



national film and video foundation  
SOUTH AFRICA



**SASFED**  
The South African Screen Federation  
[www.sasfed.org](http://www.sasfed.org)

## **TERMS OF ENGAGEMENT**

**BETWEEN**

**NATIONAL FILM AND VIDEO FOUNDATION  
(NFVF)**

**AND**

**SOUTH AFRICAN SCREEN FEDERATION  
(SASFED)**

## PREAMBLE

**IN PURSUIT** of regular engagement on industry policies and strategies that impact on the growth and development of the film and video industry.

**ACKNOWLEDGING** that the Parties wish to establish a Forum for the consultation, debate, lobbying and discussion of various industry policies and strategies that are developed by the NFVF and industry from time to time. The Forum seeks to engage on these industry policies and strategies to arrive at positions that aim to advancing the promotion, development of a sustainable, viable and transforming South African film and video industry.

**RECOGNISING** and respecting that each Party performs and carries out its respective functions in order to meet its objectives and mandate in the promotion and development of the film and video industry. It is recognised that this Agreement is subject to state protocols, principles of cooperative governance and organisational consultative processes.

### **The National Film and Video Foundation objectives are to:**

- *develop and promote the film and video industry;*
- *provide and encourage the provision of opportunities for persons especially from previously disadvantaged communities to get involved in the film and video industry;*
- *Encourage the development and distribution of local film and video products;*
- *Support the nurturing and development of and access to the film and video industry; and*
- *In respect of the film and video industry, to address historical imbalances in the infrastructure and distribution of skills resources.*

### **South African Screen Federation objectives are to:**

- *Represent a representative, unified and coherent industry-wide voice;*
- *Support industry policy and regulation for growth and development on a comprehensive and integrated basis;*
- *Improve all-round critical capacities of the industry;*
- *Address inequity in the industry on the basis of principle as well as growth and development objectives.*

**IN PERSUANCE** of these objectives, the Parties hereby agree as follows:

## **1. DEFINITIONS**

In this Agreement, the following terms and phrases shall have the following meaning:

**1.1 "Parties"** means the NFVF and SASFED as defined in Clause 2 and "Party" refers to any one of them.

**1.2 "Forum"** means a meeting convened under the terms of this Agreement attended by members of each Party as referred to in Clause 4.1.2 of this Agreement.

**1.3 "Industry strategies"** means any strategy developed by local, provincial and national governments and independent institutions that impact on the film and video industry. An industry strategy excludes each Parties' day to day practical initiatives.

**1.4 "Lobbying"** means advocacy with the intention of influencing decisions made by legislators, government officials and policymakers, and including the Parties to this Agreement.

**1.5 "Confidential information"** means any information or material of any nature relating to the business of including but not limited to financial

statements, propriety information, business plans or information belonging to third parties that came to the Parties' possession or any information classified as "**Confidential**" by a watermark or other marking by the sending party.

## **2. THE PARTIES**

The Parties to this Agreement are as follows:

- 2.1** The NFVF is a statutory body created in terms of the National Film and Video Foundation Act 73 of 1997. One of its core mandates is to develop and promote the South African Film Industry whilst supporting the nurturing and development of and access to the South African Film Industry. In terms of its Positioning Strategy, the NFVF is the mediator between the government, civil society and the industry.
- 2.2** The South African Screen Federation (SASFED) is a non-profit organisation, registered with the Department of Social Services - NPO 052-633 in March 2006. SASFED is the industries federation body representing the collective and unified interests of South African independent role players in the film and television industry. SASFED is the federation representative across the industry value chain - including writers, directors, editors, actors, artists, producers and niche focus groups such as documentary makers and female focused filmmakers. SASFED is an industry wide national voice representing its members and engages on industry development issues. However, SASFED does not prevent its members from making any of its own representation for those organisations' unique requirements. SASFED is managed in terms of its constitution by its elected Executive Committee, who are ultimately accountable to the Council, made up of a mandated individual from each member organisation.

## **3. SCOPE OF ENGAGEMENT**

The NFVF and SASFED will engage on the following issues:

- 3.1** Parties' strategies for the industry.
- 3.2** Industry strategies and policies developed from time to time.
- 3.3** Any other matter of concern to the Parties.

