

Chairman's Report – AGM 2025

On behalf of your EXCO, it is a great honor to welcome you all to our 2025 Annual General Meeting. This is our opportunity to report back to you, our members, on the work we have done over the past year and to demonstrate that your guild's governance and transparency remains unimpeachable. We are proud to serve you, and to serve the trust you place in us.

I'd like to start by thanking all our EXCO members who serve the guild with selfless dedication. A special thanks to Diakanyo our administrator, to Kelly Kropman and Associates, our media partners Hucklberry Media, and to all our members who volunteer to assist with special projects and events.

I'd like to break down SAGA's work over the past year in chronological order. You will notice an emphatic trend relating to AI and industry regulation, issues that are high on the global agenda for the creative sector:

Timeline:

- **2024 – 7-9 August: G20 Side Session – Policies for the Creative Economy; Rio de Janeiro**

SAGA received an invitation by the Brazilian Minister of Culture to present our views on the impact of generative AI on the audiovisual performance sector. Our presentation unpacked the existential threat AI poses to performers globally, particularly in an unregulated environment. We have since established a strong working relationship with the Brazilian Copyright Desk who are also concerned with actor royalty rights and statutory reform in their own country. With South African playing host to the G20 this year, we were delighted to pick up our conversation on copyright and AI with Brazilian copyright lawyer Cesare Machado de Moraes who we met on Wed 7 May in Jhb.

- **2024 – 29/30 August: DSAC Bosberaad**

Hosted by DSAC over two days, this was a meeting of all creative industry organizations. Every organization was allotted just 5min to list their grievances, which turned out to be a pointless exercise. This was an opportunity for Min Mackenzie to address the industry about his plans, and it resulted in the formation of 15 cluster groups divided according to a UNESCO model. There is still enormous confusion about how this is supposed to function, as the mandate

from DSAC indicated that existing industry organisations such as SAGA and SASFED cannot be represented at the cluster level, even though these organisations were required to elect representatives to the cluster groups. An additional concern is that nobody knows how these clusters relate to the reference groups established under former Min Nathi Mthethwa at the Film/TV Summit he convened in Feb 2019. For SAGA there is a strong suspicion that the new cluster groups established by Min Mackenzie are merely a tickbox exercise that are intended to serve a DSAC mandate, and will probably do nothing to address the challenges and grievances presented by organisations at the Bosberaad.

- **2024 – 6 September: TUT Inaugural Global Activism Conference**

SAGA was invited to address an international audience that included over 500 delegates from over 50 countries on the issue of AI and its impact on performers. We were part of a panel featuring AI and copyright law experts from the US, Europe and Africa. Our central theme was that it is practically impossible to protect performer rights against theft by the misuse of AI in South Africa's unregulated creative sector.

- **2024 – 27 September: ArtsCape Anti-Racism Conference Panel Discussion in W/Cape**

Based on ongoing reports of racial discrimination of cast, crew, and background actors in W/Cape, SAGA convened an anti-racism conference featuring a panel discussion with leading personalities in W/Cape. Our panel included actors, writers, producers and our own Mam' Thoko Ntshinga. The University of Cape Town was our event partner, and the conference was staged at ArtsCape by our media partner Hucklberry Media. This was an important ventilation session, which was picked up by CapeTalk, and SAGA made the point that the lack of regulation made it easier for racist and discriminatory behaviour to flourish. Labour Laws such as the Labour Relations Act prohibit such behavior, and provides recourse to employees through the CCMA. Freelancers are not protected under any Labour Laws.

- **2024 – 5 December: SAPS Explosives Unit report**

SAGA received reports that a Jhb based production had allegedly caused damage to property and injuries to background actors in their staging of a cash-in-transit heist scene. Production felt it was prudent to use explosive fireworks

purchased from a local store, taped together and lit in the back of an enclosed armoured vehicle, with the background actors in it, covered with a blanket. In SAGA's view, and according to industry standards, production should have used an accredited pyrotechnician, and kept all cast and crew well away from the explosions, caused by fireworks. What they had done, whether by design or negligence, constituted an alleged violation of the Explosives Act.

SAGA reported this matter to Col Hawkins of the SAPS Explosives Unit in Jhb, providing photographic evidence of the damage and injuries, and we are following up on their investigations. The lack of labour protection does not prevent us from reporting matters that violate other statutory regulations, including those that carry criminal liability.

- **2024 – 9 December: Meeting with HAWKS, DOJ, DEL**

Following SAGA's exposé on the Shaka Ilembe forced labour debacle in 2023, we convened a meeting with HAWKS KZN Provincial Task Team working on human trafficking, and we were provided with an open door for reporting directly to the Chief Prosecutor of the Dept of Justice on cases of human trafficking. We also met with the KZN Chief Inspector for the Dept of Employment and Labour. This was a very insightful meeting as we have been able to report violations of Sectoral Determination 10 (children under 15yrs working in entertainment). Due to SAGA's intervention, we have recorded the very first violation of the SD10 permit in the SA TV production industry. (More from KZN report).

