

KENYA NATIONAL ASSEMBLY



EIGHTH PARLIAMENT FIFTH SESSION

REPORT OF THE SELECT COMMITTEE ON BROADCASTING ON TELEVISIONING AND BROADCASTING OF PARLIAMENTARY PROCEEDINGS

APRIL, 2001

1. PREFACE

Mr. Speaker Sir,

On behalf of the Members of the Select Committee on Broadcasting, I beg to move the adoption of the Report of the Committee on live audio-visual broadcasting of the proceedings of both the House and Select Committees.

1.1 MANDATE

The *Ad-hoc* Select Committee on Broadcasting was constituted pursuant to the Resolution of the House adopted on 19th July, 2000.

"THAT, in view of the fact that proceedings of the House are open to members of the public; noting the great interest Kenyans have shown in the proceedings of this House, in particular through Today in Parliament Programme; and noting further that the resolution of the House of 1991 authorising working out of the modalities for live audio-visual broadcast of proceedings of the House has yet to be implemented; this House resolves to establish a Select Committee to study all matters pertinent to live audio-visual broadcast of the proceedings of this House; including all Select Committees".

The Committee executed its mandate in strict compliance with the provisions of Standing Orders Nos. 155 to 162.

Pursuant to provisions of Sections 14, 18 and 20 of the National Assembly (Powers and Privileges) Act, Cap 6 of the Laws of Kenya, the Committee summoned witnesses and received presentations concerning live audio-visual broadcasting of the proceedings of the House and its Committees.

The Members of the Committee have unanimously agreed to this report.

The Committee comprised the following fifteen members:-

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)
Dr. the Hon. Shem Ochuodho, M.P.
Dr. the Hon. Abdullahi I. Ali, M.P.

The Hon. Ochilo Ayacko, M.P.
The Hon. Ngenye Kariuki, M.P.
The Hon. Peter E.M. Maundu, M.P.
The Hon. Justin B.N. Muturi, M.P.
The Hon. Basil N. Mwakiringo, M.P.
The Hon. Soita Shitanda, M.P.
The Hon. Samuel L. Poghisio, M.P.
The Hon. Musikari N. Kombo, M.P.
The Hon. Mwangi Kiunjuri, M.P.
The Hon. Njeru Kathangu, M.P.
The Hon. Josephine Sinyo, M.P.
Prof. the Hon. Anyang' Nyong'o, M.P.

1.2 Execution of Mandate & Methodology

The Committee started sitting on 26th July, 2000 and drew the following terms of reference:

- T.O.R. - 1** Consider and review the procedure and all other laws and regulations, especially the Standing Orders, which inhibit the live audio-visual broadcast or any form of divulging of proceedings of the House and Select Committees to the public.
- T.O.R. - 2** Recommend enactment of enabling legislation and/or regulations to facilitate televising and broadcasting of parliamentary proceedings.
- T.O.R. - 3** Determine matters, material and resources necessary to facilitate audio-visual broadcasting of proceedings of the House, including Select Committees.
- T.O.R. - 4** Study and consider the operations and practice of other existing models in broadcasting of parliamentary proceedings in other parliaments through review of their literature and site visits among others.
- T.O.R. - 5** Interact with and receive presentations from stakeholders.

T.O.R. - 6 Consider and evaluate any other relevant matters incidental thereto.

In total the Committee held **Forty Two sittings**. It received valuable information concerning televising and broadcasting of Parliamentary proceedings from the following:-

- (i) Kenya Broadcasting Corporation (KBC)
- (ii) Kenya Television Network (KTN)
- (iii) Nation Media Group
- (iv) East African Standard
- (v) The People (Newspaper)
- (vi) Royal Media Services (Citizen)
- (vii) School of Journalism - University of Nairobi
- (viii) Kenya Institute of Mass Communication (KIMC)
- (ix) Kenya Union of Journalists (KUJ)
- (x) Internet Service Providers (ISPs)
- (xi) Association of Senior Editors
- (xii) Kenya Industrial Property Office (KIPO)

The Committee also held a meeting with the Minister for Information, Transport and Communications who was accompanied by the Chief Executives of Telkom Kenya Limited and Communications Commission of Kenya.

