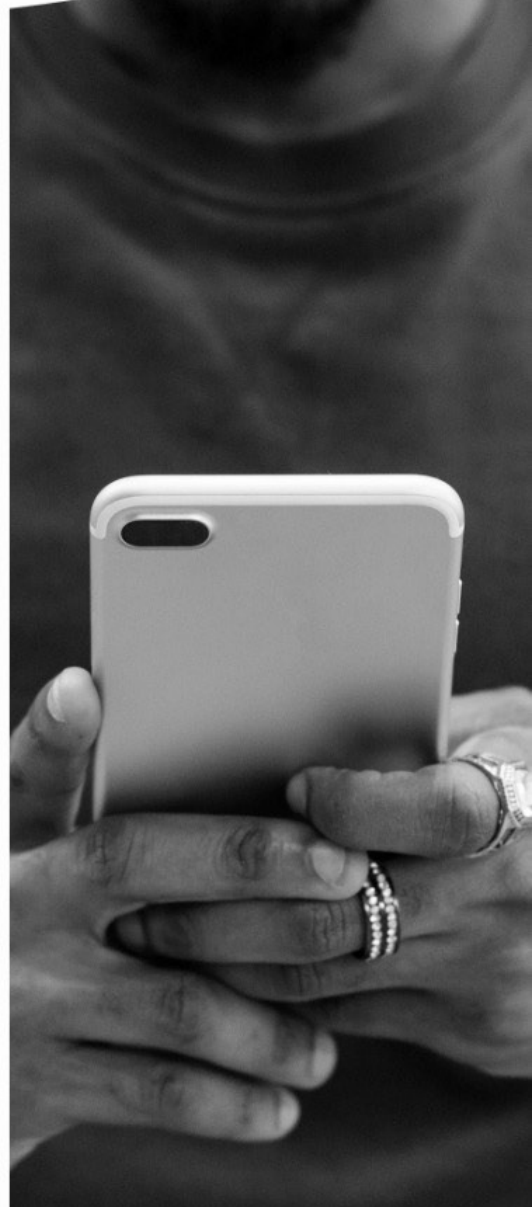




**Film and  
Publication Board**

Content Regulatory  
Authority of South Africa.



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# ANNUAL PERFORMANCE PLAN 2023/24



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## 1. ACRONYMS AND ABBREVIATIONS

|        |  |
|--------|--|
| AI     | Artificial Intelligence                                  |
| CCI's  | Content Classification Index                             |
| CSAM   | Child Sexual Abuse Material                              |
| DCDT   | Department of Communications and Digital Technology      |
| EA     | Executive Authority                                      |
| FPB    | Film and Publication Board                               |
| FPGs   | Films, Publications and Games                            |
| GCIS   | Government Communications and Information System         |
| HC     | Human Capital  |
| ICASA  | The Independent Communications Authority of South Africa |
| INHOPE | International Association of Internet Hotlines           |
| ICT    | Information Communications Technology                    |
| KPI    | Key Performance Indicator                                |
| MDDA   | Media Development and Diversity Agency                   |
| PPM&E  | Planned Performance Monitoring and Evaluation            |
| MoU    | Memorandum of Understanding                              |
| MTEF   | Medium Term Expenditure Framework                        |
| MTSF   | Medium Term Strategic Framework                          |
| NDP    | National Development Plan 2030                           |
| OD     | Organisational Design                                    |
| PFMA   | Public Finance Management Act                            |
| PMO    | Project Management Office                                |
| SABC   | South African Broadcasting Corporation                   |
| SADC   | Southern African Development Community                   |
| SAFACT | South African Federation against Copyright Theft         |
| SAM    | Sexual Abuse Material                                    |
| SAPS   | South African Police Service                             |
| SARS   | South African Revenue Service                            |
| SO     | Strategic Outcome  |
| SOP    | Standard Operating Procedure                             |
| UGC    | User-Generated Content                                   |

## ACCOUNTING AUTHORITY STATEMENT

The Film and Publication Board (FPB) is a public entity established in terms of the Films and Publications Act 65 of 1996, as amended (FP Act) under the Department of Communication and Digital Technology (DCDT). In terms of the Films and Publications Amendment Act (no.11 of 2019), the mandate of the FPB has been expanded to regulate the creation, production and distribution of films, games, and certain publications in the country where such content is distributed online that includes harmful or prohibited content as defined in the FP Act. At the core of our mandate is the protection of children from harmful and age-inappropriate content and to provide caregivers and members of the public with the requisite information to make informed viewing, reading, and gaming choices for themselves and children in their care whether online or offline.

## SHAREHOLDER'S STRATEGIC INTENT

Following the 2 September 2021 request by our Shareholder for the FPB to redefine our role as the future regulator within the online regulatory environment we have submitted the proposal which re-envisioned the FPB as a content regulator and recommendations on measures to strengthen its mandate in this regard. The Budget Vote speech announcement does not only strengthen and refine the mandate of the FPB, the announcement of a single content regulatory system that is platform and technology neutral presided by the FPB guarantees its future survival. As the entity we will work closely with the DCDT as our policy-maker to ensure that the proposal is fully implemented through appropriate policy and legislative review.

This Annual Performance Plan reflects our response to that clear strategic intent. The Plan is formulated within context of the following forces, driving changes to the strategic focus of the FPB as an organisation:

## POST COVID-19 ERA

The past two (2) years have been characterised by the continual response and subsequent adaption to the COVID-19 pandemic which unexpectedly disrupted businesses throughout the world. Equally, the FPB was impacted as a business both directly and indirectly from the well-being of our employees through to business operations. With the Covid-19 induced restrictions lifted, we witness business recovery. While the Covid-19 era is gradually going past us, and restrictions have been lifted we cannot afford to sit on our laurels. In whatever shape or form it takes in the future, we should be ready to revise and adapt our plans and ensure that measures are put in place to support our staff.

## FIGHTING GENDER-BASED VIOLENCE: ONLINE HATE AND TECHNOLOGY-FACILITATED ABUSE

The technological forces have not only brought about the convergence of technologies which are continuously blurring traditional market distinctions and boundaries, they also brought with them the rapid proliferation of and ubiquitous on-line streaming platforms which resulted in connected citizens. This transformed content consumption patterns, making it available anywhere, anytime.

While technological transformation under the aegis of the Fourth Industrial Revolution (4IR) has brought benefits in terms of content consumption and connected citizens, it has equally increased the risks of exposing citizens to potentially harmful, prohibited, and unregulated content and materials published and distributed online, particularly for women, children, and youth. As the content regulator, the FPB will through its Online Hate and Cyber abuse programme in partnership with industry and other regulatory partners, take the lead in fighting gender-based violence and abuse online, including Non-Consensual Sharing of Intimate Images (NCII).

## FILM AND PUBLICATION AMENDMENT ACT, 2019

The task of implementing the Film and Publication Act (no.11 of 2019) remains our priority during the medium term. In our second year of implementing this Act, the focus shifts from organisational reconfiguration to building technological capacity for both organisational efficiencies and enforcement.

Our brand promise “**EDUCATE. PROTECT. ENFORCE**” remains central to our integrated communication, stakeholder engagement and strategic partnerships. The FPB will continue to grow its global footprint given the fluidity and borderless nature of content within the sphere in which we operate. The global community plays a critical role in revolutionising how content is regulated and enforced. For this reason, continuous benchmarking of our work against global best practices will remain a strategic drive.



Ms Z Mkhosi

Council Chairperson: Film and Publication Board

Date: 29 March 2023



## 2. ACCOUNTING OFFICER STATEMENT

This Strategic and Annual Performance Plan (APP) details the overall objectives and plans of the FPB to deliver on its mandate over the next five years.

### OUR BUSINESS DRIVERS

As a fully-fledged regulator that is resilient, responsive, and enjoys the trust of its public and wider stakeholders, our business during the medium term will continue to be driven mainly by the following activities:

- Organisational transformation and stability.
- Licensing and Classification even though classification may be scaled down due to the new self-classification and other co-regulatory mechanisms have been ushered by the amendment act.
- Monitoring compliance and enforcement.
- Developing and updating regulatory instruments and guidelines, and
- Public Awareness and education.

### THE CHANGING CONTEXT

This Financial Year, 2023/2024 marks the second year of the journey of the FPB in implementing the Films and Publications Amendment Act as mapped out in our Strategy approved by our Shareholder and subsequently tabled in Parliament in March 2022. As outlined in our Strategy, we will for the medium term continue to:

- (a) Implement the Films and Publications Amendment Act (no.11 of 2019), and
- (b) Redefine the FPB as a future (Online) Content Regulator.

Our strategic Focus Areas in pursuit of these 2 priorities remain:

- Organizational Transformation.
- Regulatory Capacity and Enforcement.
- Customer Focus.
- Financial sustainability.
- Stakeholder management and collaboration.

This journey will occur in phases. As noted from the above, the strategic focus remains the same, however, it is the strategic emphasis that will slightly change during these phases. Phase 1, which occurred in the first year of strategy implementation focused mainly on organisational reconfiguration to align the resources to the revised strategy, review of policies, capacitation and updating of regulatory instruments. For this reason, more attention was placed on Programmes 2 and 5. The new regulatory instruments prioritised and developed in terms of section 31A of the FP Amendment Act to implement the new Act will be gazetted. With the finalisation of the new organisational structure and the lifting of the moratorium which delayed the recruitment of staff, this phase has been completed. The Human Resources (HR) Turnaround Action Plan is being finalised to deal with Legacy HR issues.

### PHASE 2: THE INDUSTRY CHANGES AND THE INEVITABLE SHIFT

As previously noted, disruptive changes continue to characterise our environment:

- Declining trends in materials submitted for classification since 2017.
- Increased online harms and abuses globally requiring a transnational response as evidenced by increased Online Child exposure to harmful content and unprecedented level of online abuse and hate speech has increased, directed mainly at women and Youth (cyber-bullying, harassment, and trolling).
- A lackadaisical approach to fighting online harms and abuse by the operators.
- Fluidity of the online content distribution platforms.
- Massive lay-offs in the Big Tech industry which put the operators' capacity to curb online harms at risk.
- Overall industry growth and revenue opportunities.

As a future content regulator, the FPB must adequately respond to these issues. Although the FPB has started gearing itself to the growing challenges and trends, a lot of work is yet to be done to put the entity at the minimum level, particularly from a technological perspective. There is urgent need to think about our mandate in technological terms; not only the system, but the skillset (investment in training and development). For the new Financial Year, 2023/2024 the priority of the FPB is to start migrating our services and enforce Online compliance and monitoring. This will be carried out in a phased approach in accordance with our financial and human resource capacity.

In line with these priorities, Phase 2 of the strategy implementation is a shift from organisational reconfiguration to accelerate the expanded mandate implementation and building technological capability and enforcement. This is to ensure that the expanded mandate is fully incorporated into the programmes of the FPB, and that the entity is ready to enforce compliance with its own regulations developed in the first phase.

## OUR PEOPLE

At the heart of every organisation driving its performance and resilience is its people. To achieve this, we need to invest in technology (Generative Artificial Intelligence (AI), machine learning, data analytics, information security) and digital talents to drive a digitally driven organisation. Therefore, our investment will continue to be focused on investment in technology and our employee training and re-skilling. We will also continue to invest heavily in our people as part of this digital transformation by adequately re-skilling them to serve the organisation and provide opportunities to grow within the FPB to become an employer of choice.

The future is digital and implementing the FPB's mandate requires technology.



Dr. Mashilo Boloka

Chief Executive Officer

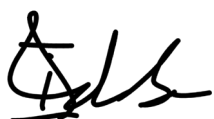
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### 3. OFFICIAL SIGN-OFF

It is hereby certified that this Annual Performance Plan:

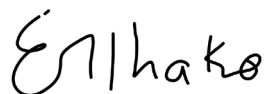
- Was developed by the Council and Executive management of FPB.
- Takes into account all the relevant policies, legislation and other mandates under the custodianship of the FPB, and
- Accurately reflects the revised Impact, Outcomes and Outputs that the FPB will endeavour to achieve over the period 2023-2024.



