





# NEW ZEALAND PRESS COUNCIL

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## OFFICERS FOR 2000

Sir John Jeffries  
Graeme Jenkins

Independent Chairman, Retired High Court Judge  
Secretary

## Representing the public:

Sandra Goodchild	Chartered Accountant, Dunedin
Dinah Dolbel	Barrister, Auckland
Stuart Johnston	Emeritus Professor, Lower Hutt (from July 1)
Tom Larkin	Retired diplomat, Wellington (until June 30)
Denis McLean	Retired diplomat, Wellington
Richard Ridout	Farmer, Rangiora

## Representing the Newspaper Publishers Association (NPA)

Suzanne Carty	Editor Evening Post, Wellington
Jim Eagles	Editor Hawke's Bay Today, Hastings

## Representing Magazine Publishers

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

Audrey Young	Press Gallery, New Zealand Herald, Wellington
Brent Edwards	Political editor, Evening Post, Wellington



# Chairman's foreword

## Press Council in Action

The Council comprises six public and five industry representatives. The Chairman is a public member. It is one of several bodies operating in New Zealand under the regime of self-regulation. The funds are provided entirely from the industry and the government has no role, either financially or in regard to membership.

The three principal limbs of the Press Council are resolution of complaints about the print media; promotion of the freedom of the press in New Zealand; and maintenance of the New Zealand press in accordance with the highest professional standards. Most press surveillance bodies around the world subscribe to the first two limbs but some media supervisory bodies (Canada, for example) do not include the third limb as it might be interpreted as an intrusion into freedom of the press. The original framers of our Constitution did not regard the inclusion of the third limb as presenting those sorts of problems for New Zealand.

From the public's viewpoint, and the Council's, the most important part of our mis-



*The Council line-up in 2,000. From the left Dinah Dolbel (Auckland), Sandra Goodchild (Dunedin), Sir John Jeffries (Chairman), Terry Snow (Auckland), Stuart Johnston (Lower Hutt), Brent Edwards (Wellington), Audrey Young (Wellington), Richard Ridout (Rangiora), Denis McLean (Wellington), Graeme Jenkins (Secretary) and Jim Eagles (Hastings). Insert: Suzanne Carty (Wellington).*

*The members representing the public are Ms Dolbel, Mrs Goodchild and Messrs Johnston, Ridout and McLean. Sir John Jeffries, formerly a judge of the Supreme Court, is the independent chairman. Ms Carty and Mr Eagles represent the Newspaper Publishers' Association and Mr Snow represents magazines on the Council. Miss Young and Mr Edwards are the appointees of the Media Division of the New Zealand Engineering, Printing and Manufacturing Union.*

sion is the resolution of complaints which mostly come from the public. The role of the Council is part of a universal activity that ranges from resolutions by parents of sibling disputes through to decisions from our highest Courts that usually have consequences beyond those of the parties to the dispute.

Let us take a moment to examine the results of those decisions made by the Council, why they are made as they are, and their effect, particularly on the unsuccessful complainant.

There is no difficulty acknowledging that all decision-making performed by humans sometimes gets it wrong in a variety of ways. Even video referees are not infallible, or occasionally cannot deliver a conclusive answer. There is hardly a law conference, local, regional or international, that does not have on its agenda of papers faults in the legal system with special consideration for the criminal law. A citizen wrongly convicted of any crime is indeed hard done by.

The Council has no reluctance stating that it can and has (infrequently, we hope) got it wrong. Although there is no formal appeal from our decisions we readily re-examine if there is evidence that the decision was flawed in some material way. We did so in the last year and cancelled an adjudication. The sorts of decisions we are prepared to re-examine are those connected with the facts as presented to the Council, but we do not re-open matters of opinion.

It may help the public if we outline how the Council reaches a decision and why a complainant may find a complaint decided on what he or she may regard as a lofty principle that has no apparent relationship to the complaint. I refer here to the fundamental concept of free expression.

Our functions as contained in the Constitution, and outlined above, are separately distinguished but in practice they overlap and each has a part to play in the decision-making. A useful generalisation is that the Council has, as its lodestar, ethical considerations when dealing with a complaint. The Council was certainly not saddled with complicated interpretations of the Constitution and this allows freedom. The Council rarely has access to contract (an agreement between the parties) to assist in its deliberations as do other commercially oriented complaint resolution bodies. The reader is spared a detailed analysis of ethical concepts, but for our purposes it can be said it is an examination of conduct (writing mostly) in the light of accepted standards and principles existing within society and accepted by the print media. An important issue for the Council is to reflect community standards. Most would agree that decision-making on ethical grounds can be hazardous and problematic.

Once all papers have been assembled for the consideration of the Council arising out of a complaint the hearing takes place on the papers. If requested the complainant can appear in support of the complaint at a Council meeting and this was done last year. A very important consideration to the Council is that the process remains simple and cost free.

The Council works best when it has before it a clear set of facts. The Council must at times deal with disputes on the facts but so long as the area of difference is plain it

can usually reach an acceptable view. Because most issues are in writing the factual areas are not often in dispute. When fact issues appear on the papers, efforts are made to clarify them before the complaint comes before the Council.

From here on not too much of a general nature can be said because the determining factors in each complaint are the issues raised by the complaint. All members of the Council are supplied with the complaints, usually a week before the meeting. The issues raised by the complaint are fully discussed around the Council table sometimes producing differences ranging from mild to sharp. After full discussion is completed unanimity in the result is most often achieved. On the relatively rare occasions all members cannot agree the decision is made by a majority of members present and formal dissenting opinions are accepted as part of the process. Most Council decisions are made and published within two months of the time they are received by the Council.

Its Statement of Principles, of which the first on Accuracy is of utmost importance, guides the Council. The Council encourages complainants to nominate the Principle(s) in their complaint and to express what is their belief as to where the publication erred.

The Council can understand why, on occasions, a complainant may be miffed to find that the Council does not uphold a complaint. This occurs, not infrequently, on the ground that the publication is entitled to publish, even if it might be considered by some, or indeed a majority, to be expressing views ranging from objectionable through to offensive and shocking. That is freedom of expression in action and was illustrated by the Craccum adjudication, which did not uphold part of the complaint.

Often on local issues that are the subject of sharp and sometimes noisy dispute, the newspaper is simply collecting the various points of view that are current in the community and publishing them for the benefit of all readers.

If the editor has printed a letter from the complainant that sufficiently meets the essence of the complaint and there are no other complicating factors the Council is inclined to let the dispute rest there. Both sides have had their say and thereafter it is left to the readership. Occasionally the Council will decide that a mistake in the original article that has been subsequently corrected by the paper, or is not material, does not warrant a finding of upheld against the publication.

## **Other Issues**

The Council has been on line with its own webpage ([www.presscouncil.org.nz](http://www.presscouncil.org.nz)) for the year under review. This has proved popular with the public, those wishing to make a complaint or find out more about the Council's activities. All relevant information about the Council is there including all published adjudications. After an enquiry call by a member of the public almost invariably the caller will be satisfied to take the address of the website rather than receive by post the information about the Council.

Following the practice of previous years the Council was fortunate to have been addressed by a number of interesting speakers including Sharon Crosbie, CEO of Radio NZ; Richard Woods, Director of Security for the SIS; Justice Richard Heron, High

Court Judge; and Commissioner of Police Rob Robinson. All the speakers spoke on their areas of expertise and the Council formally acknowledges with gratitude the time given by very busy people to speak to us.

The Council paid greater attention to bringing itself before the public in 2000. Elsewhere in this Report specific mention is made of appearances by Council members at suitable functions. Towards the end of the year discussions took place with the Executive Director of the Newspaper Publishers Association for the purpose of establishing a continuing programme through the newspapers of advertising at regular intervals. These notices could include the services available to the public of the Press Council's range of activities but in particular as a complaint resolution body. The format of such an item has now been settled and should make regular appearances in newspapers.

In past Annual Reports the Council has made efforts to publish the various reform steps that have taken place. The two most important, from the public's viewpoint, have been the extension of jurisdiction to cover virtually all print media (some exceptions must be made) and the adoption and publication of the Statement of Principles. Both these steps have increased the value of the services available to the public by the Press Council, and, we hope that they have demonstrated that a self-regulation body does accept the obligation to keep itself abreast of changes in society. There has not been a flood of complaints against magazines as some feared, and the use of the Principles and the use of them by the public has fulfilled our expectations. Some difficulty has been experienced with Principle 6 "Comment and Fact" but that was entirely to be expected. The boundary between fact and opinion can be very fine indeed but complexity of adjudicating on that should not be regarded as a disadvantage to the Principle.

Letters to the editor have continued to be a source of complaint notwithstanding that the Council has set and adhered to a policy that the editor of a publication is the sole arbiter on what ought to be published. Some press councils elsewhere in the world do not accept complaints based on an editor's decision about publication but the Press Council eschews that step because it wants to keep barriers to complaint at an absolute minimum.

On 30 June 2000 Tom Larkin, a Council member since 1986, retired. It gives me pleasure to record the valuable contribution Tom made to the Council's work over the 14 years as a member representing the public.

Finally, it is sad to record that in mid-December 2000 the publishing world in New Zealand sustained the loss of Mike Robson, Managing Director of Independent Newspapers Limited. Many tributes have already been paid to his major contributions to media in New Zealand but we record that he was always of invaluable help to the Press Council and understood its mission and supported us at all times.

# Number of complaints remained static

The number of formal complaints received during the year was exactly the same as in the previous year - 75. The number of complainants who did not follow through after their first foray grew and the number of complainants who decided to withdraw their complaints at a late stage also grew, from five in 1999 to eight. In 1999 nine who lodged complaints did not follow through. In 2000 the number of “no shows” grew to 13.

Of the 75 complaints received, 45 went to the adjudication stage. In the case of Craccum’s “suicide issue” where there were five separate complainants, one adjudication and an accompanying abstract covered all complaints. In a different case in which there were two complaints against the *New Zealand Herald* over the publication of the partly-masked photograph of a child, the one adjudication covered both complaints.

Complaints were upheld in nine cases and another nine were part-upheld. Daily newspapers (31) drew the greatest number of complaints. Second in the list was the Auckland University Students’ Association magazine *Craccum* with five, all to do with a special suicide feature.

There were four complaints against *Sunday Star-Times* and two against the *National Business Review*. Two community newspapers, the *Northern News* and *Wanganui Midweek* were called to account. One community group, *Times Media* unsuccessfully complained about a lack of balance on the part of the North Shore City Council in the way it treated various sections of the news media.

In Case 775 (W.Wright against the *New Zealand Herald*) the Council’s adjudication upheld the complaint, but later when additional evidence, not available when the matter was first considered, became known, the Council withdrew the adjudication. It did not issue a replacement.

While meetings of the Press Council are not open to the public, complainants can, if they wish, apply to present their claims in person. Only one took the opportunity in 2000.

## The causes of complaint

Abridgement of letters, non-publication of letters, the content of letters published, alleged censorship, unfairness in headings and articles, and coverage of the Millennium were among the causes of complaint in 2000. One complainant went for the jackpot alleging an article in a provincial paper was “untrue, unbalanced, misleading and sensational.” The Council found otherwise.

In one complaint Her Majesty was brought into the argument when objection was taken to a heading “Queen divides the nation” over an article about an outdated portrait of the Queen being removed from the Auckland City Council chambers. Another complainant was upset over references to the Queen Mother in a column marking her 100th birthday. Neither complaint was upheld.

An interesting complaint was over the naming of a policeman involved in the shooting to death of a man in Waitara. The name had been voluntarily withheld by the media until a High Court ruling confirmed the use of the name was permissible. Even

then newspapers held off, but the *National Business Review* published it. The Council upheld the newspaper’s right to publish.

Columnists came under fire several times, one for not correcting a factual error and two editorials were attacked for their content. A Chatham Islander who was responsible for arrangements surrounding celebrations there —“the first land to see the sun at the start of a new millennium”- complained against two newspapers for their coverage, or paucity of coverage, as he saw it, of the celebrations. In a third complaint dealing with the millennium, the author of an article complained about the way in which it was edited.

Photographs were the basis for four complaints. One of them showed a serviceman pointing his rifle at the lens of the camera, an offence under the Arms Act. The Council upheld that complaint. The partially blacked-out face of an 11 year old Auckland girl who had gone for a joy ride in a stolen car led to two complaints. The Council found that the newspaper had not paid sufficient heed to Principle 5 —“Editors should have particular care and consideration for reporting on and about children and young people,” and upheld the complaints. Another complaint concerned the photograph of a young child hand in hand with a policeman. It was not upheld.

The fourth photograph was that of an elderly man who had chosen to drop out of society and depicted him as “homeless” with his few possessions in a bucket he was carrying. The complainant said she knew the man, he was not homeless, and had chosen to live as he did.

A Wellington complainant objected to being labelled as an “activist” when he had told the reporter he should more accurately be referred to as an “intelligence researcher.” The Council found there was nothing wrong with the word “activist” in the context in which it was used.

## The Statistics

	1998	1999	2000
Total complaints	85	75	75
Adjudications	39	46	45
Upheld	2	8	9
Part Upheld	4	5	9
Mediated	2	5	-
Withdrawn at a late stage	5	5	8
Not followed through	16	9	13
Out of time		1	1
Not accepted	4	1	1*
Outside jurisdiction		6	1**
In action at year end	15	7	7

\*No breach of journalistic ethics involved

\*\* In keeping with the Council’s rule that it will not consider complaints against publications with restricted readership a complaint against the *NZMedical Journal* was not accepted.

# What a newspaper provides

Within the newspaper industry itself, the usefulness of a newspaper is – not too surprisingly – taken for granted.

For a start, good daily newspapers (for community newspapers see under that heading) do what they've been set up to do. They provide news and information on a wide range of subjects, they engage and provoke their readers, and they help them participate in their own communities and the world in which they live.

A newspaper is, essentially, society talking to itself. A newspaper gives its readers the following:

- an extensive coverage of world activities that bear on our lives,
- information on environmental issues of economic and life-threatening proportions here and overseas; the reporting of the foot and mouth disease that has so alarmingly struck European countries and has helped alert New Zealand, pest and disease control at our borders,
- what their neighbours are doing at work,
- what their kids are doing at school,
- what's on TV tonight and what the weather did today,
- what their elected representatives are doing at Parliament or on the local council,
- what their sportsmen and women are doing in their various fields of endeavour,
- what their employers are doing with their businesses and wide commercial news,
- a host of other topics too numerous to identify individually.

A good newspaper – and the New Zealand Press Council believes that, on the whole, New Zealand is graced with good newspapers from North Cape to Bluff – is the key to the community it serves. It helps readers unlock a door to the community and the world in which they live, so they can then participate, criticise or mobilise for change.

The vast array of news, opinion and information that newspapers impart each day in every corner of New Zealand is often taken for granted. People rarely spare the time to contemplate where else they'd get so much information, in such a portable format, for about a dollar.

Perhaps the question of what a newspaper really does can best be answered this way: newspapers provide the reading public with a convenient, cheap, easily understood and efficient way of staying in touch with their wider community, and generally do it in a way that's entertaining as well as formal, depending on what's being reported. A newspaper provides every reader with an easy and quick way to scan his or her environment and become better informed in the process.

There are, however, other ways to answer the question. Newspapers also fulfil a public-duty role. During one of France's succession of revolutions, Marie Antoinette when

told that the people were starving because their bread supplies were mouldy, reportedly said: “Let them eat cake.”

It was an answer born of ignorance as much as arrogance. If people aren't aware of their fellows' circumstances, they risk judging their community by their own.

Newspapers, therefore, have more than just a responsibility to reflect a community back to itself. They also have a duty to investigate, to challenge leaders and lobbyists, to look behind glib assurances and to stand up for freedom of speech as well as the other rights of a free society that New Zealanders take for granted. And they must do this even if that makes for sometimes uncomfortable, even “negative” reading.

The Press Council has found that this public-duty role isn't well understood but it's a role that all branches of the news media in free societies worldwide must willingly embrace. That is because, in fulfilling that watchdog role, newspapers are defending their right – as well as the rights of all citizens – to comment and report freely on their society.

The Royal Commission on Genetic Modification is a ready example of how daily newspapers in New Zealand have provided the public with valuable information and argument. New Zealand is the first country in the world to establish such a wide-ranging inquiry on an issue whose importance and impact on all human beings could not be overstated. Sometimes the media are accused of avoiding complex issues but the print media coverage on the question of genetic modification has not. By contrast the electronic media, but in particular television, have largely ignored the central issues of the Commission as it has progressed through the hearings. The Royal Commission under the Chairmanship of Sir Thomas Eichelbaum is due to report to government on 1 June 2001.

Readers, the Press Council finds, sometimes seem to infer the term “Freedom of the Press” to mean that newspapers can do what they like. They can't – a raft of legislation impacts on what they are able to tell readers every day and if they transgress, several agencies stand ready to chastise them. These include the Press Council itself and, of course, the New Zealand Courts.

The late Mike Robson wrote a couple of years ago that to most New Zealanders, the concept of press freedom was readily supported and heartily endorsed but was less well understood.

We believe he's right. In New Zealand, neither newspapers nor journalists need fear that police or soldiers will march into the office one day and close down the operation, no matter how annoyed they may be with the paper's editor. They don't need to worry, either, that people unhappy with the reporting will burn down their press hall as has happened in nearby Western Samoa and also in Zimbabwe.

In this country, freedom of the press is rather taken for granted. But press freedom is no more than the right of every individual in a democracy to express their point of view publicly, without fear. Any limits placed on the free press are limits placed on all ordinary citizens.

As one of the Council's public members put it this year: “I guess what I believe is that

newspapers provide each of us with something special but that these wonderful, everyday things are overshadowed by the most important – and in our society, an almost un-thought-of-thing: our freedom. Some things you just don't notice until they're not there, and often that's when it's too late.”

## **Community Newspapers in New Zealand**

The flowering of the true community newspapers is an impressive, if unremarked, phenomenon in New Zealand today. Focussed on the scene close to home, this branch of the media now fills an important social and political niche.

Where the metropolitan and provincial daily newspapers and the national weeklies range widely across the big issues of the day at home and abroad, the humble community press zeroes in on the suburbs, small towns and rural districts. To adopt a television jingle, “this is where we live. ” The successful functioning of our communities – large and small, town and country - underpins the civil society. Community newspapers have a vital role to play in this regard by covering the issues of grass-roots concern – the success or otherwise of local schools and health services, transport

issues, decisions of the Council as they affect the community in a variety of ways, cultural events such as plays and musical productions, political comments, local social chit chat and much more.

“A community needs news”, wrote the British author Rebecca West, “for the same reason that a man needs eyes. It has to see where it is going.”

Community newspapers help equip citizens with the information needed to take part in their own self-governance at local and regional levels. They are able to act as the intermediary between local Councils and the people they serve. By expanding and commenting in plain language on the work of the Councils and the issues, with which they must wrestle, they can help promote dialogue and engagement in the issues. Moreover, the very immediacy of newspapers, and their ease of distribution, also make them an engine of local business, through their role in advertising. It is noteworthy that the advertising columns in the community press are different - more open, direct and even folksy.

New Zealanders invest a high proportion of their assets in their own homes and are accordingly also likely to be concerned about the things which bear on the quality of everyday life - cutting down or planting of trees, development of walking tracks, petty crime in their area, school fairs,

local sport and forthcoming cultural events. These too are among the interests which community papers serve.

Most such papers are “give-aways” to be picked up free at distribution points in shopping areas or at railways stations or delivered in letter-boxes at home. Nevertheless an important segment of the community press is represented by non-daily paid circu-

lation newspapers published two, three or five times a week, to serve regional towns or districts – Kaikoura, Kaitaia, Oamaru, Opotiki, Whakatane and Waiheke Island to name a few. All told an astonishing 118 newspapers with a community focus are published up and down the country.

Most are weeklies, some come out two or even three times a week and a few only once a fortnight; one is a monthly. The ratio of advertisements to editorial varies from newspaper to newspaper. Wellington's *Contact*, topped the national circulation list for community newspapers in the year to March 2000 with 137,315 copies published every week. Next in the circulation stakes came the *Christchurch Mail* which, in the same period, published an average 129,693 copies weekly while the *Christchurch Star*'s figures were 118,937 copies, published twice a week. At the other end of the scale, the *Kaikoura Star* had a weekly circulation of 1403, the *Wairoa Star*, 2454 twice a week, and *Gulf News*, on Waiheke Island, 2551 copies weekly.

Some urban and suburban community newspapers may fill a gap left by the demise of such metropolitan dailies as the *Auckland Star* and *Christchurch Star*, now reborn in the community format. Likewise the disappearance of many venerable small town daily newspapers has perhaps opened the way to a new-style community press.

In terms of ownership and management, community newspapers in New Zealand now fall into three categories. Many are owned and operated for profit, sometimes by individuals who can serve as editor, production manager and chief reporter, all in one. The Community Newspapers Association provides a focus for their interests. Alongside this grouping, most community newspapers now belong to one or other of the two major national media conglomerates – they are owned and operated either by the Wilson & Horton group or Independent Newspapers Ltd.

Changes in the technology of production of newspapers has clearly also been a major factor in the expansion of the community press - along with the accelerating importance of advertising to businesses of all kinds. It is notable that in many instances several papers serving different, generally suburban, communities are being produced from the one office. Computerised reporting and page setting have removed much of the old-style ponderousness of newspaper production for small papers as well as large. Focussed coverage and immediacy of response can be achieved with smaller staffs than would have been conceivable only ten years ago. This is as well, because competition is fierce.

The Press Council recently extended its jurisdiction to include all community newspapers. This was part of its programme to cover all mainstream print media. The Community Newspapers Association, along with the two major newspaper chains, have since contributed to and supported the work of the Council. In the past year fewer than the usual number of complaints against community newspapers were addressed to the Council. The sorts of issues raised against community newspapers are at the heart of any community: balance in covering local elections; complaints by a local council against criticism of the way it had carried out its responsibilities; accusations of political bias; concern about reporting which undercuts property rights, etc.

