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**VERITAS MAKES EVERY EFFORT TO ENSURE THE PROVISION OF RELIABLE INFORMATION,
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H.B. 20, 2007

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**ACCESS TO INFORMATION AND PROTECTION OF PRIVACY AMENDMENT BILL,
2007**

MEMORANDUM

The purpose of this Bill to amend in the Access to Information and Protection of Privacy Act, 2002, (“the principal Act”) with a view to improving or clarifying certain of its provisions.

The individual clauses of the Bill are explained more fully below.

Clause 1

This clause sets out the Bill’s short title.

Clause 2

This clause seeks to replace or add certain definitions in the interpretation section of the principal Act.

Clause 3

This clause seeks to reconstitute the existing Media and Information Commission as the Zimbabwe Media Commission, having the functions set out in the substituted section 39.

Clause 4

This clause inserts a new Part in the principal Act which seeks to constitute a Media Council to be appointed by the Commission. The Media Council will be responsible for developing and enforcing a code of conduct and ethics governing the rules of conduct to be observed by journalists and mass media services..

Clause 7

This clause proposes to mitigate the rule contained in section 65 of the principal Act that Zimbabweans alone must wholly own or control mass media services.

Clause 8

This clause seeks to extend the period of registration of mass media services from two to five years.

Clauses 9, 11, 12, 13 and 14

These clauses seek to insert a new section and amend existing ones with a view to clearly specifying the rights and obligations of the Commission and a mass media service or news agency upon an application by the mass media service or news agency to renew its registration, or a refusal of registration of the mass media service or news agency, or a suspension or cancellation of the registration of the same.

Clause 15

This clause seeks to specify with greater particularity what privileges accrue to journalists who choose to be accredited. It also seeks to simplify the procedure for accrediting journalists.

Clause 18 and 19

These clauses repeal sections 83 and 85 of the principal Act, which are rendered superfluous by the vesting of disciplinary powers over journalists and media services in the proposed Media Council.

Clause 21

The effect of this clauses is to vest the power to make regulations and other statutory instruments for the purposes of the principal Act in the Commission, subject to the approval of the Minister.

PRESENTED BY THE MINISTER OF INFORMATION AND PUBLICITY

BILL

TO amend the Access to Information and Protection of Privacy Act [*Chapter 10:27*] and to provide for matters connected therewith or incidental thereto.

ENACTED by the President and the Parliament of Zimbabwe.

1 Short title

This Act may be cited as the Access to Information and Protection of Privacy Amendment Act, 2007.

2 Amendment of section 2 of Cap. 10:27

Section 2 (“Interpretation”) of the Access to Information and Protection of Privacy Act [*Chapter 10:27*] (Act No. 5 of 2002) (hereinafter called “the principal Act”) is amended in subsection (1)—

- (a) by the repeal of the definitions of “Commission”, “mass media” and “mass media products” and the substitution of—

““Commission” means the Zimbabwe Media Commission established by section 38;

“mass media” means—

- (a) newspapers, magazines, and other periodically printed publications; and

- (b) a broadcasting service as defined in the Broadcasting Services Act [*Chapter 12:06*], insofar as such service employs a journalist requiring to be accredited in terms of section 79(2);

which are intended to be read, seen or heard, as the case may be, by an unlimited number of people;

“mass media product” means—

- (a) a separate issue of a newspaper, magazine or other periodically printed publication; and
- (b) a programme broadcast by a broadcasting service as defined in the Broadcasting Services Act [*Chapter 12:06*];

which are intended to be read, seen or heard, as the case may be, by an unlimited number of people;”;

- (b) by the insertion of the following definitions—

““accredited” means accredited in terms of section 79;

“code” means the code of conduct and ethics for journalists and mass media services developed in terms of section 42B(1);

“Committee on Standing Rules and Orders” means the Committee of Parliament referred to in section 57(2) of the Constitution;

“Council” means the Media Council constituted in terms of section 42A;

“injurious allegation” means an allegation which—

- (a) is false; or
- (b) unlawfully infringes a person’s dignity, reputation or privacy;

“journalistic privilege” means the rights and privileges attaching to the profession of journalism, including, but not limited to, the privileges of an accredited journalist referred to in section 78;

“mass media trainer” means a person who teaches or qualifies to teach journalism or mass media studies at a tertiary educational institution;

“national event” means any event or occasion described as such by the Minister by notice published in the *Gazette* or by advertisement in any mass media;

“public event” means any event or meeting which the public or any section of the public, is permitted to attend, whether on payment or otherwise;

“news agency” means an organisation that collects and prepares news reports for sale and distribution to the mass media or mass media services;

“responsible person”, in relation to a mass media service, means the person who discharges the functions of a chief executive officer of that service, by whatever name or title that person may be described;”.