Ms. I Radebe

Planning Monitoring and Evaluation Specialist

Date: 29/03/2023



Mr. E Tlhako

Technology Support & Platform Monitoring  
Executive

Date: 29 March 2023



Ms. M Litha

Corporate Services Executive

Date: 29 March 2023



Mr. M Chowan

Chief Financial Officer

Date: 29 March 2023



Adv. M Lindhorst

Regulatory Development & Enforcement Executive

Date: 29 March 2023



Dr. M Boloka

Chief Executive Officer

Date: 29-03-2023



Ms. Z Mkosi

Chairperson: FPB Council

Date: 29 March 2023



# PART A: SITUATIONAL ANALYSIS



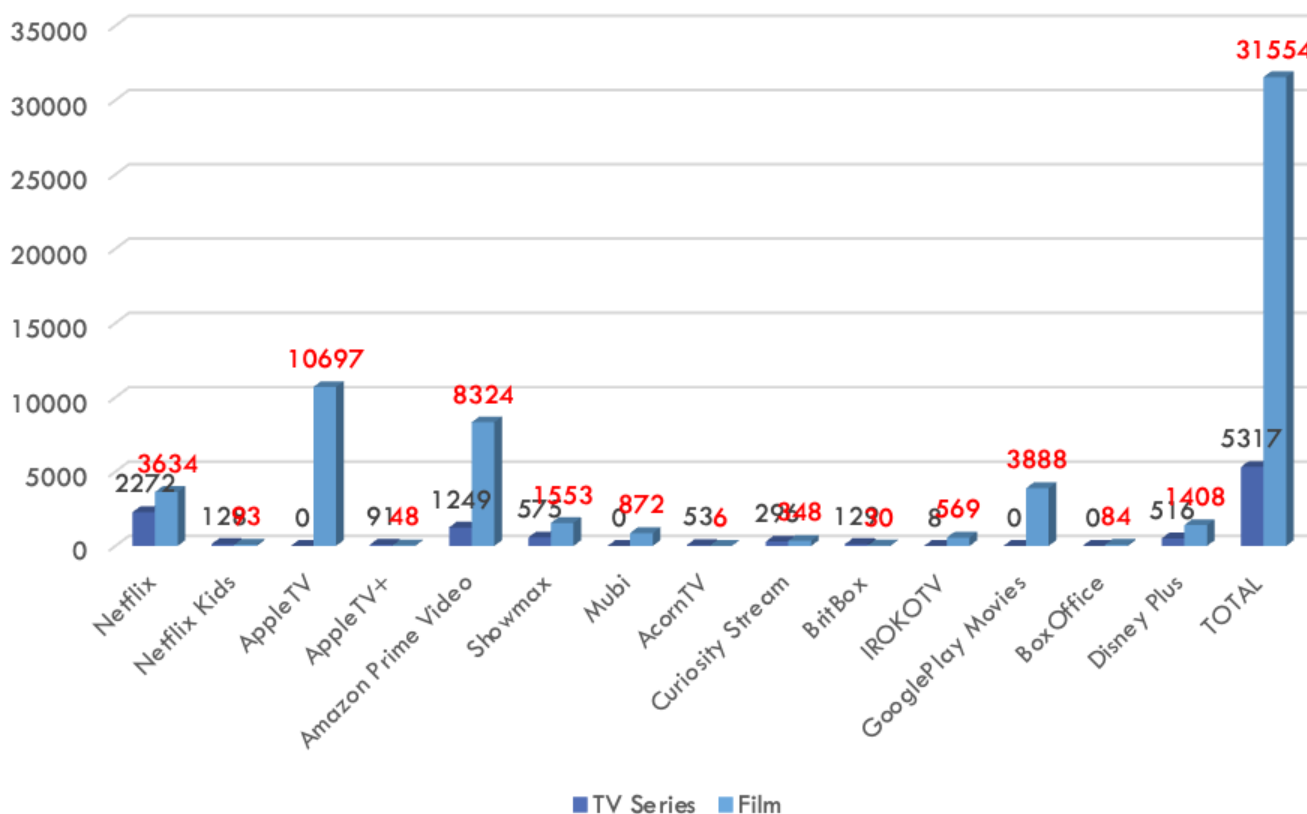
## 4. SITUATIONAL ANALYSIS

### SITUATIONAL ANALYSIS

The operationalisation in March 2022 of the Films and Publications Amendment Act No. 11 of 2019 effectively expanded the mandate of the Film and Publication Board. The amended act primes the FPB to effectively and efficiently regulate media content in the current context, characterised by the rapid and ongoing convergence of technology. These developments have transformed the consumption of content, shifting to online platforms. The double-edged consequences of these changes are seen in the acceleration of a connected global citizenship, while exposing citizens to unregulated, harmful, and prohibited content. The amended act is in response to these challenges. Of significance is the introduction of an Enforcement Committee in the structure of the FPB, empowering the FPB as a regulator of media content in South Africa.

Online media content has been steadily increasing, as is demonstrated in the graph below. In 2022 film constituted the bulk of available titles, at 31 554 titles, far outweighing series. It is anticipated that series will steadily climb as a proportion of content type consumed via online platforms. Regardless of the type of content consumed, what is clear is that media consumption is heading towards online platforms. This trend is accompanied by the opening up of avenues for content creators, exponentially increasing the volume of content. These developments will require an agile approach to content regulation, emphasising innovation on an ongoing basis.

VOD Titles Available on Platforms September 2022





The recent and ongoing recruitment of capacity into the organisation, particularly at top management level, coupled with ongoing efforts at restructuring the organisation, should take the organisation on a steadier footing as we navigate this rapidly changing environment. This calls for urgent moves to capacitate the organisation, training and re-skilling existing staff on the one hand, while also seeking to acquire talent externally.

The continued decline of the annual financial grant from National Treasury year on year owing to the pressures on our fiscus, constrains the efficiency and effectiveness of FPB's operations. The demand from the industry cannot be met with these minimal resources, and this has huge potential to render the organisation ineffective.

The Films and Publications Amendment Act, 2019 has made provisions for the appointment of the Enforcement Committee, and for the accreditation of a foreign or international classification authority following the submission by Commercial Online Distributors to the FPB. This is in the backdrop where the FPB has seen an increase in the number of internationally based online distributors who seek to tap into the South African online content consumer market. These new provisions strengthen and expand the regulatory powers of the FPB.

The year ahead will focus on setting the organisation on a long-term transformation path in alignment with the expanded mandate brought about by the Amendment Act by addressing three fundamental pillars of any organisational transformation; people, systems, and technology.

## 4.1 EXTERNAL ENVIRONMENT

The PESTELI approach informs our situational analysis, being a mnemonic for Political, Economic, Social, Technological, Environmental, Legal and Innovation.

### POLITICAL

- The promulgation of the Films and Publications Amendment Act No. 11 of 2019 has given impetus for the operationalisation of the Act. The FPB, led by then Interim Chief Executive Officer, embarked on an accelerated program of internal restructuring, while a series of stakeholder engagements was rolled out, including the

solicitation of submissions from industry. This places the FPB on a firm footing as it readies itself as the media content regulator of the future. The provisions for dealing with prohibited content will place the FPB at the centre of dealing with potentially politically explosive moments, as it seeks to deal with incidences such as online dissemination of incitement to violence and similar violations as per the Amendment Act.

### ECONOMY

- Contributing to efforts of addressing youth unemployment through a robust internship programme.
- Revenue generation plan for the FPB.
- Growth in the online distribution market.
- Over the top (OTT) streaming on the increase.
- SA retains high revenue generating potential in the Media and Entertainment digital markets (surpassing the Middle East, the rest of the African continent and some European markets).

### SOCIAL / SOCIETY

- South Africa is a Society-in-the-making; divergent social norms and values.
- To some extent, social media promotes a culture of violence, and some content is not suitable for child consumption.
- SA is amongst the countries with the highest recorded incidents of cyber-bullying.
- In South Africa, 9% of all teenage deaths are due to suicide.

### TECHNOLOGY

- Growing investment in building data centres in SA. This is a boost to SA's inadequate ICT infrastructure,
- Technology is advancing fast, however, there are still some challenges of internet connectivity to some areas (especially rural areas).
- Projected increase in internet access and digital media in line with projected decrease in the data costs and improvements in ICT infrastructure – increasing potential for growth in this space.
- The impact of internet has increased publishing of digital media which needs to be regulated.

- Therefore, there is a need for investment in Artificial Intelligence (AI) as a tool for enhancing content regulation.

## ENVIRONMENTAL

- SA has developed environmental policies.
- The green environment policy has led to the rapid growth of digital media.
- Connected communities to leverage skills, knowledge, and technologies.
- Proposed regulator of the future.

## INNOVATION

- Leverage limited resources by partnering with regional and continental regulators.
- Challenge threats to regional and national sovereignty vis-à-vis external pressure from online distributors. This may have relevance also on the issue of the accreditation of a foreign or international classification system, where either a phased-in approach is followed, allowing the FPB to develop its own systems to satisfy distributor expectations and respond to their concerns in this regard.
- Cross-country treaties to strengthen an effective regulatory role; and
- Upskilling of FPB employees; classifiers to building an innovative personnel.

Over and above the PESTELI overview, this situational analysis looks at the broader organisational functionality and how it is pivoted to the achievement of the organisational strategy. It looks at the legal, human resources and operational arms of the organisation, rounding off with a summary of a gap analysis.

## LEGAL

- Liberal constitutional framework (balancing of rights – freedom of expression vs right to privacy).
- Resistance to Regulation from some players in the digital/online space.
- Strengthened legal instrument Film and Publication Act (FP Act) to enable better enforcement, administrative action and better governance.

- Films and Publication Amendment Act has strengthened the FPBs ability to regulate and in so doing collect more revenue.
- New POPIA Act came into effect and will place greater burdens on FPB's outreach team as well as all social media platforms that will be required to be monitored.
- Regulated government through Legislation to protect consumers.

## 4.2 INTERNAL ENVIRONMENT

During the strategy review, FPB assessed its organisational performance against both the strategic plan targets as well as the work programme targets. Over the past four years, the organisation achieved an unqualified audit opinion with findings. The findings were largely around the reliability and smartness of the performance information. In the 2020/21 financial year, the entity attained an **unqualified audit with findings**. This has however improved in 2021/2022 to a **clean audit**.

The FPB conducted an internal qualitative on-line SWOT analysis to determine 'what we do well' ('Strengths') and 'what we don't do well' ('Weaknesses'), 'Opportunities going into the future' ('opportunities') and 'Threats/Risks that we face' ('Threats'). Over and above, respondents were asked to comment on "what keeps them awake at night" (what worries them most) and what they would do if appointed as CEO of FPB. Responses from the Programme sessions that were held revealed the following for FPB to address in its Strategy and its 2023/2024 financial year's Annual Performance Plan.

## HUMAN CAPITAL

- High rate of attrition, vacancy rate 28%.
- Low Staff morale due to rapid and constant change in leadership at executive level that results in uncertainty for some employees.
- Re-skilling of employees in line with the expanded mandate.

## OPERATIONS

- Requirement to elevate the expanded mandate of the FPB beyond classification.
- Review of the operations functional structure, processes, and procedures to align to the Amendment Act,
- Internal foresight to develop online registration and compliance monitoring tools.
- Numerous manual processes and procedures / processes not fully automated.
- Established Project Management Office (PMO) to strengthen coordination.
- Declining budget allocation to government entities over the past years makes sourcing alternative revenue streams essential.

## SWOT ANALYSIS

### STRENGTHS

- Legislative Legitimacy
- Institutional Memory
- Skilled Personnel and level of competency
- Hardworking workforce
- Industry knowledge

### OPPORTUNITIES

- Organizational Development
- Growing industry (Regulator of the Future)
- Revenue Opportunities
- Updating of Regulatory Instruments
- Support for further expansion of our Legislative Mandate
- Partnership Opportunities
- Regulatory Enforcement
- Adoption of new technologies
- Increased knowledge on the expanded mandate
- Brand Repositioning



### WEAKNESS

- Relatively high Staff Turnover
- Organizational culture
- Inadequate financial resources to implement the expanded mandate
- Manual operations and processes (outdated systems)
- Inadequate advocacy and implementation of the expanded mandate knowledge management

### THREATS

- Budget limitations
- Inability to determine future distribution channels for content
- Big Tech Power
- Litigious industry

# PART B: MANDATE



## 6. CONSTITUTIONAL MANDATE

Freedom of expression has been provided for in the Constitution of the Republic of South Africa, 1996 (Constitution) where section 16 states that:

- “(1) Everyone has the right to freedom of expression, which includes –
- (a) freedom of the press and other media.
  - (b) freedom to receive or impart information or ideas.
  - (c) freedom of artistic creativity, and
  - (d) academic freedom and freedom of scientific research.
- (2) The right in subsection (1) does not extend to –
- (a) propaganda for war.
  - (b) incitement of imminent violence; or
  - (c) advocacy of hatred that is based on race, ethnicity, gender, or religion, and that constitutes incitement to cause harm.”

The Constitutional Court in *Qwelane v South African Human Rights Commission and Another* (CCT 13/20) [2021] ZACC 22 (31 July 2021) at par 68 – 69 held that:

“Freedom of expression” is of the utmost importance in the kind of open and democratic society the Constitution has set as our aspirational norm”. This is because it “is an indispensable facilitator of a vigorous and necessary exchange of ideas and accountability.

According to Emerson, there are four particular values that undergird the right to freedom of expression. These, as understood, include: (a) the pursuit of truth; (b) its value in facilitating the proper functioning of democracy; (c) the promotion of individual autonomy and self-fulfilment; and (d) the encouragement of tolerance.”

The Constitutional Court in *Qwelane* importantly went on to state however, at par 73 – 74 that:

“[t]he corollary of the freedom of expression and its related rights is tolerance by society of different views. Tolerance, of course, does not require approbation of a particular view. In essence, it requires the acceptance of the public airing of disagreements and the refusal to silence unpopular views.” In *Islamic Unity*, Langa DCJ elucidated:

*Freedom of expression is applicable, not only to information or ideas that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock, or disturb the state or any sector of the population. Such are the demands of that pluralism, tolerance, and broadmindedness without which there is no democratic society.*

These dictates of pluralism, tolerance and open-mindedness require that our democracy fosters an environment that allows a free and open exchange of ideas, free from censorship no matter how offensive, shocking, or disturbing these ideas may be. However, as stated by this Court in *Mamabolo*, this does not mean that freedom of expression enjoys superior status in our law. Similarly, a unanimous Court in *Khumalo v Holomisa* stated that, although freedom of expression is fundamental to our democratic society, it is not a paramount value. As this Court observed in *Laugh it Off*, “we are obliged to delineate the bounds of the constitutional guarantee of free expression generously”.

