

# NEW ZEALAND PRESS COUNCIL

Tourism and Travel House, Ground Floor, 79 Boulcott Street, Wellington

P O Box 10-879, The Terrace, Wellington

**Email:** [presscouncil@asa.co.nz](mailto:presscouncil@asa.co.nz)

**Website:** [www.presscouncil.org.nz](http://www.presscouncil.org.nz)

## OFFICERS FOR 2001

Sir John Jeffries Independent Chairman, Retired High Court Judge  
Mary Major Secretary

### Representing the public:

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

### Representing the newspaper Publishers Association (NPA)

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

### Representing Magazine Publishers

Terry Snow Managing Editor, W & H Publications, Auckland

### Representing the NZ Engineering, Printing and Manufacturing Union (Media Division)

Audrey Young Press Gallery, New Zealand Herald  
Brent Edwards Political Editor, Evening Post, Wellington (until June)  
Alan Samson Senior Reporter, The Dominion, Wellington (from August)





# Chairman's Foreword

This is the fifth annual report of the New Zealand Press Council since I assumed the position of Chairman in 1997. Perhaps it is time to say more explicitly what the Council is trying to achieve with its annual report.

The Council is a self-regulatory body set up 30 years ago by print industry representatives, namely the newspaper owners and the journalists' union. They were, and still are, the founding constituent members and were the two signatories to the Constitution from which we get our authority.

The purposes of the Press Council are to provide the public with a complaint-resolution body, protect freedom of the Press, and maintain the highest standards in journalism. They are the objectives specifically stated in the Constitution. The Council was among the first bodies straight out of commercial activities to provide the public with a complaint-resolution service. The Press Council is a social enterprise that we hope is recognised as an entity that is making its contribution to societal life in the country. Unusual for today, this service is provided free to all New Zealanders.

Self-regulation is a most important core value of the Press Council. The only viable alternative to self-regulation is statutory control. The central feature of self-regulation is retention of independence outside central government control, thus giving the Press Council an unrestricted mandate to control its own industry and, as a



*The Press Council line-up in 2002. From the left, front row: Denis McLean (Wellington), Dinah Dolbel (Auckland), Sue Carty (Wellington), Sir John Jeffries (Chairman, Wellington), Terry Snow (Auckland). Back row: Mary Major (Secretary), Sandra Goodchild (Dunedin), Audrey Young (Wellington), Richard Ridout (Christchurch), Stuart Johnston (Lower Hutt), Jim Eagles (Auckland), Alan Samson (Wellington). Sir John Jeffries, formerly a judge of the High Court, is the independent chairman. The members representing the public are Ms Dolbel, Mrs Goodchild, Messrs Johnston, McLean 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 Engineering, Printing and Manufacturing Union.*

responsible body known to the public, to protect freedom of expression. New Zealand is undoubtedly one of the freest countries in the world but that does not mean it must not be alert to incursions into its freedom. In this annual report there are two separate features, World Press Freedom Day and NZPC: Defence Of Freedom Of Expression, which we hope will be read by all.

The Press Council is completely independent of any government influence or taxation support. Funding comes entirely from the industry. The Council does not have the obligation of a Crown Entity required to prepare annual reports for tabling in Parliament that have mission statements, overviews and outputs. Apart from any statutory obligations other organisations involved in public body/social enterprise activities are now producing annual reports. In 1995 the then Chief Justice of New Zealand, Sir Thomas Eichelbaum, produced the first annual report for the court system of this country. This was a voluntary initiative for the sake of providing essential information to the public about one of society's fundamental services.

With that background we come to examine the purpose of the Press Council's annual report. The Press Council is an autonomous body in that it is self-governing. But as its business is to offer a service to the public as a complaint-resolution body, to fulfil its function as a protector of freedom of express and standards of journalism – all public issues – it must pay strong attention to the public.

For the Press Council the public is an undivided entity in that almost all New Zealanders are its potential users as print journalism is an integral part of a democratically governed society.

The group of readers within the industry have a particular reason for knowing about the Council and are obvious readers. Every editor in the mainstream industry is sent a copy of the annual report, as is every Member of Parliament. The Council has a statutory obligation to supply the National Library with copies. The annual reports are available to 10 journalism schools as a valuable source document for them. We hope the widespread dissemination of our annual report will stimulate interaction and monitoring of the social service.

It can be deduced from the foregoing list, which is by no means exhaustive of those who might get and read a copy of the annual report, that it is reaching not only a large, but also an influential group in society. The next logical step is to see if we are delivering to that readership.

There are probably three broad levels of information that we make available. Details of the personnel of the Press Council are of interest. The Council is composed of 11 members of whom six are public members (that includes the Chairman) and five industry members. The financial statements, statistics about complaints and some review of the year's activities have always been included. That information is distinguishable from the other information contained in our annual report in that it is primarily about the past. The next levels, to which reference is made, are mainly about the present and future, and act as an impetus to speedy publication.

At the 25th anniversary, in 1997, of the establishment of the Council we undertook

a review to measure whether we were meeting the public needs having due regard for some fairly persistent criticism that was coming our way. In other words, we embarked upon reform. An aspect of self-regulation that must be kept to the forefront is that the self-regulatory body itself must keep a sharp and disinterested eye on its own performance. We found in that review that there were several areas that required our attention. Extension of jurisdiction to cover most print media, and the need for a written document that informed the industry and public of the Press Council's commission, were the most important.

Jurisdiction was achieved but without the co-operation of significant groups of publishers. Their failure to contribute and co-operate has not prevented our provision of services to the New Zealand public. We called the written document the Statement Of Principles and that has been a success. Those and other reforms were detailed in the reports from 1998-2000. This was the Press Council talking about itself and the changes it was making that affected its service to the public.

The Press Council also identified an interest in the workings of newspapers among the public. Newspapers are an essential element in the democratic governance of the country, which proposition is indisputable, but there is much more to the part the print industry plays in our daily lives than politics. Huge changes have taken place in the format of newspapers. Not many now would recall the layout of daily front pages on which classified advertisements appeared. The main news stories currently occupy the front page, as has been the practice in the United States. There was some experimentation with tabloid-size papers, which was mostly abandoned, but not entirely. The present regular Sunday papers arrived nearly 40 years ago and, of course, a major innovation was the widespread introduction of community newspapers. In last year's annual report we provided an account entitled, *Community Newspapers In New Zealand*. There have been changes in style, too, in that newspapers began paying greater attention to magazine-type articles and magazines extended into sharply focussed investigative journalism.

The Sundays took on aspects of both.

In 1972, there were about 30 New Zealand-generated magazines (among them the *New Zealand Woman's Weekly*, *New Zealand Listener*, *Seaspray*, *Consumer* and the *Chartered Accountants' Journal*). Despite New Zealand's lively magazine industry in the century, the introduction of television hit magazines hard in the 1960s and 70s. However, an explosion of lifestyle and general interest magazines recently saw 76 new titles produced between 1990-99, supplemented by thousands of imported magazine titles. The Magazine Publishers Association reports that by the end of 1998, New Zealanders consumed more than 103 million copies of magazines a year, a higher per-capita rate of magazine readership for 3.6 million people than the United Kingdom, Australia and the US. Trade and professional magazines generally do not bother the Press Council. In its 1999 annual report, the extension of its jurisdiction to cover other magazines was specifically covered.

There have been other changes in the New Zealand print industry, too, such as the rise in newspapers of opinion pieces and many by-lined articles — that is, those

carrying the reporter's name. The enormous changes in business and commercial reporting have also reflected the growing sophistication of the country in this area. Old-fashioned women's pages have given way to coverage of lifestyle issues as men and women redefine their place in society. As leisure time has increased with a rise in prosperity newspapers have responded by giving greater attention to sport and entertainment generally. It is not uncommon for sports stories, particularly those with an international/political content as globalisation of sport continues apace, to occupy lead space on the front pages of our dailies. The continuing sagas of the Rugby World Cup and the America's Cup illustrate that point. These events have very significant impacts on local and national economies.

What a newspaper provides today is greatly expanded on what it placed before the public 30-40 years ago. For more detail, please see the annual report for 2000, *What The Newspaper Provides*. Some newspapers have regular features about education and current affairs that are meant also to give practical assistance to the classroom teacher. A notable failure is that our publicly owned television service does not provide any programme on current affairs specifically for young people.

In response to some of these industry changes, the Council broadened its approach to information contained in the annual reports. In 1997 there was a special item on protection of journalists' sources, which was an international issue as investigative journalism became increasingly embarked upon. In 1998 expansion of jurisdiction was raised, as was the Statement Of Principles. The Council took up the subject of presenting itself to the public and for the first time, dealt with the rising use of opinion columns and their place in modern newspaper publishing. The same trend of dealing with individual and interesting topics for 1999 and 2000 reports continued. Of these Pacific Island Affairs, Newspapers And The Internet, the Lange Case, Press And Public Bodies and The Public Interest are all worth a mention.

Many of these items over the years had their origins in actual complaints or protection of free expression. It might be said that the Council's annual reports over the past few years, in addition to providing the usual fare of annual reports, have grown to become publications reflecting some notable aspects of print journalism. This, we believe, is serving the public interest about the undertaking of the print media and about ourselves.

See items *What Is News?* and *Personalisation Of The News* contained in this report, which have a bearing on these issues.

Finally, since 1999 the annual reports have published all the year-in-review's adjudications in full, not just those thought to be of particular interest as had been done in the past. To this extent, the Press Council has established a permanent record of its adjudications enabling convenient access. Like conventional law reporting, this builds a body of precedents available to all.

## **DEFENCE OF FREE EXPRESSION**

The Press Council during 2001 had occasion to pursue actively one of its objectives

to promote freedom of the Press. Incursions into free expression occur not clothed as such but in a more subtle form and generally supported by a tenable argument that some good will result. Nevertheless, the end result is curtailment of free expression.

The proposal contained in the Electoral Amendment Act in March 2001 was to make it a criminal offence to publish the results of public opinion polls for an election or by-election during the 28-day period before an election. The Press Council by public statement opposed the proposal and drew attention to Section 14 of the Bill of Rights Act that protects the right of New Zealanders to exchange information and opinion, which the Council was of the opinion the proposal contravened. No further action seems to have been taken; the proposal was widely condemned.

In November 2001 Parliament re-introduced criminal libel by an amendment to the Electoral Act that opposition parties apparently missed. Specifically it was made an offence to defame a candidate at election time, and breach carried with it a heavy fine or imprisonment. The Press Council, in a press release, recorded its opposition and the law was also roundly condemned in most quarters. The issues were widely debated in the print media with universal antagonism. Again the section was almost certainly in contravention of s14 of the Bill of Rights Act. The law was abandoned by an amendment contained in the Electoral Amendment Bill (No 2) on February 14, 2002.

The Justice and Electoral select committee conducted an inquiry into the local body elections of 2001. Section 135 of the Local Electoral Act 2001 made it a criminal offence to support a candidate without the candidate's written authority. The Press Council made a formal submission to the Committee seeking abolition of the section.

The Council submitted that the section was so widely drawn that it went beyond unauthorised expenditure and any remedial intention it might have had. As part of the statute it unnecessarily encroached on the editorial side of a newspaper placing an editor in an invidious position on what could be printed about a candidate. The section provides a criminal sanction of conviction and fine and accordingly should not be ambiguous and almost impossible of enforcement

## **LETTERS TO THE EDITOR**

Complaints about letters continue to feature prominently in the Press Council's adjudications. In 2001 there were nine complaints about non-acceptance of letters, and several others objecting to letters that had been published or to the way they had been abridged or edited.

There is no mystery about the failure of minds to meet concerning letters that are not accepted. The letter-writer is intent on one thing – getting a point of view on a particular subject into print. A publication's editorial staff, on the other hand, has to weigh numerous bids for space and make many judgments in shaping the forthcoming edition, with the overall aim of making the newspaper or magazine as balanced and varied, as fresh and stimulating, as possible. As part of a publication's Opinion pages, the Letters section can contribute a wide range of lively, thoughtful, provocative

commentary. Just as journalists find to their dismay that articles they have worked on don't reach print because of constraints on space, or queries about the article's continuing topicality or quality, letter-writers have to accept that what they submit may also be spiked. One metropolitan New Zealand daily prints about 60 percent of the letters it receives; many therefore have to be rejected for one or more reasons.

The Letters section is a vital part of any newspaper's involvement with its community, and is often described as the people's forum. However, this does not mean that it can be exempt from the editor's judgment in determining what goes into the pages, and in editing the texts submitted. The Press Council's Principle 12 is very clear:

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

The frustration of unsuccessful letter-writers is not eased by what is happening in other media. Talkback radio is well established as a means of sounding off, with constraints on time, rather than quality, determining what goes to air. The rapid development of interactive Internet websites has similarly boosted the expectation that individual viewpoints will speedily reach an audience. Across the world, newspaper websites are vigorously promoting the diversity of new ways in which feedback can be made.

Message board, talk boards, chat-on-line and similar pages compete eagerly for reader and viewer participation: Have Your Say Straightaway On Burning Issues; Join Or Start A Conversation On Whatever Interests You. One newspaper in northern England runs a Spout 'n' Shout talk board. Some newspapers have multiple community boards covering the different interests of readers. Some nominate topics for forum sessions well in advance, with frequent urging “to keep your eyes on the page for the next big debate”.

The emphasis in Internet feedback talk boards, etc is on short, sharp e-mail messages. Overseas, the trend is for Letters to the Editor pages to reprint a selection of these brief messages, thus broadening their mix of material and enabling more contributors to appear in print. It will be interesting to see if this leads generally – both here and overseas – to a greater proportion of very brief messages in letters pages.

In these Internet sites there is, of course, concern for standards but the general assumption is that participants will be able to post their views, with editorial intervention coming principally through removal of unacceptable material from the site.

Letters to the Editor, on the other hand, undergo careful scrutiny and editing before anything appears in print. This is time-consuming, especially in small newspaper offices with few staff to cover all the daily tasks. Some disappointed letter-writers are particularly aggrieved that they hear nothing back by way of acknowledgment of their letters. Again, there often aren't the human resources to provide a response. Some

newspapers have very usefully developed a Replies To Correspondents end-note, in which named contributors are advised of the reasons for non-acceptance or that their points have been noted.

The Press Council believes that many of the complaints it receives would not be made if there were better understanding of how letters are chosen for publication.

The procedure in one major New Zealand daily illustrates the time and care that go into preparing the Letters section. Each letter as it is received is logged into a diary. It is first read by the editor's personal assistant who checks to see whether name and address and other information are included. She also attaches any background material – for example, an earlier news item — to the letter. Then the person in charge of the Letters section goes through them all and notes whether they will be published, referred to a third party for comment, or not published. The editor then goes through the letters again and makes the final decision as to what is printed and whether a particular letter should jump the queue because it is very topical. Published letters are then filed so they are available for reference. The editor seeks to publish a wide range of opinion on current topics, and sees the Letters section as one of the editor's ways of making a distinctive mark on the quality of the paper.

Regular printing on letters pages of the submission rules is necessary. Generally, rules deal with formal requirements (such as format, method of submission, address and signature details and maximum length) and specify the reasons for editing letters, such as legal and space constraints, clarity and topicality. The Press Council believes that readers should be told that letters might be abridged. The Press Council has also recommended that when there is abridgement, a note should be appended to the published letter. Some newspapers put specific limits on how often a particular correspondent will be considered for publication.

Some sets of in-house rules and guidelines go further. One overseas newspaper says: "We no longer print letters that directly respond to other letters. If you wish to reply to another letter, stick to the issues involved and avoid all reference to the other letter". Another advises: "Do not engage in recriminations against earlier correspondents. Try to advance the debate so that other readers might join in the discussion in subsequent letters."

For some editors, there is the problem of the vexatious correspondent whose response to rejection of a letter may be to fire off several more, or to try to berate the editor in person. The Press Council strongly supports the right of editors to lay down rules, not just for the submission and editing of letters, but also for their dealings with correspondents so as to ensure that scarce editorial time is not wasted, and the interests of other correspondents are protected.

## **SUICIDE REPORTING**

The reporting of suicide remains difficult in New Zealand, a fact to which the International Press Institute drew attention in its World Press Freedom Review of 1998. The rate of suicide in this country is one of the highest in the world despite the

number of deaths involving young people in 1999 falling to their lowest since 1987.

New Zealand's print media increasingly regard the issue of suicide as one of urgent public interest and a major public health problem. But 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 "manner" of a death, but because of confusion about what that terms means, few coroners exercise that power.

The Act is under review by the Government and the Council agrees with calls to relax reporting restrictions on self-inflicted deaths, given the incidence of suicide in New Zealand. Not surprisingly, therefore, newspapers are gradually testing the water by more often reporting suicides in their communities in order to explore their causes where there may be a public interest. Inevitably complaints have followed and the Council wholly accepts that this is a sensitive matter involving the private grief of families and, sometimes, the cultural practices of the diverse races living in this land.

In the year under review, the Council upheld several complaints about lack of fairness in the coverage by the *Manawatu Evening Standard* of the death by suicide of a 16-year-old schoolboy. The adjudication paid particular attention to the effect on the school community of the newspaper's scrutiny, which included some highly visible front-page coverage.

Later, in an editorial commenting on the Press Council's finding, the newspaper defended its right to look at the subject of suicide.

The Press Council does not disagree. The question it considered, however, was more the nature of the newspaper's approach. The full adjudication is on page XX.

The Council has, in previous findings, referred to the benefits of publicity. In an earlier adjudication, it said:

"Blaming the messenger for causing or worsening the problem, whose basic causes must be sought elsewhere, fails to recognise the important and cleansing nature of the blaze of publicity being focused on the darker side of New Zealand life. Here the publicity is definitely the creation of a human agency, not the sun, and could be a torch, a flame, a spotlight – it supports the role of the Press to peer into dark corners."

However, that greater openness, if it can be achieved, does not absolve editors of the responsibility of recognising that suicide is a complex phenomenon, usually with inter-linked causes, and with effects on many people, not only the deceased person's family and friends.

Among those who watch with some trepidation the expansion of media interest in suicide are a number of mental health professionals who continue to express their fear that such media interest will trigger a "copycat" effect. Yet New Zealand's restrictive reporting regimes, set alongside the rise in suicides in recent years, would suggest the opposite.

The Council has now dealt with several complaints about the reporting of suicide. In order to reach its findings, some study of the subject was obviously necessary. The Council found, as a result, that the research often relied upon by health experts is not as conclusive as it had been led to believe.

In general terms, therefore, when it comes to reporting suicide in New Zealand, editors need to continue to exercise the utmost responsibility to readers. Reports should, in the Council's view, be tempered by awareness of the language used, the way articles are displayed and treated, and, where possible, reports should be accompanied by information about where help can be found.

The Council is firmly of the view that the Press has a crucial role in any public debate about suicide, its causes and its effects. It subscribes to the philosophy of the Canadian Suicide Information and Education Centre: "Suicide affects us all. Let's talk about it."

## **WHAT IS NEWS?**

Newspapers exist because they help satisfy an enduring human craving to know what's going on. Information is their stock in trade. First in the field were the hand-written *Acta Diurna* (Daily Events), posted in prominent places in Rome as early as 59BC and thought to have been the brainchild of Julius Caesar. Although effectively government newssheets, the *Acta Diurna* supplemented official information with news of forthcoming events, gladiatorial contests, important marriages, reports from battlefronts, appointments to public office, births and deaths, even horoscopes.

There is no simple, universal answer to the question "What Is News?" In ancient times, and in the modern world, the changing norms of society have shaped diverse answers. Nothing could be further from the minds of editors of newspapers in modern democracies than that the authorities should decide what qualifies as news. Yet in many countries, editors have little or no freedom of choice in the matter.

News may be what an editor may determine, out of the vast and ever-changing flux of happenings, confrontations, incidents, accidents and events that make up the life of the planet. Yet the editor's own values are inevitably shaped by society itself, the evolving preferences and fashions of the day, politics, the state of the nation. Editors are bound to be mindful of whatever elusive factor it is that sells newspapers.

The famous line above the masthead of *The New York Times* — All The News That's Fit To Print — avoids any definition of news. News is a given: it is assumed that it is what the readers want. In the late 19th century, however, *The New York Times* was engaged in a fierce struggle to hold its position against the encroachments of the new tabloid journalism. A commitment to publish news that is fitting became the hallmark of the quality newspaper. At a single, brilliant stroke, the *Times* set itself apart from its less discriminating competitors. News would be determined by considerations of accuracy, delicacy, taste, political correctness (yet to be the inhibiting influence it has become), national security, etc. Editorial preference would be weighted in favour of responsibility and balance. News would have to be newsworthy, have news value.

Mere news mongering was not enough.

Successful reporters are said to have a nose for the news. Good stories do not simply present themselves. The news has to be sniffed out, investigated and assessed for novelty, quirkiness, evidence of human frailty, or relevance to other issues and to the interests of the newspaper's own readership.

The influential 19th and 20th US newspaper publisher, William Randolph Hearst, defined news as "what someone wants you to stop printing; all the rest is ads." Hearst's buccaneering style of "muck-raking" journalism did much to expose rampant corruption and fraud. Like Harmsworth (Lord Northcliffe) in England, he pioneered mass circulation journalism with its attendant sensationalism and imaginative gloss on the facts. Hearst is famous for demanding that the artist Frederick Remington provide drawings of atrocities to bolster his personal campaign to incite war with Spain over Cuba in 1898. "You furnish the pictures and I'll furnish the war," he said.

As Watergate and numerous other recent campaigns against perfidy in high office demonstrate, journalistic initiative is as important as ever. The foibles of society and clashes of values within the community still provide plenty of newsworthy material for an alert media. The highest calling of a newspaper in a democracy remains that of watchdog – to uncover, unearth, expose, lay bare or, as necessary, to embarrass those who would abuse their power.

Another mainspring of influence is the provision of reliable, factual information. Hard news will always be meat and drink to newspapers. Like the *Acta Diurna*, a responsible newspaper will strive to inform, to be a journal of record, the place to go for accurate reports about public events, the outcomes of contests – political or sporting or developments in ongoing news stories.

