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# IMPORTANT

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**Contents**

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
<b>GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS</b>			
<b>Government Communication and Information System, Department of/ Owerheidskommunikasie en Inligtingstelsel, Departement van</b>			
818	Marketing, Advertising and Communication Sector Charter: Transformation of the Marketing, Advertising and Communication Sector Charter Submission .....	39175	4

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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

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GOVERNMENT COMMUNICATION AND INFORMATION SYSTEM

NO. 818

04 SEPTEMBER 2015



MARKETING, ADVERTISING  
& COMMUNICATION SOUTH AFRICA  
MAC SA

MARKETING,  
ADVERTISING  
AND  
COMMUNICATION  
SECTOR CHARTER

## TRANSFORMATION OF THE MARKETING, ADVERTISING AND COMMUNICATION SECTOR CHARTER SUBMISSION

Contents	Page
1. Introduction	3
2. Scope of application	3
3. Value Statement	5
4. Commitment and Undertakings	8
5. Strategic Drivers of Change	9
6. Interpretations	10
7. MAC SA Sector Scorecard	16
8. Ownership	17
9. Management Control	18
10. Skills Development	19
11. Enterprise and Supplier Development	20
12. Socio-economic Development Contributions	21
13. Responsible Marketing and Communications	21
14. Part Two: Qualifying Small Enterprises (QSEs) Scorecard	22
15. Ownership	22
16. Management Control	23
17. Skills Development	23
18. Enterprise and Supplier Development	24
19. Socio-economic Development Contributions	24
20. Responsible Marketing and Communications	24
21. Constitution of the MAC South Africa (MAC SA)	25
22. Charter Council Members	30
23. Secretariat for the MAC SA	31
24. Industry Stakeholders Undertakings	31

## MARKETING, ADVERTISING AND COMMUNICATION SECTOR CHARTER

29 JULY 2015

### 1. INTRODUCTION

We, members of the broader marketing, advertising, public relations, communication and research industry as well as related sectors, recognise the critical role our industry fulfils in South Africa. We are mindful of the impact our industry has on millions of our people across all walks of South African life, therefore we accept the responsibility consequent thereto. We further acknowledge that marketing and advertising communication as the livewire of a free market-based economy is an intrusive form of communication to which over 47 million South Africans are subjected to every day of their lives. For such a small industry, its power to influence South Africans is disproportionate to its size; hence the need to make it a truly South African industry is imperative.

### 2. SCOPE OF APPLICATION

The provisions of this charter apply to Advertising, Public Relations and Communication as marketing vehicles in all media including digital platforms. It is applicable to companies who derive more than 50% of their profit from this sector. It is acknowledged that the Codes of Good Practice will govern the management of B-BBEE to the extent that where the measurement principles contained in the MAC Sector Charter differ materially, the Codes of Good Practice will take precedence.

- 2.1 An advertising company is an enterprise whose core business is the conceptualisation, creation and production of advertising to foster a relationship between a product and the consumer.
- 2.2 A public relations company is an enterprise whose core business is the conceptualisation, creation and implementation of communication to facilitate a relationship between a product and the public.

2.3 A communication company is an enterprise whose core business is the conceptualisation, creation, production and implementation of communication as a marketing tool in two or more of the following disciplines;

- Advertising
- Public Relations
- Experiential
- Design

2.4 This will apply specifically to the following:

2.4.1 Advertising in general with particular reference to the following forms:

- **Through the line:** Traditional form of advertising using all paid for media from electronic to print embracing interactive and non-interactive response mechanisms.
- **Above the line:** Traditional form of advertising using all paid for media from electronic to print excluding interactive response mechanisms.
- **Below the line:** Traditional form of advertising using all paid for media from electronic to print as interactive response mechanisms.
- **Experiential:** Traditional form of advertising using unconventional media like events and functions to physically bring the experience of the product to the consumers.
- **Design:** Design as a classical communications discipline as well as an integral element of Integrated Marketing Communication in all paid for media.

2.4.2 Communication

- **Public Relations:** Traditional form of communication that employs all media from electronic to print by issuing media releases, communiqués, statements and advertorials.
- **Social Marketing:** Communication form that uses all media as in public relations, traditional advertising and experiential for cause related communications.

2.5 In as far as the marketing sector is referred to in this document, it is with the understanding that they are clients, who themselves could belong or subscribe to their own or other sector specific charters.

- For example: marketers in the mining industry are bound by the Mining Sector Charter.

In October 2001, the Parliamentary Portfolio Committee on Communications, an organ of the National Assembly, convened public hearings into the pace of transformation in the advertising and marketing value chain.

After finding that the pace of transformation in the value chain was unacceptably slow, the Parliamentary Portfolio Committee on Communications directed government, through Government Communications and Information System (GCIS) and the Department of Communications, to facilitate a consultative process with all stakeholders to find a common blueprint for the transformation of the industry. This mandate resulted in the first joint undertaking by all stakeholders to commit to a unified view and common approach as contained in the values statement. This was codified as "**The Values Statement of the Marketing and Communication Industry**". It was endorsed by all stakeholders, adopted and signed on 23 April 2003.

The Values Statement, reproduced in full hereinafter, is the foundation on which the Marketing, Advertising and Communication Charter is based.

## 2 VALUES STATEMENT

**As a statement of values of an industry which is global in its outlook and reach, and genuinely South African in its roots, we of the marketing, advertising and communication industry state that:**

We acknowledge that like the rest of South African society, we have been plagued by the injustices of South Africa's racist past in terms of employee representivity, ownership and decision-making.



We further recognise that the industry plays a critical role in the creation of wealth and the development of our economy, and believe that transformation of the industry is essential for its long-term growth and the upliftment of people who have historically been disadvantaged. In the spirit of the Constitution of South Africa, we believe that "South Africa belongs to all who live in it, united in our diversity and committed to improve the quality of life of all citizens and the potential of each person."