3 New sections substituted for sections 38, 39 and 40 of Cap. 10:27

Sections 38, 39 and 40 of the principal Act are repealed and the following sections are substituted—

“38 Establishment and composition of Zimbabwe Media Commission

(1) There is hereby established a commission to be known as the Zimbabwe Media Commission, which shall be a body corporate capable of suing and being sued in its corporate name and, subject to this Act, of performing all acts that bodies corporate may by law perform.

(2) The Commission shall consist of a chairperson and eight other members appointed by the President from a list of not fewer than twelve nominees submitted by the Committee on Standing Rules and Orders.

(3) Persons appointed to the Commission must be chosen for their knowledge and experience in the press, print or electronic media, or broadcasting.

39 Functions of Zimbabwe Media Commission

(1) Subject to this Act, the functions of the Commission shall be—

- (a) to uphold and develop the freedom of the press; and
- (b) to promote and enforce good practice and ethics in the press, print and electronic media, and broadcasting; and
- (c) to ensure that the people of Zimbabwe have equitable and wide access to information; and
- (d) to ensure the equitable use and development of all indigenous languages spoken in Zimbabwe; and
- (e) to comment on the implications of proposed legislation or programmes of public bodies on access to information and protection of privacy; and
- (f) to comment on the implications of automated systems for collection, storage, analysis or transfer of information or for access to information or protection of privacy; and
- (g) to inform the public about this Act; and
- (h) to engage in or commission research into anything affecting the achievement of the purposes of this Act; and
- (i) to conduct investigations in terms of Part IX to ensure compliance with the provisions of this Act; and
- (j) to receive, evaluate for accreditation and consider applications for the accreditation of journalists; and
- (k) to review the decisions of public bodies in terms of Part X; and
- (l) to bring to the attention of the head of a public body any failure to meet the prescribed standards for fulfilling the duty to assist applicants; and

- (m) to authorise a public body, at the request of its head, to disregard requests that would unreasonably interfere with the operations of the public body; and
- (n) to monitor the mass media and raise user awareness of the mass media; and
- (o) to register mass media in Zimbabwe; and
- (p) to investigate complaints against any journalist or mass media service in terms of Part VIIA..
- (m) to make regulations in terms of section 91.

(2) Subject to this Act, for the better exercise of its functions, the Commission shall have power to do or cause to be done, either by itself or through its agents, all or any of the things specified in the Third Schedule, either absolutely or conditionally and either solely or jointly with others.”.

4 New Part inserted in Cap. 10:27

The principal Act is amended by the insertion of the following Part after Part VII—

“PART VIIA

MEDIA COUNCIL

42A Constitution of Media Council

(1) For the purpose of exercising disciplinary control and other powers conferred by this Act, the Commission shall appoint a Media Council in terms of this Part.

(2) The Council shall consist of—

- (a) a chairperson who shall be any member of the Commission chosen by the Commission other than the chairperson or deputy chairperson of the Commission; and
- (b) two representatives of an association of accredited journalists nominated by one or more associations of journalists that, in the opinion of the Commission, are fairly representative of journalists, and appointed by the Commission; and
- (c) a representative of an association of publishers nominated by one or more associations of publishers that, in the opinion of the Commission, are fairly representative of publishers, and appointed by the Commission; and
- (d) two representatives of an association of advertisers or advertising agencies nominated by one or more associations of publishers that, in the opinion of the Commission, are fairly representative of advertisers or advertising agencies, and appointed by the Commission; and
- (e) a representative of an association of mass media trainers nominated by one or more associations of publishers that, in the opinion of the Commission, are fairly representative of mass media trainers, and appointed by the Commission; and