This is not all. Beyond these relatively clear-cut and obvious categories lies the broad and tricky ground of gossip, scandal, rumour or innuendo on which the public thrives and which newspapers can hardly ignore. Newspapers also entertain, by distilling information, amusement and insights.

Shakespeare in *The Merchant Of Venice* has Shylock ask, as an aside to the main theme of the play, "What news on the Rialto?" He is inquiring about the tittle-tattle, the gossip from the main gathering places of the idle strollers around the city.

In the same way, newspapers, through gossip columns, "diaries", jokey pieces or so-called intelligence reports, gather the chatter from about the town or district. Any good editor will have his or her sources for such material. It is a delicate area, with important considerations of accuracy, privacy and, very often, the legal rights of individuals, at stake. Most editors, however, are keen to rise to the challenge because they know two things: those in authority or positions of privilege, fame or wealth do not like to be embarrassed and second, that it is part of the newspaper's role to hold them to account.

Newspapers naturally identify with their community or region. Local news and local interest items will always, and properly, catch the attention of editors. In Georgia, in the US, the *Atlanta Journal* to this day boasts that it "Covers Dixie like the dew".

“A dog-fight on Lambton Quay,” a Wellington newspaperman is said to have once remarked, “is of more interest than the fall of a government in Paris.”

In the scale of history, this may be absurd. But in terms of the life of the community that the newspaper services it rings true. Even the greatest and most cosmopolitan of newspapers are biased towards the local. The famous and probably apocryphal billboard for a London newspaper makes the point: “Fog in the Channel, Continent Isolated.”

In a world awash with information, ideas about what constitutes news are themselves changing. Thoughtful observers find this process not always to their liking. Properly examined, these shifts are a huge study that cannot be embarked upon here, but some trends stand out. In the hands of public relations experts and spin-doctors, with agendas remote from traditional, disinterested reporting, news has become plastic and malleable. There is a presumption abroad that news must be shaped and focussed so that it has a message, to be absorbed by the reader. Consciously or unconsciously, his or her judgment is subverted. The dangers are obvious: manipulators of the news, unscrupulous politicians or others with pressing agendas of their own could come to usurp the public conversation, which is the proper function of a free Press.

News is less serious and is gradually showing a distinct bias towards entertainment. A focus on “celebrity” news is an obvious theme. Celebrity status often conferred with little regard for the substance of the contribution to society of the person concerned carries with it a new and seemingly automatic newsworthiness. In television it seems the look and style of the weather presenter is more important than reliable weather information. In an age of sensationalism and with an instinct for the superficial, there is a danger of the news being “dumbed down”. The wise editor is alert to such pressures.

Mark Twain, who began his writing career in newspapers and later lost a fortune investing in a newly invented newspaper printing press, wrote in his autobiography: “News is history”.

The role of the journalism is to catch meaning from the passing parade of human affairs and turn it into a story. Experience, a certain scepticism and an ability not to be unduly impressed are necessary attributes in knowing what it is that makes for “a good story”.

News does not stand on its own. The story, the report and/or the interpretation of the news are what count. As the Watergate saga demonstrated, a great story can blossom from news of small and, on the face of it, inconsequential incidents. The development of the Watergate story in turn raised serious issues for the owners and editor of The Washington Post. Not setting out to challenge the US President, the newspaper found itself doing so as the news story unfolded.

Headline news is not what the political leadership or the guardians of special interests determine. It is what experienced newspaper people assess as most likely to impact on the widest number of readers. Effective stories spring from news that has topicality, relevance, human interest and an effect on people with whom readers can relate.

News is what you make of it.

## PERSONALISATION OF THE NEWS

For good or bad, newspapers are changing. Far from their origins of sombre reports and “items of record”, today’s papers are increasingly about presenting the news from the twin angles of personality and celebrity.

Concentrating on “celebrity” – the fixation or fascination with rugby’s Jonah Lomu, modelling’s Rachel Hunter or acting’s Liv Tyler – can be a clever ploy. Readers today clearly lap it up, even when it is tantamount to gossip. The trick for newspapers is to be alert as to when the subject pales or descends into trivia.

The same – perhaps even more so – could be said for “personality”, the increasing focus by newspapers on human stories behind the news. The intent, to pique readers’ interest, is an effective tool and there is nothing wrong with it.

Unless, that is, it reflects a descent into trivialisation and, as many US commentators would have it, pathetic gossip.

English 19th and 20th century author G K Chesterton once said that, “Journalism largely consists of saying ‘Lord Jones is dead’ to people who never knew that Lord Jones was alive”. What he implied was that, among a raft of other functions, journalism can play an effective part in painting the human condition.

A marginally less cynical view of journalism than Chesterton’s is contained in the US media guide Strategic Press Information Network: “It if bleeds it leads.”

As cynical as that sounds, the guide has ... at least in principle ... hit the nail on the head. “The point is: drama sells,” it says.

“A news editor has a choice. Run the piece on the horrible 16-car pile on the local freeway, using dramatic footage of rescuers prying people out of cars...or run the boring press conference in a fluorescent-lit room with people in suits and ties talking about some obscure policy. Which would you rather watch?” the Guide asks.

There is nothing new in this, of course, and the principle applies just as much to print journalism as to television, though there may be issues of degree in a broad newspaper industry ranging from so-called quality newspapers to Britain’s tabloids.

Nevertheless, most publishers would agree that as newspaper circulations fall or struggle to regain lost ground, there is a stronger-than-ever emphasis on appealing to the potential audience that editors believe is being missed.

Though there are other demographics of concern, that audience is being identified as the young. Few editors are not responding to the need to create the necessary new appeal by enjoining their reporters to write in ever more appealing ways.

Some see this as an injunction to “dumb down” newspapers but the call is newsrooms is simply to “personalise”.

From the point of view of those wanting their stories told, the US media guide goes on to recommend: “As much as possible, personalise your story — it gives people a way to connect to the issue, when they can connect to you personally”.

From the newspaper's perspective, the injunction is even stronger, even though the results are not universally welcomed. When a Dominion reporter last year attended a Parliamentary select committee hearing into reducing cannabis harm, she based her report not on the debate but on a subsequent interview with former Youth Affairs Minister Deborah Morris who told how she had longed to "light up" in Parliament during her three years in politics.

The debate was relegated to two or three concluding paragraphs and the perceived playing-down of the serious was subsequently angrily attacked in the paper's letters column.

It is difficult, however, to argue against the appeal of this kind of journalism. Used well it is an effective and powerful tool.

Used badly...American Online Journalism Review commentator Robert Scheer talks of a "new breed of journalist valued for the ability to satiate the lust for gossip that dominates the news industry". And, make no mistake, the mentality that lives by gossip also lives by sensationalism.

Is there a fine line between pointless gossip and legitimate readership interest? As an example, Scheer cites the case of the US' New Republic reporter Stephen Glass, who was recently fired after writing at least 27 articles based on sources that were not only unnamed but also non-existent. New Zealand is fortunate that its print media is so far immune from such misleading practice.

In the US, matters may have come to a head with the reporting that attended the Monica Lewinsky-Bill Clinton scandal. US publisher Stephen Brill found a reliance on unnamed sources had allowed the American news media to heap error upon error while reporting any rumours as true – as long as a reporter claimed to have a source for the information.

These are not criticisms of personalised new writing per se because the Press Council accepts that in a competitive news environment, newspapers must work hard to claim their share of a reader's time. But in the process, editors need to take care that they don't go too far in pursuit of the salacious. It is certainly true in this country that readers feel so connected to their local papers that they do not hesitate to write, phone, fax or e-mail their local editor to tell them about any perceived lapse in judgment.

Thus not everything is grim, at least in this country, whose newspapers rarely show the excesses of British downmarket tabloids or the worst of the US scandalmongers.

At a recent Poynter Institute seminar in the US, Oregonian editor Sandy Rowe argued that the West might be witnessing, post September 11's terrorist attacks on the United States, a quantum shift back to what she calls quality journalism.

Rowe writes: "In this tragedy we have rediscovered our serious purpose...in this deeply troubling time the Press has an opportunity to recapture respect and reconnect with our readers."

“At our best, praise God,” she says, “newspapers are still recognised as offering depth and understanding and insight when it most matters. At our best, we can tackle ‘why’ and ‘how’.”

If Rowe is right, New Zealand papers are faced with a strange writing and marketing dilemma. Her argument is that since September 11, millions of people worldwide have bought and devoured newspapers because they recognised the historical importance of that day’s events.

So what about Lewinsky?

Rowe again: “Newspapers never should have succumbed to the entertainment and sensationalistic values of television news, which grossly underestimates people’s intelligence and attention.”

There will continue to be Lewinskys. There will continue to be huge tragedies. The trick for newspapers will continue to be in finding the right balance between telling stories that people want to read while, at the same time, avoiding prurient prying.

## **BALANCE IN NEWS REPORTING**

Most would agree that the printed word – books, newspapers, magazines, say – have an authority. Very properly the authority is easily displaced and rejected by reason of material factual error but sometimes if there is something about the writing that creates doubt, uncertainty or just uneasiness that also brings about resistance.

We learn early in life that an expected attribute of authority – parent, teacher, relatives – is that they will be fair. For the vast majority of people, fairness means equality of treatment, lack of bias, hearing both sides and, in the evaluative process, balance and common sense. Ordinary people very much expect these attributes in their reading but especially in their newspapers.

In the Press Council’s Statement of Principles the first one enjoins publications to be guided by accuracy, fairness and balance. In deciding on complaints that allege lack of fairness and/or balance, the Council has a difficult task because it can never lose sight of the underlying concept of freedom of expression.

Mostly the complaints are about failure to provide an opportunity to an opposing side to express a view. The Council has made it clear that, in normal circumstances, where serious accusations are made against individuals and organisations, a response must be sought and, if possible, published both immediately and with reasonable prominence. The developing body of Council decisions demonstrates that the manner in which fairness and balance should be achieved may vary with the circumstances.

An apposite case occurred in 1999 where serious criticisms against Te Aute College were reported in the *Hawkes Bay Herald Tribune*. The Press Council considered the response of the college principal was not adequately reported or given sufficient prominence. It also did not accept as an adequate explanation the argument that the response was received close to deadline.

“While [the Council] understood the tight deadlines under which afternoon

newspapers must operate the deadlines themselves created circumstances that were problems for the paper, not for the public. Having sought and received responses to the allegations...the Herald Tribune should have made greater efforts to incorporate them into its report,” the Council’s adjudication said.

In that finding, the Council took the opportunity “to remind newspapers of its belief that, when they report controversial issues, it is advisable to carry high in news reports any balancing comment by people opposed to the allegations made. To append such comment to the end of articles risked readers missing it altogether, as the Council accepts not all readers read every news report through to its conclusion.” [Case 685, 1999]

On the other hand, the Council has also established that the refusal of an organisation or individual to comment need not bar a newspaper from writing about controversial matters of public interest. For example, it did not uphold a complaint by the New Zealand Immigration Service against the New Zealand Herald, finding that the Service had weakened its own position by its failure to respond adequately, and that the articles in question had raised important issues regarding the implementation of immigration policy.

In particular, the Council rejected a complaint from the Service that the Herald should have waited until it was able to make its own investigation.

“The implication here is that government agencies are entitled to expect newspapers to hold back on reporting and comment until officials have made their own inquiries. This would be a serious infringement of Press freedom,” the adjudication said. [Case 860, 2001]

Similarly, the Council did not uphold a complaint by the University of Otago against *The Dominion*, in part because the university authorities themselves made it difficult for the newspaper to obtain a balance of viewpoints. The Council accepted the newspaper’s explanation that, “Any lack of reportage of the position of the University of Otago, the Wellington School of Medicine or Professor [John] Nacey arose because those sources declined or were not available to provide information to *The Dominion*”. [Case 830, 2002]

What those decisions demonstrate is that the requirement for fairness and balance, while important, cannot always be considered in isolation from other factors. Where serious allegations are made against relatively vulnerable members of society, such as individuals and schools, the requirement to allow those criticised an immediate and reasonably prominent response must be paramount. Deadlines or token attempts at making contact are not a sufficient reason for failing to provide balance.

But where issues of public policy are involved, and particularly when the debate is being carried on through publications that are openly partisan, then other factors such as freedom of expression and the importance of allowing open and robust debate on matters of public interest, will come into the equation.

In those circumstances, balance can often be provided over time, or across a broader canvas, than one article in a single publication.

## **INTERNATIONAL LINKS**

The New Zealand Press Council monitors international developments within its field of immediate concern, namely, public complaint resolution and freedom of expression.

On October 30, 2001 we had the pleasure of a visit by three members of The Press Arbitration Commission from Seoul, Korea. They were Mr Young Shik Park, Chairman of the Commission, Mr Byoung-Hoon Lee, Secretary General, and Mr Jung Hee-Sung, Vice Chief/Research team. They were accompanied by Ms Hyonju Park, a Wellington resident, who acted as interpreter.

The Embassy of the Republic of Korea arranged the visit and supplied the Council with background material on the Commission and the manner in which it works. We reciprocated with material about our Council. A very worthwhile exchange of views took place with our Chairman and secretary, and the members of the Commission. There are overlaps in our work and interesting differences, as one might expect.

The Australian Press Council hosted a seminar in Sydney on Freedom And Responsibility In The Asia-Pacific Region in October 2001. It was originally planned in conjunction with the Commonwealth Heads of Government Meeting in Brisbane later in the month. CHOGM was postponed because of the events of September 11 but the Sydney seminar proceeded.

The Chairman attended representing the New Zealand Press as well as the New Zealand Press Council, and presented two papers: Establishing A Code Of Ethics, and The State Of The Press In New Zealand. There was widespread representation from the Asia-Pacific region and also from the Press Complaints Commission of the UK.

Each country represented reported on the state of the Press in their respective countries. The use of press councils as a means of self-regulation was fully canvassed. The concomitant of codes of ethics also occupied the seminar.

## **WORLD PRESS FREEDOM DAY, MAY 3, 2001**

The World Association of Newspapers, to which New Zealand belongs, was founded in 1948 and represents more than 18,000 publications on five continents. One of its major objectives is defending and promoting press freedom and the economic independence of news media as an essential condition of freedom.

WAN 10 years ago proposed, and the General Assembly of the United Nations formally declared May 3 as World Press Freedom Day. The Chairman of the New Zealand Press Council was invited to contribute to the national debate by way of an article that is reproduced here.

# **World Press Freedom Day, May 3, 2001**

**By Sir John Jeffries,**

**Chairman, New Zealand Press Council**

The World Association of Newspapers has denoted May 3, 2001 as World Press Freedom Day and called on all newspapers of the world to overcome their reluctance to talk about themselves and the problems of the journalists' profession, and concentrate on the theme that without freedom of expression, no people can be truly free.

In preparation for this day leaders of the world were asked to contribute their personal views on what press freedom meant to them. I mention two. First from our Prime Minister, Helen Clark: "The US Supreme Court once said that without an informed and free Press, there cannot be an enlightened people. Press freedom is an intrinsic part of a healthy democracy. It should not only be respected, but also nurtured and protected." And the Chancellor of Germany, Gerhard Schroder, said: "Democracy is impossible without freedom of the Press."

Without question New Zealand has attained over the 200-odd years of its existence the very highest degree of freedom of expression. The establishment of freedom was concomitant with universal literacy and development of democratic governance. From these followed inevitably the mass forms of communication beginning with the newspapers that, notwithstanding recent stiff competition from the electronic media, have retained their pre-eminence as the most reliable and accountable form of mass communication. Accountability and democracy are true handmaidens.

Realistically, there is no present threat to our basic freedoms. Naturally, thinking New Zealanders are concerned that around the world 52 journalists were killed in the year 2000 and 81 were imprisoned for no other reason than that they practised their profession. In most countries where these atrocities took place the overall level of freedom is nearly always suppressed by a totalitarian regime accompanied often by dire economic conditions for the masses.

Does it mean therefore that in a democratically governed society, with a high standard of living, that there are no challenges left to express our regard for a free Press? I would argue that there are still goals for us to attain, not in the provision of those basic freedoms but in their use.

Press freedom may benefit commercially a very small group in a private enterprise economy but that should not obscure in the slightest degree the fundamental point that a free Press is the freedom of the people to receive and exchange information, opinion and factual data. In New Zealand there is absolutely no censorship of the Press and journalists are safe to express their honestly held opinions subject to a few constraints such as the laws of defamation.

For New Zealand the problems mostly arise about the publication of opinion pieces (a prominent feature of modern newspaper journalism in by-lined opinion columns) and Letters to the Editor on controversial issues. New Zealanders have a highly developed sense of fairness but some encounter difficulties with the publication of

full blown views that might range from the mildly offensive to a deeply shocking attack on some treasured doctrines current in our society.

Two recent decisions of the Press Council illustrate this point. The New Zealand Herald in October last year printed some Letters to the Editor that controversially advanced a view on the differences between Judaism and Zionism. A complaint was made to the Press Council, but not upheld, by the Auckland Jewish Council about the publication of these views. The decision of the Council contained these words:

“It is...part of the free and unfettered exchange of opinion in an open society that offensive expression will find a place, even where distortions or extreme views are integral to such expressions.”

In another decision, the Council did not uphold a complaint by the Monarchist League of New Zealand against an opinion column that contained this sentence:

“There she stands, a still-healthy pensioner who is personally wealthy, has managed to spend 100 years collecting non-means-tested benefits and clearly has no immediate plans to do her nation a favour by dropping dead.”

For the correction of strong or wrong opinions, a free country relies on competition of ideas, not on censure of any kind. Nevertheless it cannot be avoided, or denied, that freedom of expression in a pluralistic society is a powerful diet and can sometimes challenge the peacefulness of that society. Many of us vividly recall the tensions and violence that accompanied the Springbok rugby tour of 1981. Recently, industrial protest resulted in a tragic death.

A free Press must allow full meaning to the term “free expression”. A free Press cannot itself impose levels, or degrees of freedom in the supposed interests of taste, responsibility or political correctness. If this occurred our personal lives would be hugely diminished. However, that also means we must be prepared to countenance publication of ethnic, sectarian, gender, sexual orientation and, political views, all of which might run in the face of the opinions held by a majority of us, and this is to be done in the name of a free Press.

# The Press Council 30 Years On

By Ian Templeton

A watchdog with india-rubber teeth: that's how cynics labelled the New Zealand Press Council when it was established, and possibly even now after 30 years, it may still carry that stigma. For if we look at the high-minded objectives set for it by the founding fathers, can we say, with hand on heart, that newspapers in the year 2002 follow the highest professional standards? Is the New Zealand Press any more, or less free than it was 30 years ago?

Those who worked for the formation of the Press Council in 1972 had diverse reasons for doing so, some unconnected with the first two of its principal objects, though that cannot be said of Neil Blundell (whose death occurred only this year). He was one of the prime movers, a practical newspaperman as well as an owner, who believed that newspapers were both the voice and the heart of the communities they served. Sir Thaddeus McCarthy, a friend of Neil's and then a member of the Court of Appeal, was generous in his advice. When he left the judiciary, Sir Thaddeus accepted the post of chairman of the Press Council succeeding Sir Alfred North, and there is little doubt that the wisdom they brought to the Council table did much to establish its credentials.

As for the Journalists Association of that distant era (when membership of the union was compulsory), some of its members worked assiduously to lift the standards of journalism, then a craft that was learned largely "on the job", and after succeeding, after a good deal of internal opposition, in adopting a Code of Ethics, moved on to the larger task of promoting the formation of the Press Council. Their enthusiasm was spurred, in part, by the awareness that if the industry did not regulate itself, then it might have regulation imposed on it. It was vital, too, in their view, that the principle of editorial responsibility should be established from the outset; that is, what appears in a newspaper is the responsibility of the editor. In that way, they sought as a professional body, to protect the interests of their members, the rank-and-file journalists, whose work could be tempered, sub-edited, headlined (even occasionally, in their view, mutilated) at the direction of the editor.

The original Press Council was established with what may appear to be a laughably small budget of just over \$5000 (and even at that figure, some newspapers complained at the size of the levy). The Journalists Association, a far-from-wealthy organisation, kicked in \$125, but more importantly, its representatives on the council offered their services without claiming either honoraria or expenses, a tradition of selfless devotion tolerated by their employers.

For secretarial services, the Council relied on distinguished former editors such as Ken Poulton (of *The Evening Post*), Les Verry and Graeme Jenkins (both from the New Zealand Press Association). If the budget was small, newspapers soon realised the economic value of the Press Council so far as it reduced their legal expenses on defamation claims. The limited budget imposed its own discipline on the Council as it heard complaints: the prospect of complainants being formally represented by legal counsel proved too daunting.

So did the Press Council in its first years prove to be a watchdog with no more than india-rubber teeth?

The question goes to the heart of whether the Press Council could influence newspaper behaviour merely on moral grounds or whether it should be equipped to exert its authority through appropriate sanctions.

Of course, had it been a statutory authority, penalties would have been incorporated, but then the cost, not just in initial hearings of complaints, in legal argument and perhaps, later in appeals to higher courts, would have escalated in a fashion, as with all bureaucracies, that would have become a burden both for the taxpayer and the industry. Sanctions such as a fine or suspension requiring statutory authority would have been in themselves a restriction on freedom of speech. The fact is that while we all pretend to value our personal freedoms highly – and the freedom of the Press is essentially a freedom belonging to each citizen – those freedoms have been steadily eroded. The price of liberty is not only eternal vigilance but, as someone said, the willingness to stand up and be counted and, if need be, to fight for it.

On a value-for-money basis, the Press Council would have to rate well ahead of comparable authorities operating under the patronage of the State.

So by allowing itself only the sanction that newspapers that offended should publish the adjudications, the Press Council, according to its critics, was fighting with one arm tied behind its back.

Yet this sanction has proved remarkably effective: newspapers, and their editors, can be extremely sensitive when they are shown to be at fault. One may deplore the practice of newspapers when an adjudication goes against them of publishing it in the smallest print and on a back page – and even, in some cases, disputing the adjudication – but the intelligence of readers should never be under-estimated. Over the years the number, and significance, of complaints coming before the Council has varied: one of the busiest periods was during the later years of the Muldoon Government when the Prime Minister was an assiduous, and sometimes testy, customer at the office of the Press Council.