We hereby commit ourselves to the following values:

**I. Inclusivity and Diversity:**

- (a) The sector reflects and shapes the norms of our society. As such it must be committed to reflecting the values and aspirations of all South Africans.
- (b) This requires that the industry – in its ownership as well as in the traditions and cultures it draws upon – to reflect the diversity of the South African population.
- (c) The industry is committed to sustainable skills development, which enables all our people to enjoy access to the knowledge base needed to shape their destinies within the industry.

**II. Soul of the Nation**

- (a) This industry works in the context of a unique transition – a transition described as a miracle.
- (b) We shall use our strengths to promote pride in the South African Brand. The industry can contribute to the transition by promoting understanding and appreciating our diverse cultures, traditions, histories, abilities and disabilities. It can highlight prejudice where it exists by promoting tolerance of all human beings. In doing so, the sector can become a mirror of the soul of the nation.

**III. Respect and Human Dignity**

- (a) The industry works in a society where the poor, the illiterate, the disabled, women and children suffer a myriad of intolerances. While working for their amelioration and empowerment, the industry shall ensure that the dignity of all human beings, and in particular of these vulnerable groups, is respected.
- (b) The industry recognises the difficulty of escaping the stereotyping of any group. Where this has to be resorted to, the industry shall take particular care not to stereotype or use humour in a manner to target groups mentioned above.

**IV. Business and People's Needs**

- (a) We recognise that the consumer is at the core of our business. Recognising that the industry serves business in its endeavour to create wealth, we shall ensure that the requirement and sensitivities of the consumer are placed at the centre of all our creativity and planning. In doing so, we shall better serve the commercial needs to business as well as the long-term aspirations of the South African nation.
- (b) Furthermore, the industry shall be committed to abiding by the principle of good corporate governance and abide by the highest standards of ethical business practices.

**V. Responsible Creativity**

- (a) We are mindful that this is an industry which impacts on the views and aspirations of the entire population.
- (b) This means that the industry must act sensitively while endeavouring to break the bounds of creative barriers. Such commitment will lay the basis for a self-regulation regime that can best serve all stakeholders.

**Whilst this sector charter endeavours to achieve redress, the commitment made in this charter shall not place limits upon the various rights and obligations enshrined in the Constitution and protected by the Bill of Rights, especially the Freedom of Expression.**

**Distilled from the values are the objectives**

1. Transformation
2. Truly South African industry
3. Creativity

**4. COMMITMENT AND UNDERTAKINGS**

**This need was recognised by the Association for Communication and Advertising (ACA) previously known as the Association of Advertising Agencies (AAA) herein after referred to as ACA in 2000:**

*"We, members of the ACA, believe that our industry should be the creator and custodian of truly outstanding South African advertising and communication ideas, ideas that while proudly proclaiming their African heritage, still communicate effectively within the global context. We, accordingly, jointly and severally commit ourselves to the harnessing of all resources at our disposal towards the transformation of our industry and related disciplines to reflect and represent the totality of skills and contribution from our unique South African experience."*

*We, further, pledge ourselves to the actualisation of empowerment and transformation goals as determined by prevailing industry needs and dictates in order to achieve meaningful and total involvement of those formerly excluded from the real process. We are irrevocably committed to changing our industry for the better and shall only open membership of the Association of Advertising Agencies to those who demonstrate their commitment to transformation by adopting and signing this charter.*

*We will therefore establish the advertising industry as unique to South Africa; for all the people of South Africa; by all the people of South Africa; promote the constitutional right of equality and the exercise of true democracy; eliminate unfair discrimination; ensure the implementation of employment equity to redress the effects of discrimination; achieve a diverse workforce broadly representative of our people; promote economic development and efficiency in the workforce; provide training and skills through the AAA School of Advertising to students previously excluded from access initiate practical training programmes for skills development; change the culture of our organisation and members to accept and implement the changes; seek and accept equity partners to reflect the true demography and rich cultures of South Africa;*

*support and encourage each other in reaching our stated goals in letter and spirit; irrevocably bind ourselves to measures to achieve these goals within a reasonable time.*

**Public Relations Institute of Southern Africa (PRISA):**

*"Transformation is the implementation of fundamental changes to the way we do things to become and remain a successful organisation. The availability of various talent, competencies and cultural backgrounds among members of the Institute will enhance performance and stature. Therefore, PRISA is committed to a process of transformation that will accelerate opportunities for diversity and growth and will make its membership representative of the South African population at all levels."*

## **5. STRATEGIC DRIVERS OF CHANGE**

- 5.1 Demonstrate commitment to grow and enhance the levels of creativity in the marketing, advertising and communication sector.
- Support the AAA School of Advertising and all other institutions that offer courses in marketing communication and visual arts.
  - Avail financial assistance for marketing and public relations communication and visual arts students.
  - Subscribe to a periodic mandatory intake of interns and trainees.
- 5.2 Intervene to increase the pool of skills in copywriting and visual arts.
- Recognise talent and creative ability as criteria for entry into the creative studios or nurseries.
  - Encourage and support creative community initiatives as talent nurturing pools.
  - Facilitate the development of skills needed for migration to digital communication especially amongst the previously excluded.
- 5.3 Promote and popularise the communication sector as a career.
- Organise and participate in career open days especially at high school level.
  - Advertise the industry as a career opportunity in popularly consumed media.

- 5.4 Subscribe to and uphold ethical conduct in line with generally expected business principles in a democratic South Africa.
- Actively promote fair procurement processes in communication services which must neither unfairly discriminate against nor prejudice emerging and small qualifying enterprises.
  - Impose sanction on any business practice that undermines provisions of the South African constitution.
- 5.5 Encourage adherence to responsible advertising and communication in all facets of social communication.
- Organise and conduct seminars on the subject.
  - Conduct research where necessary to update knowledge bank.
  - Update communications, including government communications on responsible advertising trends.

