

Hacking scandal nerve-wracking for our hacks, too

Fall-out from the phone hacking scandal in the UK has not yet spread abroad in any significant way but, like that massive tide of flotsam from the Japanese tsunami, it might take a few years to find its way ashore, and when it does, it will create an enormous mess.

 By Chris Mberdyk: @chrismoerdyk 25 Jul 2011



There was a time up to about a month ago, when self-regulation of the media industry seemed like a feasible option but I am not convinced it will be able to survive the deadly anti-media ammunition that controversial media mogul, Rupert Murdoch, has handed governments the world over on a silver plate.

Dodgy dealings

I would guess that self-regulation is shortly to go the way of the dodo in the UK. Phone hacking and the now uncovered bribery and dodgy relationships that political leaders had with media executives, not to mention the prime minister and police hiring dozens of denizens of the UK gutter press as public relations officers and advisors, has left the authorities so red-faced that self-regulation of the media simply isn't an option anymore.

Not politically, not legally, not even possibly.

And, without any doubt, here in South Africa, Government will watch carefully to see what David Cameron does with regard to media regulation. But whatever he does, the scurrilous manner in which the [News of the World](#) has behaved in so brutally and shamelessly digging up dirt and chasing sensation will rub off on all mass media in time.

Pass the ammo

But, in spite of the media-muzzling lobby in SA now having been gifted bucket loads of ammunition to add to its arsenal, that was only just recently topped up once more by the [publication of a report](#) on the interplay goings-on of our own *Sunday Times*, Government will have to tread carefully.

Imposing media regulations by legislation is always tricky because the world community does not take kindly to what it sees as anything getting in the way of press freedom.

And, certainly, we don't want to go back to apartheid-style media curbs.

So what is the answer? Well, I believe, it lies in looking carefully at the word "regulation." Because however mildly it is used, however innocuous regulation might be, it has the tendency to completely neutralise the perception of existence of a free press, which is so popular a barometer of democracy.

Uncontrovertibly incompatible

From the point of view of internal and external perception, one cannot have a free press and legislated regulation. The two simply do not mix.

And I am not convinced at all that the newly established [Press Freedom Commission](#) will now have any chance of succeeding, in spite of having a respected judge at its head.

There will, of course, always be tension between Government and the media. There has to be, because, if the two get too cosy, the whole nation will suffer. But, there has to be some way of ensuring a fair fight.

That won't happen with regulation. The fight will just become dirtier because in this day and age government cannot regulate social or mass media in foreign countries nor can it stop those from being consumed here SA. So, leaks from parliament and business will still continue to appear.

Oversight, not regulation

What I believe SA needs to do is take a leaf out of the Public Finances Management Act, particularly its insistence on the use of audit or oversight committees. These committees are chaired independently and are made up of independent members, with representatives of the audited entity able to be present.

I believe that if an independent media oversight structure were to be established and given teeth, it would be able to ensure fair play and adequate punishment when necessary and would not in any way tarnish this country's reputation for having a truly free press.

Trouble is, as I have said, before - neither the media nor Government would have the guts to do it because both don't really care much for a fair fight.

They both want control.

For more:

- Guardian: [The phone-hacking scandal has resonance in South Africa - Nic Dawes](#)

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