

NEW ZEALAND PRESS COUNCIL

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Sandra Goodchild	Chartered Accountant, Dunedin
Dinah Dolbel	Barrister, Auckland
Stuart Johnston	Emeritus Professor, Lower Hutt
Denis McLean	Retired diplomat, Wellington
Richard Ridout	Farmer, Rangiora

Representing the Newspaper Publishers Association (NPA)

Suzanne Carty	Editorial consultant, INL, Wellington
Jim Eagles	Business Herald Editor, Auckland

Representing Magazine Publishers

Terry Snow	Managing Editor, W & H Publications, Auckland
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Representing the NZ Engineering, Printing and Manufacturing Union (Media Division)

Audrey Young	Press Gallery, <i>New Zealand Herald</i>
Alan Samson	Formerly Senior Reporter, <i>The Dominion</i>



Chairman's Foreword

The year 2002 was of significance to the New Zealand Press Council as it was the 30th anniversary of its founding. Thirty years is not a long time for some institutions but for those of us on the Press Council, it provided an occasion to stop, reflect and remember just how we came into being and why.

The Constitution was signed on 21 September 1972 by our two constituent founding bodies, the New Zealand Publishers Association and the then journalists union, now titled the Amalgamated Engineering Printing & Manufacturing Union.

Steps were taken as early as 1968 to sound out various protagonists in the print-publishing industry to explore the foundation of a press council. Then it seemed perfectly natural to turn to Great Britain, as it was the only press council in the world and in any event we were still closely bound to that country through the Queen and the Commonwealth.

The British Press Council was formed in 1953. It was a self-regulatory body at that stage made up entirely of industry members. It had no code, it being thought then



The New Zealand Press Council 2002. Photo from the left: Denis McLean (Wellington), Stuart Johnston (Lower Hutt), Mary Major (secretary), Dinah Dolbel (Auckland), Sir John Jeffries (chairman, Wellington), Terry Snow (Auckland), Suzanne Carty (Wellington), Alan Samson (Wellington) Sandra Goodchild (Dunedin). Inserts from the left: Audrey Young (Wellington), Richard Ridout (Christchurch), Jim Eagles (Auckland). Sir John Jeffries, formerly a judge of the High Court, is the independent chairman. The members representing the public are Mrs Goodchild, Ms Dolbel, Messrs McLean Johnston and Ridout. Ms Carty and Mr Eagles represent the Newspaper Publishers Association and Mr Snow represents magazines on the Council. Miss Young and Mr Samson are the appointees of the Media Division of the New Zealand Amalgamated Engineering, Printing and Manufacturing Union.

that the development of principles would follow common law lines. New Zealand, 19 years after the BPC was established, decided it was time to do the same. The then secretary of the BPC was consulted as to its formation. Britain was the first and New Zealand probably the second, in the Western world to form a press council. Unlike Britain, New Zealand began with a majority of public members and with an independent chairman, the recently retired President of the Court of Appeal the Rt Hon Sir Alfred North. We eschewed a code but, like Britain, we changed.

A constitution was drafted and adopted. Unquestionably the founders closely followed the British precedent in form and procedure so as to make them virtually identical. Both bodies have changed, as would be expected, but even there the major changes have had a similarity such as codes/principles produced for guidance and Great Britain followed New Zealand and included public members with the chairman drawn from those ranks. The mission of the two bodies is still the same which is to provide an independent complaint resolution body for the general public. The model for both is firmly self-regulation without any statutory control.

From its inception to its 25th anniversary in 1997, little changed within the Press Council either by way of jurisdiction (then almost entirely newspapers) or its procedure. By then the Press Council became aware that both the print industry itself had made immense changes and so had the expectations of the general public of the Press Council. The Press Council may have been the first after the Ombudsman to offer public complaint resolution over an industry such as the newspapers but by the early 1990s there were innumerable bodies offering the same service to the public. In 1972 the magazine aspect of print journalism was relatively small.

Also community newspapers in 1972 had barely made an impression. Both of these branches began to play important roles in New Zealand society and they were technically outside the jurisdiction of the Press Council.

In the 1997 Annual Report the following appeared:

At about the anniversary of 25 years the Council was ready to reappraise itself. There is now an active desire to carry forward the changes under contemplation. In the second half of 1997 the Press Council faced itself and not uncritically. It identified areas where change could usefully be achieved and reached its own decisions before taking its views outside Council. The Council was instrumental in establishing a committee (named for convenience the Working Party) comprising high-level personnel from its own constituent members and representatives of the Council. The Working Party met on 3 December 1997 where several important new initiatives were discussed and which will be briefly mentioned.

At present the Council has jurisdiction for complaints over nearly all metropolitan and provincial newspapers regardless of frequency of publication. The great majority of community newspapers are covered, but there are some exceptions. The obvious and frequently mentioned publications not under jurisdiction are magazines, which comprise a signifi-

cant and influential part of print publications in New Zealand. The Press Council reached its decision and says, in the public interest; magazines should be under the Press Council. In the United Kingdom and Australia magazines are under the respective Press Complaints Commission and the Australian Press Council.

Jurisdiction over the print industry (here and foreign publications if they have a significant readership in New Zealand) is now virtually complete, and that includes the Internet where newspapers have sites. The Statement of Principles has now been operating for almost four years and a review is contained in this report as a separate item under the heading “NZPC Constitution and Statement of Principles”. That we are still dedicated to objective self-appraisal is evidenced by the item in this Report “The Press Council: Is There a Measure of its Effectiveness?”

The New Zealand Press Council has been well aware that it needed to make changes in several areas to maintain the public’s confidence and has made those changes. Judged by the level of criticism directed at the Press Council, it is a fair inference that there is general satisfaction with the New Zealand Press Council. There are no allegations over the conduct of the Council. On occasions there have been adverse comments on the wording of the Statement of Principles, but that is to be expected considering the purpose of the document.

The fundamentals of the Press Council, self-regulation and uncompromising support for freedom of expression, remain key objectives.

The Council, through its members, takes every opportunity to address groups and students. On 31 July 2002 a Council member Audrey Young and I spent a session with Massey University Wellington Campus School of Journalism. I also attended a meeting of the New Zealand Women’s Graduates in Wellington on 15 October 2002 and addressed them on the Press Council and its mission.

An important innovation was made last year (it being the year of the General Election) when we instituted a fast-track procedure for dealing with complaints connected with the election. The central purpose was to complete an adjudication while it was still relevant to the election. One such complaint was upheld and published in the newspaper concerned before polling date. See Case No. 889 in this annual report.

The Statement of Principles Review

During 2002, some revisions were made to the Constitution to take account of the extended scope of the Council's jurisdiction and to update some of its provisions. This was done in concert with a revision of the Council's pamphlet, which sets out the Statement of Principles and the Council's procedures.

Some adjustment of wording has been made to two of the principles but there are no changes of substance. When the Statement of Principles was issued in 1999, it was intended that a review of their operation would take place after 12 months. However, the Council soon realised that complainants and the industry would need more time to appreciate the function of the principles and to use them in a practical way. Such an early review would have been impracticable.

More recently, the placing of the Council's principles and procedures on the NZPC website has accelerated familiarity with the principles, and reference to them is now made by most complainants. The Council has been at pains, however, to emphasise that the Statement of Principles is not a definitive menu of topics, and complainants are still able to raise their concerns in their own terms.

In the course of conducting its own stocktaking of the principles in 2002, the Council gave close consideration to two papers by University of Canterbury authors that had criticised the Council's Statement of Principles.* The following comments respond to the main criticisms.

