

## **OPENING STATEMENT: JOINT OIREACHTAS COMMITTEE ON TOURISM, CULTURE, ARTS, SPORT AND MEDIA JANUARY 17**

Chair, TDs and Senators, thank you very much for your invitation to address you on the very important issue of alternatives to court action when members of the public have a grievance with local and national publishers.

My name is Dave O'Connell and I am the Editor of the Connacht Tribune. We are an independently-owned publisher both in print and online, established in Galway in 1909 - so with longstanding experience of all the issues that may arise from publication, including of course defamation actions.

I want to say straight away that all publishers in Local Ireland – and there are 33 of them around the country - we all recognise the right of everyone to their good name and when we make the, hopefully, very occasional mistake, we absolutely believe we should rectify it.

However, it is clear that the current legislation on defamation is not fit for purpose and it is vital - as our colleagues in NewsBrands have stated - that it should be reformed.

That said, it is important that members of the public understand the alternatives to legal action, even as it stands, when they have an issue with something that has been published.

If you are wronged or you believe you are wronged, the first port of call should be either the reporter of the story, who will then raise the matter with his or her editor - or alternatively, the complainant could go straight to the editor.

Regional newspapers have no layers between the reader and the editor or indeed the reporter. In our case in the Connacht Tribune, our staff of 30 live around the city and county; they are embedded in their local communities and are involved in their local sporting organisations - and half of the stories we carry come from social meetings within those towns and villages.

So if we are wrong, we will apologise - and, as the Press Council would insist anyway, we will print this on a page no further back in the paper than the original error.

Resolving an issue locally is the best course of action for everyone because it avoids the stress and cost, for both sides, that can arise from going the legal route.

If the complainant is still not satisfied, they can go the Press Council via the Press Ombudsman who can then arbitrate and, if necessary, issue a ruling on the matter, which could involve an apology and correction from the publisher if the ruling is against it. And that is binding on us, as members of the Press Council.

I know this both as a former member of the board of the Press Council and as an editor, in dealing with those occasional complaints. It is speedy, transparent, and - if a person feels we have damaged their good name - there will be a retraction or apology or both, in a time frame that is in complete contrast to the courts.

We welcome the clause in the proposed defamation legislation which puts an onus on legal advisers to draw a complainant's attention to this course of action. Indeed, we note that, in a recent defamation case, the judge ruled in favour of the publisher and noted, as a factor, that the plaintiff had not initially raised the matter with the Press Council first.

These are very simple and straightforward steps which can avert very long, drawn out and costly legal actions.

The problems that can arise when these processes don't succeed is best illustrated by our own experience at the Connacht Tribune.

When we met with many of you last autumn, I outlined this example of a court case from 2014 which we got wrong and admitted we got wrong.

It followed a public melee and several members of one family were involved – but we got the name of a victim and the name of the defendant mixed up. They had the same surname, but no excuses - it was wrong.

So the following week, we apologised without any equivocation and attempted to sort the matter out.

To compound the problem, someone else who shared the name of the person we wrongly identified – but a person who was nowhere near the incident – also sued us.

It went off the radar for years at a time and then resurfaced just in time to keep it alive, but it was then listed last year for the Circuit Court.

We could have fought the second case but the two were joined together and both our side and theirs had the same solicitor and barrister – so we did what all media organisations do...we again entered settlement talks.

I cannot disclose the final figure because there is a confidentiality clause but when our side's and their's are added together, it's close to six figures – and that's with the actual plaintiffs getting, I'd estimate, a four-figure sum.

We were wrong and we must pay the price – but it's the legal fees that are killing us. And the time lapse between the original cause of the complaint and a final arbitration doesn't serve either side.

We've been fairly lucky – or careful – over the years and haven't had a spate of legal actions, although I know this is tempting fate. But one half-decent action, without any malicious intent, could close us down.

That means job losses or even the future of a local newspaper, where economic pressures are already very challenging. I'd hope we're not one libel payout away from doom - but I wouldn't like to have to put that to the test.

Thank you for your time and I look forward to any questions you may have.