

The Fiji Media Council: Form, Function and Challenges

Daryl Tarte

What is the Fiji Media?

The public of Fiji is well served by a range of media outlets. There are three daily newspapers, The Fiji Times, Fiji Sun and the Fiji Daily Post. Only The Fiji Times is foreign-owned. There are two radio stations that broadcast in all three languages throughout the day and night. The government owns one and the other one is listed on the South Pacific Stock Exchange. There is one television station that is also publicly listed. Another locally owned TV station began operations recently. There are also a number of magazines published on a monthly or quarterly basis. The public has full access to the internet and most media organisations are on-line

The Constitution

Section 30 of the Fiji Constitution guarantees the ‘freedom of the press and other media’. However this freedom may be limited in the interests of national security, public safety, public order, public morality, public health or the orderly conduct of national or municipal elections, the maintenance of reputation, privacy, dignity, rights or freedoms of other persons including the right to be free of hate speech, inaccurate or offensive media reports, preventing the disclosure of information received in confidence, preventing attacks on the dignity of individuals, maintaining the authority and independence of the courts, imposing reasonable restrictions on the holders of public office and regulating the technical administration of telecommunications.

Origins of the Fiji Media Council

The Fiji News Council was first set up in 1986 but became inactive after the 1987 coups. Efforts were made to revive the council in 1993 but

it was not till 1996 that the Fiji News Council was revitalised by a group of media owners with an independent chairman and secretariat. A constitution, code of ethics and a complaints procedure was agreed upon. In 1996 the government engaged the Thomson Foundation of the UK to report ‘on the current legislation and practices as they effect the media ... and make recommendations for a future legal and regulatory structure’. The report made recommendations on The Newspapers Registration Act, The Broadcasting Commission Act, The Television Decree, The Press Corrections Act, The Defamation Act, The Fair Trading Decree and The Official Secrets Act.

The authors recommended the establishment of a voluntary Media Council to be funded by the industry, have an independent chairman, representatives from each media outlet, an equal number of public members appointed by the Complaints Committee; the Complaints Committee to be made up of three respected and independent public persons, complaints to be judged against a code of ethics and practice and adjudications by the Complaints Committee to be final and published in full. These recommendations were all accepted and implemented by the News Council, which then became the Fiji Media Council. One of the authors of the Thomson Report was subsequently invited back to Fiji to draw up a Code of Ethics and Practice.

The Fiji Media Council

The Council has a constitution that, inter alia, provides for its objectives, membership, chair and vice chair, complaints committee, powers, meetings, procedures, finance, staff, audit and dissolution. In essence, the objectives are to promote high journalistic standards, enhance the media’s image, safeguard its freedom and independence, uphold freedom of speech and expression, uphold the public’s right to be informed accurately and fairly, promote an independent complaints committee, promote a code of ethics and practice. Industry members at the time of writing this paper included: Communications Fiji Ltd, Fiji Broadcasting Corporation, Fiji TV, The Fiji Times, Fiji Sun, Islands Business, University of the South Pacific and the Ministry of Information.

Public members at the time of writing included the following people: Vice Chairman – Dijendra Singh, a Ba businessman and social worker; Peter Erbsleben, a retired tourism executive; Meleniani Kuruavasi, and Vasiti Buimawai Loki, both public servants in the Ministry of Education; Agatha Ferei, of Fiji Media Watch; Humphrey Chang,

businessman; Joel Sahai, retired businessman and social worker; and Timoci Tavanavanua, CEO of the Fiji Rugby Union. When a vacancy occurs the public are invited, by advertisement in the media, to apply. Appointments are made by the Complaints Committee. Efforts are made to maintain ethnic, gender, regional and vocational balance. Public members may also nominate an alternate to attend on their behalf. There is provision for smaller media organisations to join as Associate Members. The Complaints Committee members are: Daryl Tarte, Paula Sotutu and Mrs Suliana Siwatibau.

The Council has an independent chairman—Daryl Tarte, and an executive Secretary— Bob Pratt. The Council has no paid employees. Office bearers receive only reimbursement of expenses.

The Council is a registered company, Media Council (Fiji) Ltd. It employs KPMG to manage its finances and arrange the audit of accounts. The Council is funded by a levy on industry members. The levy is based on the size of the organisation. Income of approximately \$25,000 per annum covers administrative costs. Special events, such as the FAME awards, or Media Freedom Day celebrations, are funded by sponsorship from outside the industry. The Council meets every six weeks in various media organisation boardrooms.