The Council thinks that there is need for greater understanding of the purpose of the Statement of Principles. The Statement informs the industry and the public of the ethical values that the Council brings to bear in considering complaints. It has been criticised for lacking detail. In 1999 the Council deliberately chose not to fashion a document with the detailed coverage of numerous aspects of conduct that is found in many of the codes of conduct or other ethical statements developed within the industry in various countries. In contrast, in the UK a complaint can only be advanced if it is said to be in contravention of the written code. In New Zealand the Preamble to the Statement allows for the complainant to frame his or her allegation of breach of principle or conduct. The Council reaffirms its belief that its function as a complaints resolution body is best served by such a Statement of Principles, and that to attempt to give an exhaustive list of specific prohibitions, or exhortations to virtue, would be misguided.

The Australian Press Council also confines itself to a Statement of Principles. The United Kingdom Press Complaints Commission does issue a detailed Code of Practice, but notes that the code "was framed by the newspaper and periodical industry and ratified by the PCC". The New Zealand Press Council endorses the view frequently expressed by writers on ethical issues that the most effective codes of ethics are those created and owned by members of a profession or industry with a strong commitment to internalising the codes' values, not codes defined and promulgated from the "outside".

Comparison with other countries suggests that the time is ripe for more detailed statements of journalistic ethics to be developed in New Zealand, but the Press Council believes that the place for these is the industry codes produced by journalists and newspapers, rather than NZPC's Statement of Principles. This seems particularly appropriate for such topics as "conflicts of interest" and "cheque-book journalism". The Council will do all it can to promote and support industry initiatives to strengthen and extend such codes, which can have an important role in staff development. Researchers at the country's schools of journalism could make a very constructive contribution by comparative studies of international practice.

Two of the NZPC principles criticised for lacking detailed direction to the industry are those which refer to "the public interest" and to "privacy". The Press Council is criticised because the Statement of Principles gives "no criteria for what constitutes the public interest which it says can be invoked to justify privacy intrusion or subterfuge".

Neither paper criticising the Statement of Principles considers the strong arguments for not attempting to specify what is meant by "the public interest", nor the multiplicity of places where that term is used, without any explanatory gloss, in legislation of many different kinds. Parliamentary legislators are very chary of attempting to define "the public interest".

The Press Council believes that the better course is for it to survey, from time to time, the adjudications in which "the public interest" has been an issue, and thus present an overview of how the Council has interpreted and applied the principle. Such a survey of cases would be available on the NZPC website as well as in the annual report.

The Council's treatment in individual cases of privacy and other leading considerations in the Statement of Principles could similarly be surveyed from time to time and reported on. The Council is strongly of the view that such post-adjudication overviews are of much greater assistance to the industry and to the public than attempting to spell out in great detail, in advance of particular cases, the scope of each of the principles. As noted earlier, the Council believes that the place for detailed advice on ethical conduct is the codes of conduct created by the industry itself.

In any discussion of the Statement of Principles it is important to note the emphasis the Council places in the preamble on freedom of expression as a fundamental principle. Every adjudication involves weighing that principle, that value, against other principles, other values.

* *Jim Tully and Nadia Elsaka, ch 9 in What's News? ed. Judy McGregor and Margie Comrie, Dunmore Press, 2002; Nadia Elsaka The Development of Print Media Codes of Ethics in New Zealand, University of Canterbury, 2002.*

Newspapers and their Readers – a Question of Attitude

The Press Council has noted with interest different ways in which newspapers worldwide have been developing interaction with their readers about their complaints and concerns, from points of inaccuracy to questions of policy and conduct that involve large ethical issues.

There is, to begin with, the increasing use by newspapers of columns, boxes or paragraphs that set out corrections and clarifications of things said in earlier issues. The website www.slipup.com carries links to newspapers with such sections.

The *New York Times* makes no bones about the need to recognise that newspapers are not infallible. Al Siegal writes: “Probably a third of the words in each day’s Times are written between 4 and 9pm; soon after that, printing plants around the country begin spinning out early editions. In the ‘hard news’ departments of the paper at that hour, 65 copy editors [sub-editors] hold the fort. Ask those copy editors about detailed fact-checking, and they will tell you about trying to drink from a fire hose or bail Lake Michigan with a teaspoon.”

He sums up the *NYT*’s attitude to making prompt corrections in this way : “Perfection is elusive, but accountability need not be.” Alan Rusbridger, the editor of *The Guardian*, is an enthusiastic supporter of corrections columns: “Our readers increasingly trust us because of – not despite – our willingness to admit we get things wrong.”

Both these newspapers have demonstrated that handling corrections can be much more than a dull or embarrassing chore. The necessary revisiting of an error or muddle can be made interesting and entertaining in its own right. The wry wit with which Ian Mayes conducts *The Guardian*’s corrections and clarifications column can be seen in the two paperbacks of selections from it that *The Guardian* has published. The *NYT* recently published *Kill Duck Before Serving: Red Faces at the New York Times: A Collection of the Newspaper’s Most Interesting, Embarrassing, and Instructive Corrections*. (A few examples from these books are given below).

This readiness to admit mistakes and make prompt corrections implies an openness to readers, a willingness to listen and to respond to their complaints. Not all complaints, of course, can be dealt with by pithy correction in the next day’s issue. Many involve complex issues to do with the credibility of sources and the adequacy of investigation. Sometimes a gulf opens between the complainant and the editor because, although the editor may offer a chance to reply, the complainant sees that as no more than an invitation to present another point of view, when what is sought is a direct acceptance by the publication that it got significant facts wrong.

Dealing fairly with complex complaints takes time and energy, and a strong commitment to openness and accountability. In some newspapers this open attitude has developed into a much broader interaction with readers through the appointment of readers’ editors or ombudsmen. The Organisation of Newspaper Ombudsmen web-

site, www.newsombudsmen.org, has interesting information about the work such senior journalists do.

The Press Council has taken particular note of the way in which such opportunities to enter into discussion with newspapers can lead to early resolution of readers' grievances, without recourse to formal complaint procedures or to legal action. As well as this behind-the-scenes activity, some readers' editors and ombudsmen run regular columns of comment on a wide range of relevant issues. The two *Guardian* paperbacks mentioned above include selections of the readers' editor's weekly Open Door columns, which discuss, for example, ethical issues arising from what has been published, or explain changes taking place in the newspaper or the way different elements of it work, or respond to readers' points about style and English usage.

Only the largest newspapers, of course, can commit resources to interaction with readers on this scale. The attitude that prompted such developments, however, can be shared by publications of every size. Some of the complaints that the Press Council has had to deal with would not have come its way if there had been a readiness to deal promptly with them, to avoid confrontational assumptions that it must be the complainant who has got things wrong, and to print prominent corrections when they are justified.

Newspapers and journalists vigorously affirm the advantages of self-regulation over external imposition of standards. The Press Council suggests that the most basic test of that commitment to self-regulation and accountability is the way publications handle readers' complaints and grievances.

Kill Duck Before Serving: Red Faces at the New York Times, edited by Linda Amster and Dylan McClain with an introduction by Allan M Siegal, St Martin's Press, 2002:

"An article about decorative cooking incorrectly described a presentation of Muscovy duck by Michel Fitoussi, a New York chef. In preparing it, Mr. Fitoussi uses a duck that has been killed."

"Because of a transcription error, a dispatch from Tel Aviv on negotiations for a new Israeli government referred incorrectly to Yosef Burg, leader of the National Religious Party. It should have described him as a veteran (not a Bedouin) of Israeli politics."

"A theater review about the Roundabout Theater Company's production of Shakespeare's *Tempest* misinterpreted a gesture. The actors' intent was to portray 18th-Century gentlemen taking snuff, not cocaine."

"Because of a telephone transcription error, an article yesterday ... included an erroneous description. The first sentence should have begun 'Attorney Marcia Robinson Lowry,' not 'A tiny Marcia Robinson Lowry.' (Ms. Lowry is 5 foot 7.)"

