



**NAMIBIA UNIVERSITY
OF SCIENCE AND TECHNOLOGY**

FACULTY OF HUMAN SCIENCES

DEPARTMENT OF COMMUNICATION

QUALIFICATION: BACHELOR OF COMMUNICATION	
QUALIFICATION CODE: 07BACO	LEVEL: 7
COURSE CODE: LEC 721S	COURSE: LEGAL AND ETHICAL ISSUES IN COMMUNICATION
SESSION: NOVEMBER, 2019	PAPER: THEORY
DURATION: 3 HOURS	MARKS: 75

FIRST OPPORTUNITY EXAMINATION QUESTION PAPER	
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INSTRUCTIONS
<ol style="list-style-type: none">1. Answer THREE (3) questions. Question 1 is compulsory.2. Write clearly and neatly.3. Number the answers clearly.

THIS QUESTION PAPER CONSISTS OF 4 PAGES (Including this front page)

Question 1

25 marks

(a) Explain, according to your understanding of how Ethics is defined, whether it provides a different standard of restricting human behaviour from statutory law.

(5 marks)

(b) Apply appropriate ethical standards **and** legal statutes (one each) to correct wrongful practice in each of the following examples:

(i) A message posted on a WhatsApp group alleging that a member of that group has defrauded a public company;

(10 marks)

(ii) A video posted online which shows members of a university sports team changing and showering in the changing rooms of a sports ground. (10 marks)

Question 2

25 marks

Article 13(1) of the Namibian Constitution states that:

“No persons shall be subject to interference with the privacy of their homes, correspondence or communications, save as in accordance with law and as is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the protection of health or morals, for the prevention of disorder or crime, or for the protection of the rights or freedoms of others”.

Review the eight underlined factors in the extract above, giving examples (one each) of abuses of ICTs/web applications that contradict each of the factors.

Question 3

25 marks

Imagine a media house receives a tip-off that Namibia will run out of fuel next week, and that there will be no imports of fuel for another three months at least. The media house contacts the Ministry of Mines and Energy in Windhoek. The ministry does not deny the story, but warns the reporter not to pursue or publish it, as the reporter and media house could be prosecuted under a section of the Petroleum Products and Energy Act (Act No. 13 of 1990, as amended in 2000) which empowers the Minister of Mines and Energy to “regulate or prohibit the publication, announcement, or the making of comments regarding the source, transportation, destination, storage, consumption, quantity, or stock level acquired for or manufactured in Namibia”(sub-section 4, pp.6-7). The ministry says it wants to avoid the chaos, panic-buying and hoarding of fuel that would result from the news reports. It asks the media to be patient while the government works on strategies to address the situation. The reporter, and the media house, now face what is called an *ethical dilemma*. Either they comply with the ministry’s instruction to avoid being dragged to court, thereby denying Namibian motorists, public transport users, and indeed the entire national economy a right to be informed of a national emergency; or they reason that, by applying utilitarian ethics, their responsibility must be to the wider public, and they go ahead and publish the story – risking arrest, a fine or possible imprisonment.

- (i) Assess and evaluate which option would serve the “greatest good” for professional journalists in the example above: to obey the government and not publish the story, or to disobey the government and publish for the information of the public? (12.5 marks)
- (ii) Is it possible to apply J.S. Mill’s utilitarian theory to justify both options? In other words, is the government justified in saying it also is following the “greatest good” by seeking to suppress the story? (12.5 marks)

Question 4

25 marks

You are a Public Relations practitioner working on a marketing campaign for your company. The deadline is fast approaching, so your colleagues decide to cheat by using audio-visual content that has already been used by another firm in an overseas country, because they are pressed for time. They believe that this theft of content will not be detected, because the campaign will only be used on the Namibia Broadcasting Corporation channels. As a member of the campaign team, what will your argument be, and how will you justify your decision?

Question 5

25 marks

Give your assessment of the objections by scholars (e.g. Links, 2008) and human rights groups to the Electronic Transactions and Cybercrime Bill, drafted by the Namibian government but not yet passed into law by parliament. State which of the objections you agree with, and those you disagree with, giving your reasons in all cases.

End of Examination

Total: 75 marks