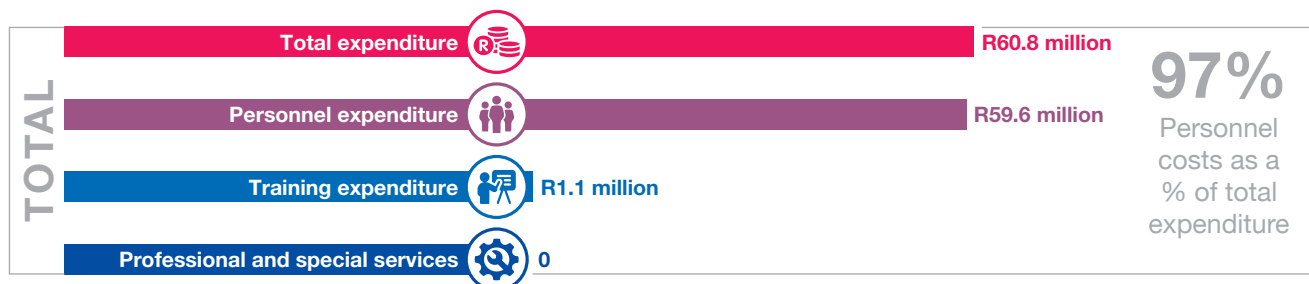
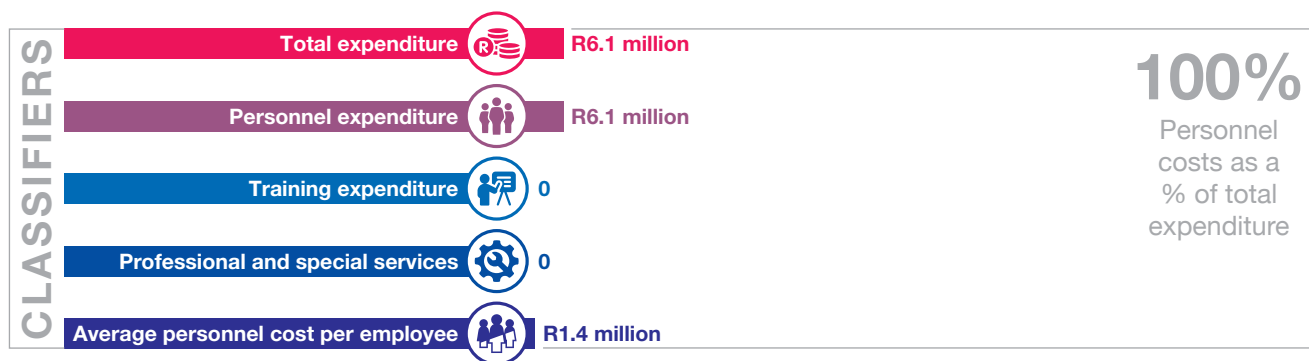
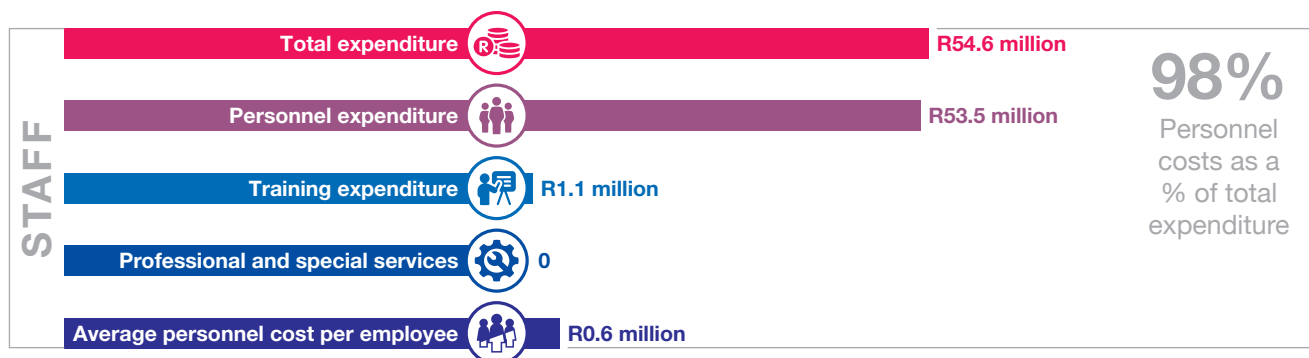


