



**Head Office:**

Eco Glades 2, 420 Witch Hazel Avenue, Eco Park, Centurion, 0169  
Private Bag X31, Highveld Park, 0169  
Tel: +27 12 003 1400 | Fax: +27 12 661 0074  
Email: [clientsupport@fpb.org.za](mailto:clientsupport@fpb.org.za) | Website: [www.fpb.org.za](http://www.fpb.org.za)



**MEDIA RELEASE**

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**SOUTH AFRICA'S FILMS AND PUBLICATIONS AMENDMENT ACT DECLARED OPERATIONAL  
BY PRESIDENT FROM 1 MARCH 2022:**

**A sign of changing times: Keeping our citizens protected in the digital age**

**03 March 2022, Pretoria.** The Department of Communications and Digital Technologies (DCDT) and the Film and Publication Board (FPB) welcome the Proclamation by President Cyril Ramaphosa, which operationalises the Films and Publications Amendment Act (2019) (FPA Act) effective 1 March 2022. The Films and Publications Amendment Act was signed into law in 2019. However, its operationalization was put in abeyance to allow the FPB to adequately prepare and undertake certain critical regulatory exercises as required by the Act.

Deputy Minister of Communications and Digital Technologies, Mr Philly Mapulane says: "The Amendment Act comes into operation at a time when governments all over the world are grappling with the escalation in potentially harmful content on digital platforms, as we witness the entrenchment of the Fourth Industrial Revolution in society. Changes to the FPA Act seeks to modernise laws that protect the South African public from exposure to prohibited content distributed online, as well as exposure of children to harmful digital content that could have adverse psychological and behavioural impacts. Laws are enacted to give effect to the rights enshrined in the Constitution. The FPA Act seeks to balance the right to freedom of expression with the responsibility to protect our citizens from harm and to maintain social cohesion."

Revisions to the Act came about due to the significant changes in the way that films, games, and certain publications are distributed. This reflects the move away from physical



distribution in cinemas and home DVDs to the online space, streaming services, and social media. Prior to this, the regulation and classification of films, games, and certain publications for the protection of the public in more traditional content distribution formats was already clearly entrenched in the Films and Publications Act of 1996 through the regulation of the content distribution sector, the classification and labelling of content ratings, and the protection of children from exposure to, or exploitation in, Child Sexual Abuse Material (CSAM).

“The Amendment Act”, according Ms. Zama Mkosi, Chairperson of the Film and Board Council, “is set to transform the FPB completely, expanding its mandate and migrating it from a simple classification authority to a fully-fledged regulator, with the legitimate powers to issue and renew licences (certificates), accredit distributors and impose fines, in case of non-compliance. As an organization we are up to the challenge. We are grateful for the Department of Communications & Digital Technologies for this futuristic legislation. We are indebted to the immense support from the Minister and the Deputy Minister for their leadership and guidance in the pursuit of this expanded mandate. We have regulations ready, albeit we may have to strengthen in this area, there is a process underway to appoint the Enforcement Committee introduced by section 3 of the Amendment Act. The Th Enforcement Committee (EC) to provide for speedy resolutions in certain cases that fall under the EC, including the issuing fines. Of course, there will be cases where the FPB will work directly with our justice courts for prosecution.”

Film and Publication Board Acting Chief Executive Officer, Dr. Mashilo Boloka, says: “operationally we have started gearing and repositioning ourselves to the provisions of the Amendment Act. There is a process underway to streamline the internal functions so as to elevate the mandate. Our Medium-Term Strategy and Annual Plan for next financial year, which will be tabled by the Minister in Parliament later this month (March), adequately reflects our strategic shift and focus to this expanded mandate”. The days of regulating the industry through will and agreements is over. As the regulator, we now have sharp teeth to bite.



**ENDS**

**For media interviews contact:**

Mrs. Lynette Kamineth

Manager Communications and Public Education

email: [lynette.kaminet@fpb.org.za](mailto:lynette.kaminet@fpb.org.za)

Cell: 079 279 5331

Tel: 012 003 1400

**OR**

Ms Manala Botolo

Assistant Manager Communications and Public Education

Email: [manala.botolo@fpb.org.za](mailto:manala.botolo@fpb.org.za)

Cell: 082 860 6748

**Notes to the Editor**

The Film and Publication Board (FPB) is the regulator of the creation, production, possession and distribution of films, games, certain publications, and more recently online content. This is done to provide consumer advice that enables adults to make informed viewing, reading and gaming choices for themselves and children in their care; to protect children from exposure to disturbing and harmful material and from premature exposure to adult experiences, and to make the use of children in, and the exposure of children to pornography, punishable.

The organisation derives its mandate from the Films and Publications Amendment Act (2019), which came into operation by Presidential pronouncement on 01 March 2022. The Amendment Act extends the mandate and functions of the FPB to regulating online content, in addition to physical content.



Paramount to the mandate of the FPB is the protection of children and vulnerable citizens. Protecting children under the Act is a proportional balancing of the rights afforded in the South African Constitution and Bill of Rights as it pertains to children. The protection of children as enshrined in the Constitution and Bill of Rights includes physical, mental, emotional, spiritual, or moral harm to be protected from maltreatment, neglect, abuse, or degradation. It further ensures that children's best interest is of paramount importance in every matter concerning a child.