

General information for complainants

1. About what and against whom can complaints be made?

The Press Council's complaints mechanism is about alleged breaches of the Press Code in material published by print and/or online publications that subscribe to the jurisdiction of the Press Council.

Complaints are lodged against publications, not individual journalists or editors.

- If your complaint is about a **broadcast on TV or radio**, please contact:
The Broadcasting Complaints Commission of South Africa (BCCSA)
Website: www.bccsa.co.za
E-mail: bccsa@nabsa.co.za or to the Registrar, Shouneez Martin at shouneez@nabsa.co.za
- If your complaint is about an **advertisement**, please contact:
The Advertising Regulatory Board (ARB)
Website: www.arb.org.za

2. Who can lodge a complaint?

Persons or bodies of persons may lodge a complaint if they have standing to complain in terms of the following rule:

- anyone acting in their own interest;
- anyone acting on behalf of another person who cannot act in his or her own name;
- anyone acting as a member of, or in the interest of, a group or class of persons; and
- an association acting in the interest of its members.

PLEASE NOTE: If the complaint is lodged in accordance with any of the last three bullets above, a motivation/proof (e.g. on an official letterhead) of the standing must accompany the complaint. This is also applicable where a complaint is lodged by a legal representative or a professional representative, e.g. an official spokesperson.

3. When and how can a complaint be made?

TIME FRAMES:

A complaint should be made as soon as possible, but **not later than 20 working days** after the date of publication. If the complaint is late, condonation may be sought by submitting a good and satisfactory explanation for the delay.

PENDING AND CONTEMPLATED LEGAL PROCEEDINGS:

The Press Council does not expect a complainant to waive the constitutional right to institute legal proceedings against a publication but it may defer acceptance of the complaint pending the finalisation of such pending or contemplated legal proceedings. A complainant must thus complete a questionnaire in this regard when lodging the complaint.

HOW CAN A COMPLAINT BE MADE?

Complaints can be made by completing and submitting the online Complaint Form. Provision is made for attachments, which includes a copy of, or link to, the article complained about.

Alternatively, the complaint can be sent to enquiries@ombudsman.org.za.

If the above is not possible, the Press Council's Public Advocate can be contacted at 011 484 3612.

The Public Advocate can assist members of the public to formulate their complaints, especially with regards to sections of the Press Code allegedly breached.

COMPLAINTS LODGED BY LEGAL AND OTHER PROFESSIONAL REPRESENTATIVES:

When complaints are lodged by legal and other professional representatives, the Public Advocate will advise that only complaints submitted in accordance with the Press Council's Complaints Procedures will be accepted.

EXCESSIVE LENGTH AND ANNEXURES

It is of the essence of the Press Council's complaints mechanism that:

- Complaints be considered and mediated or adjudicated on within the shortest possible time after the publication of the matter giving rise to the complaint;
- Complaints be considered and mediated or adjudicated in an informal manner.

In the light of the above, the Public Advocate will advise complainants (especially legal representatives) that excessive lengthy complaints and/or annexures should be revised before it will be accepted. A complaint should normally not exceed five A4 pages. Even complicated complaints should not exceed 10/15 A4 pages.

PERSONAL INFORMATION

The Press Council will use personal information submitted by a complainant only for the purpose of mediating and/or adjudicating the complaint. It will take reasonable steps to ensure that the personal information under its control is protected from misuse, loss, and unauthorized access.

It is the responsibility of complainants to indicate when making a complaint if they wish some details to be kept confidential from the publication or not to be published in any Council adjudication on the matter. The Public Advocate will inform the complainant whether this would be possible or not. The complainant can then decide whether to proceed with the complaint or not.

4. Handling of complaints

ROLE OF THE PUBLIC ADVOCATE

All complaints are received by the Press Council's Public Advocate, who will assist members of the public to formulate their complaints. He/she may decline to accept a complaint if there is no prima facie breach of the Press Code.

After accepting the complaint, the Public Advocate will attempt to resolve complaints amicably by liaising directly with the publication on behalf of the complainant.

If an agreement cannot be reached within a reasonable time, the matter will be forwarded to the Press Ombud Panel for adjudication.

The Public Advocate will throughout the entire process, also at the Ombud and the Appeals Panel level, advise and assist the complainant, if the complainant agrees.

ADJUDICATION BY THE PRESS OMBUD PANEL

If an amicable agreement cannot be reached, the Public Advocate will forward the complaint, the publication's response and the complainant's further response to the Press Ombud or a Deputy Press Ombud for adjudication.

The matter will be adjudicated either on the papers or a hearing will be convened, where the Press Ombud or Deputy Press Ombud will be assisted by two members of the Panel of Adjudicators, one a public representative and the other a press representative.

APPEAL PROCESS

Either party may apply for leave to appeal the decision of the Press Ombud Panel. If the Chair of Appeals grants leave to appeal, he will convene an appeal hearing, where he will be assisted by one press representative and up to three public members of the Panel of Adjudicators.

5. Complaints Procedures

The full complaints procedures can be read [here](#).