Corrections & Clarifications, 2000; More Corrections & Clarifications, 2002, both published by Guardian Newspapers Ltd.:

“Readers of the obituary of Mel Torme may be glad to know that his nickname, which appeared in a heading as Velvet Frog, was corrected to Velvet Fog for later editions.”

“...we referred to the Six nations rugby tournament [and] we said ‘Wales thrashed France’ – a possibly partisan way of interpreting the actual result : Wales 3, France 36.”

“In the obituary of Joan Heal ... we referred to the show ‘which turned her into a star’ as *Grab me a Gondolier*. Not quite. It should have read, *Grab me a Gondola*.”

“The absence of corrections yesterday was due to a technical hitch rather than any sudden onset of accuracy.”

Freedom of Speech

More than two years ago, on the occasion of World Press Freedom Day, New Zealand Press Council chairman Sir John Jeffries penned a piece on the significance of the occasion for a number of daily newspapers.

In it he said that without freedom of expression, no people could be truly free. It is a theme he has returned to many times since, most recently in an interview with the Pacific Area Newspaper Proprietors Association Bulletin, based in Australia, in December 2002.

Critics who focused on the concept of self-regulation, he said, put undue emphasis on the word “regulation” in terms of the Council’s relationship with the Press. That was to place the wrong stress on the Council’s purpose, Sir John said.

The Council wants to reiterate that it is not its role to instruct publications how to govern themselves. As we explain in our preamble to the Statement of Principles, Editors have the ultimate responsibility to their proprietors for what appears editorially in their publications, and to their readers and the public for adherence to the standards of ethical journalism, which the Council upholds in those Principles.

Free speech should be equally available to individuals as to institutions, such as newspapers, Sir John told his interviewer.

“In the view of the Press Council, free speech is indivisible and we must leave it to the good sense of the public to decide whether our basic freedoms are being infringed by the conduct of institutions. But it would be a mistake to attempt strict authoritarian controls, even if a concept, such as free speech, which has provided so much enrichment of our democratic life and government, comes with some cost.

“New Zealanders have a very strong sense of fairness but they generally still have to learn that free expression is the freedom to say what may be abhorrent or wrong,” he concluded.

The right to free speech – also described as freedom of expression and freedom of the Press – has exercised the collective mind of the Council and its chairman on many occasions in the previous 12 months. A number of complainants have, in the view of Council members, been provoked into complaining because they disagree with the points outlined by a columnist, set out by a letter writer, or expressed in a newspaper editorial.

Council members have endeavoured to help those complainants – and others who read the Council’s adjudications – come to terms with the reality that the right to free speech means being able to espouse views that are politically incorrect, unpopular and often, downright wrong.

A writer in *The Times* of London put it superbly: “It has to be said at regular intervals that press freedom is empty if it means the freedom to be caring, compassionate, thoughtful, sensitive and sensible. True freedom of the press can only mean the freedom to be vulgar, stupid, ignorant, offensive and just plain wrong, all of which

Miss XXX [*the columnist of whom he was writing*] sometimes is.” He is speaking, of course, about opinions as being wrong, not about factual error, for which there can be no tolerance.

The value of freedom of speech, especially in tense times such as war, is – if anything – increased. The opinions of columnists and those being interviewed become more firmly held and robustly expressed, cartoonists become more trenchant, and editorials take a stronger line – all in the hope of influencing the policy-makers.

But it is important to remember that a newspaper’s right to free speech is no more – and no less – than the rights enjoyed by all New Zealanders under the Bill of Rights Act in this small democracy at the bottom of the world.

Were the Government to ever place limits on a newspaper’s ability to express a wide range of opinions, the shackles thus would be similarly worn by Joe and Joanna Public who often like to express strongly held views through letters to the Editor or on talkback radio.

There is no indication that the current Government – or any political party in New Zealand, for that matter – wants to generally restrict what the Press can and cannot say. But that is the case only because institutions such as the Council itself and its constituent bodies – the Newspaper Publishers Association’s Press Freedom Committee and the Engineering, Printing and Manufacturing Union – keep a close eye on legislative incursions that inadvertently, as well as deliberately, would curb the way journalists go about their jobs.

During 2002, for example, legislation came before Parliament, after the public submission process had closed, to reintroduce criminal libel to the statute books, a provision that has not pertained in New Zealand for many decades. It was only through joint pressure from cross-media organisations, including the Council, that the Minister who was involved backed down.

Freedom of speech – of expression – is one of the freedoms over which numerous wars have been fought. In this country, no one risks death or injury for saying loudly or writing vehemently what he or she believes in. But freedoms can be whittled away quietly, insidiously, with one small measure here, a changed practice there.

The price of freedom truly is, in the Press Council’s view, eternal vigilance.

Suicide Reporting

Although no complaints about stories covering suicide came to the Press Council during 2002, the topic is still difficult to report and one of major public interest. While the New Zealand rate of youth suicide, the most tragic and concerning aspect of this problem, has declined in recent years it is still too high, and when outdated statistics are reported by a body like the OECD, the press has to be free to comment on this problem openly and without shackles.

This leads the Press Council to reinforce the comment in last year's annual report that the Coroners Act 1988 gives the press little help in covering this issue of major public concern. "Newspapers and magazines still face what the Press Council has called the 'impenetrable thicket' of the Coroners Act, 1988 especially Section 29, which deals with suicides. Section 29 says that coroners may provide publicly the basic details of a deceased person's age, name and occupation, and find that a death was self-inflicted. They have discretion also to release the "detail relating to the manner in which the death occurred or to the circumstances of the death or to an inquest into the death".

"Circumstances of death" is a very vague term and is conducive to confusion as to where the line may legitimately be drawn.

Euthanasia, always a contentious topic of public debate, has come once more into prominence and the news media have to be free to explore this public issue equally forcefully.

Euthanasia as a topic is distinguished from suicide as it is generally discussed, although it overlaps where death is deliberately induced and premature. New Zealand society's concern about suicide usually focuses on the tragedy of the high incidence of youth suicide, and focuses on understanding and prevention. The discussion about euthanasia almost invariably concerns the plight of the chronically ill and elderly or those suffering painful and incurable illness, and is more focused on whether euthanasia should be legally permitted.

The debate on euthanasia, often touching on suicide, is rightly being tackled vigorously by the press, which should not be constrained. As an aid to the media, the Ministry of Health booklet *Suicide and the Media* has published guidelines that are mostly negative, and include: never report "how-to" descriptions of suicide; avoid the word "suicide" in the headline; avoid placing the story on the front page. But recommendations to the news media in a Ministry of Health booklet have no force as prescriptive rules for running stories.

The guidelines are essentially thoughtful suggestions that are presented as strongly worded advisories from the Ministry. If a publication fails to observe them, that cannot be grounds on which the Press Council upholds a complaint. In its publication on this subject the Ministry seems to avoid mention of the Coroners Act 1988 that is now plainly outdated and in need of urgent revision.

In any story, and this includes stories about suicide and euthanasia, publications should be guided by the general professional and ethical standards required of journalists and as embodied, for example, in the Press Council's Statement of Principles. At the same time, while supporting the benefits of publicity and greater openness in the reporting of suicide and attendant issues, the Press Council reminds editors of the utmost responsibility to readers for recognising that such issues are complex.

They would be helped by an urgent conclusion to the review of the Coroners Act 1988.

The Press Council: Is There a Measure of Effectiveness?

The Press Council has set for itself some lofty roles: adjudication of disputes; protection of the right of freedom of the press; upholding the standards of the print media in New Zealand.

By what criteria should its performance be judged and evaluated? How should the Council assess its own outcomes in order to improve its effectiveness in fulfilling its responsibilities?

