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| **2012 System** | **2013 System** |
| **Constitution** | **Constitution** |
| *System*“press self-regulation” | *System*“a voluntary independent co-regulatory system involving exclusively representatives of the press and representatives of the public…” |
| *Composition of Council*The Council shall consist of six members representative of the press and six members, one of themnominated alternate, representative of the public. | *Composition of Council*The Council shall consist of a retired judge and 12 individuals representing members of the public and members of the media.The outgoing PCSA shall request the Chief Justice of South Africa to recommend a judge who is no longer in active service to chair the Press Council.The judge shall hold no other position in the Press Council or its appeals mechanism.Six of the representatives shall be appointed by the Appointments Panel…from nominations received from members of the public.Six of the representatives shall be from the press…The Council shall elect from among the members of Council a Deputy Chairperson*,* provided that in the event the deputy in one term is a public representative, the deputy in the following term will be a press representative, and vice versa. |
| *Office personnel*The Ombudsman and the Deputy Ombudsman. | *Office personnel*The Director shall lead the PCSA on a full-time, professional basis and will concentrate on public engagement regarding issues of ethical journalism and media freedom.The Ombudsman shall adjudicate matters that cannot be resolved at the earlier level of mediation.The Public Advocate shall assist members of the public to formulate their complaints,attempt to resolve complaints amicably by liaising directly with the publication on behalf of the complainant.The Public Advocate may represent the complainant before the Ombudsman and/or the Appeals Panel. |
| **Complaints Procedures** | **Complaints Procedures** |
| *Complaints*"Complainant" shall mean and include any person who or body of persons which lodges a complaint, provided that such person or body of persons has a direct, personal interest in the matter complained of.The complaint shall be made to the Ombudsman…A complaint shall be made as soon as possible, but not later than fourteen days after the date of the publication giving rise to the complaint. | *Complaints*“Complainant” shall mean and include any person who or body of persons which lodges a complaint and has 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.

The complaint shall be made to the Public Advocate…A complaint shall be made as soon as possible, but not later than 20 working days after the date of publication giving rise to the complaint.Where, within 30 working days after the date of publication there has been no complaint, but the Public Advocate is of the view that a prima facie contravention of the Press Code has been committed and it is in the public interest, he may file a complaint with the Ombudsman for adjudication… |
| *Conciliation and Adjudication Procedure by the Ombudsman*The Ombudsman shall forthwith endeavour to achieve a settlement.The Ombudsman shall hold discussions with the parties on an informal basis with the object of achieving a speedy settlement…If the complaint is not settled within 14 days of its notification to the respondent, the Ombudsman may, if it is reasonable not to hear the parties, decide the matter on the papers. | *Settlement procedure by the Public Advocate*The Public Advocate shall forthwith endeavour with the complainant to achieve a speedy settlement with the publication.If the complaint is not settled within 15 working days of the publication receiving notice of the complaint, the Public Advocate shall refer the complaint to the Ombudsman for adjudication, unless she or he feels the process needs to be lengthened because of the circumstances. |
| *Adjudication by the Appeals Committee*The Chairperson of SAPAP shall appoint one press member and one public member from the persons appointed in terms of clause 10 of the Constitution to hear the appeal with him. | *Adjudication by the Appeals Committee*The Chair of Appeals shall appoint one press member and up to three public members from the Panel of Adjudicators appointed in terms of clause 5.6 of the Constitution, to hear the appeal with him or her. The Chair of Appeals will have discretion on the number of public members he or she invites to hear an appeal with him. |
|  | *Hearings*Discussions between the Public Advocate and the complainant, on the one hand, andthe publication, on the other, are private and confidential and are conducted on awithout prejudice basis. No person may refer to anything said at these discussions during any subsequent proceedings, unless the parties agree in writing. No personmay be called as a witness during any subsequent proceedings in the Press Council orin any court to give evidence about what transpired during the discussions. |
|  | The hearings of the Adjudicating Panel and of the Appeals Panel shall be open to thepublic unless the identity of a rape victim or victim of a sexual offence, a child undereighteen, or a victim of extortion is at issue. |
| *Legal representation*Legal representation shall be permitted at hearings. | *Legal representation* Legal representation shall not be permitted at hearings unless:* The Ombudsman or the Chair of Appeals and all the other parties consent;
* The Ombudsman or the Chair of Appeals concludes that it is unreasonable toexpect a party to deal with the dispute without legal representation…
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|  | *Space fines*“Space fines” shall be applied by way of the amount of space imposed to be correspondent with the seriousness of the infraction. |
|  | *Monetary fines*Monetary fines will not be imposed as a penalty for the content of the press. However, monetary fines according to a formula determined by the Press Council and included in this sub-clause and/or suspension for a period or expulsion from the jurisdiction of the Ombudsman may be imposed as sanctions for a respondent’s failure to appear for adjudication hearings and repeated non-compliance with the rulings of the adjudicatory system. |
| *Time frames*That complaints be considered and adjudicated upon within the shortest possible time after the publication of the matter giving rise to the complain | *Time frames*…finding mustbe handed down within 21 days of the hearing of the complaint. |
| *Waiver*I, (name of complainant), the undersigned, hereby agree to submit my complaint and any dispute arising from my complaint for adjudication to the SA Press Ombudsman (“the Ombudsman”) subject to the SA Press Code and Complaints and Procedures of the SA Press Council.  I accept the decision of the Ombudsman, or in the event of an appeal, the decision of the Press Appeals Panel as final and binding.Furthermore, by submitting my complaint for adjudication to the Ombudsman I waive my right to approach a court of law or any other tribunal to adjudicate upon my complaint or any dispute arising from my complaint submitted to the Ombudsman. | *Waiver*Excluded, but Press Council will recommend to the new council to review this decision after a year of working without one. |
|  | **The SA Press Code** |
|  | Some sections rewritten and tightened, but no major changes |
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