With former members of the judiciary in the chair, accustomed to display their independence as of right, editors who by their nature held strong opinions, and journalists whose innate scepticism has been reinforced by experience, the Council proved less than fruitful terrain on which a politician renowned for his technique of browbeating his opponents could practise his craft.

The year of 1983 was, in fact, an exceptional one for the Press Council, as Sir Thaddeus noted in his annual report, not so much by reason of the number of complaints but rather because of the complexity and public importance of a number of them, especially those having political overtones.

One of them concerned a ban placed on *The Dominion* by Cabinet, which took exception to what it regarded as “unethical” actions by the newspaper. Both *The Dominion* and the Parliamentary Press Gallery lodged complaints with the Council against the ban, calling for it to be removed. The Council upheld the complaints. A

passage from the Council's adjudication is worth recall:

“No intelligent person would today deny that a free Press was necessary in a free society. The right to sources of information was really one of that bundle of rights covered by the phrase, ‘A free Press.’ These rights were vested in the people, not the newspapers. Newspapers served that right by the transmission of information to readers.

“Shutting off a normal source of information from a particular unit of the news distribution system on which the public has come to rely for that information is a selective and disturbing action. It not only denies the unit excluded fair access to what the reading public is entitled to, but it can be, and often will be seen as a threat to other units that if they oppose government attitudes or performance, they too may suffer. It is, we believe, a weapon which a government in a modern democracy such as New Zealand should reject except as an emergency measure in times of national danger. Nothing of that class of serious danger to national interests was involved in this instance.”

That adjudication was a landmark in its own history, but also in New Zealand's political history.

To be part of it, along with the other serving members of the Council of the day (Sir Thaddeus, Dr John Robson, Henry Lang, Elizabeth Caffin, Keith Eunson, Binnie Lock and Barry Hawkins) was memorable enough.

But now it can be seen in the context of, as it were, newspaper “case law” built up over 30 years, which surely disproves the Council is no more than a watchdog with india-rubber teeth.

Through the robust process the Council has established, newspapers are both more responsible and more responsive.

Other branches of the news media may envy both its performance and its economy.

# **The Press Council – A Newspaper Editor’s View**

**By Robin Charteris**

It was 1972. Richard Nixon was in China; the Munich massacre stunned the world; the Watergate complex had been burgled. In New Zealand, compulsory seat belts began saving lives; Norman Kirk and the Third Labour Government came to power; and the New Zealand Press Council was formed.

The fledgling Council, chaired by retired president of the Court of Appeal, Sir Alfred North, was flooded with 300 complaints and inquiries in its first year. Sex, nudity and Patricia Bartlett featured large. An early complaint from a pair of working journalists against a mayor who had criticised them for allegedly unfair local body reporting was upheld. So were numerous complaints about Truth, the Sunday Times and the Sunday News.

In his first annual report, Sir Alfred North noted the appreciation of the Council by newspaper publishers and working journalists. He added: “So far as the public is concerned, we hope in the course of time to gain their trust, confidence and respect.”

Ten years later, then chairman Sir Thaddeus McCarthy declared that aim and more achieved. The Council, he said, “has won widespread support in the community and the bundle of rights embraced in the phrase ‘freedom of the Press’ are more secure and have been more intelligently and responsibly used and enjoyed, because of its life.”

Today, 2002, the body set up by the Press to ensure competent self-regulation marches steadily on, larger, more representative, more respected. It has become an institution. The public seems satisfied; not for years have we heard calls for the Government to impose its heavy hand in regulation of the Press.

How then do newspaper editors feel, those most frequently on the defensive side of the complaints procedure? Is the New Zealand Press Council working for them? That question occupied me, an independent metropolitan newspaper editor, for some time when present chairman Sir John Jeffries posed it. My initial answer – and it is mine alone because I am not empowered to speak for other editors – was to list what I want from a regulatory body that sits in judgment on complaints made against any newspaper, then to assess whether I am getting it.

In no particular order, I expect from the New Zealand Press Council:

1. Objectivity.
2. Fairness and balance.
3. Clarity of thought and comment.
4. Consistency.
5. Support for rights and freedoms – individual, public and Press.
6. Constructive castigation for transgressions.
7. Guidelines.
8. Maintenance of the responsibility and respectability of the Press.

With the possible exception of the last two points, they are the same requirements I ask of my own journalists as they go about their daily tasks.

Is the Press Council delivering those expectations? In a word, yes – but because editors love to criticise, I have a complaint of my own. The Council wins full marks for the first seven points on my list. Through its objective, fair and balanced decisions, clearly expressed and consistent, I believe I know where my newspaper and I stand on a good number of the myriad everyday issues that confront us.

The considered decisions that emerge from the deliberations of five public and five industry representatives, chaired by the sixth independent member, a retired High Court judge, have often helped me find a path through a maze of issues.

On the occasions, few but more than enough, when my actions have been found wanting by the Council, I have had cause for reflection and education, to my ultimate benefit I am sure. And I confess sometimes when reading of complaints upheld against others to a fleeting smugness, which does me no credit whatsoever but does instil a valuable fear of similar transgression. One's homework is certainly done better with the threat of a Press Council complaint or the recent lesson learned by a colleague to hand.

If I have a reservation about the workings of the Press Council in the 21st century, it concerns my eighth requirement: maintenance of the responsibility and respectability of the Press.

Not for a moment do I suggest that the Council does not care for the responsibility or respectability of the Press, but I suggest it could play a more prominent role in promoting and supporting the continuing need for, and value of these important requirements.

The public, and I believe the industry perception of the Press Council is of a complaint authority. And that is indeed its principal objective. But two other objectives are listed by the Council: "To preserve the established freedom of the New Zealand Press", and "to maintain the character of the New Zealand Press in accordance with the highest professional standards".

The past year has seen a number of legislative initiatives that imperilled the freedom of the Press and the public, from attempts to reintroduce criminal defamation, to curtail free speech and free reporting during election campaigning, and to restrict the publication of opinion polls, to the threat of government-imposed New Zealand music quotas on radio stations.

Their common theme of interference with freedom of thought and expression and with the rights of the individual and, by extension, the news media, drew the wrath of many people and organisations, including – naturally enough – the nation's newspapers.

But if the Press Council, of its own accord, spoke out against such attacks on freedom, it received very little press, very little airtime. It was strangely silent.

The Press itself has many individual voices and a collegial voice enunciated through the Newspaper Publishers Association and the Commonwealth Press Union.

Nevertheless, it can be open at times to a criticism of having vested interests. No such considerations apply to the Press Council with its independent chairman and majority of non-industry representatives. Why, then, does it not speak out more than it does as an independent, unbiased, apolitical champion of the Press and of the freedom of the Press?

The very success the Council has earned over 30 years of adjudicating on public complaints against the Press makes it today the ideal champion of and for the Press.

The late Sir Alfred North would be proud: the Council has well and truly earned the “trust, confidence and respect of the public” that he sought to stand alongside the appreciation and support of the industry. Let the Council not put those assets to greater good.

# The Adjudications

## Anonymous sources — Case 814

The New Zealand Press Council did not uphold a complaint by Professor Gary Nicholls from the Christchurch School of Medicine against an article in the Christchurch *Press* dated 7 October 2000.

The article was headlined “Hospital Chiefs fostered split” and the complaint dealt specifically with four paragraphs which quoted a caller to *The Press*, who wished to remain anonymous. The comments were in regard to intimidation and bullying among staff at Christchurch hospital.

Professor Nicholls believed that, if the comments were from a person of some stature, then he or she should be prepared to debate such an important issue openly by revealing their identity. If the person was likely to be ill informed, then *The Press* should not have published such opinions. Professor Nicholls was concerned with the fairness of the reporting. He stated that the information provided by the unnamed caller was contrary to that known to himself and his colleagues and conflicted with the investigation presented by the Stent Inquiry. He also believed that the unnamed caller’s remarks detracted from the views presented by Mr Ian Powell who is the executive director of the Association of Salaried Medical Specialists and whose comments opened the article.

Tim Pankhurst, editor of *The Press*, responded that *The Press* had judged the person making the comments to be in a position to speak with authority and felt that it was significant that the caller was too intimidated to be identified publicly. The disputed comments were one side of the argument and Mr Powell had been given generous space and the headline for his statements. *The Press* defended its fundamental right to protect the source.

The Council considered that it would have been preferable had the unnamed caller been endorsed as someone whom the editor had assured himself was a reliable source, rather than being referred to as a “caller who wished to remain anonymous”.

However because comments were from a source which was unnamed it does not follow that the information is unreliable. Professor Nicholls had fastened on to the caller’s anonymity but the unnamed caller’s views had also been reinforced by those reported earlier in the article from the Buchanan report and from the chief executive of the hospital.

The complaint was not upheld.

## That “Holocaust” speech — Case 815

The Press Council did not uphold several complaints by John Gamby of Thames about the *New Zealand Herald’s* coverage of a speech by the Associate Minister of Maori Affairs, Tariana Turia, to the New Zealand Psychological Society Annual

Conference, and the subsequent debate.

Ms Turia's use of the word "holocaust", to describe the impact of European settlement on Maori, raised a storm and was a top news story. The *Herald* gave it a good deal of space over several days, as did other media on a national basis.

The complainant, Mr Gamby is a practising psychologist and was present at the conference when the speech was delivered. He contended that a front page report by the the *Herald's* political reporter on 30 August 2000 had unduly played up only a small part of Ms Turia's speech with the result that her main theme about the psychological effects of colonisation had been lost. The story contained "inaccuracies, tendentious emphases and at least one gratuitous speculation". Ms Turia's claim that she had been guided by her kai tiaki had been presented in a manner "gratuitously offensive to Maori spiritual values".

There had been extensive correspondence to the Editor on the issues, but this had been abruptly cut short, which the complainant said, suggested an attempt to "further entrench a misleading public impression of the speech." Subsequent coverage of the Prime Minister's concerns over the Minister's choice of words had created a "side issue".

The Press Council saw the issues in a different light. A political reporter must, by definition, focus on the wider political context. The report in question did that. The Council could not fault it. There is no obligation on a newspaper to give extensive and rounded coverage of ministerial speeches. A newspaper's responsibility is to present the news. When a Minister of the Crown describes New Zealand history, with a word so heavily freighted with meaning as "holocaust", it is not only eminently newsworthy but cause for analysis and extrapolation beyond the immediate themes of the speech.

Mr Gamby suggested that fact had been confused with comment. But, as the Press Council has noted in the preamble to its Statement of Principles, "rigorous analysis...is the hallmark of good journalism".

There could be no question about the public interest in the "holocaust" story as evidenced by the report by the editor that the total of letters received "would rank among the top two or three volumes in *Herald* history". Freedom of expression demanded that the significance of the Minister's remarks be examined in terms of contemporary political affairs. The same considerations applied to the follow-up stories about the Minister's interactions with the Prime Minister in the aftermath of the speech. In the view of the Press Council these were not "side issues" but central to the concerns of government.

Accordingly the reports served the vital interest of ensuring that the public is informed on the issues of the day. The Council noted that the paper had printed a broad analysis of the speech on 31 August — which Mr Gamby had agreed "was balanced treatment and did place the report in context" — and had also published an opinion piece which further expanded on the concerns of Maori. Having provided a forum for publication of a large number of letters to the editor on the issues there was

nothing untoward in the editor’s decision to move on to other topics in the correspondence columns. Finally, the Council found that an editorial in the

*Weekend Herald* on 9/10 September (to which Mr Gamby appeared to take exception) on the importance of words and the association they carry, was a helpful — if wry — reminder of the need for precision in public debate.

Audrey Young, political reporter for the *New Zealand Herald* is a member of the Press Council. She was not present at the meeting when the complaint was considered.

## The “wheelie” ferry story — Case 816

The New Zealand Press Council did not uphold a complaint against the *Northland Age* concerning an article about problems with the Hokianga Harbour ferry service.

The article, published on November 23, 2000, covered a written complaint lodged with the Far North District Council by council member Cr Joe Carr about incidents on the ferry, and a response to the council by the company operating the ferry, Impact Services.

Cr Carr’s complaint, as reported by the newspaper, mainly focussed on several cases of ferries doing “wheelies”, or 360-degree turns, while making special late-night sailings to bring passengers back from social events across the harbour. In the course of describing these incidents Cr Carr commented that on such trips “passengers are often in various stages of alcohol and/or cannabis intoxication” and so if someone should be flung into the water there was little likelihood of survival.

Cr Carr also noted in his letter to the council that he had received “strong unsubstantiated expressions of concern...that most, if not all, of the ferry staff are heavy cannabis users.” The councillor said he was unable to comment on these allegations, but suggested it would be appropriate to ensure ferry staff were subjected to appropriate drug testing to safeguard the public and “protect the staff from any unfair inferences of impropriety.”

The company’s response to the council, also reported by the *Northland Age*, confirmed that incidents involving “wheelies” had occurred and said staff had been instructed that this practice was to cease forthwith. The company had reported the incidents to the Maritime Safety Authority and asked for an independent audit of its operations by Survey Nelson.

The company further said that it was looking into the possibility of amending employees’ contracts to allow for random drug testing.

Mr Philip Evans, of Kohukohu, complained to the paper, and subsequently to the Press Council, about the publication of these “outrageous claims of illegal behaviour” against ferry passengers and ferry staff. It was appalling that a councillor should make such serious allegations when they were “by his own admission unsubstantiated” and even more astonishing that a newspaper should publish them on its front page. To make matters worse, he said, his own inquiries had revealed that the newspaper had not attempted to contact either the company or the ferry staff for a response.

The editor said the article had made it quite clear that Cr Carr acknowledged that he was repeating allegations he was unable to substantiate. The paper had published those allegations because the ferry company, far from denying them, had taken steps which indicated it felt they had some validity. Because the paper had a copy not only of Mr Carr's complaint but also the company's response, which treated that complaint seriously and outlined the steps it was taking as a result, there was no need for it to seek any further reaction.

The Press Council felt it would have been preferable for the *Northland Age* to have contacted Impact Services directly to see if it wished to expand on its formal response to the allegations by Cr Carr, particularly the claim that most ferry staff were heavy cannabis users, in view of their serious nature. That said, having obtained the formal documentation outlining both the complaints and the company's response, it was not unreasonable for the paper to base its article on that material.

That decision by the paper was validated to an extent by the fact that the company indicated that the points raised by Cr Carr deserved to be taken seriously and that since the article appeared neither the company nor its staff had contacted the paper to register any complaint.

The Council also noted that the allegations Mr Evans objected to were not headlined but reported well down the article in the context in which Cr Carr made them. While the article was somewhat confusing to read, it was reasonably clear that the claims about cannabis use by ferry staff were acknowledged to be unsubstantiated and that the councillor's suggestion of drug testing was as much as anything else designed to protect staff from unfair claims.

The issue of ferry safety was clearly one of significance to the Hokianga community and the *Northland Age* had a responsibility to air it. The Council felt that given its limited resources the paper did an acceptable job in this case. The complaint was not upheld.

## **“Have gone” does not mean were sacked — Case 817**

A complaint against *New Zealand Listener* by Robin Johansen of Paraparaumu, was not upheld by the New Zealand Press Council. Mr Johansen resigned as Deputy Secretary of Defence (Acquisition) in May 2000 to take up a senior position in the private sector.

On 19 and 26 August 2000 *New Zealand Listener* published two articles by Gordon Campbell about defence procurement. The starting point of the articles was comments by Ron Mark MP in Parliament on 5 July 2000. The articles criticised the Ministry of Defence's handling of the purchase of armoured personnel carriers and radios, relating these matters to the Project Sirius upgrade of Orion aircraft and other equipment issues. Mr Johansen, in his complaint to the Press Council, challenged the accuracy of aspects of the articles, but sought redress specifically in respect of the following two sentences “To his credit, new Defence Secretary Graham Fortune now seems to be trying to put

the procurement process all for projects launched by the previous government — on a rational footing. Several personnel have gone from key acquisitions positions at the MoD this year.”

The essence of the complaint is that the Press Council’s Principles were infringed because of inaccuracy, and by failure to distinguish between comment and fact in the two sentences.

“In constructing a paragraph which says that Mr Fortune seems to be trying to put the procurement process on a rational footing and then goes on to add the fact that “several” people have left key acquisitions positions in the Ministry of Defence, the article established a causal link between two entirely disconnected issues. This is grossly misleading and has caused the community to believe that I was sacked.” Mr Johansen said he was one of only two people who had left the division in the previous two years.

Mr Johansen supplied documents released under the Official Information Act, including an internal MoD memo from the Acting Secretary of Defence on 10 July 2000 which included these sentences: “You may have seen a newspaper report last week that stated that there had been sackings at the Ministry of Defence. No staff have been sacked. As you know, the Deputy Secretary (Acquisition), Robin Johansen, has resigned to take up a senior position in the private sector, and we are very sorry indeed to see him go.”

In reply, the editor of *New Zealand Listener* said that no causal link between the two sentences was meant or implied. “In a compressed paragraph, Campbell was communicating the import of what Fortune had intimated — that staff turnover can sometimes enable a new broom to put his own stamp on processes that he only inherits but for which he is ultimately held responsible.”

The editor defended the claim that there had been several departures of acquisition staff from the Ministry. The newspaper report using the word “sackings”, referred to in the internal MoD memo, had appeared in early July, so that the *New Zealand Listener* article of 19 August could not be accused of creating a perception about that. That article did not say there had been sackings, and did not name Mr Johansen. Several reasons for staff departures were accommodated by the words “have gone”.

The Press Council accepts that it is an established fact that Mr Johansen was not sacked. It considers that the two sentences complained of cannot bear the weight of significance and blame that Mr Johansen attaches to them. It is straining the words “have gone” in the second sentence to say that they must mean that people had been sacked. Other remarks, made in other publications, cannot simply be imported into this particular piece of text.

It is regrettable that Mr Johansen did not respond to the editor’s invitation to write a letter for publication. The editor said the magazine would have been happy to dispel any unintended reading of the article.

## Judaism and Zionism — Case 818

A three part complaint by the Auckland Jewish Council against the *New Zealand Herald* was not upheld by the New Zealand Press Council. The Auckland Jewish Council complained to the *New Zealand Herald* about three matters: the publication of letters the council considered offensive, the editing of a published letter written by the council chairperson Wendy Ross and the headlines used over a series of letters.

The first letter from Lloyd Gretton, published on October 27 under the headline “Middle East crisis: Zionists must go” stated “Zionism is a global racist and violent cult” and alluded to “an evil enemy” and “mass murder” in its references to the turmoil in Israel. The response from Wendy Ross, published under the headline “Judaism and Zionism” called Lloyd Gretton’s letter “a hate-filled diatribe not worthy of a reasoned factual response” and stated that “Zionism is inextricably woven into Judaism”. She quoted an Abba Ebban letter in which he referred to the discriminatory principle of anti-Semitism being transferred from the realm of individual rights to the domain of collective identity as anti-Zionism.

Subsequent letters from Bob Downer and W Fraser, headed “Zionism and racism” (misleadingly “Zionist and racism” in the first case) referred to “Wendy Ross’s diatribe”, Zionist mythmakers and intransigence, and stated “one holocaust has not taught how to prevent another. This is the difference between Judaism and Zionism”.

On behalf of the Auckland Jewish Council, Wendy Ross complained to the editor about Lloyd Gretton’s letter as being “offensive in both its gross errors and bigotry”. Equally she criticised Bob Downer’s letter as containing “the most extraordinary distortions and lies”. One strong section of the complaint was the removal of the word “therefore” from the statement “I am a Jew and therefore a Zionist” in Wendy Ross’s published letter.

The sub-editor deputed to handle the readers’ letters, Garth George, responded directly by email that the “therefore” was removed because he “could not be sure that all Jews are Zionists”. Mrs Ross extrapolates from this that letters chosen for publication are only those Mr George believes to be true. The unguarded response by the sub-editor to the complaint about the omission of “therefore” cannot itself be raised to the level of an independent ground for complaint.

The Council viewed the short sentence as one packed with meaning in which the word “therefore” played the central role for the conveyance of the writer’s personal message on the true relationship of Judaism and Zionism. Having said that, the Council does not regard the editing by omission as other than unwise and for the ordinary reader unlikely to materially attenuate her views in the context of the whole letter.

The Auckland Jewish Council originally acknowledged the difficulties the paper must have in dealing with “such a fraught subject”, while the editor’s reply said the correspondence had eventually been closed because it had begun to degenerate into an unpleasant religious free-for-all. It is in this highly charged atmosphere that the proponents’ views were expressed.

The essence of the Auckland Jewish Council's complaint was the

*Herald's* publication of "profoundly offensive and demonstrably untrue letters, offensively headlined..." In response to the Press Council, the editor Stephen Davis defended the letters selection, headlines in general (while admitting an error in the "Zionist and racism" headline") and said Mr George clearly did not intend to indicate the *Herald* only published letters that it knew to be factual.

The complaint that the content of the letters was offensive is to the point. Here Principle 12 on letter selection is relevant. But there is no sanction in the principle — requiring fairness, balance and public interest to be applied to letters — which prevents offensive statements or opinions from being published, usually with contrary views also given space.

Often offensive matter depends on taste, community attitudes or the person offended (eg a monarchist offended by criticism of the Queen Mother) and the Press Council principles do not refer to matters of taste. Even if a correspondent to the newspaper states baldly, in the face of historical evidence, that the Holocaust did not take place in World War II, the letter may not necessarily be barred from publication but would find definite challenges to its assertions in the letters to the editor columns. That is part of a free press.

It is also part of the free and unfettered exchange of opinion in an open society that offensive expression will find a place, even where distortions or extreme views are integral to such expressions. In the well-known Skokie case in the United States, concerning the application by neo-Nazis to march through a Jewish area, it was affirmed that "however pernicious an opinion may seem, we depend on its correction not on the conscience of judges and juries but on the competition of other ideas." The counter to extreme distortions is the publication of statements that point to the true and reasonable picture. Newspapers will inevitably reflect all these sections of society. This part of the complaint is not upheld.

On the complaint over the headlines used, the newspaper seems casual at best in introducing the word "racism" into the debate, but not sufficiently neglectful to warrant upholding of the complaint. Headlines over letters to the editor have more latitude than those over news reports and articles which are intended to have the authority of the publication behind them.

