



# Constitution of the Australian Press Council Inc.

## 1. Establishment

The Australian Press Council Inc is an incorporated association of organisations and persons established on 22 July 1976, for the purposes set out in section 3 to be achieved by the methods and in accordance with the principles set out in this Constitution.

## 2. Definitions

In this Constitution, unless the context otherwise indicates or requires:

- “the Act” means the Associations Incorporation Act 2009 (NSW) and any regulations under that Act, and any Act or regulations which supersede, repeal or replace that Act or regulations;
- “the association” means the Australian Press Council Inc;
- “the Chair” means the Chair of the Council and includes a Vice-Chair when acting as the Chair;
- “CB core funding” means the funding provided by constituent bodies pursuant to section 16(1);
- “constituent body” means:
  - an association of publishers;
  - a corporate or individual publisher;
  - an organisation representing journalists;
  - any other organisationwhich has been admitted as a constituent body under this Constitution;
- “constituent member” means a member appointed pursuant to section 7(3);
- “the Council” means the Australian Press Council, which is the committee having general responsibility for managing the affairs of the association;
- “Council meeting” means a meeting of the Council in its capacity as the committee responsible under the Act for managing the affairs of the association;
- “designated resolution” means a resolution passed in accordance with the requirements of section 27;
- “Executive Director” includes acting Executive Director;
- “General Meeting” means a meeting under section 5 and is to be distinguished from a “Council meeting”;
- “journalist member” means a member appointed pursuant to Section 7(6);
- “member” means a member of the Council, and includes the Chair and an alternate member when substituting for a non-alternate member;
- “print and digital media” includes publication in print or electronic form but does not include publication by radio or television broadcast;
- “public member” means a member appointed pursuant to Section 7(5);
- “publisher” means any publisher which is a constituent body or is a member of an association of publishers which is a constituent body;
- “special resolution” means a special resolution passed in accordance with the Act;
- “State” means a State or Territory of the Commonwealth of Australia.

### **3. Objects and powers of the association**

- (1) The objects of the association are to promote freedom of speech through responsible and independent print and digital media, and adherence to high journalistic and editorial standards, by
  - (a) considering and dealing with complaints and concerns about material in newspapers, magazines, journals and other print and digital media;
  - (b) encouraging and supporting initiatives by the print and digital media to address the causes for readers' complaints and concerns;
  - (c) keeping under review, and where appropriate, challenging political, legislative, commercial or other developments which may adversely affect the dissemination of information of public interest, and may consequently threaten the public's right to know;
  - (d) making representations to governments, public inquiries and other forums as appropriate on matters concerning freedom of speech and access to information;
  - (e) undertaking research and consultation on developments in public policy affecting freedom of speech, and promoting public awareness of such issues;
  - (f) promoting an understanding of the objects and activities of the association especially among editors, journalists and journalism schools, through forums and consultations; and encouraging feedback for Council's consideration.
- (2) The association is a non-profit organisation. Its income and assets shall be applied solely to carrying out the purposes mentioned in this Constitution and at no time shall there be any distribution, whether in money, property or otherwise from its income or assets to its members as such or to any relative, trustee or representative of or for a member, provided that this sub-clause shall not prevent the payment to a member of bona fide remuneration and expenses, or expenses only, as are approved by Council in respect of specific services rendered to the association. In the event of dissolution of the Council from any cause, its net assets after payment of its just debts shall be distributed to such charitable or educational purposes as Council specifies, or in default of such specification as is authorised by the Attorney-General of the State of New South Wales.

