**Press Ombudsman’s Report**

**SANEF Council Meeting**

**Grahamstown**

**September 8, 2012**

**Changes**

It’s been six weeks since our last report to the SANEF AGM in Durban, so this report will still be largely on the changes to the Press Council’s Constitution, Complaints Procedures and the Press Code.

The Press Council published its recommendations on the review of the system of self-regulation in August 2011 and the Press Freedom Commission put together by SANEF and Print Media South Africa published its recommendations in April this year and for the last five months we have had workshops and intense debates among the associations that constitute the Press Council about the way forward in the print industry.

The current Press Council is now getting ready to hand over the baton to the next.

On August 23 and the days following that the council amended its constitution, the Complaints Procedures and the Press Code to reflect the industry consensus on the way forward. Remember, the current PCSA constitution states:

“Any amendment to this Constitution, the Code or the Procedure shall require the approval of two-thirds of the members of the PCSA voting either personally or in absentia.

On August 23 the council had its annual general meeting and the amendments were passed. In the days thereafter the members were polled by email on the editing of the documents.

On Monday September 10, we will be receiving a report from a firm of lawyers who have been asked to review the results and measure them against the country’s constitution and media law.

The rest of the work this year will be:

* a function at the beginning of October hosted by the outgoing Press Council where the new structure will be officially unveiled;
* adverts go out nationally for applications for the new positions in the administration of the Press Council (including that of the Ombudsman) and for applications and nominations for the public members of the council and the appeals panel;
* shortlisting and interviews of the applicants and nominees;
* the constituent associations nominating their representatives;
* the new Press Council announced beginning of December;
* January, 2013, the new Constitution and Press Council will be inaugurated.

In the meantime, Press Council chairperson Raymond Louw has already asked for a meeting with Chief Justice Mogoeng Mogoeng to brief him about the changes to our structures and to request him to recommend retired judges to serve in the new structures.

This is in line with the constitution of the Press Council, which states:

“During the last year of the term of office of council members, the council shall request the Chief Justice of South Africa to appoint a judge to Chair the Appointments Panel.

“The sitting council shall appoint at least three council members to assist the Chairman of the Appointments Panel to select members of the next council.”

Parallel with our process, Parliament will be conducting its inquiry into press regulation at the request of the ANC. The chairperson of the Portfolio Committee on Communications, Mr Eric Kholoane, recently told the Ombudsman that the committee is preparing for the hearings, but he stressed that if the press accepts the recommendations of the Press Freedom Commission, the work of the committee will be that much easier. The same sentiments have been expressed directly to the Ombudsman by ANC leaders like Deputy President Kgalema Motlanthe and Jessie Duarte.

**Code**

In the meantime, the normal work of the Ombudsman’s office has continued unabated.

**Outreach inside and outside the country**

In the past six weeks we have been interviewed by the Good Morning Africa Breakfast Show, by SAfm and have spoken at the annual conference of Communication Students Association at UNISA, spoken to young inmates at the Kroonstad Prison, spoken to the parliamentarians in Tunisia as they are busy writing their new constitution, and visited the Editors Forum of Namibia and their Ombudsman, Clement Daniels. Yesterday we hosted a delegation from the Press Council of Indonesia. Please look out for them as they are also visiting Highway Africa.

In September we participate in a MISA regional workshop with media regulatory bodies on media and election reporting.

**Website**

Our website has been redesigned in terms of the recommendations of the PCSA Review. We have now given notice to Mweb to move the hosting to a new server.

The new system automates a lot of the work that our Case Officer Khanyi has been doing: when a complainant sends his or her complaint, the system sends an acknowledgement of receipt and a case number. It tracks the status of the complaint until it has been handled. When the complaint is closed, it sends a satisfaction survey to be completed by the complainant.

The system is also able at the press of a button to give us statistics on complaints handled.

**Company Registration**

This has not been finalised. We have received a revised Memorandum of Incorporation from the firm that drafted the first MOI, but we believe that this process can be completed only after the new Press Council constitution has been finalised. The MOI has to reflect the constitution.

**PMSA**

We have been given notice by PMSA that it will be relocating to Media24 premises at the end of its lease at the end of January.

This means that the Press Council needs to find new premises and, in line with the PCSA Review and the PFC Report recommendations, we have to find them away from PMSA.

PMSA has offered to continue supporting the PCSA with financial administration and HR services.

**Complaints**

We would also like to report that the use of an “assistant ombudsman” on a part-time basis has relieved the burden on the office. This assistant helps in the analysis and initial opinion on complaints, but as he does not have the authority, his work still has to be scrutinised by the office and goes out under the name of the Ombudsman or the Deputy Ombudsman.

***Statistics:***

***28 July – 8 September 2012***

Number of complaints received this year up to September 3: 195

Number of complaints received since Sanef’s last meeting: 27

Observation: The number of complaints has doubled since the Deputy Press Ombudsman took office on 1 November 2009.