## **The juxtaposition case — Case 819**

The New Zealand Press Council did not uphold a complaint by Denis Snelgar, Chief Executive Officer of Northland Polytechnic, against the Sunday Star-Times based on the juxtaposition of a photograph and an article in the 11 February edition.

He claimed that the photograph of a Northland Polytechnic lecturer headed "What Ira Hecht didn't tell" and the adjacent article "Jailed paedophile after his kids in NZ" could quite readily lead a reader to believe that the photo and article related to one and the same person.

The six line caption under the photo identified Ira Hecht as an American lecturer who failed to reveal his criminal past to Northland Polytech. Under the caption there was a bold heading pointing to a different page in the paper in which the full report about Ira Hecht was printed. The adjacent article started with the sentence “An American, jailed for molesting his four children...” and went on to tell the story of the children’s father, “a high-flying attorney”, who was trying to get his children back (from New Zealand). The name of the father was not disclosed.

Mr Snelgars’s complaint was motivated by the harm which he believed the adjacent articles had done to the Northland Polytechnic. He claimed that the confusion between the two items had reverberated throughout the Northland Polytechnic’s stakeholder groups — students, parents, employers, Government and his own staff — causing significant detriment to Northland Polytechnic’s reputation and ability to operate effectively.

In response Sue Chetwin, the editor of the Sunday Star-Times explained that the paper had first reported on Ira Hecht’s activities a week earlier. The Sunday Star-Times had alerted Mr Snelgar to the initial story about Ira Hecht prior to its publication and Mr Snelgar himself had issued a press release on the Friday prior to the Sunday Star’s weekend publication. In his press release he had advised students or parents who had any concerns that they were welcome to contact the Polytechnic. In addition to this press release, and the *Sunday StarTimes*’ article on 4 February about Hecht, the *Northern Advocate*, the local Whangarei paper, had published a front page story about Ira Hecht on the Monday.

The Press Council did not uphold the complaint. The photo in question had a box surrounding it with a clear reference to “See News A5” for the story. The adjacent article about the “Jailed Paedophile after his kids in NZ” also had a box surrounding it and included 5 columns of story with a continuation in a different part of the paper “To News A2”. The Press Council recommends that newspapers take care when positioning not only headlines but also photos and articles where juxtaposition could create a misleading first impression.

## **How is the air down there? — Case 820**

Pat Palmer, secretary of the Association of Independent Researchers, complained to the New Zealand Press Council against *The Press* newspaper about an article published in November 2000 and headed “Dioxin threat to farms, Concern over agricultural export products.” The basis of the article was an unpublished Environment Canterbury survey of hazardous chemicals in the Christchurch air. The report was “due for release by the end of the year.”

Air quality scientist Bob Airey was quoted on the significant concentrations of dioxins emitted by household fires, the concern if they were being deposited in the soil on Canterbury farms and the threat to New Zealand’s clean, green image if dioxins present in the soil were in exported agricultural products. A Ministry for the Environment policy analyst was also quoted. The article was published on November

20, 2000 and in the December 11 issue of the paper a letter dated November 21 from Pat Palmer appeared.

In it Dr Palmer said of the story “it would be better if we were told the facts, if we were shown the report so we can judge its content, merit and relevance before Canterbury Environment embarks on another propaganda campaign against home fires.”

Unpublished correspondence then ensued between Pat Palmer and the editor. Dr Palmer said he found from Environment Canterbury that the basis for the claims in the story was the Ministry for the Environment report entitled “Persistent Organochlorines in New Zealand” which did not support “the alarmist claims” in the article which therefore left a “misleading impression.” He urged the editor in several letters to publish a corrective story. Unsatisfied at the editor’s responses, Dr Palmer complained to the Press Council to advance this process.

The editor’s firm but polite responses to Dr Palmer pointed out the number of letters and articles over the years which the paper had published from Dr Palmer and his colleagues in support of their points of view in the debate. He quite fairly indicated that the newspaper would publish Dr Palmer’s views from time to time in the future and is to be commended for keeping his vigorous correspondence columns open to all sides of a debate.

In further background to the Press Council, the editor said Pat Palmer was a tireless campaigner and letter writer for the case that cars rather than winter fires are the main culprit in Christchurch’s severe smog problem.

The heart of the complaint is that *The Press* article was misleading when compared with an already published Ministry for the Environment report. But the principal assertions in the articles are quotes from scientist Bob Airey referring to an unpublished Environment Canterbury survey “due for release” at the end of the year. A news story about a research programme does not necessarily have to refer to other research. Nor will a report that is already published necessarily contain all the material in a survey due for release.

Pending the appearance of the final Environment Canterbury report, the newspaper is entitled to publish an interim story about aspects of that research programme. Views dissenting from the article can be aired, and *The Press* has quite properly published those.

In *The Press* article in question, the reporting seems unexceptional. There has been no complaint to the Press Council from the people quoted about any inaccuracy in the story. And, on behalf of the readers, the newspaper has shown initiative in searching out information from work in progress which relates to a pressing local issue.

The complaint is not upheld.

## **Robust debate hits home — Case 821**

The New Zealand Press Council has rejected a complaint from Graeme Axford

against the *Greymouth Evening Star*.

Mr Axford had complained that the editor should have abridged a letter to the editor from Robert Mallinson, dated 2 January this year, which had made reference to earlier correspondence from R Phillips. Mr Axford particularly objected to one paragraph in Mr Mallinson's letter which read:

“R Phillips apparently lives in a 10 square metre house with no building consent. I suggest he applies for one urgently.”

Mr Axford believed the letter was out of order and the offending comments should have been deleted. In turn he also complained that the editor intended abridging a letter he wrote criticising Mr Mallinson.

The editor responded that there was no reason for him to apologise for a letter that was a response to another letter and which was “typical of the robust debate that correspondence columns often generate”. Secondly, he had no objection to the tenor of the letter Mr Axford submitted for publication but he had no intention of bowing to Mr Axford's demand it be published unabridged.

In the Press Council's Statement of Principles it states the selection and treatment of letters are the prerogative of editors who are to be guided by fairness, balance and public interest in correspondents' views.

The Press Council decided there were no special circumstances in this case which would override the right of the editor to decide the treatment of letters to the editor. The complaint was not upheld.

## **Rugby star misquoted — Case 822**

The Press Council has upheld a complaint by Mr Eric Rush about a report in Sunday News of 11 February 2001 that he had blamed the New Zealand Rugby Football Union for New Zealand's loss in the International Sevens Rugby tournament which had concluded in Wellington the previous day.

The Sunday News story, under the by-line of Neil Reid, identified Mr Rush as the “Sidelined sevens captain” (he was injured at the time). The burden of Mr Rush's complaint to the Press Council was that in the headline and first paragraph he was reported as blaming the New Zealand Rugby Football Union for stopping a number of players from taking part in the tournament, whereas, in the body of the report he had been correctly cited as directing his criticisms at the teams involved in the Super 12 competition.

The headline to the story left no room for doubt. It read: “Gutted! NZRFU to blame for loss says Rush.” The opening paragraph reported, but did not quote, Mr Rush as having “slammed the NZRFU for costing his team victory” because it had “pulled six of the stars of the team who won the Sevens World Cup a fortnight earlier in Argentina”. Further on, the article reports Mr Rush as follows: “At the end of the day, the decision was down to the Super 12 teams. It was a very bad one.”

In effect the article attributed two views on the one issue to Mr Rush, but directly quoted him only as saying that the blame rested with the Super 12 teams. Mr Rush, as a long-serving captain of the New Zealand Sevens side, would have had cause to be embarrassed by a report which had him “slam” the NZ Rugby Football Union itself. There was a clear discrepancy between the headline and lead paragraph of the article and the section in which his remarks were put in direct speech. Headlines should reflect the substance of the article. The complaint is upheld.

Mr Rush, in his complaint to the editor (which was sent by fax and received on 15 February) had asked that the errors be corrected and given due prominence in the next edition of Sunday News. He failed to provide a forwarding address. Nevertheless the editor replied to the fax number on 17 February pointing out that the newspaper’s information was that the NZRFU had the final word in matters to do with availability of players and asking whether in the circumstances it was necessary to publish another story. Mr Rush, evidently, did not receive this letter. One prong of his complaint to the Press Council was that Sunday News had failed to respond. The Press Council finds however that the editor did his best to make contact with Mr Rush. His letter opened up an interesting question as to where the responsibility for selections actually lies. It was not the fault of Sunday News that this issue was not pursued and that no correction could be published. The Press Council accordingly sets aside this aspect of Mr Rush’s complaint.

## **Strong attack — strong response — Case 823**

The Press Council has not upheld a complaint by Anne Perry of Titahi Bay against *The Dominion* for publishing a letter from A. Thomas of Auckland on 15 January 2001.

On 3 January 2001 *The Dominion* editorial, “Free speech still fettered”, welcomed the termination of David Lange’s defamation action against North and South as a small step towards greater freedom of speech for the media, but saw the advance as slight and circumscribed. On 11 January it published a letter from Mrs Perry in which she said that the result of the Lange case was a cause for concern. Most commentators had welcomed the ending of the case as a victory for free speech, but she supported an unnamed commentator’s view that qualified privilege, as now framed, is “an invitation for the media to lie and mislead.” (Mrs Perry subsequently identified the commentator as Mr Michael Laws.)

Mrs Perry went on to say that “The media repeat and echo each other like so many latter-day Narcissuses, and like Narcissus, many of them are now in love with their own images. Any changes that make it more difficult for our representatives in Parliament to act with integrity and make unpopular decisions that are vital for the long-term future of our country is bad for us all.” Her letter was well within proper bounds of comment. Nevertheless, it contained an unqualified attack on the integrity of media personnel.

Four days later *The Dominion* published a letter from A. Thomas, headed “Par for

the course”, which said that “... it would be useful for your readers to know that the Anne Perry who wrote against the David Lange case defamation finding, and who seemed to think, absurdly, that this was an invitation for the media to lie and mislead, is married to Frank Perry, a former New Zealand First media adviser.” He added, “Isn’t it misleading for Mrs Perry not to acknowledge her partner’s former role as a lackey of the political party in a letter of this type?” For the reasons set out hereafter, this response can also be considered as falling within proper bounds of comment. Its questioning of Mrs Perry’s credibility was direct and forceful, as her criticism of the media had been.

Mrs Perry complained that in publishing Mr Thomas’s letter *The Dominion* had infringed several of the Press Council’s principles. The letter deliberately sought to mislead readers into thinking that her views originated elsewhere and were politically motivated. Publishing information about her husband was intrusive on her right to privacy. To treat her views as linked to her husband’s former employment was sexual discrimination. The offending letter had resulted in her being seen as someone “who defends politicians per se.” She further claimed that the letter was not genuine but had been manufactured by the newspaper as part of an attack on her that began with an entry in *The Dominion*’s diary column in June 2000. This paragraph had noted, in relation to a letter to the editor from her protesting against a Holmes Show comparison of Winston Peters to George Speight, that she was the wife of Winston Peters’s press secretary.

The editor denied that there was any link with the Dom Diary entry seven months before. Mr Thomas had rung the newspaper complaining that it had not made Mrs Perry’s relationship clear. His point of view was accepted as valid for a letter. If those dealing with letters had recalled the Diary item Mr Thomas’s letter would probably not have been used. The duplication was unfortunate and the editor apologised to Mrs Perry for it.

Before the letter from Mr Thomas was printed the newspaper checked what it said about Mr Perry’s occupation and twice inserted the word “former”. Mrs Perry had been invited to point out factual inaccuracies in Mr Thomas’s letter, and to send a letter for publication challenging Mr Thomas’s assumption that her husband’s former occupation determined her own views. She had done neither.

Mrs Perry had chosen to enter the letters-to-the-editor arena, and her forthright views had prompted an equally robust reply. The editor rejected the accusations of discrimination and lack of fair play in dealing with her. There was a letter from Mr Thomas and it had been subject to the usual editing and checking process.

Mrs Perry’s complaint had two distinct but overlapping limbs. First, in her correspondence with the editor and the Press Council she insisted, on more than one occasion, that the letter of A. Thomas was “manufactured” for the purpose of continuing the vendetta that had begun in June 2000. In reply to this point the editor said, “The letter exists and was neither initiated nor sought by the newspaper.” The Council accepts the editor’s assurance on this matter. The second line of complaint was that Mr Thomas’s letter should not have been published as it was an unwarranted attack

on her independence in that it implied that her views were those of her husband.

The Press Council has observed several times that freedom of speech is sometimes seen at its most raw in the letters section of newspapers. The sequence in this complaint is a familiar one: strong opinions in an editorial evoked a vigorous letter expressing contrary views, which, in turn, produced further forthright letters. The Council notes that newspapers sometimes annotate letters to indicate the relationship of the writer to the person or group being discussed. *The Dominion* did not do this with Mrs Perry's letter, but accepted Mr Thomas's right to assert that "where she was coming from", to use a familiar notion, was relevant to what she said.

Many would no doubt share Mrs Perry's belief that she should be able to express her views without having them attributed to others' influence, and in an ideal world that might happen. The reality is, however, that no one lives in that ideal world. Seeking to discount opponents' arguments by giving them a context and questioning their motivation is a common practice in public debate.

The essence of the matter is that Mrs Perry's disparaging remarks about the media's integrity provoked an aggressive attack on her objectivity. In its Principle No. 12 the Press Council states that editors are to be guided in their selection and treatment of letters by "fairness, balance, and public interest in the correspondents' views." This is a robust principle that allows vigorous debate and the expression of strong emotions. The editorial was bound to trigger responses, ranging from the idealistic to the cynical, that showed how strongly people feel about politicians and the media. The Press Council does not consider that the editor should have intervened to block off Mr Thomas's response to Mrs Perry's letter. Readers could make up their own minds about the merits of the two letters.

## **Publication of address questioned — Case 824**

Mr Geddes complained that *The Evening Post* published a story identifying his business in its edition on 15 February 2001 with the establishment of a new Mongrel Mob base in Trentham. The premises were identified as being behind a video store at 571A Ferguson Drive Upper Hutt. Mr Geddes at the time was the occupier of the said premises and therein he conducted his business of a video store. There was more than one story published including the comments of the local Senior Sergeant that there had been a rise in the burglaries in the district since the arrival of the Mongrel Mob. It was conceded that no gang member had been identified as a perpetrator of burglaries and the newspaper printed the comments of the gang spokesman who "scoffed at the police claims." Also in one story there was mention that the local Council was of the opinion by-laws had been breached by the gang's occupancy of the rear premises. The item clearly was of keen local interest.

Mr Geddes's complaint was that his business had been adversely affected by the precise address being supplied of his premises and that the story would have had its purposes met, as far as the newspaper was concerned, without the actual address. In his correspondence with the newspaper and the Council he made reference to several

instances where people had spoken about the close proximity of his business to the gang's premises and these references were meant to convey financial damage to him. In a letter to the Press Council he asked for compensation to be made to him.

Mr Geddes was advised that the Council had no power to order compensation. His response was to send newspaper clippings of the release of up-dated statistics which showed a drop in burglaries in the district. This was not really what the complaint was about.

The response of the editor is that the setting up of a gang headquarters in the locality was a matter of public interest — a view obviously shared by the police. The paper denied the articles were sensational. The reason for the precise address needing to be given was that Ferguson Drive is a very long thoroughfare and that it was considered necessary to pinpoint the location.

The Council did not view publication of the story as sensational but a sober presentation of the facts. The Council accepts that there was a necessity for the paper to print the exact address. The stories were not accompanied by a photograph identifying the premises, and were a matter of public interest. The complaint was not upheld.

## **Blue penguin blues — Case 825**

Lorraine Adams complained about an article published in the *Oamaru Mail* on 26 January 2001 for which she sought an apology from the newspaper.

In the article a Department of Conservation officer claimed to be angry that Miss Adams had gone directly to the press with her concerns about the blue penguin colony, rather than taking the matter up with the Department of Conservation or the Waitaki District Council. The officer was reported as saying “I do not like Lorraine campaigning in the press before she has had the courtesy to speak to the appropriate people. It is very rude of her.” He claimed Miss Adams suggestion that dogs be completely banned from the beach would be “a complete waste of time.” Dogs were already banned from the beach after sunset and were required to be on a lead during daylight hours. The recent penguin deaths had occurred at night and were caused by dogs that were “obviously uncontrolled.” He also believed drivers of vehicles in the area were subject to enough advice through signage, and speed humps to protect the penguins.

The DOC officer was responding to comments from Miss Adams reported in the previous day's

*Oamaru Mail* calling for the entire Oamaru harbour to be a dog-free zone and a speed restriction of 10 to 15 kmh in the harbour area or banning cars from the harbour. Miss Adams was reported as being devastated at the killing of 57 penguins by a dog or dogs the previous weekend. Miss Adams was also reported as saying the council needed to “think outside the square of the quarry” to protect all the penguins in the harbour.

The DOC officer was approached for comment by the *Oamaru Mail* before the 25 January article was published but chose not to comment.

The editor of the *Oamaru Mail* said they were unaware Miss Adams wanted an apology from the newspaper. The comments printed on 25 and 26 January were part of a long-running saga of differences of opinion between Miss Adams and other penguin workers, including DOC officers. In all coverage the *Oamaru Mail* has endeavoured to print both sides of the story.

The Press Council noted that this was robust comment from both sides in a heated local debate. It was thought that Miss Adams's grounds for complaint were not valid.

The Council noted that the matter may have become less fraught had the comments of Miss Adams and the DOC officer been published in the same article, rather than on consecutive days.

## **Old news is not news — Case 826**

The New Zealand Press Council has not upheld a complaint against the *Greymouth Evening Star* from David Tranter, a health campaigner, of Greymouth.

Mr Tranter complained that the *Greymouth Evening Star* did not give coverage to the launch of the West Coast Health Coalition lobby group on February 16.

Other newspapers, *The Press* and *The News* (Westport), had run articles about the launch which was attended by 16 people.

Mr Tranter accused the newspaper of unbalanced reporting, citing the fact it had not given his launch coverage but had extensively covered, for example, the launch of a mosaic in the Grey Hospital.

He also complained about the non-publication of a letter he wrote to the newspaper, dated 15 February, about \$200,000 raised by the community for lighting the runway at Greymouth for medical emergencies.

The editor of the *Greymouth Evening Star*, Kit Carson, said he had not received a press release about the coalition issued the day after the launch. He eventually received it four days afterwards and by then considered it old news. He said Mr Tranter's views were not ignored by his newspaper: in December Mr Tranter's views had appeared in no fewer than four articles and nine letters.

The Press Council accepts it is an editor's right to determine what news is covered and what letters are published.

Mr Carson did no more than exercise those rights.

## **Palestine/Israel No. 1 — Case 827**

The Press Council has not upheld a complaint laid on behalf of the Palestine Human Rights Campaign by Gordon Duff (Secretary), supported by David Wakim (spokesperson), about a tag used in the *New Zealand Herald* of 16 April 2001 over an article on the impact of current fighting between Israelis and Palestinians on religious pilgrimages to the old city of Jerusalem.

The *Herald* introduced an AP report, under the headline “Modern-day conflict puts damper on pilgrimage to trace last steps of Christ”, with a tag highlighting the national name “Israel”. The complainants challenged this practice, claiming that “Israel” had been used as a headline, which gave substance to Israeli claims to east Jerusalem. They noted that the article was mainly about the Old City of Jerusalem, an area which is not part of Israel. Certainly this latter view is in accordance with the position of the New Zealand Government, which does not recognise the annexation of the Old City by Israel in 1980 following its capture from Jordan in the “Six Day” war of 1967. The future of the Old City as part of East Jerusalem is an important issue of the present continuing hostilities and is a key part of negotiations for a peace settlement. The political and diplomatic sensitivities involved constitute something of a minefield for editors.

The article in question, however, raised no issues of jurisdiction or ownership. In the context of Easter observances the emphasis was on the sharp drop in numbers of religious pilgrims to the Christian holy places. The subject was tourism. It was noted that as a result of the fighting, and the travel restrictions imposed by the Israeli authorities, many people had been laid off from jobs in the tourism sectors in both Israeli and Palestinian controlled areas of the city. Israeli Government authorities were cited as estimating that 20,000 workers would be affected.

The editor of the *Herald* explained that this usage of Israeli statistics and the focus on the “Holy Land” had determined the use of the tag “Israel”. In reporting the wider conflict, “Middle East” would be used. The Press Council accepts that editors may often wish to diversify their news pages with labels to identify the general locale or subject of a story and that this usage is not to be confused with headlines as such. Headlines, as the Council has often noted, should bear a direct relationship to the story. In this case the actual headline was germane to the story; the identifying tag was not. The Council saw the use of the word, “Israel”, as a kind of geographical designator for the article, not as a political statement.

While recognising the concerns of the Palestine Human Rights Campaign, the Press Council did not uphold the complaint.

## **Editor acts to protect paper — Case 828**

The New Zealand Press Council did not uphold a complaint lodged by Christine Banks against the *Greymouth Evening Star*. Her complaint was based on the editor’s right to change the wording of her letter to the editor dated 12 April 2001.

The letter in question, headed “Aerodrome Lights”, referred to a front page article “Disquiet over aerodrome lighting viewpoints” on 6 April. It covered the story of whether the proposed night lighting for the Greymouth aerodrome would be used by West Coast District Health Board. The \$200,000 funds for the lighting, to enable night time flights to transfer patients from Greymouth to Christchurch hospital, had been publicly raised by local community organisations and individuals. Christine Banks’s letter supported the fact that there was indeed disquiet over the aerodrome

lighting and wrote “The over-riding issue here is not who will use the runway lights i.e. private versus public interest, but why were we duped into giving money on false pretences and that is extremely serious”. The editor changed the word “duped” to read “persuaded” and abridged the final part of her sentence. The letter was noted as having been abridged. However, Christine Banks complained that the whole meaning of her letter had been changed by replacing “duped” with “persuaded” and also by omitting her personal criticisms of the Air Ambulance Trust chairman and the Grey District Council. She contended that both parties had supported the public raising of the \$200,000, when she felt that they were aware that the lighting was not necessary.

