



Does SA need a Media Tribunal?

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The call for a Media Tribunal

After a series of court cases (Manto T-M, JZ), ANC conference (Polokwane) calls for a Media Appeals Tribunal (MAT) on grounds:

- Strengthen, complement and support current self-regulatory institutions
 - Balance freedom of expression and of the media with right to equality, privacy and human dignity
 - Extra powers to safeguard human rights
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What recourse exists? Is an MAT necessary?

- New conditions (post-1994)
 - Broadcast v print
 - Grievance options
 - Case study (Samson v Kaapse Son)
 - Conclusions (& questions?)
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New: Globalisation (owners, technologies, markets)



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New: Commercialisation

FINANCE

Nexus Financial Solutions is the entrepreneur's finance director

Nexus Financial Solutions from Sanlam pioneers one-stop financial services for every business owner

A last major South African financial institution is taking the pain out of financial services for the entrepreneur. Never before has a serious attempt been made to address the financial service needs of entrepreneurs.

"We aim to play the role of financial director for the entrepreneur," says Kobus Engelbrecht, marketing head: Entrepreneurs of Sanlam. Nexus Financial Solutions is Sanlam's pioneering project in the field of small and medium business. "Up to now entrepreneurs have been stuck in a nightmare of different companies, brokers and consultants for the services they need. If a business is not yet big enough to support a financial director, there is no one to deal with the pressing financial decisions that businesses simply cannot avoid. This is true even of medium sized businesses in which all the directors are urgently needed in the core business."

The Nexus Financial Solutions product range aims at the small and medium business where the entrepreneur takes home a salary of at least R16 000 a month. Engelbrecht's aim is to simplify life for the entrepreneur so that he or she can get on with the serious matter of running the business. "We have a full range of financial services to offer, but in areas that we do not touch we have outsourced the service so that the harassed entrepreneur will have only one stop for all financial services. Everything from short-term insurance and investments to employee benefits and banking needs will be catered for in one place by one consultant."

Engelbrecht's thinking is in line with the modern trend to outsource the functions that lie outside your core business. In the much-quoted words of Richard Branson: "Sub-contract everything excepting your soul."

It is typical of entrepreneurs that they are impatient with anything that takes their attention away from the core business. They hate spending time and effort in anything that does not generate money. Other considerations, no matter how necessary, are always viewed as secondary. If they are unavoidable they are usually dealt with after hours.

"Many entrepreneurs have 10 different people, even 10 different companies to deal with in handling financial services," says Engelbrecht. "Life becomes very complicated. On top of all this, financial services are brought on board far too hurriedly. You're never sure that you're getting a good deal, and often you may not be."

The name, Nexus, is a Latin word, meaning "connection." This is exactly the role the section is seeking to fulfill. The linking role



"The movement towards entrepreneurship is only the beginning of a movement that is gathering strength every day"

- Kobus Engelbrecht

goes far beyond the provision of financial services. Nexus Financial Solutions consultants are specially trained to assist and advise small and medium sized businesses on the full range of financial products. Every Nexus Financial Solutions advisor is an expert on the full range of Sanlam products. Where they cannot help, Sanlam has accredited suitable professionals and businesses

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Tabloids: Pushing Limits



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Where to complain (Broadcast)

Tightly regulated (state monopoly)

- Broadcast Complaints Commission of SA (BCCSA)
 - Independent Communications Authority of SA (ICASA)
 - IBA Act, ICASA Act
 - Films and Publications Act & Board; ASA
-

Where to Complain (Print)

Self-regulated (freedom of the press)

- Title (editor, reporter, ombud)
 - Law courts (libel and defamation)
 - Press Ombudsman of SA
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Press Ombudsman of SA

- Founding Bodies: SA National Editors Forum, Media Workers Association of SA, Newspaper Assoc of SA, Magazine Publishers Association
 - Press Code of Professional Practice
 - Press Ombudsman (Joe Thloloe)
 - Appeal Panel (Judge plus 2 assessors)
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Press Ombudsman: Teeth?