- **2025 – 30 January: Competition Commission exemption**

(Legal Report)

- **2025 – 3 February: WITS Global Copyright Conference (ReCreate)**

SAGA was invited to participate in a global copyright conference convened at Wits University by ReCreate, an umbrella body of organisations that include copyright experts, Wikimedia, LIASA (Library Association of South Africa), Section27, BlindSA, Teachers' Union SADTU, and others. SAGA presented its case on the impact of AI in an unregulated sector, and the threat to performers whose face, voice, and likeness are being harvested by producers for their exclusive commercial benefit.

- **2025 – 31 March to 4 April: ILO ITC Regional Workshop**

The International Labour Organisation (ILO) was established in 1919 by the League of Nations, a precursor of the United Nations. In 1947, the ILO became the very first specialized agency of the United Nations, and brought together governments, worker, and employer bodies to establish global resolutions to introduce fair regulations and working standards for all workers. The Workers' Group of the ILO's Governing Body nominated SAGA to participate in a workshop titled 'Driving Transformation in Africa's Culture and Creative Sector'. The week-long workshop was facilitated by the ILO's International Training Centre.

The workshop included nine African countries, and SAGA was asked to deliver the welcome address. Our task was to help identify critical areas that needed intensive development to address the structural inequalities on the continent's creative economy. Together with the PMA, the Department of Sports, Arts, and Culture (DSAC); and the Dept of Employment and Labour (DEL), SAGA devised a roadmap that addressed such areas as the formalization of worker rights for freelance creatives; the recognition of our rights as workers; the need for social security; and for collective bargaining rights.

- **2025 – 7 to 11 April: Michael Crosby Workshop**

Following our successful application to the Competition Commission for an exemption from prosecution, SAGA and the PMA are permitted to engage in collective bargaining. This is a singular victory that helps us facilitate broad stakeholder consultations to set recommended minimum rates and standard contracts for performers, without the threat of being charged for collusion or price-fixing under Competition Laws.

Recognizing our achievement, the International Federation of Actors (FIA), funded a visit by industry specialist Michael Crosby to facilitate a week-long workshop to guide SAGA on how to mobilise actors to stand up for the rates and working conditions they wish to work under. Mr Crosby was president of the Australian Actor Union, and a former Secretary General of FIA, and his insights are drawn from 50yrs of experience unionizing actors around the world. His advice was our most valuable and intensive learning experience yet.

SAGA has developed strategies, guided by Mr Crosby, to reach out to all actors in South Africa, to conscientize, to alert, and educate them on the need to claim their place as industry professionals, and to enable SAGA to carry a full and unshakeable mandate in our negotiations with industry bodies.

- **2025 – 16 April: Pollsmoor Prison Project**

Dr Suzette Leal is an academic with a special interest in communications. She has developed a program to help inmates of Cape Town's Pollsmoor Prison to explore their feelings and personal traumas through devising, and staging a theatrical performance drawn from stories of their own creation. Her program is called 'Words Set Free', and she invited SAGA to attend one of her workshops with inmates. The quality of the work elicited by her program is remarkable, and her facilitation has had a profound impact on the inmates, who are looking to reintegrate into their communities with empathy, and a deeper understanding of their social responsibilities.

The program will be hosting a theatre showcase in October, and she has invited SAGA members to attend this performance at the Pollsmoor Hall in the prison complex. SAGA is exploring the notion of a Memorandum of Understanding with Dr Leal's program, to support the use of writing and dramatic performance in helping inmates become more socially conscious.

- **2025 – 23 April: World Book Day – UNISA presentation**

23 April marks World Book Day, and UNISA invited SAGA to their main campus in Pretoria to contribute to discussions on AI and copyright. We stood alongside academics, Copyright Law experts, specialists in AI, and representatives from university libraries across the country. We were delighted to see that the Libraries Association of South Africa (LIASA), among other researchers and learners, expressed their support of copyright reform in South Africa. They also expressed their dismay that university libraries pay millions of Rands annually in license fees to publishing houses for access to journals, study packs, and learning resources, but under our current copyright regime, only the smallest fraction of that money is shared with authors. DALRO, the collecting society for literary rights, was invited to attend the event to help explain this gross injustice, but sadly and rather unsurprisingly, they declined.

- **2025 – 3 May: Comicon CT**

SAGA was allocated two peak-attendance time slots on stage at Comicon CT, held at the CTICC and we were asked to present our views on the impact of AI in the performance sector; followed by a discussion on the impact of the lack of regulation in our sector. It was a challenge competing against the colorful range of costume characters dressed with remarkable authenticity, but our presentation of the facts captivated a small audience that included a group of actors.

- **2025 – 21 May: Concourt Demonstration**

SAGA is the only actors' representative organization that has actively lobbied for royalty rights for actors. Since 2017, we have made written and oral submissions to Parliament in support of copyright reform that gives actors a statutory right to royalties. While parliament itself has passed the bills twice from 2017 to 2024, the president has refused to sign them into law. The only option available to him since the bills were passed by the National Assembly for the second time on 29 February 2024, was to refer the bills to the Constitutional Court.

SAGA participated in a demonstration at the Concourt precinct in solidarity with ReCreate, BlindSA, Section27, LIASA, Wikimedia, and SASCO the students' organization. Our voices will continue to be heard on this critical issue, and we can only wait to see how the Justices rule on the reform of the Performers' Protection Act, and the Copyright Act that date back to 1967 and 1978 respectively.