

Witness Statement

Séamus Dooley, Irish Secretary, National Union of Journalists

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IN THE LEVESON INQUIRY INTO THE PRESS

WITNESS STATEMENT OF SEAMUS DOOLEY

ON BEHALF OF

THE NATIONAL UNION OF JOURNALISTS

I am Séamus Dooley, currently Irish Secretary of the National Union of Journalists, based at Spencer House, Spencer Row, off Store Street, Dublin 1, Ireland, and I make this witness statement from matters within my own knowledge, save where I identify otherwise. Where I report that which others have told me, I believe that which I report to be the truth.

1. In that capacity, I served on the Press Industry Steering Committee which led to the establishment of the Press Council of Ireland and the Office of Press Ombudsman.
2. Prior to my appointment as an official of the National Union of Journalists based in Dublin I served as a sub editor with the Irish Independent, having previously worked as Editor of the Roscommon Champion and as a journalist with the Tullamore Tribune. I served first as Irish Organiser before my appointment as Irish Secretary, the senior full-time NUJ post in Ireland.
3. As Irish Secretary I am responsible for collective negotiations with media owners and senior editorial executives across a range of media organisations, including national broadcasting and the national newspaper sector. I have therefore an on-going interest in and knowledge of the newspaper industry in Ireland

4. The NUJ has collective agreements with the main Irish national newspapers, including Independent Newspapers, The Irish Times and Thomas Crosbie Holdings.
5. British newspaper groups in Ireland, including Associated Newspapers and News International have consistently refused to recognise trade unions for the purpose of collective negotiations in the Republic of Ireland but we retain a significant number of journalists employed by these companies in membership and frequently represent members on an individual basis.
6. The industrial relations landscape within the Irish media is different from the United Kingdom. While there are inevitable and serious tensions between employers and trade unions on matters pertaining to industrial relations on professional issues there is a history of co-operation.
7. It is worth noting that British owned newspapers in Ireland, who have refused to recognise the NUJ for the purpose of collective negotiations, co-operated with the joint employer-union initiative which gave rise to the creation of the Press Council of Ireland and the Office of Press Ombudsman.
8. In reflecting on the development of the Irish model I should stress that views expressed are those of the National Union of Journalists and not necessarily those of any other constituent body represented on the Press Industry Steering Committee.
9. **Background:** On May 3 1999, World Press Freedom Day, the NUJ joined with National Newspapers Ireland (NNI) and the Regional Newspapers Association of Ireland (RNAI) in issuing an appeal for libel reform.
10. The initiative followed informal contacts in 1998 as part of the NUJ's Access All Areas campaign. Michael Foley of Dublin Institute of Technology has pointed out the 1999 appeal was significant for two reasons: It was the first joint appeal and, for the first time, the NNI agreed to pay for the establishment and maintenance of an independent complaints mechanism.
11. The NNI campaign for libel reform began in 1986 when it commissioned Prof Kevin Boyle and Ms Marie McGonagle to commission a report in Ireland's libel laws. Despite intermittent campaign it was not until 2003 that a formal structure was devised –in response to a perceived threat from the State.
12. In 2003, a legal advisory group on defamation - established by the Minister for Justice - recommended in its report that the defamation laws be reformed and a statutory press council established.

13. While the NUJ and the newspaper and magazine industry representatives welcomed the prospect of defamation reform there was significant opposition to the concept of a statutory press council appointed by the State.
14. A draconian privacy bill was also mooted. We in the NUJ can claim most of the credit for leading the campaign against the privacy bill, hosting a major seminar which was addressed by leading academics, lawyers and editors. The NUJ also commissioned eminent media lawyer Ms Andrea Martin to conduct a forensic analysis of the proposed legislation and this work framed much of the public discussion on the bill.
15. In retrospect the threat of privacy legislation helped concentrate the mind of UK publishers, in particular those who had waived in their support of any press council and were none too keen on joint initiatives with the NUJ.
16. **Press Industry Steering Committee:** The response of the media industry, including the NUJ, to the report was to form a Press Industry Steering Committee (PISC). The initiative was co-ordinated by Mr Frank Cullen, Director, National Newspaper Ireland and the initial meeting chaired by the distinguished former Northern Ireland Ombudsman Dr Maurice Hayes, at that time an independent member of Séanad Éireann.
17. It was agreed that Dr Hayes, a director of Independent News and Media, would act as facilitator and he continued to play an important advisory role. The decision to appoint Prof Thomas Mitchell, former Provost, Trinity College Dublin as chair of the PISC, reflected the desire of participants to grant parity to all participants and emphasised the common aim of developing a credible model of self-regulation, funded but not controlled by media owners.
18. The chair was agreed by consensus and Mr Mitchell's name was one of those suggested by the NUJ. I was one of two NUJ representatives on the Press Industry Steering Committee, along with Martin Fitzpatrick, Chair, Dublin branch. In addition to the employer bodies in Irish representatives of the UK press in Ireland also joined the group. In due course the UK Press in Ireland joined the NNI and there is now no distinction between the groups.
19. **Structure:** Two working committees were established. One dealt with the issues of finance and administration. Mr Fitzpatrick represented the NUJ on the Administrative committee. The second dealt with the central issue of the proposed code of practice. I served on the Code committee, which was chaired by Mr Brendan Keenan, Group Business Editor, Independent Newspapers. Mr Keenan was nominated by NNI. It is worth noting that he is also member of the NUJ.