The Sector Charter for the Marketing, Advertising & Communication Industry adheres to the B-BEE Amendment Act No 46 of 2013 available on <http://www.acasa.co.za> and [www.prisa.co.za](http://www.prisa.co.za)

## 6 INTERPRETATIONS

**Advocacy body:** Those members of the MAC SA Charter Council who endorse and/or influence the transformation the MAC sector charter, due to their involvement as partners, suppliers, and stakeholders.

**Black Economic Empowerment (BEE)** – is defined as an integrated and coherent socio-economic process that directly contributes to the economic transformation of South Africa and brings about significant increases in the number of black people who manage, own and control the country's economy, as well as significant decreases in income inequalities.

**BEE Verification Agency:** Means any verification enterprise that has been accredited by a statutory body on behalf of the Department of Trade and Industry (**the dti**) and who meet the minimum technical and BEE criteria for rating agencies as described in the accreditation manual.

The main role of the BEE rating agencies is to provide an independent opinion on the Broad-Based BEE (B-BBEE) status of enterprises. An accredited BEE rating agency must have the capacity to evaluate, verify and confirm the BEE status of enterprises using the Broad-Based BEE scorecard as presented in Statement 000. An accredited BEE rating agency cannot issue an opinion on an enterprise with which it has a conflict of interest.

**BEE transactions means:** All transactions for the acquisition by black people of direct ownership in an existing or new entity, other than a small, medium enterprise [SME] in the marketing and communication sector of the economy, joint ventures with, marketing and communication ventures or other equity investments in BEE companies (other than SME).

**B-BBEE Codes of Good Practice:** Means the Codes published by the Department of Trade and Industry (**the dti**) in accordance with the Broad-Based Black Economic Empowerment (B-BBEE) Amendment Act no.46 of 2013. The BEE Codes of Good Practice are to be applied in the development, evaluation and monitoring of BEE charters, initiatives, transactions and other implementation mechanisms. The statement contains basic principles and essential considerations, as well as guidance in the form of explanatory, and other, material.

**Black Owned Company** – means any company or enterprise that is more than 50% owned and controlled by black people.

**Black empowered company** – means a company that is more than 25% owned and controlled by black people and where substantial participation in control is vested in black people.

**Black influenced company** – means a company that is between 5% and 25% owned and controlled by black people and with participation in the control by black people.

**Black people** – is as defined in the B-BBEE Act No 46 of 2013, save that it is limited to South African citizens. In terms of the implementation of the Codes of Good Practice, the term is further defined as Africans, Coloureds and Indians who are South African citizens. For avoidance of doubt, this term does not include juristic persons or any form of enterprise other than a sole proprietor. With regard to this definition, "black women" means black people who are women and "black designated groups" means black people who are also workers, youth, people with disabilities or people living in rural areas.

**Black SME** – means a small or medium enterprise (with turnover ranging from R500 000 per annum to R20 million per annum as defined in the Small Business Act), which is black, is a black company or a black empowered company.

**Black women empowerment enterprise** – means a company that is more than 30% owned by black women, and where substantial participation in control is vested in black women.

**Broad-based ownership scheme** – is where an empowerment shareholder represents a broad base of members such as employees (to the extent that the options have actually been exercised), collective and/or communities, or where the benefits support a target group, for example black women, people living with disabilities and the youth. Shares are held directly or indirectly through non-profit organisations and trusts. At the same time, directors and management of the groups should predominantly compromise black people.

**Charter Council** – means a Charter Council established in terms of this Sector Charter and that is responsible for the overall monitoring, evaluation and reports of the Sector Charter.

**Company** – means an enterprise registered in terms of the Company Act, 1973 (Act 61 of 1973), close corporations, trusts and any other such enterprise formed for business purposes. Control centres on the authority and power to manage assets, determination of policies and direction of business operations. Indicators of control may include:

1. Participation in control structures of a business unit or of the company (such as shareholders meetings, board of directors, board subcommittees and divisional boards), the exercise of voting rights on the board of directors and committees thereof, and controlling equity.
2. Participation in executive management.

**Designated investment** – means any form of statutory or voluntary deposit saving, investment or risk insurance placed or made by the South African public (whether of a wholesale or retail nature, but not by one financial institution in another).

**Direct ownership** – means ownership of an equity interest together with control over all the voting rights attaching to the equity interest.

**Duly constituted meeting:** A meeting convened according to the standard rules adopted by the MAC SA or the MAC SA Charter Council.

**Empowerment financing** – means the provision of finance for or investment in:

1. Targeted investment
2. BEE transactions

**Enterprise development** – means support for existing, or fostering of, new black SMEs and BEE companies in the marketing, advertising and communication sector of the economy.

**Indirect Ownership** – occurs where an institution or other investor owns equity in a company on behalf of beneficiaries and there may not be direct participation by the beneficiaries in the voting rights.

**MAC SA:** A broad forum of marketing, advertising and communication enterprises comprising representatives from each stakeholder group or industry who are signatories to the sector charter, and who are guided by the MAC SA Constitution and its mandate.

**Management** – The general management definition and levels will be in line with the guidelines set by the Department of Labour with the provision that the sector will constantly align specific portfolio positions with the requirements of the BBBEE Amendment ACT 46 of 2013.

**Procurement** – means all expenditure to acquire goods and/or services including capital expenditure, but excluding:

1. Broker commission
2. Reinsurance premiums
3. Commissions to insurance intermediaries
4. Property and rental purchases (although property management is specifically included)
5. Expenditure classes covered elsewhere in the charter e.g. salaries and wages (contract staff are regarded for this purpose as own staff and are excluded)
6. Procurement spending where there is a natural monopoly



7. Any items of procurement where the supplier is imposed in terms of a global policy for provision of technical expertise
8. Inter-entity charges for services rendered by other members of the group
9. Social investment expenditure and donations
10. All Value-Added Tax payable

**Regulation or regulate** – when used in this charter, it shall have a common law or economic meaning, depending on the context in which it is used, referring the set of rules and regulations that govern the commercial associations that operate in this sector.