- (f) a representative of an association of churches or other religious body nominated by one or more associations of churches or other religious bodies that, in the opinion of the Commission, are fairly representative of churches or other religious bodies, and appointed by the Commission; and
- (g) a representative of an association of businesspeople nominated by one or more associations of businesspeople that, in the opinion of the Commission, are fairly representative of businesspeople, and appointed by the Commission; and
- (h) a representative of any trade union or federation of trade unions nominated by one or more trade unions or federations of trade unions that, in the opinion of the Commission, are fairly representative of businesspeople, and appointed by the Commission; and
- (i) a representative of an association of women or women's groups nominated by one or more associations of women or women's groups that, in the opinion of the Commission, are fairly representative of women or women's groups, and appointed by the Commission; and
- (j) a representative of an association of youth or youth groups nominated by one or more associations of youth or youth groups that, in the opinion of the Commission, are fairly representative of youth or youth groups, and appointed by the Commission; and
- (k) a representative of the legal profession selected by the Commission from a panel of nominees submitted by the Council of the Law Society referred to in the Legal Practitioners Act [*Chapter 27:07*]; and
- (l) a representative of the legal profession selected by the Commission from a panel of nominees submitted by faculties of law in any tertiary educational institution that have been invited by the Commission to make nominations.

(3) If any association referred to in subsection (1) for any reason fails or refuses to submit nominations as required by any paragraph of that subsection, the Commission shall appoint such person or persons in terms of the appropriate paragraph of that subsection whom it considers fit.

(4) If at any time a member of the Council is unable for any reason to act as such, he or she shall be replaced in accordance with the appropriate provision of subsection (1) (a) to (j):

Provided that before the replacement of any member in terms of this subsection, any decision made or action taken by the chairperson of the Council and three other members of the Council shall be valid.

(5) The procedure to be followed by the Council shall be as prescribed in regulations.

42B Code of conduct and ethics of journalists and mass media services and resolution of breaches thereof

(1) The Commission shall, in consultation with the Council, develop a code of conduct and ethics governing the rules of conduct to be observed by journalists and mass media services, including in particular provisions with respect to the prevention or remediation of the publication or broadcasting of injurious allegations, and the penalties to be imposed on any journalist or mass media service for breaches of the code.

(2) The Commission together with the Council shall be responsible for enforcing the code of conduct and ethics referred to in subsection (1) in accordance with this Part.

(3) Subject to this section, any person who—

- (a) is aggrieved by an injurious allegation published or broadcast in a mass media product; or
- (b) considers that a mass media owner or journalist has contravened any provision of—
 - (i) this Act or any other enactment which requires or prohibits the publication or broadcasting of any matter or thing, whether in relation to elections or otherwise; or
 - (ii) the code of conduct set out in the Sixth Schedule or any other applicable code of conduct;

may lodge a complaint about it with the Commission.

(4) Whenever the Commission has reasonable grounds for believing that any journalist or mass media service has committed a breach of the code, or there is brought to the notice of the Commission a complaint that any journalist or mass media service has committed such a breach, the Commission shall have the power to call for such information and to cause such investigation to be made as it thinks necessary.

(5) After investigation in terms of subsection (4) and allowing the journalist or mass media service concerned to make written representations the Commission shall refer the matter to the Council for inquiry and may appoint a registered legal practitioner to present a charge on the evidence relating thereto at the inquiry:

Provided that—

- (i) if the Commission considers that—
 - (a) the conduct complained of would not, even if substantiated, constitute a breach of the code; or
 - (b) for any other reason the allegation should not be the subject of inquiry by the Council;

the Commission shall take such other action as it considers appropriate and may, after first allowing the person concerned to make written representations, admonish and order him or her to pay a penalty not exceeding level seven which shall be payable to the Commission;

- (ii) if the complaint forms or is likely to form the subject of criminal proceedings in a court of law, the Commission may postpone referring the matter to the Council until such criminal proceedings have been terminated.

(6) The journalist or mass media service who or which is the subject of any inquiry before the Council may—

- (a) appear in person or be represented by—
 - (i) a registered legal practitioner; or
 - (ii) in the case of a mass media service, any person appointed in writing by such service;

or

- (b) make written representations to the Council.

42C Taking of evidence by Council

(1) For the purposes of an inquiry in terms of this Part, the Council may take evidence and may—

- (a) summon any person as witness and, where it thinks fit, require him or her to produce any book, record, document or thing; and
- (b) through the chairperson administer an oath to any person; and
- (c) examine any book, record, document or thing which has been produced before it.

(2) A person who gives evidence as a witness before the Council shall be entitled to all the privileges to which a witness or a journalist who is a witness is entitled to at law.

