

## **MEDIA COMPLAINTS COMMISSION PRACTICE DIRECTIONS FOR HEARINGS AND APPEALS**

### **A. CITATION.**

This Practice Direction is issued pursuant to Section 33(2) (3) of the Media Council Act 2013 to assist parties to comply with Case Management directions of the Commission and they apply to matters coming up for hearing or appeals

### **B. CASE MANAGEMENT.**

The Commission has a strong focus on case management, which means that it can make orders or give directions to the parties with the aim of resolving the issues in dispute as efficiently, quickly and cheaply as possible. However, the Commission must balance this with the need for disputes to be resolved justly, and to also ensure that proceedings are conducted fairly. The duty to lay down case management guidelines will include the obligation for the Commission to do the following:

- ✓ **identify at an early stage in proceedings the real issues in dispute;**
- ✓ **fix a timetable according to which parties must take certain steps; or**
- ✓ **limit the number of witnesses that may be called to give evidence.**

### **C. PARTIES OBLIGATIONS.**

All parties are required to comply with a set of obligations in the way that they behave and conduct their matters and specifically to comply with the following 'overarching obligations':

- ✓ **to act honestly at all times;**
- ✓ **not to lie or be misleading;**
- ✓ **to try and narrow the issues that are in dispute, and**
- ✓ **to try to resolve the dispute;**
- ✓ **to minimise delay; and**
- ✓ **to cooperate with the other party and the Commission during the proceedings.**

## **MEDIA COMPLAINTS COMMISSION PRACTICE DIRECTIONS FOR HEARINGS AND APPEALS**

### **D. THE DOCUMENTATION.**

Each party whose matters have been confirmed and progressed for hearing or appeal shall file the following documents with the Commission's Registrar at least seven (7) days before such hearing or appeal;

- ✓ **List of Witnesses**
- ✓ **Witness Statements**
- ✓ **List of Exhibits**
- ✓ **List of Authorities**
- ✓ **Submissions up to a maximum of 3 pages on A4 paper**

### **E. ADJUDICATION.**

#### **i) COMPLAINANT'S CASE**

An adjudication shall commence first by having the Registrar call up the matter then affirm each of the Complainant's witness[ess] consecutively;

The Complainant's case shall be allotted a global maximum time of 40 minutes to be utilized as below:

- ✓ **Not more than 5 minutes for an individual witness to be guided to adopt their statements as the verbatim summation of their case;**
- ✓ **Not more than 5 minutes for an individual witness to be guided to produce the listed exhibits in support of their case;**
- ✓ **Not more than 15 minutes for the Respondent to cross-examine all the Complainant's witnesses**
- ✓ **Not more than 5 minutes for the Commission to verify, ascertain or inquire on facts or issues needing clarification only.**
- ✓ **Not more than 10 minutes for the Complainant to give a highlight setting out the grounds for the complaint, nature of the injury or damage suffered and the remedy sought and to thereafter file its pre-written submissions.**

## **MEDIA COMPLAINTS COMMISSION PRACTICE DIRECTIONS FOR HEARINGS AND APPEALS**

### **ii) RESPONDENT'S CASE.**

An adjudication shall commence first by having the Registrar call up a matter then affirm each of the Respondent's witness[ess] consecutively;

The Respondent's case shall be allotted a global maximum time of 40 minutes to be utilized as below:

- ✓ **Not more than 5 minutes for an individual witness to be guided to adopt their statements as the verbatim summation of their case;**
- ✓ **Not more than 5 minutes for an individual witness to be guided to produce the listed exhibits in support of their case;**
- ✓ **Not more than 20 minutes for the Complainant to cross-examine all the Respondent's witnesses;**
- ✓ **Not more than 5 minutes for the Commission to verify, ascertain or inquire on facts or issues needing clarification only;**
- ✓ **Not more than 10 minutes for the Respondent to give a rebuttal of the case set out by the Complainant and justifying its grounds for any action taken or not taken and to thereafter file its pre-written submissions.**

### **F. DETERMINATION ON A CASE.**

The Commission will thereafter either proceed to deliver a determination and giving reasons thereof within seven (7) days of close of the parties' arguments. But where a decision on a matter is made and the reasons reserved for another date then the Commission shall issue such reasons within a period of not more than seven (7) days from the date of the decision.