



Republic of Zambia

Ministry of Information and Broadcasting Services

MINISTERIAL STATEMENT

ON THE ACCESS TO INFORMATION BILL

**PRESENTED TO PARLIAMENT BY HON. MWANSA KAPEYA MP.
MINISTER OF INFORMATION AND BROADCASTING SERVICES**

SEPTEMBER 2013

Mr Speaker;

I wish to thank you for giving me the opportunity to update this House on the progress made so far on the preparation of the Access to Information Bill. You may also wish to know that His Honour the Vice President did update this House and gave Government position regarding the progress made in the preparation of the Access to Information Bill.

Mr Speaker,

The Access to Information Bill aims at increasing openness and transparency, guaranteeing freedom of information and the right to access information, improving accountability and improved government relationship with the people. These are the values the Patriotic Front (PF) Government stands for.

Access to Information Bill was initiated by the previous government in the year 2002. The draft of this Bill was introduced for the first reading in Parliament but it was later withdrawn for further consultations.

Mr Speaker;

The MMD Government then kept the Bill at this consultative stage for close to ten years. On the contrary, when the PF took over the running of Government, it recognised the need to make our people have access to information held by public institutions and about their government.

Mr Speaker;

Without delay, the PF Government, in the spirit of consultation, constituted a task force comprising a number of organisations and eminent individuals to spearhead the re-drafting of the Bill and formulating a roadmap. Members of the task force were drawn from different organisations among them the following:

- a) The Law Association of Zambia
- b) The Media Institute of Southern Africa (MISA) Zambia
- c) Jesuit Centre for Theological Reflections (JCTR)
- d) University of Zambia (UNZA)
- e) Economics Association of Zambia

We also had collaborating partners such as the World Bank which provided financial support to the consultative process.

Mr Speaker;

In line with the Party Manifesto, the Patriotic Front-led Government recognises the need to provide access to information held by public institutions and about their government because we know that it is central to growth of democracy.

People need information to reach consensus on national issues, assess accountability, participate in decision making, and monitor the application of the rule of law and most importantly, assess equity and inclusiveness in national issues.

Mr Speaker;

This Government is also aware that the previous Government had no interest in running an open Government and therefore they decided to put this very important issue at the back of their list of priorities.

The PF Government is convinced, beyond reasonable doubt, that a government that operates in secrecy attracts undue criticism and alienates itself from the people whose support it needs to successfully implement its developmental agenda.

Mr Speaker;

It is against this background that the PF Government is making frantic efforts to bring the Access to Information Bill back to Parliament for enactment and to prepare for its implementation.

Enactment of the Access to Information Bill is the easier part of it. It is the implementation that is much more challenging. Without careful planning, we risk having a law that cannot be implemented. This will be more frustrating than to wait a little bit more for the foundation to be laid.

Mr Speaker;

As you may recall, His Honour the Vice President told the nation, through this August House, that Government was committed to enacting the Access to Information Bill. His Honour the Vice President further informed the House that

a Cabinet Memorandum had been issued for Cabinet Ministers to comment on the draft Bill.

Mr Speaker;

I wish to report that Cabinet has approved in principle that the Access to Information Bill should be prepared. The Bill has been discussed by the Internal Committee comprising the Minister of Justice and his officials and myself and my officials.

As part of the process of preparing the Bill, the Ministry of Justice, has advised my Ministry to ensure that selected laws that had been preliminary identified to impact on the access to information were also amended in order to ensure that when the Bill was enacted it does not conflict with these laws.

Some of the laws that would conflict the Access to Information bill include the following:

- i.) The Constitution of Zambia, Cap. 1
- ii.) The Zambia Security Intelligence Service, Act No 14 of 1998
- iii.) The State Security Act, Cap 11
- iv.) The Official Oaths Act Cap. 5
- v.) The National Assembly (Powers and Privileges) Act, Cap. 12
- vi.) The Protected Places and Areas Act, Cap 125
- vii.) The Census and Statistics Act Cap. 127
- viii.) The Copyright and Performances Rights Act, Cap. 406
- ix.) Electoral Act, No. 12 of 2006
- x.) The Information and Communication Technologies Act No. 15 of 2009

- xi.) The National Archives Act, Cap. 175
- xii.) Electronic Communications and Transactions Act, No 21 of 2009
- xiii.) The National Health Research Act, No. 2 of 2013

Mr Speaker;

The list above is not exhaustive and that was the basis on which the Ministry of Justice advised the Ministry of Information and Broadcasting Services to engage a legal expert to review all the above mentioned laws and identify other laws that would be in conflict with the Access to Information Bill once enacted into law.

The Ministry has now engaged the legal expert to undertake the review of the laws and a period of one month has been given to undertake this exercise. In addition, the Ministry will proceed with the approval process of the Bill and very soon it will be presented to the Legislative Committee of Cabinet for consideration. Once the Committee has approved the Bill it shall then be taken back to Cabinet for approval for publication and introduction in Parliament.

It is only after Cabinet's formal approval of the Bill that it will be ready to be tabled before the House and be subjected to the formal enactment processes. There is no shortcut to the process. We have to follow the due process because, in such circumstances, it is the right thing to do, and there is no alternative.

Mr Speaker;

I want to assure the nation, through this August House, that Government has nothing to hide and therefore we are committed to enacting the Access to Information Bill.

As Government, we believe the proposed Access to Information Bill is one of the most progressive of its kind, having been developed in close and full collaboration and participation of key stakeholders such as the civil society, academia and legislative experts.

I thank you