**Exempted Micro Enterprise** – means an Entity with an annual turnover of R10 (ten) million or less for the Marketing, Advertising and Communication research sector. However an EME in the Public Relations sector means an entity which has an annual turnover of less than R1 million.

#### Large Entity Development

A company is defined as a Large Entity if its annual turnover is:

Industry Sub-Sector	Definition of Large Entity
Public Relations industry	Turnover is R10 million and above
Advertising industry	turnover is R50 million and above
Marketing, advertising and communication research industry	turnover is R50 million and above

#### Qualifying Small Enterprise

A company is defined as a Qualifying Small Enterprise (QSE) if its annual turnover is:

Industry Sub-Sector	Definition of QSE
Public Relations industry	turnover of between R1 million and R10 million
Advertising industry	turnover of between R10 million and R50 million
Marketing, advertising and communication research industry	turnover of between R10 million and R50 million

**Sound business practice** – means business practice which is conducive to the establishment, maintenance and promotion of:

1. domestic and international confidence in the marketing and communication sector
2. best international practice and culture relating to creative production that reflects the aspiration of the people of South Africa
3. sustainable sources of finance, taking cognisance of the different resources available
4. level playing fields and competition between the different sub sectors in the marketing and communication sector value chain and hence the avoidance of arbitrage between the sub sectors
5. BEE transactions taking place on willing seller and willing buyer basis

**Industry Stakeholder** - means all groups, organizations, individuals who, may or may not be signatories of the MAC SA sector charter in the context of this sector charter, demonstrate common commercial characteristics and are directly or indirectly affected by the implementation of the MAC sector charter.

**Targeted Investment** – means debt financing of, or other forms of credit extension to, or equity investment in South African projects in areas where gaps or backlogs in economic development and job creation have been adequately addressed by financial institutions. It specifically means financing of, or investment in marketing, advertising, public relations and communication transformational infrastructure projects that support economic development in underdeveloped areas and contribute towards equitable access to marketing, advertising, public relations and communication resources.

**Voting Member (MAC SA Charter Council)** – means any elected member of the MAC SA Charter Council.

**Voting Member (MAC SA)** – means a member representing any constituents of the MAC SA.

## 7 MAC SA SECTOR SCORECARD

The Broad-Based Black Economic Empowerment (B-BBEE) Scorecard for the Marketing, Advertising, Public Relations and Communication sector should be read in conjunction with the B-BBEE Codes of Good Practice available on <http://www.acasa.co.za> and [www.prisa.co.za](http://www.prisa.co.za).

### 7.1 B-BBEE status based on overall performance of a measured entity using the generic scorecard

	B-BBEE status	Qualification	B-BBEE-recognition level
1	Level-one contributor	≥100 points on the Generic Scorecard	135%
2	Level-two contributor	≥95 but <100 points on the Generic Scorecard	125%
3	Level-three contributor	≥90 but <95 points on the Generic Scorecard	110%
4	Level-four contributor	≥80 but <90 points on the Generic Scorecard	100%
5	Level-five contributor	≥75 but <80 points on the Generic Scorecard	80%
6	Level-six contributor	≥70 but <75 points on the Generic Scorecard	60%
7	Level-seven contributor	≥55 but <70 points on the Generic Scorecard	50%
8	Level-eight contributor	≥40 but <55 points on the Generic Scorecard	10%
9	Non-compliant contributor	<40 points on the Generic Scorecard	0%

## 7.2 PART ONE: LARGE ENTITIES SCORECARD

	Element	Weighting
1	Ownership	25 points
2	Management control	27 points
3	Skills development	30 points
4	Enterprise and supplier development	42 points
5	Socio-economic development initiatives	5 points
6	Responsible marketing and communications	5 points
Total weighting points		134 points

## 8 Ownership

BEE elements	Indicators	Weighting points	Compliance Targets	Timeframe
				2018
8.1 Voting rights	8.1.1 Exercisable voting rights in the enterprise in the hands of black people	4	40%	45%
	8.1.2 Exercisable voting rights in the enterprise in the hands of black women	2	20%	30%
8.2 Economic interest	8.2.1 Economic interest of black people in the enterprise	4	30%	45%
	8.2.2 Economic interest of black women in the enterprise	2	10%	15%
	8.2.3 Economic interest of black natural people in the enterprise:	3	3%	5%
	8.2.3.1 black designated groups			
	8.2.3.2 black participants in employee-ownership schemes			
8.2.3.3 black beneficiaries of broad-based ownership schemes	2	2%	4%	
8.2.3.4 black participants in co-operatives				
8.2.4 Involvement in the ownership of the enterprises of black new entrants.				
8.3 Realisation points	Net value	8		
		25		

Weighting = 25

## 9 Management Control

BEE elements	Indicators	Weighting points	Compliance Targets	Timeframe
				2018
9.1 Board Participation	9.1.1 Exercisable voting rights of black board members as a percentage of all board members	2	50%	50%
	9.1.2 Exercisable voting rights of black female board members as a percentage of all board members	1	25%	25%
	9.1.3 Black executive directors as a percentage of all executive directors	2	50%	50%
	9.1.4 Black female executive directors as a percentage of all executive directors	1	25%	25%
9.2 Other Executive Management	9.2.1 Black executive management as a percentage of all executive management	3	60%	60%
	9.2.2 Black female executive management as a percentage of all executive management	2	30%	30%
9.3 Senior Management	9.3.1 Black employees in senior management as a percentage of all senior management	3	60%	60%
	9.3.2 Black female employees in senior management as a percentage of all senior management	2	30%	30%
9.4 Middle Management	9.4.1 Black employees in middle management as a percentage of all middle management	3	75%	75%
	9.4.2 Black female employees in middle management as a percentage of all middle management	2	38%	38%
9.5 Junior Management	9.5.1 Black employees in junior management as a percentage of all junior management	2	88%	88%
	9.5.2 Black female employees in junior management as a percentage of all junior management	2	44%	44%
9.6 Employees with Disabilities	9.6.1 Black employees with disabilities as a percentage of all employees	2	2%	2%
		27		

