

Unions converge against secrecy law

Unions from different ends of the political spectrum are threatening to take the controversial Protection of State Information Bill to the Constitutional Court and hold public demonstrations against it.

Yesterday, Monday 21 November 2011, the Cosatu-affiliated SA Municipal Workers Union (SAMWU), which is in an alliance with the ruling African National Congress (ANC), and civil society organisation Afriforum issued separate, but strikingly similar objections to the so-called "Info Bill" objecting to its all but certain vote by Parliament's National Assembly on Tuesday.

Should Parliament's lower house vote through the bill, it will then go to the National Council of Provinces and, if that body votes in favour, then the draft law would go to President Jacob Zuma to be signed into law.

In September the ANC unexpectedly withdrew the bill from being voted on, saying that it would conduct further consultations. The withdrawal was made following a strongly worded Cosatu statement saying that it would oppose the bill in the Constitutional Court.

Unchanged; no public interest defence

However, the draft law has returned to Parliament unaltered and it still excludes anything about a public interest defence.



Tahir Sema, SAMWU's national media and policy officer said that court action was certainly on the labour movement's agenda, but that it would also investigate other avenues to bring pressure to stop the Bill from being voted through.

"Through our Parliamentary office we have presented our papers outlining our objections to the ANC MPs, who are in the majority. We have also engaged with the President himself, however, this has not brought about the changes we had hoped for," Sema said.

Sema said that the labour movement was also examining public protests with other civic society groupings against the draft law.

Also on Monday Afriforum issued a statement saying that it had its lawyers on standby ready to take the Info Bill to the Constitutional Court.



Afriforum's deputy CEO, Ernst Roets there were several reasons why the Bill would not pass the test of constitutionality. These reasons include the following:

- The Bill is, as a whole, vague, complex and difficult to understand;
- The criteria for classifying information is extremely vague and could therefore be applied inconsistently;
- The secrecy of classification would result in whistleblowers being protected in principle and not in practice;
- The definition of "information" in the Bill includes "false information";
- The draft law would prevent the media from acting as a watchdog in a democracy.

SAMWU also argues that should the Info Bill become law it would hamper the fight against corruption at municipalities.

"Many of our leaders at local level were vilified, often victimised, and some physically attacked for courageously exposing corrupt practices. Despite the threats to their livelihoods and reputations, many of our comrades persisted because they felt that it was not just a crime in the strict sense of the term, but because corruption has been a decisive factor in thwarting

effective service delivery to many of our most impoverished communities," the SAMWU statement said.

It said that SAMWU members were only able to expose the crooked "tenderpreneurs", the rampant cronyism, politically convenient manoeuvring and nepotism by having access to documents, and being able to use them to alert greater authorities that malpractices were being committed.

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