Acknowledging the fact that South Africa is a relatively young democracy which has emerged from decades of repression, censorship, and prescribed conformity, it is imperative that the freedom of expression and the rights of media be protected.

Section 36 of the Constitution however states that:

“(1) The rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality, and freedom, taking into account all relevant factors, including

- (a) the nature of the right.
- (b) the importance and purpose of the limitation.
- (c) the nature and extent of the limitation.
- (d) the relationship between the limitation and its purposes.
- (e) less restrictive means to achieve the purpose.”

It is to maintain the required proportionality and balance between respecting freedom of expression and protecting the rights of persons, in particular those of children, that the Films and Publications Act, 1996 (Act No. 65 of 1996), as amended (FP Act), has been promulgated. The FP Act, repealed the Indecent or Obscene Photographic Matter Act, 1967 (Act No. 37 of 1967), and the Publications Act, 1974 (Act No. 42 of 1974), and created a new comprehensive regulatory framework for films, games, and certain publications. The FP Act provides for the establishment of the Films and Publication Board (FPB) that is responsible for the classification of both films, games and certain publications and no film or game may be distributed or exhibited in public unless it has been classified by the FPB.

The FP Act is a “law of general application” as required by section 36 (1) of the Constitution. The Constitutional Court has held that such a requirement derives from an important principle of the rule of law, namely that “rules be stated in a clear and accessible manner”.

To this end the Legislature may and has, consistently with the Constitution, promulgated the FP Act to regulate the creation, production, possession and distribution of films, games, certain publications, and the internet by way of classification to:

- a) protect consumers against harmful and disturbing material while allowing adults to make informed choices for themselves and the children in their care by providing consumer advice;
- b) protect children from exposure to disturbing and harmful material and from premature exposure to adult material;
- c) make the use of child pornography and exposure to pornography punishable;
- d) criminalise the possession, production and distribution of child pornography; and
- e) create offences for non-compliance with this Act.

In doing so the provisions of the FP Act are justifiable, noting that the nature of the right and the extent of the limitation, on the one hand, and the purpose of the limitation on the other need to be considered.

Acknowledging that freedom of expression is an important right in our Bill of Rights, there is nonetheless a legitimate government purpose to empower the FPB to execute its legislative mandate. The main purpose of the FP Act, through the regulatory tool used by the FPB, is to classify content to provide age-ratings and consumer advisories to ensure that consumers make appropriate viewing and gaming choices for themselves and children in their care.

The FPB classification regime is premised on the formulation of classification guidelines which is informed by empirical evidence on what can be deemed harmful for adults and children. The formulation of the classification guidelines entails extensive public consultations, ensuring the standards placed within the classification guidelines are in-line with public expectations. This means the classification guidelines formulation process is evidence based, transparent and has accountability mechanisms, with all these essential in regulatory policy formulation of a democratic state.

Such a process is undertaken however, within the framework of the Bill of Rights so as to ensure compliance with section 8 (1) and (3) of the Constitution which provides with regards to the former that the Bill of Rights



applies to all law, and binds the legislature, the executive, the judiciary and all organs of state and with regards to the latter that in giving effect to the Bill of Rights one must apply or if necessary develop the common law to

the extent that legislation does not give effect to any right and develop rules of the common law to limit any right provided that the limitation is in accordance with section 36 (1) of the Constitution.

## OTHER SUPPORTIVE LEGISLATION

The FPB legislative mandate is supported by various pieces of legislation, listed below:

| SHORT TITLE   | PURPOSE   |
|---|---|
| Constitution of the Republic of South Africa, 1996  | This Constitution is the supreme law of the Republic; law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled. Any law therefore that violates the Constitution, or any conduct that conflicts with it, can be challenged and struck down by the courts.  |
| Cybercrimes and Cybersecurity Act, 2020 (Act No. 19 of 2020)                                | The aim of the CC Act is to deal with cybercrimes and cybersecurity which is broadly defined as the use of data, a computer programme, a computer data storage medium or a computer system in committing crimes. Cybersecurity is defined as the protection of data, computer programmes, computer data storage mediums or computer systems against cybercrime, damage, or interference through the use of technologies, measures and practices. The CC Act also aims to rationalise the laws of South Africa which deal with cybercrime and cybersecurity into a single Act and with specific regard to the work of the FPB, criminalises the distribution of malicious communications and provides for interim protection measures. |
| Child Justice Act, 2008 (Act No. 75 of 2008)  | The Child Justice Act aims to keep children out of detention and away from the formal criminal justice system, mainly through diversion. When these interventions would be inadequate or unsuccessful, the Act provides for child offenders to be tried and sentenced in child justice courts.  |
| Children's Act, 2007 (Act No. 41 of 2007)   | The Children's Act governs the laws and regulatory frameworks relating to the care, contact and the protection of children. It defines responsibilities and rights, makes provision for the establishment of Children's Courts and the appointment of welfare officers. In all cases, the guiding principle is the best interest of the child.  |
| Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007) | The Criminal Law (Sexual Offences) Amendment Act provides for prohibitions, offences and punishment of sexual crimes committed duly listed. The Act replaces certain common law provisions on sexual offences and sections of the old law, the Sexual Offences Act, 1957 (Act No. 23 of 1957).  |
| Electronic Communications Act, 2005 (Act No. 36 of 2005)                                    | The ECA regulates electronic media and broadcasting in the milieu of media convergence.   |
| Employment Equity Act, 1998 (Act No. 55 of 1998)  | The EEA applies to all employers and workers and protects workers and job seekers from unfair discrimination and provides a framework for implementing affirmative action.  |
| King IV Report on Corporate Governance for South Africa 2016                                | Ethical and effective leadership is at the heart of King IV™. The 17 basic principles are universally applicable to all organisations, and all are required to substantiate a claim that good governance is being practised.  |
| Labour Relations Act, 1995 (Act No. 66 of 1995)   | To protect everyone in the workplace and to promote economic development, fair labour practice, peace, democracy, and social development.   |
| National Treasury Regulations   | These regulations are issued regularly by National Treasury and are applicable to all public entities in accordance with their Schedule listing.  |
| Occupational Health and Safety Act, 1993 (Act No. 181 of 1993)                              | The Occupational Health and Safety Act aims to provide for the health and safety of persons at work and for the health and safety of persons in connection with the activities of persons at work and to establish an advisory council for occupational health and safety.  |
| Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)                            | To give effect to the constitutional right of access to any information held by the State and any information that is held by another person that is required for the exercise or protection of any rights; and to provide for matters connected therewith.   |
| Promotion of Administrative Justice Act, 2000 (Act No. 2 of 2000)                           | To give effect to the right to administrative action that is lawful, reasonable, and procedurally fair and to the right to written reasons for administrative action as contemplated in section 33 of the Constitution of the Republic of South Africa, 1996; to provide for matters incidental thereto.  |

| SHORT TITLE  | PURPOSE   |
|--|---|
| Protection of Personal Information Act, 2013 (Act No. 4 of 2013) | Protection of personal information and data.  |
| Public Finance Management Act, 1999 (Act No. 29 of 1999)         | To regulate financial management and to ensure that all revenue, expenditure, assets and liabilities of Government departments or entities are managed efficiently and effectively. |
| Skills Development Act, 1998 (Act No. 97 of 1998)                | To govern training, education, and skills development in the workplace.   |

Table 1: Other supporting legislative guideline

## 8. LEGISLATIVE AND POLICY MANDATES

### LEGISLATIVE MANDATES

The mandate of the FPB is to protect consumers against harmful and prohibited content as defined in the Act by regulating the creation, production, possession and distribution of films, games, certain publications, and the internet.

#### 8.1 FUNCTIONS, POWERS, AND DUTIES OF THE FPB COUNCIL:

In accordance with section 4A (1) of the FP Act, the Council of the FPB shall:

- a) In consultation with the Minister, issue directives of general application, including classification guidelines, in accordance with matters of national policy consistent with the purpose of the FP Act.
- b) Determine and issue a Code of Conduct for members of Council.
- c) In consultation with the Minister, appoint a chief executive officer.
- d) In consultation with the Minister, determine the qualifications, experience as well as terms and conditions of the employment of Classifiers.
- e) Appoint such number of Classifiers that comply with the determinations as may be required, having regard to the likely volume of applications and submissions that will be made in terms of the FP Act.
- f) At least four times a year, review, and report to the Minister on the functioning of the FPB to ensure that the objects of the Act are implemented efficiently and that the FPB discharges its obligations and responsibilities in accordance with the Act or any other law; and
- g) Exercise and perform such other functions, powers, and duties as are conferred or imposed on the Council by or under the Act or any other law.

| ROLE  | DESCRIPTION (AND RELATED PROVISIONS)  |
|---|---|
| Regulatory role   | To regulate the creation, production, possession and distribution of films, games and certain publications. The FP Act brings greater accountability and the Enforcement Committee as a legal instrument to strengthen the institution's ability to enforce compliance (section 3(1) (d) and (2). |
| Issue and renew classification and accredit distribution licences | To issue and renew licence classification licences and accredit distribution licences.  |
| Classification and compliance monitoring.                         | To impose age restrictions and give consumer advice on the content of films, games, and certain publications, with due regard to the protection of members of the public and in particular children, against disturbing and harmful content (section 18 and 21).                                  |
| Prohibited content and illegal conduct online                     | To prohibit and penalise the distribution of content that amounts to prohibited content online.   |
| Child Protection  | To make punishable the exploitative use of children in pornographic (child sexual abuse material – (CSAM)) content of films, games, certain publications and online (Mandate).  |

Table 2: The FPB's Legislative Powers and Functions



## 8.2 POLICY MANDATE

The following delegations of authority are implemented within the FPB and were reviewed accordingly by the FPB Council in its fourth term:

- Procurement delegations.
- Financial delegations.
- Legal and contracting delegations.
- Human Resource management delegations and
- Classification Guidelines.

## 8.3 INSTITUTIONAL POLICIES AND STRATEGIES OVER THE FIVE-YEAR PLANNING PERIOD

- Risk Management and Internal Audit policies.
- Corporate Governance Framework.
- Human Resource Management policies.
- Financial Management and SCM policies.
- Communications Policies.
- Research, Knowledge Management, and document management policies.
- ICT policies.
- Legal and compliance policies.
- Classification Strategy, guidelines framework; and
- Child Protection Strategy.

## 9. LEGISLATIVE REVISIONS

Since its inception approximately 26 years ago, the FPB has had the responsibility of classifying films, games, and certain publications in line with South African values and norms under the overarching application of the Bill of Rights. This approach has a distinct difference from the censorship regime used by the Apartheid government to advance the then state's discriminatory and dehumanising political agenda.

The role of the FPB had previously been to regulate the distribution of content, which was easily identifiable. Films were either distributed via VHS, disc (DVD and Blu-ray) and in cinema format, and games were likewise distributed in disc format whereas publications were in pre-packaged magazines and books. With developments in technology, content has moved to online streaming or digital platforms. Consumers, particularly children,

can now access content which may not have been appropriately classified and labelled through such online streaming and digital platforms.

## 9.1 IMPACT OF THE FP AMENDMENT ACT

### ORGANISATIONAL IMPACT

As indicated previously, the amendments to the FP Act have expanded the entity's mandate beyond merely the classification of content into a fully-fledge regulator. This mandate is currently being pursued through four operational activities supported mainly by the Technology and Transformation, Client Support (receiving, managing, and addressing queries) and Regulatory Development and Enforcement, namely:

- a) Classification of content such as films, games, and certain publications;
- b) Licensing and renewals of distributors, including Commercial Online Distributors;
- c) Dealing with complaints lodged by the public relating to distribution of:
  - i) private sexual photographs and films;
  - ii) the filming and distribution of films and photographs depicting sexual violence and violence against children; and
  - iii) the distribution of content containing propaganda for war; incitement of imminent violence and advocacy of hatred that is based on identifiable group characteristics and that constitutes incitement to cause harm has taken place; and
- d) Monitoring compliance and ensuring enforcement where non-compliance is identified (both in terms of the physical and online distribution of content).

### REGULATORY IMPACT

The introduction of amendments to the FP Act has been necessitated by the need to address the following regulatory challenges:

- a) Align the definition of child pornography to the definition in terms of the Constitutional Court judgment in the case of *De Reuck v Director of Public Prosecutions (Witwatersrand Local Division) and Others* 2004 (1) SA 406 (CC);
- b) Give effect to the constitutional amendments of section 16 (2)(a) as instructed by the Constitutional Court in *Print Media South Africa and Another v Minister of Home Affairs and Another* 2012 (6) SA 443 (CC);
- c) Decriminalise the online distribution of adult content on all platforms including digital platforms;
- d) Provide for the establishment of a co-regulation system that will allow for accreditation by the FPB of independent classification bodies to classify their own digital films, games, and publications; and
- e) Provide for an effective penalty regime in support of, amongst others, the co-regulation approach.