Christine Banks had written another letter on this subject on the same day as the one complained of. This second letter, published five days later, had a footnote by the editor “Abridged — Correspondence on this matter is nearing an end.” Christine Banks also took exception to this as she felt that the topic should receive a wider airing.

In response to the latter complaint Kit Carson the editor explained that he was exercising his practice of giving notice that he was likely to terminate the topic unless new material came along. As regards the balance of Christine Banks’s complaint he believed that he had not materially altered her correspondence by his editing. Her second letter incorporated the thrust of her comments which had been abridged from the first letter and between the two published letters Christine Banks’s views had been amply expressed.

An important ingredient in the editor’s response to allegations against him for abridging, or changing, words in Mrs Banks’s letters, is that he abridges to ensure that the company which publishes the newspaper is not open to a claim for defamation. Some of the language and phrases used in the complainant’s letters were sufficiently forthright, to choose a neutral word, to entitle the editor to adopt a cautious approach.

The Press Council did not uphold Christine Banks’s complaint. The editor has ultimate say in what is printed by way of letters to the editor and in this instance Christine Banks’s opinions had been conveyed in her two published letters albeit in an abridged or amended form.

## **Shaken by earthquake story — Case 829**

The New Zealand Press Council has declined to uphold a complaint against the *Napier Mail* from a local resident, Wayne Forman.

Mr Forman was upset about an article published in the community newspaper on February 2, about the 1931 Hawke’s Bay earthquake. The article was closely based on an unsolicited account he had written setting out the experiences that day of two relatives and a friend, all of whom are deaf.

Mr Forman’s article, written in a personal, narrative style, had previously been submitted unsuccessfully to two other local papers. He says he was “rapt” that the Mail agreed to publish it.

But he also says that after reading the published version, he was disappointed that it wasn't attributed to him as author, that it contained some factual errors, which he didn't specify, and that it appeared to include a manufactured quote.

Mr Forman told the Press Council he'd tried and failed to meet Mail staff to discuss his concerns and while he'd spoken by phone to the paper's owner, he felt the paper's attitude was dismissive.

In correspondence with the Council, owner Paul Wilson and former part-time editor Doug Banks explained that some errors, corrected on the draft by Mr Forman before publication, had inadvertently been left in the published version.

Mr Wilson said the article had been published with good intentions. It wasn't the first time the editing process had gone wrong, and it wouldn't be the last. He had apologised to Mr Forman for the incorrect versions having been published.

For his part, Mr Banks acknowledged he'd altered the article to make it more readable. He said while Mr Forman had corrected errors of fact when provided with a draft, a computer glitch had meant that the uncorrected version was published. He didn't believe the errors were material. He also said he hadn't known Mr Forman wanted to be named as the author.

Neither man referred to Mr Forman's point about a manufactured quote.

After carefully reading the published article and written material on which both had been based, the Council decided not to uphold Mr Forman's complaint.

It said the article had been a fair reflection of the information provided to it and it could find no evidence that the paper had acted unethically.

While it could understand Mr Forman's disappointment at not having been recognised as the original author, all newspapers had individual policies on naming the writer or the source of information.

At the same time, the Council said it was its view that, where possible, it was desirable that the source of material be made known to readers.

The Council also found that on the question of an "invented" quote, information in the article seemed to have been modified at each stage of the gathering and editing process. This had resulted in some information having a rather uncertain origin.

Answering Mr Forman's final concern — the paper's reluctance to meet him and its slowness in providing him with an address for the Press Council — the Council noted that the complaint might well have been stopped had the paper met Mr Forman when he requested it.

## **"Revolt rocks medical school" — Case 830**

The New Zealand Press Council has not upheld a complaint by the University of Otago and Dr. Fogelberg, its Vice-Chancellor, (hereinafter referred to as "the complainants") against *The Dominion* newspaper over a series of articles on the Wellington School of Medicine. The complaint was lodged through solicitors who

expressly limited their instructions to those named as complainants.

A description is provided of the main parties who will be mentioned in the adjudication. The University of Otago is the controlling body of the Wellington and Christchurch Schools of Medicine. Professor John Nacey is the Dean of the Wellington School. Professor Richard Beasley works at the School and prior to the dispute that arose between him and the School was head of the Department of Medicine, and closely involved with the Wellington Asthma Research Group. He is highly regarded in the field of asthma research possessing an international reputation for his work.

A dispute arose between Professor Beasley and the Wellington School of Medicine, that was ultimately settled and a public statement issued to the media. The settlement was not reached before the articles in question were published. The nature of that dispute is not the issue in the complaint and this adjudication does not concern itself with it. Perhaps at the heart of the problem arising out of the complaint to be outlined, is the perception by some that Professor Beasley had been unfairly treated by the University of Otago and the Wellington School of Medicine.

On Saturday 17 February 2001 *The Dominion* newspaper published a by-lined article with the headline “Revolt rocks medical school”. The first two paragraphs were as follows:

“ Fourteen senior doctors have resigned their teaching positions at Wellington School of Medicine in a revolt against management.

The crisis deepened yesterday when five senior Wellington general practitioners also withdrew their teaching services from the school.”

The cause of the resignations and withdrawal of services were said to be triggered by the school’s treatment of Richard Beasley in his dispute with it. The article further broadened the issues with this statement:

“ But sources said there was also widespread dissatisfaction within the school about the way it was being run and managed.”

The article contained allegations, stemming from “sources”, that the defections would jeopardise the future teaching capability of the medical school and its relationship to the Wellington hospital yet to be built. For reasons of ethics and confidentiality *The Dominion* does not reveal the identities of their sources but did confirm that they were authoritative and well informed. Both Professor Nacey and Dr. Fogelberg were approached but neither made a comment on the central issues of the article. By use of “sources” and quotations from others named, the tone of the article was definitely critical of the management of the Medical School and of possible downstream effects of the wider dispute.

There was a follow up article two days later on 19 February reporting the comments of the Prime Minister, Helen Clark, the Minister of Health, Annette King and those of Tertiary Education Minister, Steve Maharey all making public their awareness of the problem at the Medical School. Again in that article further critical comments of Otago University were reported, several from sources not identified, but some from Gary Nicholls, Professor of Medicine at the Christchurch School of Medicine saying events

in Wellington appeared to be “part of a pattern how Otago University in recent times is dealing with its quite senior, very productive staff.”

The written complaint alleged the two articles left a lasting impression of mismanagement at Otago University and constituted a breach of the Council’s first Principle that publications “...should be guided at all times by accuracy, fairness and balance....” The complainants were particularly aggrieved by a statement in the 19 February article that the university is “out of control”. *The Dominion* did publish on 20 February a response from Professor Nacey in a by-lined article under the heading “No teaching crisis, says medical school dean.”

The solicitors acting for the complainants made an immediate approach to the editor seeking a retraction and apology in respect of the two articles. A series of letters followed between the complainants’ solicitors and those acting for the newspaper but responses by way of correction could not be agreed upon and were never made. There were factual disputes about the availability of Dr. Fogelberg and Professor Nacey for comment and whether the newspaper had received in time a copy of a letter written by the School’s Heads of Department but these allegations do not constitute the gravamen of the complaint. The Council does not believe the newspaper breached Principle 2 concerning Corrections.

Whilst not alleging directly that the first article was inaccurate in reporting “Fourteen senior doctors have resigned their teaching positions....” and the mention of the five senior Wellington doctors who withdrew their teaching services the complaint instead laid emphasis on the “exaggerated” treatment of the issues. The use of words “crisis” and “jeopardy” in the article was the subject of complaint. However, a highly critical series of remarks made by Ian Powell, executive director of the Association of Salaried Medical Specialists were also reported. One of them being the situation had “all the ear marks of becoming a calamity”. There has been some disagreement between the parties about the accuracy of the adjective “senior” but that is not a material issue.

The complaint stated that the 14 were clinical lecturers who decided “not to renew the teaching contracts” and this had “...no significant effect on the school’s ability to deliver teaching programmes,....” In any event the departures remained a small proportion of the total teaching staff.

The response of *The Dominion* is that it stands firmly behind the accuracy of its articles and that they were in the public interest and in compliance with Principle 1 relating to accuracy, fairness and balance. Any lack of reportage of the position of the University of Otago, the Wellington School of Medicine or Professor Nacey arose because those sources at material times declined or were not available to provide information to *The Dominion*. The question of availability has already been dealt with.

In the Council’s view these are not direct challenges to the basic accuracy of the newspaper’s reporting but are themselves interpretative spin on the facts. Moreover, *The Dominion* was reporting the views of others. There can be little doubt but that the actions of the group of 19 medical teachers who either withdrew, refused to renew or resigned did so in protest against the treatment of Professor Beasley, and this is

conceded by the complainants, at least for the 14 clinical lecturers.

It may be that the reports stretched the effect of the departures on the ability of the School to deliver adequate teaching services, and, even more so, on the proposed hospital to operate satisfactorily. Nevertheless, that is doing what newspapers have always done. A worst possible scenario is hardly new in the media world where freedom of expression reigns. They do not constitute lack of fairness or balance.

The complaints are not upheld.

## **Too spooky for some — Case 831**

The Press Council has not upheld a complaint against *Contact* by Mr Angus Gibb who alleged anti-Christian bias and lack of press freedom.

Mr Gibb's complaint, which covered eight editions of *Contact*, began 22 March 2001 with a front-page story headlined, "Spirit event deemed too spooky for Old St Paul's." The story told of the Institute of Spirit Awareness being forced to cancel a planned healing service, after their booking of Old St Paul's was cancelled by the Historic Places Trust. The spokesperson for the Institute of Spirit Awareness contended the Historic Places Trust had bowed to pressure from the Friends of Old St Paul's and the Anglican Bishop of Wellington. The Trust's manager had said the service was not considered an appropriate event for Easter Sunday and that they did not want any particular group to become associated with the facility.

The story led to a vigorous debate in the letters to the editor column. Mr Gibb took issue with this story, another article on the 12 April 2001 and eight letters published between 22 March and 10 May. These, he said, were pro-Spiritualist. He contrasted this with only five pro-Christian letters that he had identified in *Contact*, during the same period.

He had written 11 letters to the editor (including two complaining of non-publication of his letters). Only two of the total had been published and both had been abridged. Another writer had four letters published in the same period.

The editor in defence of *Contact* said she was happy the published letters on the topic of Old St Paul's were fairly chosen and offered a broad range of opinion. Many others had also had their letters rejected.

The editor gave four general reasons why letters may not get published these were: lack of space, excessive length, off the point and repetition. Of Mr Gibb's letters the editor said, "Sending four letters in five days and expecting them to be published was unrealistic."

The Council did not regard Mr Gibb's tally of Christians 5, Spiritualists 10 (referring to items published) as evidence of anti-Christian bias. Indeed it was noted that many of the letters deemed pro-Spiritualist had a finer nuance. Even if this count remained unchallenged, the editor clearly succeeded in ensuring that a variety of views were expressed in *Contact*. The Council said it was of concern that the complainant had found it necessary to remark on what he held to be the editor's own beliefs.

Mr Gibb's second assertion of "lack of press freedom", the particular of which was the failure to publish all his letters, is similarly not upheld. The Council has consistently stated in its adjudications that the editor of a publication has the final decision about what will be published in the letters to the editor column. That also includes the right to abridge letters, subject to the printed acknowledgement of that fact.

## **No homburg — Case 832**

The Press Council has not upheld a complaint by Mrs Una Cargill of Waikanae against the *New Zealand Herald* for not publishing a letter to the editor that she submitted.

The complainant gave the Press Council a copy of her letter to the editor dated 14 April, which had been sent by fax. It concerned inaccuracies she identified in an article in the 10-11 March weekend issue of the newspaper. The editor advised the Press Council that the newspaper has no record of receiving the letter. Close scrutiny of the copy of the fax shows an incorrect fax number for the newspaper, but Mrs Cargill is sure that the correct fax number was dialled. While there remains some uncertainty as to whether the newspaper received her message, the issues in the case have been addressed by both parties. The Press Council therefore thinks it appropriate to deal with the complaint in the usual way.

In its 10-11 March edition, as part of the coverage of the new biography of Peter Fraser, the *New Zealand Herald* published the recollections of Enfys McKenzie, who worked in the Prime Minister's Department from 1943 to 1945. They included these sentences: "One constant visitor was the union leader F B(sic) Walsh, whose partnership with Fraser was so important. What was interesting was the great difference in their personalities — the PM reserved and formal, Walsh rough in speech and manner. He would walk into the office, throw his homburg on the nearest desk, and go in without delay to meet Fraser."

Mrs Cargill, the daughter of F P Walsh, wrote to the newspaper on 14 April taking issue with these comments, and alleging inaccuracies in them. Walsh never wore a homburg, and was not rough in speech or manner. She referred to the close relationships her father had with various nuns, prominent judges, and others, as contradicting the latter allegations. She also referred to comments in *The Dictionary of Biography*, vol 4(DNZB) on Walsh's physically dominating presence as a negotiator and his powerful oratory.

The letter was not published, and Mrs Cargill asked the editor for an explanation of this. She then complained to the Press Council, claiming that she had been denied an opportunity to challenge untruths published against her father. The editor advised the Council that there was no record of the newspaper having received the letter (as noted above), and that the letters policy, clearly stated each day, says "Letters are not normally acknowledged and may be edited, abridged or discarded."

As regards the alleged inaccuracy regarding her father's headgear, it seems clear

from Mrs Cargill's statement and from additional information she sent to the Press Council that Ms McKenzie's recollection was astray. The matter is probably not of sufficient significance to require further comment from the Press Council.

In respect of the second aspect of the article that she objected to, the description of her father as "rough in speech and manner", Mrs Cargill expanded her rejection of this in a letter to the Press Council by saying "All his staff that I encountered, and they were many, always spoke of him as polite, gentle and kind."

The Press Council thinks that Mrs Cargill's view must be placed alongside other opinions. It notes that the essay on F P Walsh in DNZB also says: "He was a ruthless man who dispatched opponents by whatever means were at his disposal. He aroused enmity on a scale unparalleled in New Zealand labour history, but at the same time he inspired great loyalty, even devotion, among his supporters."

It is clear from this comment and from the public record that F P Walsh treated people in widely different ways, and that their attitudes towards him correspondingly ranged from deep attachment to strong antipathy. Different views of him no doubt have their individual measure of truth, but no single view captures the whole truth about this complex and controversial figure.

In its Statement of Principles the Press Council emphasises the importance of freedom of expression. Ms McKenzie was entitled to express her view of Mr Walsh's personality, and the *New Zealand Herald* was entitled to report it. There was no serious inaccuracy in the original article requiring prompt correction, nor was there an aggressive attack that would have raised the possible need for a balancing response to be allowed. The Press Council has frequently emphasised that it is the prerogative of editors to decide which letters will be published.

## **Letter to editor not published — Case 833**

Mr Bancilhon complained that the editor of the *Hutt News* did not publish a letter Mr Bancilhon had sent on 17 May 2001.

The *Hutt News* published on 8 May 2001 a review of a photographic exhibition. The theme of the exhibition appears to be the influence of religion on sexuality. Siren MacLaine, aged 23 years, an artist who was a contributor to the exhibition, had referred to clashes she had had as a schoolgirl, with the then principal of the church school she attended.

On 15 May letters opposing Ms MacLaine's views were published. These were from the current principal, and a sometime parent and religious education teacher of the above-mentioned school.

Mr Bancilhon's letter responded to the two letters to the editor. It was not published.

The editor stated that he did not publish the letter because it was too long and not of sufficient local relevance and interest. The editor stated that he considered publishing it edited, but decided letters on other topics should have priority.

The Press Council supports the long held right of editors to decide which letters to the editor be published.

Ms MacLaine's views were aired in the article and the opposing view was expressed in the two published letters to the editor.

The complaint was not upheld.

## **Another letter to editor not published — Case 834**

The New Zealand Press Council has not upheld a complaint by Mr Richard Ryan against *The Press* and has reiterated its long held principle that — subject to questions of fairness and balance — editors are free to decide which letters they will publish.

On February 3 and February 10 *The Press* published Soapbox articles giving the two sides in the debate between special creation and evolution. Following the first article Mr Ryan wrote a letter to the editor giving his perspective on the topic. It was not used. Following the second article he wrote again in similar terms. Again his letter did not appear in the paper. Noting that several other letters on the topic had been published, and other writers had their views summarised in the paper's In A Few Words column, Mr Ryan wrote to the editor saying he had been unfairly treated and requesting an explanation. When he got no reply Mr Ryan complained to the Press Council.

In the normal way the Council referred the complaint to the editor of *The Press* who replied directly to Mr Ryan. The editor explained that the paper had received a great many letters on the subject and, even though it ran several in full and others in summarised form, it could not use them all. Mr Ryan had had letters published in the past but on this occasion had missed out.

Mr Ryan dismissed this as a stock reply, which failed to address his concern and proceeded with his complaint. This, he explained, was not so much the failure to publish his letters but the fact that letters from other readers on the same topic kept appearing in the paper after his was rejected making him feel he had been unfairly treated.

Responding to the Council, the editor said the paper had received about 60 letters on the topic and had published 32 in total, which amounted to a considerable amount of space. Unfortunately not all could be used and Mr Ryan's contributions were not among those chosen for publication.

The Press Council has stated in many decisions and in its Statement of Principles that the selection of letters is the prerogative of the Editor and that must always be the case. The principles do require editors to be guided by fairness, balance and public interest in making their selection and in this instance it is clear that *The Press* gave considerable space to a wide range of readers' views on the points raised in the two Soapbox articles. It is understandable that Mr Ryan should be frustrated at being unable to get his letter published on this occasion but readers do need to be aware that newspaper space is limited and editors cannot possibly be expected to run all the letters they receive.

### **...And another — Case 835**

The New Zealand Press Council did not uphold a complaint lodged against the *New Zealand Herald* by Imelda Hitchcock. Her complaint dealt with the non-publication of her Letter to the Editor. She had responded to a Rudman's City column supporting fluoridation in which Rudman had issued a challenge to readers stating "It is time to call the anti-fluoriders' bluff and demand they produce a local victim or two".

Imelda Hitchcock wrote on 22 February 2001 to the *New Zealand Herald* providing the surname of a Timaru woman who had suffered a mysterious itch which had disappeared when she moved into the country. Mrs Hitchcock claimed that tests conducted by a doctor and dentist had produced positive results that fluoride was the cause of Timaru victim's skin ailment and also submitted the names of the doctor and dentist. Her letter was not published.

The editor of the *New Zealand Herald* explained that the so-called victim was, in reality, beyond contact. The incident dated back to 1984, the victim's full name had not been supplied nor had her address. She had lived in Timaru and did not meet the criteria of Rudman's column to produce a "local victim or two". The *Herald* had published letters from two other anti-fluoride correspondents on the fluoridation issue.

In each publication the *New Zealand Herald* clearly states as its letters policy that "Letters are not normally acknowledged and may be edited, abridged or discarded". This is normal editorial policy for all newspapers and Mrs Hitchcock's letter fell within the scope of the editor's discretion.

### **...And another — Case 844**

The Press Council has not upheld a complaint from Mr Angus Gibb against *Contact*.

Mr Gibb had written a letter to the editor on 12 July 2001. Mr Gibb complained when his letter was not published. The editor said there was likely to be little public interest in what Mr Gibb had written.

The Press Council did not uphold the complaint on the grounds that editors have the right to select letters for publication. There was nothing in Mr Gibb's letter or follow-up correspondence which justifies any exception to this well established rule.

### **...And yet another — Case 852**

Mr Angus Gibb complained to the Press Council twice in recent months about non-publication of his letters to *Contact's* editor. In both cases the Council has not upheld his complaints on the grounds that editors have the right to select letters for publication.

This third complaint is again about non-publication of letters to the editor. In this instance Mr Gibb disagreed with the earlier Press Council adjudication and wrote to the editor expressing that disagreement. This letter was not published.

In not upholding this third complaint the Press Council repeats that editor's have

the right to select letters for publication. There is nothing in any of Mr Gibb's complaints which warrants any exception to this well-established principle.

Further, after considering three complaints on essentially the same point the Council will not consider further complaints from Mr Gibb on similar lines. The Council feels that the editor of *Contact* has dealt professionally and patiently with Mr Gibb's complaints all of which have been not upheld.

## **Pseudonyms considered inappropriate — Case 836**

*Kookaburra* magazine, the Kawau Island Resident and Ratepayers Association publication, in its Summer 2001 issue published a letter signed "Concerned Kawau Resident" (Name and address supplied).

The letter itself referred not to a previous article or letter in the magazine, but took issue with aspects of a story in the *Rodney Times* of March 1, "Islanders Clash Over Access Dispute", concerning access to Kawau Island via private jetties.

A reader of *Kookaburra* magazine, Evelyn Kaye Gilbert, who describes herself as a member of the Coleman family, complained to the magazine editor about the letter making reference to the Coleman family, and the name and address of the writer being withheld.

Although the editor apologised personally to Mrs Gilbert for any distress the content of the letter may have caused her and her family, Mrs Gilbert was not satisfied. She complained to the Press Council that the letter breached the Statement of Principles on the grounds the letter was inaccurate, an invasion of privacy and contained deliberately misleading information.

In what the *Rodney Times* has described as a "neighbour dispute", feelings have run high in a matter that appears to be long-running, involves litigation and has even been addressed by the Environment Court. In the letter at issue here, as in any dispute, there are differing interpretations claimed by both sides. Do we have "an internal roading system" or "a "minor network of tracks"? Does the phrase "tie up the family launch" deliberately mislead by giving the impression of expense, as opposed to the view that the launch is simply moored and unseaworthy? Does a reference in the letter to a family not having financial constraints constitute an invasion of privacy or does it simply state the judgement of the letter writer?

The Press Council here focuses on the letter itself which is the subject of the complaint, and on the general principles which apply to letters to the editor. It is a given that a letter to the editor expresses the viewpoint of the writer; there is no requirement to rehearse the complete chapter and verse of an issue. One interpretation or view so expressed may displease those who hold the opposite; no letter is required to be more than its author's perspective.

