

**BEFORE THE PRESS OMBUDSMAN**

**(GAUTENG)**

**In the matter between**

**HEAD OF DEPARTMENT**

**GAUTENG DEPARTMENT OF PUBLIC TRANSPORT,**

**ROADS AND WORKS**

**Complainant**

**And**

**CITY PRESS**

**Respondent**

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**COMPLAINT IN TERMS OF THE SA PRESS CODE AND COMPLAINTS  
PROCEDURE**

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**Introduction**

1. I, in my capacity as the Head of Department for the Gauteng Department of Public Transport, Roads and Works (“the HOD”)

hereby lodges a complaint against the City Press (“the respondent”) for inaccurate reporting, distortion and misrepresentation of facts. In this regard, the following brief background is relevant:

- 1.1. On 18 September 2008 I addressed a communication in the form of an e-mail to the MEC of Transport for the Gauteng province with a view to obtain some clarification on some internal issues and informing the MEC of the steps that I had decided to take;
- 1.2. The MEC responded to the said communication on 19 September 2008 and expressed his feelings about the matter. The MEC further alleged in his response that I had tarnished the reputation of his office and the Department. In this regard, the MEC put me to the proof of the allegations contained in the e-mail of 18 September 2008;
- 1.3. An amicable solution to the issue was not found and on 30 September 2008, Mr. Mbhazima Shilowa (“The Premier”) authorized the MEC to reprimand me in terms of an internal process. Furthermore, Mr. Harris was instructed by the office of the Premier to investigate the issues I had raised, as well as those that had been raised by the MEC in return, and possibly misconduct on my part;

- 1.4. I submit that the respondent inaccurately reported the matter by fabricating and misrepresenting the facts. The respondent alleged that the Premier had made a finding about my conduct when no such finding was in fact made;
- 1.5. Furthermore the article by the respondent created a false impression that the MEC contemplated suspending me. This is simply false;
- 1.6. The article by the respondent created a further false impression that the Premier had instructed Mr. Harris to investigate the matter relating to the Jabulani Hospital in Soweto. It is reiterated that no such instruction was issued by the Premier;
- 1.7. This publishing was done without seeking a proper and correct understanding of the relevant facts and is accordingly short of the basic standard of reporting;
2. It is hereby submitted that the respondent has breached section 1.1 of the South African Press Code (“the Press Code”) in the following terms:

- 2.1. By reporting inaccurately, in its article of 15 October 2008, that the Premier had made a finding about conduct of the HOD when no such finding was in fact made. A copy of the Article is annexed hereto as “**Annexure A**”;
  - 2.2. By creating a false impression that the MEC contemplated suspending me;
  - 2.3. By creating a further false impression that the Premier had instructed Mr. Harris to investigate the matter relating to the Jabulani Hospital in Soweto. It is reiterated that no such instruction was issue by the Premier.
3. It is accordingly submitted that the respondent has violated section 1.1 of the Press Code, which enjoins the press to report news truthfully, accurately and fairly.
4. It is submitted that the willful publishing of the above articles was a violation of basic journalistic standards and a clear breach of sections 1.1 and 1.2 of the Press Code.

5. It is hereby requested that the respondent be ordered to make amends in terms of section 1.6 of the Press Code, including an apology and a retraction of its inaccurate statement.

Mr. S. Buthelezi

Head of Department

Gauteng Department of Public Transport, Roads and Works