(3) Any person who—

- (a) has been summoned to attend before the Council and—
 - (i) refuses or fails without sufficient cause to attend and give evidence relevant to the inquiry at the time and place stated in the summons; or
 - (ii) refuses to be sworn when the chairman wishes to administer an oath to him; or
 - (iii) refuses or fails without sufficient cause to produce any book, record, document or thing which he has been required in the summons to produce;

or

- (b) attends as a witness before the Council and refuses to answer or to answer fully and satisfactorily to the best of his knowledge and belief any question lawfully put to him;

shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(4) Any person who at an inquiry held by the Council gives false evidence on oath, knowing such evidence to be false or not knowing or believing it to be true, shall be guilty

of an offence and liable to level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(5) For the purpose of conducting an inquiry in terms of this Part, the Council shall have the same powers, rights, and privileges as are conferred upon a Commissioner by the Commissions of Inquiry Act [*Chapter 10:07*], other than the power to order a person to be detained in custody, and sections 9 to 13 and 15 to 18 of that Act shall apply, with such changes as may be necessary, in relation to any hearing and determination of any matter before the Council under this Part and to any person summoned to give or giving evidence before the Council.

42D Powers of Council

(1) If after due inquiry the Council decides that journalist or mass media service has committed a breach of the code, the Council shall make a recommendation to the Commission to do one or more of the following, as may be provided for under the code—

- (a) in the case of an accredited journalist—
 - (i) cautioning the journalist; or
 - (ii) ordering him or her to pay a monetary penalty of a prescribed amount; or
 - (iii) suspending for a specified period not exceeding three months the accreditation of the journalist; or
 - (iv) imposing such conditions as it deems fit subject to which he or she shall be allowed to practice; or
 - (v) deleting his or her name from the roll of journalists; or
 - (vi) where an injurious allegation was made or broadcast by the journalist, ordering any of the things referred to in paragraph (d);
 - (vii) referring the matter to prosecution;
- (b) in the case of any journalist who is not accredited—
 - (i) cautioning the journalist; or
 - (ii) ordering him or her to pay a monetary penalty of a prescribed amount; or
 - (iii) suspending the journalist from practising as such for a specified period not exceeding three months; or
 - (iv) imposing such conditions as it deems fit subject to which he or she shall be allowed to practise as a journalist; or
 - (v) where an injurious allegation was made or broadcast by the journalist, ordering any of the things referred to in paragraph (d);
 - (vi) referring the matter to prosecution;
- (c) in the case of a mass media service—
 - (i) cautioning the mass media service; or
 - (ii) ordering it to pay a monetary penalty of a prescribed amount; or

- (iii) suspending for a specified period not exceeding three months the registration certificate of the mass media service; or
 - (iv) imposing such conditions as it deems fit on the breach of which the mass media service may become liable for any other penalty in terms of this paragraph; or
 - (v) which has breached the code more than once, cancelling the registration certificate of a mass media service; or
 - (vi) where an injurious allegation was made or broadcast by the mass media service, ordering any of the things referred to in paragraph (d);
 - (vii) referring the matter to prosecution;
- (d) where the Council finds that an injurious allegation was made or broadcast by any journalist or mass media service—
- (i) requiring the journalist or mass media service to publish or broadcast an apology and additionally, or alternatively, a correction or retraction of an earlier publication or broadcast, within such period and in such form and manner as the Council may recommend to the Commission; or
 - (ii) requiring the journalist or mass media service to afford the complainant an adequate opportunity to respond to the injurious allegation in such form and manner as the Council may recommend to the Commission; or
 - (iii) requiring the journalist or mass media service to desist from any conduct that might result in a repetition of the injurious allegation; or

(2) Upon considering a recommendation made in terms of subsection (1) the Commission may adopt, with or without modification, or refuse to adopt the recommendation and notify the journalist or mass media service accordingly, and, where it adopts, with or without modification, any recommendation, it shall furnish the reasons therefor in writing to the journalist or mass media service.

(3) If at any time the Commission is satisfied that a journalist or mass media service has not complied with any conditions imposed upon him or her in terms of subsection (1)(a)(iv), (b)(iv) or (c)(iv) the Commission, after giving reasonable notice to the journalist or mass media service, may proceed further to do one or more of the things specified in subsection (1).

(4) The amount of any penalty imposed in terms of subsection (1)(c)(i) shall form part of the funds of the Commission.

(5) After any inquiry in terms of this Part the Commission shall, where it finds that a journalist or mass media service has committed a breach of the code, order the journalist or mass media service concerned to pay the expenses of the Council and Commission incurred in connection with the inquiry, or any part of these expenses as it thinks fit.