Code of Ethics and Practice

One of the authors of the Thomson report was invited back to Fiji by the Media Council in 1997 to draw up a Code of Ethics and Practice. He consulted with media organisations, government and other public, political, social and professional interest groups before formulating the code, which was adopted by the Council. Each year the Council invites the public to make submissions on any change they would like to make to the Code. These are considered by the Complaints Committee and, if appropriate, changes are made. The Complaints Committee judges complaints by the standards set out in the code, but the code is not intended to be comprehensive or all embracing. Members of the public may complain to the Council on matters not specifically envisaged in the code provisions.

The general Code of Ethics and Practice has 36 provisions. There are 22 provisions for advertisements also. Six of the provisions cover for advertising to children. The provisions also include television program classifications code.

Complaints

The process for making complaints was originally as follows. The first step was for the complaint to be lodged with the media organisation concerned. If no satisfactory response was received within two weeks, the complaint could be sent to the Secretary of the Council. He had a further two weeks to settle the matter by conciliation. If that failed, the matter was sent to the Chairman who was required to determine whether the complaint came within the jurisdiction of the Complaints Committee. If it did then the Committee was required to conduct a hearing through verbal or written submissions and make an adjudication. This had to be published by the media organisation concerned. In order to speed up this process the Council decided, in 2008, that the complaint should be sent in the first instance to the Secretary. The rest of the process remained the same. Before dealing with a complaint, the Complaints Committee will require the complainant to sign a waiver that an adjudication will be the end of the matter and no further legal action through the courts will be taken.

Since 1997, 210 complaints have been made to the Council. Of these 190 were settled by conciliation while 20 went to adjudication. Nine were upheld while four were partially upheld. The public has other means of seeking redress about anything that appears in the media. They can write directly to the media organisation and seek a correction and if the organisation agrees, such a correction will be published or the story redone. Often readers write letters to the editor and this gives satisfaction. Or, the public can take legal action against a media organisation.

Training

One of the Council's objectives is to promote high journalistic standards. Since its inception the Council has worked closely with the University of The South Pacific's School of Journalism, and Media Council members serve on the University's Advisory Committee. However, it has been found that many graduates of the journalism school take up positions in public relations, or as press secretaries and other vocations rather than journalism. Accordingly, the Council engaged with the Fiji Institute of Technology in establishing a course for working journalists. Senior staff of various media organisations serve on the institute's Advisory Council and as lecturers. The Council also runs courses for working journalists on specific subjects. As a way of promoting journalistic excel-

lence, the Council established an annual awards scheme—the Fiji Awards for Media Excellence awards—which recognises high achievement in all branches of journalism and advertising. The judging is conducted by independent and knowledgeable people. Around 53 awards were given in 2008.

Other Council activities

To enable the media to have a better appreciation of specific subjects, the Council usually invites heads of organisations to give presentations at the start of Council meetings.

As another way of highlighting the importance of certain matters, such as suicide, the Council has regularly held Public Forums. Experts in their fields are invited to make presentations and be questioned by the public. The Council recently held a public debate on the proposed National Charter for Building Better Fiji. The event was broadcast and published. Some years ago the Council worked closely with the Judiciary to draw up an accepted procedure for court reporting. The Council also spent some time helping journalists set up a journalism institute aimed at improving various aspects of their profession.

Following an aircraft disaster in the centre of Viti Levu, the Council carried out a public survey as to whether the media had observed appropriate sensitivity in reporting on this event. The Fiji media was informed of the outcome of the survey. In 2002 the Council engaged an independent organisation to carry out a comprehensive nation-wide survey of public perceptions of the media in Fiji. The public opinions were conveyed to the various media organisations. The Council was a member of the World Association of Press Councils for some years. However, as there were no benefits from this relationship, the Council resigned. The Council has always been a member of the Pacific Island News Association and fully supports all its activities.

Media Independence and Freedom of Speech and Expression

One fundamental objective of the Council is to safeguard the media's independence and uphold freedom of speech and expression. These were seriously challenged during the 1987 coups, before the council was established. While media rights are enshrined in the 1997 Fiji Constitution, the media's ability to operate freely and safely was again threatened during the political upheavals of 2000. There was little the Council could

do during this period except to give moral support to media organisations to do their utmost to carry out their basic function of informing the public correctly about events. In 2003 the government prepared a draft media bill which sought to establish a Media Council by legislation and give the Minister responsible wide powers over its functioning. This was rigorously opposed by the Council and the proposed bill was eventually dropped by the government. Then, in 2006, the government attempted to introduce a broadcasting bill which would also have given the Minister responsible unacceptable authority over the radio and television operators. The Council's opposition also resulted in the bill being dropped.

