

# OMBUDSMAN "HOT SEAT" MOOTED

By Anton Harber

In recent years, a new-look Conference of Editors has been moving to rid the press of some of the more dubious institutions inherited from the 1980s.

A couple of years ago, the Conference became more inclusive, taking in editors of the new generation of independent newspapers. It became more assertive, aiming to end the era in which dealing with the government on press freedom issues was left to the then-Newspaper Press Union.

One of the first institutions to come under attack was the long-standing agreement with the Defence Force which had the mainstream editors assenting to certain limitations on their coverage. It was thrown out, as were attempts by the military to replace it with a new, improved agreement.

The Conference dispensed with its tradition of no action without consensus. Since the Conference had always been so divided on press freedom issues, it had been unable to take action significant to protect newspapers or journalists under attack. The new conference would act on a majority vote, thus enabling it to take much firmer and quicker action when necessary.

Perhaps the most significant of the institutions to face a challenge from the Conference, however, was the Press Council. The Conference has given two reasons for its proposal to get rid of the Press Council. The current council was formed under pressure from the National Party government, to head off his threats to legislate for a statutory council, and therefore has had an unsavoury history. Its record on press freedom issues is not one that commands pride.

The second is that the council has become a cumbersome and ineffective way of dealing with public complaints about the conduct of the press. It is unrepresentative slow to act and expensive to run.

The editors have proposed replacing the elaborate structure with a single, independent Ombudsman at the head of a simple, streamlined structure. This person could deal with the most valuable function of the council – providing the public with a cheap and effective way of dealing with complaints against the media.

The proposal is that the Ombudsman would be appointed jointly by the editors and the NPU, now called the Print Media Association. He or she would be empowered to attempt mediation on complaints against newspapers and, where necessary, make a ruling. Under debate at the moment is whether this ruling should be subject

to a system of appeal. The PMA is proposing that a three-person appeal board be drawn from a list of eminent South Africans. Such a board would be formed on the few occasions that a ruling is contested by either party.

The editors' proposal has met with some resistance. Some elements of the PMA have argued that the Press Council could prove useful in the likelihood of future conflicts with the government over press freedom. Others have expressed fear of a too-powerful

Ombudsman, whose rulings may be disputed. This grouping have said they would not accept the Ombudsman's authority without an effective appeal structure. The editors strongly rejected the argument that the Press Council could provide a future bulwark against government, because of its poor record in this regard, and because it was felt that the new constitution and Constitutional Court provided more effective and realistic defences against attacks on press freedom.

What is important is that individual members of the public feel they have a way to seek redress for grievances about press conduct without resorting to the courts. In fact, a good Ombudsman could do this quicker, cheaper and more effectively than a large council. Either way, the editors have given notice that they are pulling out of the Press Council at the end of its current term of office, in mid-year. Whether or not a new Ombudsman structure can be agreed on and set in place before then remains to be seen.

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for believing in big business  
are some of our smallest.*



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