### **4. Membership of the association**

- (1) The members of the association are
  - (a) organisations admitted as constituent bodies by designated resolution under section 27;
  - (b) persons appointed as Council members under sections 7(2), (5) and (6).
- (2)
  - (a) Members of the association shall cease to be members of it upon
    - (i) written notification by them to the Executive Director (in accordance with section 4(2)(b) if they are constituent bodies); or
    - (ii) cessation of their status as a constituent body or Council member in accordance with this Constitution.
  - (b) If a member which is a constituent body wishes to resign its membership of the association, it must provide the Executive Director with at least four years' prior written notice of its resignation. The resigning constituent body will be required to continue meeting its financial obligations as set out in section 16 for three years following service of its notice of resignation. For the balance of the four year period, the resigning constituent body will not be
    - (i) required to meet its financial obligations as set out in section 16; and
    - (ii) entitled to attend and vote at any General Meetings or to be represented on the Council or its sub-committees.
- (3) Unless determined otherwise by the Council, there shall be no fee for admission or continuance as a member of the association. Constituent bodies, however, will be liable to financial obligations as determined under section 16.

- (4) The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect of any membership fee determined under (3) above and of any financial obligations determined under section 16.
- (5) Each constituent body is required to
  - (a) comply with the obligations under this Constitution;
  - (b) commit the publications it controls to the Council's binding Standards (being the Statements of Principles and Specific Standards) as they apply from time to time;
  - (c) promulgate those Standards to the staff of those publications;
  - (d) ensure that those publications deal with complaints in accordance with the Council's procedures (including the provision of statistical information);
  - (e) comply with the requirements relating to the publication of Council adjudications, as specified in any designated resolution; and
  - (f) comply with any other requirements specified in designated resolutions.
- (6) Each constituent body which is an association of publishers shall require its publisher members to comply with the obligations in section (5) above.

## **5. General Meetings of the association, including the Annual General Meeting**

- (1) An Annual General Meeting shall be held within six months of the end of each financial year. Other General Meetings shall be convened on the requisition in writing of not less than ten members of the association or at the direction of the Chair.
- (2)
  - (a) Subject to sections 4(2)(b)(ii) and 16(2), all members of the association are entitled to vote at a General Meeting and all alternate members of the Council are entitled to attend.
  - (b) Each member shall have one vote except that constituent bodies paying less than 0.5% of CB core funding will have equal fractions of one vote (or, if there are more than 10, equal fractions of two votes).
- (3) The Chair shall chair all General Meetings. In his or her absence, the meeting shall be chaired by a Vice-Chair who has been nominated by the Chair for that purpose or, in the absence of such nomination, is agreed between the Vice-Chairs. In the absence of such agreement, it shall be chaired by whichever Vice-Chair in attendance has been a Council member for the longer period. .
- (4) In addition to any other business that may be transacted, the business of an AGM shall include
  - (a) confirmation of the Minutes of the last preceding AGM and of any General Meeting held since that meeting;
  - (b) reception and consideration of a report on Council activities during the last preceding financial year;
  - (c) reception and consideration of financial statements required by the Act.
- (5) The Executive Director shall give to each member at least 14 days' prior notice of the date, place and time of the General Meeting and of the nature of business to be conducted at that meeting unless all members of the association agree to accept shorter notice or it includes notice of a special resolution.
- (6) No resolution may be voted upon at a General Meeting unless a quorum of ten members is in attendance. If a quorum is not in attendance within one hour of the scheduled commencement time, the meeting shall stand adjourned until the next subsequent scheduled date for a meeting of the Council. If, at the adjourned meeting, a quorum is not in attendance within half an hour after the time appointed for the commencement of the meeting, the members in attendance (being at least five) shall constitute a quorum.
- (7) No special or designated resolution may be passed at a General Meeting unless at least three representatives of constituent bodies and three public members (or at least such other numbers of such persons as may be specified in a designated resolution) vote in favour of it.

- (8) Where not explicitly specified in this Constitution or required by the Act, the procedures for a General Meeting shall be the same as for a Council meeting. In particular, sections 13(1)-(4) and 14(1)-(3) shall apply to General Meetings in the same way as to Council meetings.

## **6. The powers of the Council**

The Council is the committee responsible under the Act for managing the affairs of the association. It is empowered to do such things and to take such action for the furtherance and attainment of the objects in section 3 as it may decide.

