

Film and Publications Board should release submissions on its draft policy

The Film and Publications Board (FPB) published the controversial draft Online Content Regulation Policy for public comment, with the submissions deadline of 15 July 2015, and has stated that more than 600 submissions were received, indicating the high level of interest of South Africans in this process.



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The Internet Service Providers' Association (ISPA) is now calling on the FPB to make these submissions public.

While drawing support from some quarters, the draft policy was also widely criticised as being unconstitutional, unlawful and incapable of implementation. The FPB has stated that it wishes to finalise the draft policy by the end of March 2016.

ISPA believes that the publication of the submissions is an important element of the fair administrative process required by the Promotion of Administrative Justice Act (PAJA), with a spokesperson calling on the FPB to be transparent in the process it is following.

"While we are actively engaging with the FPB around the functioning of the Internet and the way in which South Africans are able to access it, there is a need for all interested parties to be able to evaluate the full range of responses to the draft

Policy. To the extent that the FPB purports to be acting in the public interest it is necessary to understand the public sentiment to its proposed policy."

Accordingly, ISPA requests that the FPB publish all submissions received within a reasonable timeframe and in a manner that affords all interested parties the ability to exercise their rights. Alternatively, should the FPB not wish to make the submissions publically available (either in whole or in part); the FPB should make public its reasons for not doing so.

The Department of Communications in the interim has introduced the Films and Publications Amendment Bill 2015 into Parliament. This Bill will seek to, amongst other things, create a framework for the regulation of content online and a legal basis for the future work of the FPB.

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