Some analysts over the past year or so have suggested that in several ways and in various degrees the Council is falling short: that the record suggests it is insufficiently exigent in monitoring the performance of the print media and that it operates to insufficiently precise criteria in defining the public interest and establishing ethical standards in relation to the roles of the press. This latter issue is dealt with under the subject “The NZPC Constitution and Statement of Principles”.

The Council makes no claims to infallibility. Its adjudications turn, often enough, on fine points of ethical judgment. Individual members often find themselves at odds with their colleagues and in need of persuasion to reach a consensus. Very occasionally some may insist on dissenting from a majority decision. We on the Press Council regard this as a healthy outward manifestation of vigorous debate.

The Press Council should not set out to do the work of editors. They must determine the ethical standards by which a newspaper will operate and issue rules of conduct if necessary.

The Press Council adjudicates on the complaints which come before it on the basis of broad principles, especially to do with fairness, balance and accuracy. By publishing its adjudications in the Annual Reports it is hoped to build up a body, as it were, of “case law”. The Annual Report is a journal of record. As such it is put forward as a guide to which journalists, public relations officers, students and others involved with the print media will, hopefully, refer for interpretation of the sorts of issues they will face. This is the basis on which the Press Council hopes to be judged.

It was suggested in a major opinion piece by one critic that a Press Council that upheld only one complaint in the 2001 year and part upheld only three (out of a total of 47) cannot be doing its job and must be too “soft” on the media. There are two points to be made here. First, it would perhaps have been a tad more balanced to evaluate performance over the longer term, rather than to take one year’s outcome as a measure of effectiveness. For example, the 1999 Annual Report cites nine upholds, out of a total of 47 complaints, while in another five cases part of the complaint was upheld. In 2000, 45 complaints were dealt with; nine were upheld, nine were partly upheld. This Annual Report (2002) notes that of 48 complaints, eight were upheld and two part upheld; one complaint was declined; a majority decision not to uphold one complaint caused several members to ask that their dissent be recorded and it was

published as a dissent (see Case No 862). On an average then, over the four years from 1999 to 2002, 24.5 per cent of complaints, or almost one in four, were upheld or part upheld.

Second, as in all adjudicatory bodies, outcomes will largely depend on the kinds of cases presented for decision. It would be improper to determine the effectiveness of the criminal courts merely on a count-back of the number of guilty and not guilty decisions. It is necessary to delve more deeply, to assess the decisions reached against the nature of the issues. In the 2001 year, taken as the benchmark for criticism of the Press Council's performance, many complaints – 16 out of 47 – were to do with ways in which editors had dealt with Letters to the Editor. Many complainants naturally feel aggrieved when their letter is either not published or abridged or otherwise not treated to their liking. The Press Council, however, has consistently taken the view that an editor must be free to arrange editorial pages, including the Letters to the Editor columns, to their wishes. This section of the newspaper is the editor's responsibility, pure and simple. The Council will accordingly be unlikely to uphold complaints in this area. Where a large proportion of complaints fall under this heading, as in 2001, the overall pattern will be skewed in favour of "Not Uphold" adjudications. Some press councils elsewhere in the world will not entertain a complaint about non-publication of a Letter to the Editor.

No doubt the Press Council doesn't always get it right, and is occasionally inconsistent in its adjudications. But the Council does not aspire to establish subjective rules and criteria by which to assess or guide the press or the public. Rather it views its role as one that deals with the issues on their merits, and as they arise, conscious of an inevitable ebb and flow in the significance to be attached to the various criteria on which it must base its judgments.

It is important to remember too that the Council has other roles and responsibilities. These include vigilance about possible threats to infringe the freedom of the press. The Chairman has made representations against recent proposals by the government to extend the law of libel at election time and to establish a degree of protection for politicians by abridging the "qualified protection" principle that the Courts have traditionally extended to journalists. These ideas have not progressed in the face of opposition from the Press Council and a number of others. The Council is also especially concerned about talk from time to time on the subject of establishing a government-appointed "one-stop shop" for hearing all complaints against the media, print and broadcasting. Such a concept would be at variance with the principle of self-regulation of a free press independent of government intervention. The Press Council has expressed its opposition.

In general the Council is content to deal with the issues as they arise. It is sceptical about claims that there must be fixed and firm criteria by which its performance can be evaluated. It would claim that case histories establish precedents in this field, as in the law itself. Perhaps the last word is with Robert Louis Stevenson: "To travel hopefully is a better thing than to arrive, and the true success is to labour."

The Press Council at Work in 2002

Most of New Zealand life was there in the complaints that came before the Press Council for resolution in 2002. For example, a Cabinet Minister with standing equal to that of the person writing a letter to the local community newspaper, local body councillors, school teachers, interested citizens and the sad families facing bereavement all appealed to the Press Council in the year under review. Equally varied were the kinds of media, from metropolitan newspaper to giveaway tabloid and a retail magazine – all forms of publication fell within the ambit of the Press Council’s complaints resolution.

And the topics – the Press Council was told a newspaper misrepresented the character of Waitakere City (Case Number 875), that an Auckland headline “Osama boasts ‘We did it’ in chilling video” was not accurate (Case Number 876), that the photo of a dead man in Christchurch was offensive (Case Number 883) and that a protected witness wrongly had his photo taken outside the Court in Wellington (Case Number 893) – refer to cases printed later in this report, or on the Press Council website, www.presscouncil.org.nz.

A common complaint was that the press had sacrificed accuracy, balance or fairness, for example in Hawke’s Bay in comments on the teachers’ pay dispute (Case Number 898), in Canterbury on an environmental story (Case Number 880), in Northland in an editorial on the Regional Council (Case Number 887), in Masterton on local body affairs (Case Number 873), in Christchurch on an immunisation report (Case Number 861) or in Invercargill in a story on the closure of a rest home (Case Number 874).

There was also a first case from a complainant who had read the story in question on the publication’s website (Case Number 866).

The Press Council by no means agreed with all the claims of complainants, but the supporting material and the explanations from editors were examined in detail – sometimes in serious detail for submissions that ran to great length in order to impress the gravity of the case on the Council. Equally weighed were complaints that nonetheless had a touch of humour to them – full consideration was given both to the reader who objected to a Footrot Flats cartoon being risqué, which Press Council members thought somewhat a stretch of the imagination (Case Number 904), and to the reader who objected to the photo of a dead possum-throwing contest (Case Number 895), although the editor added to the 1080 poison debate with the comment that hunting possums was better.

Among the significant issues raised as topics in the course of complaints were the use of embargoes, the development of a fast-track committee process by the Press Council, the highlighting of the problems with Rule 2B6 of the “Guidelines And Voluntary Code Of Conduct For Expanded Media Coverage Of Court Proceedings” and an unusual legal analysis of a union complaint about behaviour towards a journalist.

Embargoes

A majority of the Press Council (six) did not uphold a complaint by Ruth Dyson, the Minister for Disability Issues, against *The Dominion* (Case Number: 862). The case was intensely debated by the Council and a dissenting opinion attached by the members who wanted to uphold. The Minister accused the newspaper of having broken an embargo on an announcement that the Kimberley Centre in Levin for the intellectually handicapped was to close. *The Dominion* said it did not breach the embargo because it compiled a story from information sourced independently of Ms Dyson.

The Minister argued that “embargoes are agreed upon by convention because it is well recognised that valid embargoes may benefit all parties including, most importantly, the public” and this is broadly supported by the Press Council.

Although, as the Press Council acknowledges, this form of restraint on the freedom of the press can obviously be misused by agencies or officials seeking to advance special agendas, it is useful for publications to have time to prepare their own story for an agreed release date on the basis of embargoed information.

In earlier cases The Press Council has been strict in its support of the embargo. In 1979, when the Union Steamship Company complained about three newspapers publishing embargoed news before it had a chance to inform all trade union employees, governments and the shippers affected, the Press Council asked the Newspaper Proprietors’ Association to remind editors of the importance of release times being observed.

