

3. Interim report of the Portfolio Committee on Communications on the Films and Publications Amendment Bill [B 37 - 2015] (National Assembly – sec 75), dated 23 May 2017

The Portfolio Committee on Communications (the Committee), having considered the subject of the *Films and Publications Amendment Bill [B 37 - 2015]* (National Assembly – sec 75) (the Bill) referred to it and classified by the Joint Tagging Mechanism (JTM) as a section 75 Bill, reports as follows:

The Bill seeks to amend the Films and Publications Act, 1996 (Act No. 65 of 1996) (the Act) so as to insert and amend certain definitions; to provide for the establishment of, the composition of, and appointment of, members of the Penalty Committee; to provide for the powers and duties of the Penalty Committee; to regulate online distribution of digital films and digital games; to extend the functions of the Film and Publication Board of monitoring compliance with the Films and Publications Act; to include online distributors in respect of the requirements to comply with the Films and Publications Act; to revise and further regulate the functions of compliance officers regarding the entering and inspection of premises and facilities in which the business of the sale, hire or exhibition of films or games is being conducted; to further regulate the classification of publications, films and games; to provide for independent industry classification bodies accreditation thereof by the Film and Publication Board; to provide for classification of publications, films and games by the Independent industry classification bodies; to provide for foreign classification systems and approval thereof by the Film and Publication Board; to provide for the use of classification ratings issued by a foreign classification authority or body; to provide for the right of appeal against classifications issued by independent industry classification bodies; to provide for exemptions in respect of online distribution of films and games; to further provide for the obligations of internet service providers regarding curbing the use of their services in advocating racism and hate speech; to revise and strengthen penal provisions; and to provide for matters connected therewith. The Bill was referred to the Committee on 23 November 2015. The Committee held public hearings on 30 and 31 August 2016 and considered proposed amendments to the Bill. Whilst inquiring into the subject of the Bill and conducting the public hearings and deliberations, the Committee realised that it may be necessary to amend other provisions of the principal Act which were not included in the Bill. The Committee now seeks to amend other provisions in the Act beyond the scope of the Bill. The amendments which the Committee wishes to inquire into include but are not limited to the definitions, section 4A and section 31A.

The Committee now seeks to amend certain other provisions of the principal Act and requests the permission of the National Assembly in order to report on further amendments to the principal Act other than those presented in the Bill. NA Rule 286(4)(c) stipulates that when a Committee deals with a bill amending provisions of legislation, and the Committee intends to propose amendments to other provisions of the principal Act, the Committee must seek the permission of the Assembly to do so.

In light of NA Rule 286(4)(c), the Committee hereby seeks the permission of the National Assembly to inquire into and amend additional provisions of the principal Act.

Report to be considered.