Complaints against community newspapers are frequently received from people in public life. Editors, too, report that a good part of their time is spent in discussions with local and borough council representatives about coverage of community affairs. All of which underlines the importance of the role of the community press in being able to bring the spotlight to bear on local politics and day-to-day concerns.

In many ways community newspapers showcase the role of a free press. Responsive to individual as well as group interests, flexible and able to adjust to new developments and issues, they are also able to hold local government to account. Readily available, they provide an indispensable forum for free discussion and analysis of matters which bear directly on the lives of ordinary people. By providing a focus on local politics and preoccupations, they expand basic democratic rights in new and novel ways.

Yet, they remain newspapers. There is no escape from the obligation to be fair and balanced and to have regard for media ethics. The Press Council applauds their contribution to modern New Zealand.

## **The public interest**

The Council is often reminded that news which interests the public is not necessarily the same as news in the public interest. Pursuit of the latter often brings journalists into conflict with institutions of state and business. Most political coverage, nationally and locally, is unquestionably in the public interest: coverage of Parliament, select committees, council meetings, elections, political parties, pay and allowances.

Other areas present greater challenges. The car accident of an MP's teenage son might be of interest but the reporting of it might not necessarily be in the public interest. But what if the car was a tax-payer funded minister's car, and what if it were the son's third accident? Disclosing where MPs live might not normally be in the public interest but what if that information were contrary to where an MP told voters he or she lived.

Coverage of state-owned enterprises can present a grey area in relation to public interest principles. Charged with behaving like private companies, they are owned by the state and their activities are subject to a greater scrutiny by the news media than might apply to the private sector. Should a confidential settlement of a personal grievance taken by an SOE employee be public information? Perhaps not, but what if the agreement costs the SOE \$100,000 or \$1 million or even \$6 million?

Should the media report an unguarded (or off-the-record) remark by a politician primarily to cause him or her embarrassment? The more fully politics is reported, the better the picture we have of ourselves and where we are headed, and the better we are able to make informed judgments about those who exercise power over our lives.

The Press Council continues to support the news media's pursuit of all stories in the public interest no matter how uncomfortable that scrutiny may be to individuals. What society regards as news and receives as news helps to shape our identity. The less impeded the media is in exercising its rightful role, the healthier we all are.

# Promoting the Press Council

The Press Council stands alone in New Zealand, not only as the “watch-dog” of the print media, but as the promoter and protector of the place of a free press in a free society. It is important that these dual roles and responsibilities be known and understood in the community at large.

As is evident from the survey in this Annual Report of the role of newspapers in New Zealand today, the print media are a factor in the lives of a very high percentage of the population. The Council’s brief spans the entire range of issues to do with the interaction between the press, the reading public and society.

Accordingly, the Chairman and members of the Council accept a responsibility to report to the community about the way the Council goes about its business and the principles by which it operates. [See the Chairman’s Foreword “Press Council in Action”] The Council also stands ready to do this through public speeches, or through presentations reflecting the Council’s point of view at seminars or conferences.

In the first instance the Council works with the Newspaper Publishers Association to try to ensure those regular notices are placed in newspapers reminding the public of the availability of redress through the Council and the procedures to be followed.

On 21 September, the Chairman responded to an invitation to speak on the work of the Council to a Government backbenchers’ group. He found the group well aware of, and keenly interested in, the Press Council and its decisions, especially those, which bore on the role of politicians. As a follow-up to this meeting Sir John was asked back to talk to the Labour backbench spokesperson on these and related issues, Mr Tim Barnett MP.

The Chairman also took up with the Newspaper Publishers Association the need for both bodies to present briefs – as *amici curiae* - for consideration by the Court of Appeal in relation to the case of *Lange v Atkinson*, which had been referred back to it by the Privy Council in London. The central issue – the right of the media to claim qualified privilege in reporting in certain cases involving politicians – raised issues bearing directly on the freedom of the press and were accordingly of concern to the Council.

Denis McLean, a public member of the Council, spoke at a seminar on 31 August on the issues of “Privacy v. Freedom of Speech.” Organised by the Broadcasting Standards Authority, the gathering rehearsed concerns about the degree to which extension of interpretations of the right to privacy could undercut freedom of expression. Enlargement of the one inevitably curbs the other. Although it is plain that the Privacy Act has established a new context for consideration of the issues, strong sentiment was expressed at the seminar on the need for vigilance in upholding basic rights to freedom of expression and information.

There was some criticism at the seminar that the Press Council was a “paper tiger”; the Council would prefer to be seen as a “tiger” in advocacy of the role and place of the press in a democratic society.

Suzanne Carty, editor of *The Evening Post* and a representative of the Newspaper Publishers Association on the Council, and Denis McLean also spoke to the senior class at the Massey University School of Journalism on 12 September. Students were interested to learn of the work of the Council, and the ethical framework within which it must operate.

## Newspapers and the Internet

The importance of providing access to the Internet, especially within schools, has led several countries to make universal access a political goal for the early 2000s. In a very short time, New Zealand has experienced a great increase in access, a great expansion of the commercial and personal services available online (shopping, banking, government transactions, real estate, etc), and an intensification of internet use for communications and information (email, chat rooms, searching of encyclopedic databases, library catalogues, etc.)

Many users find it hard to cope with the immense smorgasbord of material available on the Internet and with the fact that “no one is in charge.” Anyone can post anything on a website, without it undergoing any testing of its accuracy, adequacy or balance. Criminal and corrupting material can be clicked on to by purpose or by accident. Finding the way to high quality sites through the rubbish can be a very demanding discipline for inexperienced browsers on the Internet.

The newspaper industry worldwide has responded to competition from the Internet in two ways. Firstly, by emphasising and exploiting the distinctive nature and traditional strengths of the print medium. What readers see in their newspaper has been put there by trained journalists, working within clear ethical and professional standards. The material has been selected and edited, with someone carrying responsibility for its accuracy and quality at every **stage** of its preparation. Some newspapers will see a particular strength in their identity with, and comprehensive coverage of, the local community; others will see their sustained investigative articles and their authoritative analysis of current issues as doing something no other medium provides. Newspapers have been challenged, not supplanted, by the arrival of the Internet, and will continue to inform and entertain in their familiar way. Browsing in them will continue to be a sociable and pleasurable relaxation.

The second way the industry has responded is by establishing newspaper Internet sites that complement existing print titles. Several New Zealand newspapers, both metropolitan and provincial, have established themselves on the Internet, either as sole sites, or as participants in a corporate cluster of sites. The individual strengths of the sites and the range of news, classified and other services they offer can be seen by visiting them at the web addresses given below.

These New Zealand initiatives are part of an international drive by the industry to build a presence as trusted, professional communicators in an Internet scene in which there is a plethora of news sites, varying hugely in reliability and purpose. From initially providing an alternative way to read the latest issue, newspaper websites have rapidly developed

into sophisticated operations doing everything the most advanced websites can do.

Dan Finnegan, an American media executive sums up the challenge: “Consumers on-line are in a more active mode, a search mode, find-what-they-can mode, as opposed to a sit-back-on-your-chair-and-read mode. That by definition means that the content requirements for Internet products are different.” Websites can be constantly updated with material from a wide range of sources, fast-breaking news and other original material can go straight on-line (possibly using audio and video inserts), archives of earlier content can be indexed for clicking open, and e-mail news briefings laid on. Links to supplementary material on particular items can be liberally signposted in the text, or as endnotes to items, and interactive participation or transactions made part of a hit on the site.

Some issues raised by newspapers going on the Internet deserve comment in this Report. The profusion of material on the Internet has generated much international debate about freedom of expression in the new medium. The issues are very familiar to the Press Council, which has, as two of its objectives, the promotion of the freedom of the press and the maintenance of high professional standards. Concern for children, and community reaction to the extent of offensive material available on the Internet, have led to attempts in several countries to control access and content through specific Internet legislation.

Problems of definition and demarcation abound in these efforts to regulate the Internet. The Communications White Paper currently being considered in the United Kingdom proposes systems for rating and filtering content on the Internet, as part of a comprehensive monitoring of various forms of electronic communication under a new regulatory authority. The White Paper proposals, like many other attempts to regulate the internet, are concerned principally with material that is offensive because of its treatment of sex and violence, not the issues that press councils mostly deal with, such as standards of accuracy and fairness. However, there seems to be potential in the proposals for newspapers-in-the-hand to remain the responsibility of the Press Complaints Commission while their Internet operations come under the new regulator. Newspaper interests can be expected to oppose anything that undermines self-regulation. A newspaper company which seeks to run a unified business, with common standards and values across all its products, is likely to resist part of its output being subject to provisions designed for the broadcasting industry.

In Australia, as a consequence of the Broadcasting Services Amendment (Online Services) Act 1999, which is aimed at policing offensive content, all websites can come under the scrutiny of the Australian Broadcasting Authority. The Australian Press Council, a strong advocate of self-regulation, extended its coverage in May 2000 to include news reporting on the website of a publication within the jurisdiction of the Council. There has been no government move in New Zealand to legislate specifically for the Internet, or go beyond the sanctions applying under different acts to film, video and electronic communications generally.

One result of the rapid expansion of newspaper internet sites is the ease and immediacy with which many of the world’s leading publications can be accessed online. If

the great achievement of the internet is the overriding of national boundaries and the breaking down of geographical isolation, newspaper devotees in New Zealand have surely gained as much as anyone from this technology. Access to such a wide range of newspaper sites must enhance understanding of what journalism can achieve, and give an international context for the ethical and professional standards adhered to in New Zealand.

The Internet has confronted editors with new ethical and professional dilemmas. For instance, in his weekly articles as Readers' Editor at *The Guardian* Ian Mayes has been exploring the issues raised by the common practice, both on the Internet and in print journalism, of attaching website links and lists to particular reports and articles.

Should papers be providing links to material that they would not themselves publish? An example is the Nuremberg Files, the anti-abortionist site naming, with addresses, car registrations and family details, more than 200 doctors. Murdered doctors remained on the website but with a line scored through their names. Should that website have been presented to readers to click on to? If a link title is given without any qualification or gloss does that imply endorsement of its content? Should links be flagged if they direct readers to material from outside that publication or its archive?

*The Guardian* has developed a vocabulary of signals, so that a link to a website put up by a participant in a heated political conflict might be prefaced by the words "key player." Material from its partner publications or from around the web may carry the note: "We cannot accept responsibility for the content of external pages."

The third objective of the New Zealand Press Council is the resolving of complaints. In 1999 the Council announced that it would receive complaints about publishers' websites. The Council has so far received no such complaint, but recognises that, potentially, complaints could come from a much wider New Zealand and international readership. However, the Council expects that, in the immediate future, it will be dealing principally with print newspapers and magazines.

Some New Zealand newspaper websites:

- [www.gisborneherald.co.nz](http://www.gisborneherald.co.nz)
- [www.mytown.co.nz](http://www.mytown.co.nz)
- [www.nbr.co.nz](http://www.nbr.co.nz)
- [www.nzherald.co.nz](http://www.nzherald.co.nz)
- [www.odt.co.nz](http://www.odt.co.nz)
- [www.stuff.co.nz](http://www.stuff.co.nz)
- [www.timesage.co.nz](http://www.timesage.co.nz)

## Overseas Items

There has been significant growth in the media and press councils' surveillance over the last decade. Some efforts have been made to chronicle this growth but a definitive study is awaited. The growth in numbers in Europe has been promising but the exact extent of the jurisdiction and effectiveness is not yet made clear. This issue is dealt with hereafter.

The World Association of Press Councils, formed nearly 15 years ago, looked to be a possible unifying force as new councils came into existence but this has not eventuated. Both the United Kingdom and Australia were major contributors at the beginning but gradually lost interest. In 2000 both elected to resign from the Association.

A World Conference of the Association was held in Cairo in April 2000 and attended by the Chairman. In February 2000 the Press Complaints Commission of the United Kingdom announced its resignation. The Australian Press Council was represented by its Chairman but itself resigned immediately following its attendance at the Conference.

The host Council at Cairo heavily influenced the Conference programme and there was not a plenary session where there is little control over the speech of participants. The sessions were mostly reading heads with minimum time left for free discussions of the issues raised.

The more important work at the Conference was done in the Executive Council, which met in Cairo during the main Conference. The single biggest achievement as far as New Zealand was concerned was to stop the implementation of the Transnational Complaint Mechanism. New Zealand had been a strong opponent of the proposal at previous conferences. There was some discussion of the move to extend membership by having an “open gate” policy that would permit any body membership even if it had no print jurisdiction. A motion moved by the Chairman of the Australian Press Council that an applicant for membership must have a part, at least, of print jurisdiction was passed.

In Cairo there was also an informal meeting with representatives of other Pacific members about assisting in the Pacific with maintenance of freedom of the media which has been under threat in several countries. New Zealand has always made plain its availability to help and remains of that view. Shortly after return to New Zealand of the Chairman, the coup of 19 May 2000 in Fiji took place and that event has left the constitutional issues there unresolved.

The Chairman after the Cairo Conference visited the Press Complaints Commission in London. By far the most interesting information gathered was about Europe. One of the Commission officers has been designated the task of examining the nascent press councils in Europe. There has been set up a body called the Alliance of Independent Press Councils of Europe, which at that stage was mostly concerned with information sharing. Beside the European proposal apparently the UK is taking the initiative to set up with the Commonwealth Press Union an association of Commonwealth Press Councils.

## **Publishing Photographs of Children**

The Press Council has made it clear in its Principles that newspapers have an obligation to take even greater care in publishing photographs of young people than of adults.

The overall treatment of children (the Council definition includes young persons while

still in full time pre-tertiary education) in the media in circumstances that might jeopardise their welfare is not so simple an issue as might first appear. Greater understanding of child development and its inescapable effect on the resultant adult have led agencies in society primarily responsible for children to attend much more closely on protective measures particularly in privacy areas. To take one example affecting the media treatment of children. The criminal law has been changed to ameliorate the harsh consequences in later life of the stigmatising by criminal convictions, even for tolerably serious crimes, committed by young persons.

On the other hand the most serious crime of intentional killing has embraced ever-younger children of which the Bulger murder some years ago in England was a horrific example.

The Council has observed the recent public debate on the question of opening the Family Court proceedings to public scrutiny which means allowing the media access to report those proceedings and the results. The arguments advanced by those supporting greater access are that it is completion of the principle of an open justice system and that those involved in Family Courts ought to be accountable for their actions.

In the past Family Court proceedings have been sedulously conducted in private as a protection for participants, but the advantages and disadvantages of the existing system are now under closer scrutiny.

The Council mentions the existence of the debate and makes no comment at all on the merits of any change

The Press Council notes that there has been an increasing public debate in favour of the opening of Family Court proceedings to the media so as to bring about greater public scrutiny. Family court proceedings have in the past been sedulously protected from reporting in this important social area. A case is being made for more openness so as to accord with the principle of an open justice system which will bring other benefits. Mention is made of this development solely to draw attention to the presence of the debate but not to comment on the merits one way or the other.

The Press Council in applying its Principles must make very careful decisions balancing redemptive movements of society in providing greater protection for children against the necessity of society to be fully informed about activities of a group central to its existence.

These general remarks are always subject to the exact circumstances of any individual case that might come before the Council for adjudication. The protection of celebrity children from unwarranted intrusion in their lives is not such a problem in New Zealand as in larger countries.

Principle 5 states specifically that, editors should have particular care and consideration for reporting on and about children and young people.

The Council has indicated through its decisions that this added responsibility has a strong application to Principle 3 on Privacy, which enjoins editors to exercise special

care and attention when dealing with those suffering from trauma or grief, and Principle 11 on photographs, which emphasises the need for care in choice of photographs, and particularly calls for careful attention to the sensibilities of those in traumatic situations.

On the other hand, the Council also recognises that young people may be the subject of legitimate news coverage, and that their individual rights still need to be balanced against the public's right to know.

Two cases during the year have served to clarify just where that balance lies.

In case 811 the Council upheld complaints against the *New Zealand Herald*, brought by YouthLaw Tino Rangatiratanga Taitamariki, a community law centre that offers services to young people, and the Department of Child Youth and Family, in relation to a photograph of an 11-year-old girl.

The photograph in question appeared on the front page of the paper and illustrated an article in which the girl was alleged to have stolen a car and driven it at high speed for a considerable distance until the vehicle was eventually stopped by police cars forcing it into a brick wall.

In the photograph the child's eyes were blocked out by a black rectangle but the complainants said this had not served to conceal her identity and in fact she had been identified by her extended family, her peers and neighbours.

The Council agreed that the steps taken to prevent the girl being identified were insufficient and upheld the complaints. In doing so it acknowledged that in some circumstances the right to privacy could be over-ridden by public interest. "The Press Council does not consider that there were compelling reasons in this case for allowing the child's privacy to be intruded upon. It was not essential to show the child's face to bring home to readers the central point of the story."

The Council also drew attention to Principle 5 and commented, "The Council thinks that greater weight should have been given to this aspect of the matter so that the child's right to privacy was reinforced. She should have been protected from being identified and from the consequences of that disclosure."

On the other hand in case 792 the Council did not uphold a complaint against the *Herald* for publishing a photograph of the young son of a murdered woman walking to her funeral hand-in-hand with a police officer.

The complainant, Ms May Meyer of Auckland, argued that the use of the photograph on the front page showed a lack of consideration for a child in a distressing situation and was inattentive to his need for privacy.

However, the Council noted that the theme of the article was the concern shown for the child by the policeman and that it served to highlight the support offered by the police to victims of crime. The little boy had not been shown grief-stricken and the paper had not pried into his deep distress or advertised his trauma. In addition, the photographer had obtained permission from the police, the officiating priest and the chief mourners to photograph the funeral.

In its decision the Council once again underlined its concern about the adverse effects of undue publicity on children and of the need to be scrupulous in avoiding publication of material which might exacerbate the distress and trauma of victims or their relatives and friends.

In this case, however, it felt the *Herald's* decision to publish the photograph and the accompanying story “applied the [Council’s] Principles and dealt sensitively with the tragic case.

## **The Press Council and Craccum**

The Auckland University Students’ Association magazine *Craccum* drew nationwide attention to itself with both a provocative article about suicide, accompanied by a headline designed to shock, and a savage opinion piece. The Press Council does not normally deal with publications which have a specialist circulation, limited as to group or numbers. The *Craccum* stories became an exception as public interest and concern became widespread when the mainstream press and television took up the story. The gravity of the complaints from the mental health professional groups was also weighed. One complainant was a parent of a child who had committed suicide and said she complained on behalf of other parents similarly placed. The standing of the complainants helped persuade the Council it should adjudicate, especially as there was no other body to which they could take their complaints.

The Association did not recognise the Press Council and because of the Association’s stand, the editors of *Craccum* did not make their case in the usual way to the Press Council. However, the Council took note of the many letters for and against published by *Craccum* in response to the article, and the generally active way the editors allowed the debate to run in their magazine. It was clear their intent was serious. This was no student prank.

In the event, the Press Council did not uphold the complaint against the article, but found against both the headline “Suicide, and how to do it” and the opinion piece by Tim Selwyn.

Maintenance of the press in accordance with the highest professional standards is an important objective for the Press Council.

Inevitably, it was the headline which was picked up and deplored by the public and media, and even a coroner. The bolder purpose of the article to deter by the shock tactic of describing the gruesome results of suicide methods was perhaps not understood in the quick and general condemnation of “the students’ how-to guide.”

The mental health complainants were rightly concerned about the potential of the Werther effect or copycat acts flowing from an article about suicide. But the Press Council found that grim information and a clear deterrent purpose were the tone and context here. Press Council research into academic papers on suicide reporting also found the causal links much less clear than is sometimes claimed. And the students’ purpose in wanting to cause debate about the awful plague of youth suicide which is of central concern to their age group accorded with the Press Council’s view that

issues of major public concern in New Zealand, however distressing their detail, need to be publicised rather than covered over.

## The press and public bodies

Just how pushy should newspapers be when pursuing stories involving public bodies? Do newspapers have the right – duty even – to attempt to cover private meetings involving local authorities or their representatives?

These questions lay behind the consideration the Press Council gave to a complaint from Gore District Mayor Mary Ogg early last year.

Mrs Ogg complained to the council about an article which appeared in the *Southland Times*, on September 24, 1999, under the heading “Mayor chairs secret talks on site of sports complex.” She complained the article was untrue, unbalanced, misleading and sensationalised. Further, she complained about the reporter and photographer responsible for the story, describing their behaviour as disgusting and unprofessional.

The complaint centred on a meeting Mrs Ogg and deputy mayor Alister McLennan had with a group of ratepayers about the proposed site of Gore’s planned sports complex. One ratepayer, Charmaine Smith, complained to the *Southland Times* she had not been invited to the meeting. After publishing a story headlined “Hush-hush meeting tonight” the newspaper sent a reporter and photographer along to the meeting, even though it was not one of the council’s publicly notified meetings.

The reporter and photographer attempted to gain access to the meeting, but left when Mr McLennan threatened to call the police. There were disputed versions of events at the meeting, with Mrs Ogg claiming the reporter and photographer entered the room shouting questions and demanding to be allowed to attend what was a private meeting. The *Southland Times* editor said the reporter and photographer were sent because Mrs Ogg had refused to answer questions about the meeting and that the two stayed in the doorway and introduced themselves before asking questions.

In its decision the Council rejected both complaints from Mrs Ogg. It made a number of telling remarks which should send a clear message to local body councillors that they can’t expect their local newspapers to sit idly by while they debate in private matters clearly of public interest.

While the meeting involving Mrs Ogg was private to the extent neither the wider public nor media had been invited the Council did not find that was significant reason to uphold the complaint. Indeed the council went the other way.

“No publicly elected official dealing with members of the public on a matter of public concern is involved in a private matter,” the Council wrote in its decision.

It clearly encourages newspapers to get to the bottom of issues involving their local elected authorities and not to meekly accept advice that meetings are private. It’s an important guideline given the propensity for local authorities to increasingly carry out their public duties at private (read secret) meetings.