The letter in the magazine was no exception to these aspects of an individual letter to the editor. However, in a public interest issue, different sides need to be heard (there is never a single correct version of an issue). It was unfortunate that the

alternative point of view was not available nor published. In a small community, the privileged position held by publications means that such balance is vital.

Letters published with a pseudonym are also no longer appropriate in almost every case in modern journalism. A magazine which is available for public subscription does a disservice to its readers and the general principle of robust editorial debate by concealing the names of letter writers.

*Kookaburra* magazine here was not sufficiently remiss in its behaviour to warrant the upholding of the complaint, but the standards observed were not those to be encouraged in best journalistic practice.

## **Appeal over appeal — Case 837**

The Press Council has not upheld a complaint laid by Ponifasio Ioane over the failure of the *New Zealand Herald* to report his intention to appeal a decision of the Employment Tribunal.

The *Herald*, on 12 May 2000, carried a report, with photograph, on the hearing by the Tribunal of Mr Ioane's personal grievance claim against the Waitakere City Council for unjustified dismissal. Under the headline "Ticket quota sparks firing" the story focussed on Mr Ioane's contention that he had been harassed and then sacked from his position as a parking officer because he had not increased his monthly tally of tickets. On 23 March 2001 the newspaper reported briefly that the adjudicator had ruled against him. Mr Ioane complained, first to the chief reporter (30 March) than to the editor (24 April) and finally to the Press Council (26 June), on the grounds, essentially, that the *Herald* should have reported that he had filed notice of appeal against the Tribunal decision.

The editor responded on 10 July that it was not the "paper's practice to seek comments from participants on all or any judgements of tribunals or courts... Should Mr Ioane's promised appeal be heard, the *Herald* will definitely pursue the story through that next stage".

The Press Council does not uphold the complaint. The editor must determine what is and what is not newsworthy; Mr Ioane's decision to appeal, while no doubt of considerable personal importance to him, did not materially alter the issues which had led the paper to report the case in the first place. As the editor has noted, the matters at issue will be further explored by the paper if and when Mr Ioane's appeal is heard.

## **Increase and "build-up" synonymous — Case 838**

The Council did not uphold a complaint by Mr Wilson Penman against *The Press* about the headline over an article on firearms.

Mr Penman believed the headline, "Military firearms build-up," was not supported by the article. The key sentence read: "Figures obtained from the police, under the Official Information Act, show that 4202 firearm owners hold endorsements

to own a total of 6864 military style semi-automatic firearms, an increase of 102 since 1997.” The article also said the police did not know the precise number of semi-automatic weapons. Numbers were imported during the 1980s, a police officer had said. But not all their owners took the opportunity offered in the early 1990s to get an endorsement for ownership.

Mr Penman in his complaints to the newspaper on June 18 and to the Council said there was nothing to support the claim of a military arms build-up, that it was pure alarmist. “As a responsible firearms owner I am tired of your paper’s constant attacks and slanted journalism on gun ownership.” Of the more than 4000 people who owned military style firearms, the vast bulk were collectors who preserved valuable heritage items reflecting the proud military history of the country. An increase of 102 firearms represented a 1.5 per cent increase since 1997. He also complained that he had written about six letters to the editor in two years and not one had been published.

The deputy editor, Simon Cunliffe, drew on a dictionary definition to defend use of the said word “build-up.” It could be used to describe any increase, he said in reply, and it did not mislead the reader. He rejected Mr Penman’s claim that *The Press* had “adopted the politically correct position of slamming legitimate gun owners” and supplied articles and editorials as evidence that the newspaper had been fair. He also made the point that Mr Penman could have written a letter about the matter and that that avenue of redress remained open.

The Council agrees that *The Press* was within its rights to call an increase a build-up, albeit a small one. Mr Penman made some interesting points about the article, suggesting reasons why a statistical increase might not represent a real increase in military style weapons. The Council believes the matter may have been better dealt with had Mr Penman used his specialised knowledge and a letter to challenge the contents of what was not a crystal clear article.

## **Former candidate contests court case report — Case 839**

The New Zealand Press Council has not upheld a complaint by a former and unsuccessful NewLabour and Alliance candidate against *The Press*.

Mr Michael Newlove, who in recent elections stood for the St Alban’s seat in Parliament and the North Christchurch ward on Canterbury Regional Council, complained to the council about a report of his conviction in court on a charge of offensive behaviour.

The complaint essentially fell into four parts: the article inaccurately described him as a postal clerk when he had left NZ Post in 1992; it was accompanied by a photograph taken without his permission; it gave the wrong impression about the nature of his offence; and, probably the key point, the publicity given to the case was excessive.

Responding to the complaint, the editor of *The Press* said Mr Newlove’s occupation had been given as postal clerk because that was how it was listed on the charge sheet in court but in any case the report had also stated that he was now on an invalid

benefit; the paper did not require permission to photograph someone in a public place and photographing accused persons in the vicinity of the court was common practice; the report had closely followed the details of the offence given in court; and the coverage was justified because it involved a person who had twice stood for public office and citizens were entitled to be aware of any illegal activities by would-be politicians.

The Council did not consider there was anything wrong with the paper's coverage of Mr Newlove's conviction which appeared to be fair, accurate and in the public interest.

One of the most important penalties for breaking the law was the likelihood of publicity. And one of the most important roles of the media was to inform the public about those wishing to represent them.

*The Press* was quite entitled to report the case and, given that Mr Newlove had offered himself for public office, it was understandable that his conviction should be highlighted.

## **A good bollocking? — Case 840**

The Press Council has not upheld a complaint against the use of the word "bollocks."

A headline in Tauranga's *Weekend Sun* newspaper referring to "bollocks" offended a reader, Mr JA Franklin.

The headline, "Mid-winter dippers line up to freeze off their bollocks," was placed over a story about a mid-winter swim.

Bollocks, or ballocks, is a slang term for testicles. It is sometimes used as an expletive to denote a person's disbelief of something. It is also used as a verb. Getting a right bollocking means getting a good telling off. However there can be little doubt as to its meaning in the context of the headline and story.

Mr Franklin's complaint was published as a letter to the editor. He said he was disappointed with the use of the word and said if the writer could not have found a better headline then he or she should "give up". "We realise that in every profession standards are slipping but for a family oriented newspaper to allow such a headline in beyond us."

The newspaper editor, Brian Rogers, decided to attempt a light-hearted response which was published alongside the letter below the headline: "Headline writer gone off his/her nut?" It said

*The Weekend Sun* was creating new standards — "we've taken the old ones by the proverbials and given them a good twist." It said the headline writer "was given a good bollocking and sent fishing, ordered not to return until he has felt remorseful or had a bin full. Hasn't been seen since."

Mr Rogers told the Press Council the paper had never described itself as "a family-oriented newspaper" as Mr Franklin had claimed. The paper had reasonable standards

and stuck to them. He said the word “bollocks” was in common usage and could not be considered offensive. It had been used on television programmes including Coronation Street, Black Adder, Father Ted and One Network News. There was also a pub called “The Dog’s Bollocks.”

The *Weekend Sun* had been congratulated by readers on its handling of the issue.

The Press Council acknowledges that the English language is in a continual state of transition. It accepts that the word may be offensive to some but does not accept it comes close to being completely unacceptable. The council endorses the newspaper’s right to have handled the matter in the way it chose. A letter of complaint was made and the newspaper’s position was published alongside the letter.

## **More unpublished letters — Case 841**

The New Zealand Press Council did not uphold a complaint laid by Dr F H Sims against the *New Zealand Herald*.

Dr Sims had laid a complaint with the Press Council about the decision of the editor of the *New Zealand Herald* to not publish his letters.

In February this year Dr Sims wrote a letter to the editor in response to articles published about the retention of human tissue from deceased individuals by a particular British laboratory. In March he followed up with a further letter in support of preservation of human organs and tissue for scientific study. In May he wrote to the editor as he was unable to understand why neither of his letters had been published.

The editor stated that the letters written by Dr Sims were rejected because they failed to address the subject of the articles, published in February, on which his correspondence was apparently based. The stories related to retention of infant body parts, without parental knowledge or consent, by a pathologist in England. The case had led to widespread public criticism of the pathologist and Dr Sims’s letter did not contribute to that debate.

Dr Sims responded that the Editor was incorrect in his assumption that his letters were based on the British article. He had also been commenting on a more recent account of protests in Australia over the retention of human tissue by pathology departments. However, Dr Sims’s original letter had referred specifically to the British laboratory.

In each publication the *New Zealand Herald* clearly states as its letters policy that “Letters are not normally acknowledged and may be edited, abridged or discarded”. The editor has the final discretion on what is published and the Press Council upholds this right. Accordingly, the New Zealand Press Council does not uphold Dr Sims’s complaint.

## **...And Case 854**

Bryan Varey, of Hatfield’s Beach complained about non-publication of a letter to the editor of the *New Zealand Herald*. He contended that, because a letter from him

making the same points had been published in the Sunday Star Times of 30 September 2001, there could be no “reason” for non-publication in the *Herald*.

Mr Varey had argued in his letter offered for publication that there was a difference between describing a person as a “convicted murderer,” and as having been “convicted for the murder of...”. The newspaper, in a report on the David Bain case, had failed to make that distinction. He believed that his letter should be published in the interest of fair-mindedness. The Editor-in-Chief of the *Herald* stood by the right of an editor to reject letters for publication. Moreover, he contended that it had been valid for the newspaper to refer to David Bain as a “convicted murderer” since the Evidence Amendment Act, 1980, provides that “a conviction for an offence is sufficient evidence in the absence of proof to the contrary that the person committed the offence”.

The Press Council has consistently upheld the right of editors to determine the content of their Letters to the Editor and public opinion columns. Publication in one newspaper establishes no precedent for another. The complaint is not upheld.

## **The rot sets in — Case 842**

Koolfoam Industries Ltd (hereafter Koolfoam or complainant) lodged a complaint with the Press Council about the contents of an article printed in the *New Zealand Herald* on 31 May 2001 under the headline “Homeowner fears rot may deepen”. The article was by-lined Kevin Taylor. The Council did not uphold the complaint.

The article of 31 May was principally about the tribulations of a particular homeowner named Ron Berman who had purchased a home off the plan of a developer and a builder constructed the house. The cost of the home was \$260,000. The problems for Mr Berman, who had been in the house for three years, were quite extensive stemming from leaking around window frames causing damage. Mr Berman termed the troubles he faced as a disgrace.

The article summed up Mr Berman’s problems in the following way:

“His house is one example of a growing problem with new homes leaking and rotting after builders used untreated kiln-dried timber and ‘chilly bin’ claddings.”

The article then went on to recount the frustrations of Mr Berman in seeking redress but in particular by being passed between builder and developer with neither accepting responsibility. A director of Mediterranean Precast Ltd, Mr Daniel Nakhle was quoted as saying he felt so strongly about the use of effectively “packing material” cladding on houses that three years ago he developed a tilt-slab concrete wall system. Mr Nakhle said senior council building officials had told him polystyrene construction would be “the biggest disaster story of the decade” for the building industry. Other comments followed from several sources making it clear that leaking houses were a multi-faceted problem.

Koolfoam is a commercial user of the polystyrene product. Mark Maiden, its managing director, wrote first to the editor of the newspaper but on failing to get a response, complained to the Press Council. His complaints were mobilised around

two main issues: the use of the term “chilly bin” claddings and the comments of Mr Nakhle, particularly his quote from senior building officials.

The response of the *Herald* was to draw to the Council’s attention that the article of 31 May about which Koolfoam complained was only one of a series on the subject published by the *Herald*. On May 26 an article entitled “Houses rot as industry quarrels”; on May 29 “Builders’ insurance counts cost”; on May 30 “Laws offer little help for the problem of rotten timber”; and “Coping if the rot sets in: a guide for homebuyers”; May 31 the subject article and on June 2 “How the rot set in”, all connected with the problem of leaking houses. Not unreasonably the *Herald* asked that the complaint of Koolfoam be set in the context of a comprehensive set of stories on the issue run by the *New Zealand Herald*. Mr Maiden’s complaint on behalf of Koolfoam did not mention the other 5 articles in close proximity to the one Koolfoam complained about.

Koolfoam complained about the failure of the journalist to make in the article sufficient distinction between an installation issue and a materials issue. It also complained that sources quoted were not sufficiently checked for accuracy and that Mr Maiden was unfamiliar with the term “chilly bin” cladding as said to be used in the industry. He maintained “chilly bin” claddings referred specifically to polystyrene. The term had been more widely defined in a previous article as including stucco, fibre-cement and polystyrene. A further point of the complainant was that Mr Nakhle had not been identified as a competitor and was therefore not unbiased. This point had little force as it was fairly plain from the subject article he was a commercial competitor. Koolfoam also complained that the *Herald* did not at first respond to its complaint to the editor. The *Herald*, who pleaded pressure through industrial disputes and disrupted communications, conceded this. That issue may now be left there.

For the Press Council the starting point had to be examination of the full series of articles covering only a week on a matter of considerable public interest. The totality of the articles went much further than the one issue of “chilly bin” cladding and the use polystyrene. The *Herald* articles demonstrated that for the homeowner leaking houses are a serious problem and the exercise of sheeting home liability a frustrating process.

Although the complainant did not specify Principle 1 of the Council’s Principles, namely that of Accuracy, it was the one implied was transgressed. Was the newspaper at all times guided by accuracy, fairness and balance and was there anything misleading or which might contain misinformation? The Council’s firm view is that the newspaper did not offend on the grounds of accuracy, or in any other way. The newspaper was doing exactly what a responsible newspaper should do and that was devoting considerable time and resources to a problem in our society that needed attention.

The complainant’s particulars focussed on so-called omissions and failures to go more deeply into the issues about “chilly bin” claddings and the utility of polystyrene as a useful building material. The article in question did contain a sensible balancing comment on the use of polystyrene as a useful building material provided that it was used and applied correctly within the boundaries of its inherent characteristics. The

complaint about the senior building officials can safely be left to the readers' judgment.

## **Palestine/Israel No.2 — Case 843**

D Wakim (spokesperson) and G Duff (Secretary) have again complained, on behalf of the Palestine Human Rights Campaign, about the use by *New Zealand Herald* of the identifier "Israel" over a report to do with the conflict between Israel and Palestine. The Press Council had not upheld a previous similar complaint commenting that such tags are not to be confused with headlines and carry no political freight. Editors should be able to diversify their news pages with labels to identify the general locale or subject of a story. (Case no 827 of 5 July 2001).

In this case a report from the Telegraph Group Ltd was carried in the *Weekend Herald* of 16-17 June, under an identifying tag "Israel", and with a date-line "Jerusalem", (indicating where the story was filed). The report highlighted the intractable character of the conflict and the headline "Monk dies as Intifada drags on" closely reflected a tragic story. The label, "Israel", is not, as the complainants suggest, a headline nor is it a part of the story.

The editor of the *Herald* commented that their policy is "to label all stories on our foreign pages...for ease of navigation". Both this report and that which was the subject of the earlier adjudication were filed from Jerusalem. To that extent the identifier "Israel" does serve to guide the reader to the source of the story.

The Press Council does not uphold the complainants' assertion that "Israel" was used as a headline. Labels of this kind are not headlines. Nor does the Press Council accept that a label used in this way would give substance to "Israel's propaganda that the area (the West Bank) is part of Israel".

The Press Council, nevertheless, again notes the political and diplomatic sensitivities involved in covering reports from this area of conflict. Against this background the Press Council encourages editors to use exact terms where possible.

The Press Council did not uphold this complaint.

## **Who will pay, and how much, for the Marokopa Hall? — Case 845**

Mr Ammon submitted a dossier of 40 pages relating to coverage by the *Waitomo News* of the application by Coast Community Recreational Hall and Sports Centre Incorporated to the Waitomo District Council for funding to assist in the establishment of a community hall and recreation centre at Marokopa.

His submission ranges over the several months in which the development proposal was a topic attracting lively public debate. In his final statement to the Council on 24 August five specific aspects of the complaint against the *Waitomo News* are identified for scrutiny by the Press Council.

It is not easy for a small twice-weekly newspaper, in keeping abreast of contentious

issues, to combine balanced reporting of opposing voices with vigorous expression of an editorial stance on the issues. The Letters to the Editor section appears to have been readily available for adverse comment on the newspaper's performance. It is not for the Press Council to say if things might have been done better, but to decide if there has been any significant and serious breach of its principles.

The *Waitomo News* report of 31 May on the Waitomo District Council meeting of 29 May quoted a letter from opponents of the proposal that had been tabled at the meeting. Criticism of the management of the survey co-ordinated by Mr Ammon was attributed to Council officers in the opponents' tabled letter. Mr Ammon complains that the newspaper did not respond to his request to correct the erroneous remarks he said had been made about Council officers' views. The Press Council does not think there was any obligation on the editor to act as Mr Ammon requested. The newspaper had done no more than report what had been presented to Council. Councillor Ammon had challenged other matters in the tabled letter at the Council meeting as "lies", and could have included comment on this aspect in his letter to the editor published on 6 June. This part of the complaint is not upheld.

On 26 June Waitomo District Council passed a resolution confirming that the loan for the development would be serviced in the manner proposed by those promoting it, i.e. with the additional rate levy capped at \$20, the remainder to come from community fund-raising. Councillor Ammon's notice of motion commented that the District Council's earlier 29 May resolution endorsing the development was not particularly illuminating as to the loan repayment structure. He said this lack of detail may have given rise to a figure within the proposed rates strike which conflicts with the submissions in favour of the loan which were based on an annual increase of \$20.

It is important to note this step in the sequence because Mr Ammon complains about the newspaper's 3 July report of this 26 June Council meeting. He objects to the statement in that report that "Mr Ammon's notice of motion shifted some of the blame for confusion over the loan" (to the Council). Mr Ammon believed that the newspaper was unfair in implying that he had been to blame for causing confusion. He said that it was the newspaper that had spread confusion by using the figure of \$40 on 31 May as the likely rise for ratepayers, ignoring the intended contribution from community fund-raising. The Press Council notes that as early as mid-March a newsletter from the promoters had used the figure of \$40 as the overall requirement, before urging the merits of fund-raising as a means of reducing the rate increase.

While the newspaper might have qualified its 31 May report to distinguish between the overall requirement of \$40 and the scheme's \$20 rates plus \$20 fund-raising, nothing had been finalised at that stage. The newspaper had published a letter on 6 June from another sponsor of the project clearly stating the \$20 plus \$20 intention. Different possible rate increases had been cited at different times, as well as different views as to whether properties or dwellings would be the basis for charging. The Press Council does not think that, read in the context of the report on the District Council's endorsing Mr Ammon's wish to clarify that Council's intentions, the statement complained of bears the weight of meaning directed at him that he infers. This part of the complaint is not upheld.

Mr Ammon also objects to the newspaper report of 3 July saying “Mr Ammon said his notice of motion was aimed at “tidying up the affair”.”

He alleges that the word “affair” is inappropriately used of the debt servicing arrangements he wanted clarified. We find nothing amiss in the use of the word “affair” here.

Mr Ammon complained about the treatment of his letter to the editor, published on 5 July, about that 3 July report. He objects to the beginning of the note the editor appended to his letter: “Investigation shows the article in Tuesday’s Waitomo News was accurate.” He said his letter had not accused the report of inaccuracy. Given the long history of interaction between the editor and complainant on this Marokopa project it is understandable that the editor assumed Mr Ammon must be questioning the accuracy of the newspaper’s report. The Press Council does not think this minor lapse of attention on the editor’s part requires further comment.

The fifth aspect of the complaint also relates to the handling of Mr Ammon’s letter to the editor published on 5 July. Mr Ammon had written: “A \$40,000 loan over 20 years costs \$4000 per year to repay.” The words “per year” were omitted in the printed letter. The editor acted promptly to print a correction, with an apology, in the next issue, but introduced a further error, by saying the loan was over two years, not twenty. Finally, on 12 July, a week after Mr Ammon’s letter had appeared, a further correction and apology put an end to the matter.

The Press Council thinks it unfortunate that these errors occurred, but does not think them of major significance in the reporting of the District Council’s decision. The headline on the 3 July report had clearly said “Council settles on \$20 per year maximum for Marokopa residents”. That was the main issue that had been before the community. The errors would not have misled anyone who had followed the matter closely. They do not justify a formal censuring of the newspaper.

None of the complaint is upheld.

## **Article on horse indecencies causes upset — Case 846**

Grant Conway, an Upper Hutt counsellor, has complained about an *Upper Hutt Leader* court report of a case of indecencies involving horses.

No questions of legality or accuracy are at issue, rather the perceived moral dangers facing any young children who might read a report that is graphic in its descriptions.

According to Conway, reading sexually explicit material, just as being exposed to pornography, is “acknowledged to cause some degree” of emotional disturbance to young people.

Mr Conway attaches to his complaint, letters from colleagues at Presbyterian Support Services, notably one from Elizabeth Hamilton, who says that her 11-year-old son was drawn to the headline — “Man pleads guilty to horse indecencies” — sparking a discussion between them, “like I am sure, a number of parents”.

Neither the heading nor the text is sensationalised, though the nature of the

offending is clearly riveting enough to make any attempt at sensationalism needless, even should that have been the intent of a newspaper.

On her part the *Upper Hutt Leader* editor said the detail published was no more graphic than that published in other sex offence cases that had occurred in Upper Hutt. The judge had the right to suppress details, but had not considered it appropriate to do so.

She also said that there had been initial confusion about the nature of the charges, rendering the detail important in the interests of fairness and accuracy. Attempting to paraphrase the police summary, she said, could have resulted in accusations of sensationalism. She did not believe there was any reason to make an apology.

Reading of such an offence is bound to be distasteful to some people. The *Upper Hutt Leader* item included detail that may have been unnecessary to convey the extent of the offending. It did not help that the medium was a community newspaper, passed to local households at no cost.

At the same time, the importance of the racing industry to this community has to be acknowledged. The subject would have been of interest within that community.

There may in this case be a fine line between reporting the news and providing unwarranted detail to titillate, which the *Upper Hutt Leader* might in the future consider very carefully.

Ultimately, however, what is acceptable, comes down to a matter of taste. It is a judgement call of the editor as to how much detail is required.

The paper was entitled to carefully report what was revealed in an open court. The complaint is not upheld.