## **7. Appointment of Council members**

- (1) The Council consists of the following members:
- (a) an independent Chair appointed pursuant to section 7(2);
  - (b) constituent members appointed pursuant to section 7(3);
  - (c) public members appointed pursuant to section 7(5); and
  - (d) journalist members appointed pursuant to section 7(6).
- (2) The Chair shall be appointed by the Council from persons who have not had previous connections involving ownership of, or employment by, the media.
- (3) The total number of constituent members and the number of persons a constituent body may nominate as constituent members shall be determined by designated resolutions. The Council shall appoint as a constituent member each person who is nominated in accordance with this section in writing to the Executive Director.
- (4) Unless decided otherwise by the Council, constituent members shall be appointed for terms not exceeding three years as are specified by the Council at the time of their appointment and they may be re-appointed for two further terms of up to three years each. They shall cease to be a member at an earlier date if the nominating body so requires in writing to the Executive Director or ceases to be a constituent body or section 16(2)(b) or section 4(2)(b)(ii) applies.
- (5) The Council shall appoint, on the nomination of the Chair, after public advertisement of vacancies, a panel of public members comprising persons who have not had previous connections involving ownership of, or employment by, the media (or who the Council considers have not had recent and significant connections of this kind). In appointing members the Council shall ensure that, as far as possible, the panel provides a fair representation of the several States of Australia.
- (6) The Council shall appoint a panel of journalist members (including former editors) on the nomination of the Chair, after public advertisement of vacancies, from among persons who have appropriate qualifications and experience.
- (7) The numbers of public and journalist members who may be appointed pursuant to sub-sections (5) and (6) shall be determined by designated resolutions. Such resolutions may also specify numbers of appointees in particular sub-categories of these members.
- (8) The Executive Director shall establish and maintain a register of members in compliance with the Act.

## **8. The Independent Chair**

The Chair is appointed by the Council for such period, and on such terms, as may be agreed upon between the Chair and the Council. Unless otherwise determined by the Council, the Chair shall be appointed for a term of three years and may be re-appointed once for a further term of three years.

## **9. The Vice-Chairs**

- (1) The Council shall appoint two Vice-Chairs from its public members for a specified period of up to two years. Any initial appointment may be renewed for one or two further periods of up to two years each.
- (2) When the office of Chair is vacant or the Chair is unable to act by reason of absence or illness, one or both of the Vice-Chairs shall perform the functions of the Chair on such terms as may be agreed by the Council.

## **10. Casual vacancies in Council membership**

- (1) A member shall cease to be a member upon
  - (a) resignation by notice in writing to the Executive Director;
  - (b) absence from three consecutive meetings of the Council without leave of absence of the Council;
  - (c) becoming bankrupt or making any arrangement or composition with creditors generally;
  - (d) becoming of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;
  - (e) in the case of the Chair, public members or journalist members, ceasing to have the qualifications on which their appointment was based.
- (2) A vacancy arising by reason of the death of a member or one of the events described in sub-section (1) is referred to in this Constitution as a casual vacancy.
- (3) As soon as practicable after a casual vacancy has occurred the Council shall appoint to the vacancy a person satisfying the requirements of section 7 of this Constitution.

## **11. Duration of Council membership**

- (1) Unless otherwise determined by the Council, all members other than the Chair shall be appointed for a term of three years.
- (2) A public member or journalist member may be re-appointed twice.
- (3) Retiring members shall be replaced in accordance with section 7, as from a date no earlier than the date on which the retiring member ceases membership.

## **12. Alternate members of Council**

- (1) A constituent member may appoint one or more persons as alternate member or members, and may terminate such appointment at discretion. The appointment and termination of appointment of such alternate members shall take effect when notified in writing to the Executive Director.
- (2) When a member is absent from a meeting of the Council or a sub-committee of the Council, an alternate member appointed in respect of the absent member may attend and vote at the meeting and exercise all the powers and functions of such member in relation to such meeting.
- (3) An alternate member shall be entitled to notices of meetings of the Council and to the papers relevant to the business of Council made available to members.
- (4) An alternate member present at a meeting in place of a member shall be counted for the purpose of a quorum.
- (5) An alternate member ceases to be an alternate member upon resigning in writing to the Executive Director; termination under sub-section (1); becoming bankrupt; making an

arrangement or composition with creditors generally; becoming of unsound mind; or becoming a person whose person or estate is liable to be dealt with under the law relating to mental health.