The Committee visited various Media Houses to study and familiarise itself with the set up and the equipment used in televising and broadcasting. Brief reports of these field tours will be found in the respective Minutes of the Committee.

In addition, two Sub-Committees visited the United Kingdom and South Africa respectively. These visits provided valuable information and learning experience to the Committee members because the two countries have live coverage of parliamentary proceedings which cater for the needs of their Houses and the general public.

In the United Kingdom the Sub-Committee visited the headquarters of British Broadcasting Corporation (BBC) and the Broadcasting Section of Parliament. The Committee was informed that the final signal which is sent out to Media Houses for airing to the public is determined by Parliament.

The Committee also noted that the British Broadcasting Corporation has a parliamentary channel which deals exclusively with televising and broadcasting of parliamentary matters.

The Sub-Committee that visited South Africa held fruitful discussions with the Press Ombudsman, Chief Whip of Democratic Alliance, Deputy Chairperson of the National Council of Provinces (NCOP) and the Speaker of the National Assembly. The Committee also visited Government Communication and Information System (GCIS) and Institute for Democracy in South Africa (IDASA) from which valuable information was obtained concerning live coverage of parliamentary proceedings.

The Committee also toured Parliament Buildings (especially the Broadcasting Section) and the Headquarters of South African Broadcasting Corporation (SABC).

From these visits, the Sub-Committee noted that the equipment is owned by the House and that signals are freely accessible to various Media Houses.

Brief reports of the tours to United Kingdom and South Africa can be found in the respective Minutes of the Committee.

1.3. SUB-COMMITTEE TO REVIEW EXISTING RELEVANT LEGISLATION AND REGULATIONS

The Committee appointed a Sub-Committee to study and review existing legislation and regulations which relate to televising and broadcasting.

This Sub-Committee operated within the following terms of reference;

- T.O.R 1** - Identify existing legislation and regulations which deal with televising and broadcasting.
- T.O.R 2** - Review of the said legislation and regulations with a view to finding out areas of conflict, deficiencies and omissions.

T.O.R 3 - Propose suitable enactment, amendments and regulations to facilitate live coverage of parliamentary proceedings.

T.O.R 4 - Report its findings and recommendations to the main Committee.

The Sub-Committee reviewed sections of the following statutes which contain existing legislation that would deal with televising and broadcasting.

- (i) The Constitution, Edition of 1997
- (ii) The Kenya Broadcasting Corporation Act, Cap 221 Laws of Kenya
- (iii) The National Assembly (Powers and Privileges) Act, Cap 6, Laws of Kenya
- (iv) The Kenya Communications Act, 1998
- (v) The Postal Corporation Act, 1998
- (vi) The Copyright Act, Cap 130, Laws of Kenya
- (vii) The Defamation Act, Cap 36, Laws of Kenya
- (viii) The Evidence Act, Cap 80, Laws of Kenya
- (ix) The Public Order Act, Cap 56, Laws of Kenya

- (x) The Standing Orders of the National Assembly; Edition of 1997
- (xi) The Penal Code, Cap 63

The Sub-Committee noted *inter-alia* that the Constitution, Standing Orders, and the National Assembly (Powers and Privileges) Act, Cap 6 of the Laws of Kenya do not cater for the Members of Parliament with disability as well as other disabled people in the country.

The Sub-Committee presented its report to the main Committee.

1.4 **SUMMARY OF RECOMMENDATIONS**

The presentations and documents received as well as the tours undertaken by the Committee and the Sub-Committees form the basis of the observations and the recommendations outlined in the Report. The Committee reached all its decisions by consensus.

