

Can't compromise

REPRESENTATIONS to SA MEDIA COUNCIL

by Campaign for Open Media/Anti-Censorship Action Group

July 6, 1990

Campaign for Open Media (COM)/Anti Censorship Action Group (ACAG) puts forward the following points for discussion with the SA Media Council:

1 The Campaign for Open Media was formed to campaign against censorship in all its forms. We attach a copy of our constitution which emphasises the need to focus attention on the extent to which censorship has made inroads on society and the effects of this on the publication of information.

2 COM is responding to the public statement by the chairman of the Media Council that, at the request of the Minister of Home Affairs, the council will carry out an extensive review of all legislative restraints on media reporting to "ensure the fullest flow of information on matters of public importance".

3 We fully support any measures which will lift the many onerous restrictions on all forms of the media and accordingly request an opportunity to make our views known to your council on the subject. We believe that there are important principles that should be borne in mind when a review of this kind is carried out.

4 For example, we note that the request to you is to ensure the fullest flow of information of "public importance". We believe there could be a subjective interpretation of the term "public importance". It could constitute a much more narrow ambit of operation than if the term used was "the public interest".

5 We are also concerned that as censorship is practised by a number of bodies remote from the Media Council the council's ability to make recommendations for the scrapping of laws may be circumscribed. We have in mind such bodies as the Publications Control Board, the SA Reserve Bank, the Atomic Energy Corporation, Transnet, various Government Departments, to name but a few at random.

6 In view of the complexity of the issues that could arise, we have serious doubts that a private investigation and review, which appears to be the method the council has adopted, is sufficient for the task. Would it not be more appropriate for such an important question to be the subject of a public inquiry at which representations and counter-arguments can be presented in public?

7 Though our organisation has little difficulty in drawing your council's attention to the laws which seriously impede the public's right to know, we believe that is not sufficient. The council requires a fully detailed list of laws and regulations--which would no doubt start with the need for scrapping the punitive registration fee for publications and then range in depth through the maze of laws affecting the Press, electronic media, film-makers, authors, artists, etc.

8 In addition, there is a need to introduce legislation compelling public authorities and others to make available to the public information to which people are entitled--a kind of Freedom of Information Act. This opens up the area of legislation relating to the conduct of trials, hearings, etc; the issues of sub judice matters, contempt of court, etc.

9 Will your council publish a draft report of its findings and proposals so that people and interested bodies such as ours will be able to comment before those proposals go to the minister and possible enactment?