The purpose of the amendments to the FP Act therefore, is to close the regulatory gap that currently exists in the online market. Consumers, and children in particular, run the risk of exposure to harmful and prohibited content which is distributed on online streaming and digital platforms. It is important to note that what is deemed to be harmful content may differ from one jurisdiction to the next. Harmful content is a value laden concept, and it is important for it to reflect the societal values and norms of that country. The amendments therefore extend the current rating system and content regulatory regime to digital and online content providing services. This enhances the protection of children and limits consumer concerns and confusion.

## 10. RELEVANT COURT RULINGS

The below is a list of the most recent and relevant court cases applicable to the work of the FPB. The list is not exhaustive.

1. *Indigenous Film Distribution (Pty) Ltd and Another v Film and Publication Appeal Tribunal and Others* [2018] 3 All SA 783 (GP)  
The decision of the Appeal Tribunal to reclassify the film "Inxeba" as "X18" because it depicted secretive initiation rituals and a same-sex relationship in the context of these rituals was set aside by the High

Court. The film was originally classified as suitable for persons over the age of 16. The basis for this decision was because the distributor and producer of the film were not afforded a proper opportunity to participate in the proceedings before the Appeal Tribunal and as such its decision to reclassify the film as X18 was removed and set aside.

2. *De Reuck v Director of Public Prosecutions (Witwatersrand Local Division) and Others* 2004 (1) SA 406 (CC).

The application before the Constitutional Court was for leave to appeal a decision of the High Court in which the Applicant was found guilty of importing and possessing Child Sexual Abuse Material (CSAM) in terms of section 27 (1) of the FP Act. The Constitutional Court held that the section constitutes a law of general application and the limitation of the rights claimed (freedom of expression and privacy) is reasonable and justifiable in that a person is allowed to possess child pornography should the FPB grant an exemption on the basis of a good cause in that respect. It was further held that CSAM does not consist of all depictions of a nude child, but rather those that stimulate erotic feeling, not aesthetic feeling, the test being an objective one. The limitation serves a legitimate purpose, viz. protecting the dignity of children, stamping out the market for photographs made by abusing children and preventing a reasonable risk that the images will be used to harm children. The appeal was dismissed.

3. *Print Media South Africa and Another v Minister of Home Affairs and Another* 2012 (6) SA 443 (CC).

The Constitutional Court, confirming the High Court's ruling, held that legislative provisions in the FP Act which required publishers to submit publications containing certain categories of "sexual conduct" for examination before publication were unconstitutional. The Constitutional Court reasoned that the administrative prior classification provided for under the FP Act amounted to a form of prior restraint which is a drastic interference with freedom of speech that should only occur where there is a substantial risk of grave injustice which was not the case here where less restrictive means could be unemployed. Accordingly, the FP Act's prior classification system was an unjustifiable limit to the right to freedom of expression.

## 11. ACCOUNTABILITY STRUCTURES

The FPB has accountability structures that direct, manage and hold the institution accountable. These are based on the FP Amendment Act, the PFMA and the National Treasury Reporting Framework. In addition, the FPB subscribes to the requirements of the King IV Report on Corporate Governance for South Africa. Parliament, through the Parliamentary Portfolio Committee (PPC) on Communications and Digital Technologies of the National Assembly, maintains

high-level oversight of the entity, while the Executive Authority (the Minister of Communications and Digital Technologies) and the Accounting Authority (the FPB Council) are accountable for the entity. Chapter 2 section 9(4a) of the FP Act confers the powers to the Accounting Officer (Chief Executive Officer) to manage the business operations of the entity with the assistance of the Executives:

## 12. DESCRIPTION OF AND APPROACH TO THE STRATEGIC PLANNING PROCESS



Against the backdrop of diminishing state subsidies and the value-add of State-Owned Entities (SOEs) to society and the economy under the spotlight, SOE's are under increasing pressure to 'get it right' or cease to exist. Those who resist change, will embrace irrelevance even less. In most instances, public entities will be expected to develop a commercial mind-set to generate supplementary income from their expertise, assets, and functions to make up this shortfall.

To achieve this, it will require a transformational mind-set change for a public entity's leadership as it heads into a new era of commercially aware public service in the 2020's. FPB is fully aware of and is gearing up to meet the challenge of a commercially minded (part income generating) entity of the 2020s.

This Strategic Plan was guided by the "Revised Framework for Strategic Plans and Annual Performance Plans" issued by the Department of Planning, Monitoring and Evaluation. This revised approach focuses on Results Based Planning and linking of FPB's Outcomes to the National Development Plan (NDP) five-year implementation plan. FPB Management with Executives

held a two day Strategic Planning workshop in July 2022 and Council with executive held a two day Strategic Planning Session in August 2022, in addition separate sessions were held with Programme Managers and Teams to work on the Indicators and Targets for the 2023/2024 Annual Performance plan during the month of November 2022 additionally. In March 2023 Management and Executive held a two day planning session to finalise the 2023/2024 APP and Council held a two day session during the month of March to conclude and approve the APP. The operationalisation of the plan with each sub-programme will be held before end of March 2023 in order for the Strategic Plan and Annual Performance Plan to be logically cascaded down. The planning process took into consideration the impact of the FP Amendment Act on its business operations as well as its implications.

The FPB reviewed its strategic, operational, risk, financial and human resource performance against targets in the strategic plan for the past four years as follows:

- Conducted an alignment gap analysis of the Strategy and APP Strategic Goals and Targets against the FP Amendment Act
- Overall organisational performance against targets for the past four years.
- Present performance against strategic and work programme; identified lessons learnt, areas of under-performance as well as areas of excellence which can be taken forward to influence future strategies; and
- Effectiveness of the organisational value chain (current processes/systems) to identify the areas that require improvement, innovation, or change.

The information gathered during the strategy review assisted the FPB to converge challenges in the internal and external environment, to analyse and interpret the strategic shift required to minimise the over reliance on the state coffers given the current challenging economic fiscal position.

A **SWOT** analysis highlighted the strengths and weaknesses in the internal environment and the opportunities and threats in the external environment impacting the organisation. This analysis enabled the FPB to identify strategic drivers for change, barriers to change and the factors which support change.



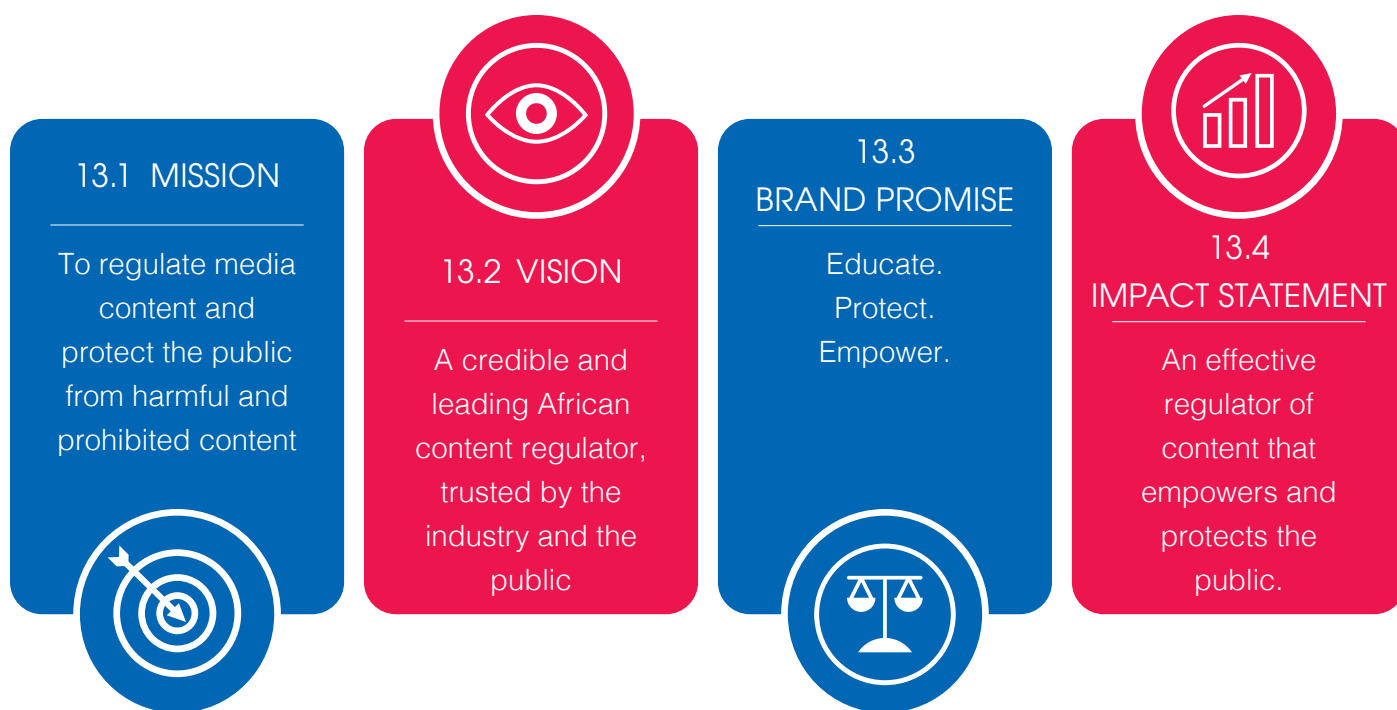


# PART C: STRATEGIC FOCUS

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## 13. ORGANISATIONAL IDENTITY



### 13.5 VALUES

| VALUES         | DESCRIPTION  |
|----------------|--|
| ACCOUNTABILITY | Promoting responsibility, transparency, and credibility.   |
| INTEGRITY      | Executing our mission with consistency, honesty, and fairness  |
| EXCELLENCE     | Upholding professionalism, consistency, ethics, and good governance in our operations and conduct with stakeholders.           |
| INNOVATION     | Provide market leading research and innovation to effectively shape the rating and regulation of media content.                |
| CONSULTATION   | We subscribe to the principle of people first, value and respect the diversity of views, and multi-culturalism in our country. |
| AGILITY        | A regulator that is dynamic and flexible in executing its mandate  |

### 13.6 FPB KEY PRIORITIES STRATEGIC PROJECTS

During the medium term, FPB will drive the follow strategic projects which are set to transform it into the future regulatory landscape:

- Implementation of the FPB Amendment Act 11 of 2019 which has significantly expanded the mandate of the FPB from a traditional classification authority to an Online content regulator whose future objective is to protect citizens and children against online harmful and prohibited content.
- Transformation of the FPB as the future Online Content regulator in view of the rapidly changing technological development. The transformation of the FPB as the future Online Content regulator is set to locate and transform the FPB within the context of the changing regulatory landscape by clearly outlining what the FPB should regulate and the model of its regulation.

## PART C: OUR STRATEGIC FOCUS AREAS

### ORGANISATIONAL TRANSFORMATION

The FP Amendment Act has not only expanded the mandate of the FPB, but it has also further transformed it from a historically classification authority into a regulator by concretising its legitimacy to function as a regulator beyond classification with powers to issue, renew and revoke licences, impose fines and search and inspect premises and take down illegal online activities prohibited by the FP Act. This transformation is set to cover three (3) areas:

- alignment of organisational structure to support its strategy,
- re-skilling the employees to improve the organisation's capacity to drive its mandate,
- Investment in technology to improve systems, processes, and capability to ensure that the organisation is digitally driven to improve efficiencies, business processes and capabilities to monitor and enforce compliance.

### REGULATORY CAPACITY AND ENFORCEMENT

The capacity of any regulator lies in two things: 1) the legitimacy to perform its functions as accorded by the legislation and the 2) robustness and clarity of the instruments it uses to regulate the sector, including enforcement. As a classification authority, the FPB was largely regulating the industry through agreements and collaboration. The provision of the Amendment Act requires the organisation to regulate the industry and issue penalties in case of non-compliance. This therefore requires adequate, clear, and robust regulatory frameworks and procedures and instruments for efficient management of its regulatory environment. A key priority amongst the entity's medium term will be the development and updating of its regulatory instruments. The priority therefore will be driven by the market intelligence and trends analysis research which will be a major support function towards this priority area.

### CUSTOMER FOCUS

The efficiency of any regulator is measured by how it responds to customer issues, including query management and complaints in respect of distribution of harmful and prohibited content. The minimum turnaround times standard will ensure that we remain committed to serving our customers as intended by the provisions of the FP Act as amended. The regular customer survey will provide necessary feedback to improve our services.

### FINANCIAL SUSTAINABILITY

Funding from the fiscus may not be sufficient to meet the requirements of the entity to achieve its stated strategy and objective. To this end the entity will look to increase the Self-Generated Revenue Percentage of Total Revenue. The levers available to the entity include:

- Classification Fees
- Registration Fees
- Annual renewal fees
- Internet SP Registration
- Online Distributor Licence fees
- Penalties
- Finance Income

The target is to grow Self-Generated Revenue from 10% of total revenue as per the audited financial statements of Financial Year 2021/22 to 20% of total revenue in Financial Year 2023/2024.

