



ADJUDICATION NO:36/A/2025

NAME OF PROGRAMME: NEWS
DATE AND TIME OF BROADCAST: 4 DECEMBER AT 16:00
BROADCASTER: HOT 102.7 FM
COMPLAINANT: KLEIN

COMPLAINT

Complaint that news bulletin was not truthful and fair and that it impaired the dignity of a group of people who unlawfully invaded a property.

APPLICABLE CLAUSES OF THE FREE-TO-AIR CODE OF CONDUCT

- 11. News**
- (1) Broadcasting service licensees must report news truthfully, accurately and fairly.**
 - (2) News must be presented in the correct context and in a fair manner, without intentional or negligent departure from the facts, whether by:**
 - (a) Distortion, exaggeration or misrepresentation.**
 - (b) Material omissions; or**
 - (c) Summarisation**
 - (3) Only that which may reasonably be true, having reasonable regard to the source of the news, may be presented as fact, and such fact must be broadcast fairly with reasonable regard to context and importance.**
- 15. Privacy, Dignity and Reputation**

- (1) **Broadcasting service licensees must exercise exceptional care and consideration in matters involving the privacy, dignity and reputation of individuals, bearing in mind that the said rights may be overridden by a legitimate public interest.**
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ADJUDICATION

- [1] A complaint was lodged with the BCCSA against a news bulletin broadcast on Hot 102.7 FM on 4 December 2025. The Complainant revised her complaint three times, the latest version in order to align with the BCCSA Free-to-Air Code. The latest amended complaint was submitted on 2 January 2026 and can be found on page 4 hereunder. She has withdrawn her allegation regarding Hate Speech and although it is still in the latest amended complaint, it will not be addressed in the adjudication.

- [2] **The Revised complaint submitted on the 8th of December reads as follows:**

“Broadcaster: Hot 102.7 FM, **Programme:** 16h00 News Bulletin, **Date of Broadcast:** 4 December 2025, **Presenter / Reader:** Tara Penny

Amended Complaint

1. Introduction and Standing

I am lodging this complaint in terms of the BCCSA Code of Conduct, specifically regarding clauses related to fairness, accuracy, dignity, and the prohibition of speech that amounts to advocacy of hatred, as set out in section 16(2) of the Constitution and discussed by the SA Human Rights Commission (SAHRC).

I listened to the 16h00 news bulletin on Hot 102.7 FM while driving home on Thursday afternoon. The item was read by Tara Penny, who is also referenced on the station’s website (<https://hot1027.co.za/hot-team/tara-penny/>).

2. Summary of the Impugned Broadcast

The lead story in the bulletin concerned the “discovery” of approximately 75 shacks allegedly erected on the property of a Bryanston mansion. The bulletin described the pool as having been converted into a rubbish dump, and included a quote from the property owner expressing surprise at finding what was characterised as a “village” in the midst of a “well-heeled” suburb.

The editorial framing strongly implied that the presence of these families constituted an “eyesore” or a disruption to an otherwise affluent neighbourhood. The emphasis on shock and the suggestion of necessary intervention created, in my view, a negative portrayal of impoverished people living in informal housing.

3. Relevant BCCSA Code Clauses That May Be Violated

Clause 3 (News) — 3.1 & 3.2

- 3.1 “News must be reported truthfully, accurately and fairly.” [BCCSA](#)
- 3.2 “News must be presented in the correct context and in a fair manner, without intentional or negligent departure from the facts, whether by distortion, exaggeration or misrepresentation; material omissions; or summarisation.” [BCCSA](#)

How this may have been breached:

- The bulletin presented the informal dwellings as a “village” discovered on a mansion property, using emotionally loaded language such as “shacks,” “rubbish dump,” “eyesore,” “surprised to find a village,” etc. This framing risks exaggeration and misrepresentation.
- The report lacked broader context — such as the systemic issues that lead to informal housing in urban areas, inequality, housing shortages, and the reasons many domestic workers and low-income earners live informally. By omitting that context, the portrayal becomes skewed.