Weighting = 27

## 10 Skills Development

BEE elements	Indicators	Weighting points	Compliance Targets	Timeframe 2018
10.1 Skills development expenditure on any programme specified in the Learning Programme Matrix for black people as a percentage of the Leviable Amount	10.1.1 Skills development expenditure on learning programmes specified in the learning programme matrix for black people as a percentage of leviable amount	8	4%	6%
	10.1.2 Skills development expenditure on learning programmes specified in the learning programme matrix for black employees with disabilities as a percentage of leviable amount.	4	0.2%	0.3%
10.2 Learnerships and Internships	10.2.1 Number of black unemployed people participating in learnerships and internships as a percentage of total employees	4	1.5%	2.5%
	10.2.2 Number of black unemployed people participating in training specified in the learning programme matrix as a percentage of number of employees	4	1.5%	2.5%
10.3 Bonus points	10.3.1 Number of black people absorbed by the Measured and Industry Entity at the end of the Learnerships and Internships programme	10	100%	100%
		30		

Weighting = 30

## 11 Enterprise and Supplier Development

BEE elements	Indicators	Weighting points	Compliance Targets	Timeframe
				2018
11.1 Preferential procurement	11.1.1 B-BBEE procurement spend from all empowering suppliers based on the B-BBEE procurement recognition levels as a percentage of total measured procurement spend	5	80%	80%
	11.1.2 B-BBEE procurement spend from all empowering suppliers that are qualifying small enterprises based on the applicable B-BBEE procurement recognition levels as a percentage of total measured procurement spend	4	15%	20%
	11.1.3 B-BBEE procurement spend from all exempted micro-enterprises based on the applicable B-BBEE procurement recognition levels as a percentage of total measured of total measured procurement spend	5	15%	20%
	11.1.4 B-BBEE procurement spend from empowering suppliers that are at least 51% black owned based on the applicable B-BBEE procurement recognition levels as a percentage of total measured procurement spend	9	40%	40%
	11.1.5 B-BBEE procurements spend from empowering suppliers that are at least 30% black women owned based on the applicable B-BBEE procurement recognition levels as a percentage of total measured procurement spend	4	12%	12%
Bonus points	B-BBEE procurement spend from designated group suppliers that are at least 51% black owned	2		2%
11.2 Supplier development	11.2.1 Annual value of all supplier development contributions made by the measured entity as a percentage of the target	10	2% of NPAT	2% of NPAT
11.3 Enterprise development	11.3.1 Annual value of enterprise development contributions and sector specific programmes made by the measured entity as a percentage of the target	5	1% of NPAT	1% of NPAT
11.4 Bonus points	11.4.1 Bonus point for graduation of one or more enterprise development beneficiaries to graduate to the supplier development level	1		
	11.4.2 Bonus point for creating one or more jobs directly as a result of supplier development and enterprise development initiatives by the measured entity	1		
		42		

Weighting = 42

## 12 Socio-economic Development Contributions

BEE elements	Indicators	Weighting points	Compliance Targets	Timeframe
				2018
12.1 Social-economic development	12.1.1 Average annual value of all socio-economic development contributions by the measured entity as a percentage of the target	5	1% of NPAT	2.5%

Weighting = 5

## 13 Responsible Marketing and Communications

BEE elements	Indicators	Weighting points	Compliance Targets	Timeframe
				2018
13.1 Social-economic development	13.1.1 Annual value of contributions and participation in sector specific programs of the entity to promote responsible behavioural changes in line with Government's strategic objectives	5	1% of NPAT	2.5%

Weighting = 5

**TOTAL weighting = 134**



**14 Part Two: Qualifying Small Enterprises (QSEs) Scorecard**

	Element	Weighting
1	Ownership	25
2	Management control	15
3	Skills development	25
4	Enterprise and supplier development	30
5	Socio-economic development initiatives	5
6	Responsible marketing and communications	5
Total weighting points		105

**15 Ownership**

BEE elements	Indicators	Weighting points	Compliance Targets	Timeframe
				2018
15.1 Voting Rights	15.1.1 Exercisable voting rights in the enterprise in the hands of black people	5	25% + 1 vote	25% +1 vote
	15.1.2 Exercisable voting rights in the enterprise in the hands of black women	2	10%	12%
15.2 Economic Interest	15.2.1 Economic interest of black people in the enterprise	5	25%	20%
	15.2.2 Economic interest of black women in the enterprise	2	10%	12%
	15.2.3 New entrants or black designated groups	3	2%	2%
15.3 Realisation Points	15.3.1 Net value	8	60%	60%
		25		

Weighting = 25

**16 Management Control**

BEE Elements	Indicators	Weighting points	Compliance Targets	Timeframe
				2018
16.1 Executive Management	16.1.1 Black representation at executive management	5	50%	50%
	16.1.2 Black female representation at executive management	2	25%	30%
16.2 Non-Executive Management	16.2.1 Black representation at non-executive management	6	60%	60%
	16.2.2 Black female representation at non-executive management	2	30%	35%
		15		

Weighting = 15

**17 Skills Development**

BEE elements	Indicators	Weighting points	Compliance Targets	Timeframe
				2018
17.1 Skills development expenditure on any programme specified in the Learning Programme Matrix for black people as a percentage of the Leviable Amount	17.1.1 Skills development expenditure on learning programmes specified in the learning programme matrix for black people as a percentage of leviable amount	20	3%	4%
	17.1.2 Skills development expenditure on learning programmes specified in the learning programme matrix for black females as a percentage of leviable amount	5	2%	3%
		25		