In 1985, the council also agreed with the then Postmaster-General Jonathan Hunt that embargoes on material such as is released by a Minister of the Crown were a long-standing practice, and newspapers could reasonably be expected to adhere to them.

In 1999, in the case of the Dairy Workers Union against the *Waikato Times*, the Press Council upheld a complaint against the newspaper, which deliberately discarded the embargo and used the information.

Those who supply embargoed statements to the media have an expectation that the media will abide by the convention of the embargo, giving them time to organise their affairs to coincide with the timing of the release. If made public earlier, the information can cause embarrassment and harm to them. The essence of an embargo is that it is the fairest system to all participants.

At the same time, the Press Council recognises that experienced editors are reluctant to be fenced in by those who would manage the news, whether by carefully crafted public relations language, by delaying the release of information or by favouring sympathetic outlets.

The diligent pursuit of real news with the aim of being the first to break it is at the heart of good journalism, but simply discarding the embargo on a planned announcement is not a justifiable substitute.

Fast-Track Committee

The Press Council at its meeting of 24 June 2002 established a fast-track procedure for dealing with complaints arising out of the general election. This was on the grounds that a decision of the Press Council weeks after an election, particularly when a story about a candidate in that election might have an adverse effect, is of little use to a complainant. The complaint (Case Number 889) by Robert Welch against the *Waikato Times* fell squarely within that requirement of one that needed to be dealt with on the fast track.

Mr Welch complained about a column with off-beat, humorous items from the election campaign, which referred to postcards distributed by Dianne Yates, the Labour candidate for Hamilton East, and commented: “Nice sentiment but slightly undermined by the accompanying picture of Ms Yates relaxing with a glass of wine.” The panel of election snippets was headed bluntly “Yates undoes her work when she wines”. Mr Welch, chairman of the Hamilton East Labour Electorate Committee, complained that “the headline and text suggests that Dianne Yates ... drinks alcohol (specifically wine) to the extent that it affects her work.” He says he has known Dianne Yates for several years and that she is extremely careful and considerate in her drinking on social occasions, and was drinking orange juice.

It was impossible to tell from the photograph on the election postcards what was in the glass and the complaint was upheld on the grounds that such a potentially damaging allegation could not be passed off as lighthearted humour in the heightened sensitivity of a political campaign.

The time from initial complaint to resolution was a matter of one week. The fast-track committee remains as a process that the Press Council can invoke when needed.

Rule 2B6 of the “Guidelines And Voluntary Code Of Conduct For Expanded Media Coverage Of Court Proceedings”

In the moves by Courts in recent times to be more open to media coverage, some dilemmas have arisen when witnesses are protected from being photographed. This dilemma became clear when Craig Lundy complained against *The Dominion* (Case Number 893).

Mr Lundy was a witness at the trial for murder of Mark Edward Lundy, which took place at Palmerston North High Court commencing February 2002. Craig Lundy had applied for and been granted by the trial judge what is conveniently called B6 protection against publication of any material identifying him by way of pictorial or voice means.

Rule 2B6(i) of the “Guidelines And Voluntary Code Of Conduct For Expanded Media Coverage Of Court Proceedings” states: “Any witness who conveys to the Judge prior objection to being identified shall have their identification (whether pictorially or by voice) protected.” In the notes headed Voluntary Code of Conduct under 2 is the following: “There are likely to be some media organisations who decide not to take part in in-court coverage and who will therefore be gathering news material in the

conventional way. In that case the Guidelines do not apply to that news organisation.”

The B6 protection also extends to witnesses, where applicable, out of the courtroom, but as already stated the guidelines are drafted so that they apply to only those who apply who come within them.

When the complainant gave evidence, he asked for and was granted by the trial judge B6 protection. One readily understands that a witness from the public who is granted this would understand that all media are thus bound. But not so, as only those who made the application are bound. In this case *The Dominion* made no such application.

The complaint against *The Dominion* was not upheld, but the Press Council expressed its sympathy for the complainant and reiterated its view that it is up to the Media in Courts Committee to remedy the anomalous situation that has arisen.

Case Number 885 Andrew Little and The New Zealand Engineering Printing & Manufacturing Union

The NZ Amalgamated Engineering Printing & Manufacturing Union (the Union) lodged a complaint with the Press Council alleging unethical journalistic practice on the part of *The New Zealand Herald* newspaper. At that stage the Council accepted it because an actual dispute existed between the parties but the Council did not issue an adjudication and formally declined jurisdiction.

While the detail at issue concerned the alleged use of a reporter’s notebook, at some point after the complaint to the Press Council the case by the newspaper against the Union and the employee was abandoned. While the Union did not withdraw its complaint to the Press Council, the Employment Relations Authority was not going to hear the case for it had been discontinued.

At that point, the Press Council, with the benefit of a retired High Court judge as its chairperson, issued an unusual analysis of the situation:

“Any decision by the Press Council would at best be an opinion and not a decision of the Press Council. Furthermore it could have a possible deleterious influence on other similar but not exact situations in the future.

“Ordinary courts decline to give a decision of academic interest only. In the courts it is sometimes argued that a court’s opinion (for example on a case that has been settled by the parties) on a certain set of facts might act as a guide for future conduct to the parties and others, but wisely the courts resist that as a potentially dangerous precedent.

“In law it is known as the doctrine of futility and mootness.

“When a dispute between parties ceases to exist, for any number of reasons, the proper course is to leave it extinct and not to try to use it for any supposed benefit that might result from an opinion of a complaint resolution body. For the foregoing reason the Press Council formally declines jurisdiction.”

Press Council FAQs (Frequently Asked Questions)

Isn't the Press Council a rubber stamp for the industry, allowing newspapers to do what they want?

No. Even though the Press Council is entirely funded by the industry in an exemplary model of self-regulation, the public members are in a majority on the Press Council. All complaints are carefully examined, using as a benchmark the ethical practices that are outlined in the preamble of the Press Council's Statement of Principles and in the principles themselves. Both industry and public members refer to this independent set of standards when assessing complaints, and use as a practical yardstick by which to apply these standards, service to the public.

Does the Press Council in its decisions usually divide down the middle between members of the public (six, including the chairman) and members of the press (five)?

No. Intelligence, a shrewd sense of everyday reality and a deal of commonsense are the requirements for membership of the Press Council, not stereotyped thinking. There is no compartmentalised thinking by the journalists in favour of the press, or members of the public for John and Jean Complainant. In fact sometimes the opposite - public members can be most vocal and realistic as readers in their support for freedom of the press to publish what they do, and journalists can be quite scathing of their colleagues where less-than-professional practices are uncovered.

Is there ever a vote on whether a complaint is upheld?

Occasionally, but very rarely. There have been two votes leading to split decisions in the past four years. The complaints were not upheld, but a minority felt intensely enough about their point of view to vote for a dissenting opinion, which was published with the adjudication. These were Case Number 768, concerning items of sexist humour in the *Northland Age* (Annual Report 1999) and Case Number 862, where the Minister for Disability Issues, Ruth Dyson, complained that *The Dominion* had broken an embargo (Annual Report 2002). In each case, the minority would have upheld the complaint. These dissents are healthy, and indicate some of the Council members will go down to the wire.

Apart from these examples in recent years, decisions are reached by consensus and discussion occurs across the board. When Council members disagree with aspects of the final decision, their opinions can be incorporated as qualifying comment within the final adjudication.

How are members appointed to the Press Council?

The membership of council is determined by the Constitution. On the industry side, the constituent bodies of the Press Council appoint five members: the Newspaper Publishers Association (NPA) two, the Engineering, Printing and Manufacturing Union (EPMU) two and the Magazine Publishers' Association one. The six members

of the public come from applicants who answer public advertisements and are confirmed by an appointments panel comprising a nominee of the NPA, a nominee of the EPMU, the Chief Ombudsman and the current chairperson the Press Council. Ordinary members are appointed for four years, renewable for one term, the Chairperson for five years, with reappointment by agreement.