Clause 3.3

- “Only that which may reasonably be true, having reasonable regard to the source of the news, may be presented as fact; and such fact must be stated fairly with reasonable regard to context and importance.” [BCCSA](#)

How this may have been breached:

- The bulletin may have presented assumptions or value judgments as facts — for example, implying the informal settlement is an “intrusion,” an “eye-sore,” or a problem needing removal, rather than simply reporting observed facts and allowing listeners to draw conclusions.

Clause 9 (News) – 9.4, 9.5 & 9.2

- 9.4 “Where a report is not based on fact or is founded on opinion, supposition, rumours or allegations, it must be presented in such manner as to indicate clearly that such is the case.” [BCCSA](#)
- 9.5 “Where there is reason to doubt the correctness of the report and it is practicable to verify the correctness thereof, that fact must be verified. Where such verification is not practicable, that fact must be mentioned in the report.” [BCCSA](#)
- 9.2 includes that news must be presented without distortion, exaggeration or misrepresentation, material omissions or summarisation. [BCCSA](#)

How this may have been breached:

- If the broadcaster was not able to verify that all “75 shacks” existed or that the people living there were indeed “residents” rather than temporary occupants, the report should have stated the uncertainty.
- If some of the claims were based on the property owner’s perspective (or hearsay) without independent verification or community voices, airing them as fact may mislead the public.
- The lack of any attempt to obtain comment or perspective from the residents themselves or from social-housing / housing-rights experts suggests failure to present a balanced or contextualised viewpoint.

Clause 12 (Privacy, Dignity and Reputation)

- **12.1 “The Signatory must exercise exceptional care and consideration in matters involving the privacy, dignity and reputation of individuals.”** [BCCSA](#)
- **12.2 & 12.3** emphasise special protection for vulnerable groups (e.g., poor people, individuals subject to social prejudice) — although these sub-clauses explicitly highlight children, aged, disabled etc. [BCCSA](#)

How this may have been breached:

- The broadcast’s negative framing — referring to informal dwellings as “shacks,” “rubbish dump,” “eyesore,” as though the residents are a blight on the suburb — undermines the dignity of the people living there, implicitly stigmatising them.
- By failing to treat the residents with respect and instead reducing their homes to derelict property causing nuisance, the broadcast may have disregarded the dignity and social origin of a vulnerable socio-economic group.

Clause 4 (Violence and Hate Speech / Advocacy of Hatred / Discrimination)

- **Clause 4.1 prohibits broadcasting material which, judged within context, sanctions, promotes or glamorises violence or unlawful conduct based on prohibited grounds including social origin.** [BCCSA](#)
- **Clause 4.2 prohibits material which amounts to incitement of violence or advocacy of hatred based on race, ethnicity, religion, gender (though the Code lists those grounds — “social origin” is arguably covered under the concept of “unfair discrimination” in practice, though not explicitly in text).** [BCCSA+ 1](#)

How this may have been breached:

- The broadcast’s language may encourage social hostility or contempt towards people from poor socio-economic backgrounds (i.e. domestic workers, informal workers) — by framing them as a “village” or “eyesore” in a wealthy suburb, it dehumanises them and implicitly rejects their presence.
- While the Code’s explicit protected grounds may not explicitly list “social origin,” the principle of dignity and fairness — and the BCCSA’s own historic approach — suggests that negative stereotyping or demeaning of economically disadvantaged groups may fall under the broader prohibition of content that undermines dignity or encourages social hostility. The BCCSA historically has considered “unfair discrimination” in its adjudications. [NAB+ 1](#)

How These Clauses Relate to My Complaint

In summary:

- The news item appears to have **distorted the facts, sensationalised a social situation, and omitted critical context** (Clauses 3.1, 3.2, 3.3, 9.2–9.5).
- It **depicted a vulnerable group (poor migrant / domestic-worker families living informally) in a derogatory and demeaning way, undermining their dignity** (Clause 12.1).
- It may amount to content that fosters **social hostility, prejudice, or devaluation** of poor people living informally — which risks crossing into **hate / discriminatory speech or unlawful discrimination** (Clause 4).