Weighting = 25

**18 Enterprise and Supplier Development**

BEE elements	Indicators	Weighting points	Compliance Targets	Timeframe
				2018
18.1 Preferential procurement	18.1.1 B-BBEE procurement spend from all empowering suppliers based on the B-BBEE procurement recognition levels as a percentage of the total measured procurement spend	12	60%	60%
	18.1.2 B-BBEE procurement spend from all empowering suppliers that are at least 51% black owned based on the applicable B-BBEE procurement recognition levels as a percentage of total measured procurement spend	8	15%	20%
18.2 Supplier development	18.2.1 Annual value of all supplier development contributions made by the measured entity as a percentage of the target	5	1% of NPAT	2% of NPAT
18.3 Enterprise development	18.3.1 Annual value of enterprise development contributions and sector specific programmes made by the measured entity as a percentage of the target	5	1% of NPAT	2% of NPAT
		30		

Weighting = 30

**19 Socio-economic development contributions**

BEE elements	Indicators	Weighting points	Compliance Targets	Timeframe
				2018
19.1 Social-economic development	19.1.1 Annual value of all socio-economic development contributions by the measured entity as a percentage of the target	5	1% of NPAT	2% of NPAT

Weighting = 5

**20 Responsible Marketing and Communications**

BEE elements	Indicators	Weighting points	Compliance Targets	Timeframe
				2018
20.1 Social-economic development	20.1.1 Annual value of contributions and participation in sector specific programs of the entity to promote responsible behavioural changes in line with Government's strategic objectives	5	1% of NPAT	2% of NPAT

Weighting = 5

**TOTAL weighting = 105**

**21 CONSTITUTION OF THE MAC SOUTH AFRICA (MAC SA)****21.1 PREAMBLE**

21.1.1 We, signatories to the Marketing, Advertising and Communication sector charter, having irrevocably committed ourselves to the goals and targets enshrined therein, acknowledge that transformation goes beyond numbers and percentage; it embraces the totality of our experience and *raison d'être*.

21.1.2 We further accept that to achieve our goal of transformation of the Marketing Advertising, Public Relations and Communication sector, we must work together through a single representative body and harness and manage our resources in the most cost effective manner.

21.1.3 Therefore, we resolve to a forum comprising representatives of all representatives from all stakeholders, empowered in terms of Section 4 of the B-BBEE Amendment Act 46 of 2013 to guide the MAC industry in its implementation of the Charter and all matters related to the B-BBEE Codes.

21.1.4 A duly constituted monitoring and evaluation forum, the MAC Charter Council shall be the highest decision making body on all matters related to the implementation of the sector charter.

**21.2 NAME**

21.2.1 The forum shall be known as the "Marketing, Advertising and Communication South Africa". The abbreviated form of the name shall be the "MAC SA". Both names shall be duly registered and afforded all legal protection as properties and or trademarks of the MAC SA.

21.2.2 Likewise all icons, logos, logotypes, slogans and symbols developed specifically as part of the name and identity of the MAC SA shall be registered and protected under the relevant legal provisions.

### 21.3 **FUNCTIONS**

The functions of the MAC Charter Council as set out in the B-BBEE Codes of Good Practice are to:

- 21.3.1 Provide guidance on sector-specific matters affecting BEE in entities within the sector.
- 21.3.2 Monitor, measure and evaluate entities within the sector against the MAC sector charter.
- 21.3.3 Compile reports on the status of B-BBEE within the sector.
- 21.3.4 Share information with the national monitoring mechanism and approved accreditation agencies, which can have specific relevance to BEE in the sector in terms of targets set out in the MAC sector charter.
- 21.3.5 Report to the Minister of Trade and Industry and to the Advisory Council on progress made by the sector implement programmes intended to leverage verification capacity within the industry.

### 21.4 **OBJECTIVES**

- 21.4.1 To give meaningful expression and implementation of the MAC sector charter by facilitating and expediting the transformation within the industry.
  - Assume the role of a national policy making body that will give mandates to the MAC Charter Council.
  - Formulate policies agreed upon and with guidance of the MAC Charter Council, monitor its progress.

## 21.5 COMPOSITION OF THE COUNCIL

- 21.5.1 In accordance with the Codes of Good Practice, there shall be equitable representation of stakeholders in the membership composition.
- 21.5.2 In the interest of being representative of the collective experience of our country and to also avail itself of expertise, each stakeholder will be entitled to two (2) representatives.
- 21.5.3 The MAC SA fulfils its mandate through the Secretariat of the MAC Charter Council.

## 21.6 ACCOUNTABILITY

- 21.6.1 The MAC SA is accountable to all stakeholders, comprising representatives from the Marketing, Advertising, Public Relations and Communication stakeholder bodies.
- 21.6.2 The MAC SA will consist of two (2) members from each stakeholder who subscribed to the MAC Charter. MAC SA reserves the right to co-opt members from advocacy bodies.
- 21.6.3 The MAC SA will convene at least one (1) annual meeting to report and interact with the MAC Charter Council.
- 21.6.4 The MAC SA may review its mandate if tabled at a fully constituted meeting, and if more than twenty five percent (25%) of stakeholders in the MAC SA agree to the motion.

## 21.7 DURATION OF TENURE

- 21.7.1 Each stakeholder representative shall serve for a minimum of three (3) years with an option of another two (2) consecutive years. No member may serve on the MAC SA for more than four (4) consecutive years. No more than half of the members of the MAC SA may leave at the end of the first three years.

21.7.2 The Chairperson of the MAC SA shall not be a Chairperson of the MAC Charter Council.

## 21.8 MEETINGS

21.8.1 The MAC SA shall hold a duly constituted meeting at least once a year in pursuance of its mandate. A special meeting may be convened if at least a third of voting members give their consent to the Chairperson.

