

Presentation to the Joint Oireachtas Media Committee, 17 January 2024

The Press Council of Ireland and the Office of the Press Ombudsman provide a free and readily accessible complaints handling service, to allow readers of Irish newspapers and online publications to make complaints about press coverage.

Complaints are assessed by the Press Ombudsman for breaches of a Code of Principles, the most frequently cited of which is Truth and Accuracy.

Independence is our hallmark. It is the basis on which we ask for the trust of the public. We were set up in 2008 after the then government looked set to introduce statutory press regulation. The Press Council is independent of government, and of the press industry. A majority of its members are appointed by public competition. The Press Council in turn appoints the Press Ombudsman, who is then independent in her decision making capacity.

We are, then, a non-statutory body. However, in the area of defamation, we are recognised in statute under Section 44, schedule 2 of the Defamation Act of 2009, which requires us to ensure freedom of expression and to protect the public interest. This status confers qualified privilege on our decisions.

Our structures were set up to offer the public a route to redress which did not involve litigation. In our submission to the Review of the 2009 act we stressed the need to ensure the public knows that we offer a free and fast alternative dispute resolution system, and we are pleased that the new act will require solicitors to inform persons considering suing of this.

The new law will formally recognise online publications, many of whom are already members of the Press Council, and it also opens the possibility for online publications by broadcasters, which are currently and anomalously unregulated, to join the Press Council. The Press Council agreed in March 2023 that it is open to this proposal subject to discussions with Coimisiún na Meán and broadcasters and resolution of practical issues.

The Press Council and Office of the Press Ombudsman recognise and respect the rights of citizens of this country to go to law to defend their good name. Using our process does not preclude prior or subsequent legal action.

Defamation cases can be brought only on certain narrow grounds, whereas our code is wide ranging and supple. When the High Court in the North struck down a recent defamation case brought by a politician in the strongest terms, the subject of the failed defamation claim, the Northern freelance journalist Malachy O'Doherty, commented that the court had delivered "a quare slap on the gob" to the litigant and his party.

You won't get a quare slap on the gob from the Press Council of Ireland and the Office of the Press Ombudsman if you are found to have breached our Code. Nor will you get a hefty legal bill. Our service is free to all and does not impose financial penalties.

We are as concerned as our members about the dangers that defamation suits pose to freedom of expression. If the press holds power to account, it is not in the public interest to risk bankrupting it. We are campaigning to encourage public figures including politicians to use our alternative redress system. By doing so they will acknowledge their respect for democracy.