### STAKEHOLDER MANAGEMENT AND COLLABORATION

Technology has blurred the geographical market boundaries that characterise the work of regulators around the world. By blurring these market boundaries, it has created regulatory duplication and fragmentation in areas which never existed before. Again, the online environment is very transnational. These changes suggest that no regulator can deliver on this mandate. Therefore, it requires collaborations and partnership both horizontally and vertically within the sector.

| STRATEGIC FOCUS               | OUTCOME   | KEY RISK  | RISK MITIGATION   |
|-------------------------------|---|---|---|
| Organisational Transformation | Digitally Driven Organisation                               | Inadequate skills and resources to develop and implement the Digital Transformation Strategy.<br>Resistance to change brought about by Digital transformation strategy.   | Request additional resources and appoint required skills for digital transformation.<br>Staff workshop and Implementation of the change management program.   |
|                               | Efficient, effective, and appropriately resourced regulator | Lack of capacity and skills to drive a Human Capital (HC) business improvement strategy.  | Request additional resources and appoint required skills to drive the HC strategy   |
|                               | Improved content classification and licensing               | Inability to complete classification and licensing within the turnaround time due to lack of effective and efficient ICT systems.<br>Non-adherence to governance framework and standard operating procedures (SOP).<br>Lack of human resources and financial resources                                  | Implementation of online content regulation system (OCR system) for remote viewing of content and game classification.<br>Training of Classification staff.<br>Increase financial resources<br>Partnerships with global research institutions |
|                               | Improved online content regulation                          | Lack of capacity to conclude online commercial agreements and develop regulatory instruments.   | Request additional human resources for concluding online commercial agreements and develop regulatory instruments.  |
|                               | Implementation of FP Amendment Act developed and/or updated | Non-alignment of FPB institutional structure and lack of capacity to implement the FP Amendment Act.  | Develop an institutional structure aligned with the FP Amendment Act mandate and capacitate with relevant resources and skills.   |
| Customer Focus                | Effective and efficient Compliance and Enforcement          | Inadequate capacity to conclude Enforcement matters within stipulated timeframe.  | Appoint appropriate capacity for the enforcement committee (Committee, admin, and support).<br>Develop regulations for the enforcement committee<br>Additional human resources and upskilling the compliance and child protection teams.      |
|                               | Efficient Service Delivery                                  | Inability to respond to queries / complaints within turnaround times due to lack of effective and efficient ICT systems.<br>Lack of capacity, skills, and knowledge to respond to queries / complaints within turnaround times.<br>Lack of online platform in place for consumers to report complaints. | Daily testing of ICT systems<br>Investigate enhancements of ICT systems<br>Request additional capacity<br>Training / upskilling of relevant staff<br>Development of online reporting channels for consumers.                                  |



| STRATEGIC FOCUS                          | OUTCOME  | KEY RISK  | RISK MITIGATION  |
|--|--|---|--|
| Financial Sustainability                 | Maximise Non-Government Revenue                                    | Distributors exiting the market due to economic conditions.<br>Non-payment of regulated fees by Distributors.                         | Fees charged should be flexible and take note of economic conditions.<br>Compliance monitoring SOPs and Finance SOPs to be comprehensive in bringing all players into the net and ensure they are billed at the correct rate and in the correct period.      |
| Stakeholder Management and Collaboration | Increased local and international partnership MOUs signed          | The complex nature of the online environment which requires:<br>Partnerships<br>Harmonised regulatory frameworks<br>Sharing of skills | High level strategic engagement with targeted stakeholders resulting in a formalised partnership agreement and implementation plans that align with the expanded FPB mandate.<br>Implement the annual stakeholder engagement plan that targets key partners. |
|  | The public and industry are educated on the FPB's expanded mandate | Inadequate resources to implement the education plan for the FPB's expanded mandate   | Request additional resources as part of the organisational transformation.   |

# PART D:

# MEASURING PERFORMANCE



## 15. STRATEGIC PLANNING CONCEPTS USED IN THIS DOCUMENT

### IMPACT (Statement):

An Impact is a change in condition(s). This is as a result of achieving one or more specific **Outcome(s)** such as reducing poverty and creating jobs. Impact seeks to answer the question of “*what do we aim to change*”.

*Question to ask: What is the overall condition which we wish to change – as called for by our Mandate (mission) and Vision?*

### OUTCOME

An **Outcome** is the medium (or even longer term) result(s) for one or more specific beneficiaries as a result of achieving specific **Outputs**. Completion of an **Output** results in an **Outcome**, which is “*what we wish to achieve*”.

*Question to ask: What Output(s) is/are required to achieve a desired Outcome?*

### OUTPUT (APP)

The final product(s), or goods and services produced for delivery. An **Output** may be defined as “what we produce or deliver”. **Output(s)** is/are the building block(s) towards the desired **Outcome(s)**.

*Question to ask: What will the final product/service look and feel like when it has been successfully delivered?*

### INDICATOR

An indicator is a predetermined signal that a specific point in a process has been reached or result achieved. It indicates a unit of measurement that specifies what is to be measured along a scale or dimension but does not indicate the direction or change. In addition, indicators can be qualitative or quantitative measures – but **MUST BE RELEVANT**. E.g., ‘number of meetings attended’ is an irrelevant ‘indicator’.

*Question to ask: How will I know/what will tell me that the Output has been achieved?*

#### a) Qualitative indicator(s)

Reveals whether a certain situation is present or not. Answers why and how a certain phenomenon may occur rather than how often. This data is then analysed and interpreted to reveal trends which explain the ‘why’ and ‘how’. An internal SWOT analysis for example is Qualitative indicator of organisational health.

#### b) Quantitative Indicators

Expressed in terms of amounts, numbers, ratios, percentages, and measurement of giving a numerical value that can be easily compared to targets to assess performance – that is provided that the basis for measurement (‘apples vs apples’ principle) remains the same over the time of measuring.

### TARGETS (APP)

Targets are the score the institution would like to achieve which are time bound and achievable. Targets are **Specific; Measurable; Achievable; Realistic** and **Time bound**.

*Question to ask: Using my indicator to measure, what must be achieved by a certain time?*

### BASELINE

The current performance we want to improve or maintain, if it has always been satisfactory.

*Question to ask: Does current performance need to be improved or must current performance be maintained (and not allowed to “slip”)?*

### TECHNICAL INDICATOR DESCRIPTION (TID)

This provides a description of the Impact, Outcome and Output Indicators and targets to outline data collection processes, gathering of portfolio of evidence and acceptable levels of performance at the beginning of the planning cycle.

## 16. INSTITUTIONAL PERFORMANCE INFORMATION

This section aims to monitor the extent to which the strategic objectives, outcomes and impact identified in this annual performance plan are achieved. When measuring the Impact and Outcomes, which this annual performance plan aims to achieve, it is important to note that FPB by itself cannot achieve these goals. Instead, it can contribute to achieving the identified outcomes together with other relevant stakeholders. Furthermore, measuring the Outcomes identified will assist FPB to assess whether the implementation of its revised 2020-2025 Strategic Plan and 2023/2024 Annual Performance Plan has the desired effect on the South African public, and whether there is a need for further revision of the Strategic Plan to ensure the attainment of the identified goals. The central feature of the sixth democratic administration is implementation: this means that concerted effort must be redirected from planning towards actual achievement that contributes to the vision of the National Development Plan (NDP). It articulated seven priorities aligned to the NDP and Medium-Term Strategic Framework (MTSF) namely:

- **Priority 1:** Building a capable and ethical developmental state
- **Priority 2:** Economic transformation and job creation
- **Priority 3:** Education, skills, and health
- **Priority 4:** Consolidating the social wage through reliable and quality basic services
- **Priority 5:** Spatial integration, human settlements, and local government
- **Priority 6:** Social Cohesion and safe communities
- **Priority 7:** A better Africa and World

The FPB has defined five (5) strategic outcomes to be achieved over the medium to long-term. These outcomes are aligned to the FPB's mandate (Mission), the NDP and the MTSF.

## 16. ALIGNMENT WITH SHAREHOLDER PRIORITIES

The FPB Council has adopted a set of strategic objectives for the 2023–2027 planning period to ensure that the entity achieves its mandated objectives aligned with Shareholder priorities:

| OUTCOMES  | DCDT PRIORITIES (2023-2027)   | FPB ALIGNMENT TO DCDT PRIORITIES   |
|---|---|--|
| Implementation of FP Amendment Act developed and/or updated | Enabling digital transformation policies and strategies: <ul style="list-style-type: none"> <li>• Audio Visual White Paper submitted to Cabinet for approval</li> <li>• Draft Regulatory Reform Policy developed</li> </ul> | The FPB will, as part of implementing FPB Future regulator proposals, continue to support the DCDT in its policy processes. These policy endeavours are critical in further refining the FPB as a future content regulator.  |
| Implementation of FP Amendment Act developed and/or updated | Implementation of DCDT integrated action plan in support of the implementation of National Strategic Plan (NSP) on gender-based violence coordinated focusing on Prevention, Reporting and Economic Power Pillars.          | As part of its expanded mandate, the FPB plays a critical role in the protection of the South African vulnerable groups, including women against Harmful and Prohibited content online. Through its Online hate and cyber-abuse programme, the FPB will play a leading role in the fight against gender-based violence and abuse online. |
| Organisational Transformation                               | Digital and Future Skill training programmes coordinated through local and international Public and Private Partnerships.   | To respond to the expanded mandate the FPB will re-skill its own staff and provide training to its licences to enable them to self-classify their content in line with its classification standards.   |
| Organisational Transformation                               | High performing portfolio to enable achievement of their respective mandates.   | The FPB will continue to ensure that effective and good corporate governance and achievement of strategic objectives and expanded mandates are maintained.   |

17. STRATEGIC FOCUS 1: ORGANISATIONAL TRANSFORMATION

17.1 STRATEGIC OBJECTIVE 1.1: MIGRATION FROM A CLASSIFICATION AUTHORITY TO ONLINE REGULATOR

OUTCOMES, OUTPUTS, PERFORMANCE INDICATORS AND TARGETS

| Outcome  | Output Indicators  | Audited /Actual Performance |               |  |   | Annual Targets  |  |  |  |
|--|--|-----------------------------|---------------|--|---|---|--|--|--|
|  |  | Estimated Performance       |               |  |   | MTEF Period   |  |  |  |
|  |  | 2020/21                     | 2021/22       | 2022/23  | 2023/2024   | 2024/25   | 2025/26  | 2026/27  |  |
| 1.1.1 Digitally Driven Organisation.                               | Percentage (%) of the projects in the digital roadmap planned for the year achieved.     | New Indicator               | New Indicator | Approved Digital Transformation Roadmap.   | 90% of the projects in the digital roadmap planned for the year achieved. | 95% of the projects in the digital roadmap planned for the year achieved. | 100% of the projects in the digital roadmap planned for the year achieved. | 100% of the projects in the digital roadmap planned for the year achieved. |  |
| 1.1.2 Efficient, effective, and appropriately resourced regulator. | Percentage (%) Approved Human Capital Business Improvement strategy (HCBIS) Implemented. | New Indicator               | New Indicator | Human Capital Business Improvement strategy and implementation plan approved by Council. | 60% of the HCBIS implementation plan completed.                           | 80% of the HCBIS implementation plan completed.                           | 95% of the HCBIS implementation plan completed.                            | 100% of the HCBIS implementation plan completed.                           |  |

INDICATORS, ANNUAL AND QUARTERLY TARGETS

| Output Indicators   | Annual Target (measures)  | Q1  | Q2  | Q3  | Q4  |
|---|---|---|---|---|---|
| % of the projects in the digital roadmap planned for the year achieved.                             | 90% of the projects in the digital roadmap planned for the year achieved. | Prioritisation of the projects in the digital roadmap (Phase 1) completed and approved by Exco. | 30% of the projects in the digital roadmap (Phase 1) planned for the year achieved. | 60% of the projects in the digital roadmap (Phase 1) planned for the year achieved. | 90% of the projects in the digital roadmap (Phase 1) planned for the year achieved. |
| % Approved Human Capital Business Improvement strategy (HCBIS) and implementation plan implemented. | 60% of the HCBIS Implementation plan completed.                           | 15% of the HCBIS implementation plan completed.   | 30% of the HCBIS implementation plan completed.                                     | 45% of the HCBIS implementation plan completed.                                     | 60% of the HCBIS implementation plan completed.                                     |