Were the *Southland Times*’ reporter and photographer too pushy? The council thought not. The council said the journalists were persistent and probably rude trying to get a story about the ongoing saga of the Gore sports complex.

“However, journalists being impolite or dogged are not necessarily behaving unethically and this part of the complaint is not upheld.”

That decision does not open the way for journalists to act with impudence in their dealings with public bodies but it does mean they can be expected to be firm in their pursuit of stories of wide public interest. Elected representatives cannot and should not hide behind the safety of private meetings.

In the Ogg case the matter could have been more easily resolved had Mrs Ogg made herself available to the newspaper and answered its questions rather than conduct her media communication solely through press releases. The *Southland Times* had the right to ask questions about the Gore sports complex; Mrs Ogg had the duty to answer its questions.

This is not an isolated case. Anecdotal evidence suggests newspapers and public bodies throughout New Zealand – both central and local government – find themselves in similar conflicts often. That is not unusual. There is a healthy tension between newspapers and those in positions of power.

Newspapers have the right – duty even – to hold elected officials to account. That means not being fobbed off by declarations that meetings are private, nor by a council conducting its communication by press release. As the Press Council succinctly found in the Ogg complaint no publicly elected official dealing with a matter of public concern is involved in a private matter.

# The Adjudications

The adjudications for 2000 are set out in full in the following pages with an index containing the names of the complainants and the publications concerned at the end of the report.

It is a standing rule in the Council that any industry member of the Council whose newspaper is involved in a complaint, plays no part in the adjudication of that complaint. Similarly any other member who has personal knowledge of a complainant disqualifies himself/herself before the complaint is considered. Whenever such a complaint comes up for discussion, the member or members leave the meeting and do not return until after the Council has reached its decision. In cases where members do not agree with a majority on a decision, they are free to issue a dissenting opinion.

## Was it a fair go? – Case 769

In the first complaint to be considered in the new millennium, the Council did not uphold a complaint by the Northland branch of the Alliance Party that its candidate failed to receive fair election coverage from the Kaikohe-based community newspaper *Northern News*.

The branch complained that the candidate, David Wilson, twice had his name left off a list of candidates. It also expressed concern that press releases and letters from supporters had either been ignored or excessively abbreviated. Overall, it said, there had been a great imbalance in the coverage given to different parties making it impossible for voters to be properly informed on election issues.

In response, the editor acknowledged that Mr Wilson's name had been left out twice, once accidentally for which the paper acknowledged responsibility, but said he received at least as much space as any other candidate. It was not possible for the paper to print all the material supplied by political parties and the Alliance received the same treatment as the others.

The editor provided a number of clippings to support his case. The Alliance had intended doing the same but was unable to carry this through as the clippings were accidentally destroyed whilst in their possession.

The council felt the cuttings provided showed the Alliance had received a reasonable amount of coverage from *Northern News*. There was also an opinion piece by the editor which singled Mr Wilson out for praise. It was unfortunate that Mr Wilson's name had been omitted from a candidate list but readers of the paper could hardly be unaware that he was standing or what he represented.

Political parties invariably felt they failed to get the publicity their policies merited but they were hardly neutral. It was the job of the editor to decide what was of interest to readers and as far as this election was concerned the council concluded there was no evidence the *Northern News* had done the job unfairly.

The complaint was not upheld.

## **The Millennium – Aftermath 1 – Case 780**

Coverage of celebrations connected with the start of the year 2000 did not please everyone everywhere. The Council did not uphold a complaint about coverage in the *Otago Daily Times* of celebrations in the Chatham Islands.

R L Clough, an elected member of the Chatham Islands Millennium Trust established to organise and co-ordinate millennium celebrations complained to the Council about the content of an article published on 2 January in a special millennium edition of the paper. The article, he said, purported to cover the celebrations on the Chatham Islands. In his opinion 40 per cent of it was “an extremely brief, error-riddled description of a minority of events. The remaining 60 per cent consisted of the doings of two drunks.”

Mr Clough made no secret of his dismay that “much planning, rehearsals and hard work, as well as considerable sacrifice of valuable time” by the people of the Chathams had been poorly rewarded by inadequate newspaper coverage. It was reasonable to assume, he asserted, that “these world-first millennium-first events would merit some attention from our national news media. It was galling to see all our efforts ignored and for the *Otago Daily Times* to depict Chatham Islands as a place where the most important and newsworthy events were the doings of two drunks.”

The Press Council recognises these comments as a cry from the heart of an isolated community concerned to present itself to advantage to the wider world. The Council, however, is not able to judge whether such expectations as the Chatham Islands community may have had of extensive coverage of their millennium celebrations were justified or not. The Council’s role is to determine whether newspapers and their staff in their coverage of events confirm to standards of ethical journalism.

The article in question was drawn from NZPA reports. It appeared under a headline “Millennium sunrise? It’s the Pitts” an unnecessary pun on the name of the second and smaller island of the Chathams group which, the article noted, was the “first inhabited land to see the sun each day.” The content was, as Mr Clough noted, mainly devoted to the antics of two members of the Chathams community, the worse for wear following their own personal New Year celebrations. The organised events were reported in one sentence - “Children danced and Maori sang in a moving dawn ceremony welcoming the sun and the new millennium.” It would be easy to interpret the report as depicting the Chathams as a provincial and rough-and-ready sort of place.

The editor of the newspaper, in reply noted there were two articles about the Chathams in the special edition (which Mr Clough had acknowledged) both drawn from NZPA reports, plus a large photograph. The second article concerned a dispute over TV services to the people on Pitt Island. The editor noted the newspaper had not sent a correspondent to the islands, the special edition attempted a global coverage of millennium events in the restricted space of 24 pages. He asserted his right as editor to present coverage in the way he thought fit. The Press Council, for its part, takes this right as beyond question.

The editor went on to note that as soon as Mr Clough had complained he was offered

the opportunity of recourse through the newspaper columns and was allocated space to state his case. Mr Clough duly wrote an article, which he believed would be published under the heading “Opinion.” In the event, he was dismayed to find his article abridged to 200 words and given space as a letter to the editor.

The central principle is that the editor has the responsibility to the newspaper’s publishers and to the public for arrangement of material. Mr Clough was offered space to write in support of his assertion that the events organised on the Islands to mark the millennium deserved fuller coverage. He took up that offer and the Council cannot detect any unfairness on the part of the editor. The complaint is not upheld.

## **The Millennium – Aftermath 2 – Case 802**

Mr Clough also complained about the coverage of the celebrations in the *New Zealand Herald*. A decision on the case was delayed for some months to allow an overseas journalist to comment on various aspects. The complaint was not upheld.

Mr Clough complained variously of unfair, unbalanced and distorted reporting by a *New Zealand Herald* correspondent, Therese Garner and by Kathy Marks, whose report for the *Independent* (London), was also published in the *Herald* on 8 January, 2000. Mr Clough made no secret of his dismay that a great deal of hard work and sincere effort by the people of the Chatham Islands had been poorly rewarded by patronising coverage from mainland New Zealand and international media. He enclosed letters from the General Manager of the Chatham Islands Council and the Celebrations Coordinator of the Chatham Islands Millennium Trust supporting his efforts to obtain redress and reflecting what the Chatham Islands Council described as “widespread feelings of helpless anger in our community.” The Press Council notes these comments with sympathy but clearly is in no position to judge whether such expectations as the Chatham Islands community may have had were justified or not. Its role is to determine whether newspapers and their staff in their coverage of such events conform to the requisite standards of ethical journalism.

The Council finds that Ms Garner’s article published in the *New Zealand Herald* on 31 December was objective and positive, reflecting the Islanders’ wariness of outsiders; the reporter admitted to an error in saying that the link with the mainland was maintained with a single-engine aircraft. A report from Ms Garner published on 1 January covered a number of events organised to mark first light and in particular carried the Islanders’ wishes that their ceremonies would send a message of peace and hope to the world. (It was generally accepted world-wide that Mt Hakepa on the adjacent Pitt Island would be the first inhabited land struck by the rising sun in the new millennium.) A further report on the lead-up to and actual ceremonies held on Mt Rangaika on the main island was published on 3 January and was warm, balanced and entirely sympathetic.

Mr Clough’s complaints were chiefly directed at a longer opinion piece published on 8 January and at reports that a 17-year-old youth, whose role was to blow a conch-shell trumpet at the dawn ceremonies on Mt Rangaika, was drunk and incapable when

the moment came. Mr Clough complained vigorously and correctly that the young man in fact did what was asked of him; the conch-shell trumpet was duly blown as the sun came up. Mr Clough provided video footage of the event, which made that quite clear.) *The New Zealand Herald* report of 3 January names the youth and says that he welcomed the dawn by blowing into a conch. A report from Kathy Marks, the correspondent of the *Independent* (London) also published in the *New Zealand Herald* on 8 January, says that he was “alleged to be so inebriated by the time the sun rose that it was unclear whether he was going to blow the giant shell or vomit into it.”

*The Sunday Star Times* on 1 January also carried a major story on this incident, balancing a report from the New Zealand correspondent of *The Australian* that the young man (named) had been “completely drunk” before sunrise and therefore unable to pose for further photographs, with the explanation that it was not part of the programme for him to change back into traditional dress for further photographs. (Mr Clough did not lodge a complaint against the *Sunday Star-Times*.)

The Press Council treats this incident seriously because it is an important principle that particular care be taken in reporting on children and young people. Ms Garner’s coverage of the affair in her article of 8 January does not square with Mr Clough’s explanation. Yet she does not name the young man in this context and is tolerant of “his nerves and the resulting embarrassment.”

The Press Council accordingly does not uphold Mr Clough’s complaints about Ms Garner’s reporting. Nor does the Council find fault with other aspects of *The Herald*’s coverage of the Chathams Millennium events. The negative aspects of Ms Garner’s piece of 8 January are offset in a Letter to the Editor, published prominently, and by a number of other reports and pictures about issues and developments on the Islands around the Millennium.

As for the article by Kathy Marks, the Council is at something of a loss. Her piece is so plainly for consumption by a distant London readership – and is indeed labelled as such (“a very British Empire look...”) - that it is difficult to put it into the New Zealand context.

The Press Council cannot weigh the views of visiting journalists against the presumptions of local inhabitants as to what is or is not fair and balanced reporting in cases of this kind. The Chatham Islanders may have had good cause to be irritated that visiting reporters did not come to terms with the merits and strengths of their community; in the same way the visitors could not have been expected to operate on the same wavelength as their hosts. The Press Council’s role is to judge whether appropriate journalistic standards have been maintained. In this case it can find no fault in the reporting of *The New Zealand Herald*.

### **The Millennium – Aftermath 3 – Case 789**

Historian, Dr Harry Evison complained about alterations made by *The Press* to an article that he had prepared for the paper’s Millennium Review. Part of the complaint was upheld.

According to Dr Evison, the paper made a number of significant alterations to the text which were not put to him to check for accuracy, and so put his standing as an historian at risk. And subsequently, he claimed, the paper refused to publish his disclaimer of parts of the article, except as a letter to the Editor limited to 150 words.

Dr Evison said that he was only once consulted by a representative of the Press over a detail in his text. Yet when the article finally appeared it contained several alterations ranging from bad grammar and verbal infelicities to one major factual error and some deletions of words and punctuation which either altered the sense of what he wished to say or cast doubt on his knowledge. The effects of the changes were vexatious and potentially injurious to his reputation.

Letters to the editor, he said, were labelled 'opinion' but the alterations of which he complained were matters of fact, not of opinion. He asked then that his objections be printed, not as a letter of 150 words, but as a correction to the text printed in the Millennium Review. The Council did not accept Dr Evison's distinction on letters-to-the-editor column.

In his response to the Press Council, the editor of *The Press* said that it had been assumed that Dr Evison, from his past dealings with the paper, would be well aware of the editing processes to which articles would normally be subject. He rejected Dr Evison's argument about the status of the letters page. Many items published there were regarded by their authors as statements of fact. He provided several pages from past editions of *The Press* containing letters from Dr Evison which, he said, dealt with matters of fact. Dr Evison had claimed that it was not possible to express his objections in 150 words, but the newspaper had provided him with a precis of that length which in their view adequately expressed his position.

Dr Evison replied that he did not object to normal sub-editing, but that surely did not permit erroneous changes. He listed among such changes a false statement about the Ngai Tahu Claim Settlement Act 1944, the inclusion of Finland in the grouping of Scandinavian countries to which it does not belong, and its deletion from countries where the Sami people had made land claims. His duty as an historian was to see that any changes *The Press* made in the text were correct.

He rejected the editor's claim that its 150 word precis covered the essence of his disclaimer since it did not mention his disapproval of the changes made. His chief concern was that *The Press* had introduced the mistakes in the first place with the result that they were attributed to him. A correction however succinct would never remedy this harm since the article in its present form would remain in libraries, schools and homes for all to see.

To this, the Editor of the Press responded that the changes were those normally carried out in the process of sub-editing. There was no conscious concealment of the fact that the article contained material that Dr Evison had not written or agreed to.

He then went on to analyse the alterations complained of. He conceded that *The Press* had been wrong in a statement it had added to Dr Evison's text about the 1944 Ngai Tahu Claim Settlement Act. But he made little of the grammatical points complained

of. He defended the removal of comparisons that Dr Evison had made between the attitudes of Maori men and those of English noblemen, Christians, Jews and Moslems. He upheld the removal of inverted commas from words to which Dr Evison had applied them in order to register his distaste for their use. And he said that there was doubt about Dr Evison's statements on the Sami people and his insistence that Finland was not part of Scandinavia.

All in all, he contended, the changes made in sub-editing were justifiable, and essentially so trivial as not to alter Dr Evison's text in any substantial way. They could hardly be considered to reflect adversely on his reputation and they had not drawn comment from anyone but him.

*The Press* was prepared to let Dr Evison have his say about the handling of his article provided it was by way of a letter, but was not prepared to open the newspaper's general columns for him to attack them on points about which they disagreed.

During discussion of the complaint, members of the Press Council felt that Dr Evison was on weak grounds in rejecting the offer of space in the letters column and that the 150 word limit, though tight, would have given him scope to register his more substantial objections.

At the same time, they felt that *The Press* should have paid more regard to what he had written, given his standing as an historian, his known concern for factual accuracy, his studies of indigenous peoples and his travels to Finland. *The Press* had admitted that it had made one incorrect addition to his text. It was not trivial, as the Editor suggested, to remove the comparisons Evison had deliberately included so as not to appear to single Maori out for adverse comment. Nor was it trivial to remove inverted commas designed to indicate his scepticism about the use of particular words, 'savages' for instance. And if there was doubt about his references to Sami and the proper designation of Finland that was good reason to consult him rather than make changes that were then themselves open to doubt.

In the Press Council's view, the Press would have acted more fairly and efficiently had it discussed the alterations it proposed with Dr Evison. In that respect the complaint was upheld.

For his own part Dr Evison would have done better had he been willing to use the letters column to express at least the more important of his objections.

The Council suggested that more elasticity on both sides might have helped resolve the deadlock. It noted that *The Press* remained willing to print a disclaimer by Dr Evison and recommended that it now make a special effort to accommodate his concerns.

### **The Suicide Issue of Craccum – First the Abstract**

The Council made a press release about its finding in the complaints about *Craccum* as well as its full adjudication which covered the five complaints.

The full text of the abstract follows:

The New Zealand Press Council has decided not to uphold a complaint against a major article on suicide in the Auckland University students' magazine *Craccum* but it has upheld complaints about the misleading nature of the headline. It has also upheld complaints against a companion opinion piece by Tim Selwyn.

The article headlined "SUICIDE, And how to do it" was the subject of several complaints after the magazine published it in March this year.

It is important to observe the Press Council approached the complaints against *Craccum* by separating the editorial article "SUICIDE how to do it" from the long opinion piece by Tim Selwyn "Last Call."

Mental health professionals were particularly concerned about the possible "copycat" effect of such articles, and deplored the publicity given to methods of suicide. The mental health professionals who complained were the Mental Health Foundation, the Ministry of Health, Dr Annette Beautrais of the Canterbury Suicide Project, and the Hamilton Mental Health project team for Community Health, Health Waikato.

The Press Council upheld a complaint against the introductory page and its headline "SUICIDE, And how to do it." The council found that the warnings that followed the heading ("The content of this article may shock you. The content of this article may offend you . . . If you have a problem with this, we recommend that you don't read it.") did not diminish the outrage this was meant to cause.

The complainants' criticisms of the publication as "ill-considered", "ill-advised", "irresponsible" or "offensive" all applied to this particular aspect of the magazine's journalism, and this part of the complaint on the headline was upheld.

The Press Council does not criticise the editors of *Craccum* for attempting to tackle the vexed issue of suicide, given its prevalence among the young. Nor is the style or approach of young people talking to young people in this forum exceptional.

On close examination of the article which followed, the Press Council found that while the content was at first shocking, it was informative and finally had many references to justify and convey its serious intent. The magazine said it made "no apologies for this article. We know that suicide is one of the few taboo subjects still left in society."

The article said "This guide is not intended to advocate or promote suicide", "all we do know is that support helps and silence doesn't", "this guide is designed to explode the myth that suicide is a 'painless, easy way out' (mirroring the Ministry of Health concern, in its media booklet, that the myth has to be removed that suicide is painless — Myth 5)."

The Press Council said: "Against this admirable intention must be placed the gory content. But the article 'Suicide is painless?' — and this heading poses a question, rather than states a fact — appears to be in the tradition of the officially approved anti-drink-drive television campaign.

“In that campaign, the gruesome and graphic presentation is intended to deter by its shock value. Those who have suffered from terrible car accidents might want the gruesome TV campaign stopped because it rouses memories that are too painful, but what if it could prevent more accidents?”

The hurt and embarrassment caused to those who have been closely associated with suicide was acknowledged by editor Ben Thomas, the Press Council said. But the Council said Thomas felt it was the price for sticking to his editor’s mission to lift a veil from a topic of frightening concern to all his age group — not only suicide, but the ghastly and usually unreported consequences of it.

While the mental health professionals had concern about the “how to” effect, the grisly details of the results of well-known suicide methods were scarcely neutral descriptions. The intention to deter was clear.

The magazine also ran a clear and large pointer panel to the Student Health and Counselling Service across the bottom of each page of the article. Presumably this was a measure of their awareness that the topic was not simply dealt with. It was a practice recommended to the mainstream press, although not always followed in the case of suicide stories.

The Press Council concluded that the *Craccum* article “Suicide is painless?” was an unvarnished and ugly story about a subject distasteful to many, but it was informative on more than one level and, because of its grim revelations, might well be a deterrent.

The Press Council has previously commented on the greater need for openness in discussing the issues of suicide (ADJUDICATION No 758): “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.”

The complaint in respect of the article “Suicide is painless?” was not upheld. The only part of the complaint about the article which was upheld concerned the headline on the introductory page.

However, the Press Council did uphold the complaint about the second article, Tim Selwyn’s long opinion piece “Last Call” which it called “a nasty piece of writing.” It was an opinion piece whose tone went far beyond measured arguments. Selwyn’s calculated shock attack on social taboos and his obnoxious conclusions left a repellent taste.

Examining the opinion article as a whole the Council found “a consistently irresponsible and malicious purpose.

“The intention seems to be to inflict hurt and scorn on those personally affected by suicide and those performing social work in this tragic field. One complainant had suffered grief through suicide of a son. She claimed, and the Council accepts, she was speaking on behalf of several families similarly affected. The piece is not redeemed on the grounds of thought-provoking examination of the issues.”

The Council noted that editor Ben Thomas himself set Selwyn’s column apart from

*Craccum's* own editorial purpose (and he acknowledges he should have done that by the design of the magazine). It recommended that he might like to examine the standard of such contributions more critically in the future.

### **The Craccum finding –Cases 783,784,785,786,787**

Five complaints were lodged with the against *Craccum*, Issue Two, 2000, over an article concerning suicide and an opinion piece on the same topic.

The complaints were from the Mental Health Foundation, the Ministry of Health, Dr Annette Beautrais of the Canterbury Suicide Project, the Hamilton Mental Health project team for Community Health, Health Waikato and Mrs S J Nicol. The issue of the magazine was published in early March.

The Council has decided not to uphold a complaint against the major article but it has upheld complaints about the misleading nature of the headline. It has upheld complaints against a companion opinion piece by Tim Selwyn.

Normally the Press Council does not consider complaints against publications such as student magazines, but in this particular case because of the widespread public notice the magazine reached through the mainstream press and television, the Council made an exception to its general rule and accepted the complaints. The editors of the magazine were advised of the situation and offered the opportunity of responding to the Council. They did not take up that offer and finally advised the Press Council that the Auckland University Students' Association did not recognise the Council.

The Press Council's approach has been to deal separately with the first article which is the editorial feature under *Craccum's* name, and to separate out the second article, an opinion piece by Tim Selwyn. Many complainants did not make these sharp distinctions between the *Craccum* article and the opinion piece which the Press Council did.

The first article of three pages "Suicide is Painless?" was preceded by a full-page with large heading "SUICIDE And how to do it" and a panel. In the panel were the sentences in large type:

"This is a warning. The content of this article may shock you. The content of this article may offend you. The content of this article may disgust you. If you have a problem with this, we recommend that you don't read it. Don't say we didn't warn you."

The article began "*Craccum* Magazine makes no apologies for this article. We know that suicide is one of the few taboo subjects still left in society. We know that New Zealand has the highest youth suicide rate in the world. We don't know why this is, and we don't know guaranteed solutions to the problem. . . All we do know is that support helps and silence doesn't. . ."

The article continued: "Our prime reason for printing this article is to provide information . . . this guide is not intended to advocate or promote suicide. This guide is designed to explode the myth that suicide is a 'painless, easy way out'."

The magazine said that the human body has natural instincts of self preservation, that for those troubled by suicidal thoughts there were people who provide genuinely helpful support networks in the community, and “there are always people to discuss your feelings with. What follows has been printed in order to ensure that you know the full consequences of any such decision you make to end your life. . .”