The Committee made the following major recommendations:

- (i) That, Parliament starts televising and broadcasting of its proceedings with effect from 1st July, 2001.
- (ii) That, the signal which is received by the media houses for transmission be owned by Parliament.
- (iii) That, certain aspects of parliamentary proceedings e.g. the State Opening and the Budget Speech be fed into the internet.
- (iv) That, the current Library Committee be redesignated (*the Library, Hansard and Broadcasting Committee*) and its functions expanded accordingly.
- (v) That, relevant rules and regulations of coverage be adopted to govern Parliamentary Proceedings.
- (vi) That, the Kenya Broadcasting Corporation starts a parliamentary channel to deal with coverage of parliamentary proceedings. Other Media Houses may also establish parliamentary channels.
- (vii) That, Kenya should have a Media Complaints Council which should receive and settle complaints related to unfair treatment in coverage by the print and audio-visual services.
- (viii) That, sections of the Constitution, other legislation and regulations be amended so that the needs of the disabled are accommodated.
- (xi) That, Section 25 of the National Assembly (Powers and Privileges) Act Cap 6 of the Laws of Kenya should include parliamentary tapes of live coverage as part of the journals of the House.
- (x) That, various acts of parliament, existing rules and regulations including the Standing Orders be

amended in order to accommodate live broadcasting and televising of proceedings.

1.5 **ACKNOWLEDGEMENT**

Mr. Speaker Sir, I wish to record my gratitude to all the Members of the Committee for their commitment to the work of the Committee. On behalf of the Committee, I wish to extend our sincere appreciation to you Mr. Speaker, the Deputy Speaker and the Clerk of the National Assembly for facilitating the work of the Committee. Through constant consultations with you and your officers, the Committee received tremendous support and advice which assisted a great deal in compiling of this report. I wish to express the Committee's special thanks to the National Assembly staff for their excellent secretarial services which made the work of the Committee and the production of this Report possible.

I would not forget to thank all the witnesses who made useful presentations and proposals to the Committee. I also wish to record my deep appreciation to all the people who welcomed us and gave Committee members valuable information when we visited Britain and South Africa.

The Committee also commends Friedrich Ebert Stiftung for financial assistance which enabled us to undertake a trip to South Africa and have a report writing retreat. The two activities contributed immensely towards the completion of this report.

1.6 **CONCLUSION**

Mr. Speaker Sir, before I make my concluding remarks, I wish to highlight two pertinent issues that not only have adverse affects on televising and broadcasting in this country but also have a bearing on the mandate of this Committee:

- The Committee found out that the Kenya Broadcasting Corporation is ill- equipped and badly structured to effectively perform the role of a true national broadcaster.

- The existing legislative and regulatory framework is shrouded in mystery and excessive controls which make national coverage by independent media houses totally impossible.

The Committee, therefore, strongly recommends that in order to create fairness and impartiality, Kenya Broadcasting Corporation (KBC) be urgently restructured and be provided with adequate modern equipment and the Kenya Communications Act 1998 be amended to ensure total liberalisation of air waves.

Since democracy needs constant exposure, the adoption of these recommendations and their implementation by the House will not only create greater democratic openness, but also provide effective communication and interaction between the House and the public. Consequently, the role and function of Parliament will be better understood in the wider political, social and economic governance of our society.

On behalf of the Committee Mr. Speaker, it is my humble prayer that the House adopts this report.

HON. KIPRUTO ARAP KIRWA, M.P.

SIGNED:

(CHAIRMAN)

DATE:

3rd of April 2001

2. OBSERVATIONS

2.1 TELEVISIONING AND BROADCASTING OF PARLIAMENTARY PROCEEDINGS

The Committee noted that many Parliaments, including our immediate neighbours Uganda and Tanzania, broadcast their proceedings live. Broadcasting brings Parliament closer to the people and creates awareness on what their representatives do in Parliament. The confidence of the electorate in the dignity of Parliament will be enhanced through live broadcasting. This gives a real picture of the House as opposed to the current selective coverage of events.

This process would effectively present the contribution of parliamentarians directly to the people they represent. It would also present a realistic atmosphere prevailing in the House during debate time. Likewise it would enable presentation of a balanced view of the contributions of the front and the back bench during periods of high emotion and conflict as well as the more normal atmosphere of consensus and agreement.