## 18. STRATEGIC FOCUS 2: REGULATORY CAPACITY AND ENFORCEMENT

### 18.1 STRATEGIC OBJECTIVE 2.1: EFFICIENT AND EFFECTIVE CONTENT REGULATION.

OUTCOMES, OUTPUTS, PERFORMANCE INDICATORS AND TARGETS

| Outcome                                   | Output Indicators  | Annual Targets              |               |                         |  |  |  |   |
|---|--|-----------------------------|---------------|-------------------------|--|--|--|---|
|   |  | Audited /Actual Performance |               |                         | Estimated Performance  | MTEF Period  |  |   |
|   |  | 2020/21                     | 2021/22       | 2022/23                 | 2023/2024  | 2024/25  | 2025/26  | 2026/27   |
| 2.1.1 Improved content Classification.    | Number of prioritised research projects concluded to support regulatory development.                               | New Indicator               | New indicator | New Indicator           | Three(3) prioritised research projects concluded to support regulatory development.                      | Three(3) prioritised research projects concluded to support regulatory development.                      | Three(3) prioritised research projects concluded to support regulatory development.                      | Three(3) prioritised research projects concluded to support regulatory development.                       |
| 2.1.2 Improved online content regulation. | Accreditation Framework Reviewed.  | New Indicator               | New Indicator | Accreditation Framework | Revised Accreditation Framework.   | Approved Accreditation Framework.  | Revised Accreditation Framework.   | Approved Accreditation Framework.   |
|   | Percentage (%) of programme implementation on online prohibited and harmful content focusing on vulnerable groups. | New Indicator               | New Indicator |                         | 50% of the programme implemented on online prohibited and harmful content focusing on vulnerable groups. | 70% of the programme implemented on online prohibited and harmful content focusing on vulnerable groups. | 85% of the programme implemented on online prohibited and harmful content focusing on vulnerable groups. | 100% of the programme implemented on online prohibited and harmful content focusing on vulnerable groups. |

| Outcome  | Output Indicators   | Annual Targets              |               |               |   |   |   |   |
|--|---|-----------------------------|---------------|---------------|---|---|---|---|
|  |   | Audited /Actual Performance |               |               | Estimated Performance   | MTEF Period   |   |   |
|  |   | 2020/21                     | 2021/22       | 2022/23       | 2023/2024   | 2024/25   | 2025/26   | 2026/27   |
| 2.1.3 Implementation of FP Amendment Act developed and/or updated. | Regulatory instruments Implemented.   | New Indicator               | New Indicator | New Indicator | Approved Regulatory instruments Implemented.                      | Approved Regulatory instruments Implemented.                      | Approved Regulatory instruments Implemented.                      | Approved Regulatory instruments Implemented.                      |
|  | Percentage (%) of the prioritized regulatory instruments developed                      | New Indicator               | New Indicator | New Indicator | 50% of the prioritised regulatory instruments developed.          | 60% of the prioritised regulatory instruments developed.          | 70% of the prioritised regulatory instruments developed.          | 80% of the prioritised regulatory instruments developed.          |
|  | Percentage (%) of the approved of the Regulator of the Future Proposal Plan implemented | New Indicator               | New Indicator | Rephrased     | 60% of the approved Regulator of the Future Proposal Implemented. | 70% of the approved Regulator of the Future Proposal Implemented. | 80% of the approved Regulator of the Future Proposal Implemented. | 90% of the approved Regulator of the Future Proposal Implemented. |
| 2.1.4 Effective and efficient compliance and Enforcement.          | Percentage (%) Implementation of the compliance and enforcement plan.                   | New Indicator               | New Indicator | New Indicator | 60% Implementation of the compliance and enforcement plan.        | 70% Implementation of the compliance and enforcement plan.        | 80% Implementation of the compliance and enforcement plan.        | 90% Implementation of the compliance and enforcement plan.        |



## INDICATORS, ANNUAL AND QUARTERLY TARGETS

| Output Indicators   | Annual Target (measures)   | Q1   | Q2  | Q3   | Q4   |
|---|--|--|---|--|--|
| Number of prioritised research projects concluded to support regulatory development.                  | Three(3) prioritised research projects concluded to support regulatory development.                      | Conduct a gap analysis on the prioritised regulatory instruments and research requirements and draft a report. | Conduct one research and draft a report.  | Conduct one research and draft a report.   | Conduct one research and draft a report.   |
| Accreditation Framework Reviewed.   | Revised Accreditation Framework.   | Publish draft accreditation framework.   | Conduct stakeholder consultation.   | Conduct stakeholder consultation and draft revised accreditation framework.                              | Submit findings report and updated accreditation framework to EXCO.                                      |
| % of programme implementation on online prohibited and harmful content focusing on vulnerable groups. | 50% of the programme implemented on online prohibited and harmful content focusing on vulnerable groups. | Programme on online prohibited and harmful content focusing on vulnerable groups developed                     | Programme on online prohibited and harmful content focusing on vulnerable groups approved | 25% of the programme implemented on online prohibited and harmful content focusing on vulnerable groups. | 50% of the programme implemented on online prohibited and harmful content focusing on vulnerable groups. |
| Regulatory Instruments Implemented.   | Approved Regulatory Instruments implemented.   | Implement approved Regulatory Instruments.   | Implement approved Regulatory Instruments.  | Implement approved Regulatory Instruments.   | Implement approved Regulatory Instruments.   |
| % of the prioritised regulatory instruments developed.  | 50% of the prioritised regulatory instruments developed.   | Draft Prioritised Instruments.   | Consult on the 50% of the Prioritised Instruments.  | Finalize the 50% of the Prioritised Instruments.   | 50% of the prioritised instruments developed approved.   |
| Percentage (%) of the approved Regulator of the future Proposal Implemented.                          | 60% of the approved Regulator of the future Proposal Implemented.  | 15% of the approved Regulator of the future Proposal Implemented.  | 30% of the approved Regulator of the future Proposal Implemented.                         | 45% of the approved Regulator of the future Proposal Implemented.  | 60% of the approved Regulator of the future Proposal Implemented.  |
| % implementation of the compliance and enforcement plan.  | 60% Implementation of the compliance and enforcement plan.   | Development of the compliance and enforcement plan   | 20% Implementation of the compliance and enforcement plan.                                | 40% Implementation of the compliance and enforcement plan.   | 60% Implementation of the compliance and enforcement plan.   |



## 19. STRATEGIC FOCUS 3: CUSTOMER FOCUS

### 19.1 STRATEGIC OBJECTIVE 3.1: EFFECTIVE AND EFFICIENT SERVICE DELIVERY

OUTCOMES, OUTPUTS, PERFORMANCE INDICATORS AND TARGETS

| Outcome                          | Output Indicators  | Annual Targets              |               |  |   |   |   |   |
|----------------------------------|--|-----------------------------|---------------|--|---|---|---|---|
|                                  |  | Audited /Actual Performance |               |  | Estimated Performance   | MTEF Period   |   |   |
|                                  |  | 2020/21                     | 2021/22       | 2022/23  | 2023/2024   | 2024/25   | 2025/26   | 2026/27   |
| 3.1.1 Efficient service delivery | Percentage (%) of public complaints resolved within 60 working days.               | New Indicator               | New Indicator | Rephrased Indicator  | 50% of public complaints resolved within 60 working days.                 | 70% of public complaints resolved within 60 working days.                 | 80% of public complaints resolved within 60 working days.                 | 90% of public complaints resolved within 60 working days.                 |
|                                  | Percentage (%) of classification decisions issued within 7 working days.           | New Indicator               | New indicator | 66% of classification decisions issued within 7 working days.            | 80% of classification decisions issued within 7 working days.             | 90% of classification decisions issued within 7 working days.             | 90% of classification decisions issued within 7 working days.             | 90% of classification decisions issued within 7 working days.             |
|                                  | Percentage (%) of licensing and registration processed within 5 working days.      | New Indicator               | New Indicator | Rephrased  | 95% of licensing and registration processed within 5 working days.        | 95% of licensing and registration processed within 5 working days.        | 95% of licensing and registration processed within 5 working days.        | 95% of licensing and registration processed within 5 working days.        |
|                                  | Percentage (%) of online distributor applications concluded (self-classification). | New Indicator               | New Indicator | 90% of online distributor applications received processed within 90 days | 90% of online distributor applications received processed within 90 days. | 90% of online distributor applications received processed within 90 days. | 95% of online distributor applications received processed within 90 days. | 95% of online distributor applications received processed within 90 days. |

## INDICATORS, ANNUAL AND QUARTERLY TARGETS

| Output Indicators  | Annual Target (measures)  | Q1  | Q2  | Q3  | Q4  |
|--|---|---|---|---|---|
| Percentage (%) of public complaints resolved within 60 working days.               | 50% of public complaints resolved within 60 working days.                     | Data collection on the Net Helpdesk System                                    | 70% of public complaints resolved within 60 working days.                     | 25% of public complaints resolved within 60 working days.                     | 50% of public complaints resolved within 60 working days.                     |
| Percentage (%) of classification decisions issued within 7 working days.           | 80% of classification decisions issued within 7 working days.                 | 80% of classification decisions issued within 7 working days.                 | 80% of classification decisions issued within 7 working days.                 | 80% of classification decisions issued within 7 working days.                 | 80% of classification decisions issued within 7 working days.                 |
| % of licensing and registration processed within 5 working days.                   | 95% of licensing and registration processed within 5 working days.            | 95% of licensing and registration processed within 5 working days.            | 95% licensing and registration processed within 5 working days.               | 95% of licensing and registration processed within 5 working days.            | 95% of licensing and registration processed within 5 working days.            |
| Percentage (%) of online distributor applications concluded (self-classification). | 90% of online distributor applications received and processed within 90 Days. | 90% of online distributor applications received and processed within 90 Days. | 90% of online distributor applications received and processed within 90 Days. | 90% of online distributor applications received and processed within 90 Days. | 90% of online distributor applications received and processed within 90 Days. |

## 20.1 STRATEGIC OBJECTIVE 4.1: TO INCREASE THE PERCENTAGE (%) OF SELF-GENERATED REVENUE

### OUTCOMES AND MEASURES

| Outcome                               | Output Indicators  | Annual Targets              |               |                |  |  |  |  |
|---------------------------------------|--|-----------------------------|---------------|----------------|--|--|--|--|
|                                       |  | Audited /Actual Performance |               |                | Estimated Performance                                    | MTEF Period  |  |  |
|                                       |  | 2020/21                     | 2021/22       | 2022/23        | 2023/24  | 2024/25  | 2025/26  | 2026/27  |
| 4.1.1 Maximise Non-Government Revenue | The increase in Percentage (%) of Self-Generated Revenue over Total Revenue. | 6%                          | 9%            | 18% (Forecast) | 15%  | 21%  | 20%  | 21%  |
|                                       | % implementation of the approved Revenue Strategy Plan                       | New Indicator               | New Indicator | New Indicator  | 60% implementation of the approved Revenue Strategy Plan | 70% implementation of the approved Revenue Strategy Plan | 80% implementation of the approved Revenue Strategy Plan | 90% implementation of the approved Revenue Strategy Plan |

### INDICATORS, ANNUAL AND QUARTERLY TARGETS

| Output Indicators  | Annual Target (measures)                                   | Q1   | Q2  | Q3   | Q4   |
|--|--|--|---|--|--|
| The increase in Percentage (%) of Self-Generated Revenue over Total Revenue. | 15% Increase of Self-Generated Revenue over Total Revenue. | N/A  | N/A   | N/A  | Cumulative increase of 15%                               |
| % implementation of the approved Revenue Strategy Plan                       | 60% implementation of the approved Revenue Strategy Plan   | Revenue enhancement strategy plan reviewed | Revenue Enhancement Strategy implementation plan consulted and approved by Council. | 30% implementation of the approved Revenue Strategy Plan | 60% implementation of the approved Revenue Strategy Plan |

21. STRATEGIC FOCUS 5: STAKEHOLDER MANAGEMENT AND COLLABORATION

21.1 STRATEGIC OBJECTIVE 5.1: LEVERAGE LOCAL AND INTERNATIONAL STRATEGIC PARTNERSHIPS TO ACHIEVE THE AMENDED MANDATE OF THE FPB

OUTCOMES, OUTPUTS, PERFORMANCE INDICATORS AND TARGETS

| Outcome  | Output Indicators                                       | Annual Targets              |  |                                      |  |  |  |
|--|---|-----------------------------|--|--------------------------------------|--|--|--|
|  |   | Audited /Actual Performance |  |                                      | MTEF Period                            |  |  |
|  |   | 2020/21                     | 2021/22                                  | 2022/23                              | 2023/24                                | 2024/25                                | 2025/26                                |
| 5.1.1 Increased local and or international MOU's signed with strategic partners. | 5.1.1.1 Number of MOU's signed with Strategic partners. | 3 x MOU's signed            | 2 MOU''s signed with strategic partners. | 1 MOU signed with strategic partner. | 2 MOU's signed with strategic partner. | 2 MOU's signed with strategic partner. | 2 MOU's signed with strategic partner. |

INDICATORS, ANNUAL AND QUARTERLY TARGETS

| Output Indicators                               |  | Annual Target (measures)               |  | Q1   |  | Q2   |  | Q3                             |  | Q4                         |  |
|---|--|--|--|--|--|--|--|--------------------------------|--|----------------------------|--|
| Number of MOU's signed with Strategic partners. |  | 2 MOU's signed with Strategic partner. |  | Engagement of identified strategic partners. |  | Draft MOU's and consult the external strategic partners. |  | Draft the implementation plan. |  | Finalise signing of MOU's. |  |