Address given by Rt. Hon. Jonathan Hunt

The Press Council was delighted on 24 June 2002 to have as its after-meeting luncheon guest the Rt. Hon. Jonathan Hunt, Speaker of the House of Representatives. Printed hereafter is his address to the Council. The observations of such a long-serving and experienced parliamentarian as Mr Hunt we think are of sufficient interest to record his remarks in our annual report:

I would like to take the time today to reflect on changes in the press gallery and the way Parliament is reported since I entered Parliament in 1966.

These changes have occurred in the context of political and economic changes within Parliament, the country and the media industry.

Back then Parliament met for less than six months of the year and during that time journalists were required to work very hard covering the House in session. When the House was not sitting, the Government information machine slowed down to two or three press releases a day.

There were no such things as press secretaries and now of course, every Minister has one, so the flow of information from the Government has increased dramatically.

Likewise, the Opposition expends more energy in securing media coverage than in times past, and of course there are now more Opposition parties, all wanting their views known. The stage is inevitably crowded with the advent of MMP. Political debate is more complex as a consequence.

Debates were covered in full when I entered Parliament with local MPs relying on their local newspapers to report extensively on their contribution to parliamentary debate, which gave their readers the chance to see what stance their local MP was taking on a particular issue.

Voters could follow the passage of legislation, the media coverage concentrated far more on the content of the debate inside the chamber and far less on the personalities of the individual politician.

In the place of this straight reporting of the activities of the House, we have seen the growth of political commentary.

While the political commentator provides a useful role in the political process, it must be informed commentary. This can only come from experience and close observation.

There is a world of difference between informed commentary and some of the random thoughts that are aired or printed in the guise of commentary today.

Offering up a series of disconnected thoughts about the day's political events without providing context is not commentary. What is required is understanding, experience ... perspective.

There is now a much greater turnover in the gallery than there once was and while having people in the gallery for long periods of time does have its dangers – some

might say they become part of the “establishment” – it’s important that political journalists, particularly those producing commentary, write their copy from an informed basis.

Press gallery journalists who have been around long enough develop intuitive skills from observing Parliament over a long period – they start to read the mood of the House.

It’s no good sending a journalist for just one or two years, as the first year of a Government’s term in office is quite different from its second or third. Journalists being groomed for promotion should be required to spend time in the gallery to gain first-hand experience. You can tell by reading editorials about politics which of the country’s leader writers have had that experience.

Political news coverage has not been shielded from the demands for instant gratification, which has evolved largely since the rise of the electronic media.

There’s no time to sit back, reflect and quietly work away at a story – it must be in tomorrow’s paper, and it’s the readers who suffer, as quite often the whole story is not told.

In all of these changes in the way the gallery operates, its most basic constitutional function, that is to report the proceedings of Parliament, is taking back the back seat in media coverage from Parliament.

As Geoffrey Palmer pointed out in his 1992 publication, *New Zealand’s Constitution in Crisis*, most media output is driven by gallery judgments of what the salient political issues are, regardless of the location of the issues in the constitutional system. Sometimes those judgments are highly questionable: issues like ministerial trips overseas or MPs’ salaries receive more attention than important legislation or new economic policies.

That observation may be 10 years old, but is just as relevant today, if not more so than it was then.

Unfortunately, another of Geoffrey Palmer’s observations in that publication is also still relevant – that is concerning the coverage of select committees – which he described then as inadequate.

This is a resourcing matter for media management as the workload of these committees has grown enormously over the past decade, particularly since the introduction of MMP and changes to Standing Orders, which now mean they can conduct inquiries as well as consider legislation and estimates.

Select committees are where legislative detail is decided and often deliberations over very significant legislation go unreported. It is only when controversy erupts further down the track that the gallery takes an interest.

In recognition of the difficulties the daily media faces in covering all the business of select committees, the Office of The Clerk agreed to work in partnership with Radio New Zealand on its *Week in Politics* programme. I think this programme serves Radio New Zealand’s listeners well. Very often the only reporter at a select committee hearing is from that programme.

Despite having an open-door policy with the press gallery, very few journalists take the opportunity to visit me to get background briefings on the business of the House.

They often use the phone instead of their legs.

My press officer (and yes I, too, have one these days) took a phone call from a press gallery journalist shortly after the September 11 when Parliament's security was stepped up to ask was it true that a bomb detector had been placed on the ground floor of the Beehive – she was puzzled by that as she had only just walked through there.

She asked if the reporter had seen it for herself. Oh, no, said the reporter. They had been called up by a member of the public about it! That journalist works in the same complex and hadn't bothered to wander down and take a look for themselves.

The changes in the press gallery have gone hand in hand with changes in media ownership and belt-tightening generally over the past couple of decades.

Some gallery offices have far fewer journalists in them than they once did and the amount of coverage from Parliament has dropped.

Few in the gallery seem to have the time to do the leg work on even the most basic stories.

SOPAC, (South Pacific News Agency) which provided Parliamentary coverage for provincial newspapers had five journalists – now it's down to one. Similarly, the Christchurch *Press* had four journalists and now there's one.

By concentrating less on covering Parliament and downsizing in the press gallery, newspapers have, I believe, lost that depth of knowledge that the old hands once had.

The result of this is that your readers, the general public, now has less information from which to draw its political views from – there's plenty of commentary, but not enough straight reporting of the facts.

This approach means often stories are missed because it is through the gathering of these facts that a picture emerges. What today may be inconsequential can have enormous relevance tomorrow.

It is also important for the Fourth Estate to remember that politicians have been elected by their fellow citizens to represent them in Parliament. There is a tendency for journalists these days to focus on the personality rather than the issue. Some see it as their mission to discredit politicians over personal matters, not their performance as Members of Parliament.

The media today, especially in election campaigns, complains that the politicians are blow-dried and air-brushed with canned statements .. yet when any of them stumble in a statement, miss their footing in even the most minor way, it becomes a national story. It's little wonder that MPs feel the need to speak from scripted sound bites.

The role of the press gallery in a democracy comes with great responsibility to inform the public in an accurate and fair manner.

Too often there is a tendency for the media to focus on their rights rather than their responsibilities.

What is required is a balance of the two.

A participatory democracy requires that its citizens are fairly and honestly informed so that they understand the issues as they emerge and can make an informed decision later at the ballot box.

Number of Adjudications Steady

Of the 87 complaints received in 2002, 48 proceeded to adjudication. This compares with 47 in 2001. Of these eight were upheld, two part upheld, one not upheld with dissent and one declined.

The complaint that brought the dissenting adjudication concerned an embargo put in place by Ruth Dyson, Minister for Disability Issues, and involved the public announcement of the closure of the Kimberly Centre in Levin. The adjudication and the dissent are published in this report, see Case No 862.

In an unusual case the Council declined jurisdiction in the complaint of Andrew Little and the NZ Amalgamated Engineering, Printing and Manufacturing Union against *The New Zealand Herald*. The reasons are set out in the finding under Case no. 885.

Another unusual complaint was that of Nicky Cassels, publisher of a retail magazine CounterAction, against a competing magazine NZRetail. This broke new jurisdictional ground for the Press Council and, with the co-operation of both parties in the process, the complaint was considered and an adjudication issued. See Case No 871.

Of the complaints considered this year 36 were against daily newspapers, eight against communities, one against *The Sunday Star-Times*, one against *National Business Review*, one against *Rural News* and the previously mentioned complaint against NZRetail.

Most complaints going to adjudication are considered by the full Council. However, on occasions, there may be a complaint against a newspaper for whom a Council member works. On these occasions the Council member takes no part in the discussion on the complaint. Likewise occasionally a Council member declares a personal interest in a complaint and leaves the meeting while that complaint is under discussion.