## **Immunisation, a prickly topic — Case 847**

The Press Council has not upheld a complaint by the Immunisation Advisory Centre about articles in the April/May (No.11) and June/July (No.12) issues of *Investigate* magazine.

The editor challenged the Council's ability to consider the complaint, saying the magazine did not fall within the Council's jurisdiction. Its owners had not been party to agreements reached between the Council and some magazine publishers.

In the lifetime of the Press Council there have been very great changes in the expectations of citizens and consumers regarding opportunities to make complaints about products and services, and about their treatment by bureaucracies and institutions of many kinds. The Council on its part needed to respond and has clearly stated its reasons for broadening its coverage. In Case No 764: Peters against North and South (1999 Report p. 68), the Council said: "Self-regulation of newspapers and magazines in New Zealand requires that the regulator ensures, as far as possible, that the public are not deprived of the right to complain about a publication." Similar considerations applied in the Craccum complaints, Cases Nos. 783-787, (2000 Report p.21; 30-38).

The policy now is that the Press Council considers complaints against newspapers, magazines and periodicals in public circulation in New Zealand (including their websites). There are exceptions with a publication of very limited or specialised readership. If the editor of a publication does not respond to the Council concerning a complaint, the Council will proceed to consider the complaint as best it can in the circumstances.

The Council has, therefore, taken up the complaint from IMAC. It claimed that Investigate had violated Press Council principles concerning accuracy, the distinction between comment and fact, and the need to make corrections. It said that the articles complained of had made a number of false allegations and misleading statements about immunisation, and about the actions of health authorities in New Zealand. Adverse publicity about the effects of vaccines had, in many countries, led to immunisation rates dropping because of the fears that had been raised.

In issue No.11 there were two articles on the alleged dangers of particular vaccines. The first article drew on New Zealand and overseas material, and the second was written by an American author about experience in his country. IMAC complained to the editor of *Investigate*, both about the content of the articles, particularly the first, "A Jab in the Dark" by Simon Jones, and about the magazine's failure to use information and contacts provided to it by IMAC in advance of publication. Dr Siniva Sinclair, on behalf of IMAC, sent the editor a seven- page response to this article.

In issue No.12 her covering letter and an abridged version of the IMAC response were published. The full text of the IMAC response had been posted on the Healthtalk message board on the Investigate website. Both pieces from IMAC in No.12 were accompanied by aggressive editorial comment contesting some of the points IMAC had made in rebuttal of the initial article. This issue also published 10 letters about immunisation, and directed readers to more on the magazine's website. A letter to the editor from another IMAC staff member about the second article in issue No. 11 was also posted on the website, but not published in the magazine.

In his response to the Press Council the editor vigorously affirmed his magazine's commitment to investigative journalism and its determination to expose the harmful effects of some vaccines and "not to be used as some Government/pharmaceutical propaganda mouthpiece." Notwithstanding his adherence to the jurisdictional point mentioned earlier he provided the Council with a large amount of material from overseas sources in support of his views.

In considering the complaint the Press Council quickly became aware of two important considerations. Firstly, the particular articles are part of a continuing campaign by Investigate magazine to expose alleged deficiencies in official policy and publicity concerning immunisation. There had been an earlier vaccination story in issue No.10. and a later issue No.14 carried several more letters on the topic. The magazine's website, which carries much health-related material, is said to attract more readers than does the printed magazine.

Secondly, there is continuing international research into vaccine safety, proceeding alongside a vigorous debate about immunisation. This debate is being conducted in a

wide range of publications, from prestigious medical journals to the popular press, and in a great variety of tones, from the restrained exchanges of professionals to the strident outrage of those who see cover-ups and conspiracy at every turn. Nothing highlights the clash in viewpoints more than the gulf between those who base their opinions on population-level statistical analysis of the benefits of immunisation, and those engrossed by painful personal or anecdotal stories of adverse effects.

This is clearly not a situation in which the Press Council can apply any simple test to determine the accuracy and balance of the claims and allegations made in the particular articles against which IMAC complains. The Council is not constituted or resourced to pursue enquiries that might enable it to adjudicate on the complex issues, even if that were a feasible task in the short term. There are other sound reasons why it should not make an adjudication founded on accuracy and balance. These are very large public issues under almost permanent surveillance and adjustment, often directly affected by a robust confrontation and exchange of views by the protagonists to the debate.

There are deeply-held convictions and passionate feelings at work in the immunisation debate and some protagonists express their views in ways that others find offensive. Campaigning magazines such as *Investigate* aim to jolt readers into looking at things differently, and use hard-hitting tactics. It was unfair of the magazine to headline Dr Sinclair's response to Simon Jones article: gutter journalism scares parents: health authorities, implying she had used that derogatory term in her response. However, the Press Council does not think that, taken overall, the *Investigate* articles go beyond what is acceptable in this adversary style of journalism.

The Council notes that *Investigate* gave significant space to IMAC's response, both in the magazine and on its website. This is what the ongoing situation requires — a free exchange of views that will assist members of the public, especially parents of young children, to reach their own informed conclusions.

## **Mayoral candidate complains — Case 848**

The New Zealand Press Council did not uphold any of Ian Little's complaints against the *Wanganui Chronicle/Wanganui Midweek*. Ian Little, a prospective mayoral candidate, objected to the way in which his written profile was presented in the *Wanganui Chronicle* in the lead up to the September local body elections. The *Chronicle* had asked Mr Little for an interview and to provide personal details, as they had done for all the other contenders for the position of mayor in Wanganui. Mr Little complained that the published article was completely different to the written personal information which he had supplied to the reporter for the interview.

The *Wanganui Chronicle* editor had not printed his report verbatim, but all the relevant personal material provided by Mr Little had been included in the published column, with the exception of his favourite song.

Mr Little also wanted to know why he was the only one whose photo was printed in black and white. The editor explained that it was not always possible in a paper the

size of the Wanganui Chronicle to have the luxury of printing all photos in colour, whilst also pointing out that the adjoining column featured a black and white photo of another mayoral candidate.

Mr Little had a further complaint — this time with the policy change by the *Wanganui Midweek* community paper in their non-acceptance of noms de plume for Letters to the Editor. He wanted to know why the policy had changed in the middle of council election time. The editor explained that the decision to discontinue with the noms de plume was made to bring the weekly community paper into line with the style of their daily newspaper, the *Wanganui Chronicle*. It was coincidental that the change occurred during election time.

The Press Council does not uphold any of Mr Little’s complaints. The paper had published the facts provided by Mr Little, and the photo was not the only black and white one of a mayoral candidate. The decision not to allow noms de plume, which is the generally accepted practice of most New Zealand papers, is purely a matter of editorial policy.

### **“Inaccurate” photo challenged — Case 849**

This is a complaint by Margaret Rooke against the *Rodney Times* about a photograph published on 26 July 2001.

The photograph accompanied an article outlining a local dispute over public access to the beach at Jamieson Bay. The photograph shows two signs at the beginning of the roadway to the beach.

The photograph of one of these signs is the cause of Ms Rooke’s complaint. The sign says “No vehicles past this point”. Ms Rooke said the sign has a join in it where it was mended after being damaged and that it has a Rodney County Council logo on it. Ms Rooke provided the Council with a photo she had taken illustrating these two features. Neither of these features is visible in the published photo.

The article states that the Rodney County Council will defend the public’s right to use the access road which most of the residents claim is private.

Ms Rooke maintains that this is in conflict with the RCC’s sign and so the photo should have shown the sign more clearly. She says the photo is not accurate.

The *Rodney Times* denies “doctoring” the photo and states that the photographer had not realised the logo was on the sign until approached by Ms Rooke. The paper maintains that the article was fair and balanced and that the loss of detail in the photo is usual when reproduction is on newsprint.

The Council finds that while the photo did not show the logo, there was not any manipulation or other sharp practice on the newspaper’s part in the failure of the published photo to reveal the detail of Ms Rooke’s complaint. Even on the photo supplied by Ms Rooke to support her complaint, the detail was faint.

The complaint was not upheld.

## Fur flies over “Ban the cat!” — Case 850

An Auckland solicitor, Mary Hackshaw, has complained to the Press Council on behalf of Auckland SPCA chief executive Bob Kerridge about an article headed What’s Dead, Pussycat? in the July 28-August 3 edition of the *New Zealand Listener*.

The article, promoted on the magazine’s cover with the teaser Ban the Cat! The Campaign To Control Pet Enemy Number One, was sparked by a Forest and Bird Society policy statement on making more use of the Resource Management Act to classify some bush-side communities pet-free.

Written by Jane Clifton, the four-page feature canvassed the propensity for cats — domesticated, stray or feral — to be efficient killers of prey, be it birds or vermin. The article quoted diverse sources, including overseas research, people involved with Wellington’s Karori wildlife sanctuary, politicians, academics, and Mr Kerridge.

The feature also included two related sidebars, one about a pet-free subdivision on the Coromandel Peninsula, and the other, headed Ban The Cat — Really? about the positions of various political parties and lobby groups on cat ownership.

On July 30, the *Listener* received a letter from Ms Hackshaw, a Papatoetoe solicitor, written on instructions from Mr Kerridge, which said he had been quoted out of context, that the *Listener* had deliberately misrepresented and misstated comments from him, and that the magazine had published his photograph without permission. Further, Ms Hackshaw complained that comments beneath a photo of Mr Kerridge, alongside another of someone else quoted in the article, implied they were his words.

The Society demanded, said the lawyer, an article of equal prominence correcting the position and presenting what she called a balanced and sympathetic view of the value and position of cats in the community. Otherwise compensation would be sought for an educative campaign.

Correspondence involving Ms Hackshaw, *Listener* editor Finlay Macdonald and the Press Council ensued, which at times centred on the way Mr Kerridge had gone about his complaint. In the end, however, the *Listener* asked the Council to adjudicate and rejected any suggestion that the Council try to mediate to reach a resolution between the parties.

For the *Listener*, Mr Macdonald defended the article to the Council. He said his readers were discerning sophisticates quite capable of distinguishing between self-reverential irony and content.

The phrase Ban The Cat! on the magazine’s cover was an economical and attention-grabbing way of explaining the secondary line, The Campaign To Control Pet Enemy Number One. In her coverage, Clifton had acknowledged that no political party would try to ban New Zealand’s most popular pet.

The editor said that the magazine stood by the article and its content completely. It was, in his view, balanced and factual, sparking only the complaint from the SPCA. Mr Kerridge — and others — had had letters to the editor published in subsequent issues of the magazine and in his published letter, the Auckland SPCA chief executive

had not tried to clarify comments attributed to him in the article about the virtues, or otherwise, of keeping cats permanently indoors.

The New Zealand Press Council found it could not uphold the Auckland SPCA's complaint. While there was no question about the sincerity of Mr Kerridge's position, the Council said, the article had dealt with an issue of public interest. It had tried to ascertain the basis of the Forest and Bird Society's campaign by looking at research into what kind of prey cats typically killed. That it chose not to rely on SPCA data was its right.

Further, while Council members could see how Mr Kerridge might feel his comments about cats living indoors was quoted out of context, the Council said that the way in which his remarks were used was, at worst, ambiguous. In its view, when read in the context of preceding paragraphs, the comments were quoted in a way apposite to the question Mr Kerridge acknowledged had been posed to him.

The Council also found, in relation to the part of the complaint dealing with use of the Auckland SPCA chief's photograph, that the magazine had followed standard journalistic practice in using an illustration of someone quoted in the article. As a public figure, Mr Kerridge could expect that news outlets that quoted him would frequently use his photograph.

The complaint is, therefore, not upheld.

## **Letter-writer blames editing for subsequent criticism — Case 851**

The New Zealand Press Council has not upheld a complaint from Peter Sullivan of Wellington against *The Dominion*.

The case revolved around whether changes *The Dominion* made to a letter to the editor from Mr Sullivan were within the bounds of normal editing or were such as to alter the meaning.

The letter in question was a response to an article that a Wellington business woman, Mrs Esther Loong, had decided to return to Singapore.

Mr Sullivan wrote that he was overjoyed to read of the departure of Mrs Loong and her family. "She and her fellow business persons (of whatever race or ethnicity) were never wanted, invited or welcome in New Zealand as far as I am concerned."

In the original of the letter he then said, "The reason for this viewpoint on my part is the absolute disaster their business practices have been for this country, especially in their application to the social arena."

*The Dominion* changed this to, "Their business practices have been an absolute disaster for this country, especially in their application to the social arena."

Mr Sullivan went on to note that 20 years ago, before the arrival of Mrs Loong and her fellow entrepreneurs, New Zealand had reasonable hospitals, a state-owned infrastructure and good job opportunities, but these things had now vanished.

In the original he then wrote, “If that were not bad enough, the National Party did its best a decade later to get as many more such opportunists as possible under its lax immigration laws so it could gerrymander shaky Auckland seats resulting in what at the time was termed by the popular press “the Asian invasion”.”

*The Dominion* removed the phrase “If that were not bad enough.”

Publication of this letter resulted in considerable correspondence from readers criticising Mr Sullivan for his comments and in many cases also criticising *The Dominion* for publishing the letter.

The editor agreed, in a footnote to the correspondence, that in retrospect the letter should not have been published and apologised to the Loong family and the Singapore community.

Mr Sullivan complained to the editor that the criticism he had been subjected to was the result of the changes to his letter. In particular he felt the removal of the phrase “The reason for this viewpoint on my part” had undermined an emphasis that the sole reason for his views was the business practices of business migrants and not, as some critics had assumed, racism or xenophobia.

The editor rejected this claim, maintaining that the changes were merely part of normal editing practice, removing superfluous words, and did not alter the meaning of the letter.

The Press Council has frequently advised editors of the need to take great care in editing letters and to mark letters as “abridged” when making changes of substance.

Nevertheless, the Council feels in this case the changes were within the bounds of acceptable editing and does not consider they altered the meaning of the letter. Nor does it agree that the response to Mr Sullivan’s comments were as a consequence of the changes.

Mr Sullivan wrote a letter expressing a controversial viewpoint and the Council has no doubt that reaction would have been just as strong if it had been published precisely as written.

## **More local body election fall-out — Case 853**

The Press Council has not upheld a complaint from Mr Bosley against *Hawkes Bay Today*.

In an editorial headlined “Lets hear the issues” published in *Hawkes Bay Today* on 21 August 2001, some seven weeks prior to the local council elections, the following statement was made, “One potential Councillor has been campaigning on an anti-water meter platform, but as all sitting members voted against the idea of metering the city’s water supply when it was last debated, it would appear the council hopeful is attempting to fabricate an issue when non (sic) exists”.

According to Mr Bosley, “The claim is damaging and misleading. For the fact is that there has never been a council debate on water meters”.

The day following the editorial, a letter was printed from Cr Kathie Furlong stating that when water conservation was last discussed by the council not one councillor or the Mayor expressed support for water meters. Further, the editor provided a letter from council's Chief Executive officer confirming that in his opinion water meters were a non- issue and stating the matter had been raised formally on agendas and that no member of the council advocated for water meters. He documented several council meetings where the council had made clear its policy not to pursue universal water metering.

Mr Bosley appeared before and addressed the Press Council at its meeting. He said the editor had taken a historical view on the issue of water meters, whilst his campaign was about the future. The council was about to change and the new council was not obliged to continue the same policy on water meters. He was not fabricating an issue he was standing against a real possibility. Given his active stand on water meters the editorial was obviously directed at him and could have been damaging to his campaign, he said.

The Press Council acknowledges that the comments did seem to be directed at Mr Bosley. The word "fabricate" used in the context of the editorial was a synonym for "build" and carries no negative connotation. This editorial contained the editor's opinion, based on evidence, that water meters were not an issue. He was entitled to that view and to publish it. The Press Council also acknowledges Mr Bosley held a different but equally valid view, that water meters could become an issue in the future. These views are not mutually exclusive.

The essence of a free Press is that honestly held views may be published as opinion. In this case they were published in an editorial which clearly identifies them as opinion. Mr Bosley's fear that his campaign would be harmed by the editorial seven weeks before the election has in hindsight become a moot point. He was in fact elected to the council.

## **Suicide — What should be reported? — Cases 855,856,857**

The *Manawatu Evening Standard* ran a series of articles from March 29 to April 9 this year following the death of a 16-year-old schoolboy. Complaints were received from Susan Webb, Christine Davidson and Tony Booker about the newspaper's stories.

The Press Council has upheld the complaint about the newspaper's lack of fairness and balance in these stories, under principle 1 of its Statement of Principles. The complainants criticised several aspects of the newspaper's treatment, but the Press Council does not uphold any specific complaint other than the central one just referred to. As indicated below, some of the actions for which the newspaper was criticised were normal and acceptable practice in high-pressure daily journalism.

The front page lead of the Standard on March 29 was headlined "Bullies blamed for death" under a smaller overline "Teen tragedy". It reported that families and friends

of Jay Brady, a 16-year-old who committed suicide early in March, thought they knew why he had done it.

It is significant to mention here that the first article was published approximately three weeks after the death. The Coroner's inquest was held on October 10, 2001 with a finding the death was self-inflicted. See the final two paragraphs of this adjudication.

The first story quoted the parents as saying that they believed persistent bullying at the school was the reason for his death, and that several people had contacted them about the bullying he allegedly suffered. The principal Ron O'Leary was quoted as saying "Neither I nor any teacher in the school had knowledge of any bullying against him," and spoke of the school's clear anti-bullying policy.

The theme was followed in the front page lead the following day, "The boy they called Jesus", where anonymous students, with their parents' consent, spoke of the bullying of Jay they had seen or friends had told them about. The reference to Jesus came from a role the boy had had in a school play.

The lead story on March 31 was "Parents rally around St Peter's College" with a supporting story "Coverage 'sensational' ", where Larry Ching, a Manawatu Principals' Association representative, was critical of the paper's coverage as "inappropriate and premature".

On Monday April 2, a panel across seven columns at the bottom of the newspaper's front page quoted St Peter's College 7th-former Vanessa Shaw, with her father's permission, talking about being bullied at school. Margaret Richardson was quoted about her grandson being taunted at the school. On the same day the paper's editorial "Dealing with bullying in our schools" commented on the gulf between the school's view and reports of others on bullying at St Peter's College.

"It was the link between the allegations of bullying and Jay's self-inflicted death last month which gave what happened a special resonance," it said. The editorial concluded that "in airing the concerns of the Bradys some good might yet come from the death of their son because bullying and its consequences must be acknowledged and discussed."

The first letter to the editor appeared the same day and was critical of the newspaper. The letter was also quoted in the front page story. Between April 2 and 17, the newspaper went on to run 30 letters, 25 of them supporting the school and critical of the paper's stories. In 20 of the letters, the writers acknowledged a past or present association with the school.

Some of the letters to the editor discussed suicide as having complex causes, not just having a single or simple origin. Letters from the subsequent complainants Susan Webb and Christine Davidson were among the general letters to the editor, both strongly expressing their disapproval of the newspaper's stories.

On April 5, a letter from Brady's parents was run as a news story on page one. Martin Brady wrote that his letter was originally intended as a thank you note to St Peter's College — "his mother and I appreciate everything they have done" — but he also thanked the newspaper for opening their eyes to "what is actually happening at this school."

Three complaints were lodged with the Press Council. One was from Susan Webb, senior lecturer and co-ordinator of counselling and guidance programmes at the Massey University Department of Health and Human Development. She is also the facilitator of the project “The prevention, recognition and management of young people at risk of suicide”. Christine Davidson, who formerly taught at the school, lodged an individual complaint and the a third complaint came from Tony Booker, a teacher at the school who was on secondment to the Ministry of Education at the time of the newspaper coverage.

All three complained about inaccuracy in reporting of the alleged bullying at the school, and the effect on at-risk students in a time of grief of reporting a young man’s self-inflicted death. They questioned whether the paper’s sources were reliable, as it had quoted anonymous students, and whether the school had been given adequate chance to reply. They were concerned that the paper had breached the Ministry of Health Guidelines as set out in the ministry booklet *Suicide and The Media*.

A particular concern of the complainants was the effect on the school of the sustained coverage in the newspaper, as extra counselling staff were needed and distressed or at-risk young people became focused on the story.

The preparation and presentation of all three separate written complaints were of the highest order. The three complainants appeared individually before the Council at its meeting on September 24, 2001, making oral submissions in support of their written complaints.

The *Manawatu Evening Standard* defended its series of stories as being handled professionally and sensitively. Editor Tony Curran, in detailed responses to the complainants, repeated that the paper had taken the Ministry of Health guidelines seriously but treated them as guidelines not prescriptions, and had weighed up professional counsellors’ advice not to publish against the legitimate public interest which the *Standard* had a duty to serve.

He denied that the newspaper had sought to provide a simplistic explanation, blame particular students or “demonise” the school, as one complainant had said.

He said the paper had given the school adequate opportunity to respond, respected off-the-record confidences in meetings with the school principal and found experts on counselling unwilling to go on the record because of privacy matters. He said the feelings of the Brady family, who approached the newspaper in the first instance, were respected. He defended the number of articles as part of the developing nature of the story, and rejected the accusation of sensationalism, saying the placement of articles was in keeping with their significant news value.

He agreed the decision to publish the letter from the Brady’s on the front page was unusual, but consistent with the ongoing news value of the issue. In answer to the complaint that the school had no chance to respond to comments in the letter, the editor said a letter from a grieving family would be seen as such by a reasonable reader.

The Press Council gave lengthy consideration to this case, and waited for the

Coroner's Court hearing before delivering its adjudication. Both sides had valid cases to make. Youth suicide is of major concern, and this silent epidemic has grown under one of the world's toughest regimes about what can be reported publicly about suicide. Newspapers are anxious to present stories on this issue of major public interest. Counsellors familiar with research on the effect of stories about suicide in the press want the Ministry of Health Guidelines adhered to more strictly.

There are several areas of concern in the *Manawatu Evening Standard's* coverage. The newspaper began with a story of assertions headlined "Bullies blamed for death". There is no evidence in that story or the continuing series that other or more complex causes were canvassed. Research into suicide suggests the causes are usually never simple or singular, and often the act may be the final step in a series of complex events. The newspaper allowed one or two people quoted to suggest this but did not itself investigate this consideration.