- (6) In the case of an alternate appointed in accordance with sub-section (1) ceasing to be a member, the constituent member nominated to represent a constituent body may nominate appoint a suitable appointee person to replace that alternate for the remainder of the previous appointee's term.

### **13. Council meetings**

- (1) Council meetings shall be held at such times as the Council may decide or the Chair directs. The Council may adjourn and otherwise regulate its meetings as it thinks fit.
- (2) Meetings may be held at two or more venues using any technology approved by the Council that gives each member who is entitled to vote a reasonable opportunity to participate.
- (3) The Council may pass a resolution without a Council meeting being held if members sign a document, send a facsimile transmission or send an email transmission which is received by the association by the nominated time and which contains a statement that they are in favour of the resolution. The rules set out in this section 13 and section 14 regarding a quorum, giving of notice and voting on resolutions will apply to resolutions circulated by email.
- (4) The Chair when present, and one of the Vice-Chairs in the Chair's absence, shall chair all meetings of the Council; in the absence of both, the Council shall elect a person from among those present to chair the meeting. If a motion of no-confidence in the Chair is put before the Council, the chairmanship will temporarily pass to one of the Vice-Chairs.
- (5) The quorum at a Council meeting shall be 7 members of which 3 must be constituent members and 3 must be public members.
- (6) At least seven days written notice must be given of each Council meeting unless all members entitled to vote at the proposed meeting agree to accept shorter notice.

### **14. Voting at Council meetings**

- (1) Subject to the provisions of this Constitution, questions arising at any meeting of the Council shall be decided by a majority of votes cast. In the case of an equality of votes, the chair of the meeting shall have a second or casting vote. Proxy votes are permissible if written notice is provided to the Executive Director at least 48 hours before the commencement of the meeting.
- (2) A question arising at a meeting is to be determined by a show of hands or by voices unless, before or on declaration by the chair of the result, a poll of votes by secret ballot is required by the chair or at least three members who are entitled to vote at the meeting.
- (3) Where a meeting is held in two or more venues, voting shall be by email or mail unless all members agree that it can be by other appropriate technology or by the voices.

### **15. Sub-committees and working groups**

- (1) The Council may appoint sub-committees and working groups to carry out or advise on any of the objects in section 3, with membership and functions it determines.
- (2) The Chair and Vice-Chairs shall be ex-officio members of all sub-committees. Other members of sub-committees and working groups may include people who are not Council members.
- (3) A sub-committee shall have such executive authority as may be delegated to it from time to time by resolution of the Council.
- (4) The sub-committees and working groups established by the Council shall include the following, with such powers as the Council may delegate to them:
  - (a) a Complaints Sub-Committee (to be known as the Adjudication Panel), each meeting of which shall be chaired by a "Panel Chair" and be comprised of a majority of Council members and, in addition, shall have an equal number of "public panel

- members” and “industry panel members”, in accordance with the definition of these three terms in a Designated Resolution;
- (b) a Constituent Funding Sub-Committee, comprising the Chair, the Vice-Chairs and one nominee of each constituent body, with power to determine the amount of funding to be contributed to the Council by each constituent body in accordance with section 16;
  - (c) an Administration and Finance Sub-Committee, comprising the Chair and at least: two other public members, two publisher members (to be chosen by Designated Resolution) and either one journalist member or the Council member nominated by the Media Entertainment and Arts Alliance;
  - (d) one or more sub-committees or working groups to consider policy issues falling within the objects in section 3;
  - (e) such other sub-committees or working groups as the Council shall decide.
- (5) The composition required by s15(4)(a) can be waived by the Chair if a member who has been rostered to attend the meeting fails to do so and it is not practicable to arrange a substitute member.
  - (6) Each member of a sub-committee shall have one vote except that on the Constituent Funding Sub-Committee, those members who are nominees of constituent bodies contributing less than 0.5% to CB core funding shall have the same voting rights as in section 5(2)(b).
  - (7) Where not explicitly specified in this Constitution or required by the Act, the procedures for a sub-committee or working group meeting shall be the same as for a Council meeting. In particular, sections 13(1)-(4) and 14(1)-(3) shall apply to sub-committee or working group meetings in the same way as to Council meetings.