***Complaints ruled on*** (visit www.presscouncil.org.za for full findings)

1. Mr Collen Mpyane complained about a story in the Daily Sun on 25 April 2012 and headlined *Mpyane fined on the road.* He said the story inaccurately stated that he was the Tshwane chairman of the National Association of Youth Against Alcohol and Substance Abuse, that he nearly crushed into a police car, that he was drunk, that he walked away from the police, and that the police were angry and arrested him on the spot. The complaint was dismissed.
2. Ms Renette du Plessis complained about a story in Beeld on 4 June 2012, headlined *Dié Hervormers kla hul kerk aan – Vies apartheid is teologies verwerp.* This story was also published in Volksblad, headlined *Spanning binne kerk bereik breekpunt – Beswaardes verklaar staat van belydenis*. She denied that the steedsHervormers’ state of confession had something to do with the justification of apartheid and called the story misleading. She also complained about the sub-heading. The complaint was dismissed.
3. Ms Joy Kriel complained about a poster by The Citizen on 1 August 2012 which read *MORE BOERE GUILTY.* She said that this lead to violence against innocent farmers. However, the Boeremag trial had been covered widely (both in the press and in the electronic media), and the word “BOER” could nothave been misunderstood for “farmer”. The complaint was dismissed.
4. The ANC complained about a story in the Mail & Guardian on 15 June 2012 and headlined *‘Prove you’re not a dictator’: NEC in heated Zuma attack.* The complaint was dismissed
5. Melomed Hospital (MH) complained about a story in the Daily Voice on 5 March 2012 and headlined *Hospital disfigures my child – Baby sent home with festering arm.* The newspaper was directed to apologise to the hospital for not taking the trouble to furnish it with the necessary authorisation to release details, for not obtaining its views prior to publication, for misrepresenting its correspondence, and for an unfair headline and caption.
6. The Umgungundlovu District Municipality complained about a story in The Times on 15 June 2012 and headlined *No cash for basic services, R11m for car hire.*The story was about the UDM spending more than R11-million of ratepayers’ money on the hiring of cars over a period of approximately five years, while it allegedly failed to provide proper service delivery to the public. All the complaints regarding the story were dismissed; the newspaper was cautioned about the headline.
7. Five people complained about a headline and a composite picture in the Daily Voice on 20 March 2012 with the strapline *Man City Pin their faith on Carlos Tevez’s…* This was followed by the headline *Second Coming.* They complained that the headline and the picture mocked Jesus Christ and their religion and that it amounted to blasphemy and that the newspaper infringed on their right to practise their religion. The complaint was dismissed.
8. Mr Benzi Tenza, the school principal of Ezibeleni School for the disabled in Kathlehong, complained about two stories in The Star, published on 25 October and 15 November 2011. They were headlined *Audit ordered as principal accused of misusing school funds*, and *Principal shrugs off ‘R1.7m bus’ accusation*. The newspaper was directed to apologise to Tenza for not getting his comment on the allegation that he tried to shut down the school in an attempt to cover up the misuse of funds, and for not attempting to verify this accusation; and to include his comment on the above in the text below.
9. Major-General Deena Moodley complained about a story in the Sunday Times on 22 April 2012 and headlined *All expenses paid – How rogue ‘agent’ used police funds to pay his relatives, doctors and dentist.* Moodley complained that the story inaccurately said that she had been invited as a VIP guest at businessman Panganathan Marimuthu’s lavish 50th birthday party last July, and that the journalist did not contact him for comment prior to publication. The newspaper was directed to publish Moodley’s denial that he attended the party.
10. The Nelson Mandela Bay Municipalitycomplained about a story in The Herald on 16 April 2012 and headlined *No horsing about as farmer combats high petrol prices*, and about a cartoon that was published the next day. The municipality argued that a comment by a farmer to the effect that machinery was more reliable than people was racist, and that the cartoon was meant to cause it maximum harm. The complaint was dismissed.
11. Dr O.I. Adejayan and 37 other medical staff complained about editorial comment in the Mafikeng Mail on 27 October 2011 headlined “*Deafening Silence”*, saying that it wrongly accused medical practitioners working at Melomed Hospital as being fakes (“fong Kong”). The newspaper was directed to apologise for stating it as fact that fong Kong medical practitioners were appointed at the hospital and for not taking into account that they were registered with the Health Professional Council of South Africa; the newspaper was also asked to retract this statement.
12. Ms Ann Parboo complained that a story in the Newcastle Advertiser on 15 May 2012, headlined *Rumours of bribery, sabotage and racism fly after crowning,* has defamed her. The newspaper was directed apologiseto Parboo for unnecessarily causing her harm, and to retract the story.
13. Mr Hendrik Ludick complained about two stories on 1 April 2012 en 3 Junie 2012 respectively. These were headlined *Alles stories, sê hy* and *Doom katknyp – Vroulief wou selfmoord pleeg*. He mainly complained that he was defamed and that he was not asked for comment. The complaint was dismissed.
14. The soccer club Platinum Stars complained about a column in the Sunday Sun on 4 March 2012, headlined *Writing is on the wall! – Ruud Krol now linked with the job at Dikwena*. It complained about some alleged inaccuracies and that the club was not given a right of reply. The complaint was dismissed.
15. The soccer club Platinum Stars complained about a story in the Sunday Sun on 18 March 2012, headlined *Palmer tipped to take the reins at Dikwena*. The complaint was that the newspaper did not give its chairman Floyd Mbele a right of reply. The newspaper was reprimanded for not taking enough care to corroborate or verify its information, and for not stating that it could not do that or get comment from Platinum Stars; it was cautioned for basing a story on the information on a single, anonymous source; and it was directed to get comment from Mbele.
16. The soccer club Platinum Stars complained about a column in the Sunday Sun on 25 March 2012, headlined *Mbele bans us!* Club chairman Floyd Mbele argued that the caption falsely stated that he had banned Sunday Sun from all PS’ events. There was no finding as it was a case of one person’s word against the other, with no reasonable prospect to get enough evidence from either side to base a responsible decision on.

Several cases were successfully negotiated and others were dismissed out of hand.

**Joe Thloloe and Johan Retief**