20. Significantly representatives of the UK media in Ireland joined both committees and played a full part in the work of the groups: Ms Fiona McHugh, then Editor, The Sunday Times, (Ireland) was a member of the Code committee. Mr Alison Clarke and, subsequently, Mr Thomas Crone represented News International on the Press Industry Steering Committee. Mr Charles Collier Wright represented Mirror Group of Newspapers (MGN). The co-operation between industry, trade union and civic society representatives sharply contrasts with the UK experience.
21. It would be an overstatement to view the NUJ as having been enthusiastically welcomed by all participants but a sound working relationship developed. There was recognition by all the employer representatives that any model of regulation which excluded the NUJ would not be acceptable to government or the public.
22. In the way that nothing concentrates the mind like the imminent prospect of hanging the Press Council of Ireland has its origins in the threat of increased state control of the Irish media. The Chairman of the Government committee Senior Council Hugh Mohan favoured a Government appointed statutory press council. Former Justice Minister Michael McDowell was absolutely insistent that if the industry wanted an alternative to the statutory press council proposed by Mr Mohan he would only accept a model which recognised the pivotal role of the National Union of Journalists.
23. Mr McDowell was also insistent on genuine civic society participation in any model of industry funded regulation. At meetings of a code committee good ideas and insults were exchanged with abandon and eventually we came up with a model of co-regulation which meets the needs of the Irish media and our diverse audience. At one meeting an editor accused me of wanting to “get your grubby hands around the neck of every editor in town”. To which one could only reply “Just you, sir.”
24. On the original code committee the NUJ did not always get our way – we would have preferred more explicit reference to stories for cash, for example, but the Code is strongly rooted in the NUJ Code of Conduct and is subject to periodic review. Principle 8 relating to material “likely to cause grave offence or stir up hatred” initially made no reference to “membership of the travelling community” but after a short period was amended, taking into account concerns initially raised by the NUJ.
25. The code is a positive statement of principles and as such is, I think, more positive than the UK Editor’s Code of Practice, which is a list of what journalists shall not do.

26. The challenge for the Press Industry Steering Committee was to give ownership of the code to working journalists. That remains a challenge for the Press Council of Ireland. The make-up of the code committee and the involvement of the NUJ has meant that the code is not perceived as being merely an “Editor’s code” but a code belonging to and shared by all working journalists in the print sector.
27. The office of Press Council and Ombudsman was not established until January 2008, when the Press Industry Steering Committee ceased its work. An outside company, Grant Thornton, was engaged to oversee the process of advertising and recruiting applicants. The Press Council of Ireland has 13 members, each of whom is appointed by the independent Appointments Committee. The original appointments committee was selected by the steering committee and comprised of independent public figures with no industry involvement. This high level Committee seeks expressions of interest for the independent members of the Press Council by public advertisement, and chooses for appointment six of those who have responded.
28. The Chairman is the seventh independent member of the Press Council. Unlike in the UK it is the Press Council, which has a majority of non-industry representatives, which nominates the Press Council Chair and media owners do not have a veto on the chair. The fact that the majority of members of the PCI are drawn from outside the media industry is significant and the non-industry representatives are reflective of many strands of Irish society.
29. The NUJ is represented on the finance and administrative committee – an advisory body which is also independently chaired and is essentially responsible for ensuring that the industry provides funding. The NUJ is also represented on the Code committee.
30. It is important to note that the newspaper industry representatives have generally been senior editorial executives rather than editors. Editors of Irish newspapers have not insisted that representation should be at the level of editor only. There are no circumstances in which industry representatives can outnumber the non-industry representatives in a vote on any ruling.
31. The members of the Independent Appointments Committee were: Professor Thomas Mitchell (Chairman), Former Provost of Trinity College Dublin Dr Maurice Manning, President, Irish Human Rights Commission Dr Miriam Hederman O'Brien, Former Chairman of the Broadcasting Complaints Commission and the Commission on Taxation Mr Kevin Murphy, Former Ombudsman and Information Commissioner.
32. The membership of the Appointments Committee was re-appointed for a second three-year term in July 2010 by the Press Council. From August 2010

new chairman of the Council, Daithi O'Ceallaigh replaced Prof Mitchell. The PCI also includes nominees of the industry, including the NUJ and the media organisations involved in the original steering committee.

33. The UK obsession with editors is not mirrored in Ireland. Certainly editors play an important role but other senior editorial personnel also represented publishers and this trend continues. Irish owned newspapers are tended not to nominate editors to the PCI. British owned titles have nominated editors so the PCI contains a mix within the profession. Nominees of the industry bodies, including the NUJ, act independently and do not report on specific discussions or deliberations to their respective constituencies. Where votes occur at the PCI the council seldom divides along industry/non-industry lines and this is reflective of the quality of those nominated to the council.
34. The work of the Press Council is to adjudicate complaints. Meetings are held in private but findings are published on the PCI website and in the press. The Council and the Ombudsman have a moral authority. The independence of the chair and the qualities of our first Ombudsman Prof John Horgan, an NUJ member, distinguished academic, former journalist and ex politician, have contributed to what I think is the success of the Irish model. Prof Horgan was appointed following a public competition and is widely respected for his independence.
35. Also important to the success of the model is the contribution of the staff. Ms Bernie Grogan plays an increasingly important role in early conciliation of complaints. The decisions of the Ombudsman may be appealed to the PCI and he may refer cases directly to the council. It is an efficient and costly alternative to the courts.
36. The PCI is not without critics, but much of the criticism has come from those who believe in state regulation or those who believe that self-regulation in any form can never succeed. The NUJ prefers the term co-regulation to describe the Irish model since it is funded by the industry and therefore cannot be described as "independent" in the commonly understood meaning of the word. But the PCI is demonstrably independent in the manner in which it carries out its duties. The term co-regulation usefully reflects the role played by civic society and the statutory underpinning of the model in the Defamation Act 2009. Section 44 (1) of the Act makes provision for the Minister for Justice to recognise the Press Council provides it meets certain provisions, including a defined membership structure. In that sense there is a statutory element to the Irish regulatory system but there is no State control.

Signed

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