21.8.2 Every MAC SA meeting will be conducted in accordance with the MAC SA's adopted rules and procedures. A quorum at a duly constituted meeting will be achieved when fifty percent (50%) of voting members are present.

## 21.9 FINANCIAL MANAGEMENT

21.9.1 All financial transactions will be undertaken in the auspices of the MAC Charter Council Secretariat in accordance with International Financial Reporting Standards Framework (IFRS).

21.9.2 Financial reports will be presented to the MAC SA at every standing meeting.

21.9.3 The Secretariat shall cause an annual audit to be conducted and presented to the MAC SA.

21.9.4 The financial year will end on the 31<sup>st</sup> March of every year.

21.9.5 The MAC SA will be funded by the stakeholders through the mechanism adopted by the MAC Charter Council.

## 21.10 DISQUALIFICATION

21.10.1 A member will be disqualified from serving on the MAC SA on the following if:

21.10.1.1 Advised by the constituent body which the member represents.

- 21.10.1.2 Withdrawal by the Constituent body of participation on the MAC SA and or ceases to be a member of the MAC SA for any reason.
- 21.10.1.3 Becomes an unrehabilitated insolvent.
- 21.10.1.4 Is convicted of a crime and sentenced to more than six (6) months imprisonment and having to serve without the option of a fine.
- 21.10.1.5 Contravenes and or violates the provisions of the MAC Sector Charter.
- 21.10.1.6 A stakeholder will be disqualified immediately if found to have violated the provisions of the MAC SA Constitution.

## 21.11 **AMENDMENT TO THE MAC SA CONSTITUTION**

- 21.11.1 The MAC SA Constitution can only be amended if sixty percent (60%) of all voting members give their consent at a duly constituted council meeting.
- 21.11.2 A notice of amendment to the MAC SA Constitution must be circulated for a period of fourteen (14) days before its implementation.

## 21.12 **DISSOLUTION**

- 21.12.1 The MAC SA can only be dissolved if sixty percent (60%) of all voting members give their consent at a duly constituted meeting.
- 21.12.2 A meeting to discuss the dissolution of the MAC SA must be attended by eighty percent (80%) of voting members.
- 21.12.3 At least twenty-one (21) days notice must be given to all MAC SA members.
- 21.12.4 In event that there is dissolution of the MAC SA, any assets will be ceded to a body that espouses similar objectives.



## 21.13 INDEMNITY AND LIABILITY

21.13.1 Every member of the MAC SA shall be indemnified against personal claims made against that member and in any losses and expenses incurred by that member in execution of his or her duties of the work of the MAC Charter Council, except if acted in bad faith or negligence.

21.13.2 No member of the MAC SA shall have any liability for any commitments undertaken by MAC SA.

## 21.14 FUNDING AND BUDGET

**Equitable funding by all stakeholders:** This option requires that all the industry bodies represented on the Charter Council including the GCIS contribute equitably to annual projected expenditure required. This contribution can be made in cash or in kind to support and operationalise the work of the Charter Council. Industry representatives will source funding from individual organisations that belong to that industry body.

**The model of equitable contribution by all industry bodies:** The core members as defined in the scope of application will contribute proportionately together with the GCIS to the annual running costs of the MAC Charter Council. Once the funding model has been adopted by all parties referred to in the preceding clause, it will be incorporated into the MAC Sector Charter.

## 22 CHARTER COUNCIL MEMBERS

The MAC Sector Charter Council comprises members voted and/or delegated by the stakeholders.

## 23 SECRETARIAT FOR THE MAC SA

The GCIS will avail the secretariat function for the foreseeable future until the MAC Charter Council establishes its full time secretariat.

**24 INDUSTRY STAKEHOLDERS UNDERTAKINGS**

In support of the MAC Sector Charter application for SECTION 9 status, the following core members and stakeholders have given their endorsement;

Advertising Standards Authority of South Africa (ASA)  
Association for Communication and Advertising (ACA)  
Communication and Advertising Forum for Empowerment (CAFE)  
Government Communications and Information Services (GCIS)  
Public Relations Institute of Southern Africa (PRISA)  
South African Advertising Research Foundation (SAARF)

**Interested persons and the public to submit comments on the draft sector code within 60 days from the date of this publication**

**Interested parties may forward their comments in writing for the attention of:**

**Ms Julia Nzimande**

**Email: [macsectorcode@thedti.gov.za](mailto:macsectorcode@thedti.gov.za)**

**The dti Campus**

**77 Meintjies street**

**Sunnyside,**

**Pretoria**

**0002**

**Tel: 012 394 1609/3430**

**CLOSING DATE FOR COMMENTS: 2015-11-04**

## GENERAL NOTICE

NOTICE \_\_\_\_\_ OF 2015

## DEPARTMENT OF TRADE AND INDUSTRY

CODES OF GOOD PRACTICE ON BROAD BASED BLACK ECONOMIC  
EMPOWERMENT

I, Dr Rob Davies, Minister of Trade and Industry, hereby:

- (a) Issue the following **Amended MAC B-BBEE Sector Codes** for public comment in terms of Section 9 (5) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No 53 of 2003) as amended by Act No. 46 of 2013; and
- (b) Interested persons and the public to submit comments on the draft sector code within 60 days from the date of this publication.

Interested parties may forward their comments in writing for the attention of Ms Julia Nzimande as follows:

E-mail: [macsectorcode@thedti.gov.za](mailto:macsectorcode@thedti.gov.za)

or

the dti Campus  
77 Meintjies street  
Sunnyside, Pretoria  
0002

BEE Unit  
Private Bag X 84  
Pretoria  
0002

Enquiries: 012 394 1609/3430



**Dr Rob Davies, MP**  
**Minister of Trade and Industry**

## ANNEXURE 24.1



association for  
communication  
and advertising

**BOARD RESOLUTION**

At the Board meeting of the Association of Communication and Advertising NPC held on the 22<sup>nd</sup> of August 2013, it was resolved that:

The ACA Board acknowledges the efforts made by the GCIS and DTI BBBEE unit in assisting with the revision of the sector charter. Furthermore, having taken into consideration the undertaking by the DTI BBBEE unit, that the Minister is ready to gazette the proposed MACSA Charter for public comment as a Section 9 Charter, the Board mandated the MACSA task team to accordingly submit the revised MAC Charter.