Then by keeping a series of seven stories on the front page over six days, the newspaper gave this personal and tragic story a weight and prominence which even major local news stories rarely carry. Many of those involved emotionally were naturally reluctant to speak out freely. The newspaper's stance as the discloser of "revelations" largely left it to the Letters to the Editor pages to provide other perspectives. It is in this respect that the newspaper did not meet the necessary standards of balance or fairness in reporting on the self-inflicted death of a teenager who happened to be a St Peter's College student.

Balance in a running series such as this is not only a question of response and counter-response, but a matter of a newspaper's own assessment and elaboration. The newspaper fell down here in exploring the questions that would provide that equalising fairness, particularly as most of its sources quoted were teenagers, some of them anonymous.

To its credit, the newspaper ran stories and letters critical of its coverage, but when it was approached by people alleging more examples of school bullying, the stories focussed on whether the school or the newspaper was correct. The original grounds for the story dealing with a self-inflicted death became buried.

Running a letter as a page one news story without giving anyone affected by the comments in the letter a chance to respond equally abdicated the newspaper's responsibility to pursue balance and fairness in all aspects of this difficult story.

On the letters page, opinions can be answered by other letters — in the news pages, newspapers should do their own work to seek out the full picture. The newspaper failed to uphold the highest professional standards by privileging this letter in the middle of a series of stories already causing emotional public debate.

In respect of the fairness and balance the paper should have observed (as in the Press Council's principle 1) the complaints against the newspaper on this ground are upheld.

On the issues of the *Manawatu Evening Standard* using photographs and publishing against the advice of professional counsellors there appeared to be no deviation from accepted journalistic practice. Given the tight deadlines of daily newspapers, there is

also nothing out of the ordinary in the fact that some of the *Manawatu Evening Standard's* attempts to contact the principal for comment before publication were unsuccessful.

In normal circumstances, the newspaper's approach of publishing regardless of the effect of the story on third parties would have been acceptable, but here it should have been more aware of the emotional impact of stories on the school and its pupils and reflected that aspect in its coverage.

The Council has had drawn to its attention, by a complainant, the provisions of section 29 of the Coroners Act 1988 as amended in 1996. The section deals with publication of details of self-inflicted deaths both before and after the Coroner's inquest has been held. On both situations the section makes provision for the authority of a coroner to be sought for publication but the *Manawatu Evening Standard* has confirmed such authority was never requested.

The Council avoids making, for obvious reasons, pronouncements on legal issues such as statutory interpretation. This is particularly apposite in respect of s29 of the Act. There are difficulties with the section as to its precise meaning. It is public knowledge that the subject of coroners' functions and duties are currently under examination by the government and the Law Commission published Report 62 in August 2000 entitled Coroners. The exact problems of s29 were not addressed in that report. Furthermore the problems attendant on the true interpretation of s29 were considered in *Board of Trustees of Tuakau College v Television New Zealand Ltd* (HC Auckland, CP 96/96, 22 March 1996), which decision seemed to suggest s29 might now need to be interpreted in the light of s14 of the Bill of Rights Act 1990 on freedom of expression. With the law in this somewhat confused state the Council puts the legal issues to one side and makes its decision on ethical considerations applying to journalism in New Zealand. Undoubtedly the problems inherent in s29 need to be thoroughly examined by the legislature when it turns to amendment of the Coroners Act.

## **Name suppression confusion 1 — Case 858**

The Press Council has not upheld a complaint by X against the *Waikato Times* concerning the manner in which it dealt with aspects of court proceedings taken against her.

On 9 July 2001 the complainant was convicted after pleading guilty to the theft of a large quantity of pills from her employer, a District Health Board. She was sentenced on 27 July. On 3 August her name was permanently suppressed. She had originally also been charged with possession of a precursor substance, but that charge was withdrawn by the police. The summary of facts that accompanied the charges was amended to delete material relating to the potential street value of the drug that could have been manufactured from the stolen pills.

X complained to the Press Council that the *Waikato Times* had breached her privacy by publishing details about her age and employment. She also asserted that the

newspaper had breached the terms of the final suppression order. The Council does not endorse her view on either matter. The offending was clearly of great public interest and needed to be reported. Courts are given considerable discretion as to what information about defendants may be suppressed. In this instance, interim and final orders made by different judges suppressed only her name. The Waikato Times was therefore entitled to publish other information stated publicly in the court proceedings.

She also complained that the newspaper had breached standards of accuracy and fairness by referring to material relating to the charge that had been dropped by the police. In its 10 July report of the previous day's court proceedings the Waikato Times referred incorrectly to certain information about the potential street value of the stolen pills as having been in the police summary read in court. As indicated above, that material had been deleted from the police summary when only the single charge of theft was proceeded with. Later reports in the newspaper also referred to the possible use and value of the stolen pills.

The editor accepted that a mistake had been made in the July 10 report, and offered, in a letter to the complainant dated 30 July, to print a correction. The complainant has advised the Press Council that she did not receive this letter. As there was no response to that offer the newspaper took no further action. The Press Council thinks the newspaper acted promptly to offer correction of its misstatement about what was read out by the police in court. It is unfortunate that the complainant did not receive the newspaper's 30 July letter containing this offer. The judge at the final hearing referred to this misstatement as having occurred "quite accidentally", and the Press Council does not think further comment is required.

As regards the other references to the possible implications of the theft, the editor stated that the information the newspaper printed had been confirmed by police officers outside the formal court proceedings, and had been attributed to them. The newspaper saw these comments as relevant to the story of the theft conviction. The Press Council considers that the newspaper's use of information freely supplied to a reporter by the police in this way falls squarely within acceptable journalistic practice.

## **Name suppression confusion 2 — Case 859**

The Press Council has not upheld a complaint by X against *The New Zealand Herald* concerning the manner in which it dealt with aspects of court proceedings taken against her.

On 9 July 2001 the complainant was convicted after pleading guilty to the theft of a large quantity of pills from her employer, a District Health Board. She was sentenced on 27 July. On 3 August her name was permanently suppressed. She had originally also been charged with possession of a precursor substance, but that charge was withdrawn by the police. The summary of facts that accompanied the charges was amended to delete material relating to the potential street value of the drug that could have been manufactured from the stolen pills.

X complained to the Press Council that the newspaper had breached her privacy

by publishing details about her age and employment. She also asserted that the newspaper had breached the terms of the final suppression order. The Council does not endorse her view on either matter. The offending was clearly of great public interest and needed to be reported. Courts are given considerable discretion as to what information about defendants may be suppressed. In this instance, interim and final orders made by different judges suppressed only her name. The *New Zealand Herald* was therefore entitled to publish other information stated publicly in the court proceedings.

She also complained that the newspaper had breached standards of accuracy and fairness by referring to material relating to the charge that had been dropped by the police. The *New Zealand Herald* first referred to the case in detail on 28/29 July, when reporting the conviction and sentence. This report, and a later one on the name suppression, both referred briefly to the potential street value of the stolen pills.

The editor stated that the information it printed about the possible implications of the theft had been gained in conversation with a police officer after the conclusion of the court proceedings, and had been attributed to him. The newspaper saw these comments as relevant to the story of the theft conviction.

The Press Council considers that the newspaper's use of information freely supplied to a reported by the police in this way falls squarely within acceptable journalistic practice.

## **Bias alleged in immigration swoop story — Case 860**

The New Zealand Immigration Service complained about reporting and commentary in the *New Zealand Herald* to do with an attempt on 8 June 2001 to remove two young Samoans from the country. The *Herald's* overall coverage of the incident was described as “inaccurate, unfair and unbalanced”; the original report of 11 June was thought to be “grossly inaccurate” and an editorial of 13 June was said to have repeated “the erroneous information contained in the original story in highly emotive language and style”. A further article on 27 June was cited as having “lacked balance, repeated a number of errors from the earlier coverage and misrepresented the Report” — which emerged from the Service's own investigation into the affair. The *Herald* was called variously to apologise for the errors and imbalance in its reporting and for “aspersions of bias”.

The Immigration Service was certainly given a “bad press” in the *Herald's* 11 June report and in its editorial of 13 June. The former was carried at the top of the front page under the headline “Officials try to deport terrified girl” with a sub heading “An immigration swoop on the home of a 10-year-old girl is called “cruel” and “heartless” by her lawyer”. Under his photograph the lawyer was quoted in black type, as describing the failure of immigration officials to take note of the claim that the child in question had been adopted by the householders, “the guy did not want to know. The law is the law and they were going to bowl on and do it”. The report opened as follows “In a morning raid police and immigration officers took a screaming

10 year-old girl from her adoptive parents' home to deport her to Samoa". The newspaper's main editorial two days later carried the headline, "Immigration staff blundered, again". Both the report and editorial stated that the two young people who were to have been removed had been "held in police cells". On 14 June, the *Herald* greeted the Immigration Service's announcement that it would conduct an investigation into the affair with a brief and sarcastic mention in its regular column, "What they don't want you to know", as follows: "The Immigration Service claims *Herald* reports on its attempted removal of a 21-year old Samoan woman and a 10-year old child were not in possession of all the facts. But the service had not issued all the facts because it has begun a process to establish them for itself". A further story on 27 June highlighted some of the shortcomings in the service's procedures identified in the Investigating Officer's report. The newspaper also corrected itself on some points of detail in its coverage of the affair in its We Got it Wrong column of 30 June.

A child aged 10 and her cousin aged 21, both of whom had been living in Hamilton on expired temporary permits, were told by Immigration Service officers at 7.30 am on 8 June that they were to be returned to Samoa. The 21-year-old was taken to a local police station and interviewed, while the child remained at the house pending clarification of a claim that she had been adopted by the householders. In the absence of certainty on this point the child was taken, at 12.35pm, and delivered into the care of Child, Youth & Family officers in Hamilton. At about 3pm, she was brought to the police station where — in the public area — the family farewelled the two young people. Both were then removed in a police vehicle to Auckland Airport. During the course of the afternoon a lawyer acting for the family applied for an interim injunction against the removal order, which was granted later in the evening. Immigration Service officials also recognised that they had not been given all the information about a complicated family situation. In the evening the two were returned to the house in Hamilton.

The *Herald* report of 11 June was based on interviews with the lawyer and with an aunt of the child who, she said, had been "very frightened" when the Immigration Service officials took her. The reporter also made three attempts to contact the Immigration Service spokesman, over a weekend. In the event, the *Herald* claimed, the spokesman was unable to discuss the incident in detail because it is the Service's policy not to comment on cases under current consideration.

This was clearly a news item of importance and immediate interest. There were obvious echoes of the "dawn raids" on so-called "over-stayers" of earlier years. In accordance with Press Council procedures the Immigration Service wrote to the *Herald* contesting the newspaper's interpretation of events, specifically denying that the child had ever been put in a police cell or had been taken "screaming" from the house. The charge that a child had been put in a prison cell was serious and was never specifically retracted by the *Herald*, although the 27 June story — which drew on the Investigating Officer's report — said that "contrary to newspaper reports the child was never held in a police cell and was not taken from the house screaming".

The Immigration Service claimed that the *Herald* reporter had not checked with

their spokesman about these matters. The *Herald*, however, made the point that the policy of not commenting on current cases made “sensible discourse” between the media and the Service about such issues, impossible. The Press Council appreciates that government departments may often find it difficult to engage in such a discourse because of their obligations under the Privacy Act and the need for sensitivity in matters with a high political resonance. Nevertheless, the Council recommends adoption of policies of maximum possible openness and availability in dealing with the media.

In a Media Statement of 13 June the Immigration Service contended that the *Herald*’s editorial of that date “flew in the face of principles of fairness and natural justice” on the grounds that, until the Service had made its own investigation into what happened, it was “totally unreasonable for the *Herald* to judge the service’s actions”. The implication here is that government agencies are entitled to expect newspapers to hold back on reporting and comment until officials have made their own enquiries. This would be a serious infringement of press freedom.

The Press Council found that the *Herald*’s coverage of this incident, although hard-hitting, was not unfair or unbalanced, when the balance is set in terms of the wider public interest. By the Service’s own admission, errors were made which undoubtedly compounded the anguish of the individuals concerned. The article and editorial brought forward issues — the rights of children to protection; the need to get the facts right before invoking arbitrary powers; national immigration policies — which can touch on fundamental human rights. The Immigration Service has a difficult role in such areas. There can, however, be no question about the public’s right to be informed about how it handles so sensitive a matter as removal proceedings. There were “inaccuracies” in the original article of 11 June, not all of which were adequately corrected in later coverage. But this consideration did not invalidate the report. Close scrutiny of such matters is a proper role of a free press. The *Herald*’s coverage of this affair served the public interest — although the newspaper would have helped its own cause if it had made more use of its own commendable We Got It Wrong column.

The complaint is not upheld.

# The Statistics

	<i>1999</i>	<i>2000</i>	<i>2001</i>
Total complaints	75	75	106
Adjudications	46	45	47
Upheld	8	9	1
Part Upheld	5	9	3
Mediated	5	-	1
Withdrawn	-	-	3
Withdrawn at a late stage	5	8	2
Not followed through	9	13	18
Out of time	1	1	5
Not accepted	1	1	4
Outside Jurisdiction	6	1	9
In action at year end	7	7	17

# Decisions 2001

<i>Complaint name</i>	<i>Newspaper</i>	<i>Adjudication</i>	<i>Publication</i>	<i>Case No</i>
G Nicholls	The Press	Not Upheld	22.2.01	814
J Gamby	New Zealand Herald	Not Upheld	22.2.01	815
P Evans	Northland Age	Not Upheld	22.2.01	816
R Johansen	The Listener	Not Upheld	22.2.01	817
Auckland Jewish Council	New Zealand Herald	Not Upheld	1.3.01	818
D Snelgar	Sunday Star-Times	Not Upheld	1.4.01	819
P Palmer	The Press	Not Upheld	3.4.01	820
G Axford	Greymouth Evening Star	Not Upheld	3.4.01	821
E Rush	Sunday News	Upheld	8.4.01	822
A Perry	The Dominion	Not Upheld	17.5.01	823
W H Geddes	Evening Post	Not Upheld	17.5.01	824
L Adams	Oamaru Mail	Not Upheld	17.5.01	825
D Tranter	Greymouth Evening Star	Not Upheld	28.5.01	826
Palestine Human Rights Campaign	New Zealand Herald	Not Upheld	5.7.01	827
C Banks	Greymouth Evening Star	Not Upheld	5.7.01	828
W Forman	Napier Mail	Not Upheld	5.7.01	829
University of Otago & G Fogelberg	The Dominion	Not Upheld	5.7.01	830
A Gibb	Contact	Not Upheld	11.7.01	831
U Cargill	New Zealand Herald	Not Upheld	10.8.01	832
C Bancilhon	Hutt News	Not Upheld	13.8.01	833
R Ryan	The Press	Not Upheld	13.8.01	834
I Hitchcock	New Zealand Herald	Not Upheld	13.8.01	835
E K Gilbert	Kookaburra Magazine	Not Upheld	20.8.01	836
P Ioane	New Zealand Herald	Not Upheld	17.8.01	837
W Penman	The Press	Not Upheld	20.8.01	838
M Newlove	The Press	Not Upheld	4.10.01	839
J A Franklin	The Weekend Sun	Not Upheld	4.10.01	840
F H Sims	New Zealand Herald	Not Upheld	4.10.01	841
Koolfoam Industries	New Zealand Herald	Not Upheld	4.10.01	842
Palestine Human Rights Campaign	New Zealand Herald	Not Upheld	4.10.01	843
A Gibb	Contact	Not Upheld	8.10.01	844
M Ammon	Waitomo News	Not Upheld	8.10.01	845

# 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, and 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. 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 correction fair prominence. In appropriate circumstances the correction may be accompanied by

an apology and a right of reply by 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, race, colour or physical or mental disability unless the description is in the public interest.

### **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 should complain in writing to the editor. This will acquaint the editor with the nature of the complaint and allow him/her the opportunity to deal with the complaint at first hand.
2. If you are not satisfied with the response, the next step is to send to the Secretary of the Press Council
  - (a) A statement of your complaint in general terms;
  - (b) Nominate which of the Statement of Principles you think is contravened;
  - (c) Copies of correspondence with the editor;
  - (d) A copy from the newspaper or magazine of the offending published piece;
  - (e) Any other supporting evidence thought to be relevant.
3. The Press Council copies the complaint to the editor who is given 14 days to respond. A copy of that response is then sent to you.
4. You now have 14 days in which to comment to the Council on that response. There is no requirement for you to make further comment – you may do so if you wish.
5. Members of the Press Council are each supplied with a copy of the full complaints file which will be considered at their next meeting. (Note: the Council meets about every six weeks).
6. The Council’s adjudication is communicated in due course to the parties and in all but exceptional cases will be published. The newspaper or magazine against which a complaint is made, is obliged to publish the essence of Council adjudications if the adjudication is against the publication, giving it fair prominence. It may publish a shortened version if the adjudication is in its favour.
7. The Press Council is an ethical body and does not seek to supersede or supplement the administration of legal justice. It has no power to insist a newspaper follow any set course.
8. 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 newspaper or journalist concerned. This is to avoid the possibility of a Press Council adjudication being used as a “trial run” for litigation.
9. All documents submitted in presentation of a case will be retained by the Council in its Case Records and your submission of documents will be regarded as evidence that you accept this rule.

# Statement of financial performance

for the year ended 31 December 2000

## INCOME

<i>2000</i>	<i>1999</i>	
1,200	Union	1,200
140,000	NPA contribution	140,000
5,000	Community newspapers	5,000
5,342	Magazine contribution	7,750
705	Interest received	747
2,638	Miscellaneous income	-
<b>154,885</b>		<b>154,697</b>

## EXPENDITURE

545	ACC levy	902
444	Accounting fees	461
800	Advertising and promotion	-
	Auditor	346
10	Bank charges	61
287	Cleaning	345
1,375	Computer expenses	439
6,459	Depreciation	5,178
3,957	General expenses	3,527
1,300	Insurance	1,582
-	Internet expenses	769
1,125	Postage and couriers	481
1,022	Power and telephone	1,281
4,469	Printing and stationery	7,711
6,229	Reception	6,230
13,291	Rent and rates	13,291
93,309	Salaries - board fees	90,520
1,500	Secretary's allowance	1,500
271	Subscriptions	236
16,520	Travel and accommodation	23,015
1,226	Interest - term loan	902
<b>154,139</b>	<b>Total expenses</b>	<b>158,777</b>
746	Income over expenditure	(4,080)
9,741	Plus equity at beginning of year	10,487
<b>10,487</b>	<b>Equity as at end of year</b>	<b>6,407</b>

# Auditor's report

**CORNISH**  
& ASSOCIATES LTD

Accountants & Business Advisers

6 March 2001

## 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 2000 (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 2000 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 2000 and financial performance and cashflows for the year ended on this date of the organisation.

Our review was completed on 6th March 2001 and our unqualified opinion is expressed at this date

CORNISH AND ASSOCIATES LTD.

# Index

<b>A</b>	
A good bollocking? — Case 840 .....	55
Anonymous sources — Case 814 .....	27
Another letter to editor not published — Case 834 .....	50
...And another — Case 835 .....	51
...And another — Case 844 .....	51
...And Case 854 .....	57
...And yet another — Case 852 .....	51
Appeal over appeal — Case 837 .....	53
Article on horse indecencies causes upset — Case 846 .....	61
Auditor's report .....	85
<b>B</b>	
Balance In News Reporting .....	16
Bias alleged in immigration swoop story — Case 86 .....	75
Blue penguin blues — Case 825 .....	40
<b>C</b>	
Chairman's Foreword .....	3
Complaints Procedure .....	83
<b>D</b>	
Decisions 2001 .....	79
Defence Of Free Expression .....	6
<b>E</b>	
Editor acts to protect paper — Case 828 .....	42
<b>F</b>	
Former candidate contests court case report — Case 839 .....	54
Fur flies over "Ban the cat!" — Case 850 .....	66
<b>H</b>	
"Have gone" does not mean were sacked — Case 817 .....	30
How is the air down there? — Case 820 .....	34
<b>I</b>	
Immunisation, a prickly topic — Case 847 .....	62
"Inaccurate" photo challenged — Case 849 .....	65
Increase and "build-up" synonymous — Case 838 .....	53
International Links .....	18
<b>J</b>	
Judaism and Zionism — Case 818 .....	32
<b>L</b>	
Letter to editor not published — Case 833 .....	49
Letter-writer blames editing for subsequent criticism — Case 851 .....	67
Letters To The Editor .....	7
<b>M</b>	
Mayoral candidate complains — Case 848 .....	64
More local body election fall-out — Case 853 .....	68
More unpublished letters — Case 841 .....	56
<b>N</b>	
Name suppression confusion 1 — Case 858 .....	73
Name suppression confusion 2 — Case 859 .....	74
No homburg — Case 832 .....	48
<b>O</b>	
Old news is not news — Case 826 .....	41
<b>P</b>	
Palestine/Israel No. 1 — Case 827 .....	41
Palestine/Israel No.2 — Case 843 .....	59
Personalisation Of The News .....	14
Pseudonyms considered inappropriate — Case 836 .....	52
Publication of address questioned — Case 824 .....	39
<b>R</b>	
"Revolt rocks medical school" — Case 830 .....	44
Robust debate hits home — Case 821 .....	35
Rugby star misquoted — Case 822 .....	36
<b>S</b>	
Shaken by earthquake story — Case 829 .....	43
Statement of financial performance .....	84
Statement Of Principles .....	80
Strong attack — strong response — Case 823 .....	37
Suicide — What should be reported? — Cases 855, 856, 857 .....	69
Suicide Reporting .....	9
<b>T</b>	
That "Holocaust" speech — Case 815 .....	27
The Adjudications .....	27
The juxtaposition case — Case 819 .....	33
The Press Council – A Newspaper Editor's View .....	24
The Press Council 30 Years On .....	21
The rot sets in — Case 842 .....	57
The Statistics .....	78
The "wheelie" ferry story — Case 816 .....	29
Too spooky for some — Case 831 .....	47
<b>W</b>	
What Is News? 11	
Who will pay, and how much, for the Marokopa Hall? — Case 845 .....	59
World Press Freedom Day 19	



