

BCCSA CODE OF CONDUCT AND NEWS COVERAGE: COMPLIANCE!

Category: Media and OTT

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The Broadcasting Complaints Commission of South Africa (“**the Commission / BCCSA**”) has a code of conduct (“**the Code**”), for television and radio broadcasters. The Code has standards of acceptable conduct which broadcasters must comply with. It regulates issues such as violence, hate speech, issues affecting children, sexual conduct, the broadcasting of news, and public comment. If a member of the public feels that the Code has not been complied with, they can lodge a complaint with the Commission, which has the authority to sanction appropriate remedies, and modify any broadcast which may contravene the Code.

In November 2017, during a black Monday protest against the murder of white farmers, which, of course, was a newsworthy event, reports were covered by various broadcasters. Two of these broadcasters was SABC 3 news and channel 404. During the protest, certain protestors were seen showing off the old South African flag, the AWB flag and German Swastika flag. In the news broadcast, SABC 3 and channel 404 showed visuals of these flags.

The visuals launched a complaint with the BCCSA^[1] The complainant argued that the visuals shown during the news broadcast were “*unfair, untruthful and inaccurate*”. The respondent argued that the complaint was not valid as the news reporter gave “*context to the report, words used, and why the flags were shown during the broadcast.*”

Section 11 of the Codes provides as follows:

“News

(1) *Broadcasting service licensees must report news truthfully, accurately and fairly.*

(2) *News must be presented in the correct context and in a fair manner, without intentional or negligent departure from the facts, whether by:*

(a) *Distortion, exaggeration or misrepresentation.*

(b) *Material omissions; or*

(c) Summarisation

(3) Only that which may reasonably be true, having reasonable regard to the source of the news, may be presented as fact, and such fact must be broadcast fairly with reasonable regard to context and importance.

(4) Where a report is not based on fact or is founded on opinion, supposition, rumours or allegations, it must be presented in such manner as to indicate, clearly that such is the case.[\[2\]](#)"

The BCCSA found that there was no evidence "that the respondent did not present the news report in a correct context and in a fair manner without intentional or negligent departure from facts whether by distortion, material omission or summarisation and thus no contravention of the Code was found."

The Commission looked at how issues should be analysed, and stated that one would need to take into account the reasons for having these visuals and the value they add to a report like this. The complaint was dismissed, and a precedent was set.

[1] Ferreira vs SABC3 and Channel 404, Case No: 04/2018 (BCCSA).

[2] New Code of Conduct for Free to Air Licensees (Current)[HTTP://BCCSA.CO.ZA/WPCONTENT/UPLOADS/2015/12/BCCSA_BROADCASTING_CODE_NEW.PDF](http://BCCSA.CO.ZA/WPCONTENT/UPLOADS/2015/12/BCCSA_BROADCASTING_CODE_NEW.PDF)