## 21.2 STRATEGIC OBJECTIVE 5.2: IMPROVED AWARENESS OF THE EXPANDED FPB MANDATE.

### OUTCOMES, OUTPUTS, PERFORMANCE INDICATORS AND TARGETS

| Outcome   | Output Indicators   | Annual Targets              |               |               |   |  |   |  |
|---|---|-----------------------------|---------------|---------------|---|--|---|--|
|   |   | Audited /Actual Performance |               |               | Estimated Performance   | MTEF Period  |   |  |
|   |   | 2020/21                     | 2021/22       | 2022/23       | 2023/24   | 2024/25  | 2025/26   | 2026/27  |
| 5.2.1 The public and industry are educated on the expanded FPB mandate. | Percentage (%) implementation of the Integrated stakeholder engagement plan.                  | New Indicator               | 100%          | Rephrased     | 100% implementation of the Integrated stakeholder engagement plan.                  | 100% implementation of the Integrated stakeholder engagement plan.                 | 100% implementation of the Integrated stakeholder engagement plan.                  | 100% implementation of the Integrated stakeholder engagement plan.                 |
|   | Percentage (%) of the prioritised training programme on the FPB Expanded mandate implemented. | New Indicator               | New Indicator | New Indicator | 30% of the prioritised training programme on the FPB Expanded mandate implemented.. | 70% of the prioritised training programme on the FPB Expanded mandate implemented. | 80% of the prioritised training programme on the FPB Expanded mandate implemented.. | 90% of the prioritised training programme on the FPB Expanded mandate implemented. |

### INDICATORS, ANNUAL AND QUARTERLY TARGETS

| Output Indicators   | Annual Target (measures)   | Q1  | Q2  | Q3  | Q4   |
|---|--|---|---|---|--|
| 30% implementation of the Integrated stakeholder engagement plan.                             | 100% implementation of the Integrated stakeholder engagement plan.                 | Draft the Integrated stakeholder engagement plan.       | 50% implementation of the Integrated stakeholder engagement plan. | 75% implementation of the Integrated stakeholder engagement plan. | 100% implementation of the Integrated stakeholder engagement plan.                 |
| Percentage (%) of the prioritised training programme on the FPB Expanded mandate implemented. | 30% of the prioritised training programme on the FPB Expanded mandate implemented. | Prioritised training programme developed and consulted. | Prioritized training programme submitted to Exco                  | Prioritized training programme approved by Council                | 30% of the prioritised training programme on the FPB Expanded mandate implemented. |

## 22. RESOURCE CONSIDERATION

### Narrative Summary

| Consolidated Cash Budget                      | MTEF               |                    |                    |
|---|--------------------|--------------------|--------------------|
| Description                                   | 2023/2024          | 2024/2025          | 2025/2026          |
|   |                    |                    |                    |
| Revenue                                       |                    |                    |                    |
|   |                    |                    |                    |
| <i>Revenue from non exchange transactions</i> |                    |                    |                    |
| Operational Grant                             | 103 860 000        | 108 524 000        | 113 386 000        |
|   |                    |                    |                    |
| <i>Revenue from non exchange transactions</i> |                    |                    |                    |
| Interest Received - investments               | 2 564 300          | 1 990 000          | 2 040 000          |
| Regulation fees                               | 26 298 793         | 27 723 058         | 30 646 915         |
|   |                    |                    |                    |
| <b>Total Revenue</b>                          | <b>132 723 093</b> | <b>138 237 058</b> | <b>146 072 915</b> |
|   |                    |                    |                    |
| Operational Expenditure                       |                    |                    |                    |
|   |                    |                    |                    |
| <i>Personnel</i>                              | 78 523 612         | 83 522 269         | 87 801 800         |
|   |                    |                    |                    |
| <i>Administrative</i>                         | 52 576 172         | 52 995 486         | 56 505 346         |
|   |                    |                    |                    |
| <b>Total Operational Expenditure</b>          | <b>131 099 785</b> | <b>136 517 755</b> | <b>144 307 146</b> |
|   |                    |                    |                    |
| Capital Expenditure                           |                    |                    |                    |
|   |                    |                    |                    |
| <i>Capital Expenditure</i>                    | 1 623 308          | 1 719 304          | 1 765 769          |
|   |                    |                    |                    |
| <b>Total Capital Expenditure</b>              | <b>1 623 308</b>   | <b>1 719 304</b>   | <b>1 765 769</b>   |
|   |                    |                    |                    |
| Total Expenditure                             | 132 723 093        | 138 237 058-0      | 146 072 915        |
|   |                    |                    |                    |
| <b>Surplus/Deficit</b>                        | <b>0</b>           | <b>-0</b>          | <b>-0</b>          |

Total revenue is projected to grow from R132.7m (FY) 2023/24 to R137.3m in the outer period of the MTEF FY 2025/26. Taking note that all strategic deliverables of the entity may not be funded by the Government Grant and Subsidies, the entity is seeking to increase the percentage of Self-Generated Revenue as a percentage of Total Revenue.

In FY 2020/21, Self-Generated Revenue consisted of 6% of the Total Annual Revenue. The goal is to increase Self-Generated Revenue to 20% of Total Annual Revenue by FY2024/25. When the Amendment Act is implemented the fines and penalties issued by the Enforcement Committee will be collected by the FPB and not paid over to the National Revenue Fund.

Total Expenditure is expected to increase in line with Total Revenue during the period. The FPB is a Schedule 3A PFMA entity and accordingly does not budget for a surplus nor a shortfall. The budget going forward will be reprioritised to accommodate the following priorities: Regulatory Development & Research Analysis, Enforcement and Technology and Platform Monitoring. This includes human resource expenses and operational costs.

The materiality of the entity is 1% of revenue and accordingly the materiality is forecast at R1,327,230 for FY24.





# TECHNICAL INDICATOR DESCRIPTION PER INDICATOR

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## SECTION D: TECHNICAL INDICATOR DESCRIPTION PER INDICATOR

| Indicator Title                              | Title of the indicator as it appears on the Strategic Plan or APP  |
|--|--|
| Definition                                   | <ul style="list-style-type: none"> <li>Meaning of the indicator</li> <li>Explanation of technical terms used in the indicator</li> </ul>               |
| Source of Data                               | <ul style="list-style-type: none"> <li>Where the information is collected from</li> </ul>  |
| Method of Calculation/<br>Assessment         | <ul style="list-style-type: none"> <li>How performance is calculated (quantitative)</li> <li>How performance is assessed (qualitative)</li> </ul>      |
| Assumptions                                  | <ul style="list-style-type: none"> <li>Factors accepted as true and certain to happen without proof</li> </ul>   |
| Disaggregation of<br>beneficiaries           | <ul style="list-style-type: none"> <li>Target for women</li> <li>Target for youth</li> <li>Target for people with disabilities</li> </ul>              |
| Spatial Transformation<br>(where applicable) | <ul style="list-style-type: none"> <li>Contribution to spatial transformation priorities</li> <li>Description of spatial impact</li> </ul>             |
| Calculation Type                             | <ul style="list-style-type: none"> <li>Cumulative (year-end), cumulative (year-to-date) or non-cumulative</li> </ul>                                   |
| Reporting Cycle                              | <ul style="list-style-type: none"> <li>Quarterly, bi-annual or annual</li> </ul>   |
| Desired Performance                          | <ul style="list-style-type: none"> <li>Information about whether performance that is higher or lower than targeted performance is desirable</li> </ul> |
| Indicator responsibility                     | <ul style="list-style-type: none"> <li>Who is responsible for managing or reporting on the indicator</li> </ul>  |

## 23. STRATEGIC FOCUS 1: ORGANISATIONAL TRANSFORMATION

### 23.1. STRATEGIC OBJECTIVE 1.1: MIGRATION FROM A CLASSIFICATION AUTHORITY TO ONLINE CONTENT REGULATOR

#### OUTCOMES, OUTPUTS, PERFORMANCE INDICATORS AND TARGETS

| Indicator Title                           | % of the projects in the digital roadmap planned for the year achieved.   |
|---|---|
| Definition                                | <ul style="list-style-type: none"> <li>The Digital Roadmap contains the strategy and proposed objectives and targets per year.</li> <li>Yearly project plans are created from the proposed objectives mentioned in the roadmap</li> </ul> |
| Source of Data                            | Quarterly reports will indicate progress on project for the year  |
| Method of Calculation/ Assessment         | Performance against project plan (Quantitative).  |
| Assumptions                               | Relevant resources (people and budget) approved.  |
| Desegregation of beneficiaries            | N/A   |
| Spatial Transformation (where applicable) | N/A   |
| Reporting Cycle                           | Cumulative (year-end)   |
| Desired Performance                       | Quarterly<br>95 % of activities planned for each quarter archived   |
| Indicator Responsibility                  | <b>Executive:</b> Technology and Platform Monitoring<br><b>Manager:</b> ICT Operations  |

| Indicator Title                           | % Approved Human Capital Business Improvement strategy (HCBIS) Implemented  |
|---|---|
| Definition                                | The development of a Human Capital Business Improvement Strategy which once approved by Council shall support the Film and Publication Board's migration from a classification authority to online regulator through inter alia the redesign of an institutional structure and how to capacitate staff to fulfil the roles and functions aligned to same. |
| Source of Data                            | 3-year HCBIS strategy<br>Exco approved Implementation plan  |
| Method of Calculation/ Assessment         | Resolution from Council reflecting the approval of the HCBIS<br>$\text{Number of implemented intervention} / \text{Number of Prioritised Interventions} \times 100 = \%$  |
| Assumptions                               | Assuming approval of the HCBIS by Council.<br>Assuming budget availability to implement prioritised HC intervention detailed in the implementation plan .   |
| Disaggregation of beneficiaries           | To all FPB employees, future candidates for placement   |
| Spatial Transformation (where applicable) | N/A   |
| Reporting Cycle                           | Quarterly, Annually   |
| Desired Performance                       | Human Capital performance improvement   |
| Indicator Responsibility                  | <b>Executive:</b> Corporate Services<br><b>Manager:</b> Human Capital   |

## STRATEGIC FOCUS 2: REGULATORY CAPACITY AND ENFORCEMENT

### 23.2 STRATEGIC OBJECTIVE 2.1: EFFICIENT AND EFFECTIVE CONTENT REGULATION

| Indicator Title                           | Review the OCR Classification System   |
|---|--|
| Definition                                | Report on the reviewed OCR Classification system   |
| Source of Data                            | EXCO Approved Report detailing the OCR Classification system.  |
| Method of Calculation/<br>Assessment      | OCR Classification system Report approved by EXCO.   |
| Assumptions                               | Relevant resources (people and budget) approved.   |
| Disaggregation of beneficiaries           | N/A  |
| Spatial Transformation (where applicable) | N/A  |
| Reporting Cycle                           | Quarterly, Annually  |
| Desired Performance                       | EXCO Approved Report detailing the OCR Classification system.  |
| Indicator Responsibility                  | <b>Executive:</b> Technology and Platform Monitoring<br><b>Manager:</b> Licensing and Classification |

| Indicator Title                           | Accreditation Framework Reviewed   |
|---|--|
| Definition                                | Developed standardised accreditation framework to guide accreditation of foreign and international classification systems revised. |
| Source of Data                            | Research document<br>Findings report<br>Revised accreditation framework  |
| Method of Calculation/<br>Assessment      | qualitative  |
| Assumptions                               | Availability of resources and stakeholders.  |
| Disaggregation of beneficiaries           | N/A  |
| Spatial Transformation (where applicable) | N/A  |
| Reporting Cycle                           | Quarterly & Annually   |
| Desired Performance                       | Standardised accreditation framework to ensure efficient and effective accreditation.  |
| Indicator Responsibility                  | <b>Executive:</b> Regulatory Development and Enforcement<br><b>Manager:</b> Regulatory Instruments and enforcement                 |

| Indicator Title                           | % of programme implementation on online prohibited and harmful content focusing on Vulnerable Groups        |
|---|---|
| Definition                                | Developed programme with a list of activities to be implemented   |
| Source of Data                            | Implementation plan<br>Child protection unit reports<br>Implementation reports                              |
| Method of Calculation/<br>Assessment      | Research Report<br>Qualitative and Quantitative Research Methods<br>Attendance Registers of said programmes |
| Assumptions                               | Availability of Research Participants<br>Budget limitations   |
| Disaggregation of beneficiaries           | Female<br>Youth<br>Children<br>People with Disabilities   |
| Spatial Transformation (where applicable) | N/A   |
| Calculation Type                          | Cumulative (as the last two quarters speak to % of the performance)   |
| Reporting Cycle                           | Annually  |
| Desired Performance                       | 60% or higher than targeted performance desirable.  |
| Indicator Responsibility                  | <b>Executive:</b> Corporate Services<br><b>Executive:</b> Technology Support and Platform Monitoring        |

| Indicator Title                           | Number of prioritised research projects concluded to support regulatory development         |
|---|---|
| Definition                                | Conduct research to ensure evidence based development of prioritised regulatory instruments |
| Source of Data                            | Research agenda, Concept documents, research reports and research project register          |
| Method of Calculation/<br>Assessment      | Research completed  |
| Assumptions                               | Availability of research participants   |
| Disaggregation of beneficiaries           | Women, youth and children   |
| Spatial Transformation (where applicable) | N/A   |
| Reporting Cycle                           | Quarterly   |
| Desired Performance                       | Evidence based development of regulatory instruments  |
| Indicator Responsibility                  | <b>Executive:</b> Regulatory Development and Enforcement                                    |



