

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

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

Introduction

1. The Gauteng Department of Public Transport, Roads and Works (“the Department”) hereby lodges a complaint against the City

Press (“the respondent”). In this regard, the following brief background is relevant:

- 1.1. On 15 August 2008 the complainant received a list of questions from the respondent regarding the construction of Jabulani Hospital in Soweto;
- 1.2. The complainant fully answered the questions, including furnishing the correct figures regarding the cost of the project;
- 1.3. Despite these answers, the respondent continued to publish inaccurate information, including an incorrect figure of the total cost of the project.
- 1.4. In its inaccurate reporting, the respondent reflected that the Department had mismanaged the project or had spent more money than it ought to have spent.
- 1.5. This publishing was done to the disregard of the information given to the respondent by the Department.

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 17 August 2008, that the Department had reappointed a company at an escalated cost of R692 million, when the respondent had been advised that the correct figure was actually R480 million. A copy of the said article is attached hereto marked “A”;
 - 2.2. By insisting, despite having been advised of the correct figure, in its article published on 24 August 2008, that the adjusted cost was R692 million and not R480 million as advised by the Department. A copy of the article is attached hereto marked “B”.
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.

Condonation for late complaint

4. The Department hereby applies for the condonation of the lateness of this complaint and records that such lateness is due to the following circumstances:

4.1. On 29 August 2008, following the publishing of the said articles, the Department, through its legal representatives addressed a letter to the Editor of the respondent requesting an apology and retraction of the said statements. A copy of the letter is attached hereto marked "C";

4.2. In the letter, the respondent was made aware of the relevant sections of the Press Code, on the basis of which the retraction was requested;

4.3. On 5 September 2008, the legal representatives of the respondent replied to the letter of 29 August 2008 and simply recorded that the respondent stood by its article, despite our efforts to explain that the material published was inaccurate;

4.4. The department has genuinely sought to resolve this matter without resorting to the present complaint. This was based

on the fact that the inaccuracy was self-evident and it was not reasonably expected that the respondent would persist in the publication of inaccurate material. However, it has since become evident that the respondent will not yield to this request.

4.5. It is therefore requested that the complaint be considered despite its lateness. The Press Ombudsman may exercise a discretion in favour of such condonation.

5. 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.

6. 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.