19%

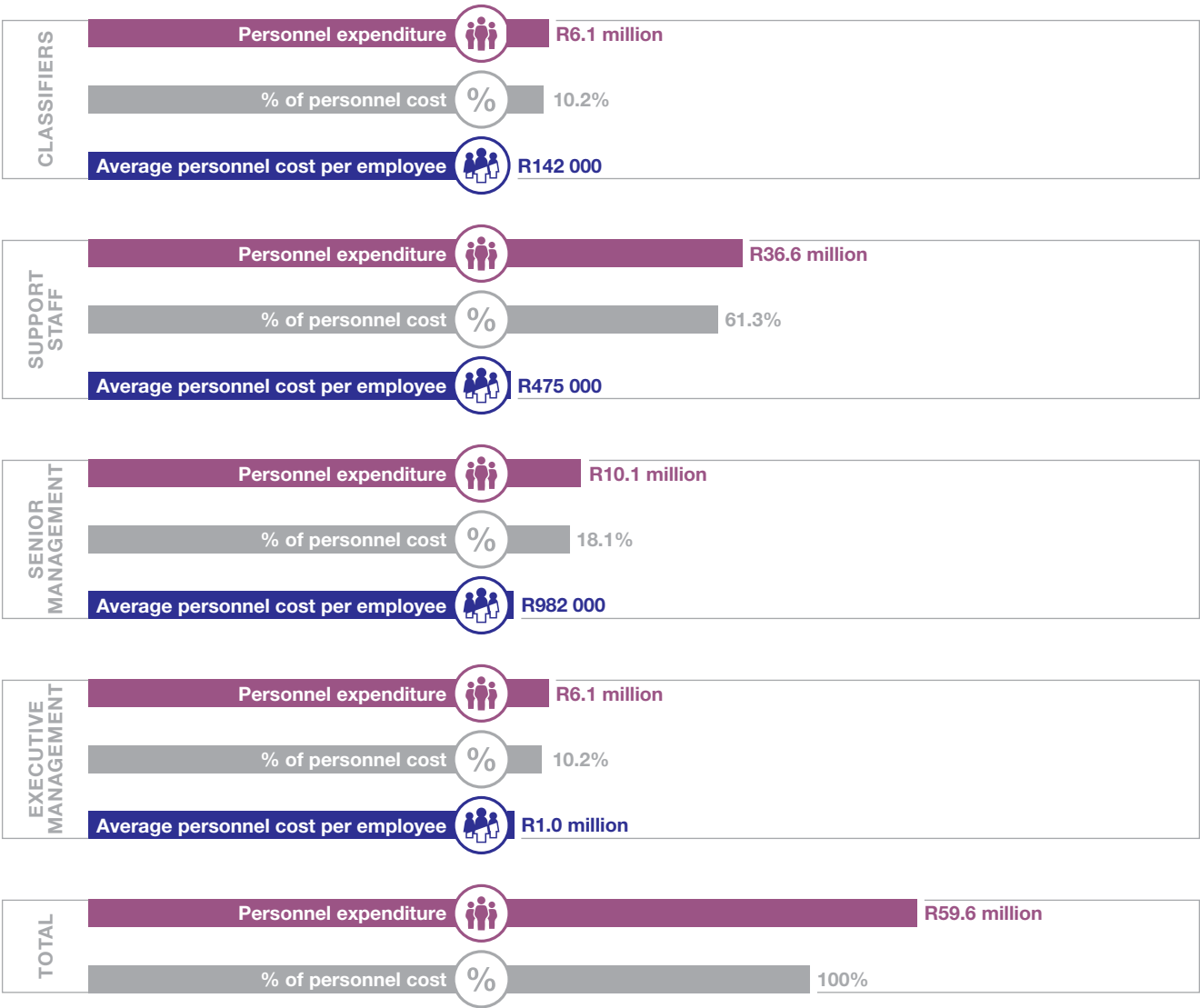
**REGULATION
FEES**

HUMAN RESOURCE MANAGEMENT

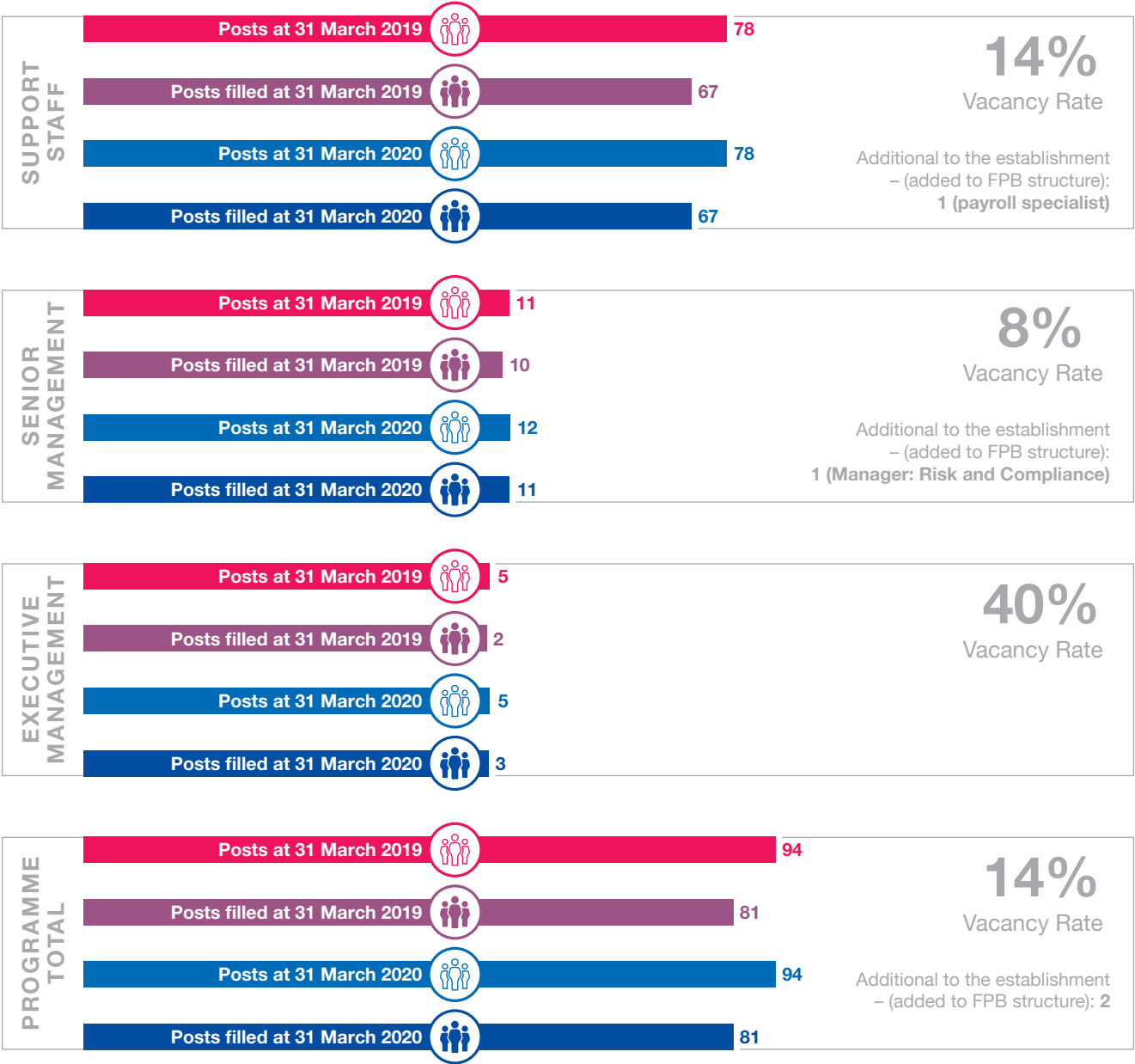
PERSONNEL COSTS BY PROGRAMME 2019/2020



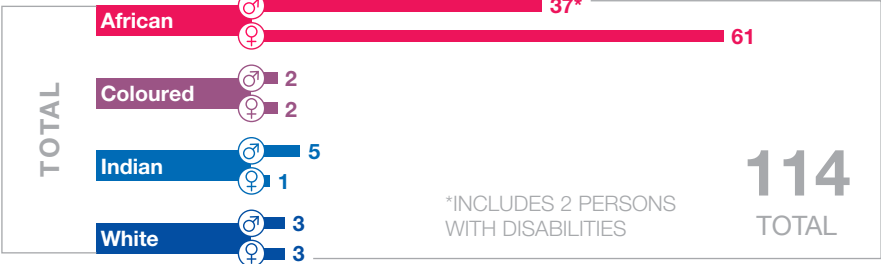
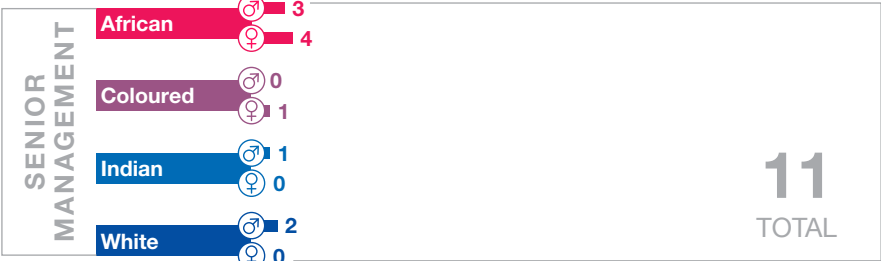