## 16. Funding

- (1) (a) CB core funding must be provided by the constituent bodies at a total level, and at a quantum per constituent body, which is determined by resolution of the Constituent Funding Sub-Committee in accordance with this section 16, after considering a recommendation from the Council, to be sufficient for the association’s ongoing expenses for the conduct of its responsibilities.
  - (b) (i) The Constituent Funding Sub-Committee is to determine the total CB core funding for each financial year at least three financial years in advance. Once such funding has been determined, the CB core funding amount cannot be subsequently altered without the passing of a designated resolution.
  - (ii) The quantum of the contributions to be made to CB core funding by
    - (A) each of the constituent bodies paying more than 10% of CB core funding will be determined by the Constituent Funding Sub-Committee at least three financial years in advance; and
    - (B) each of the remaining constituent bodies will be determined by the Constituent Funding Sub-Committee at least two financial years in advance.
- (2) Annual contributions to CB core funding by the constituent bodies are payable in six-monthly instalments before the commencement of the period to which the instalment relates. If a constituent body fails to pay its contribution before the end of the period to which the instalment relates, the rights of that constituent body to
    - (a) attend and vote at General Meetings; and
    - (b) be represented on the Council or its sub-committees;
 will be suspended until a period of six months has expired from the date of payment of the constituent body of its outstanding contributions. Unpaid contributions constitute a debt due and owing to the association by the defaulting constituent body.
  - (3) (a) Subject to section 16(3)(b), additional funding for specific projects or other purposes may also be obtained from constituent bodies or other sources.

- (b) Three or more Council members may require that any proposal for funding as referred to in section 16(3)(a) be subject to approval by a designated resolution.
- (4) Any shortfalls in the payment of the contributions by the constituent bodies to CB core funding will be made up as follows:
  - (a) the first 5% of total CB core funding shall be met by a pro-rata additional payment to be made by all constituent bodies;
  - (b) the next 10% of total CB core funding shall be met by a pro-rata additional payment to be made by only those constituent bodies which are required to contribute at least 10% of the total CB core funding for the relevant financial year; and
  - (c) any remaining shortfall can be sought by the Council from any source it considers to be appropriate.

No constituent body will be required under this section 16(4) to make up more than 7.5% of CB core funding to meet the shortfall and these shortfall obligations will not apply to any constituent bodies if a constituent body which was due to pay more than 25% of total core funding has resigned from its membership of the association.

- (5) Any recoveries of shortfall contributions from defaulting constituent members will be used to reimburse those constituent bodies which make up the shortfall under section 16(4).

## **17. Finance**

- (1) Unless decided otherwise by the Council, the financial year of the association shall be from 1 July to 30 June.
- (2) All cheques issued in the name of the association shall be signed by any two of the persons specially authorised by the Council, provided that the Chair, at least one of the Vice-Chairs, and the Executive Director shall be among the authorised persons.

## **18. Audit**

A statement of assets and liabilities and of receipts and expenditure shall be prepared annually by the association and shall be audited by a qualified Auditor appointed by the association. A copy of the audited statement shall be provided to each member of the association.

## **19. Travelling and subsistence expenses**

Reasonable travelling and subsistence expenses as determined by the Council from time to time shall be paid to Council members and staff attending meetings of the Council (including its sub-committees and working groups) or of the association and in such other circumstances as the Council may determine.

