

1. For a complaint to be examined the offending item must breach the [Code of Practice](#) .
2. You should first contact the [editor/news director/website manager](#) . A reasonable approach from both parties can often bring swift resolution by way of explanation, publication of a letter to the editor/news director/website manager, or a correction/apology/clarification. If resolution is achieved in this manner, you cannot then take your case to the Media Council.
3. You must declare whether or not legal action has commenced or is likely to be pursued — in which case the legal case takes precedence and neither the Executive Officer nor the Media Council can play any further role. In some cases, the Executive Officer will seek the publication's advice on whether there is a perception of possible legal action on the matter. If your complaint is taken up by the Media Council, you must inform the Executive Officer forthwith if any matter alleged in the complaint becomes the subject of legal proceedings.
4. The Media Council does not accept the involvement of lawyers in the complaints procedure, which is designed to be a free, non-legal redress. If a complaint is lodged by a lawyer acting for a client, the Executive Officer will request that the lawyer pass the correspondence on to you (the complainant) and that you be responsible for dealing with the matter.
5. You must show that you have been directly involved in, and/or affected by, the story/item in question. (Under certain circumstances, complaints can be made in good faith by third parties. [Click here for Third Party Complaints](#)).
6. Your complaint must be made in writing, using the [Complaint Form](#) . There is no charge.
7. You must also sign the [Waiver and Consent Form](#) , which prohibits you from taking any action against the Media Council or its individual members.
8. If your complaint is against a newspaper or website, it must be made within 60 days of

publication/posting of the offending item. If it is against a broadcaster (i.e. TV/radio) it must be made within 30 days, due to the limited availability of tapes. Note that a delay might weaken your case; it is advisable to lodge your complaint while the issue is fresh in the minds of all parties concerned.

9. Complaints to the Council are treated as being against the media outlet, not any individual reporter/editor/webmaster.

10. Having received a completed Complaint Form, the Media Council's Executive Officer might inform you that your complaint does not appear to breach the Code of Practice, and will explain why. He or she may, at this point, refuse the complaint, although you can appeal to the chairperson of the Media Council, who will consult with the vice-chairperson and take into account the reasons for the initial rejection when considering the case. You must appeal within two weeks of the Executive Officer's decision.

11. The Executive Officer will, as a rule, reject complaints which:

- Do not breach the Code of Practice
- Raise matters likely to lead to the further invasion of the privacy of those reported on
- Appear to reflect largely trivial, malicious or frivolous concerns
- Arise from a story/item that does not directly affect you
- Are made outside of the time limit (60 days for print/web, 30 days for TV/radio)
- Relate to a story/item that was made public before the Media Council became active.

12. If it appears the Code of Practice might have been breached, the Executive Officer will attempt to resolve the matter through a process of conciliation by making direct contact with you and the editor/news director/website manager. A meeting of the concerned parties might be arranged. The Executive Officer will be able to advise you as to what might be an appropriate way of resolving your complaint. The precise location of a published/broadcast/posted correction or apology can be negotiated as part of this process. All correspondence will be shared between both parties.

13. If both parties reach agreement, the matter is closed and cannot be referred to the Media Council.

14. If attempts at conciliation are unsuccessful, the Executive Officer will refer the matter to the Media Council.

15. Each complaint will be assigned a case file and a case file number. Documents provided to the members of the Media Council, by the Executive Officer, will include:

- a. Completed Complaint Form (with your signature)
- b. Signed Waiver & Consent Form
- c. Press clipping or clear photocopy/photo/audio/video tape/screen grab/scan/URL/MP3 file of the material in question
- d. Written response from the editor/news director/web manager and any other relevant correspondence, all of which will be shared with you in advance
- e. Brief summary by the Executive Officer covering:
 - the section of the Code alleged to have been breached
 - status update on conciliatory efforts involving you and the editor/news director/website manager.

16. Subject to the volume of complaints received, the Media Council will meet monthly and will deal with matters as swiftly as possible. The Media Council meeting will take the form of a round-table discussion, not a trial, and there is no formal taking of evidence. No new material may be introduced at the meeting.

17. The eight-member Media Council will have a general discussion about the complaint and then the chairman will ask each member if the Code of Practice has been breached.

18. The council has four initial options:

- a. Uphold the complaint
- b. Dismiss the complaint

- c. Decide that a measure taken/proposed by the media outlet is sufficient remedial action to resolve the complaint
- d. Make a request for more information.

19. If there is unanimity, no vote is necessary. If there is disagreement, a formal vote is taken. A simple majority wins and in the event of a tie, the chairperson has a casting vote.

20. The Media Council will always try to adjudicate in a way that is reasonable in the circumstances. If a complaint is upheld, the greatest penalty the Media Council can impose is to make a reasoned decision against the media outlet. The media outlet is compelled to publish/broadcast/post the decision, with due prominence, and it may be reported on by other media. If the breach is particularly serious and/or forms part of a pattern of behaviour, the Media Council can also refer the editor/news director/website manager to his or her outlet's publisher/owner.

21. Short of issuing a reasoned decision against the media outlet, the Media Council can:

- a. Demand the publication/broadcast/posting of a correction, apology, follow-up piece or letter/comment from you or a private letter of apology from the editor/news director/website manager
- b. Where a pattern of behaviour emerges, demand an undertaking as to the future conduct by the media outlet
- c. Demand the annotation/amendment/deletion of online material to ensure that an error is not repeated.

22. The chairperson of the Media Council, with the help of the Executive Officer, will sum up the decision of the council and the decision will be sent to the parties by mail or e-mail and distributed to the media, usually under an embargo.

23. You (as the complainant) cannot attend a meeting of the Media Council and nor can any lawyers or any representative of the media outlet complained against. Minutes of meetings will be taken and kept by the council, but only the decision will be made public. All upheld complaints will be posted on the Media Council's website.

23. The Media Council's decision is final. There is no appeal.

24. Decisions of the council might be used for guidance and reference in subsequent cases.

Note: Please refer to the [Frequently Asked Questions \(FAQs\)](#) for further details about the Complaints Procedure.