Signed on behalf of the ACA Board of Directors:

ODETTE VAN DER HAAR  
Chief Executive Officer  
Association for Communication and Advertising NPC

Date: 22/08/2013

1st Floor ACA House Bridge On Bond Cnr. Bram Fischer Drive & Bond Street Kensington B Randburg P O Box 2302 Parklands 2121  
Telephone: +27 11 781 2772 Fax: +27 11 781 2797 www.acasa.co.za

Secretariat: CEO: O. van der Haar CFO: R. Cory  
DIRECTORS: Chairperson: N. Morris Vice Chairpersons: G. Curtis M. Gendel B. Pezisa  
M. Abel J. Barty A. Deeb K. Denelane S. Dexter J. Dixon G. Leck M. Makhene A. Mbanga J. McCarthy  
P. Middleton I. Moroke K. Musi S. Napier N. Nkomo E. O'Hanlon C. Primos J. Ribeiro D. Tomlinson N. Wills

Association for Communication and Advertising NPC Registration No. 1971/008178/09

## ANNEXURE 24.2



The Advertising Standards Authority of South Africa

(Association incorporated under Section 21)

Telephone 011 781 2005 Fax 011 781 1616 Email [info@asasa.org.za](mailto:info@asasa.org.za) Website [www.asasa.org.za](http://www.asasa.org.za)  
 Willowvlei Burnside Island Office Park (Entrance off Athole) 410 Jan Smuts Avenue, Craighall Park PO Box 41555 Craighall 2024  
 Company Registration Number 1995/009704/00 Non-profit Registration Number 043 604-NPO

Mr/Mrs/Ms .....

Department of Trade and Industry (The DTI)

Designation

Email address:

**RE: Support for MAC Charter**

Dear Mr/Mrs/Ms

The Advertising Standards Authority of South Africa, (ASA), is one of the original signatories of the Marketing, Advertising and Communications sector Charter, (MAC Charter) in compliance with S12 B-BBEE Codes of Good Practice, promulgated in 2007.

We now support the application for the MAC Charter to be gazetted as a sector Charter under S9 of the said B-BEE Codes of Good Practice.

Yours Sincerely

**Ms TN Msibi**  
**Chief Executive Officer**

Date: 27/03/2014

**N Nkomo**  
**Chairman of the Board**

Date: 27/03/2014.

President Judge Kate O'Regan

Directors NV Nkomo (Chairperson) J Siney-Gould (Vice Chairperson) TN Msibi (CEO) DR Terblanche I Louw P Mollwa M Gendel

**ANNEXURE 24.3****South African****Advertising Research Foundation**

Association Incorporated under Section 21 Reg. No. 73/1617208

**Pledge by the South African Advertising Research Foundation (SAARF)**

The South African Advertising Research Foundation hereby re-affirms that it identifies with the Marketing, Advertising and Communication Charter and pledges to advocate, promote and support the transformation goals and targets contained therein.

Although the Charter does not apply to SAARF as a non-profit organization, SAARF will endeavour as far as it is able to, to comply with the spirit of the MAC Charter and reaffirms its support of the transformation goals and targets contained therein.

SAARF's members represent the diversity of the communication industry, and the vast majority already has their own programmes in place in their respective industries. However, they also wish to express their in-principle support for the Charter again and have it noted as such.

As it will not be appropriate for SAARF to serve on the MAC Charter Council (since it is a non-profit research organization whose members in any event comprise representatives of industry players), SAARF will not be nominating anybody to serve on the MAC Charter Council.

Signed on behalf of the South African Advertising Research Foundation.

Paul Haupt  
CEO: SAARF

## ANNEXURE 24.4


**PRISA - The Institute for Public Relations & Communication Management**

Section 21 Registration No 2000/016388/08  
 VAT registration number: 4230111686  
 Tax Reference Number: 9807027140  
 P O Box 2825 Pinegowrie 2123 South Africa  
 ProComm House 108 Bram Fischer Drive Ferndale 2194  
 Tel +27 11 326 1262  
 Fax +27 11 326 1259  
 Email [info@prisa.co.za](mailto:info@prisa.co.za)  
 Website [www.prisa.co.za](http://www.prisa.co.za)

15 June 2015

Mr/Mrs/Ms .....

Department of Trade and Industry (The DTI)  
 Designation

Email address:

RE: Support of MAC Charter

Dear Mr/Mrs/Ms

The Public Relations Institute of Southern Africa, (PRISA), is one of the original signatories of the Marketing, Advertising and Communications sector Charter, (MAC Charter) in compliance with S 12 B-BBEE Codes of Good Practice, promulgated in 2007.

We now support the application for the MAC Charter to be gazette as a sector Charter under S9 of the said B-BEE Codes of Good Practice.

Sincerely

**ADELE PAULSEN**  
 EXECUTIVE DIRECTOR

**PUBLIC RELATIONS INSTITUTE OF SOUTHERN AFRICA (NPO)**

Section 21 Company Directors: Lungile Lose APR, Lorraine van Schalkwyk APR, Ingrid Lotze APR, Kevin Welman CPRP, Sylvia Collins APR, Roshnee Pillay CPRP, Tasneem Carrim CPRP, Brightness Mangolothi CPRP, Kyler Martin, Kavitha Kalicheren APR, Adele Paulsen (Executive Director)



# IMPORTANT

## Information

### from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.

# RULES

#### GPW Business Rules

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – [www.gpwonline.co.za](http://www.gpwonline.co.za))
7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za))
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za).



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