## **20. Notices**

Notices of meetings may be given by post, email or such other method as the Council approves. Notice given by post shall be deemed to have been received 48 hours after posting. Accidental omission to notify persons entitled to receive notice of meeting or non-receipt by any of them of such notice shall not invalidate the proceedings of the meeting to which the notice relates.

## **21. Public Officer and records**

- (1) Unless otherwise determined by the Council, the Executive Director shall be the Public Officer under the Act.
- (2) The Executive Director shall have custody and control of all records, books and other documents relating to the association. The records, books and other documents of the association must be open to inspection, free of charge, by any member of the Council at its Registered Office during business hours.



## **22. Indemnity**

A Council member shall be indemnified by the association against a loss or liability suffered or incurred by the member in the course of, and by reason of, discharging such duties as a member.

## **23. Staff**

The Council shall appoint from time to time an Executive Director on such terms and conditions as are agreed to by the Council and the appointee. The Executive Director shall be Chief Executive Officer of the association and the Council and oversee their operations on a day-to-day basis. The terms and conditions for the employment of the staff shall be determined by agreement between each staff member and the Executive Director, in consultation with the Chair.

## **24. Validation of proceedings**

- (1) All acts done by a person as a member of, and at any meeting of, the association or Council (including its sub-committees) shall be as valid as if every such member had been duly appointed and was qualified to be a member, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such member or that they or any of them were disqualified.
- (2) The association and the Council may act notwithstanding a vacancy in their membership.

## **25. Dissolution**

The association may be wound up by a special resolution in accordance with the Act if it appears to the members that the association's voluntary nature and independence are threatened or that other circumstances have arisen which render the continued functioning of the association inappropriate.

## **26. Alteration of Constitution**

Alterations of this Constitution, including the objects in section 3, shall be made by a special resolution in accordance with the Act.

## **27. Designated resolutions**

- (1) A General Meeting may make resolutions under this section ("designated resolutions") on matters designated for that purpose in the Constitution.
- (2) Subject to section 5(7), a designated resolution shall be passed by a majority comprising at least three-quarters of the votes cast.
- (3) Terms used in designated resolutions which are defined in this Constitution have the same meaning as in the Constitution.
- (4) All members of the association shall be given at least 14 days notice of the nature of the proposed resolution.
- (5) A resolution made under this section shall only be changed by a subsequent resolution under this section.
- (6) Each member of the association will at all times comply with the requirements of all designated resolutions.
- (7) A designated resolution, once passed pursuant to this section, is deemed to be part of the Annexure to this Constitution which notes all current designated resolutions. The Annexure to this Constitution is not part of this Constitution and any changes to the Annexure do not need to be notified to the NSW Office of Fair Trading.

## ANNEXURE

### DESIGNATED RESOLUTIONS

The following designated resolutions have been passed by the Australian Press Council Inc. under section 27 of the Constitution.

#### 1. Constituent Bodies

In accordance with section 7(3) of the Constitution, the following organisations are confirmed as constituent bodies of the association and the number, if any, of constituent members of the Council whom they may nominate is indicated in parentheses after their names. All constituent bodies that do not have a number after their name are entitled to vote in a collective process to nominate one person as a constituent member of the Council under section 7(3) and (4) of the Constitution. The voting will be conducted in accordance with a process specified by the Council.

Adelphi Printing Pty Ltd (the Monthly Chronicle)  
At Large Media  
Australian Associated Press (1)  
APN News and Media (1)  
Australian Rural Publishers Association  
Bauer Media Group (1)  
Community Newspapers of Australia (1)  
Country Press Australia (1)  
Crinkling News Pty Ltd trading as Crinkling News  
DailyMail.com Australia Pty Ltd (1)  
Echo Publications Pty Ltd  
Emanila Pty Ltd Fairfax Media (1)  
Focal Attractions  
Independent Australia Pty Ltd  
Media Entertainment and Arts Alliance (1)  
News Limited (1)  
ninemsn (1)  
Private Media  
propertyreview.com.au  
Schwartz Media (in relation to The Saturday Paper owned by Trustee for the Liberty 2701 and The Monthly owned by Trustee for the Monthly Trust)  
The Bushland Shire Telegraph Pty Ltd  
The Huffington Post Australia Pty Ltd  
The New Daily  
Urban Cinefile  
WorkDay Media.