While meetings of the Press Council are not open to the public complainants can, if they wish, apply to present their claims in person. Two complainants took this opportunity in 2002.

The Statistics

	2000	2001	2002
Total Complaints	75	106	87
Adjudications	45	47	48
Upheld	9	1	8
Part Upheld	9	3	2
Not Upheld with Dissent	-	-	1
Declined	-	-	1
Mediated/Resolved	-	1	3
Withdrawn	-	3	1
Withdrawn at a late stage	8	2	1
Not followed through	13	18	16
Out of time	1	5	2
Not accepted	1	4	3
Outside jurisdiction	1	9	3
In action at end of year	7	17	10

Use of the Statement of Principles

As part of the review of the Statement of Principles carried out this year some analysis of the use of the Statement of Principles was carried out.

Complaints received in 2000 and in 2002 were checked to ascertain whether any, and if so which, principles had been cited by the complainants as being breached. There were some complaints for which no particular principle applied, for instance complaints on suicide reporting, name suppression and some ethical issues.

However, all those complaints where Press Council principles could have been or were cited were compared for the two years. In 2000 42 per cent of complainants cited the principles. This increased to 63 per cent in 2002.

The following table sets out incidence of use by complainants of the various principles:

	2000	2002
1. Accuracy	10	21
2. Corrections	1	9
3. Privacy	5	6
4. Confidentiality	-	-
5. Children and Young People	4	-
6. Comment and Fact	6	8
7. Advocacy	-	-
8. Discrimination	2	4
9. Subterfuge	2	2
10. Headlines and Captions	3	7
11. Photographs	3	2
12. Letters	1	-

Decisions 2002

<i>Complaint name</i>	<i>Newspaper</i>	<i>Adjudication</i>	<i>Publication</i>	<i>Case No</i>
P Corwin	<i>The Press</i>	Not Upheld	18.02.02	861
R Dyson	<i>The Dominion</i>	Not Upheld		
		with dissent	28.02.02	862
Fish & Game NZ, Bryce Johnson	<i>Rural News</i>	Not Upheld	18.02.02	863
P Harris	<i>Otago Daily Times</i>	Upheld	18.02.02	864
I Little	<i>Wanganui Chronicle</i>	Not Upheld	18.02.02	865
F Walls	<i>The Nelson Mail</i>	Not Upheld	27.02.02	866
E von Dadelszen	<i>Hawke's Bay Today</i>	Not Upheld	20.02.02	867
Water Pressure Group	<i>New Zealand Herald</i>	Not Upheld	18.02.02	868
Westlake Girls High School	<i>New Zealand Herald</i>	Upheld	18.02.02	869
R Brace	<i>The Evening Post</i>	Not Upheld	02.04.02	870
N Cassels	<i>New Zealand Retail</i>	Part Upheld	02.04.02	871
M Leadbeater	<i>New Zealand Herald</i>	Not Upheld	02.04.02	872
D Payton & B Gawith	<i>Wairarapa Times-Age</i>	Not Upheld	12.04.02	873
B Procter	<i>The Southland Times</i>	Not Upheld	02.04.02	874
Waitakere City Council	<i>New Zealand Herald</i>	Not Upheld	08.04.02	875
R Welham	<i>New Zealand Herald</i>	Not Upheld	02.04.02	876
M Grigg	<i>Wainuiomata News</i>	Not Upheld	13.05.02	877
T Humphries	<i>Otago Daily Times</i>	Not Upheld	14.05.02	878
S Larkin	<i>New Zealand Herald</i>	Not Upheld	13.05.02	879
D O'Rourke	<i>The Press</i>	Not Upheld	13.05.02	880
D Pennefather	<i>C H B Mail</i>	Not Upheld	13.05.02	881
N Rosenberg	<i>N B R</i>	Not Upheld	13.05.02	882
J Ross	<i>New Zealand Herald</i>	Not Upheld	13.05.02	883
S Sparks	<i>East & Bays Courier</i>	Not Upheld	13.05.02	884
A Little & NZEPMU	<i>New Zealand Herald</i>	Declined	15.05.02	885
Y Johanson	<i>Christchurch Mail</i>	Upheld	02.07.02	886
Northland Regional Council	<i>Northern Advocate</i>	Upheld	02.07.02	887
A Cooper	<i>The Press</i>	Part Upheld	02.07.02	888
R Welch	<i>Waikato Times</i>	Upheld	22.07.02	889
FTANZ	<i>New Zealand Herald</i>	Not Upheld	15.08.02	890
Kapiti Environmental Action	<i>Kapiti Observer</i>	Not Upheld	12.08.02	891
B Williams	<i>Howick & Pakuranga</i>	Not Upheld	12.08.02	892
C Lundy	<i>The Dominion</i>	Not Upheld	12.08.02	893
X	<i>The Evening Post</i>	Upheld	12.08.02	894
Ted Burrows	<i>The Daily News</i>	Not Upheld	25.09.02	895
Wayne Church	<i>Hawke's Bay Today</i>	Not Upheld	25.09.02	896
Ian Little	<i>Wanganui Chronicle</i>	Not Upheld	25.09.02	897
Patrick McEntee	<i>Hawke's Bay Today</i>	Not Upheld	25.09.02	898
Tom Reardon	<i>New Zealand Herald</i>	Not Upheld	25.09.02	899
Maarie Te Toohoura	<i>New Zealand Herald</i>	Not Upheld	25.09.02	900
Bill Vincent	<i>The Press</i>	Not Upheld	25.09.02	901
Meridian Energy	<i>Oamaru Mail</i>	Upheld	11.11.02	902
C R Yates	<i>New Zealand Herald</i>	Not Upheld	11.11.02	903
Ken Stuart	<i>Southland Times</i>	Not Upheld	11.11.02	904
Hutt City Council	<i>Wainuiomata News</i>	Not Upheld	19.12.02	905
Imex Healthcare/Marceline Jordan	<i>Sunday Star-Times</i>	Not Upheld	19.12.02	906
Kaye Molony	<i>Kapiti Observer</i>	Not Upheld	19.12.02	907
Poultry Industry Assoc of NZ	<i>New Zealand Herald</i>	Upheld	19.12.02	908

Statement of Principles

PREAMBLE

The New Zealand Press Council was established in 1972 by newspaper publishers and journalists to provide the public with an independent forum for resolution of complaints against the press. It also has other important Objectives as stated in the Constitution of the Press Council. Complaint resolution is its core work, but promotion of freedom of the press and maintenance of the press in accordance with the highest professional standards rank equally with that first Objective.

There are some broad principles to which the Council is committed. There is no more important principle than freedom of expression. In a democratically governed society the public has a right to be informed, and much of that information comes from the media. Individuals also have rights and sometimes they must be balanced against competing interests such as the public's right to know. Freedom of expression and freedom of the media are inextricably bound. The print media is jealous in guarding freedom of expression not just for publishers' sake, but, more importantly, in the public interest. In complaint resolution by the Council freedom of expression and public interest will play dominant roles.

It is important to the Council that the distinction between fact, and conjecture, opinions or comment be maintained. This Principle does not interfere with rigorous analysis, of which there is an increasing need. It is the hallmark of good journalism.

The Council seeks the co-operation of editors and publishers in adherence to these Principles and disposing of complaints. The Press Council does not prescribe rules by which publications should conduct themselves. Editors have the ultimate responsibility to their proprietors for what appears editorially in their publications, and to their readers and the public for adherence to the standards of ethical journalism which the Council upholds in this Statement of Principles.

These Principles are not a rigid code, but may be used by complainants should they wish to point the Council more precisely to the nature of their complaint. A complainant may use other words, or expressions, in a complaint, and nominate grounds not expressly stated in these Principles.

