



national film and video foundation  
SOUTH AFRICA

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an agency of the  
**Department of Arts and Culture**

# **NATIONAL FILM AND VIDEO FOUNDATION**

## **APPEALS PROCEDURE**

### **APRIL 2017**

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#### Councillors

Ms Mmabatho Ramagoshi (Chairperson); Mr George Leolo (Deputy Chair); Advocate Roshal Dehal; Ms Lorraine Ramathesele; Mr Phillip Molefe;  
Mr Mfundu Vundla; Ms Desiree Markgraaff; Mr Thabiso Masudubele; Ms Pamela Mashiane; Mr Leslie Mkhabela; Mr Sandile Swana;  
Mr Brendyn Meyer CA(SA); Mr Aboobaker Moosa  
Chief Executive Officer: Zamantungwa Mkosi

## DOCUMENT CONTROL

Issue date : August 2012 First Review March 2014	Version : 1.0.0 Version 2.0.0	<b>Signatures</b>
Review Date : March 2017	Version : 4.0.0	
Approval date :	March 2017	
Chief Executive Officer Zama Mkosi	Process owner	
HOD: Policy & Research	Doc Reviewer	

### APPROVAL

The signatories hereof, confirm their acceptance of the content and authorize the adoption thereof.

_____	_____
Signature: Chairperson – Executive Committee of Council	Date
_____	_____
Signature: Chairperson of the Council	

## **PREAMBLE**

The National Film and Video Foundation (NFVF) is a public entity that prescribes to the principles of transparency, fairness and equitable as espoused in sections 32 and 33 of the Constitution of the Republic South Africa Act 108 of 1996.

### **1. Introduction**

- (1) Whilst all decisions taken by the organisation (whether by Council or management) are guided by the overriding principle of meeting the objectives to grow; promote and develop the film and television industry, an applicant or any other affected person may request reasons for any decision taken by the Council or Management in accordance with the procedures set out in the Promotion of Administrative Justice Act No. 3 of 2000 (PAJA).
- (2) Section 12(1) of the NFVF Act provides for an appeal against an action or decision taken by Council. The Minister may appoint one or more independent assessors with knowledge on the film and video industry to assist him/her. The Minister may confirm, amend or set aside a decision or action made in terms of section 12(1) in terms of subsection (3) of the Act.
- (3) In order to streamline the process and provide administrative guidelines, the organisation has set out an appeals procedure to be followed by applicants and appellants who are affected by any decision taken by Council or Management in terms of section 12 (1) of the NFVF Act 73 of 1997 and taking cognisance of the provisions of the Promotion of Access to Information Act (No. 2 of 2000) and PAJA.
- (4) The Executive Committee of Council is the Appeals Committee constituted to adjudicate on all appeals on behalf of the Council **whose decisions must be ratified by Council.**
- (5) This appeal procedure applies to an appeal by an applicant on:
  - a. any decision or action taken by the Council or Management.
- (6) The organisation will endeavour to ensure that appeals are adjudicated expediently subject to all supporting information being furnished timeously during the lodging of an appeal and further request for information from the relevant funding advisory panel by the Chief Executive Officer for the purpose of Clause 2(7) of this Policy.

### **2. Appeal Procedure to be followed**

- (1) Aggrieved parties must use the prescribed form H to appeal to the Council and form I to appeal to the Minister of Arts and Culture.
- (2) An appeal in the prescribed form must be submitted to the Chief Executive Officer within the 30 days' period referred to in section 12(1) of the Act.

- (3) The Chief Executive Officer shall refer all appeals to the Executive Committee of Council of receipt of any appeals within 30 business days of receipt of an appeal.
- (4) Upon receipt of appeals, the Executive Committee of Council shall adjudicate on the appeal and decide through a round robin on whether to:
  - (a) Uphold the appeal
  - (b) Dismiss the appeal; or
- (5) For the purpose of Section 2(3), the Chief Executive Officer shall request a chairperson presiding over a funding advisory panel that considered and made recommendations on the affected application to provide written reason for why the application was rejected.
- (6) A decision made in terms of Section 3 shall be made in writing and communicated to the appellant within 5 business days from the date on which the appeal was considered by the Executive Committee.
- (7) The Chief Executive Officer shall request all supporting document relating to the appeal from Management and appellant upon receipt of the appeal.

### **3. Appeal to the Minister**

- (1) An appellant who intends to appeal an action or decision taken by the Council in terms of section 12(1) of the Act, must first exhaust all the internal appeal processes prior to lodging an appeal in the manner provided for in section 2(1), give notice to the Council in the prescribed form within 15 days from the date on which the action or decision was received or communicated to the appellant.
- (2) A notice of appeal must be submitted to the Minister, within the 60 days' period referred to in section 12(1) of the Act, by completing FORM I –
- (3) The Minister will notify the appellant and the Council in writing of his or her decision on the appeal as contemplated in section 12(3) of the Act.
- (4) The Minister may appoint or constitute an independent panel to advise him on applicants for appeals sent to his office.

### **4. Contact details**

All notices of intention to appeal must be in writing and in the prescribed forms (Form H) and where applicable Form (I) and addressed to:

The Chief Executive Officer  
National Film and Video Foundation  
87 Central Street  
Houghton

2198

E mail: [appeals@nfvf.co.za](mailto:appeals@nfvf.co.za)

**The Minister of Arts and Culture**

Kingsley Building

C/o Church and Beatrix Streets

Arcadia

Pretoria

0001

E mail: [appeal-nfvf@dac.gov.za](mailto:appeal-nfvf@dac.gov.za)

**5. Annual review**

This policy is subject to annual review; any changes must be approved by Council.