Given the public role of broadcasting and the influence radio has, such framing can contribute to social stigma, discrimination, and potentially justify exclusion or even eviction — making the reporting not only insensitive but socially harmful.

4. Complaint Ground 1: Dignity and Potential Hate Speech

My primary concern relates to the use of the term “village” as applied to the informal dwellings of domestic workers, gardeners, and other low-income earners who cannot afford the cost of the daily commute into Bryanston from outlying townships/reserves created by Apartheid spatial planning.

While the word “village” is not inherently derogatory, the context in the bulletin presented it in a manner that, in my view, carried social disdain and dehumanising undertones. It framed these people's homes as foreign, improper, or sub-human within the context of a wealthy suburb.

I rely on the **SAHRC's Hate Speech Information Sheet**

<https://www.sahrc.org.za/home/21/files/Hate%20Speech%20Information%20Sheet-%20print%20ready-.pdf> which emphasises that speech may constitute hate speech if it:

- is **based on prohibited grounds** such as social origin
- **demeans** or **degrades** a vulnerable group
- **encourages social exclusion**, hostility, or contempt

In my interpretation, the broadcast's framing — including the word choices and tone — risked reinforcing harmful stereotypes about the poor and promoting a narrative that the presence of impoverished families in affluent areas is illegitimate or contaminating.

I am not alleging malicious intent on the part of the presenter or the station. However, impact matters, and the impact here was to paint vulnerable communities as intruders rather than human beings living in homes of their own.

5. Complaint Ground 2: Missing Context Resulting in Misleading Framing

The story was presented as if the existence of occupied abandoned mansions or informal dwellings in wealthy suburbs is unusual or extraordinary. In fact, this phenomenon is not newsworthy in isolation and is common across Johannesburg.

For example, there are informal dwellings in a park near Kathleen Avenue in Sandton. I reported on this when I was still working at the SABC. It demonstrates why South Africa is the most unequal society in the world as these residents are largely forgotten because you cannot see it from the roadside. Residents there use the nearby river for sanitation due to inadequate facilities. This is not an isolated situation but part of broader systemic issues in Gauteng related to housing shortages, inequality, and spatial injustice.

By stripping away this context, Hot 102.7 FM created a sensationalised and misleading impression of an “invasion” of a wealthy suburb rather than situating the story within well-known structural conditions.

This contravenes the BCCSA's requirement that news be presented in context, not exaggerated, and not likely to mislead listeners.

6. Complaint Ground 3: Tone and Potential Advocacy of Social Hostility

During the bulletin, the tone and wording suggested that something should be “done” about the presence of the informal settlement on the property. While possibly not intentional, this style of reporting can be interpreted as encouraging action against the residents rather than inviting understanding or exploration of the underlying causes.

The BCCSA prohibits advocacy of hatred that incites harm.

I am not accusing the broadcaster of deliberate incitement.

However, in my view, the framing skirted dangerously close to encouraging social hostility toward a vulnerable group.

Poor communities already face discrimination, evictions, and violence. Media framing that portrays them as unsightly, unwelcome, or contaminating can contribute to an atmosphere that normalises harmful responses.

7. What I Request From the BCCSA

I respectfully request that the BCCSA:

1. Investigate whether the broadcast breached provisions of the Code relating to dignity, contextual accuracy, and speech that demeans or humiliates persons on the basis of social origin or economic status.
2. Assess the appropriateness of the story as a lead news item, given its sensationalised presentation and lack of broader context.
3. Consider issuing guidance to the broadcaster on responsible reporting involving vulnerable communities, particularly in cases where poverty intersects with systemic inequality.

