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SPEECH AT CONFERENCE ON OPEN MEDIA  
SHEILA CAMERON MP, NATIONAL PARTY  
DIRECTOR, NP INFORMATION  
SERVICE.

U W C 31 JANUARY 1992

THE NATIONAL PARTY DOES NOT HAVE A MEDIA CHARTER BUT, TO QUOTE  
WHAT MINISTER GENE LOUW, WHO HAS THE RESPONSIBILITY FOR THE SABC  
AND PUBLICATIONS CONTROL IN THE NATIONAL PARTY GOVERNMENT SAID  
EARLIER THIS WEEK: "THE NATIONAL PARTY GOVERNMENT IS COMMITTED  
TO ENSURE THE FREE FLOW OF INFORMATION, A FREE PRESS AND ALSO A  
FREE, INDEPENDANT AND IMPARTIAL BROADCASTING ORGANISATION."

THE NATIONAL PARTY IS JUST AS COMMITTED. IF WE DO NOT HAVE A  
CHARTER, WE CERTAINLY HAVE AN ATTITUDE AND WE ARE PREPARED TO  
ADMIT THAT THIS ATTITUDE HAS CHANGED FROM A MORE RESTRICTIVE  
APPROACH TO A MUCH MORE OPEN ATTITUDE. THIS CHANGE TOOK PLACE,  
GRADUALLY AT FIRST FROM THE LATE 70'S ON, BUT, DRAMATICALLY SINCE  
2 FEBRUARY 1990.

SO, YES, THE NATIONAL PARTY WOULD IDEALLY LIKE TO SEE THE MEDIA,  
LIKE ELECTIONS, FREE, FAIR AND OPEN, BUT I WOULD LIKE TO DEAL  
WITH BASICALLY THREE ASPECTS OF THIS, HIGHLIGHTING AT THE SAME  
TIME, SOME OF THE COMPLEXITIES THAT HAVE TO BE RECKONED WITH.

I WOULD LIKE TO START WITH THE PUBLICATIONS ACT.

THE PUBLICATIONS ACT OF 1974, AS AMENDED, PURPORTS TO CONTROL  
PUBLICATIONS WHICH ARE UNDESIRABLE IN TERMS OF THE SIX CATEGORIES

LISTED IN SECTION 47.

THIS ACT HAS NOT BEEN SUBSTANTIALLY AMENDED BUT WHAT HAS CHANGED ARE THE CIRCUMSTANCES IN WHICH THE ACT HAS BEEN APPLIED.

AS FAR AS POLITICAL PUBLICATIONS ARE CONCERNED, THE NATIONAL PARTY'S ATTITUDE HAS MOVED FROM ONE WHICH BROOKS LITTLE CRITICISM TO A PARTY WHICH WELCOMES UNRESTRICTED, OPEN DEBATE.

THE BANNING OF POLITICAL MATERIAL CEASED WHEN THE PARTIES WHICH THIS MATERIAL SUPPORTED, WERE UNBANNED. AS FAR AS TOLERANCE REGARDING MORAL STANDARDS AND SOCIAL COMMENT IS CONCERNED, THE ATTITUDE SHIFT TOWARDS FREEDOM OF SPEECH STARTED MUCH EARLIER IN THE LATE 1970'S WITH THE WATERSHED JUDGEMENT ON ETIENNE LE ROUX'S MAGERSFONTEIN, O MAGERSFONTEIN. THIS LAID DOWN THAT IN APPLYING CENSORSHIP RULES, THE "PROBABLE READER" RATHER THAN THE "AVERAGE READER" WAS TO BE TAKEN INTO ACCOUNT. THIS LED TO A LOOSENING UP IN TERMS OF THE 1986 AMENDMENTS TO THE ACT WHICH ALLOWED FOR A MORE DIFFERENTIATED APPROACH TO CENSORSHIP - CERTAIN FILMS COULD BE SHOWN WITH LESS RESTRICTION AT CERTAIN TIMES AND PLACES. BOOKS COULD BE SOLD SUBJECT TO AGE GROUP RESTRICTIONS AND GUIDANCE. ALTHOUGH THE NATIONAL PARTY DID NOT INITIATE THESE LIBERALISING CHANGES, NEITHER DID IT STAND IN THEIR WAY.