(6) A person authorized by the Commission may, by action in any court of competent jurisdiction, recover from the person concerned any expenses he has been ordered to pay in terms of subsection (5).

(7) The Commission shall inform the Council of any action taken by it in terms of this section.

42E Appeals from decisions of Commission

(1) Any person who is aggrieved at the order or findings of, or penalty imposed by, the Commission in terms of this Part may appeal to the Administrative Court, and the relevant provisions of section 90A shall, subject to this section, apply to such appeal.

(2) The Administrative Court shall not set aside any findings or penalty by reason of any informality in the proceedings of the Council or Commission which did not prejudice the appellant in answering the charge or in the conduct of his or her defence.

(3) The noting of an appeal in terms of this section shall not, pending the determination of the appeal, suspend the decision appealed against unless the Commission, on application being made to it, directs otherwise, and for such purposes the Commission may give such directions as it thinks fit.

42F Enforcement of orders of Commission

(1) Subject to this section, on application by the Commission or an interested party, any decision made by the Commission in terms of section 42D may be registered in the High Court and, upon registration, may be enforced in the same way as a judgment of the High Court.

(2) Part II of the Civil Matters (Mutual Assistance) Act [*Chapter 8:02*] and any relevant rules of court shall apply to the registration and enforcement of an order in terms of subsection (1) as if—

- (a) the order were a judgment in a designated country as defined in section 2 of the Act; and
- (b) the Commission or the interested party making the application were a judgment creditor as defined in section 4 of that Act; and
- (c) the responsible party in respect of whom the order was made were a judgment debtor.

(3) An order may be registered and enforced in terms of subsection (1) even if a prosecution been instituted in respect of any contravention or failure to comply with the order.

42G Penalty for contravention of decisions or orders of Commission

Any person who without lawful excuse contravenes or fails to comply with any decision or order of the Commission made in terms of this Part shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

42H Council to keep records

(1) The Council shall cause minutes of all proceedings of and decisions taken at every meeting of the Council to be entered in books kept for the purpose.

(2) Any minutes referred to in subsection (1) which purport to be signed by the chairperson of the meeting to which the minutes relate or by the chairman of the next following meeting of the Council, as the case may be, shall be accepted for all purposes as *prima facie evidence* of the proceedings of and decisions taken at the meeting concerned.

(3) In addition to the minutes it is required to keep by subsection (1), the Council shall keep proper records of all its proceedings, findings and recommendations in terms of this Part.

(4) The records referred to in subsection (3) shall be kept at the offices of the Council and be open to inspection by interested parties during normal office hours.

(5) The Council shall, at the request of any interested party and on payment of such fee as may be prescribed, furnish him or her with a certified copy of or an extract from any record referred to in subsection (3).”.

5 Amendment of section 50 of Cap. 10:27

Section 50 (“Power of Commission to conduct investigations, audits or inquiries”)(1) of the principal Act is amended by the insertion after “For the purpose of conducting an investigation, inquiry or hearing in terms of this Act,” of “other than an inquiry in terms of Part VIIA,”.

6 Amendment of section 52B of Cap. 10:27

Section 52B (“Determinations and inquiries by Commission”)(1) of the principal Act is amended by the repeal of paragraphs (d) and (e).

7 Amendment of section 65 of Cap. 10:27

Section 65 (“Restriction on ownership of mass media service”) is amended by the addition of the following subsection—

“(4) Notwithstanding subsections (1) and (2), the Minister may at his or her absolute discretion grant exemptions from those provisions and permit the Commission to register a mass media service approved by the Minister in which the controlling interest or any portion thereof is held by persons who are not citizens of Zimbabwe.”.

8 Amendment of section 66 of Cap. 10:27

Section 66 (“Registration of mass media services”)(5) of the principal Act is amended by the deletion of “two years” and the substitution of “five years”.

9 New section inserted in Cap. 10:27

The principal Act is amended by the insertion of the following section after section 66—

“66A Renewal of registration of mass media service

(1) The owner of a registered mass media service may, before the expiry of the certificate of registration issued in respect of the service in terms of section 66, apply to the Commission for the renewal of the registration of the service.

(2) Section 65 shall apply, with any necessary changes, to an application for the renewal of registration in terms of subsection (1).

(3) The Commission shall not refuse an application for renewal unless the applicant—

- (a) has been convicted of contravening section 64;
- (b) has failed to comply with section 67;
- (c) has acted in breach of section 86(2)."