8. Conclusion

I submit this complaint because the manner in which the story was framed was, in my view, deeply insensitive, demeaning, and harmful to people who already live on the margins of societal visibility and protection. News reporting should inform the public, not reinforce prejudice or encourage social hostility.

Thank you for taking the time to consider my complaint.

I am available to provide any further detail if required.”

On the 8th of December the Registrar requested the Complainant to check the clause numbers which she stated since they did not correspond with the Free-to-Air Code of Conduct. The Registrar also informed the Complainant that her complaint would be submitted to the broadcaster for a response in terms of the following clauses [of the Free-to-Air Code of Conduct: Hate Speech Clauses 4 \(1\) and \(2\), News Clause 11 \(1\), \(2\) and \(3\) and Privacy and Dignity Clause 15 \(1\).](#) – no response was received between the 8th and the 15th of December.

AMENDED COMPLAINT (REVISED TO ALIGN WITH THE BCCSA FREE-TO-AIR CODE) – SUBMITTED BY THE COMPLAINANT ON THE 2ND OF JANUARY IN VIEW OF THE REGISTRAR’S REQUEST TO CORRECT THE CLAUSES ON THE 8TH OF DECEMBER.

1. Introduction and Standing

I hereby lodge this complaint in terms of the **BCCSA Free-to-Air Broadcasting Code (2015)**.

This complaint concerns alleged breaches of **Clause 11 (News)** and **Clause 15 (Dignity)** arising from the 16h00 news bulletin broadcast on Hot 102.7 FM on 4 December 2025.

I listened to the bulletin while driving home that afternoon. The item was read by Tara Penny, who is identified on the broadcaster's official website as a news presenter.

2. Summary of the Impugned Broadcast

The lead story in the bulletin concerned the so-called "discovery" of approximately 75 informal dwellings on the property of a Bryanston mansion. The report stated that a swimming pool had been converted into a rubbish dump and quoted the property owner expressing surprise at finding what was described as a "village" within a "well-heeled" suburb.

The editorial framing strongly suggested that the presence of these residents was anomalous, undesirable, and disruptive. The emphasis on shock and degradation, rather than explanation or context, created a narrative that portrayed impoverished people living in informal housing as a social problem or intrusion.

3. Relevant BCCSA Code Clauses Allegedly Breached

This complaint relies **exclusively** on the **BCCSA Free-to-Air Broadcasting Code (2015)**, specifically **Clause 11 (News)** and **Clause 15 (Dignity)**.

3.1 Clause 11: News

Clause 11 governs the gathering and presentation of news and requires that news be reported **truthfully, accurately, fairly, and in proper context**.

Relevant provisions include:

- **Clause 11(1):** News must be reported truthfully, accurately and fairly.
- **Clause 11(2):** News must be presented in the correct context and in a fair manner, without intentional or negligent departure from the facts, whether by distortion, exaggeration, or material omission.
- **Clause 11(3):** Only that which may reasonably be true, having due regard to the source, may be presented as fact.
- **Clause 11(4):** Where allegations, opinions, or suppositions are presented, this must be clearly indicated.
- **Clause 11(5):** Reasonable efforts must be made to verify the correctness of news reports where practicable.

Alleged breach:

The broadcast relied heavily on emotive and value-laden language such as "discovery", "village", "shacks", and "rubbish dump", coupled with references to a "well-heeled suburb". This framing went beyond neutral factual reporting and conveyed implied judgments about the legitimacy and desirability of the residents' presence.

The report omitted essential social and historical context relating to housing shortages, inequality, and urban informality in Johannesburg. No attempt was made to include perspectives from the residents themselves, housing specialists, or public authorities. The property owner's characterisation of events was aired without adequate verification or balancing viewpoints, resulting in a sensationalised and misleading presentation.