| Indicator Title                           | Regulatory Instruments Implemented   |
|---|--|
| Definition                                | Implementation of the approved regulatory instruments through regulatory activities.                                     |
| Source of Data                            | a) Regulatory instrument implementation plan<br>b) Report on implementation of regulatory instruments.                   |
| Method of Calculation/<br>Assessment      | Quantitative   |
| Assumptions                               | Approval of the regulatory instruments by the Council  |
| Disaggregation of beneficiaries           | Women, Youth and Children  |
| Spatial Transformation (where applicable) | N/A  |
| Calculation Type                          | Cumulative (year-end)  |
| Reporting Cycle                           | Quarterly, Annually  |
| Desired Performance                       | Ensure effective and efficient regulation of content   |
| Indicator Responsibility                  | <b>Executive:</b> Regulatory Development and Enforcement<br><b>Executive:</b> Technology Support and Platform Monitoring |

| Indicator Title                           | Percentage (%) of prioritised regulatory instruments developed   |
|---|--|
| Definition                                | Develop regulatory instruments to give effect to the extended mandate of the FPB and ensure effective and efficient regulation of content. |
| Source of Data                            | Research agenda<br>Research document<br>Developed instruments.   |
| Method of Calculation/<br>Assessment      | Qualitative  |
| Assumptions                               | Availability of resources and stakeholders   |
| Disaggregation of beneficiaries           | Women, youth and children  |
| Spatial Transformation (where applicable) | N/A  |
| Calculation Type                          | Cumulative (year-end)  |
| Reporting Cycle                           | Quarterly, Annually  |
| Desired Performance                       | Effective and efficient regulation of content  |
| Indicator Responsibility                  | <b>Executive:</b> Regulatory Development and Enforcement   |

| Indicator Title                           | Percentage (%) of the approved Regulator of the Future Proposal Implemented   |
|---|---|
| Definition                                | Implementation of the future regulator proposal to ensure effective and efficient regulation of content and achieve the vision of the FPB of being a credible and leading global regulator trusted by the industry and the public |
| Source of Data                            | Implementation plan and implemented project reports   |
| Method of Calculation/ Assessment         | Qualitative and Quantitative  |
| Assumptions                               | Budget limitations  |
| Disaggregation of beneficiaries           | N/A   |
| Spatial Transformation (where applicable) | N/A   |
| Calculation Type                          | Non-cumulative  |
| Reporting Cycle                           | Quarterly, Annually   |
| Desired Performance                       | Effective and efficient regulation of content   |
| Indicator Responsibility                  | <b>Executive:</b> Regulatory Development and Enforcement<br><b>Executive:</b> Corporate Services<br>Chief Financial Officer<br><b>Executive:</b> Technology Support and Platform Monitoring                                       |

| Indicator Title                           | Review Classification Guidelines completed   |
|---|--|
| Definition                                | Substantive review of the classification guidelines to ensure effective and efficient classification of content          |
| Source of Data                            | Revised classification guideline, research document ,findings report and reviewed guideline                              |
| Method of Calculation/ Assessment         | Qualitative  |
| Assumptions                               | Availability of stakeholders   |
| Disaggregation of beneficiaries           | N/A  |
| Spatial Transformation (where applicable) | N/A  |
| Reporting Cycle                           | Quarterly, Annually  |
| Desired Performance                       | Ensure effective and efficient classification of content   |
| Indicator Responsibility                  | <b>Executive:</b> Regulatory Development and Enforcement<br><b>Executive:</b> Technology Support and Platform Monitoring |

| Indicator Title                           | Percentage (%) implementation of the compliance and enforcement plan   |
|---|--|
| Definition                                | Implementation of the approved compliance and enforcement activities to give effect to the extended mandate of the FPB.                        |
| Source of Data                            | a) Compliance and enforcement plan;<br>b) Regulatory Awareness Reports<br>c) Compliance inspection reports<br>d) Reports on enforcement action |
| Method of Calculation/<br>Assessment      | Quantitative   |
| Assumptions                               | Adequate capacity  |
| Disaggregation of beneficiaries           | N/A  |
| Spatial Transformation (where applicable) | N/A  |
| Calculation Type                          | Cumulative (year-end)  |
| Reporting Cycle                           | Quarterly, Annually  |
| Desired Performance                       | Effective and efficient regulation of content  |
| Indicator Responsibility                  | <b>Executive:</b> Technology Support and Platform Monitoring<br><b>Executive:</b> Regulatory Development and Enforcement                       |

## STRATEGIC FOCUS 3: CUSTOMER FOCUS

### STRATEGIC OBJECTIVE 3.1: EFFECTIVE AND EFFICIENT SERVICE DELIVERY

| Indicator Title                           | Percentage (%) of public complaints resolved within 2 working days.  |
|---|--|
| Definition                                | Track and resolve at least 50% of queries / complaints within the set turn-around times  |
| Source of Data                            | Monthly reports containing the turn-around times with number of queries / complaints received, escalated, resolved and unresolved. |
| Method of Calculation/ Assessment         | Quantitative: Simple count - Number of queries resolved divided by total queries received as a percentage.                         |
| Assumptions                               | ICT, financial and human capacity resources are in place to implement the strategy   |
| Disaggregation of beneficiaries           | Public Distributors  |
| Spatial Transformation (where applicable) | N/A  |
| Reporting Cycle                           | Monthly, Quarterly, Annually   |
| Desired Performance                       | 10% improvement in Service delivery over annual target   |
| Indicator Responsibility                  | <b>Executive:</b> Technology Support and Platform Monitoring<br><b>Manager:</b> Consumer Affairs                                   |

| Indicator Title                           | Percentage of classification decisions issued within 7 working days   |
|---|---|
| Definition                                | The percentage of licensing and content classification decisions issued within the stipulated time frame. Classification decision is the rating of content in terms of age-appropriate viewership to include consumer advisory on what elements are contained that may be harmful or inappropriate for viewers. |
| Source of Data                            | Detailed monthly submission and classification reconciliation reports   |
| Method of Calculation/ Assessment         | Quantitative  |
| Assumptions                               | Delays in the approval of classification decision   |
| Desegregation of beneficiaries            | N/A   |
| Spatial Transformation (where applicable) | N/A   |
| Calculation Type                          | Cumulative  |
| Reporting Cycle                           | Monthly, quarterly, and annually  |
| Desired Performance                       | Higher Performance than Targeted  |
| Indicator Responsibility                  | <b>Executive:</b> Technology Support and Platform Monitoring<br><b>Manager:</b> Licensing and Classification  |

| Indicator Title                           | Percentage (%) of applications for licensing and registration processed within 5 working days.  |
|---|---|
| Definition                                | Percentage for licenses processed to approved applications (new and renewal) for content distribution outlets (online and physical) within the stipulated time frame. |
| Source of Data                            | Number of applications received /number of licenses processed   |
| Method of Calculation/ Assessment         | Quantitative  |
| Assumptions                               | FPB system challenges   |
| Disaggregation of beneficiaries           | N/A   |
| Spatial Transformation (where applicable) | N/A   |
| Calculation Type                          | Cumulative  |
| Reporting Cycle                           | Monthly, Quarterly, Annually,   |
| Desired Performance                       | Higher Performance than Targeted  |
| Indicator Responsibility                  | <b>Executive:</b> Technology Support and Platform Monitoring<br><b>Manager:</b> Licensing and Classification  |

| Indicator Title                           | Percentage (%) of online distributor applications concluded (self-classification).                           |
|---|--|
| Definition                                | Percentage of self-classification permits processed within the prescribed time frames.                       |
| Source of Data                            | Number of self-classification applications/number of self-classification permits processed                   |
| Method of Calculation/ Assessment         | Quantitative   |
| Assumptions                               | FPB system challenges  |
| Disaggregation of beneficiaries           | N/A  |
| Spatial Transformation (where applicable) | N/A  |
| Calculation Type                          | Cumulative   |
| Reporting Cycle                           | Monthly, Quarterly, Annually   |
| Desired Performance                       | Higher Performance than Targeted   |
| Indicator Responsibility                  | <b>Executive:</b> Technology Support and Platform Monitoring<br><b>Manager:</b> Licensing and Classification |

## STRATEGIC FOCUS 4: FINANCIAL SUSTAINABILITY

### STRATEGIC OBJECTIVE 4.1: TO INCREASE THE PERCENTAGE (%) OF SELF-GENERATED REVENUE

| Indicator Title                           | The increase in Percentage (%) of Self-Generated Revenue over Total Revenue  |
|---|--|
| Definition                                | The quarterly report details the % Increase on Self-generated revenue as a percentage of Total revenue against previous period |
| Source of Data                            | Management accounts  |
| Method of Calculation/ Assessment         | Self-Generated revenue /total revenue for the period x 100   |
| Assumptions                               | Industry complies and pay the rates gazetted   |
| Disaggregation of beneficiaries           | N/A  |
| Spatial Transformation (where applicable) | N/A  |
| Reporting Cycle                           | Quarterly and Annual   |
| Desired Performance                       | Higher performance than targeted   |
| Indicator Responsibility                  | Chief Financial Officer<br><b>Manager:</b> Revenue Enhancement & Collections   |

| Indicator Title                           | Percentage (%) implementation of the approved Revenue Strategy Plan   |
|---|---|
| Definition                                | Implementation of the Approved Revenue Enhancement Strategy to give effect to increase in Self-Generated Revenue over Total Revenue |
| Source of Data                            | 1. Revenue Enhancement Implementation Plan<br>2. Quarterly progress report on Implementation Plan                                   |
| Method of Calculation/ Assessment         | Percentage Completion of activities in the Plan over total activities   |
| Assumptions                               | The Revenue Enhancement Office is fully capacitated to implement the Plan   |
| Disaggregation of beneficiaries           | N/A   |
| Spatial Transformation (where applicable) | N/A   |
| Reporting Cycle                           | Quarterly and Annual  |
| Desired Performance                       | Higher performance than targeted  |
| Indicator Responsibility                  | Chief Financial Officer<br><b>Manager:</b> Revenue Enhancement & Collections  |



## STRATEGIC FOCUS 5: STAKEHOLDER MANAGEMENT AND COLLABORATION

### STRATEGIC OBJECTIVE 5.1: LEVERAGE LOCAL AND INTERNATIONAL STRATEGIC PARTNERSHIPS TO ACHIEVE THE AMENDED MANDATE OF THE FPB.

| Indicator Title                           | Number of MOU's signed with Strategic partners.   |
|---|---|
| Definition                                | Key stakeholders that have a common interest in the amended mandate of the FPB or are able to facilitate the operationalisation of the Films and Publications Amendment Act (2019) and the FPB Regulations will be identified by FPB Divisions. MOU partnerships with assenting key stakeholders will be reduced to writing governed by an implementation plan with agreed upon deliverables. |
| Source of Data                            | MOU's that are signed by both parties and accompanied by an implementation plan.  |
| Method of Calculation/ Assessment         | <b>Quantitative:</b> The number of MOU's that have been signed and have an accompanying implementation plan.  |
| Assumptions                               | Willingness on behalf of stakeholders to partner with FPB by concluding a formal MOU document and implementation plan.<br>Sufficient budget to conduct MOU partnership engagements or joint activities as detailed in the MOU implementation plan   |
| Disaggregation of beneficiaries           | <b>N/A:</b> these are different for each partner  |
| Spatial Transformation (where applicable) | N/A   |
| Reporting Cycle                           | Quarterly   |
| Desired Performance                       | Performance that is higher than the planned target is desirable   |
| Indicator Responsibility                  | <b>Executive:</b> Corporate Services<br><b>Senior Manager:</b> Strategic Partnership & Support  |

### STRATEGIC OBJECTIVE 5.2: IMPROVED AWARENESS OF THE FPB MANDATE.

| Indicator Title                           | Percentage (%) implementation of the Integrated Stakeholder Engagement Plan   |
|---|---|
| Definition                                | The FPB centralised guiding document for all public engagements, education and advocacy work aimed at informing, consulting and advising local, regional and international communities on mitigating online harms and prohibited content. |
| Source of Data                            | Approved Integrated stakeholder engagement plan<br>Approved Narrative reports<br>Attendance registers   |
| Method of Calculation/ Assessment         | Number of integrated stakeholders engagements conducted based on the approved annual integrated stakeholder engagement plan   |
| Assumptions                               | Adequate budget<br>Stakeholder availability   |
| Disaggregation of beneficiaries           | Females<br>Youth<br>Children<br>Persons with Disability   |
| Spatial Transformation (where applicable) | N/A   |
| Reporting Cycle                           | Quarterly and Annually  |
| Desired Performance                       | Performance that is higher than the planned target is desirable   |
| Indicator Responsibility                  | <b>Executive:</b> Corporate Services  |

| Indicator Title                           | Percentage (%) of the prioritised training programme on the FPB Expanded mandate implemented  |
|---|---|
| Definition                                | A designed training programme that will increase knowledge on the expanded mandate of the FPB |
| Source of Data                            | Approved training programme<br>Training plan<br>Attendance registers                          |
| Method of Calculation/<br>Assessment      | Number of the training programmes approved based on the approved training plan                |
| Assumptions                               | Adequate budget<br>Stakeholder availability   |
| Disaggregation of beneficiaries           | Females<br>Youth<br>People with disabilities  |
| Spatial Transformation (where applicable) | N/A   |
| Reporting Cycle                           | Quarterly & Annually  |
| Desired Performance                       | Performance that is higher than the planned target is desirable                               |
| Indicator Responsibility                  | <b>Executive:</b> Corporate Services  |

NOTES:

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## **Film and Publication Board**

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