#### 2. Members of the Council

In accordance with sections 7(3) and (7) of the Constitution, the numbers of members of the Council at any one time, in addition to the Chair, shall be as follows:

- constituent members – 9-12;
- public members – 9-12;
- journalist members – 4-6.

### **3. Administration and Finance Sub-Committee**

In accordance with section 15(4)(c) of the Constitution, the publisher members on the Administration and Finance Committee will include those representing the two constituent bodies which are contributing the highest proportions of CB core funding.

### **4. Publication of Adjudications**

- (1) Each publisher must ensure that any Council adjudication relating to a publication which it controls is published in that publication.
- (2) The adjudication must be published in full and headed "Press Council Adjudication" or "Press Council Ruling", together with the Council's logo. It must not be accompanied by editorial comment, and any subsequent reporting of or comment upon, the adjudication must comply with the Council's Standards of Practice.
- (3) In the case of daily publications, the adjudication must be published within seven days of the final adjudication being notified to them. In the case of other publications, it must be published no later than the first issue after the seven day period.
- (4) The adjudication must be published with due prominence in a position in the publication which the Executive Director has approved as likely to be seen by those who saw the material on which the complaint was based.
- (5) Where the adjudication relates to online material, a brief summary note providing a link to the full adjudication must be published for at least 24 hours on the home page of the website. The content of the summary note and its position on the home page must be approved by the Executive Director.
- (6) An annotation in terms approved by the Executive Director must also be added to the publisher's online versions (whether archived or publicly available) of the material to which it relates, together with a link to the full adjudication.
- (7) A publisher or complainant may request the Executive Director to relax the above requirements in relation to a particular adjudication. Both the publisher and the complainant should usually be consulted before any substantial relaxation is approved.
- (8) The request may be granted if the Executive Director considers that the requested relaxation
  - (a) will enhance, or at least not reduce, the likelihood of the adjudication being seen by people who saw the original material; or
  - (b) is necessary to avoid an unreasonable burden on the publisher (especially where the complaint was wholly or partially dismissed by the Council); or
  - (c) is in the interests of the complainant.
- (9) At the request of the publisher or complainant, a decision by the Executive Director under paragraph (8) is subject to review by a three-person Review Committee. The Review Committee will be appointed by the Chair and include at least one publisher member and one public member.

### **5. Publication of notices about the Council**

- (1) Each publisher must publish a notice about the Council in each print publication it controls and on each website it controls.
- (2) The content and format of the notice will be as determined from time to time by the Council. The notice is to be published in a prominent position on the same page as letters to the editor or the home page of a website, or in such other position as is agreed with the Executive Director of the Council.

### **6. Provision of contact lists**

Each publisher is obliged to provide the Council with

- (a) up-to-date lists of the names of all print and online media publications which it controls;
- (b) the name of the relevant contact persons for dealing with complaints to the Council relating to its respective publications (including a person who acts in that role during the absence of the usual contact person).

## **7. Composition of Adjudication Panels**

The following definitions shall apply in relation to section 15(4) of the Constitution:

- (a) “Panel Chair”: the Chair of the Council; the Vice-Chairs of the Council; any other public member appointed for that purpose by the Council;
- (b) “industry panel member”: any person appointed as such by the Council who is
  - (i) a journalist member of the Council;
  - (ii) a constituent member of the Council who has been nominated by an association or similar corporate entity, not by a particular publisher; or
  - (iii) eligible to be appointed as a journalist member of the Council;
- (c) “public panel member”: any person appointed as such by the Council who is
  - (i) a public member of the Council; or
  - (ii) is eligible to be appointed as a public member of the Council.