2006 brought another serious challenge to the freedom and independence of the media. Following the military coup, officers were placed in media organisations with the intent of monitoring their operations. When representations were made to the interim government these officers were withdrawn. The Interim Prime Minister, Frank Bainimarama, gave an assurance that he would uphold section 30 of the Constitution that guaranteed media freedom. However there was constant friction between the government and the media during 2007 and 2008, and numerous meetings were held between the Council and the Government to address mutual concerns. In 2006 the Fiji Human Rights Commission engaged Dr James Anthony of Hawaii to conduct an inquiry into the Fiji media. As the Council was not consulted about the need for this inquiry nor on its terms of reference, it decided not to make submissions to Dr Anthony. He subsequently issued a very derogatory report about the Council, its personnel and the media in general, and made recommendations unacceptable to the Council.

The Interim Government's National Council for Building a Better Fiji is also examining the functioning of the media and the Council. A delegation of the Media Council made representations to its media working group. Some of the recommendations of the Anthony Report are being considered by the NCBBF. In 1998 the government issued an exposure draft of a Freedom of Information Bill and invited submissions from the Council. The Council made a number of submissions strongly supporting the enactment of this legislation. However to date no further action has been taken by any government. World Press Freedom day is celebrated around the world each year on May 3rd. The Council always recognises this occasion by holding a seminar or some other appropriate event. In 2008 it engaged an independent consultant to carry out a survey of what the media and its independence means to individual members of the public. These views were published and broadcast through the media.

Government and the Council

The Fiji Media Council model is based on the Australian, New Zealand and United Kingdom Press Councils, which have been in operation for many years. Certain modifications were made to suit the Fiji situation. There has been pressure from various governments over the years for the Council to impose fines or other penalties on media organisations that are found to breach the Code of Ethics and Practice. This is not the practice elsewhere, nor does the Fiji Media Council consider it appropriate in Fiji. There have also been calls for the Council, or some such body, to actually monitor the content of press, radio and television on a daily basis and give directions to any media organisation on any matter that might appear to be outside the norms of accurate and balanced journalism. This would require a large and highly skilled body of people, and is not the practice in any democratic society where there is a free and independent media.

The Fiji Media Council does not subscribe to any kind of interference in the editorial policy of any media organisations. There has been pressure over the years, particularly since December 2006, for the media to project a more positive image of government. The role of an independent media is to portray the actions of any government in a balanced way. It must reflect the opinions of society whether they are pro or anti government. Furthermore, under the Code of Ethics and Practice, any media may be partisan if it chooses to be so. The Fiji Media Council position is to uphold this policy.

There have been calls over the years for the Fiji Media Council to be established by legislation and thus be subject to a measure of government control. This has been resisted for two main reasons: Firstly, the media organisations in Fiji are all, with one exception, privately owned commercial operations, with some listed on the SPSE. It would be inappropriate for a government body to exercise any authority over their management and thus impact on their shareholders. Secondly, there is already a body in place, the Fiji Media Council, with the responsibility to ensure that the media conducts itself in an appropriate way, and that any complaint is processed effectively. A further point is that the government's Ministry of Information is a member of the Council.

The Media in Fiji

While the people of Fiji are well served by a broad range of media types, it is a highly competitive business. There is limited opportunity for

growth and many people are at low income and varying intellectual levels. Furthermore the audience is made up of three main language groups—Fijian, Hindi and English—in both urban and remote areas. The media must try to cater for all their needs and expectations. The modern media must also be interactive with its audience and adjust to the new technological age of the internet. The coups from 1987 to 2006 have had a serious impact on the media in that journalists have been threatened and incarcerated by military regimes. This has led to the loss overseas of many experienced journalists. Standards have deteriorated for it takes time to train new people and give them the opportunity to gain experience. A common complaint is that there is a lack of quality investigative journalism in Fiji. This is quite correct. Media organisations have few qualified people. While the Fiji Media Council is cognizant of these issues, any solution goes beyond the scope of its mandate. Media organisations can improve their standards but a great deal depends on Fiji having a stable economic, political and social environment.

Conclusion

In my first address to the Fiji News Council in 1996, I quoted the Rt. Hon. Lord Wakeham, then President of the British Press Complaints Committee:

The relationship between press, people and Parliament is one of the most difficult in a democratic society. I do not pretend that the Press Complaints Committee will solve the tension that is a crucial part of that relationship. Perhaps it is insoluble; perhaps no solution is desirable. But what we are seeking is to put in place is a stable, enduring and fair framework within which public, politicians and press can resolve their differences tolerably, effectively, without burden on the public purse and without undermining in any way the freedoms of speech and expression which have been our precious birthright since Magna Carta.

It is this spirit that has guided the Fiji Media Council since its establishment.

Daryl Tarte is the Chairman of the Fiji Media Council.
Email: tartedv@unwired.com.fj