## **4. GENERAL PROVISIONS**

### **4.1 Procedure for Meetings**

- 4.1.1** The Parties will hold formal and informal meetings to discuss industry policies and concerns.
- 4.1.2** Such meetings will be held between NFVF Management and SASFED NFVF Subcommittee and excludes the inclusion of any observers or any interested persons who are not part of this Forum.
- 4.1.3** The Chairperson for each meeting will be rotated between NFVF and SASFED representatives.
- 4.1.4** Each Party may request permission to invite observers or any interested persons to attend meetings of the Parties subject to the following provisions:
  - 4.1.4.1** the request for permission must be in writing, and contain the names and role of observers.
  - 4.1.4.2** the request for permission must be sent seven 7 days before

the date of the meeting.

**4.1.4.3** Parties shall not unreasonably withhold permission for a request in line with Clause 4.1.3.

**4.1.5** Notice of a meeting, must be given by either Party at least 15 days prior to the meeting to allow that Party to make their representatives available.

**4.1.6** An agenda for a formal meeting must be set and circulated between the parties 5 days prior to the date of the meeting.

## **4.2 Frequency of Meetings**

**4.2.1** The Parties will meet formally once every quarter or at least 4 times a year at dates to be determined by both Parties.

## **4.3 Proceedings at the Forum**

**4.3.1** The Parties may agree to disagree on any decisions and/or positions that are discussed at the Forum but will strive to reach consensus in the best interests of the industry.

**4.3.2** SASFED is not precluded from approaching the NFVF Council, the Minister of Arts and Culture or any other of the NFVF's principals in the case of dispute.

**4.3.3** Either Party may request prior and/or written representations in the form of questions which require a detailed response with reasons from the receiving Party.

**4.3.4** Any communication between the Parties related to this Agreement shall be through the appointed representatives in Clause 4.6.

## **4.4 Co-Operation**

**4.4.1** The Parties undertake at all times to perform all such actions and take reasonable steps that may be necessary for or incidental to the implementation of this Agreement.

**4.4.2** The Parties undertake to exercise the utmost good faith in their dealings with each other.

## **4.5 Confidentiality**

**4.5.1** Each Party shall treat and hold as confidential and not use for any other purpose all declared confidential information disclosed during the discourse between the Parties.

**4.5.2** Each Party undertakes that it shall at all times:

**4.5.2.1** Keep and safeguard the Confidential Information as private and confidential and separate from other documents and information in his/her/its possession.

**4.5.2.2** Only disclose or reveal Confidential Information to his/her/its representatives and professional advisors who are required in the course of their duties to consider the Confidential Information.

## **4.6 Parties Representatives**

For the purpose of these meetings, the parties nominate persons who occupy

the following designations:

- For the NFVF: the Head of Policy and Research
- For SASFED: SASFED NFVF Subcommittee Chairperson

#### 4.7 Annual Review

The Parties shall review the terms of engagement annually at a formal meeting between the Parties.

### 5. NOTICES AND DOMICILIUM

The Parties choose the following addresses as their domicilium citandi et executandi for the purpose of duly serving of notices, documents or communications in terms of this Agreement:

**National Film And Video Foundation  
(NFVF)**

87 Central Street,  
Houghton 2198,  
Johannesburg, South Africa  
Tel: 011 -483 0880  
Fax: 086 635 6540  
E-Mail : [info@nfvf.co.za](mailto:info@nfvf.co.za)

**South African Screen Federation  
(SASFED)**

Non Profit Organisation - NPO 052-633  
  
Tel No: 083 901 2000  
Fax No: 086 626 1744  
E-Mail: [info@sasfed.org](mailto:info@sasfed.org)

Signed on this 9<sup>th</sup> day of February 2011 in Houghton, Johannesburg.

**On behalf of the NFVF**

Chief Executive Officer  
Eddie Mbalu

**On behalf of SASFED**

Chairperson  
Faizel Mamdo

**On behalf of the NFVF**

Witness  
Aifheli Makhwanya

**On behalf of SASFED**

Witness  
Ramadan Suleman