1. Accuracy

Publications (newspapers and magazines) should be guided at all times by accuracy, fairness and balance, and should not deliberately mislead or misinform readers by commission, or omission.

2. Corrections

Where it is established that there has been published information that is materially incorrect then the publication should promptly correct the error giving the cor-

rection fair prominence. In some circumstances it will be appropriate to offer an apology and a right of reply to an affected person or persons.

3. Privacy

Everyone is entitled to privacy of person, space and personal information, and these rights should be respected by publications. Nevertheless the right of privacy should not interfere with publication of matters of public record, or obvious significant public interest.

Publications should exercise care and discretion before identifying relatives of persons convicted or accused of crime where the reference to them is not directly relevant to the matter reported.

Those suffering from trauma or grief call for special consideration, and when approached, or enquiries are being undertaken, careful attention is to be given to their sensibilities.

4. Confidentiality

Editors have a strong obligation to protect against disclosure of the identity of confidential sources. They also have a duty to take reasonable steps to satisfy themselves that such sources are well informed and that the information they provide is reliable.

5. Children and Young People

Editors should have particular care and consideration for reporting on and about children and young people.

6. Comment and Fact

Publications should, as far as possible, make proper distinctions between reporting of facts and conjecture, passing of opinions and comment.

7. Advocacy

A publication is entitled to adopt a forthright stance and advocate a position on any issue.

8. Discrimination

Publications should not place gratuitous emphasis on gender, religion, minority groups, sexual orientation, age, race, colour or physical or mental disability. Nevertheless, where it is relevant and in the public interest, publications may report and express opinions in these areas.

9. Subterfuge

Editors should generally not sanction misrepresentation, deceit or subterfuge to obtain information for publication unless there is a clear case of public interest and the information cannot be obtained in any other way.

10. Headlines and Captions

Headlines, sub-headings, and captions should accurately and fairly convey the substance of the report they are designed to cover.

11. Photographs

Editors should take care in photographic and image selection and treatment. They should not publish photographs or images which have been manipulated without informing readers of the fact and, where significant, the nature and purpose of the manipulation. Those involving situations of grief and shock are to be handled with special consideration for the sensibilities of those affected.

12. Letters

Selection and treatment of letters for publication are the prerogative of editors who are to be guided by fairness, balance, and public interest in the correspondents' views.

13. Council Adjudications

Editors are obliged to publish the substance of Council adjudications that uphold a complaint. Note: Editors and publishers are aware of the extent of this Council rule that is not reproduced in full here.

Complaints Procedure

1. If you have a complaint against a publication you must complain in writing to the editor first, within 3 months of the date of publication of the material in issue. Similarly complaints about non-publication must be made within the same period starting from the date it ought to have been published. This will acquaint the editor with the nature of the complaint and give an opportunity for the complaint to be resolved between you and the editor without recourse to the Press Council.
2. If you are not satisfied with the response from the editor (or, having allowed a reasonable interval, have received no reply) you should write promptly to the Secretary of the Press Council at PO Box 10-879, The Terrace, Wellington. Your letter should:
 - (a) specify the nature of your complaint, giving precise details of the publication, (date and page) containing the material complained against. It will be of great assistance to the Council if you nominate the particular principle(s), from the 13 listed in the next section of this brochure, that you consider contravened by the material; and
 - (b) enclose the following:
 - copies of all correspondence with the editor;
 - a clearly legible copy of the material complained against;
 - any other relevant evidence in support of the complaint.
3. The Press Council copies the complaint to the editor, who is given 14 days to respond. A copy of that response is sent to you.
4. You then have 14 days in which to comment to the Council on the editor's response. There is no requirement for you to do so if you are satisfied that your initial complaint has adequately made your case.
5. If you do make such further comment, it is sent to the editor, who is given 14 days in which to make a final response to the Council. Full use of this procedure allows each party two opportunities to make a statement to the Council.
6. The Council's mission is to provide a full service to the public in regard to newspapers, magazines or periodicals published in New Zealand (including their websites) regardless of whether the publisher belongs to an organisation affiliated with the Council. If the publication challenges the jurisdiction of the Council to handle the complaint, or for any other reason does not cooperate, the Council will nevertheless proceed to make a decision as best it is able in the circumstances.
7. Members of the Press Council are each supplied prior to a Council meeting with a full copy of the complaint file, and make an adjudication after discussion at a meeting of the Council. Meetings are held about every six weeks.

8. The Council’s adjudication is communicated in due course to the parties. If the Council upholds a complaint (in full or in part), the newspaper or magazine concerned must publish the essence of the adjudication, giving it fair prominence. If a complaint is not upheld, the publication concerned may publish a shortened version of the adjudication. All decisions will also be available on the Council’s website www.presscouncil.org.nz and in the relevant Annual Report.
9. There is no appeal from a Council adjudication. However, the Council is prepared to re-examine a decision if a party could show that a decision was based on a material error of fact, or new material had become available that had not been placed before the Council.
10. In circumstances where a legally actionable issue may be involved, you will be required to provide a written undertaking that, having referred the matter to the Press Council, you will not take or continue proceedings against the publication or journalist concerned. This is to avoid the possibility of the Press Council adjudication being used as a “trial run” for litigation.
11. The Council in its case records will retain all documents submitted in presentation of a case and your submission of documents will be regarded as evidence that you accept this rule.
12. The foregoing points all relate to complaints against newspapers, magazines and other publications. Complaints about conduct of persons and organisations towards the press should be initiated by way of a letter to the Secretary of the New Zealand Press Council.
13. The Press Council will consider a third-party complaint (i.e. from a person who is not personally aggrieved) relating to a published item, but if the circumstances appear to the Council to require the consent of an individual involved in the complaint it reserves the right to require from such an individual his or her consent in writing to the Council adjudicating on the issue of the complaint.

Statement of Financial Performance

As at 31 December 2002 (Audited)

INCOME

<i>2001</i>		<i>2002</i>
1,200	Union	1,950
140,000	NPA Contribution	155,000
5,000	NZ Community Newspapers	5,000
7,750	Magazine Contribution	8,500
731	Interest Received	666
-	Loss on Sale of Asset	(15)
154,681	Total Income	171,101

EXPENDITURE

864	ACC Levy	516
578	Accounting Fees	533
351	Advertising and Promotion	-
450	Auditor	550
71	Bank Charges	24
334	Cleaning	476
450	Computer Expenses	902
3,400	Depreciation	2,730
2,258	General Expenses	1,879
1,300	Insurance	1,500
961	Internet Expenses	1,030
1,384	Postage and Couriers	1,584
1,421	Power and Telephone	1,546
10,757	Printing and Stationery	4,229
6,229	Reception	6,229
15,665	Rent and Rates	15,565
89,499	Salaries – Board fees	90,675
-	Secretary's allowance	-
100	Subscriptions	125
17,467	Travel and Accommodation	16,023
1,258	Interest – Term Loan	437
154,797	Total Expenses	146,553

(116)	Income over Expenditure	24,548
6,407	Plus equity at beginning of year	6,291
6,291	Equity as at end of year	30,839

Auditor's report

CORNISH
& ASSOCIATES LTD

Accountants & Business Advisers

18 March 2003

To Whom It May Concern

The New Zealand Press Council

We have reviewed the accounts of The New Zealand Press Council for the period ended 31 December 2002 (12 months).

In our opinion:-

- Proper accounting records have been kept by the organisation as far as appears from our examination of those records, and the organisation's 2002 Financial Statements.
- The accounts comply with the generally accepted accounting practice, and give a true and fair view of the financial position as at 31 December 2001 and financial performance and cashflows for the year ended on this date of the organisation.

Our review was completed on 18th March 2003 and our unqualified opinion is expressed at this date

CORNISH AND ASSOCIATES LTD.