

BOOK 1 OF THE DON'T GET SUED SERIES

DON'T GET SUED

FREE SAMPLE

A Defamation Survival Guide for
Podcasters and Content Creators
in South Africa

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The Public Dispatch

publicdispatch.co.za

FREE SAMPLE

This is a free sample of Book 1 in the Don't Get Sued series by Zama Nteyi. It contains the full Introduction and Chapter 1. The complete book includes Chapters 2–3 (What You Can Say, Right of Reply) plus a ready-to-use right of reply template.

Get the full book at publicdispatch.co.za

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INTRODUCTION

Who This Book Is For

You have a podcast. Or a YouTube channel. Or a social media account with a following. Maybe you call yourself a journalist. Maybe you don't. Either way, you're creating content that reaches people — and that means the law applies to you.

Here's what most content creators in South Africa don't know: the moment you publish something about another person — on a podcast, a TikTok, an Instagram story, a tweet, a blog post — you are subject to the same laws that apply to the biggest newsroom in the country.

The law does not care how many followers you have. It does not care whether you're monetised. If you publish something false and defamatory about someone, they can sue you. And they can win.

“The law does not distinguish between a newsroom with 200 journalists and a podcaster with a microphone and a Wi-Fi connection. If you publish, you're a publisher.”

This book exists because I've spent more than 20 years doing investigative journalism in South Africa. I wrote it for the content creators who don't have that background — the podcasters, influencers, YouTubers, and citizen journalists who are creating public-facing content without knowing the legal risks.

CHAPTER 1

The One Law That Can End Your Career: Defamation

Defamation is the single biggest legal risk you face as a content creator in South Africa. It is the publication of a statement that harms another person's reputation. Someone can sue you for damages that run into hundreds of thousands of rands.

The three elements of defamation

- 1. Publication.** You made the statement available to at least one other person. A podcast, tweet, Instagram story, YouTube video, WhatsApp group message — all count.
- 2. The statement refers to the person.** They must be identifiable by name, description, or context.
- 3. The statement is defamatory.** It lowers their reputation in the eyes of a reasonable person.

In South Africa, the law presumes a defamatory statement is both false and unlawful. The burden shifts to you to prove you have a valid defence.

The Bogoshi test

The Supreme Court of Appeal's 1998 judgment in *National Media Ltd v Bogoshi* gave publishers the defence of reasonable publication. You can escape liability if your publication was reasonable in all the circumstances — considering factors like source reliability, verification efforts, right of reply, public interest, and tone.

This is a free sample. The full book covers the “allegedly” myth, fact vs opinion tables, the right of reply (your best legal shield), common

mistakes, and includes a ready-to-use right of reply letter template.

*Get the full book and the complete 5-book series at
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