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Democratic Party

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F A C S I M I L E T R A N S M I S S I O N

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Demokratiese Party
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**COMMENTS ON THE SIXTH DRAFT OF
 THE INDEPENDENT MEDIA COMMISSION BILL**

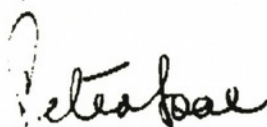
Clause:

- 4 (2) I am strongly of the opinion that these appointments should be made following a process of selection in public. The precedent of open hearings was established with the appointment of the SABC board and we should build on this and establish a culture of accountability which will be enhanced by open hearings. I hear the objection that this is a body with a limited life, but it is one with a crucial mandate to fulfill. If the public broadcaster is found not to be impartial it could have a negative impact on the certification of the election as fair and free. Whatever procedure is adopted for the selection of the members of the Commission there could not be any possible delay by opening it to the public and the media as they will simply observe and not participate.
5. (5) (c) No-one will be aware of the Commissioners commitment to openness and accountability etc unless they are examined in public.
- 6 (c) We have reservations about individuals who have a high political profile being appointed to the Commission. To simply remove the person from that office for a short period would not dilute their commitment to its principles and programmes. We would prefer individuals who are reasonably neutral to be appointed.
- 10 (7) The records should be public documents as are the determinations to be as provided for in section 21 (8).
- 13 (2) If the Commission is to have a limited life it should not be necessary to provide for subsidies and pensions.
- 15 (2) The following should be added: , provided that all parties shall receive equal allocations on each broadcast service.

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- 16 It is our recommendation that this section be deleted and that there be no advertising during this first democratic election. Large parties with access to unlimited financial resources will put smaller groupings at a disadvantage. Unpaid political broadcasts will help level the political playing fields.
- 20 The approach in this section seems inappropriate. We are not dealing with the "commission of acts" regarding the divulging of information. Such acts and divulging is dealt with in other laws and the infamous section which forces journalists to prison sentences if they protect their sources. There might be the occasional story raising allegations of criminal action by political parties, but these should be dealt with in the normal manner. Surely the main function of the IMC will be to adjudicate on more subtle allegations of political bias or favourable or unfavourable treatment and its function therefore will be closer to that of the Media Council. Section 26 would seem to be adequate.
- 28 The Commission shall be dissolved after the completion of all outstanding business.

In general the proposed procedures to be adopted by the Commission appear to be too legalistic. The IMC has an important role to play but we would urge the Technical Committee to review these sections in order to make the procedures less cumbersome.



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