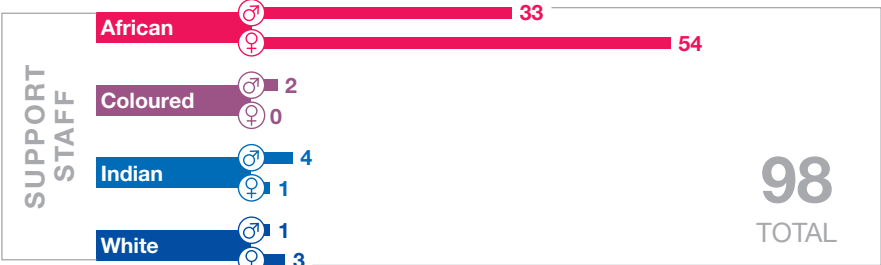
PERSONNEL COSTS BY SALARY BANDS 2019/2020



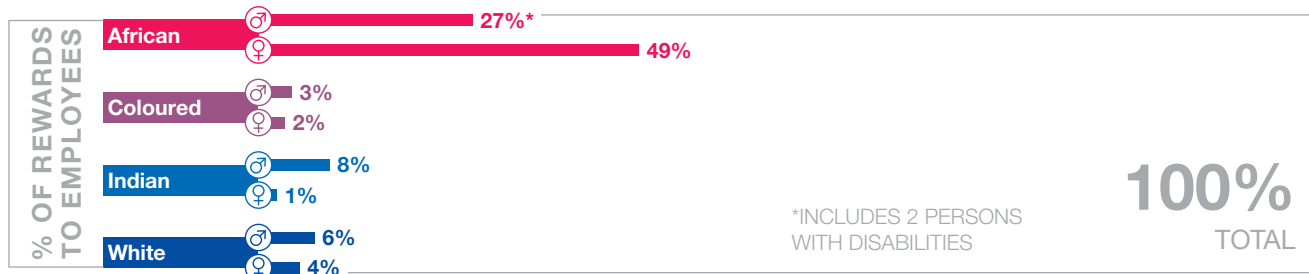
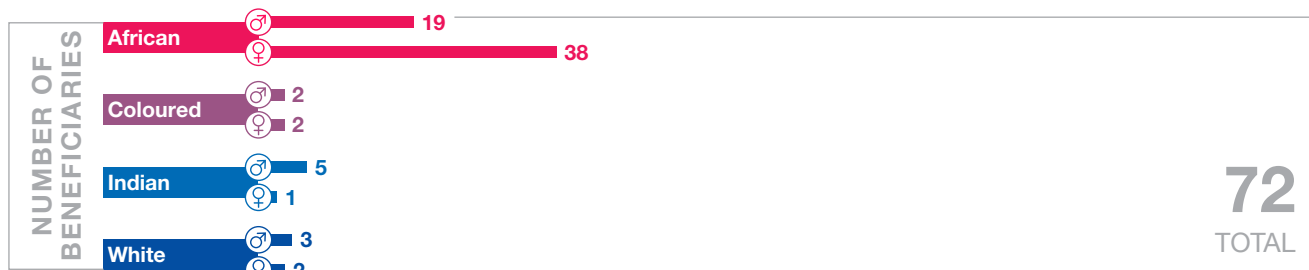
EMPLOYMENT AND VACANCIES BY SALARY BANDS AT 31 MARCH 2020



NUMBER OF EMPLOYEES PER OCCUPATIONAL CATEGORY AT 31 MARCH 2020



PERFORMANCE REWARDS BY RACE, GENDER AND DISABILITY: 1 APRIL 2019 TO 31 MARCH 2020





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RP402/20
ISBN: 978-0-621-48942-2