3.2 Clause 15: Dignity

Clause 15(1) of the Code provides that:

"The dignity of all people shall be respected and protected."

Alleged breach:

The broadcast undermined the dignity of a vulnerable socio-economic group by portraying poor and informal-housing residents as an eyesore, anomaly, or threat within an affluent suburb. The cumulative effect of the language and tone used reduced people's homes to objects of shock and contempt, rather than treating the residents as human beings deserving of respect.

Even in the absence of explicit insults, the framing implicitly devalued people on the basis of poverty and social status. This constitutes a failure to respect and protect dignity as required by Clause 15.

4. Relationship Between Clause 11 (News) and Clause 15 (Dignity)

The breach of Clause 11 directly contributed to the breach of Clause 15. When news is stripped of context, sensationalised, and framed through a lens of shock or disdain, particularly in relation to vulnerable communities, it predictably results in dignity harm.

The Code requires broadcasters to exercise heightened care to ensure that factual reporting does not dehumanise, stigmatise, or humiliate individuals or groups. In this case, misleading framing amplified social prejudice and reinforced harmful stereotypes about poverty.

5. Complaint Ground 1: Dignity Harm Arising From Framing and Language

My primary concern relates to the use of the term "village" and similar descriptors when referring to the informal dwellings of domestic workers, gardeners, and other low-income earners who cannot afford long daily commutes created by apartheid-era spatial planning.

While the word "village" is not inherently derogatory, in this context it was used to signal abnormality, intrusion, and social otherness. The broadcast framed the residents' homes as foreign and improper within a wealthy suburb, rather than as a manifestation of well-documented structural inequality.

The impact of this framing was demeaning and dehumanising, regardless of intent.

6. Complaint Ground 2: Omission of Context Resulting in Misleading News

The story was presented as though informal occupation of abandoned or under-utilised properties in wealthy suburbs is extraordinary. In reality, this is a common and widely documented phenomenon across Johannesburg and Gauteng.

By failing to situate the story within known structural conditions—housing shortages, inequality, and spatial injustice—the broadcaster created a distorted impression of an isolated “invasion” rather than a systemic social reality. This omission contravenes Clause 11’s requirement of contextual accuracy and fairness.

7. Complaint Ground 3: Tone and Risk of Encouraging Social Hostility

The tone and wording of the report suggested that something should be “done” about the presence of the informal dwellings. While not explicit, such framing risks encouraging hostility or exclusionary attitudes toward already vulnerable communities.

Media representations that portray poor people as unsightly or illegitimate occupants of space contribute to stigma and can normalise harmful social responses, including eviction and discrimination.

8. Relief Requested

I respectfully request that the BCCSA:

1. Investigate whether the broadcast breached **Clause 11 (News)** and **Clause 15 (Dignity)** of the Free-to-Air Code.
2. Assess whether the story’s treatment as a lead item was justified given its sensationalised framing and lack of context.
3. Consider issuing guidance to the broadcaster on responsible reporting involving poverty, inequality, and vulnerable communities.

9. Conclusion

I submit this complaint because the manner in which the story was framed was, in my view, misleading, demeaning, and harmful to people who already live on the margins of social protection and visibility. News reporting should inform the public, not reinforce prejudice or social exclusion.

I thank the Commission for its consideration and am available to provide further information if required.”

[3] The Broadcaster responded to the complaint submitted on the 8th of December on the 15th of December as requested by the Registrar. The following response was forwarded to the Complainant on the 15th of December. No reply was received within five days.

The response reads as follows:

“We confirm receipt of the complaint submitted by Ms Candice Klein regarding the news story aired at 4pm on 4 December 2025.

Transcript of the story in question (audio attached to email):

“A raid on a plush Bryanston mansion has revealed a mini-village complete with makeshift shacks , illegal wiring and a pool that was turned into a dump.

News24 is reporting City of Joburg officials carried out the intense raid earlier today - where they discovered at least 75 informal settlements were erected on the property along with several zozo huts.