The article then mentioned under ten sub-headings, which referred to methods of suicide, the painful consequences of either maiming or death by these methods. The article was accompanied by two graphic pictures of bodies, one with half its head blown away by a shot, the other of a hanging victim.

The second article of four pages was entitled “Last Call” by Tim Selwyn, and is also the subject of the complaints. It was not clearly labelled an opinion column, and followed on from the first article. “Last Call” was an opinion piece discussing suicide. Selwyn opened with the sentence “It is time we had a real debate about the nature of suicide” but then proceeded with emotive and sometimes vituperative language to attack what he calls “the suicide industry”, arguing for people’s right to commit suicide and even that some people “deserve to kill themselves” while labelling those who attempt suicide and the counsellors who aid their recovery as “fakes.” His concluding sentence expressed the belief that society could not do anything about suicide and “it’s time we stopped acting as if we could.”

The four complaints from mental health professionals had common threads. They were especially concerned that “how to” descriptions of suicide should never be used in this way, that presenting information on methods of suicide could be seen as normalising it and that public communication of methods of suicide might lead to copy-cat effects in vulnerable individuals, especially among the magazine’s target readership (15-24) associated with New Zealand’s high suicide rates.

Collapsing the two articles into one complaint, the Mental Health Foundation said: “With its graphic detailing of methods of suicide, distorted essay on the individual’s right to choose suicide and its ridicule of counselling as being in any way helpful, the article shows itself to be irresponsible, offensive and unethical.” The foundation added that it was also not too strong to suggest that the essay by Tim Selwyn actually incited individuals to consider suicide as a positive act.

The Ministry of Health’s complaint was also based on the premise that suggests that certain reporting of suicide can lead to increases in suicidal behaviour. It was concerned about “how to” descriptions of suicide, the use of gratuitous photographs and the impact of the depiction of suicide on vulnerable people.

The Ministry said “Last Call” “unfairly criticises counselling services, implicitly discriminates against those with mental health problems, has the potential to cause considerable grief to survivors of suicide attempts and their families, and the families of those who have died by suicide, and can be perceived as encouraging vulnerable people to attempt to kill themselves.”

Dr Annette Beautrais of the Canterbury Suicide Project also complained on the grounds that the articles were “ill-advised and ill-considered” and needed to be evaluated in

the context of growing concern and information about suicide that suggests that media publicity may encourage suicidal behaviour. She outlined recommended guidelines for publicity about suicide.

The Hamilton Mental Health project team for Community Health, Health Waikato, was also concerned about “lack of a balanced perspective, with no input from services involved with this issue, the general ‘putting down’ of those who have attempted or are contemplating suicide and a very limited attempt at promoting help services available.”

Mrs Nicol expressed her concern about the article which she found distressing, having lost a son to suicide last year. Because of the high number of suicides in New Zealand, she agreed there should be awareness of the problem but “not the way these young men have chosen to do it.”

The two editors of *Craccum*, Ben Thomas and James Cardno, did not respond to the comments, as is usual Press Council procedure, on the grounds that *Craccum's* publisher the Auckland University Students' Association does not recognise the jurisdiction of the Press Council over its publications.. In undertaking this adjudication, the Press Council agreed to make an exception to its policy of not accepting complaints about publications such as student magazines with a specialised readership “in view of the special circumstances surrounding the *Craccum* article, and in particular that it had received widespread coverage in the mainstream press and other media.”

On the editors' behalf, the Council notes that in the following issue of *Craccum*, the editors ran eight pages of letters in response to the suicide articles, and several new articles, one specifically attacking Tim Selwyn's piece. In Issue 3, Thomas reinforced his view of the message in the first issue by beginning his editorial “If you read *Craccum* and commit suicide, you're a bloody idiot,” echoing the strong anti-drink-drive TV campaign slogan designed to prevent deaths.

He wrote that “contrary to what some of our detractors said, evidence suggests [*Craccum*] has helped people to talk about the difficulties they are having.” He cites mainstream media coverage, and how the “whole campus has been talking about suicide, why it happens, and how to prevent it, and that can only be positive.”

Thomas apologises for the fact Tim Selwyn's piece was not separated by design sufficiently to distinguish it as not *Craccum's* editorial view while defending the magazine's right to publish it. Thomas also writes that he was very sorry “to those who had recent experience with suicide whom the article upset. It is a sensitive topic, but too often that is used as an excuse by media to throw a veil of silence over it.”

In issue 3, Cardno says he knows that more students were reading the responses in the following issue of *Craccum* than ever would have normally, and for this reason, if no other, the previous issue with the suicide articles was a success. “This issue [3] is the serious response. It airs views that always should have been mentioned; unfortunately, had this issue been the one that was run first, the sad truth is that very, VERY few people would have read it.” The unifying thing about the letter responses was that “like us, they all believe that suicide is a terrible thing.”

The editors reveal in this issue 3 the sobering statistic that five of the six working at *Craccum* have suffered or do suffer from clinical depression and two have attempted suicide.

It's clear that the editors knew the first article would create outrage. By describing the grim details and pain of suicide methods they clearly hoped to provoke controversy and to shock the age group they represent and write for into being more aware that "suicide is a terrible thing."

Part of the initial shock wave was the jolt caused by the introductory page with its provocative heading "SUICIDE And how to do it." The warnings that followed in the panel do not diminish the impact of this formula common to manuals. Here is a guide with instructions, the heading says.

But a "how to" set of instructions is apparently not what the editors or anonymous authors intended. The descriptions of painful deaths in the article are anything but a guide, yet the headline, as can happen in the mainstream press, grabs the attention but leads the reader astray. It was this shorthand which was picked up by the general media and population and even a coroner, who referred to *Craccum's* "guide to suicide."

The complainants' criticisms of the publication as "ill-considered", "ill-advised", "irresponsible" or "offensive" all apply to this particular aspect of the magazine's journalism. This part of the complaint is upheld.

The article "Suicide is Painless?" which follows the headline is of major concern to the mental health professionals who complained because of their concern about the potential for copycat suicide. This is central to the gravity with which suicide reporting is examined academically, and needs to be looked at briefly because the research often quoted is not always clear-cut. Two examples will suffice as a pointer.

The Ministry of Health booklet "Suicide and the media" says "a further report by Barraclough et al in 1977 showed a significant rise in male suicide in Portsmouth after newspaper reports of suicide." However, the academic paper "Do newspaper reports of coroners' inquests incite people to commit suicide?" (Barraclough, Shepherd, Jennings, Brit J. Psychiat. (1977) 131, 528-32) notes that in tests [of newspaper reports causing suicide] on men and women suicides over 45, the relationship was the reverse of that predicted. Also, the degree of correspondence between each suicide in the male under-45 group and the report or reports which preceded it in the previous four days were such that "none of these findings significantly exceed what would be expected by chance." In the short term influences studied, where a newspaper report might hasten or provoke a suicide "there is no confirming evidence from our study to prove that reports do have this effect." The paper concludes: "Our findings cannot provide the evidence for banning suicide reports on the grounds that reports cause suicide; but they do suggest that this measure is worth further consideration."

A paper the Ministry of Health booklet also cites is Professor Riaz Hassan's "Effects of newspaper stories on the incidence of suicide in Australia" (Aus and NZ Journ Psychiat 1995 29: 480-83) in which he finds that "in Australia exposure to the print

media is probably an important factor in elevating the incidence of male suicide. High impact suicide newspaper stories raise the suicide risk of vulnerable persons, although it is difficult to say precisely how this happens.” However, speaking at a 1996 Australian Press Council seminar on “The Reporting of Suicide, particularly youth suicide,” Professor Hassan was recorded as saying: “I think it is very difficult scientifically to say that suicide stories cause more suicides. The causal link is something that I don’t think anybody can really establish. I certainly can’t establish that and my study is the most recent on the subject.”

Mental health professionals believe the weight of evidence is on their side, and the responsible mainstream press certainly pays attention to provisions of the Coroners Act in reporting on suicides, while examining the issue in other articles with some care.

The Press Council does not criticise the editors of *Craccum* for attempting to tackle the vexed issue of suicide, given its prevalence among the young. Nor is the style or approach of young people talking to young people in this forum exceptional. University student magazines are on the fringe, publishing in a well-recognised student tradition of reportage that can range from the merely provoking to the deliberately tasteless.

In this *Craccum*, the content is at first shocking, then informative and finally has many references to justify and convey the serious intent of the article: “this guide is not intended to advocate or promote suicide,” “all we do know is that support helps and silence doesn’t,” “this guide is designed to explode the myth that suicide is a ‘painless, easy way out’ (mirroring the Ministry of Health concern, in its media booklet, that the myth has to be removed that suicide is painless — Myth 5).”

Against this admirable intention must be placed the gory content. But “Suicide is painless?” – and this heading poses a question, rather than states a fact — appears to be in the tradition of the officially approved anti-drink-drive television campaign, where the gruesome and graphic presentation is intended to deter by its shock value. Those who have suffered from terrible car accidents may want the gruesome TV campaign stopped because it rouses memories that are too painful, but what if it can prevent more accidents?

The hurt and embarrassment caused to those who have been closely associated with suicide is acknowledged by Thomas, but equally he feels it is the price for sticking to his editor’s mission to lift a veil from a topic of frightening concern to all his age group — not only suicide, but the ghastly and usually unreported consequences of it.

While the mental health professionals’ have concern about the “how to” effect, the grisly details in this article of the effects and results of well-known suicide methods are scarcely the neutral descriptions of a “how to” guide, and if ropes, guns, car exhausts or needles are mentioned it is in the context of the awful aftermath.

The magazine ran a clear and large pointer panel to the Student Health and Counselling Service across the bottom of each page of the article, presumably as a measure of their awareness that the topic is not simply dealt with. It is a practice recommended to

the mainstream press, although not always followed in the case of suicide stories.

“Suicide is painless?” is an unvarnished and ugly story about a subject distasteful to many, but it is informative on more than one level and, because of its grim revelations, may well be a deterrent. The Press Council has previously commented on the greater need for openness in discussing the issues of suicide (ADJUDICATION No 758): “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.”

The complaint in respect of the article “Suicide is painless?” is not upheld. The only part of the complaint about the article which is upheld concerns the headline on the introductory page.

The second article, Tim Selwyn’s long opinion piece “Last Call” is a nastier piece of writing. The fallacious reasoning (“ . . . the act [suicide] is like their birth: it just happens”), insulting attacks on individuals and sections of society (“Counsellors typically mirror their clientele: losers.”) and the extreme polemic (“It is a cry for help that ought to be answered by a bullet.”) are the hallmarks of an opinion piece whose tone goes far beyond the measured arguments about the right to die. Selwyn’s calculated shock attack on social taboos and his obnoxious conclusions leave a repellent taste.

The theoretical purity which his argument pursues takes no account of the human price or emotional pain in this topic and falls short of being convincing. Selwyn’s belittling of the role of counselling and the health services is distastefully done and in more temperate language may well have had some point, given the complexity of the topic and the difficulty of stretching the mental health resources available.

Maintenance of the press in accordance with the highest professional standards is an important objective for the Press Council, and ranks equally with that of the objective to promote freedom of the press. In condemning the approach and nature of Selwyn’s column, the Press Council notes that the same article has also been roundly attacked in letters to the editor and in other publications.

The Council understands there is no bright line between what is allowable by way of free expression of opinion, and what should call for formal disapprobation by the Council. Examining the opinion article as a whole the Council finds a consistently irresponsible and malicious purpose. The intention seems to be to inflict hurt and scorn on those personally affected by suicide and those performing social work in this tragic field.

One complainant had suffered grief through suicide of a son. She claimed, and the Council accepts, she was speaking on behalf of several families similarly affected. The piece is not redeemed on the grounds of thought-provoking examination of the issues. The Council upholds the complaints against the Tim Selwyn article.

Editor Ben Thomas himself has set Selwyn’s column apart from *Craccum’s* own editorial purpose (as he acknowledges he should have done by the design of the magazine) and he may like to examine the standard of such contributions more critically in the future.

## **A Golden Parachute – Case 779**

The Council upheld complaints from Sam Knowles, Chief Executive of @Work about two articles published in the *National Business Review (NBR)* in February 2000.

The complaints were the first involving the *NBR* to come before the Council since expansion of its jurisdiction. Before then the complaints resolution procedures of the Council were restricted to daily, Sunday and community newspapers. The Press Council acknowledges the co-operation of the *NBR* in responding to the complaint and agreeing to adjudication.

Mr Knowles lodged a complaint against the *NBR* following publication in February 2000 of a front page article headed ‘@Work executives seek million dollar golden handshakes’. The report stated that ‘He (Mr Knowles) has been in the job only since @Work was set up nine months ago but is believed to have negotiated a golden parachute in his employment contract - his payoff is likely to be near \$1 million.’

Mr Knowles considered that in this report the *NBR* breached three of the Press Council Principles, Accuracy, Comment and Fact, and Headlines and Captions. In the follow up article a week later he took the view that the *NBR* had also breached the principle dealing with Corrections.

In support of his complaint Mr Knowles advised that the \$1 million referred to was totally incorrect. The total redundancy package for all the 45 staff of @Work (himself included) would be less than \$900,000. He said that the reporter had not at any stage broached the subject of a \$1 million payout when she interviewed him. Yet it was referred to three times as the principal news item in the article. By not putting the \$1 million allegation to him the *NBR* gave him no opportunity to refute the claim directly, but by including his comments immediately below the \$1 million reference, had made it appear that he was in fact responding to the claim.

Although the article also contained a number of errors in the description of @Work with confusion arising as to its relationship with ACC, these inaccuracies were not the main thrust of Mr Knowles’ complaints.

He wrote to the *NBR* stating categorically that the claim it published about the \$1 million payout was completely false, and asked that the *NBR* correct the allegation as soon as possible. His @Work Chairman also provided a media release rejecting the \$1 million claim, stating that the total redundancy for @Work would be less than \$900,000.

The following week the *NBR* printed an article on workers’ compensation on page 3, but their comments on Mr Knowles’ denial of the \$1 million payout were included in the 15<sup>th</sup> paragraph of a 17 paragraph article. The headline did not alert readers to the correction of the previous week’s story.

The *NBR* Editor in Chief, Nevil Gibson responded to Mr Knowles’ complaint that two well-connected sources had told the reporter that Mr Knowles’ contract contained a clause making him eligible for a payout of 3 years salary in the event that @Work was wound up. Mr Gibson explained that the reporter had not asked directly about the \$1

million payout because Mr Knowles was insistent that he was not leaving his job. When asked about severance payouts Mr Knowles had said no deals with the Government had been made. Mr Gibson pointed out that *NBR* had very tight deadline policies and that the treatment of the story would have undoubtedly been different had Mr Knowles returned *NBR*'s call earlier in the day. The story was therefore printed largely as originally written. However the *NBR* acknowledged that they did manage to accommodate Mr Knowles with late editing changes to include his comments made to the reporter when he called an hour before the deadline.

The payment of golden handshakes within the public sector is a matter of public interest and is a topical issue. However the *NBR* should have questioned Sam Knowles as to the validity of its claims before giving them front page prominence. Accordingly the Press Council upholds Mr Knowles' complaints about the inaccuracy of the front page article and the lack of suitable prominence of the follow up rebuttal published the following week.

### **Complaint by a newspaper – Case 776**

The Council declined to uphold a complaint from Times Media Group of Auckland, on behalf of a community newspaper *Albany Extra*, against North Shore City Council.

Under its constitution the Press Council accepts complaints by the press against the conduct of persons and organisations towards the press, but such complaints are relatively rare. In this case the North Shore City Council willingly co-operated with the Press Council in the disposal of this complaint.

The complaint relates to what *Albany Extra* believes is discriminatory treatment by the city council's communications department in favour of another community newspaper, *North Shore Times Advertiser*. The complaints stretch back over a year.

Cliff Ashby, group editor of Times Media Group which publishes *Albany Extra*, became annoyed last year at what he saw as ongoing discrimination, and complained to the Press Council. He was seeking an adjudication that advised the city council to send any press releases to all local media simultaneously, and likewise, treat them equally on matters of council briefings on matters of public interest.

Mr Ashby and his staff's initial complaints to the communications department in March 1999 had, according to Mr Ashby, resulted in a council representative conceding that *Albany Extra* had been treated differently and that such a practice would cease.

When *Albany Extra* learned last December that the *Times Advertiser*'s reporter had received a separate briefing on a council issue, it wrote an article about the perceived discrimination together with an editorial, and complained to the Press Council.

In correspondence with the Press Council, city council director of customer services Loretta Burnett disputed the paper's version of the parties' conversations. She said the council had no practice of preferential treatment of the media or any exclusive media relationship. She said the council tried hard to meet the needs of the news

media and it was a matter of genuine regret if it failed.

The Press Council declined to uphold the complaint.

First, it said, it had no jurisdiction over the behaviour of news sources, in this case a city council.

Second, the city council said it had no policy of discrimination. Thus, the Press Council believed it was up to local media to monitor that policy. But the Press Council accepted that any news source – including a local body – had the right to manage the release of information as it saw fit.

Third, it was standard journalistic practice to try to tie down sources in such a way as to disadvantage the competition. Such competition should simply make the news outlet missing out, try harder.

Fourth, all requests to a local body, from a newspaper or not, were covered by the Local Government Official Information and Meetings Act. Convention had it that requests for information were answered in order. Therefore, if a rival newspaper sought information first, its questions could expect to be answered first.

The Press Council said it was surprised that a newspaper felt itself so reliant on the issuing of a press statement and council briefings. Newspapers in a competitive environment, such as that in which *Albany Extra* found itself, usually – in the Council's experience – fought hard to manage their news sources in such a way that the initiative for breaking news first swung in their favour.

### **Letter to editor cause of upset –Case 778**

A complaint against *Hawke's Bay Today* by one of its readers over the contents of a letter to the editor, was not upheld.

Michelle Pyke complained to the editor about a letter published in the newspaper on 29 March. It dealt with a community meeting at Westshore and referred to Dave Bosley and his following at the meeting. The letter concluded "it takes more than a couple of maggots to make a sheep's carcass."

Ms Pyke claimed the final paragraph of the published letter was thoroughly offensive and was below even the lowest of publishing standards. Further, because the letter referred to people who attended the meeting, she had by implication been called a maggot. "This type of personal attack should not have been published," she said.

In his response to the Press Council the editor defended the decision to publish the letter. It was a response to comments made by Dave Bosley and Mr Bosley was the only person named in the letter thus he could see no connection to Ms Pyke. A letter from Mr Bosley was subsequently published but a letter from Ms Pyke on the same subject was not. It took the form of verse.

In declining to uphold the complaint the Press Council said the link suggested by Ms Pyke between the reference to maggots and herself was far too tenuous for the letter to be considered an obnoxious personal attack.

An additional point of dissatisfaction raised by Ms Pyke was that in an article published on 18 March, those who supported the Westshore meeting (Ms Pyke was one of the named supporters) were labelled as “activists” with “an inflammatory and derogatory connotation.” Ms Pyke preferred the label “community activist.” The editor did not comment on the additional point except to say that “activist” was not a derogatory term. He understood the term was descriptive of a person who was politically active.

The editor of *Hawke's Bay Today*, Jim Eagles is a member of the Press Council, but was not present at the meeting when the complaint was discussed.

### **Non-publication of a letter – Case 777**

The Council rejected a complaint from Doug and Christine Banks of Blaketown against their local paper, the *Greymouth Evening Star*.

The issue relates to the editor's decision not to publish a letter from the Banks in response to an earlier letter from another correspondent, L M Hawkins.

The council found that while the publication of non-solicited mail was properly an editorial prerogative, the paper might have chosen to publish an abridged version of the Banks' letter, omitting some of the more complicated comment.

It also said that papers need have no fear that, in publishing information about a complaint during the adjudication process, they might influence the outcome. Publication of all or part of the Banks' letter in this case might well have satisfied the complainants.

The complaints dates from February 21 when the *Star* published the view of L M Hawkins that, in part, asked rhetorically how much money Grey District Council had spent answering requests from Mr and Mrs Banks. The letter said the issue had gone on far too long and must surely be costing ratepayers a fortune. The paper sought a response from the local council's chief executive, which it published as a footnote.

Mr and Mrs Banks believed they too should have been approached for comment, so, after the letter was published, replied. Their letter argued the Hawkins' comments were too personal as well as potentially defamatory and damaging. It called on the editor to apologise publicly for “this slur.”

Editor Kit Carson decided not to publish the letter. Angered, the couple approached the paper's management, which, in its responses, supported its editor's decision.

Unhappy, the pair complained to the Press Council. They alleged, among other things, that the letter by L M Hawkins was incorrect, that the district council knew that but hadn't said so, and that the *Star* was refusing their reply to what they saw as an abusive use of their names.

Mr and Mrs Banks also argued that the newspaper's decision amounted to unrestrained licence to print lop-sided information in order to mislead the public.

Correspondence between the couple and the paper was furnished to the Press Coun-

cil. These included some strong allegations about the *Star* from Mr and Mrs Banks, as well a request for their letter to be published in full, along with an apology.

Included in the correspondence that the Council saw was a response from *Star* manager Mark Dawson saying the paper's legal advice was that the Hawkins' letter wasn't defamatory.

Mr Dawson also said that since they planned to take the matter to the Press Council, no further correspondence on it would be published until the Council had ruled. The paper didn't want to be seen to be attempting to influence its deliberations.

In deciding not to uphold the complaint, the council commented that it wasn't so easily influenced. It repeated its long-held view that publication of non-solicited correspondence remained a proper editorial discretion.

While in an earlier case (*Haskell v Evening Post*, 1989) it had found that, in fairness, letter writers should be allowed to respond to a strong personal attack, that wasn't the case in this situation.

The Hawkins' letter, it said, amounted to the standard rhetoric often contained in letters to a newspaper.

The Press Council dismissed the complaint. It took the opportunity, however, to remind complainants and newspaper managements that editors are the proper people to deal with complaints about a newspaper. It said it applauded the practice of most newspaper companies in separating the editorial side of the newspaper from business matters.

