

Preliminary statement for Leveson Inquiry

by

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My name is John Horgan. I was appointed Ireland's first Press Ombudsman in September 2007, and am Emeritus Professor of Journalism in Dublin City University. My career has been in national print and broadcast journalism both as a staff journalist and as a free-lance, in politics as a member of the Irish Senate, the Dáil, and the European Parliament, and in academia.

I was appointed to my position by the Press Council. The Council itself was set up by the print media in the summer of 2007, following extensive discussions involving industry representatives and representatives of the public interest, under the chairmanship of Professor Thomas Mitchell, former Provost of Trinity College, Dublin.

The subscribing publications to the Council include all daily and weekly titles with substantial national circulations in the Republic of Ireland (including UK-based titles), as well as all significant regional titles and magazines. The Council proper comprises thirteen members. Seven of these represent the public interest, and are selected following a process of public advertisement and interview by an Appointments Committee, comprised of the Chairman of the Council and three independent members, none of whom has any connection with the print industry. Six members of the Council are appointed by the Appointments Committee on the basis of nominations by National Newspapers of Ireland (3 members), the Regional Newspaper Publishers' Association of Ireland (1 member), Magazines Ireland (1 member) and the National Union of Journalists (1 member).

The primary purposes of the Council are to act as an independent regulatory body, to maintain the rights of the press to freedom of expression, to maintain the independence of the press from the State and from State control or regulation, and to decide on appeals against decisions of the Press Ombudsman on complaints.

The primary role of the Press Ombudsman is to receive and adjudicate on complaints, to raise public awareness of the work of his Office and of the Council, and to encourage and promote

the highest ethical standards of journalism in Ireland. He reports to the Press Council, but is independent in the execution of his functions of investigation and adjudication.

The Council and the Office of the Press Ombudsman are funded by the press industry in Ireland via the Council's Administrative Committee, on which are represented all the founding organisations of the Council. There are three full-time members of staff: the Press Ombudsman, the Case Officer, and the PA to the Press Ombudsman/Chairman of the Press Council. Public interest members of the Council receive modest honoraria. The services of the Office and of the Council are free.

Detailed elements of the Irish model may be summarised as follows:

1. Conciliation and Mediation. Although conciliation is a common element of the procedures for complaint-handling adopted both in Britain and Ireland, the Irish system has a requirement for complainants to first of all explore the possibility of informal resolution of their complaint directly with the publication concerned, and does not adopt all complaints automatically. This procedure is designed to enhance the internal complaint-handling procedures of publications generally and – although exact figures are hard to come by – appears to do so. Also, the Office of the Press Ombudsman has been extending its procedures into face-to-face mediation on a trial basis. The experience to date in this area encourages further development.
2. The identification of a single individual – the Press Ombudsman – as the key element in the complaint-handling process facilitates public recognition of, confidence in, and familiarity with, the system.
3. The fact that one of the major functions of the Press Council is to act as an appeals body to which either publications or complainants can have cost-free recourse in relation to decisions of the Press Ombudsman, either on procedural grounds or on grounds of interpretation or application of the Code of Practice, reflects natural justice and administrative best practice, and is a further assurance to both the public and the press of the integrity and comprehensive nature of the system.
4. The Press Council/Press Ombudsman structure has been recognised by Parliament under the 2009 Defamation Act. This recognition does not imply state involvement in the regulation of the press or constitute any limitation on freedom of expression. It is worth noting that in Ireland there is already a considerable body of legislation and case law which,

although not industry-specific, has a substantial regulatory impact on the press. These include the laws on defamation, on contempt of court, on data protection, on freedom of information, on media cross-ownership and on competition, and on incitement to hatred. Insofar as alleged breaches of the criminal law by journalists in the course of their journalistic activity have been discussed in the context of the Inquiry, the Press Council of Ireland believes that these are matters for investigation and decision by police rather than by any regulatory body.

5. The measures incentivising subscription to the Press Council of Ireland by publications are significant. They are of two kinds. The first was the incorporation by government of some changes to the law on defamation sought by the industry in return for a prior commitment by the industry to establish a Press Council/Press Ombudsman. The second was, consequent on the recognition by Parliament of this Council/Ombudsman structure, the statutory conferring of legal privilege by the new Defamation Act on decisions by and documents of the Press Council/Press Ombudsman, and the same Act's provision that membership of the Council, and adherence to its Code of Practice, its procedures and policies, may be taken into account by a court when determining whether a publication is entitled to the defence of 'fair and reasonable publication' under the new legislation. There is, as yet, no case law on this aspect of the Act.

6. The appointment of the Chairman of the Council by the Council itself, and of the public industry members of the Council by an Appointments Committee that has no connection with the press industry, is part of the guarantee of the Council's independence from the industry and from government.