10 Amendment of section 67 of Cap. 10:27

Section 67 (“Notification of changes”) of the principal Act is amended by the deletion of “A mass media service shall be required to” and the substitution of “The responsible person of a registered mass media service shall”.

11 Amendment of section 69 of Cap. 10:27

Section 69 (“Refusal of registration of mass media service”) of the principal Act is amended by the repeal of subsection (1) and the substitution of—

“(1) The Commission shall not refuse to register a mass media service unless—

- (a) it fails to comply with section 65; or
- (b) has acted in breach of section 66(1); or
- (c) the information indicated in an application for registration is, in any material respect, false or contains any material misrepresentation; or
- (d) that mass media service seeks to be registered in the name of an existing registered mass media service; or
- (e) has failed to pay the prescribed registration fee.

and the Commission shall forward to the applicant a written notification of the refusal of registration, stating the grounds upon which such refusal is based.”.

12 Amendment of section 71 of Cap. 10:27

Section 71 (“Suspension, cancellation and enforcement of registration certificates”) of the principal Act is amended—

(a) by the repeal of subsection (1) and the substitution of—

“(1) Subject to this section, the Commission may, whether on its own initiative or upon receipt of a complaint made by any interested person against the mass media service, suspend or cancel the registration certificate of a mass media service if, after due inquiry, it finds that—

- (a) the registration certificate was issued through fraud or there was a fraudulent misrepresentation by the mass media owner concerned; or
- (b) the registration certificate was issued through a material misrepresentation and the Commission has obtained a court order confirming the suspension or cancellation of the registration certificate of a mass mode service; or
- (c) a mass media service concerned does not publish any mass media products within twenty-four months from the date of registration; or
- (d) the mass media service concerned has been convicted of repeated contraventions of sections 76, 77, 78(2) or 89 of this Act.”;

(b) by the repeal of subsection (3) and the substitution of—

“(3) A mass media service whose certificate of registration is cancelled in terms of subsection (1)(a), (b) or (d) shall cease to operate forthwith and may not reapply for registration until after the expiry of a period of one year.”;

(c) by the repeal of subsections (11), (12), (13), (14) and (15) and the substitution of—

“(11) Any mass media service aggrieved by any decision or order of the Commission made in terms of this section may, within twenty-one days after being notified of the decision or action of the Commission concerned, appeal to the Administrative Court in terms of section 90A.”.

13 Amendment of section 72 of Cap. 10:27

Section 72 (“Penalties for operating mass media service without registration certificate”)(2) of the principal Act is amended by the deletion of “not exceeding level twelve or to imprisonment for a period not exceeding two years” and the substitution of “not exceeding level fourteen or to imprisonment for a period not exceeding eighteen months”.

14 Amendment of section 74 of Cap. 10:27

Section 74 (“News agencies”) of the principal Act is amended—

(a) by the repeal of subsection (2) and the substitution of—

“(2) The Commission shall not refuse to register a news agency unless—

- (a) the information indicated in the application for registration is, in any material respect false, or contains any material misrepresentation; or
- (b) that news agency seeks to be registered in the name of an existing registered news agency or registered mass media service;

and the Commission shall forward a written notification to the applicant of the refusal of registration, stating the grounds upon which such refusal is based.”.

(b) in subsection (7) by the deletion of “two years” and the substitution of “three years”;

(c) by the insertion after subsection (8) of the following subsection—

“(9) Sections 70 and 71 shall apply with such changes as may be necessary to a news agency.”.

15 New section substituted for sections 78 and 79 of Cap. 10:27

Sections 78 and 79 of the principal Act are repealed and the following are substituted—

“78 Privileges of accredited journalists

(1) Subject to this Act and any other law, every accredited journalist shall have the following privileges—

- (a) to visit Parliament and any public body referred to in Part I of the Second Schedule with the express purpose of carrying out duties as a journalist;
- (b) to be given prior access or privileged access to records to which access is permitted in terms of this Act or to such other records or documents as may be prescribed;
- (c) to attend any national event with the express purpose of carrying out duties as a journalist;
- (d) to attend, as of right, and notwithstanding any reservation of the right of admission (but subject to the payment of such fee as may be required of other members of the public attending the event), any public event with the express purpose of carrying out duties as a journalist;
- (e) to make recordings with the use of audio-video equipment, photography and cine-photography in connection with the carrying out duties as a journalist for the purposes of paragraphs (a), (b), (c) and (d).

