

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

What recourse exists? Is an MAT necessary?

- New conditions (post-1994)
- Broadcast v print
- Grievance options
- Case study (Samson v Kaapse Son)
- Conclusions (& questions?)

New: Globalisation (owners, technologies, markets)



Social science that makes a difference

New: Commercialisation

FINANCE

Nexus Financial Solutions is the entrepreneur's finance director

Nexus Financial Solutions from Sanlam pioneers onestop financial services for every business owner

t last a 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 entrepreneurs of the content o

"We aim to play the role of financial director for the entrepreneut", says Kobus Engolbrecht, marketting head: Entrepreneurs of Sanlam. Nexus Financial Solutions is Sanlam's pioneering projeci 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 urenative needed in the core business."

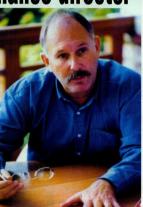
which a five directors are linguiny needed in the centre of the sense. The Neurs Financial Solutions product range aims at the small The Neurs Financial Solutions product range aims at the small year of at least R16 (00 or north, Engelbeach's aims is or simplify life for the enterperence so that he or 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 out-sourced the services 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 bank-term insurance and investments to employee benefits and bank-term insurance.

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 bate 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 outerbroneurs have 10 different people, even 10 different companies to deal with in handling financial services," says fragelbrecht. "Life becomes very complicated. On top of all this, financial services are brought on board far too hurriedly, You're newer 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 fulfil. The linking role



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

- Kobus Engelbrech

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



Social science that makes a difference



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

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)

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



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 selfregulation, 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)

Is a Media Appeals Tribunal OK? You decide.

Thank you!