Teams from Home affairs as well as our health and environment departments are on the scene.

A man claiming to own the property tried to block the raid - but it's understood the real owner arrived and told officials he was shocked by what he saw."

Below is our response in relation to the clauses cited in the Free-to-Air Code:

Clause 4(1) – Prohibited Content (Violence / Unlawful Conduct)

The clause prevents broadcasters from promoting or glorifying violence or unlawful conduct, particularly against groups defined by protected characteristics.

Our report **did not** reference race, gender, religion, or any protected category. It contained **no violence**, nor did it promote or glamorise unlawful behaviour. It simply relayed factual information from an official raid.

Clause 4(2) – Hate Speech

This clause prohibits war propaganda, incitement to violence, and hateful expression. HOT1027 News **did not incite hatred**, promote discrimination, or encourage violence. We reported on a law-enforcement operation carried out by government officials.

Clause 11(1) – Truthful, Accurate, Fair News

This requires factual, contextually accurate reporting.

We relied on verified information published by News24 and reported it truthfully and fairly. No opinion or speculation was added.

Clause 11(2) – No Distortion or Misrepresentation

News must not be distorted, exaggerated, or misleading. We broadcast only information contained in News24's report. There were **no omissions or sensationalism** beyond the facts presented.

Clause 11(3) – Disturbing or Sensitive Content

This clause requires caution when broadcasting upsetting material.

Our story contained **no graphic or disturbing content**.

It involved issues of public interest — specifically illegal activity on a residential property. Many HOT1027 listeners live in or near Bryanston and would reasonably expect to be informed about such matters.

Clause 12(1) & 12(2) – Comment and Fairness

These clauses differentiate fact from comment and ensure fairness and context. The bulletin contained **no commentary or opinion**. It was a straight news report with no naming of individuals, ensuring privacy and fairness.

Clause 15(1) – Privacy, Dignity and Reputation

Broadcasters must show care not to infringe on individuals' rights unless public interest overrides this.

No individuals were identified in our story, and no private or sensitive personal details were shared. The report focused solely on the actions of law-enforcement agencies and conditions found on the property.

Based on the above, HOT1027 News is of the considered opinion the story complied fully with the BCCSA Code of Conduct. The bulletin was factual, accurate, and in the public interest, and avoided any language or detail that could violate privacy, dignity, or fairness."

[4] The Complainant replied as follows:

"I submit this response to Hot 102.7 FM's reply to my complaint regarding the 16h00 news bulletin broadcast on 4 December 2025.

With respect, the broadcaster's response fails to engage with the substance of my complaint and instead addresses issues that were either not relied upon, or only peripherally relevant.

My complaint is not premised on allegations of violence, hate speech, or the identification of individuals. It is grounded squarely in Clause 11 (News) and Clause 15 (Dignity) of the BCCSA Free-to-Air Broadcasting Code. The broadcaster's response conflates factual occurrence with compliant journalism and, in doing so, misses the point entirely.

1. Misplaced Reliance on Clause 4 (Violence / Hate Speech)

The broadcaster devotes substantial attention to Clause 4 (violence and hate speech), asserting that the report did not reference protected characteristics or incite violence.

This response is misdirected. My amended complaint does not allege a breach of Clause 4. The issue before the Commission is not whether the broadcast constituted hate speech in the constitutional sense, but whether it complied with the news standards of fairness, context, and dignity required by Clauses 11 and 15.

By defending against an allegation not advanced, the broadcaster avoids addressing the actual complaint.

2. Clause 11: Factual Accuracy Is Not the Same as Fairness or Context

Hot 102.7 FM repeatedly asserts that the report was compliant because it was based on a News24 article and relayed "verified" facts.

This misunderstands Clause 11.

Clause 11 does not require only that facts be accurate. It requires that news be presented fairly, placed in correct context, and not framed in a manner that misleads through omission, exaggeration, or emphasis.