- Dismiss complaint
 - Reprimand
 - Correction/publication of findings
 - Criticism of conduct
 - ‘Any supplementary or ancillary orders or directions that he or it may consider necessary’
-

Jessica Samson v Kaapse Son

17 Mei 2006 Oe...la...la... BI. 3

KLEIN SATAN



Al-AI-AI: Ons lesers het daarop aangedring dat ons nog 'n foto plaas van Carmen, die pragtige Etna-iaanse danseres wat in Kaapstad kuler. Maar moenie Vrydag se Son misloop vir 'n stomende foto van haar nie. As jy 'n WAP-foon het, SMS die kode "216386" na 36903 en ons stuur haar foto vir jou. Dit kos R5. Daar's nog baie foto's by www.die-son.co.za. Rapporteer probleme aan (021) 406-4202. Foto: HELMUT PETERS

Suur plan werp nie vrugte af

SINGAPOER. – 'n Sogenaamde duiwel-uitdrywer wat 'n vrou seksueel gemolesteer het met 'n suurlemoen, is hier in die hof skuldig bevind.

Hy is gevonnisd tot nege maande tronkstraf en drie rottanghoue.

Die man, Singarahall Chinnaswamy Manjalah, van Indië was op 'n sosiale besoek in Singapoer.

Manjalah het haar oortuig hy is 'n waarseer en dat 'n "kuty-satan" – of klein demoon – haar possess.

Suurlemoen

Hy het haar vertel sy gaan sterf, of 'n prostituit word, as sy nie dat hy die kuty-satan met sy gebede uitdryf nie. Dit sou haar 263 Singapoer dollars (sowat R830) kos.

Die vrou het hom geglo en hom twee dae later ontmoet.

Hy het gesê om haar gesond te maak, moet hy 'n suurlemoen oor haar liggaam vryf. Hy het toe sy regterhand onder haar sari gedruk en die lemoe oor haar borste, ...



NIE BULLETPROOF: Proof is verledene jaar geskiet. Foto: AP

Club moet eers sluit

DETROIT. – Die nagklub hier waar die rapper Proof geskiet is, is gesluit.

Aanklaers in Wayne County het bevestig die nagklub CCC sal 'n jaar lank toe bly, berig *Bang Showbiz*.

Die venue, wat ook beboet is omdat dit onwettig ná ure oopgebly het, is op die berugte 8 Mile-straat, wat bekend gemaak is deur Eminem se fliek met dieselfde naam.

Argument

Volgens owerhede moet alle nagklubs wat ná ure oopbly, gesluit word. Dis om verdere sinnelose moorde te vermy.

Proof is in April geskiet ná 'n vassittery oor die pool-tafel. Die 32-jarige rapper het sy 35-jarige opponent, Keith Bender, in die gesig geskiet.

Samson complaint

Pix demeaning and discriminatory: 4 approaches

- Constitutional

Dignity, equality, freedom from discrimination

- Legislative

Film and Publications Act, 1996 pending Bill

- Public Morality

Most people oppose gratuitous use of sexual images in the media, access, abuse

- Regulatory: Against Press Code

Constitution

Competing rights in Chapter Two of the
Constitution

Freedom of Speech v Equality, dignity

Not up to Press Ombudsman. Constitutional
Court matter.

Legislative

Film and Publications Act, 1996:

- content, publication and conditions of sale of all sexually-related material governed by the Act

Except...

“Any newspaper published... by a publisher who is a member of the NPU of SA is NOT subject to the provisions of this Act”

Public Morals

Yes, tasteless, gratuitous even offensive

But ...

- Majority of men and women?
 - Correlation to abuse/harm of women and or children
 - Don't buy it
 - Sign of the times
-

Regulatory

* Nothing specific (discrimination, fair)

“A newspaper has wide discretion in matters of taste but this does not justify lapses of taste so repugnant as to bring the freedom of the press into disrepute or be extremely offensive to the public”

s1.11 of the Press Code

Finding: Topless in Die Son

“We are satisfied that the broad sweep of the public would not hold this view (‘extremely offensive’); this is a sign of the times. To allow the appeal would not only be an incursion into the freedom of the press; it would also deprive a section of the public of its entitlement. Accordingly, the appeal fails and is dismissed.”

Conclusion: Is a MAT OK?

“Vigilant self-regulation is the hallmark of a free and independent press” – Press code

- Reference to gender under section on discrimination only added after this case
 - Inadequate consideration of new trends in SA media: tabloids, commercialisation and globalisation
 - Call for revisiting of the code, tighten self-regulation, improve accountability
-

Conclusion: Is a MAT OK?

- But, history of ANC support for press freedom (incl Constitutional)
 - Recent history of growing intervention by state in media activities (Sun Times, 4th biggest advertiser, court cases against journalists)
 - Hard not to seem interfering with new statutory regulatory body
 - Political dimension: stifle accountability, add to insult law problem
 - ANC conference 'wishlist' (see MDDA)
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Is a Media Appeals Tribunal OK?
You decide.

Thank you!

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