Coverage of Committee proceedings is necessary to reveal to the public the enormous and noble tasks performed by the backbenchers who are the members of Investigatory and Departmental Committees. This would make the functions and activities of each Committee understood and appreciated by the public.

Comparatively, in other jurisdictions within the Commonwealth, New Zealand was the first country to start radio broadcasting of parliamentary proceedings in 1936. The Canadian House of Commons started televising its proceedings in 1977 while British and Australian Parliaments commenced in 1990 and 1991 respectively.

Outside the Commonwealth, there are close to twenty parliaments which permit some form of televising of their proceedings. Among these are; Austria (1955), Sweden (1958), Congo (1960), Norway (1963), France (1964), Israel (1969). South Africa which used to televise during the apartheid era has continued since the democratic elections of 1994.

2.2 EQUIPMENT

The Committee noted that some Parliaments own the equipment used in audio-visual proceedings while in others the equipment is owned by a consortium of private companies. For instance in Britain the equipment is owned and serviced by a private company while in South Africa the equipment is the property of Parliament.

The Committee further noted that Kenya National Assembly will require the following before live coverage of proceedings can become a reality:

- (i) A Newsroom which will receive all information collected from the House and its Committees for editing;
- (ii) A production gallery which has various colour mixers to ensure the accuracy of televised pictures;
- (iii) A graphics section where photographs can be scanned into the computer and matched to the relevant sounds so that the televised information contains both sound and picture;
- (iv) A studio where interviews and press conferences can be held.
- (v) A Machine Room from where the final signal can be sent to the media houses;
- (vi) A Control Room where all the programmes on air at any time are monitored.
- (vii) Codeless microphones which can be switched on and off both in the House and in Committee Rooms;
- (viii) A minimum of Eleven cameras which are remote controlled (Five for the House and five for Committee Rooms). One camera to be installed at the Forecourt (Ministers entrance) to cover special occasions;
- (ix) Outside Broadcasting vans to be used by Committees during local tours;
- (x) A small mast or tower for microwave link to studio facilities located elsewhere; and,
- (xi) Adequate networked computers and other ancillary equipment required for broadcasting purposes.

It is estimated that the above mentioned equipment and its installation will cost approximately Kshs. 60 million.

2.3 MANAGEMENT OF COVERAGE

2.3.1. DEPARTMENTAL COMMITTEE

The Committee noted that every Parliament which has live coverage of proceedings has a Committee which performs a monitoring and regulatory role in respect of televising and broadcasting of its proceedings.

In the Parliament of the United Kingdom, the Select Committee on Broadcasting plays the above mentioned roles while in the Parliament of Australia, at the commencement of the first session of every Parliament, a Joint Committee of nine Members of Parliament called the Joint Committee on the Broadcasting of Parliamentary Proceedings is appointed to play the above mentioned roles. The Members of the Committee hold office as a Joint Committee until the House of Representatives for the time being expires by dissolution or affluxion of time.

The Committee is aware that Parliament has a Departmental Committee on Energy, Communications and Public works which deals with information and broadcasting matters, but nevertheless proposes that a separate Committee on Broadcasting.

2.3.2.

DEPARTMENT OF PARLIAMENTARY BROADCASTING

The Committee noted that Parliaments which have live broadcasting of their proceedings have Parliamentary departments which handle broadcasting matters of their Houses.

The Parliament of United Kingdom has a Supervisor of Parliamentary Broadcasting who is employed by the House to ensure that the dignity of the House is protected at all times by Parliamentary Broadcasting Unit Ltd (PARBUL) - a private company which has been mandated to cover parliamentary proceedings for Media Houses.

PARBUL is owned by the major broadcasting companies and it has eight issued shares as follows;

- *British Broadcasting Corporation (4)*
- *Independent Television Association Limited - Channel 3 (1)*
- *Channel 4 Television Corporation (1)*
- *British Sky Broadcasting Limited - Satellite (1)*
- *Channel 5 Broadcasting Limited (1)*

The Board of PARBUL consists of the following:-

- *Chairman - Chairman of the Committee of Ways and Means.*
- *Common Directors - 4
(From the House of Commons)*

- *Lords Directors
(From the House of Lords) - 4*
- *Supervisor of Parliamentary
Broadcasting - 1*
- *Shareholders - 8*

All directors have one vote and the Chairman has a casting vote in the event of a tie. The board meets twice a year.