The issue is not whether officials conducted a raid, or whether informal dwellings existed. The issue is how those facts were framed.

The language used — “raid”, “plush mansion”, “mini-village”, “makeshift shacks”, “illegal wiring”, “pool turned into a dump”, “well-heeled suburb”, and the emphasis on the owner’s “shock” — created a narrative of intrusion, abnormality, and contamination. That framing is editorial, not neutral.

Crucially, the report omitted all social and structural context, including housing shortages, spatial inequality in Johannesburg, and the socio-economic realities of domestic and low-income workers.

Clause 11 expressly prohibits misleading presentation through material omission. Reliance on a third-party news source does not absolve a broadcaster of this obligation.

3. Clause 11(3): Public Interest Is Not Synonymous With Sensationalism

The broadcaster argues that the story was in the public interest, particularly because listeners live near Bryanston.

Public interest, however, does not displace the duty to report responsibly. The Code does not permit sensational framing simply because a story may be locally relevant.

Moreover, the suggestion that the story concerned “illegal activity” subtly reinforces the very stigma at issue. The broadcast did not distinguish between alleged property-law issues and the humanity of the people living there. The result was a portrayal of poverty itself as a form of deviance.

4. Clause 15: Dignity Is Not Limited to Identifiable Individuals

The broadcaster asserts that Clause 15 was not breached because no individuals were named and no private details disclosed.

This reflects a fundamental misreading of Clause 15.

Clause 15 protects the dignity of all people, not only identified persons. Dignity harm can arise from the portrayal of groups, particularly vulnerable or marginalised groups, even where individuals are unnamed.

The broadcast reduced people’s homes to objects of shock and disgust and presented their presence as an aberration within a wealthy suburb. The cumulative effect was to dehumanise and stigmatise people on the basis of poverty and social status.

Dignity harm lies in how people are spoken about, not merely in whether they are named.

5. The Core Issue the Broadcaster Does Not Address

The broadcaster’s response does not meaningfully engage with the central contention of my complaint, namely that sensational framing and emotive language, combined with the omission of essential social context, resulted in misleading news presentation (Clause 11) and undermined the dignity of a vulnerable socio-economic group (Clause 15).

Whether the facts occurred is not in dispute. Whether they were reported responsibly and with due regard to dignity is.

6. Conclusion

In summary, Hot 102.7 FM's response equates factual accuracy with Code compliance and treats dignity as synonymous with privacy. The Free-to-Air Code requires more than this.

I respectfully submit that the broadcaster's reply does not rebut the substance of my complaint and that the matter warrants determination by the Commission with proper regard to Clauses 11 and 15 of the Code."

EVALUATION

[5] I listened to the impugned broadcast. The following is a transcript:

"A raid on a plush Bryanston mansion has revealed a mini-village complete with makeshift shacks, illegal wiring and a pool that was turned into a dump.

News24 is reporting City of Joburg officials carried out the intense raid earlier today - where they discovered at least 75 informal settlements were erected on the property along with several zozo huts.

Teams from Home affairs as well as our health and environment departments are on the scene.

A man claiming to own the property tried to block the raid - but it's understood the real owner arrived and told officials he was shocked by what he saw."

It is noted that the impugned news broadcast forms part of an ongoing matter that has, and still is, receiving coverage across multiple media platforms, including radio, television and print media.

I will address the Complainant's submissions with reference to the two relevant provisions of the Code, namely Clauses 11 (news) and 15 (dignity).

[6] The Complainant submits that, by failing to situate the story within recognised structural conditions - namely housing shortages, inequality, and spatial injustice - the broadcaster created a distorted impression of an isolated "invasion" rather than a manifestation of a systemic social reality. The Complainant further contends that the language employed, including terms such as "raid", "plush mansion", "mini-village", "makeshift shacks", "illegal wiring", "pool turned into a

dump”, “well-heeled suburb”, as well as the emphasis placed on the owner’s “shock”, constructed a narrative of intrusion, abnormality, and contamination.