### **What's in a name? – Case 795**

The Council did not uphold a complaint by Nicky Hager against *The Evening Post* made on the grounds that the newspaper in an article published on 19 February 2000 described him as an "activist." The article contained Mr Hager's reported comments on a statement made by the Deputy Prime Minister Jim Anderton that he had reached agreement with the Prime Minister Helen Clark to review Government's overseeing of the Security Intelligence Service. The article was under the headline "SIS scrutiny waste of time without data, critics say." The description to which Mr Hager takes exception was contained in this sentence: "Peace activist Nicky Hager said a full parliamentary committee would be good news, as long as it improved access to information about the SIS."

It is important to note the constraints on the complaint made by Mr. Hager himself.

"I want to make clear at the start that I am not complaining about the particular journalist or sub-editors concerned. I hope that the Press Council, by considering this example, will consider and make a judgement about an issue that arises in many, many other articles too. The principle at stake is accuracy, fairness and balance." The complaint has nothing to do with the efficacy, or otherwise, of the SIS. By the above sentences (and others) Mr Hager appears to treat the label of activist as representative of other objectionable labels used by newspapers, and he does provide additional

examples. His main point is that this type of labelling is systemic in the newspaper industry and that all those asked for comment are not treated fairly and equally.

Mr Hager nominates the principle at stake as “accuracy, fairness and balance.” Those words are from the Council’s Statement of Principles - No.1 Accuracy. For the reasons set out hereafter the Council does not consider the use of the description activist contravenes the Principles of the Council.

Mr Hager, it would appear, had been approached by a reporter who in the course of the interview had asked him how he wished to be described and he replied “intelligence researcher”, but instead was referred to as an activist. In his complaint he said this happens regularly to him “ ...whether I have written a book or done some major research or I am debating an issue publicly. In addition to the issue of accuracy of the term (it is a decade or more since I could be described as a peace activist), I believe that the term ‘activist’ was applied in this case and is applied in many other cases in a (perhaps unconsciously) selective and depreciating manner.”

### **Passing the ball – Case 775 (and its aftermath)**

The Press Council partly upheld a complaint about *The New Zealand Herald’s* coverage of American football competitions in Auckland. Subsequently on the receipt of further information which was not available when the case was first considered, the Council withdrew its adjudication.

Wayne Wright, President of the New Zealand American Football Association Inc, complained to the Press Council about “misreporting” and “failure to ensure the truth is published” in the sports pages of *The New Zealand Herald*. The complaint has its origins in a split in the ranks of followers of the American football game in Auckland. Mr Wright’s group, asserts legal rights to the title *New Zealand American Football Association Inc* and to the term ‘Kiwi Bowl’ as the name for its championship competition. . He wrote that the police had informed the other group that they had no legal rights either to call themselves New Zealand American Football Association or to use ‘Kiwi Bowl’, yet they continued to do so, but the Council makes no comment on this assertion.

The *Herald* employs a stringer (a part-time correspondent) whose reports on American Football matches have included reference to a ‘Kiwi Bowl’ with the inference that it is conducted by the rival group. It is alleged by Mr Wright that this stringer receives payment from the other group (which is not named) as well as the *Herald*, and that his reporting has disadvantaged the New Zealand American Football Association. The newspaper’s failure to clarify the situation contributed, he implied, to poor attendance and a consequent loss of revenue at this year’s ‘Kiwi Bowl XVIII’ (the championship final of his organisation).

The Press Council recognised that a newspaper cannot reflect each and every twist in a local dispute of this kind. The Council sympathised with the *Herald’s* predicament and did not accept Mr Wright’s accusations of some sort of conspiracy on the part of the newspaper against his group. Both groups were using its pages to advance their

interests. The Editor observed that the *Herald* was caught in a dispute between two other parties. The Council agreed that a newspaper could not be the arbiter when both sides claimed usage of the title ‘Kiwi Bowl.’ The Press Council certainly makes no comment on the issue of the ownership of names.

Mr Wright’s complaint nevertheless raised a point of principle. He had written to the editor on 22 November and to the sports editor on 1 January complaining in substance that the *Herald* had been led astray by the stringer, who had a “hidden agenda.” When the *Herald* continued to apply the term ‘Kiwi Bowl’ to its reporting of the matches conducted by the other league, Mr Wright complained to the Press Council on 15 February that the *Herald* was showing “contempt” for the position of his group. He also complained of the *Herald’s* failure to publish “any stories that we submit (at no charge) that would ensure balance” although it was not clear whether such a piece or pieces had been submitted.

Mr Wright was entitled to expect at least a correction, after he had twice made his point. The Council was surprised that the *Herald’s* sports desk - in the interest of balanced and fair reporting - had not followed up by discussing the points raised by Mr Wright with their stringer and pursuing the issues in a wider story about the rift in the administration of the American game in the Auckland region. The Council also notes Mr Wright’s contention that the stringer received payment from the rival group, raising a possible question of ethics. The Press Council accepts that there was no deliberate attempt by the *Herald* – as implied by Mr Wright - to skew reporting in favour of the rival group. Instead confusion seems to have reigned. The outcome was a lack of balance in the *Herald’s* coverage and some inequity to Mr Wright’s group.

The Press Council accordingly upholds Mr Wright’s principal complaint against the *Herald* relating to “misreporting” and “failure” to tie down the truth. As for Mr Wright’s second contention - that the *Herald* had not published his organisation’s copy about the story - it was not clear what had, in fact, been submitted. In any case, decisions about publication of such material must always rest with editors.

## **The withdrawal**

In its subsequent statement withdrawing the original adjudication, the Council said:

On 28 March 2000, the New Zealand Press Council released an adjudication (Case 775) on a complaint made by Wayne Wright in his claimed capacity as President of the New Zealand American Football Association (AFA) against the *New Zealand Herald*. The complaint was connected with the gridiron game in Auckland.

The Press Council partly upheld the complaint on the information that was supplied to it by Mr Wright.

After publication of the adjudication by the *New Zealand Herald* further information has been brought to the attention of the Press Council that was not before it when the original decision was made.

That information has been examined by the Press Council, and it has been decided

that the complaint should not have been partly upheld. Therefore the Press Council recalls its adjudication of 28 March 2000 and cancels it. The Press Council will not be issuing any other decision on the original complaint.

### **Photograph of “homeless man” – Case 773**

Part of a complaint against the *Sunday Star-Times*, stemming from its use of a photograph of a homeless man to accompany an article on poverty and wealth in New Zealand, was upheld.

For several weeks in 1999, the *Sunday Star-Times* published a series of surveys with the general title “The State We’re In.” In part 10 of the series, the theme “Rich and Poor” was developed in a long article, headed on its first page “For Richer or Poorer” and on its second “Lifestyles of Rich and Poor.”

The article was accompanied by three photographs. The first, on the front page showed the rear view of a man, dressed in ragged clothing, carrying in his left hand a bucket containing some simple possessions and in his right, a sleeping roll. The photo was captioned “Class Act, Are The Poor Getting Poorer?”

The second photograph, over the main heading of the article, was an enlarged but truncated version of the first, showing that it had been taken as the man crossed a city street. And the third, narrow and indistinct, showed a pair of shoes and was captioned “A homeless man takes a break from his shoes. Meanwhile the gap between New Zealand’s rich and poor gets bigger.” The article made no references to the man.

On 26 November Sandra Page of Wellington wrote to the editor about the use of the photographs of the homeless man. She identified him by a first name who, she said, lived in a cave in Wellington and after having wealth and position, had renounced possessions and refused income support.

She felt that the *Sunday Star-Times* should tell its readers the true details about him, rather than leave the impression that he was the victim of the circumstances examined in the article. And, with some asperity she outlined difficulties that she, as a homeless person, had encountered in seeking assistance.

On 6 December the correspondence editor of the paper replied that it did not intend to publish the letter or to take the points she had made any further. This drew a complaint to the Press Council from Miss Page. With this she enclosed two letters, published by the *Sunday Star-Times* asking whether the man in the photographs was aware they were to be used as they were, whether he had given his permission, and whether the paper had given him any assistance. In a footnote, the editor had given no specific reply, but said that since the paper dealt with real people, it had illustrated the gap between rich and poor with a real person.

Miss Page asked why those letters had been published and hers not, particularly since she knew who the subject of the photographs was. She felt it was insulting to really poor people to suggest that his photograph was truly representative of them. And she expressed concern that a newspaper could take and publish such photographs without

permission or knowledge of the person involved. Where, she asked, did the Privacy Act apply.?

On 22 December, the editor informed the Press Council that the photographs had been used to illustrate the article's treatment of the widening gap between rich and poor. The man was not shown front on and his name was not used. The fact that he was well-known in Wellington added to the weight of the article and fortified the paper's policy of using real people to enhance its aim of promoting debate on social issues. The man himself had not complained.

The editor said also that Miss Page's letter was not published, because it was vitriolic, added nothing to the debate, and was too long.

On 12 January Miss Page rejected the characterisation of her letter. She said the man was not the appropriate person to symbolise people made poor by government policies and other factors covered in the article. She challenged the editor to fulfil her claim to deal with real people. Even if his photograph had been taken from the rear, he was easily recognisable to people in Wellington. Why then did the editor not want to know about his identity? He was not just someone to be used by a newspaper but a human being with a name and a story behind it. She also suggested the editor had other reasons for rejecting her letter.

To this, the editor rejoined that she was not interested in doing a story about him or relying on information from a person she did not know. The photographs had been used to illustrate the theme of the article and his face was not shown. Whether people had decided to be poor or not was beyond the scope of the article. She repeated her reasons for not printing Miss Page's letter.

The Press Council considered three elements in Miss Page's complaint. It concluded that there was no obligation on the editor to publish Miss Page's letter, particularly because of its length. Nor was there any obligation on the paper to provide its readers with what Miss Page contended were the true facts of the man's homelessness.

However, members of the Press Council felt that a larger issue underlay the paper's decision, without reference to the person concerned, to publish the photographs for their symbolic power in evoking the condition of the poor and homeless.

It was noted during discussion that the complaint lost some of its weight through being presented by a third party rather than by the subject of the photograph. Several members of the Council stressed the importance of photographs in enhancing the news.

Newspapers take photographs of members of the public in many situations, and use them in ways that do not allow contact with or approval by the persons portrayed. This is especially so where photographs relate to current topics and their news value lies in their immediacy of their use.

But, in this instance of the homeless man, vivid and moving photographs were used to illustrate the theme of a serious article that had obviously required careful preparation. Time was not a factor. Members of the Council concluded therefore, that the *Sunday Star-Times* should have looked beyond the symbolic significance of the pho-

tographs to the man beneath and should have accorded him the dignity of being consulted over the use it intended to make of them. In this respect the Council felt that the paper had been at fault and upheld this part of the complaint.

### **A case of prostrate grief – Case 772**

The Council did not uphold a complaint against *The Evening Post* over an item published on 29 November 1999, two days after the General Election. The article headed “Gracious losers” included the sentence “Mrs Shipley’s gracious comments – so unlike what we got from the last defeated National Prime Minister Muldoon -brought TV3 political reporter Jane Young on the telly to a state of prostrate grief: Paul Holmes, of course, was merely prostate.”

Peter Foster of Wellington complained to the editor, and referring to the sentence said: “I am disgusted by your printing an attempted joke about someone’s life-threatening condition.”

The editor apologised to Mr Foster if offence had been taken, where none had been intended, and pointed to Mr Holmes putting his own prostate condition into the public arena. Another reader wrote to the editor about the same matter. In his published letter, he said about Holmes, “when it comes to sheer guts keeping the show on the road, he is a real soldier.” Had Mr Foster included his address with his e-mailed letter, his letter could also have been published.

The Council accepted the editor’s assurance that no offence was intended to Mr Holmes and noted that while Mr Foster’s unsolicited defence of a public figure was laudable, Mr Holmes was able to speak for himself. The complaint was not upheld.

### **Complaint against abridgement of letter – Case 771**

A complaint by the the Health and Disability Commissioner, Robyn Stent, against the *Sunday Star-Times* over the abridgement of a letter she had written to the paper, was upheld. Ms Stent wrote to the newspaper in response to a column by Sandra Coney of more than 700 words on October 3, which strongly criticised the commissioner’s performance in the job.

Ms Stent’s letter was 456 words and it was abridged to 228 words. She complained to the Press Council that it was edited in such a way that it misled the reader. Further she complained that she was not consulted about its editing and should have been, and that the newspaper removed the honorific she had given to Sandra Coney, thereby seeming disrespectful.

The council does not accept the last two legs of the complaint. It is quite in order for the newspaper to adopt its own style for honorifics, to use them or not as it wishes. As to abridging, letter writers are clearly told on the newspaper’s letters page not to exceed 200 words and that letters may be edited. Newspapers are entitled to do that without reference back to the author. Some newspapers tell readers when a letter has been abridged and some do not.

The council believes it is preferable to do so but it is perfectly in order for a newspaper not to do so, especially when it states every week that it may abridge letters.

On the whole, Ms Stent's letter was fairly edited, but for one glaring exception. In the original letter, and clearly referring to a phrase Sandra Coney had used about health providers, Ms Stent said: "Contrary to what Ms Coney says in her article, I have not said medical practitioners must provide information about alternative therapy options. I have certainly never advocated that providers have a duty to tell consumers what's available even when it's outside their particular paradigm and even if it's irrelevant to the reason for which the consumer sought a consultation."

It was edited and published to read: "I have not said medical practitioners must provide information about alternative therapy options and have never advocated providers have a duty to tell consumers what's available."

In her complaint to the Press Council, Ms Stent said the reason the statement is misleading is that by law, health providers do have an obligation to inform consumers in the matter set out in Right No 6 of the Code of Health and Disability Services Consumers' Rights. "As printed, it appears I am saying that providers do not have a duty at all to tell consumers what is available. This is incorrect and misleading."

The council agrees. In the original letter, Ms Stent is saying that she does not advocate that health providers must inform consumers about their choices in circumstances outside their sphere of relevance.

The published letter suggests that she does not advocate health providers have to inform consumers at all what is available. Those are vastly different meanings.

The council makes no comment on what the commissioner actually does or does not do in the performance of her job but it concludes that the published view of Ms Stent is demonstrably different from her originally stated view.

Ms Stent wrote to the Sunday Star Times editor asking that her original letter be published in full with an apology. In reply, the editor said it was "the right of newspapers to edit or abridge letters as long as the meaning is not lost or distorted." The council agrees but believes that in this case the editing did distort the meaning in an important aspect of the letter.

The council upholds the complaint. But it does so with a reservation because of the way Ms Stent complained to the newspaper. In her complaint to the editor, she did not specify the editing error but simply insisted that her original letter be published again in full and with an apology.

She might more reasonably have explained how her views had been distorted and invited the newspaper to publish the second letter or a correction. The editor saw the detail of the complaint only when it was set out in a letter to the Press Council.

However even then, the editor still maintained that no misrepresentation had occurred and so no remedy had been offered.

The council upholds the complaint.

## Front page headline – Case No 770

A complaint about a front-page headline in *The Evening Post* of 11 November 1999, was not upheld..

Michael Chambers of Wellington contended that the headline –“Jobs at risk under Labour – Employer” – and its position at the top of the front page, were not in keeping with the story. He complained to the Press Council on 12 November that the presentation was “nothing more than a political statement dressed up as a news story on pretty spurious grounds.” Mr Chambers commented that “blatant manipulation of minor stories into eye-catching banner headlines brings the print media into disrepute.” In a follow-up letter of 3 December Mr Chambers asserted that the Council’s Principle 1 as to “accuracy, fairness and balance” had been contravened. Since the story itself was of little substance he could only view the presentation as a “misuse of the paper’s front page for political misrepresentation.”

The complaint cannot be separated from the circumstances. The story was published a little over two weeks before a General Election. A major plank in the platform of one of the principal parties was the intention to restore the role of the Accident Compensation Commission as sole provider of workplace insurance. The *Evening Post* had earlier run an editorial opposing the proposed changes. The story of 11 November reported that a manufacturer in Palmerston North had written to the Labour Party spokesperson on ACC reform to the effect that he would be obliged to shelve expansion plans and inform his staff they would have to forego profit-sharing provisions if ACC again became a State monopoly. The Leader of the Labour Party’s vigorous refutation of these assertions was fully covered.

Mr Chambers wrote to the editor on 12 November describing the headline as a “gross misrepresentation of the facts” in the story, adding he would be complaining to the Press Council. On the same day, he addressed a formal complaint to the Press Council. This short-circuited the procedure for complaints to the Press Council. The *Evening Post* understood the letter to them to be a contribution to the letters-to-the-editor section, and although not publishing it, acknowledged its receipt on the editorial page on 27 November. The Press Council accepts that *The Evening Post* could be excused for not having interpreted Mr Chambers’ letter as the first step in the complaints procedure. In any event there are no procedural questions now in dealing with the complaint.

As to the substance of the complaint, the Press Council could find no disconnect between the headline and the story and finds nothing to justify the accusations of political bias which are the root of the complaint. The media have a particular responsibility during an election campaign to throw light on possible consequences of policies proposed by contending parties and their leaders. The story in question did this, with nearly as much space again allocated to the Labour leader’s rebuttal. The *Evening Post* also published a follow-up story the next day, reporting that the manufacturer in question had hosted a launch by the ACT party of their policy to abolish the ACC. In addition *The Evening Post* printed on 23 November (four days before the election) three letters taking up issues arising from the 11 November story, including one from

the Labour spokeswoman and another again accusing the editor of political bias. The Council notes, finally, that editors may properly choose stories and headlines for the front page which will sell newspapers. In this case, moreover, while the headline was assertive, the story reflected it and offered a balanced report on a major public issue of current concern.

## **How secret a secret ? – Case 774**

On September 24, 1999, an article appeared in the *Southland Times* under the heading “Mayor chairs secret talks on site of Gore sports complex.” The Mayor of Gore District, Mrs Mary Ogg complained to the Press Council on four grounds. She said the article was untrue, unbalanced, misleading and sensationalised. She complained about the behaviour of the reporter and photographer in getting the story as disgusting and unprofessional. She described the follow-up article the next day which used her press release as untrue and misleading, principally because of the addition of the sentence “Mrs Ogg still refuses to discuss her intentions over the multi-sports complex.” She also took issue with the sub-editorial the same day, citing many of the same phrases and sentences used in the previous stories.

The detail of claim and counterclaim, which characterise this complaint, can be seen in the amount of material submitted - a nine-page complaint from the mayor with nine appendices, the editor’s response of six closely typed pages, a 15-page response from the mayor with five appendices, followed by another two-page response from the editor.

Numerous justifications and interpretations alternate from side to side, and it is necessary to boil the complaint down to its essentials to resolve it. The first issue relates essentially to what was published. The second essential issue is the behaviour of the reporter and photographer - was it disgusting and unprofessional?

It is necessary to focus on the first and central article. Mrs Ogg says it was false of the article to say the mayor chaired a meeting, the talks were secret, the talks were about the site of Gore’s planned sports complex and that Charmaine Smith was not invited.

The trigger at the core of this complaint which sets off all that follows seems to be the phrase “secret talks.” If you consider the story with a heading such as “Concerned ratepayers in private meeting with mayor”, and this is Mrs Ogg’s account of what took place, this immediately defuses what followed - the press is not necessarily given entrée to private meetings, no official decisions can be agreed at a private lobby gathering, not all citizens will be invited to such a meeting, and so on.

The *Southland Times*, having set up a melodramatic scenario with its story “Hush-hush meeting tonight” persisted with that scenario. Thus, the mayor chaired the meeting (there was no official notice or agenda), Mrs Charmaine Smith was angry she had “not been invited” (Mrs Ogg is correct that no formal invitations were issued, and the paper is right that the ratepayers had not invited her in their group), the reporter and photographer were “shoved out” (had they legitimate rights to be there?).

The subsequent minutiae of the complaint that have been detailed seem to stem from

the “secret talks” description. Mr McLennan photographed clearly in a lighted room from the dark outside - was he talking? He certainly talked during the meeting - the sports complex being discussed - was it the funding and not the site, and aren't they related? - the reporters emerging from the bushes, or standing on the footpath - weren't they outside, anyway? - the gratuitous sentence “Mrs Ogg still refuses to discuss her intentions” at the end of the second story, which up to that point had balanced the newspaper's first article with Mrs Ogg's own press release version of events.

These anomalies are the sad result of a mayor communicating by press release rather than giving an editor the courtesy of a direct communication and subsequently the chance to resolve a complaint forthwith, and a newspaper struggling to find ways to get across clearly the pertinent questions it wants to ask and trying to find the occasion to put them.

In the evidence given on both sides of this complaint, neither side behaved as well as it could, and at every point in the development of this complaint there was a course of action or means of expression which might have avoided the more inflammatory behaviour and subsequent ill-feeling on both sides.

To the extent that the newspaper did its job in trying to get to the heart of a story which still contained a strong element of public interest, the complaint is not upheld. The use of the word “chairs” in the headline was careless in that the meeting with ratepayers was informal, however it might have been run, but while “secret talks” may have been extravagant it is not unfair. No publicly elected official dealing with members of the public on a matter of public concern is involved in a private matter. Officials in this position must expect that newspapers will always be curious about the subject of such gatherings, may try to be present and to report on them, and may consider them “secret” or “hush-hush” unless that information is forthcoming. The mayor's claim that such a gathering could not be secret because the newspaper revealed it in an earlier story misses the irony in such a statement. Mrs Ogg's unavailability to discuss this meeting or to comment further can be seen as the genesis of the statement that she “still refuses to discuss her intentions.”

As with the other section of this complaint, the behaviour of the reporter and photographer are the subject of markedly distinct interpretations. The truth depends on the point of view. Mrs Ogg says the staff photographer John Hawkins and reporter Heather Peacocke entered the private side door of the mayoral office shouting questions and demanding to be present at a private meeting to which the press had not been invited. They were asked to leave a minimum of six times, the deputy mayor Mr Alister McLennan threatened to call the police, ordered them to leave, and after “arguing and shoving” (Mrs Ogg's words) they did. They shouted and acted in an intimidating and threatening manner, she says. She called it disgusting, unprofessional behaviour and an invasion of her and the ratepayers' privacy.