In Canada a department called the Television and Radio Services of the House of Commons televises proceedings of the Chamber and Committees in a manner that ensures that the dignity of Parliament is maintained.

The Australian Parliament has a Broadcasting Section within the Department of the Parliamentary Reporting Staff Department which plays the above said role.

The Committee noted that Parliament has a Hansard Department which has trained reporters who record Parliamentary proceedings.

RECOMMENDATIONS

2.1 TELEVISIONING AND BROADCASTING OF PARLIAMENTARY PROCEEDINGS

The Committee recommends that Parliament starts televising and broadcasting its proceedings with effect from 1st July, 2001.

The signal which is received by the media houses for transmission to the public be owned by Parliament.

The Committee also recommends that certain aspects of Parliamentary proceedings such as the State Opening and the Budget Speech as well as the Standing Orders be fed into the internet.

2.2 EQUIPMENT

The Committee therefore recommends that Parliament should budget for the purchase of the above said

equipment so as to realise live coverage of Parliamentary proceedings by 1st July, 2001. It should also provide adequate finances for servicing and maintenance of the said equipment.

2.3.1. DEPARTMENTAL COMMITTEE

The Committee therefore recommends that a Standing Committee redesignated the Library, Hansard and Broadcasting Committee be formed to perform duties relating to the televising and broadcasting of Parliamentary proceedings and matters ancillary thereto. The said Committee should manage the Library, Hansard and Broadcasting sections of Kenya National Assembly.

2.3.1. DEPARTMENT OF PARLIAMENTARY BROADCASTING

In this connection, therefore, the Committee recommends that the Hansard Department be expanded and the staff be given further training in order to enable them to handle live televising and broadcasting of Parliamentary proceedings. The training should involve, *inter alia*, recording and general management of control rooms, adequate knowledge of airwaves and frequencies, mast or tower, remote controlled cameras and Outside Broadcasting Vans.

The Committee further recommends that Parliament employs the necessary qualified engineers and technicians for the management of the above.

2.4 REGULATORY FRAMEWORK

2.4.1. RULES OF COVERAGE

Every Parliament which has live televising and broadcasting of its

proceedings has a set of rules which must be adhered to in the coverage of proceedings.

The Committee recommends that the following rules of coverage be adopted to govern coverage of Parliamentary Proceedings.

- (i) *The camera should normally focus on the Member recognised by the Speaker until he or she has finished. However wide angle shots of the Chamber may be taken from time to time. Occasional groupshots should be taken for the purpose of showing the reaction of a group of Members to an issue raised on the floor of the House. Shots to illustrate reaction by an individual who has been referred to by the Member speaking should be allowed. Shots of the occupant of the Chair should be taken whenever he/she rises.*
- (ii) *As a general principle the camera view of a Member who has the floor should focus on the head and shoulders but a medium shot which allows a view of the Members sitting on either side is permissible.*
- (iii) *Since the press and public galleries are not directly related to proceedings, they should not be shown on normal sitting days other than unavoidably as part of wide angle shots.*

During the Budget Speech and other important Parliamentary functions, coverage of the Speakers gallery, the Public gallery and the Speakers row should be permitted and when distinguished visitors are referred to and acknowledged by the chair.

- (iv) *Wide-angle Camera shots of the Chamber may be used during votes, Question time and during Division. However, the following events relating to Division shall be shown;*

- *putting of the Question*
 - *announcement of the names of the Tellers*
 - *points of order which may arise together with any response by the Chair.*
 - *announcement by the Tellers and the Chair of the voting results.*
- (v) *Officers of the House should not normally be shown unless they are taking an active part in the proceedings e.g. during Division or as Clerks at the Table.*
- (vi) *Shots of Members' papers or computing devices should not be shown.*
- (vii) *In the event of unparliamentary behaviour or disturbance on the floor of the Chamber, cameras must focus on the Chair.*

2.4.2.