- [7] News is defined and generally understood as *newly received or noteworthy information, especially about recent or important events*¹. The impugned broadcast constituted a brief hard-news item, rather than a documentary or commentary programme in which broader socio-economic context might ordinarily be explored. Given the inherent time constraints of such bulletins, it is not always practicable to include extended background information, such as historical housing policy, spatial inequality, or commentary from multiple stakeholders. In this instance, the Broadcaster relied on verified information reported by News24 and presented it in a factually accurate manner.
- [8] The Complainant further argues that the editorial framing of the report suggested that the presence of the informal dwellings was anomalous, undesirable, and disruptive. It must, however, be recognised that informal and unlawful occupation of private property is a matter of legitimate public concern in South Africa. On an objective reading of the transcript, and having regard to contemporaneous media coverage of the incident, it is understandable that the situation was characterised as problematic and shocking, particularly from the perspective of affected property owners and local residents. I therefore agree with the Broadcaster that the item was reported accurately and without material distortion.
- [9] It is necessary to emphasise that the BCCSA respects broadcasters’ editorial independence. This discretion extends to the language employed, provided that it does not contravene the provisions of the Code. The BCCSA’s mandate is limited to adjudicating alleged breaches of the Code of Conduct and does not extend to prescribing stylistic or editorial choices.

¹ Oxford English Dictionary 2021

[10] Clause 15 reads that broadcasters must exercise exceptional care and consideration in matters involving the dignity of individuals, but that the rights to dignity may be overridden by a legitimate public interest.

[11] Without engaging in a detailed examination of the Complainant's individual allegations concerning dignity, the following considerations are relevant:

- A person, or group of persons, may not ordinarily lodge a complaint on behalf of a third party or third parties whose dignity is alleged to have been infringed. An infringement of dignity generally entails a personal element. Where the person or persons allegedly humiliated do not themselves complain, another individual cannot do so on their behalf, even if they are subjectively affronted by the circumstances.

In the present matter, the Complainant purports to complain on behalf of a group of unlawful residents, of which she is not a member, contending that the broadcast's framing amplified social prejudice and reinforced harmful stereotypes about poverty. I am unable to agree with this contention. The bulletin contained no commentary or opinion and constituted a straightforward news report. No individuals were identified, thereby preserving privacy and fairness.

- While Clause 15 protects the dignity of individuals, this protection is subject to an important qualification, namely that the right to dignity may be overridden by a legitimate public interest.

In South Africa, the right to property is constitutionally protected under section 25 of the Constitution, which safeguards individual ownership and prohibits arbitrary deprivation, subject to lawful processes and sufficient justification. Property ownership is secured through formal registration at Deeds Offices and supported by a comprehensive legal framework. Accordingly, any residual dignity interests that the unlawful occupants are

presumed to have, as contended by the Complainant, are in this context outweighed by the legitimate public interest in reporting on matters relating to unlawful occupation of private property.

[12] I conclude with a quote about the importance of freedom of expression in a democracy:

“... The right to freedom of expression is one of ‘a web of mutually supporting rights’ that holds up the fabric of the constitutional order. The right is not limited to the right to speak, but also to receive information and ideas. The media hold a key position in society. They are not only protected by the right to freedom of expression, but are also the ‘key facilitator and guarantor’ of the right. The media’s right to freedom of expression is thus not just (or even primarily) for the benefit of the media: it is for the benefit of the public.’²

Since I was unable to find a contravention of either Clause 11 or Clause 15, the complaint is dismissed.



**DR LINDA VENTER
COMMISSIONER: BROADCASTING COMPLAINTS COMMISSION**

² Van Breda v Media 12 Limited and Others 2017 (2) SACR 491 (SCA) at para 10.