

helen suzman foundation

promoting liberal constitutional democracy

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Helen Suzman Foundation Statement on Protection of Information Bill and Media Appeals Tribunal 30 July 2010

The Helen Suzman Foundation notes with concern the introduction of the Protection of Information Bill. While we concede that every state needs to maintain its national security, the Bill's understanding of the "national interest" is so broadly defined as to raise questions about the intention of the Bill.

A particular matter of concern is the lack of transparency, downward accountability and independent review of the behaviour of heads of organs of state in classifying information. In effect, senior civil servants will apply a subjective test, not open to independent review, in determining what may or may not be in the public's best interest.

In viewing the penalties which the Bill proposes, an impossible burden will be placed on the courts which can only result in massive self censorship in the media. Section 6 of the Bill emphatically acknowledges the importance of freedom of expression and the free-flow of information, viewing these as "the basis of a transparent, open and democratic society". This Bill undermines the very public interest that it purports to protect. It has no place in a liberal constitutional democracy.

The Foundation notes further the release on 29 July 2010 of the ANC discussion document for the Party's National General Council to be held in September. The document cites the print media as its primary concern, yet in its opening clauses notes that television and radio have far greater reach and penetration than print media. Notably absent from the document is any coherent and critical analysis of the state and role of television and radio which the document regards as "conspicuous achievements", but which are regarded by many as conspicuous failures.

The document raises important issues concerning ownership of the print media which need to be debated so that greater diversity in ownership can be achieved. But these important issues are used as a rationale for the establishment of a Media Appeals Tribunal. This justification is tenuous at best. More realistically, the creation of a Media Appeals Tribunal can and should be regarded as a sinister attempt at manipulation and control of the press.

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