COMMITTEE PROCEEDINGS

Coverage of deliberations of Committee sittings shall be based on the rules of the House together with the following guidelines:

- (i) *Wide angle shots of the Committee Room may be used during the deliberations of the Committee.*
- (ii) *Cameras should focus on the Member or Witness recognized by the Chairman of the Committee.*
- (iii) *During the meeting Members and Witnesses may use graphs, tables, etc., that the television and radio services will show.*
- (iv) *Members' papers and computing devices should not be shown.*

2.4.3 GENERAL RULES

- (i) *Both the broadcasts of the House and Committees should only be used for purposes of fair and accurate report of proceedings.*
- (ii) *The broadcasts should not be used for;*
 - *Political Party advertising or election campaigns,*
 - *Satire or ridicule or,*
 - *Commercial advertising.*

2.4.4. PENALTIES

Non compliance with the above Rules of Coverage by Media Houses shall incur penalties.

The Media Houses shall give an appropriate apology for any breach in addition to any other penalty that the Committee dealing with Broadcasting shall impose which include.

- (i) **First breach - access to the broadcast to be withdrawn for three sitting days.**
- (ii) **Second breach - access to be withdrawn for six sitting days.**
- (iii) **Third and subsequent breaches - Such penalty as is determined by the Committee which deals with Broadcasting of Parliamentary proceedings.**

2.4.5 **EXISTING RULES AND LEGISLATION WHICH GOVERN/INHIBIT LIVE BROADCASTING AND TELEVISIONING**

2.4.5.1 **The Constitution**

Although Section 79 of the Constitution allows for broadcasting and televising, under Section 82, disability has not been recognised as a form of description against which there should be no discrimination and therefore, the needs of the deaf and the blind are not provided for constitutionally.

The Committee recommends that both Sections 79 and 82 of the Constitution should be amended so that the needs of the disabled can be provided for constitutionally.

2.4.5.2 **The National Assembly (Powers and Privileges) Act, Cap 6 of the Laws of Kenya**

- (i) Section 7 states that no stranger shall be entitled as of right, to enter or to remain within the precincts of the Assembly. Such persons would include interpreters, guides and assistants of Members with disability.

The Committee recommends that sign language be recognised as a mode of communication and there should be an interpreter for the deaf in the House.

The Committee further recommends that guides and assistants of Members with disability should not be treated as strangers in the House.

- (ii) Under Section 25 such material as tapes are not recognised as journals of the House.

The Committee also recommends that Section 25 should include Parliamentary tapes of live coverage as part of the journals of the House.

2.4.5.3 Standing Orders

S.O. 26 reads as follows *"All votes and proceedings of the House shall be noted by the Clerk and shall constitute the Journals of the House."*

The Committee recommends that apart from votes and proceedings, recorded material emanating from live coverage of the House should also be considered as journals of the House.

S.O. 27 reads as follows *"The custody of the Journals and Records, including all papers and accounts whatsoever presented to or belonging to the House, shall be in the Clerk, who shall neither take, nor permit to be taken, any of such Journals or Records from the precincts of the House without an order of the House or by the leave or order of Mr. Speaker."*

The Committee recommends that it should provide for airing of Parliamentary proceedings by Media Houses.

S.O. 29 reads as follows *"Mr. Speaker may direct any matter which is in his opinion secret or purely domestic to be excluded from the Journals of the House and from the verbatim report of proceedings of the House, and to be the subject of a separate verbatim report, both of which shall be kept in the custody of*

the Clerk and made available only to Members and Clerks."

The Committee recommends that a new subsection should be included to cater for the Speaker's exclusion of certain matters from the Journals of the House.