The editor says the reporter and photographer were sent, because Mrs Ogg did not respond earlier to questions about the meeting, they stayed in the doorway, introduced themselves, asked questions (Peacocke did raise her voice to Mrs Ogg across the room) and saw Mr McLennan get agitated, threaten to call the police, and push

Peacocke in the shoulders.

Mrs Ogg replies that Mr McLennan was not agitated, he used diplomacy and decorum, and only because of the persistence and arrogance of the newspaper staff did he threaten to call the police. It is untrue to say at any time that he put his hands on Peacocke, says Mrs Ogg. although it is fair to say that he stood his ground and ushered Hawkins and Peacocke to the door.

Both sides are agreed that Mr McLennan did threaten to call the police, which is an indicator that the scene was getting tense and agitated. Mrs Ogg uses the words “arguing and shoving” herself, but does not complain about the reporter or photographer shoving, and so this suggests an action on the part of Mr McLennan.

The journalists were persistent and probably rude, trying to get a story which may or may not have been significant in the running saga of the Gore multi-sports complex. They were probably worked up about the “hush-hush meeting” which the paper had signalled. However, journalists being impolite or dogged are not necessarily behaving unethically and this part of the complaint is not upheld.

It is surprising that the mayor did not firmly show the journalists the door but with an invitation to talk to her after the meeting about what transpired, and how that fitted into the whole context of the issue. Such gestures and methods of direct communication would go a long way towards keeping the necessary balance between the freedom of the press and the public’s right to know, and individual rights.

### **Kissing and canoodling at school – Case 781**

A complaint by the Wanganui City College board of trustees against an item published in *Wanganui Midweek* was not upheld. The item, relating to pupils of the College was published on March 1 in a snippets column compiled by a retired reporter.

The item read : Donna said her daughter won’t be going there. “I drive past the City College at lunchtime and the students, girls and boys, are standing out the front smoking. And if they’re not smoking, you see them kissing and canoodling. Surely a teacher could wander about now and then and put a stop to all this. It’s a shocker. I don’t know about Wanganui High School. Perhaps you just can’t see the students doing the same thing, but I don’t think so.”

The board chairperson, Mrs A Bunn, complained that the piece offended against several of the Press Council’s statement of principles: the requirement for accuracy, fairness and balance; the requirement for particular consideration when reporting about children and young people; the obligation to make distinctions between fact and opinion; and against the non-discrimination principle. She wondered whether the mother Donna is a true person.

*Wanganui Midweek* is a give-away newspaper and the editor of the *Wanganui Chronicle*, John Maslin has responsibility for it though he is not involved in its production. Mr Maslin says the column deals with issues in a light-hearted and sometimes flip-pant manner.

Both Mrs Bunn and the school principal, Brian Woolhouse, contacted Mr Maslin the day the item was published to express their concerns.

Mr Maslin believes the school's upset was exacerbated by the fact two of its pupils had recently been killed in an accident and he acknowledged that the school's state of grieving should have been considered in the decision to publish.

The principal was offered a right a reply and a letter from him appeared the following week. It invited Donna to contact him and to visit the school one lunchtime to "walk around the grounds and meet our many polite, helpful and cheerful young citizens."

The editor says he has issued instructions that in future, comment must be sought from all parties in the interests of fairness and balance.

The council believes the editor acted properly in response to the school's complaints, giving it a right of reply when the matter was drawn to his attention and issuing instructions for future such items.

### **"Queen divides nation" – Case 782**

Two complaints against the *New Zealand Herald*, made by C Barradale were not upheld.

The first complaint concerned a caption 'Queen divides nation' which appeared as a banner on the front page of the 14 March 2000 issue of the *New Zealand Herald*, promoting an article inside the paper. The complainant believed that the words gave the impression that the Queen herself was personally involved in the controversy surrounding the Auckland mayor's removal of the royal portraits from the council's debating chamber.

The caption 'Queen divides nation' publicizing the article was superimposed upon a 40 year old portrait of the Queen in her regalia and quite clearly was referring to the portrait itself giving rise to a division of opinion. The article featured an ongoing debate about the removal of the 40 year old portraits and this had created two distinct and divergent opinions on the role and status of the monarchy. The banner complained of did not give the impression that the Queen herself was personally involved in the controversy

C Barradale secondly complained that a letter written to the newspaper had not been responded to. The *New Zealand Herald* understood that this was a letter to the editor for publication. C Barradale had already had a letter published on this same topic, on the day when the article in question had been published, and the editor felt it was not appropriate to run another letter. The editor had no reason to believe that C Barradale's letter was anything other than a letter to the editor and as such had every right to neither publish nor respond to it.

### **Monarchist League not amused – Case 809**

The Council did not uphold a complaint lodged by Noel Cox, chairman of The Monarchist League of New Zealand, who objected to a *New Zealand Herald* opinion piece

written by Kate Belgrave in the 8th August 2000 issue. The article was headed ‘Why we need hapless heroes’ in which the writer was baffled by the ‘blind enthusiasm’ for the Queen Mother’s attaining her 100<sup>th</sup> birthday. Noel Cox took particular exception to Kate Belgrave’s statement about the Queen Mother that:

‘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 fiscally responsible favour by dropping dead’. Further comments to which Noel Cox objected were references to the Queen Mother as ‘Satan’s own superannuitant’ and Kate Belgrave’s remark that ‘I know she was nice to her husband, but then who the hell wouldn’t be? He had 10 houses and an open cheque book’.

The Editor of the *New Zealand Herald* defended the *Herald* columnist’s right to express her personal opinion. She was clearly voicing her own individual view as the article was by-lined alongside her photo and name.

The Press Council clearly distinguishes between its treatment of opinion pieces and news reports and consistently recognises columnists’ right to free expression. Accordingly the complaint was not upheld.

### **Column on abortion causes upset – Case 788**

A complaint about a Sandra Coney column published in the *Sunday Star-Times* on 9 April was not upheld.

Michael Edgar complained the column, which was on abortion, wrongly stated that abortion counselling suggested by Bishop Dunn of Auckland would consist of “guilt tripping women, showing them over-sized blow-ups of foetuses or gory ones ostensibly aborted.”

He wrote a letter, which was not for publication to the editor saying his inquiries revealed Ms Coney’s assertion was untrue and he wanted the paper to print a correction. When the paper refused, Mr Edgar complained to the Press Council.

In his submissions to the Press Council Mr Edgar said Ms Coney’s assertion had been printed as fact, not opinion. A quick check with Bishop Dunn’s office had confirmed the assertion was untrue and the *Sunday Star-Times* had a duty to correct it.

Suzanne Chetwin, editor of the paper replied that Ms Coney had been stating her opinion. The column had been written in response to a series of opinions Bishop Dunn had put forward on abortion, including suggesting offering money to women to choose to have a baby and establishing a counselling service for women considering abortion. Ms Coney had extensive experience in abortion counselling and her comment was based on her knowledge of the sort of counselling offered by groups opposed to abortion. The assertion had not been put in quotation marks so did not pretend to represent what Bishop Dunn may have said.

Mr Edgar repeated his argument that the assertion was printed as fact, not opinion, and therefore deserved to be corrected.

The difference between the complainant and the paper comes down to their approach to the column. In Mr Edgar's correspondence he refers to it as an article when it is clearly an identified column representing the opinion of the writer.

Reading the column in its entirety it is clear it is an opinion piece. While columnists must still take care with facts, the Council in this case believes the sentence complained of represents the opinion of Ms Coney, particularly when taken in context of the entirety of the column.

Bishop Dunn has made no complaint about the column. As well, Mr Edgar could have challenged the truth or otherwise of Ms Coney's comments by allowing his letter to be published.

### **Column contained errors – Case 792**

A complaint by Simon Boyce of Paraparaumu about a column in *The Dominion* was upheld. Mr Boyce complained about errors in a column by Rosemary McLeod in the edition of June 15, 2000. The column entitled "Beware, this will be grossly fair" was a forceful, and at times angry, comment on the news that convicted paedophile Lloyd McIntosh was eligible for early release from jail.

In the course of the column, McLeod referred to McIntosh once as McIntyre, and also quoted a Corrections Department spokesman. McLeod reminded readers of the horrific details of McIntosh's crime as a "useful counterpoint to the assurances of the sanguine Corrections Department spokesman." She also said that the family of McIntosh's victim lived in fear of his release because they knew he could "now ask for his freedom every six months" and they knew what he was capable of.

McLeod's main points, made in tones of steely irony presaged by the headline, were that McIntosh's sentence was inadequate, the notion of parole unconscionable, and her baulking at McIntosh's eligibility for release was because she was the sort of person to whom the rape of a 23-month-old baby was an unforgivable crime.

The day after publication, *The Dominion* corrected the source of the comments supposedly made by the Corrections Department spokesman, reporting that they were actually made by a source close to McIntosh. The newspaper also noted that the Corrections Department had earlier in the year applied to the Parole Board for a special order keeping McIntosh in prison until three months before the end of his full 10-year sentence. The June 11 *Sunday Star-Times* story which appears to be the source for McLeod's column said the Parole Board decision was to be reviewed every six months.

While few would disagree with McLeod's expressions of disgust at the crime sheeted home to McIntosh, called "a menace to society" by the judge, Boyce is correct when he complains about the errors.

A source close to McIntosh would naturally put the best possible light on McIntosh's current behaviour, and say the prisoner was making a strong effort to help himself. That is unexceptional. Coming from a Corrections Department spokesman, it could be grounds for the kind of strong opinions which Rosemary McLeod gave vent to.

McLeod, a frequent scrutiniser of crime and punishment, bases her column on this supposed “official” comment. The fact her opinion gains impetus from two direct quotes attributed to this spokesperson shows how powerfully the identity of the source helped her to form her conclusions.

Unfortunately it was a case of mistaken identity. Robust column comment should depend in the first place for its validity on the actual facts or real situation which is the basis for the opinion. Here, McLeod’s *Broadside*, as her column is titled, blasts at the wrong target, leaving a potentially disturbing and valid comment less potent because it is wide of its real mark. To its credit, the newspaper correction was the day after publication. Elements of McLeod’s column remain legitimate, her opinions stirring on a matter of great public interest. But nonetheless this is sloppy column writing, since the thrust of her critical unease hinged to a great extent on the Corrections Department’s apparently cavalier attitude which was never expressed.

The substitution of the name McIntyre once for that of McIntosh, is a minor flaw (it is hard to know at what stage of the writing or publishing process such an error may creep in), but nonetheless this mistake does not help to dispel a kind of slapdash feeling that clings to this column.

The complaint is upheld.

### **Not to be published – Case 790**

The upheld a complaint from Patricia Smart against the *Sunday Star-Times* concerning the publication on 20 March, of a letter from her. Ms Smart wrote to the editor on 8 March making a point about offensive language. Her letter was headed “not for publication.”

The letter made a good point and was well written. It attracted the attention of the letters editor who, in selecting the letter for publication, did not notice the “not for publication” heading.

Ms Smart wrote again to the editor, this time complaining about publication of the letter and received no response. At this point she complained to the Press Council. As a result of the Council’s involvement the editor realised what had happened, immediately acknowledged that the error was unacceptable and wrote to Ms Smart apologising for it.

In upholding the complaint the Press Council notes that while the editor’s acknowledgement and the sincere apology were laudable, the paper’s error resulted in the very language complained of, being published under Ms Smart’s name. The complaint highlights the need for considerable care on the part of those selecting letters for publication.

### **Naming of a policeman – Case 798**

A complaint to the Council by Walter Freitag against the *National Business Review* (NBR) for publishing the name of the police officer who fatally shot a male person in

the Waitara in the early hours on 30 April, has not been upheld.

The basic facts are well known and not in dispute. There was a disturbance in the township in the early hours by a male that caused a police officer to open fire on him and as a result he died. Such an event was a major news item in all media.

The officer made application to the High Court to prevent any publication of his name. The application was heard by a Full Court of two High Court judges and declined on 5 May 2000. The basic reason for the decision was that there were no grounds in law for an order preventing publication.

On 12 May 2000 the NBR published the name of the officer who was responsible for the fatal shooting. Undoubtedly there existed up to this point a convention that in similar circumstances to the Waitara shooting the name of the police officer would not have been published. The convention, even after the publication by NBR, was largely adhered to. Notwithstanding the High Court decision a senior police officer met with some media representatives and made a special plea for non-publication. The ultimate fate of the police investigation into the shooting was unknown at that point.

The decision by the NBR to publish the name of the officer was itself quite extensively debated in the media.

The complainant Mr Freitag comes to the Council in the capacity of a concerned member of the public. He bases his complaint in essence on the grounds that the officer in question had not at that point been charged with any wrongdoing and that publication was neither in the public interest, nor of the police in their duty to protect the public. The NBR accepted none of those propositions and replied that it was in the public interest for it to be informed fully on the activities of a public official performing his public duties. It also relied on the freedom of the press.

The Council declined to uphold Mr Freitag's complaint although it appreciated that his motives for laying the complaint were beyond reproach. The Press Council cannot ignore that the freedom to publish the name has been conclusively decided by a Full Court. Moreover, even if there did exist a convention in the past that in similar circumstances publication of name was withheld, it appears no longer to have general acceptance.

### **Names of killer parents – Case 791**

A complaint against *The Evening Post* over its handling of articles on the birth of a baby, both of whose parents were killers, was not upheld.

Ms Frances Acey complained about the articles which appeared in the editions on 1 and 2 April. The first article was headlined "Baby Born to Violent Killers." The first paragraph read: "A two-month old baby, born in Wellington this year, has two violent killers as parents." The article said the baby was born to a woman who had pleaded guilty to infanticide in 1997 and a man who had been found not guilty of murder on the grounds of insanity in a killing in 1992

The second article headlined “Killer’s baby Sparks Probe” was a follow-up indicating that Capital Coast Health was investigating the situation referred to in the initial article. Both articles named the parents and referred to the baby being born in February and having been put in the care of the child’s aunt in Rotorua.

Ms Acey complained that the word “baby” should not have been used in the headlines. She maintained that the focal point of the headlines should have been the issue of failure in the custodial care of the offenders. She said the issue of this failure was the focal point of the bulk of the first article and that the headline referred to the baby which was not the most important point to be made from the story. Ms Acey was concerned that details of the baby’s age, sex and location were unnecessary in relation to the story about his parents, and could open the child and his care-givers, to public scrutiny and possible harassment. In a further letter to the Press Council she complained the articles showed disregard for the baby’s need for privacy. She did not take issue with the reporting of the fact that a baby had been conceived by two people responsible for violent deaths.

In response *The Evening Post* said the headlines were accurate and further that the information about the baby carried in the body of the article was accurate. Furthermore the Commissioner for Children had already expressed concern that the mother had continued to be able to give birth, despite her history. The baby was the central point of the story and without reference to him the story could not have been covered satisfactorily.

The editor maintained that the information did not identify the baby to anybody, to whom his identity was not already known. It was a matter for public interest that two people responsible for killings, should have formed a relationship and conceived a child, especially when one of them was in the care of the mental health system at the time.

The editor submitted that the welfare of the baby, as well as the circumstances in which he was conceived were issues of public interest.

There is much current concern about the mental health system, and also about the welfare of children. The conception and birth of the child was an integral part of the story and it would have been rendered nonsensical to have run it without mention of the child’s birth. Great care must be taken not to exploit an individual’s situation for newspaper sensationalism and particular care should be taken in a matter as sensitive as this complaint.

The Council notes that Ms Acey does not appear to have any involvement with any of the parties and further notes that none of the parties directly affected have complained. Ms Acey’s genuine concern for the baby is undoubted.

The Press Council finds that *The Evening Post* acted responsibly in publishing both articles. The right of the public to know this information needs to be balanced against the rights of individuals to privacy. In this case the individual’s privacy does not appear to have been breached in any material way. Details of the baby were sufficiently general to have not easily identified the child.

## The photograph of Meijie Hu –Case 793

Two complaints against the *New Zealand Herald* brought by May Meyer of Auckland were not upheld. Ms Meyer contended that a front-page article and accompanying photograph, which appeared on 13 March under the headline “A mate in Meijie’s sad world,” showed a lack of consideration for a child in a distressing situation and was inattentive “to his sensibilities with respect to his privacy.” The complainant also maintained that the *New Zealand Herald’s* account of events leading up to the killing of Meijie Hu’s mother appeared to blame her for what had transpired. The complainant does not claim any relationship with the child or family

Ms Meyer related the first part of this complaint to principles 5 and 3 in the Press Council’s published Statement of Principles, dealing respectively with the need for editors to have particular care and consideration in reporting on children and to give careful attention to the sensibilities of those suffering from trauma or grief.

The Council noted that the theme of the article was the concern being shown for the child by a policeman, the family violence coordinator of the Waitakere Police. The photograph showed the child walking hand-in-hand with the police officer to his mother’s funeral. The article also noted that the boy was receiving psychiatric help and had the sympathy of his school friends. To the extent possible in such a comprehensively sad case, the *New Zealand Herald* had provided reassurance to its readers that the authorities were not impervious to personal tragedies and that the police themselves showed a human face to victims of crime and extreme misfortune.

The Editor of the *Herald* had responded to the complaint by noting that the photographer had approached the police officer, the officiating priest at the funeral and principal mourners to ensure that he might take photographs. The child, the editor noted, was not shown “grief-stricken.” The Council found that the photograph conveyed the impression of an uncertain and unhappy child but did not pry into his deep personal distress or advertise his trauma.

The Council underscores its concern about the adverse effects of undue publicity on children and once again draws the attention of editors to the need to be scrupulous in avoiding publication of material which could in any way exacerbate the distress and trauma of helpless victims or suffering relatives and friends. The Press Council considers the *New Zealand Herald’s* decision in publishing both the photograph of Meijie Hu and the policeman and the associated story applied the Principles and dealt sensitively with the tragic case. The editor himself pointed out the story highlighted a little-known aspect of police work. This part of Ms Meyer’s complaint was not upheld.

In addressing the second part of the complaint - that the *Herald* article implied, in effect, that the mother had been the author of her own misfortunes – the Council noted the editor’s comment that the article in question was part of a series of stories on this affair. It is legitimate for editors to assume that their readers have been following a developing story of this kind and have no need for a full recapitulation of the background at each stage. Although the language used in the 13 March story was unequivocal, there could have been little doubt in the minds of readers, who had fol-

lowed the story from the beginning, that a number of questions had been raised about the sequence of events and the role of the police on the day of the murder. What is clear is that, for whatever reason, the mother did not wait for the police and went into her house, where she was killed. There are various accounts of events. The issues are at present before the Police Complaints Authority and the courts. The Press Council cannot comment on them. The Council does not find, however, that the story on 13 March introduced new accusations, without attribution, as alleged by Ms Meyer. The Press Council accordingly does not uphold this second part of May Meyer's complaint.

### **..tell it to the trees – Case No 794**

The Council did not uphold a complaint by Ms K.V.Bythell concerning the publication of a letter in the Letters to the Editor column of *The Press* on 6 April 2000. The letter in question was part of a vigorous debate on native timber logging on the West Coast of New Zealand. The complaint was that the letter published alleged that Nicky Hager, author of *Secrets and Lies*, a book about West Coast logging had himself told lies in his book.

There is relevant background to cover before reasons for the decision are explained. In March and the following months of this year the issue of West Coast logging was probably one of the more controversial matters before the public in that part of the country, and as the West Coast is within the catchment area of the newspaper it was fully covered there. The debate had been a political issue in last year's election. Brian Molloy wrote the letter to which exception is taken. One of his previous letters had drawn a response from a correspondent that Mr Molloy should read Mr Hager's book *Secrets and Lies* for a true picture of the West Coast logging problem. Mr Molloy responded with this sentence in a letter to the editor: "Given that the book contains lies regarding two of my siblings, Press readers will appreciate my scepticism of everything it contains." He gave no further details in the letter to support the allegation that lies were contained in the book.

The first reaction came from Mr Hager himself in a complaint to the editor about the sentence. In an e-mail to the editor the day after publication of Mr Molloy's letter Mr Hager said: "...I am staggered that you would publish the claim that I write lies, especially without checking the facts or checking the allegation with me." The deputy editor responded to that communication to Mr Hager in which he stated: "You are the author of a book called *Secrets and Lies* in which you make robust assertions. Robust debate is a feature of the Letters to the Editor column of *The Press*." The editor offered Mr. Hager space in the letters' column to reply but that was not taken up by him.

There was no further communication to *The Press* from Mr Hager but the complainant Ms Bythell (who has a Christchurch address) took up the same issue with a formal complaint to the Press Council. Ms Bythell's complaint was on the same lines as Mr. Hager's first e-mail to *The Press* but very much expanded and argued in greater detail. The responses of the editor to Ms Bythell's complaint also were along the lines of the deputy editor's first response to Mr Hager himself. The essence of the complaint

and the reply are contained above and no useful purpose will be achieved in repeating them in detail.

The central point, it seems to the Council, is that the word “lies” was contained in the title of the book. No doubt the author for its impact and provocative challenge deliberately chose it. It is so natural that an opponent of Mr Hager’s viewpoint would reply in kind that it could be said to have been predictable. The complainant would respond that Mr Hager’s book furnishes details of his allegations whereas the letter does not. But that would involve the editor in a fact checking exercise of the work of others.

As it is not the responsibility of the editor of a newspaper to examine the alleged lies as contained in the book it is also not the responsibility of the editor to supervise the debate by not publishing the letter without supporting particulars of allegations, or in any other way. It is in the context of the title of the book, and the whole debate, that the allowance of the word lies in the letter is to be judged by the Press Council. The Letters to the Editor column is to provide a public forum where the debate, in certain circumstances, may be blunt and direct. The issue of the native logging of timber on the West Coast was, in the opinion of the editor, a subject that should reflect the extent and depth of feeling of the debate and he made his decisions accordingly. There was no unfairness in the editor’s decision to publish the letter.

### **‘Medical misadventure’ articles – Case 796**

The Press Council did not uphold any of four complaints made by the New Zealand Medical Association (NZMA) against the *New Zealand Herald*.

