

**Submission by the African National Congress**

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**To the Technical Committee the Independent Media Commission and  
the Independent Telecommunications Authority**

Date : 12 May, 1993

**Introductory note**

The submissions contained herein relate to the Independent Media Commission. In this regard, we would like to give notice that a more comprehensive submission in legislative form will be delivered by Wednesday 19 May, 1993.

With regard to the Independent Telecommunications Authority we generally support the proposals that emerged from the CODESA process as a sufficient basis for the preparation of draft legislation. Further proposals from us dealing with specific aspects will be filed by 19 May, 1993.

**Independent Media Commission**

**1. Appointment and Term of Office**

An Independent Media Commission shall be established by Act of Parliament.

- 1.1 After nominations from the public to the Multi Party Forum, the final selection by the Multi Party Forum of seven commissioners, including that of the chairperson and vice-chairperson, shall be confirmed by the State President by notice in the Gazette.
- 1.2 The term of office of the IMC will be subject to review by the Constituent Assembly/Interim Parliament.

**2. Objects of the IMC**

The main objects of the Commission shall be:

- 2.1 the promotion of freedom of expression in order to assist the creation of a climate favourable to free and fair elections;
- 2.2 the promotion of fair and equitable access to broadcasting services by political parties, organisations or movements;
- 2.3 the monitoring of broadcasting services to ensure compliance with fairness guidelines on the coverage of issues with regard to elections and political parties, organisations or movements; and issues related thereto;
- 2.4 the monitoring of broadcasting services to ensure compliance by broadcasting services and political parties, organisations or movements with provisions on

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political broadcasts and political advertising;

- 2.5 the monitoring and review of all government information services and government-funded publications to ensure their impartiality;

### **3. Powers of the IMC**

The Commission shall have the power to:

- 3.1 mediate and adjudicate disputes between broadcasting services and political parties, organisations and movements;
- 3.2 require broadcasting services to broadcast a counter-version of a particular programme or facts and opinions expressed within a particular programme.
- 3.3 impose financial penalties on broadcasting services for non-compliance with provisions of the Act.
- 3.4 recommend the suspension, cancellation or revocation of a broadcast licence should the licence holder consistently and purposively contravene the provisions of this Act.
- 3.5 suspend the publication of a government-funded publication should that publication contravene guidelines in the Act;

### **4. Functions of the IMC**

In the promotion of its objects the Commission shall -

- 4.1 establish committees, which shall include a Political Communications Committee, a Fairness Guidelines Committee, a State Media Committee and a Monitoring Committee;
- 4.2 ensure fair implementation of rules on party political broadcasts and political advertising, fairness, and government information services and government-funded publications; such rules should be negotiated and agreed to before-hand;
- 4.3 hold inquiries;
- 4.4 monitor broadcasting services;
- 4.5 audit, monitor and review government-funded publications;
- 4.6 make recommendations to the TEC with regard to government information



services;

- 4.7 inform both the Electoral Commission and the TEC should the Commission become aware of any matter that may have an adverse impact upon the maintenance of a climate in which free and fair elections can be conducted;
- 4.8 act as the guarantor of the independence of the SABC Board and the Independent Broadcasting Authority by holding inquiries into and publishing findings on any alleged undue political or economic interference with the activities of both the Board and the Authority.
- 4.9 perform such other functions as may be assigned to the Commission by or under this Act or any other law.

## 5. Jurisdiction of IMC

The following shall not be within the jurisdiction of the IMC:

- 5.1 the printed media (the IMC will merely liaise with the Press Council, if and when necessary);
- 5.2 programme content of broadcasting services insofar as it does not relate to political developments, party political broadcasts, political advertising and the coverage of issues with regard to elections, political parties, organisations or movements.