THIS SORT OF CENSORSHIP IS MOVING IN THE DIRECTION OF FREE ADULT CHOICE BUT AT THE SAME TIME AFFORDING THE FULLEST POSSIBLE PROTECTION FOR MINORS. AS FAR AS THE NATIONAL PARTY IS CONCERNED, THIS IS A MOVE IN THE RIGHT DIRECTION AND IT REFLECTS THE MORE LIBERAL ATTITUDES OF OUR SOCIETY INFLUENCED, AMONG OTHER

THINGS, BY TELEVISION, ETC.

THE SECOND ASPECT I WOULD LIKE TO DEAL WITH IS THE SABC AND THE ELECTRONIC MEDIA. THE SABC IS AN AUTONOMOUS BODY RESPONSIBLE FOR ITS OWN DECISIONS ON THE CONTENT OF ITS PROGRAMMES. I KNOW THAT PRE-FEBRUARY 1990 IT WAS CERTAINLY NOT REGARDED AS SUCH AND CERTAINLY THERE MAY HAVE BEEN JUSTIFICATION FOR QUESTIONING THE EVENHANDEDNESS OF OUR NATIONAL BROADCASTER IN THE PAST. ALTHOUGH THE LEGAL PROVISIONS RELATING TO THE SABC HAVE NOT CHANGED DURING THE PAST TWO YEARS, AGAIN ATTITUDES HAVE.

THE CLIMATE WITHIN WHICH THE SABC OPERATES HAS TOTALLY CHANGED AND IT IS CERTAINLY TRUE TO SAY THAT NATIONAL PARTY SUPPORTERS COMPLAIN TO THEIR PUBLIC REPRESENTATIVES THAT THE SABC SHOWS BIAS TOWARDS THE ANC. IF ALL THE POLITICAL PARTIES COMPLAIN ABOUT THEIR COVERAGE THAT IS BASICALLY A GOOD SIGN.

THE NEW SABC BOARD APPEARS TO DEMONSTRATE A HIGH DEGREE OF IMPARTIALITY. TO MY KNOWLEDGE THERE IS AT LEAST ONE ANC MEMBER ON IT BUT THE BOARD IS AUTONOMOUS, INDEPENDENT AND IS CONSTITUTED ON THE BASIS OF EXPERTISE, NOT POLITICAL AFFILIATION.

THE NATIONAL PARTY'S VIEW IS THIS IS AS IT SHOULD BE AND WE BACK THE MOVES TOWARDS GREATER INDEPENDENCE AND INDEED PRIVATISATION.

THE NATIONAL PARTY GOVERNMENT HAS TAKEN A VERY OPEN APPROACH TO THE FUTURE OF BROADCASTING. THE VILJOEN TASK GROUP WAS APPOINTED TWO YEARS AGO TO ADVISE THE GOVERNMENT OF DIFFERENT POLICY OPTIONS AND ITS REPORT WAS PUBLISHED FOR COMMENT.

MINISTER GENE LOUW ASKED THE ANC FOR AN INPUT, BUT APPARENTLY NONE WAS FORTHCOMING. I AM INFORMED THAT AN INTERDEPARTMENTAL GOVERNMENT COMMITTEE IS AT PRESENT EVALUATING THESE COMMENTS AS WELL AS THE WHOLE QUESTION OF THE LICENSING OF PRIVATE RADIO STATIONS AND THE INTRODUCTION OF A FURTHER TV CHANNEL. SO THERE IS A GENERAL MOVEMENT TOWARDS GREATER FREEDOM IN THIS MARKET.

IN CONNECTION WITH THE SABC I WOULD BRIEFLY LIKE TO MENTION THE ANC'S CHARTER ON THE MEDIA WHICH HAS BEEN PUBLISHED. THIS SEEMS TO ENVISAGES AN INTERIM BROADCASTING COMMITTEE AND A BROADCAST MONITORING GROUP BEING APPOINTED WHICH APPEARS TANTAMOUNT TO PUTTING THE SABC BACK UNDER SOME SORT OF POLITICAL CONTROL.