(2) Any person or journalist who in any manner holds himself or herself out as an accredited journalist without being so accredited shall be guilty of an offence and liable to a fine not exceeding level fourteen or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment”.

(3) An unaccredited journalist shall not have any right to claim the privileges provided in subsection (1).

(4) No mass media service or news agency shall employ any journalist on a full-time basis unless such journalist is accredited by the Commission.

79 Accreditation of journalists

(1) A mass media service or news agency shall make a block application or individual applications for accreditation in terms of this section on behalf of all or any journalists employed by it on a full-time basis.

(2) A part-time or freelance journalist may, if he or she so wishes, make application on his or her own behalf for accreditation in terms of this section.

(3) Subject to subsection (4), no journalist shall be accredited who is not a citizen of Zimbabwe, or is not regarded as permanently resident in Zimbabwe by virtue of the Immigration Act [*Chapter 4:02*].

(4) A journalist who is not a citizen of Zimbabwe, or is not regarded as permanently resident in Zimbabwe by virtue of the Immigration Act [*Chapter 4:02*], may be accredited for any period specified by the Commission not exceeding sixty days:

Provided that the Commission may, for good cause shown or for the purpose of enabling the journalist to work for the duration of any event he or she is accredited to cover, extend the period by a specified number of days.

(5) In relation to an application for accreditation made in terms of subsection (1) or (2), the Commission shall accredit an applicant journalist or journalist on whose behalf a mass media service or news agency makes the application, and issue a press card to him or her if it is satisfied that—

- (a) the applicant or mass media service or news agency has complied with the prescribed formalities, including the payment of the prescribed fee; and
- (b) applicant, or journalist on whose behalf a mass media service or news agency makes the application, is not disqualified by virtue of subsection (3).

(6) In relation to an application for accreditation by a journalist referred to in subsection (4), the Commission shall accredit an applicant journalist and issue a press card to him or her if it is satisfied that the applicant has complied with the prescribed formalities, including the payment of the prescribed fee.

(7) Every news agency that operates in Zimbabwe, whether domiciled inside or outside Zimbabwe, shall in respect of its local operations not employ any journalist other than an accredited journalist:

Provided that the news agency may employ or use the services of a journalist referred to in subsection (4) for the duration of that journalist's accreditation.

(8) Any news agency that contravenes subsection (7) shall be guilty of an offence and liable to a fine not exceeding level fourteen or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.”.

16 Amendment of section 80 of Cap. 10:27

Section 80 (“Abuse of journalistic privilege”) of the principal Act is amended by the insertion of the following subsection, the present section becoming subsection (1)—

“(2) The conviction of a journalist in terms of subsection (1) shall be deemed to be a breach of the code for which the Council may recommend to the Commission the imposition of any of the penalties referred to in section 42D.”.

17 New section substituted for section 82 of Cap. 10:27

Sections 82 of the principal Act is repealed and the following section is substituted—

“82 Roll of accredited journalists

The Commission shall maintain a roll of all accredited journalists and shall issue to every person whose name is entered in the roll, a certificate of accreditation in the prescribed form.”.

18 Repeal of section 83 of Cap. 10:27

Section 83 of the principal Act is repealed.

19 Repeal of sections 85 of Cap. 10:27

Section 85 of the principal Act is repealed.

20 Amendment of section 90A of Cap. 10:27

Section 90A (“Appeals to Administrative Court”) is amended by the repeal of subsection (4) and the substitution of the following—

“(4) Where the Administrative Court has upheld an appeal against a refusal by the Commission to register a mass media service in terms of section 69 or a news agency in terms of section 74 or to give permission for the setting up within Zimbabwe of a representative office of a foreign mass media service in terms of section 90, the Commission shall register the mass media service or news agency or permit the setting up within Zimbabwe of a representative office of the foreign media service.”.

21 Amendment of section 91 of Cap 10.27

Section 91 (“Regulatory Powers of Minister”) of the principal Act is amended—

- (a) in the heading by the deletion of the word “Minister” and the substitution of the word “Commission”;
- (b) by the repeal of subsection (1) and the substitution of—

“(1) The Commission may, with the approval of the Minister, by regulation, order or notice, prescribe matters that, by this Act, are required or permitted to be prescribed or that in the opinion of the Commission are necessary or convenient to be prescribed for carrying out or giving effect to this Act.”.

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