



IMC-IEC 310593

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Dear Sir

INDEPENDENT MEDIA COMMISSION: FURTHER COMMENTS

Attached for your information and for the attention of the relevant Technical Committee, please find our further comments on the Draft Independent Media Commission Bill.

Yours faithfully

LUWELLYN LANDERS
(National Chairperson)

As we have already stated, the Labour Party favours the principle of the Bill.

Generally, the language and grammar in both Draft Bills needs improving. Accordingly, we provide comprehensive comments on those clauses which need amendments.

NB. words underlined indicate that they must be inserted into the clause, while those words enclosed in square brackets, [], indicate that they should be omitted.

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"radio [sound] broadcasting service" means a broadcasting service to be recieved by a sound radio set;

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2. Establishment of Commission - This Act establishes [There is hereby established] a juristic person called the Independent Media Commission which shall also be known as the IMC.

3.(1) to ensure equitable and comprehensive treatment of political parties by broadcasting services; and

(2) to ensure that state-financed publications and broadcasts are not used to advance the interests of any political party;

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5.(1)(b) An esteemed and competent [A] practising advocate or practising attorney who has been practising as such for a period of not less than ten years.

5.(4) At least two of the members of the Commission shall have knowledge and experience in the field of broadcasting media and at least one of the members of the Commission shall have knowledge and experience in the field of the print media.

5.(5)(b) Persons who, in the opinion of the Transitional Executive Council/Multi-Party Forum, are of high standing and merit and are fit for appointment on account of the fact that by reason of such persons' knowledge and experience and [or] any other qualifications which they have, they will promote the effective exercise or performance of the objects, powers and functions of the Commission;

5.(5)(d) Persons, who taken collectively [together], are broadly representative of and acceptable to a broad cross-section of the population of the Republic. [(3)]

6. Persons Disqualified from being Members of Independent Media Commission

No person shall be appointed as a member of the Commission if such [that] person:

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10.(7) The Commission shall keep an accurate and detailed [a] record of the proceedings of it's meetings.

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15. Political Broadcasts on Public Radio [Sound] Broadcasting Services

*NB This amendment should, therefore, apply throughout the Draft Bill.

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* Is Clause 17 not too wide?

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21.(4) The Commission shall afford the parties a fair hearing in response to a complaint made in terms of subsection (1).

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22.(f) Conveying the ruling to the IEC/TEC, in circumstances where the state-financed publication is the respondent; and/or

(g) [and/or] any other order which the Commission deems appropriate to remedy the matter.

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24. Reporting Responsibility of Commission

Without in any way derogating from it's independence, the Commission, on a quarterly basis, shall comprehensively report in writing to the Transitional Executive Council/Multi-Party Forum and the Independent Electoral Commission on it's activities.

26. Regulations

The State President, acting on the recommendation of the Commission, may make regulations as to any matter required or [committed to be] prescribed in terms of this Act.

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