I AM NOT GOING TO TACKLE THE ANC'S MEDIA CHARTER HERE TODAY IN DETAIL. THE NP'S INFORMATION SERVICE IS VERY INTERESTED IN IT BUT THE TIME CONSTRAINTS IMPOSED ON US BY THE OPENING OF PARLIAMENT AND CODESA HAVE MADE IT IMPOSSIBLE TO GIVE IT DETAILED ATTENTION. HOWEVER, IT IS ALMOST UNNECESSARY TO ATTACK WHAT CERTAINLY APPEAR TO BE SERIOUS FLAWS IN THEIR MEDIA CHARTER SINCE THE MEDIA ITSELF HAS DONE IT FOR US. IN THE PAST TWO WEEKS THE MEDIA HAS BEEN FULL OF THE MOST SCATHING ATTACKS.

IF I COULD QUOTE JUST ONE OF THESE COMMENTS (BY KEN OWEN), "THE ANC IS MUCH LESS CONCERNED ABOUT FREEDOM OF EXPRESSION THAN ABOUT ITS CONTROL AND MANUPULATION."

IN DEFENDING THE CHARTER IN THE SUNDAY TIMES THIS WEEK, DR PALLO

JORDAN, THE ANC'S SECRETARY FOR INFORMATION PUT THE CURIOUS AND RATHER SINISTER ARGUMENT THAT THE OWNER OF A WINE FARM SHOULD NOT BE ALLOWED TO REFUSE THE LOCAL ANC BRANCH PERMISSION TO MEET IN HIS OWN PRIVATELY OWNED HALL ON THE FARM . THIS RIGHT TO MEET HE APPARENTLY EQUATES WITH THE PREVENTION BY THE FREE MARKET OF FREEDOM OF EXPRESSION AND QUESTIONS WHETHER "AN UNFETTERED MEDIA FREE MARKET WILL YIELD THE BEST RESULTS." WE BEG TO DIFFER FROM DR JORDAN.

I MUST ALSO COMMENT THAT THE OUTRAGED RESPONSE FROM THE MEDIA TO THE ANC'S MEDIA CHARTER IS INDICATIVE OF THE FACT THAT THE QUESTION OF AN OPEN AND FREE MEDIA IS A COMPLICATED ONE.

THE THIRD POINT I WISH TO DEAL WITH IS STATUTORY RESTRICTIONS ON THE FREE FLOW OF INFORMATION. ANY JOURNALIST IN THIS AUDIENCE WOULD BE CORRECT IN POINTING OUT THAT THERE ARE STILL A NUMBER OF THESE STATUTORY PROVISIONS WHICH SERIOUSLY INHIBIT THE FREE FLOW OF INFORMATION.

MORE SPECIFICALLY THE MAIN ONES ARE SECTIONS 27A AND B OF THE POLICE ACT 1958, SECTION 205 OF THE CRIMINAL PROCEDURE ACT OF 1977 AND SECTIONS 2 AND 3 OF THE PUBLIC SAFETY ACT OF 1953.

SOME INHIBITORY PROVISIONS HAVE ALREADY BEEN DONE AWAY OR ARE BEING DONE AWAY WITH AND THE MINISTER OF HOME AFFAIRS IS HAVING A NEW LOOK AT THE REMAINING ONES. MR JAN STEYN, WHEN HE WAS CHAIRMAN OF THE MEDIA COUNCIL, MADE A SURVEY OF THE OFFENDING PROVISIONS AND GAVE THEM TO MINISTER GENE LOUW WHO HAS DISTRIBUTED THEM TO THE VARIOUS GOVERNMENT DEPARTMENTS CONCERNED

IN PARTICULAR THE MINISTRY OF JUSTICE AS S.205 OF THE CRIMINAL  
PROCEDURE ACT IS REGARDED AS PRIORITY PROBLEM.

THESE STEPS INDICATE THAT THE NATIONAL PARTY GOVERNMENT IS  
ANXIOUS TO REVIEW THESE RESTRICTIONS IN THE INTERESTS OF AS OPEN  
AND FAIR A MEDIA AS POSSIBLE.

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*Charte of Fuel H.R.*