- S.O. 37 The Committee recommends that a new paragraph should be included for Members to read entirely the contents of their questions including the Ministry to which each question is addressed to, so that the public can understand the question being answered by a given Minister.
- S.O. 62 The Committee recommends that S.O. 62 be amended to include sign language.
- S.O. 71 and 161 The Committee recommends that the two Standing Orders should be amended to allow live coverage of the proceedings of both the House and Committees.
- S.O. 149 reads as follows "*(1) There shall be a select committee to be designated the Library Committee comprising the Deputy Speaker as Chairman and not more than ten other Members.*
- (2) The functions of the Library Committee shall be-*
- (a) to consider and advice on such matters concerning the Library as may be referred to it by the House from time to time;*

(b) to make proposals and consider suggestions for the improvement of the Library;

(c) to assist Members of the National Assembly in fully utilizing the services provided by the Library."

The Committee recommends that the Library Committee be redesignated "*The Library, Hansard and Broadcasting Committee*" and it should be mandated to deal with coverage of Parliamentary proceedings. This Committee should elect its own Chairman.

2.4.5.4

OTHER RELEVANT LEGISLATION

The Committee noted that the Telecommunications Tax Act Cap 473 of the Laws of Kenya is outdated.

(i) **The Committee recommends that this Law should be repealed as it has been overtaken by the enactment of The Kenya Communications Act, 1998.**

(ii) The Committee noted that The Kenya Communications Act, 1998 impedes free flow of information and does not allow media houses to expand their coverage nationally.

The Committee recommends that the Kenya Communications Act, 1998 be amended to ensure total liberalisation of air waves.

The Committee further recommends that the relevant Standing Committee reviews all legislations and regulations that may hamper free flow of information and live coverage of Parliamentary proceedings.

2.5.

STORAGE AND USE OF RECORDED MATERIAL

The Committee recommends that:

- (i) All material recorded on proceedings of the House or Committee shall be stored in a broadcasting archive which shall be managed by the Clerk of the National Assembly,
- (ii) Material stored may be let out to persons or bodies interested subject to such terms and conditions as the Committee may stipulate,
- (iii) Before any material is let out for private or public viewing, production of educational information, or any other lawful purpose the officer incharge of Parliamentary proceedings shall preview it to ensure that only the relevant material is given out and,
- (iv) Reproduction of any archival material let out other than for purposes for which it was let out is strictly prohibited.

2.6

ROLE OF KENYA BROADCASTING CORPORATION AS A NATIONAL BROADCASTER

The Committee is aware that the Kenya Broadcasting Corporation (KBC) covers state functions free of charge as a National Broadcaster. It has well trained personnel and is the only Media House with nationwide frequencies and Outside Broadcasting Vans. Unfortunately most of the Corporation's equipment is outdated.

The Committee noted that in South Africa Parliamentary debates and matters of national interest e.g. housing, health etc. are covered free by the South African Broadcasting Corporation (SABC) which is the National Public Broadcaster. The Corporation receives government subsidy in order to cater for costs of production.

In the United Kingdom, the British Broadcasting Corporation (BBC) is the National Broadcaster. BBC receives its funding from licences and advertisements.

The Committee recommends that KBC starts a parliamentary channel to deal with coverage of Parliamentary proceedings. The signal to this channel

should be managed by the National Assembly.

An appropriate subsidy payable to the Corporation shall be provided for in the National Budget to meet the cost of airing of Parliamentary proceedings.

For KBC to effectively perform the role of a national broadcaster, the Committee recommends that it be restructured with an independent board of directors and be provided with modern equipment.

2.7. PRESS COMPLAINTS COUNCIL

The Committee noted that in Kenya there are no clear guidelines concerning complaints emanating from unfair coverage.

The Committee noted that South Africa has a Press Ombudsman who receives complaints from aggrieved parties concerning what has been published by Media Houses. There is also an appeals panel where a complainant or defendant can present his/her case if the verdict of the Ombudsman is not satisfactory.

The United Kingdom has a Broadcasting Complaints Commission which considers complaints related to unjust or unfair treatment in coverage by any television or sound service. It also has a separate Press Complaints Commission.

The Committee therefore recommends that Kenya should have a Media Complaints Council which should receive and settle complaints related to unfair treatment in coverage by the print and audio-visual services.