The NZMA’s complaints were against a series of articles and two editorials published over six consecutive days in February 2000. Although there were four separate complaints the NZMA believed that they needed to be read in the wider context of the whole series.

The series focused on a *Herald* investigation of patients who had suffered ‘Medical Misadventure.’ The *Herald* also published two editorials arising from the coverage of the patients’ views and the conclusions which the *Herald* had arrived at as a result of their investigation.

The first complaint centred on a weekend editorial headed ‘A haven for the harmful’ with a sub heading ‘Provision needs to be made to call doctors to account for negligence or carelessness’. In the same edition there were two full pages with four other ‘Medical Misadventure’ stories. The NZMA complained that the editorial criticised New Zealand doctors for being unaccountable and being virtually the only ones in the world who were not fully answerable at law when they were negligent and did serious harm. They claimed that the editorial did not berate other health professionals for being unaccountable, despite the fact that the *Herald’s* case studies in the same edition highlighted medical errors by other health professionals who were not doctors.

The NZMA were particularly concerned about a follow up article published five days later headed ‘Doctors duck blunder levy’ with a sub heading, ‘New commissioner seeking answers’. Continuing the ‘Medical Misadventure’ series the new Health and

Disability commissioner advised that the 1992 ACC Act allowed for medical professionals to be levied for a medical misadventure fund – ACC law states the premium “shall be paid by every registered health professional.” However, this levy had not been implemented. The article quoted Sir William Birch, the architect of the 1992 legislation which scrapped lump sum compensation, as saying that there was a clear intention to collect the levy but “the medical profession itself did not support it.” The NZMA protested that once again doctors were being singled out among health professionals, in this case, to avoid paying a levy which the government had never implemented. They claimed that the headline was stated as fact when the story offered no evidence to support this, notwithstanding that the article was quoting the 1992 ACC Act and reporting on a comment made by Sir William Birch.

The third complaint was about the headline of an article printed the next day. ‘Levy us and you’ll pay say doctors.’ NZMA chairwoman Dr Pippa MacKay, responding to the previous days headline, said that “doctors aren’t ducking the blunder levy – health professionals have not been asked for it.” She said she would happily pay it but “if a cost comes on to me I’m going to pass it on” which comment prompted the headline. Dr MacKay had been interviewed at length and had spoken about many other issues surrounding medical misadventure. The NZMA believed that the headline and angle of the story were unbalanced.

The final complaint dealt with a second editorial the following day, entitled ‘Doctors should pay share of ACC levy’ which the NZMA considered as continuing the focus on doctors to the exclusion of other health professionals. They also believed that the Herald was insinuating that NZMA had put pressure on the government not to implement the levy.

In summary the NZMA stated that their concerns were that the series conveyed the general impression that doctors were not accountable for their mistakes and that they have deliberately avoided paying an ACC Levy to a medical misadventure fund.

Taken in the wider context which the NZMA suggests should be adopted, the articles were not directed at criticism of doctors, or other health professionals. Rather the emphasis was on the failings of the ACC system, and the inability of individuals to sue health professionals for negligence. The *Herald* series highlighted the complex issues surrounding the ACC’s role in compensation for medical misadventure and the articles were a wide ranging examination of the current problems facing mistreated patients. The issue was an important one and the Press Council considered that the series could have benefited from being developed further.

### **Straight down the barrel –Case 804**

A complaint by Trevor Dyke of Taihape against *The Dominion* over a photograph of a soldier pointing a rifle at the camera, published on 18 September 2000 was upheld. Mr Dyke, a warranted firearms instructor and inspector complained that the depiction of a soldier pointing a firearm directly at the camera (and presumably the photographer) was a breach of a series of laws and regulations.

Under the Arms Act 1983 and its amendments, Firearm Regulations and the Arms code it is an offence to point a firearm, loaded or unloaded, at a person Mr Dyke said in his complaint. The photograph complained of, depicted soldiers training for duties in East Timor.

Mr Dyke, in his complaint to the Press Council said the taking and use of photographs such as this was harmful in that it depicted an unsafe practice in the handling of firearms.

In his response to the complaint, the editor of the newspaper said *The Dominion* endorsed the principles of the Firearms Act and the Police Arms Code which were aimed at ensuring the safety of firearms users and the general public. In this case, however, the photographer was dealing with professionals well-trained in the use of firearms, and relied on both their knowledge of the code and their expertise with firearms in assessing what was acceptable practice.

In considering the complaint the Press Council took note of one of its principal objects – the maintenance of the character of the New Zealand Press in accordance with the highest professional standards. It considered the objective could not be maintained if it approved of publications which clearly broke the law.

The evidence that the gun was pointing at the photographer was circumstantial in that no one gave direct evidence of that fact. However it could be deduced from the photograph itself and the concession by the editor in his reply and referred to above.

The second leg of the complaint that the photo conveyed the message that it was acceptable to point a firearm at a person was strong.

It is of no comfort to the Council that the editor has made an assurance that army personnel depicted were professionals and therefore careful, but it is accepted that there was no danger to life in this case.

The editor said the photograph was a graphic illustration of the weapons used by New Zealand troops in East Timor and emphasised what a formidable weapon it is. The picture supports the story, but the Council agrees with Mr Dyke that the same photograph taken from any other angle would have got the same message across.

As the circumstances of the photograph depicted a technical breach of the law, the Council upholds the complaint.

## **West Coast logging the issue – Case 797**

The Press Council did not uphold a complaint by Terry Sumner, a well known opponent of the continued logging of West Coast native forests, about the letters to the editor policy of his local newspaper, the *Westport News*.

Mr Sumner's main objection was that the paper was publishing letters from supporters of continued logging which, in his view, represented an incitement to violence against opponents like himself. But he also expressed concern that by refusing to allow use of a *nom de plume* the paper was suppressing free debate on issues such as logging because potential letter writers were afraid of intimidation. Mr Sumner pro-

vided samples of the sort of letters he was concerned about. All contained references to the prospect of cutting down trees occupied by anti-logging protesters. One, for instance, said, “Please give me a chain saw if a Green is up any trees in areas being sustainably logged.”

Similar inflammatory material published in the *Westport News* had, he said, preceded acts of violence, including the poisoning of plants in a well known conservationist’s garden and the theft of his own bicycle from a garage. The paper was behaving irresponsibly in continuing to run letters which created a climate conducive to violence and personal abuse.

In his response to the Press Council the editor agreed that the paper had allowed the debate over West Coast logging to “rage on.” The *Westport News* had run hard-hitting letters from both sides over the years, including some from Mr Sumner, but this was the first time there had been a complaint. The letters specifically objected to were certainly forceful but that was at least in part the fault of Mr Sumner himself for writing a letter comparing those in favour of logging to mercenary soldiers.

The editor said he did not consider the letters to represent an incitement to violence. Rather they were a safety warning to people not to trespass into operational logging areas. They also contained tongue-in-cheek comments which should not be taken seriously.

There was indeed a climate of resentment towards Greens like Mr Sumner, the editor said, but that had been caused by the Government decision to halt logging, at the Green’s behest, not by letter writing. The paper strongly supported freedom of speech, sometimes in the face of criticism by locals that it gave Greens too much publicity, and it would continue to take that approach.

The council acknowledged that newspapers do have to exercise discretion over what they publish on topics and in communities where passions are inflamed. But they also have an obligation to allow free debate on issues of importance. The letters complained of by Mr Sumner were hard-hitting, but they did not go too far and could not be said to represent an actual incitement to violence, although the editor was being a little disingenuous in suggesting the comments were intended as safety advice. In addition, Mr Sumner must take some responsibility for the vigour of the debate, having made some decidedly provocative remarks himself.

The council was inclined to agree with the editor that any anger on the part of pro-logging West Coasters was more likely to be due to having lost the battle than the result of seeing their views expressed in print. Indeed, by allowing people wide latitude to express their opinions, the paper could be seen as providing a safety valve.

The council also supported the paper’s stance in declining to allow letters to be written anonymously. The vast majority of newspapers now required correspondents to demonstrate that they had the courage of their convictions by publishing their names. No doubt that requirement did from time to time inhibit people from expressing their views, the council said. But the newspaper was doing its job by making the opportunity available and it was up to individuals to decide if they wished to use it.

## **All dressed to kill – Case 799**

A complaint by Rob Ritchie of Taupo against *The Dominion* was not upheld.

Mr Ritchie complained about a feature article by Jane Fraser published on 1 August entitled “Dressed to Kill.” The article, which was reprinted from *The Australian*, had the sub-heading “North Korea’s Kim Jong-il has given a new lease of life to dictator chic.” The North Korean leader’s ensemble at his much-publicised meeting with his South Korean counterpart is compared with that of another figure much in the public eye, George Speight. There follows a survey of “dictator fashion” with an accompanying montage of pictures of the “sartorial tyranny” of these two, Idi Amin, Yasser Arafat, Adolf Hitler, Augusto Pinochet, Mao Tse-Tung and Mobutu Sese Seko.

The complainant claimed that the article defamed Chairman Arafat of the PLO by calling him a dictator, and asserted that the publication of the article at this particular time was an attempt to derail the current peace talks. The editor’s response was that “this was not an attempt to derail the peace process.. but was rather..a tongue in cheek article on ‘dictator chic.’”

The Press Council thinks that the complainant has taken the article altogether too seriously, especially in his assertion about its intended effect. It is a light-hearted piece on a familiar target for cartoonists and satirists, the idiosyncrasies of dress favoured by the powerful. Yasser Arafat gains his place in this gallery because of his famous headgear. The two paragraphs on him are wholly about his appearance and say nothing about his politics. It is very clear that the writer’s aim is to make witty observations about these various fashion statements, not to explore any other dimension or her subjects’ significance.

The piece obviously failed to work in those terms for the complainant. It was a risky enterprise to link Yasser Arafat, a Nobel Peace prize winner, with such universally condemned figures as Hitler and Idi Amin as if they were all of a kind.

The slant that cartoonists or humorists take on public figures will always offend some readers, because it usually depends on bold exaggeration and stereotyping. There is plenty of room on our society for such humour, especially when it is as free of malice as this piece. To treat the article more seriously is to accord it unwarranted importance.

The Press Council sees nothing in the article that requires censure and therefore does not uphold the complaint.

## **Headline upsetting to Councillor – Case 800**

The Press Council did not uphold a complaint against *The Evening Post* submitted by Councillor Scott Dalziell of the Hutt City Council. He complained about a headline and also objected to what he considered was a totally inadequate response to his letter to the editor.

He wrote to the editor on 14 May about an article published the previous day. When he rang on 17 May to determine what had happened to his letter, he was told *The*

*Evening Post* intended publishing his letter in the letters to the editor column. Cr Dalziell claimed that he had written it purely as a letter of complaint although there was nothing specific in the letter to indicate that the letter was not meant for publication.

The complaint was about a headline ‘Fluoridation killing elderly - councillor’. The complainant considered that the headline was a piece of “irresponsible scaremongering..” The editor responded the paper believed that the headline accurately expressed the content of the article which was commenting on claims made by another Hutt City councillor, Roger Styles.

The Council did not uphold the complaint as the headline clearly attributed the statement ‘Fluoridation killing elderly’ to the councillor making the claims, together with his photo. The first paragraph of the article expanded on that headline. The article itself outlined the background to a study which made links, albeit inconclusive, between the risk of dying from hip fracture in the elderly due to exposure to fluoride in the drinking water. The *Evening Post* had also offered to publish Dalziell’s letter which set out his objection to the headline and his concerns about the views expressed in the article.

### **Something fishy here – Case 803**

A complaint against the *Westport News* about its reportage of alleged odours emitted by Talley Fisheries’ fishmeal factory in Westport, has not been upheld by the New Zealand Press Council.

Michael Talley of Talleys Fisheries had complained the coverage by the *Westport News* of the issue was unfair, untrue and biased, breaching principle one of the Press Council’s Statement of Principles. As well as his complaint about the overall coverage by the paper, Mr Talley also complained about two specific photographs run in separate editions.

The first photo was of Les Warren, brother of the editor of the *Westport News* Colin Warren, wearing a face mask outside the fishmeal factory. Mr Talley said the photograph was staged and the factory did not smell. The second photograph was of a sign Stinkport erected at the entrance to Westport. Mr Talley claimed two witnesses saw the paper’s reporter put up the sign before photographing it. He complained it was a breach of Principle 11, which states editors should not publish photographs or images that had been manipulated, without informing readers of the fact.

In response, the editor Mr Colin Warren denied either photograph was staged. He said Les Warren had been wearing the mask for some days before being photographed. As for the photograph of the sign, the reporter had been telephoned and told the sign has been erected. When she got there the sign has partially collapsed in the wind. All she did was straighten it before taking the photograph.

Mr Warren also defended the paper’s overall coverage, saying the paper was simply responding to complaints about the smells from the factory from numerous Westport

residents, particularly those living near the factory.

He said the background to the complaint was that the factory had received a consent from the West Coast Regional Council in November 1998, subject to 69 conditions. Talleys had given assurances about smell and effluent discharges. Mr Warren said since July this year when the factory opened the West Coast Regional Council had received 178 complaints relating to smell and 11 relating to discharge of water.

He said the *Westport News* has sought to get comment from Talleys but the company refused. He has also offered to meet with Michael Talley and the manager of the fishmeal factory, but they had not taken up that offer.

Mr Talley was not satisfied with Mr Warren's response to the Council and continued to focus almost exclusively on the fact that the editor's brother had been included in one of the articles on the factory. Mr Talley claimed the editor had a family interest in Les Warren's house and had wanted the land on which the factory stood zoned residential to boost the value of the Warren house.

Colin Warren said he had no interest in his brother's house and that Mr Talley had only one goal in mind and that was to stop the media doing its duty of reporting on a matter of widespread concern to the community.

The Press Council rejected all three parts to the complaint. In regard to the complaints about the use of the photographs the Council found there was no evidence to back suggestions they had been staged or manipulated. Both had been legitimate news photographs relating to an issue of public concern.

The general complaint that the *Westport News*' reportage had been unfair, untrue and biased, was also rejected by the Council. It was clear from the material provided that there were widespread concerns from a large number of residents about the alleged smell coming from the factory. This was backed up by comments from the West Coast Regional Council officers who responded to the complaints of residents.

It was unfortunate that Talleys refused to respond to inquiries made by the newspaper. The company's refusal to talk made the newspaper's job more difficult, but to its credit, the paper approached a wide variety of sources to ensure its reportage was fair and balanced. As well a number of letters, some supporting Talleys' position, were published by the paper.

The complaint was not upheld.

### **Complaint of censorship — Case 805**

A complaint of censorship against *Hawke's Bay Today*, published in Hastings, by Wayne Church of Napier, was not upheld.

In his complaint to the Council Mr Church said the substance of his complaint was that all three letters he had submitted for use in the letters to the editor column between 3 June and 23 August had been rejected.

The Council noted that in the period Mr Church actually submitted four letters, one of

these being published on 4 July. While publication of that letter did materially affect the “substance” of the complaint, it did not affect the Council’s adjudication.

The Council declines to uphold the complaint and reiterates that editors have the right and duty to select letters that they feel will serve the interests of their readers. There was nothing in the three unpublished letters that Mr Church presented to the Council which warranted exceptional treatment. The complaint is not upheld.

## **Did they jump ship – Case 801**

Complaints against *The New Zealand Herald* brought by Martyn Stewart of Waitakere City, were not upheld.

Mr Stewart submitted in particular that a dialogue piece by Joe Bennett of 26 May and an editorial of 26 June, had unfairly condemned key members of the successful America’s Cup squad who had decided to go over to foreign syndicates in preparation for the next challenge round in 2003. Mr Stewart also maintained, more generally, that this attitude towards some of the leading sailors, had caused the newspaper to fail to investigate the “secrecy surrounding the relinquishing of the administration of the last defence organisation to the new organisation.” Although he acknowledged that nothing had been proved, he evidently believed that the financial affairs of Team New Zealand had been the cause of the departure of the best-known sailors. There were, he wrote, two sides to every story. “It is easy to attack the sailors as they are the visible and vulnerable ones. The real story is hidden by mystery and, presumably warranted, suspicion “ It is imperative, Mr Stewart suggested, that such issues be investigated by the media. “The truth must be published!” He had written to the editor but had not had a response.

The editor of the *Herald* responded to Mr Stewart’s arguments, first by commenting that they appeared to be based on an assumption that officers of Team New Zealand were guilty of some unspecified malfeasance, corruption or fraud” for which there was no evidence. Nor had such accusations been made by departing team members. For these reasons — and because of allegations of “criminal” behaviour on the part of the syndicate, he had not authorised publication of Mr Stewart’s letters. As for the claim that the *Herald* had not investigated the financial issues, the editor noted that his newspaper had called on Team New Zealand to “reveal its financial information and beneficial arrangements” in the face of unsubstantiated public allegations. Moreover, he maintained, the *Herald* and the *Weekend Herald* had “gone to some lengths... to bring more transparency” to the financial structure including revealing “a Scandinavian-based trust registration that afforded a high degree of confidentiality.”

The Press Council noted— from clippings provided by the editor—that the *Herald* and *Weekend Herald* had published a range of articles on affairs at Team New Zealand (at least 12 between March and June). In particular Fran O’Sullivan on 22 May, had weighed up various insinuations about inadequate management, mishandling of the transfer of control from the old syndicate to the new, rumours about siphoning off profits, among other things. She found that a rival syndicate had helped muddy the

waters and that stringent requirements for carrying over debt—which the managers of the new New Zealand syndicate would have had to take on—had helped the two highest profile New Zealanders decide to take advantage of the seemingly unlimited funding offered by overseas syndicates. A member of the incoming syndicate who had gone over the accounts had found nothing to suggest any siphoning off of profits.

The Press Council could find no evidence to support the contention that the *Herald* had not tried to get at the truth concerning the affairs of Team New Zealand. As the editor had noted it is in the end a “judgment call by that organisation as to the level of accountability it is prepared to acknowledge.” The Council accepts that editors have finite resources for extensive investigatory journalism of the kind that would be required to pin down these questions.

The Press Council also accepted that the editor of the *Herald* had no case to answer on the separate issue of editorial comment on the sailors’ decisions to abandon the New Zealand cause for employment with overseas syndicates. A newspaper clearly has every right — more, responsibility - to articulate its own forthright position on a matter of such high public interest and concern to its readership. The same went for the views of columnists. The Council could not accept Mr Stewart’s contention that such opinion constituted “abuse” of the individuals concerned.

### **The best laid plans..- Case 807**

Eric Marsh, a retired planner and architect, complained to the New Zealand Press Council about the report of an Environment Court hearing published in the *Wanganui Chronicle* on October 4, 2000. Mr Marsh had appealed to the court against the Wanganui District Council’s decision granting resource consent for the redevelopment of Majestic Square in Wanganui.

The Press Council declined to uphold his complaint.

Also being heard were objectors to the formal stopping or closing of Maria Place adjacent to Majestic Square, and these were linked in the hearing, as the paper reported.

Mr Marsh complained that the article headed “Court hears opinions on square and Maria Pl” was biased and unbalanced when compared to the evidence he gave. His further claim of vindictiveness in the reporting goes too far and is not substantiated by the report itself.

While the article is the nub of Mr Marsh’s complaint, he ranged in an ever-widening circle in his supporting submissions to the Press Council. He covered claims about letters to the editor, alleged harassment and pressure on him to withdraw his planning appeal — also mentioned as being reported in the *Wanganui Chronicle* – previous of his reports and lengthy submissions, other newspaper coverage of the issue and even the performance of counsel at the hearings.

This is not helpful to direct consideration of the article in question, but does suggest a large and continuing history which lends weight to the paper’s approach to Mr Marsh’s

submission to the Environment Court. The readers would know much of the background, especially as this was now at an appeal hearing level.

Mr Marsh is fair in acknowledging that he does not call into question the accuracy of the reported quoted excerpts in the paper, and in saying that the quantity or number of columns given over to his lengthy appeal was not his business. Yet almost in direct contradiction, he says his concern is about accuracy and that both sides of any point of argument should be fairly presented.

Given that Mr Marsh's court evidence was 11 pages of a detailed and sometimes convoluted presentation, his requirement for reporting on whatever points of argument arose was not possible.

In response to Mr Marsh's complaint., the editor explained that, given the length and detail of Mr Marsh's evidence, he did not believe he could justify several columns devoted to it. Space was a precious commodity in a daily paper of 16 to 20 pages. However, he had decided to devote as much space as practicable to the court's decision.

In the event, the reporter did a fair job in the 520-word story on October 4. Four objectors, including Mr Marsh, were mentioned by name and each received about the same coverage. Mr Marsh's lengthy submission was referred to, his first summary conclusion about Maria Place was reported, as were his reiterated claims about harassment and his accusation that the council had committed a gross administrative error in failing to resolve the road closure before its inclusion in the square's redevelopment.

The concession from counsel to the judge that a stage go-ahead may not have had a certificate of compliance because parking had not been formed, confirmed Mr Marsh's own submission on the car parking waiver.

Mr Marsh may have been aggrieved that his case was not represented as fully as he would have wished in the newspaper, but in the context of a limited court report and in the circumstances he seems to have had reasonable treatment from the *Wanganui Chronicle*.

The complaint is not upheld.

### **A REAL complaint – Case 806**

REAL Management – representing a group of real estate agents and lawyers (REAL) – complained to the New Zealand Press council about a bylined article published in the *New Zealand Herald* in late June. The article, one in a regular series called Rudman's City by *Herald* journalist Brian Rudman, was headed Real Dilemma For Selling Agents. It dealt with a new practice in Auckland, and elsewhere, of lawyers joining forces with real estate agents to sell, and provide accompanying legal services for, property in Auckland.

The complaint was not upheld.

Warwick Brown, chief executive of REAL Management Ltd, objected to the Rudman article because, he said, it alleged that lawyers were acting illegally and unethically. He also implied that Mr Rudman was biased and said he'd made errors of fact.

A complaint to the *Herald's* editor had gone unanswered, he said. Mr Brown then complained to the Press Council, saying the allegations misrepresented and misled potential clients of the business.

Mr Brown was particularly concerned to explain that lawyers would not share in real estate commissions from the sale of property. On the matter of bias, he implied that because Real Management was to publish its own newspaper to advertise listed property and this would compete with the *Weekend Herald's* real estate supplement, this might have been a factor in Rudman's choice of subject.

In response, editor Stephen Davis defended his columnist's right to a view and to publicly raise questions that others had asked about the enterprise. He said Mr Brown was resorting to semantics – "it is legalese at its most obscure." He also dismissed as ludicrous the implication that the *Herald* published an article because Real Management would become an advertising competitor

The Press Council is inclined to agree with Mr Davis' comments about semantics. It confirmed its view that columnists have broad latitude in commenting on matters of public interest and commended the *Herald* for being prepared to examine this particular issue.

It observed that a consortium of real estate agents and lawyers set up to provide combined services in return for a fee was legitimately a matter of public interest and, therefore, a proper matter for a daily newspaper to investigate and comment upon.

At the same time, the Press Council repeated its recent finding that columnists should make their comments based on fact and that where information was later proven to be wrong, should take the earliest opportunity to correct it. However, the Council could find no errors of fact as alleged by Mr Brown.

At the same time, the Council found that Mr Brown was entitled to have his say about the Rudman article and after his original email of complaint (if it in fact reached the editor) should have been encouraged by the newspaper to write a letter to the editor setting out his concerns for publication. The complaint might not have reached the Press Council had both parties followed this common and usually effective course of putting conflicting views in the public arena.

The complaint is not upheld.

### **Between the lines – Case 810**

An Auckland mother and daughter who complained to the New Zealand Press Council about a column published in the *New Zealand Herald* and written by the paper's property writer, Anne Gibson, had their complaint upheld.

The complaint by Jane and Pamela Anderson relates to the regular column Between

The Lines, which was published on Saturday, May 28. The column attempted to draw a parallel between a neighbourhood dispute over the siting of a townhouse and the proposal by AMP to build a 34-level tower on the Auckland waterfront without letting all their neighbours have a say.

What the Herald didn't explicitly tell its readers, to the chagrin of the Andersons, was that the neighbours involved in this disagreement included Gibson herself.

In her column, the paper's property writer hints at the relationship – it starts, “A couple of years back, some neighbours flogged off a back section...” — and goes on to describe the townhouse as “unspeakably ugly – a three-level squeezed-up box on a tiny half-section...” She says it knocks out views, casts a shadow, removes sunlight and is painted in the “brightest and worst colour imaginable.”

Gibson also says the local council asked no one for input to the plans, allowing more building than its rulebook said, and refers to the neighbours as “smug in their delight at having blotted the landscape.”

She goes on to liken this to the AMP proposal and the situation in which an objector finds himself.

Sheila McCabe, of McCabe McMahan, barristers and solicitors, wrote to the Herald on behalf of the Andersons in early June, to formally complain. She told the paper the Andersons live close to Anne Gibson, whom they describe as a “most difficult neighbour.” Ms McCabe says that, in isolation, the column would have been no more than offensive, inaccurate and petty.

However, taken in the context of the “campaign of harassment and abuse” (from Anne Gibson) it was “vindictive, nasty and an abuse by Anne Gibson of her position at the *New Zealand Herald*.”

The editor of the *Herald* acknowledged receipt of the solicitor's letter once he was reminded that no reply had been forthcoming. Ms McCabe sought a substantive response, but heard nothing. She then complained on behalf of her clients to the Press Council.

When Herald editor Stephen Davis replied to the Press Council, he said this was a dispute between neighbours, not an issue of journalistic standards. Neither the paper nor the Council should be involved, he said. The Gibson column had identified no one, he continued.

The Press Council told Mr Davis it considered the complaint a legitimate one.

The editor, responding three weeks later, repeated his belief that the paper and the Council had no role in a dispute between neighbours, particularly on the basis that it had been an opinion piece in which no one was named and where the facts were unchallenged. He said it was perfectly in order for columnists to use experiences from their private life in commentary, “providing they stick to the facts and do not do so maliciously.”

In the Press Council complaint process, complainants and the newspaper involved

each have two opportunities to comment on the matters in dispute.

Thus, responding to Mr Davis's second letter to the Press Council, Sheila McCabe agreed that the *Herald* shouldn't be involved in a private dispute between neighbours but said that by publishing the column, the paper had clearly involved itself in just such a dispute.

She said the "facts" as Gibson had laid them out were clearly challenged by the Andersons. She also used Mr Davis's own words about columnists not acting maliciously to argue that that was precisely what Gibson had done.

The Press Council found first, that the complaint from the Andersons clearly had substance and properly fell within its jurisdiction.

It also agreed with most of the Andersons' concerns as outlined by Ms McCabe – it was disingenuous of the Herald editor to say the complaint was a private one between neighbours when one of those neighbours – a Herald columnist – had herself put it in the public domain, albeit without naming names.

Such disclosure by Gibson of her own role in the dispute was, in the Council's view, not only desirable but obligatory.

The Council accepts that columnists regularly draw on their life experience for their material. However, it's our view that this column overstepped the mark by misusing the newspaper columnist's traditionally wide brief and latitude.

The column also represented opinion as fact when, as is clear from the McCabe letter to Mr Davis, many 'facts' as presented by the columnist were in dispute. This complaint would have been upheld on the grounds of accuracy alone.

It is the Council's view that Gibson ought to have revealed the context of the neighbourhood dispute so readers could judge it for themselves or she ought not to have used her privileged position as a columnist in that way at all.

In isolation the column would have read as a typically one-sided view of a neighbourhood squabble. But given the background to the dispute between Gibson and the Andersons, the AMP's proposed building on the Auckland waterfront seems to have provided Gibson with a convenient vehicle to express publicly her displeasure with her neighbours, and in such a way that they could not easily hit back.

It would be understandable if the editor wasn't aware of the background to this row at the outset. However, once this had been drawn to his attention, it was very unfortunate that he didn't respond personally to the Andersons' concern and then, when they complained to the Press Council, that he sought to suggest it wasn't a proper matter for adjudication.

The Council believes that had Mr Davis investigated the complaint from the Andersons once it reached him via their lawyers, and responded promptly to it in the first instance, this matter might have never reached the Press Council.

This was properly a matter for the Press Council to adjudicate upon. The complaint is upheld.

## **Allegations of spying – Case 808**

The Council upheld a complaint against the *New Zealand Herald* brought by three Wellington women, members of the Romanian Orthodox Church community in New Zealand, who were represented by Mr Gerald O'Brien.

The *Weekend Herald* published two articles, on 15-16 January 2000, centred on an accusation made during a court case in Wellington, that the founding priest of St Mary's Orthodox Church in New Zealand, Father Gheorghe Speranta and his wife Elena, had worked for Securitate, the secret police of the Romanian dictator, Nicolae Ceausescu. The accused in this case was fined \$100 for making threatening phone calls to the Speranta home in Wellington. As proof of his accusation he cited newspaper articles, published between 1990 and 1996, which listed "Securitate spies of the West, both in embassies and in churches who are still carrying out missions in the National Salvation Front Government." Father Speranta, who died two years ago, appears on this list.

The accusation was extensively refuted by Mr O'Brien on behalf of the three complainants. It was emphasized that the complainants were acting in their private capacity, concerned only "to protect the memory of a good man and his widow, after having been appalled by the nature and tone of the attack."

It was maintained that the articles in question offended against Press Council standards with regard to accuracy, privacy, comment and fact, discrimination, subterfuge, headlines and captions, and photographs.

Consideration of the complaint was held up for a number of months because the *Herald* had been advised that Mrs Speranta was taking a case for defamation against the newspaper. The Press Council and the *Herald* were advised in May that she had decided against this course. After further exchanges of correspondence the *Herald* responded to the complaint in late September. Mr O'Brien replied in early October and the editor filed his final comments in late October.

Mr O'Brien forwarded various papers, including what is apparently a transcript of an article from the *Romanian Standard* with a translation, plus an extract from the Orthodox Church Calendar of 1984. The list of supposed spies has exactly the same names as the official list of representatives of the Church abroad, including Father Speranta. Mrs Speranta was not cited. Mr O'Brien also forwarded a copy of a letter (not apparently, on Embassy notepaper) over the name of the Third Secretary at the Romanian Embassy in Canberra, who is accredited to New Zealand. The letter, addressed to Gavin Ellis, the editor of the *Herald* on 20 January, states that this official found on reading the *Herald* article of 15 January that the content of his telephone conversation with the reporter, Alison Horwood, had been altered; he had stressed that the Embassy could neither confirm nor deny the allegations since they were not "detaining any information on that particular subject." Mr Ellis had no recollection of ever receiving such a letter.

The Press Council is unable to judge the merits of various allegations made by the complainants about the behaviour of the *Herald* reporter, in pursuing this story. The

editor strongly supported her. Nor can the Press Council take any position with regard to the actual accusations made against the Sperantas. The Council, moreover, accepts the principal contention made by the editor of the Herald : that the allegations had been made in a court case, and were accordingly a legitimate topic for the newspaper to pursue. Mrs Speranta's side of the story is accorded due prominence, given that she was obviously reluctant to respond to the reporter's enquiries.

The Council found, however, that the two articles levelled very serious charges on the basis of what appeared to be the flimsiest of evidence. The page 1 headline in the *Weekend Herald* beneath a photograph of Mrs Speranta, states baldly "Charity worker listed as secret police agent." The article begins: "A Wellington charity worker has been named as a spy." There was no direct quote to back up this allegation from any of what the *Weekend Herald* described as "several major newspapers in Romania and Germany" which were said to have published the list of 26 people who had spied for Securitate. The second article has a photograph of the person making the accusations against the Sperantas, holding the same clipping from the same newspaper (*Romanian Standard*) as that copied to the Council by Mr O'Brien. But this clipping again has nothing to justify (in relation to the Sperantas) the unequivocal accusation in the headline: "Confessional used to extract secrets" . It simply prints - as an add-on to a piece focused on the activities of a Romanian priest in Germany - the same official list of 26 priests of the church abroad, including Father Speranta, who are all swept up in a blanket accusation of having been spies. This second article opens with an unsubstantiated insinuation, "The Embassy of Romania confirmed last night that it was possible for a Romanian couple who settled in Wellington in 1974 to have acted as spies for the former Communist Government." The Embassy's account, noted above, was that they held no information and could neither confirm nor deny such charges. In the background to this complaint lie deep-seated issues to do with the complex and tragic history of Romania during and since the Second World War. The politics of émigré communities, are notoriously vehement and opaque to outsiders. When the underlying issues are so far removed from New Zealand experience and the allegations being made are so grave, it is necessary for editors to take particular care not to infringe against necessary standards of balance and fairness. The Press Council finds that this did not happen in this case.

The complaints were upheld.

### **Article upsets the Watchdogs – Case 813**

A complaint by the Napier Local Bodies Watchdog Association Inc., about an article published 21 September 2000 in *Hawke's Bay Today* was partially upheld.

The complaint lodged by J Hurst and D Bosley, secretary and president respectively of the Association was in five parts. The first was that the tenor of the article was personalised, misled the public, smacked of sarcasm, was insulting, condescending, grossly erroneous, speculative, and trivialised some very serious concerns of Napier ratepayers/citizens. If left uncorrected the article would harm the Association's credibility and that of its chairperson and official spokesperson, David Bosley.

Mr Bosley took the opportunity of presenting the main points of the Association's complaint in a personal appearance at the meeting of the Press Council, which considered the complaint.

The second part concerned the sentence. "Instead Napier's premiere public watchdog Dave Bosley will continue his one-man crusade for greater public accountability by the Council." The Association maintained that "Bosley being given the title of Napier's premiere public watchdog - was patronising and smacked of sarcasm. And that the submission to Council wanting better public accountability was in fact made by the Napier Local Bodies Watchdog Association Incorporated not solely Bosley.

The third section of the complaint referred to the use of the word "surprisingly" in the sentence "he began surprisingly (with a few special thanks for the Council)." The complainants maintain that the use of the word "surprisingly" demeaned and denigrated their genuine expression of thanks and made the Association's dealings with Council even more difficult.

The fourth complaint referred to the use of the words "says" in the sentence "then he castigated it for the loss of the East Pier site (which he says cost the Council \$34,000.00 in ground rental annually);" The word "says", the complainants maintain, implies conjecture and speculation.

The final part of the complaint was in relation to the published reference to a rate increase of 6-8% when Mr Bosley had stated rates had increased by 68.7%.

In relation to the first complaint the editor stated that the issues Mr Bosley raised were not new and had already been reported and that the article was "nothing more than a light-hearted attempt to find something new to say about [Mr Bosley's] long running battle with the Napier City Council."

In relation to the second complaint, the editor said that "the reference to Mr Bosley, as Napier's premiere public watchdog was sincerely meant, because that is what he is." Further, the editor said that Mr Bosley is seen as the public front of Napier Local Bodies Watchdog Association Incorporated.

In relation to the third complaint, the editor maintained that the word "surprisingly" was justified because it was rare "for Mr Bosley to say anything nice about the Council." Further, the editor did not believe the reference would have undermined Mr Bosley's relationship with the Council, since the Councillors would have heard it all for themselves.

In relation to the fourth complaint, the editor stated "Mr Bosley's view of how the Council spends ratepayers money is often different to the official line. It is not, therefore unreasonable for financial claims by Mr Bosley to be attributed to him and not reported as fact."

In relation to the fifth complaint the editor acknowledges "a fairly understandable error" and says that the paper would have run a correction if Mr Bosley had drawn the error to the paper's attention. In fact the true figure was subsequently published.

The approach an editor takes to a story is up to the editor. In this case, the story

attempted to deal in a different way with material that was not entirely fresh. However, it was a matter of public importance and the Council considers that the tone of levity was ill judged. The Press Council's sixth principle is that "Publications should, as far as possible, make proper distinctions between reporting of facts and conjecture, passing of opinions and comment." It is the Council's opinion that while not breaching this principle, the newspaper was perilously close by its attempt to poke fun at a member of the public intent on performing a civic duty.

While Mr Bosley certainly does often appear to be the spokesperson for the Association in Hawke's Bay, he notes that the submissions to Council were made on behalf of the Association and not by him in his personal capacity. The article does not acknowledge even the existence of the Association. To this extent, Mr Bosley's complaint is upheld.

The Press Council's first principle is of one of accuracy. This principle was breached in spirit by omission of the Mr Bosley's connection with the Association.

Mr Bosley may have taken the inclusion of the word "surprisingly" to demean and denigrate his actions. On the other hand others may have taken the word more literally. Similarly, the slant that Mr Bosley puts on the word "says" would not be universally adopted. He did "say" the information in his presentation and the paper is entitled to reflect that in its report.

There was a serious error of fact over the percentage increase in rates. It is unfortunate that the error was not pointed out to *Hawke's Bay Today* until some time later. The mistake was subsequently corrected. It was a genuine mistake and as it was not put directly to the paper, this part of the complaint is not upheld.

This was a vigorous complaint from a group of committed, involved community workers. Their strength of feeling about community issues is to be commended and encouraged. Editors should be reminded that, when reporting a news story, meticulous care should be taken to be accurate and appropriate.

## **Masking child's photograph – Cases 811,812**

The Press Council upheld two separate complaints against the *New Zealand Herald* over a photograph of a young girl published on 12 June 2000. The complaints were made by YouthLaw Tino Rangatiratanga Taitamariki, a national community law centre that offers a range of services to children and young people up to the age of 25, and the Department of Child, Youth and Family. The latter complaint was made in agreement with the girl and her family.

The coloured photograph concerned filled about 60% of a front-page boxed story headed "Child speedster run off the road" and captioned "JOYRIDE OVER : The 11-year-old girl sits safely in the back of a squad car after pursuing police cars forced her stolen vehicle into a brick fencepost to make her stop." The boxed story covered five columns to a depth of 22.5cm. The child's eyes were blocked out by a black rectangle.

The complainants based their objections on three Press Council Principles: No. 3 : the

right to privacy; No. 5 : the need for particular care and consideration in reporting on children and young people; and No. 11: the need to take care in photographic and image selection and treatment. They also made reference to aspects of the United Nations Convention on the Rights of the Child to which New Zealand is a signatory.

The second complainant, in its initial letter to the *Herald*, stated that “The young girl was identified by both her extended family in the community (some of whom were unaware of her arrest), by peers and other residents of West Auckland. The repercussions of the publication included emotional distress for all family members and in particular for younger siblings in the school environment.”

Both complainants acknowledged that the *Herald* had made an effort to protect the girl’s identity but believed this to have been insufficient to achieve its purpose.

The Deputy Editor’s replies to the complainants rejected the claim that the Press Council’s Principles had been breached. He stated that “The obscuring of the young girl’s identifying facial characteristics was conducted with real care, and the image was amended more than once at the duty editor’s request to ensure she could not be identified; the black square being enlarged in each instance.” He emphasised that the story had obvious significant public interest, a consideration recognised in the Press Council’s Privacy Principle as one of the reasons for not treating the right to privacy as an absolute one.

The complainants approached the Press Council because they were not satisfied with the responses from the *Herald*. The first complainant, Youthlaw, repeated points made earlier to the editor and drew attention to the *Herald’s* different treatment of a name-suppression case in the same month, where the whole of the face was obscured (by pixillation, i.e. blurring). It asked why the photograph of the child did not receive the same treatment, in view of the Press Council’s Principle regarding children and young people. The second complainant regarded the *Herald’s* attempt to conceal the identity of the child as having been futile, whereas complete obscuring of her face would not have been.

In his response to the Press Council about the complaints the Deputy Editor stated that the paper’s aim was “to protect the girl’s identity while still showing her age - which was highly pertinent given the circumstances. It was our judgment that pixillation would not meet that objective the obscuring of this driver’s face was the subject of special, particular, care on the night concerned. The Council’s principles were explicitly considered and a number of staff consulted, resulting in the black strip being twice widened and deepened. The *Herald* had no desire to identify this child. Her identity was not important. Her extreme youth, clearly conveyed by the non-identifying facial features and head, was directly relevant.” He also stated that the photograph was taken at a distance.

The Press Council accepts the *Herald’s* statements that close consideration was given to the issues raised by the opportunity to publish a photograph of the young girl at the centre of this dramatic and highly newsworthy incident. It also recognises that several decisions about its publication had to be made under great pressure of time, and that having to weigh competing rights and interests in such circumstances is a severe

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<i>Complaint name</i>	<i>Newspaper</i>	<i>Adjudication</i>	<i>Publication</i>	<i>Case No</i>
Alliance Party	Northern News	Not Upheld	10.2.2000	769
M Chambers	Evening Post	Not Upheld	10.2.2000	770
R Stent	Sunday Star-Times	Upheld	20.2.2000	771
P Foster	Evening Post	Not Upheld	17.2.2000	772
S Page	Sunday Star-Times	Part Upheld	20.2.2000	773
M Ogg	Southland Times	Not Upheld	17.2.2000	774
American Football Assn	New Zealand Herald	Part Upheld	28.3.2000	775
Times Media Group	North Shore City CI	Not Upheld	30.3.2000	776
D & C Banks	Greymouth Evening Star	Not Upheld	25.5.2000	777
M Pyke	Hawke's Bay Today	Not Upheld	25.5.2000	778
Sam Knowles	National Business Review	Upheld	26.5.2000	779
R L Clough	Otago Daily Times	Not Upheld	25.5.2000	780
Wanganui City College	Wanganui Midweek	Not Upheld	5.7.2000	781
C Barradale	New Zealand Herald	Not Upheld	1.7.2000	782
Mental Health Foundation	Craccum	Part Upheld	4.7.2000	783
Ministry of Health	Craccum	Part Upheld	4.7.2000	784
A Beautrais	Craccum	Part Upheld	4.7.2000	785
Health Waikato	Craccum	Part Upheld	4.7.2000	786
S J Nicol	Craccum	Part Upheld	4.7.2000	787
M Edgar	Sunday Star-Times	Not Upheld	9.7.2000	788
H Evison	The Press	Part Upheld	7.7.2000	789
P Smart	Sunday Star-Times	Upheld	9.7.2000	790
F Acey	Evening Post	Not Upheld	27.7.2000	791
S Boyce	The Dominion	Upheld	11.8.2000	792
M Meyer	New Zealand Herald	Not Upheld	11.08.2000	793
K V Bythell	The Press	Not Upheld	11.08.2000	794
N Hager	Evening Post	Not Upheld	11.08.2000	795
NZMA	New Zealand Herald	Nor Upheld	12.08.2000	796
T Sumner	Westport News	Not Upheld	11.08.2000	797
Walter Freitag	National Business Review	Not Upheld	29.9.2000	798
R Ritchie	The Dominion	Not Upheld	29.9.2000	799
S Dalziell	Evening Post	Not Upheld	29.9.2000	800
M Stewart	New Zealand Herald	Not Upheld	19.10.2000	801
R L Clough	New Zealand Herald	Not Upheld	13.11.2000	802
M Talley	Westport News	Not Upheld	13.11.2000	803
T Dyke	The Dominion	Upheld	13.11.2000	804
W Church	Hawke's Bay Today	Not Upheld	13.11.2000	805
REAL Management	New Zealand Herald	Not Upheld	13.11.2000	806
E Marsh	Wanganui Chronicle	Not Upheld	22.12.2000	807
G O'Brien	New Zealand Herald	Upheld	22.12.2000	808
Monarchist League	New Zealand Herald	Not Upheld	22.12.2000	809
J & P Anderson	New Zealand Herald	Upheld	22.12.2000	810
Youthlaw	New Zealand Herald	Upheld	22.10.2000	811
Child, Youth, Family	New Zealand Herald	Upheld	22.12.2000	812
Napier Watchdogs	Hawke's Bay Today	Part Upheld	22.12.2000	813

# 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.

# Statement of financial performance

for the year ended 31 December 2000

## INCOME

<i>1999</i>		<i>2000</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

