

NZ | MC

NEW ZEALAND MEDIA COUNCIL

ANNUAL REPORT | 2018



New Zealand Media Council

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OFFICERS FOR 2018

Sir John Hansen Independent Chairman, Retired High Court Judge
KNZM

Mary Major Executive Director

Representing the Public

Liz Brown Independent Consultant, Horowhenua

Chris Darlow Lawyer, Auckland (retired December)

Tiumalu Peter Fa'afiu Business Consultant, Auckland

Christina Tay Lawyer, Restorative Justice Facilitator

Jo Cribb Independent Consultant

Marie Shroff Independent Consultant, Wellington, Alternate Member

Representing editors, nominated by the Newspaper Publishers Association

John Roughan Assistant Editor *New Zealand Herald*, Auckland (until March)

Craig Cooper Editor *Hawke's Bay Today* (from April)

Tracy Watkins Political Editor, *Stuff*

Representing Magazines, nominated by the Magazine Publishers Association

Jenny Farrell Editor, *Kia Ora Air New Zealand* inflight magazine, Auckland

Representing Journalists, nominated by E Tu

Hank Schouten Former journalist (from December)

Representing Digital Media

Tim Watkin Editor, blogger and journalist. Also representing broadcasters.



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New Zealand Media Council



Back L-R: Hank Schouten, Tiimalu Peter Fa'afiu, Tim Watkin, Chris Darlow, John Roughan **Middle - L-R:** Sir John Hansen (Chairman), Mary Major, Jo Cribb, Marie Shroff **Front L-R:** Liz Brown, Christina Tay, Jenny Farrell. **Absent:** Mark Stevens.



NZ Media Council adopts a No Grounds procedure

In April 2018, after giving the matter consideration over several Council meetings and after consultation with industry, the Media Council adopted a No Grounds procedure whereby certain complaints are run through the following process

1. A complaint is received and assessed by the executive director.
2. If the complaint is assessed as raising no issue that would require discussion by the full Council and / or little likelihood of success given other similar complaints having been not upheld by the Council it will be referred to a No Grounds sub-committee.
3. The sub-committee will comprise the Chairman, one public member and one industry member. In considering the complaint the committee will take into account the complaint, the publication's initial response to the complaint and precedents.
4. If all agree there are no grounds for the complaint proceeding to being processed a decision will be written up advising the complainant and the publication of the outcome.
5. If any one member of the committee thinks the complaint raises issues that should go before the full Council the complaint will be accepted and processed as usual.
6. All decisions made in any one period will be put before the full Council at the next Council meeting.

At the end of 2018 29 complaints had been ruled as having no grounds to proceed.

It is natural that recipients of such a ruling should feel disappointed. The Council understands that all complaints are meaningful to the complainant, who has usually already committed time and effort to lodging the complaint with the publisher / broadcaster. But there is little point in running such a complaint through the whole process when the outcome is inevitable, given prior rulings.

Are you prepared? Where's your resilience plan?

Mary Major

On Thursday April 12, 2018 at around 2.30pm our neighbours the Book Council came through to our office and asked "Did you get the email about having to be out of the building by 4.00pm?"

"No" we replied, and decided it must be a hoax.

But it wasn't.

Builders working on renovations on a level upstairs had earlier discovered cracks in the flooring slabs and engineers examining the building had determined that some vertical columns required concrete collars. It was thought this work could be undertaken while the building was still occupied. But now further investigation had led Wellington City Council and the engineers to declare the building unsafe to occupy.

We consider ourselves reasonably earthquake-prepared in Wellington (grab bags, water, torches etc), and thankfully this wasn't a disaster event, but given less than two hours to evacuate the question became "what do you take?"

At that stage it seemed we would be out for just weeks so, together with the ASA with whom we share office space, we packed up the essentials to keep the work flowing and headed for home. The following week we were allowed back in for a strictly-policed 15 minutes to gather up anything essential we had forgotten in our haste.

Later still, when the scope of works was extended even further (some of the work was elective by the building owners) movers were allowed in to move the remaining papers, boxes, furniture and equipment into storage.

That was 11 months ago and now, in March 2019, we are looking forward to returning to the office in early May. The strengthening steel is certainly impressive and the better lighting, air conditioning and heating will be a boon. As will the lightweight ceiling tiles should the real event occur.

Throughout it all the building managers have kept us fully informed and from our temporary small shared space in the building next door we have been able to watch progress. Mostly though, the Media Council has operated from home.

So, what did we learn? We were lucky that this wasn't "the real thing", with all the trauma, anxiety and damaged infrastructure that that would have entailed. I was able to load the car with the desktop, screen, current files, minute books and some historical papers, augmented the following week with the 15 minute access. But had this been an earthquake with broken roads and transport difficulties this wouldn't have been possible.

So, the Media Council developed a resiliency plan. We switched to a lap top, which can be picked up and run with if necessary. All complaint files are now converted to electronic files and stored in the cloud, with an expanded Dropbox facility. The ASA server was moved off-premises and the Media Council now operates independently of it. We are wireless. We have up-to-date emergency contacts lists.

Our friends at InternetNZ have been generous in allowing us to use their Boardroom for Media Council meetings; The Commercial Approvals Bureau set me up with an extension of their phone system, which had provided me with an Auckland alias confusing some people when the number comes up.

We were even able to accomplish the soft launch of the NZ Media Council, from the NZ Press Council, on Monday April 16.

There has been the odd hiccup – mail delivery for instance – but amazingly the work of both the Media Council and the Advertising Authority has continued with little disruption.

Faced with a similar situation could you say the same?

Upping the Coverage of Women's Sport: A Fair Call?

Following the unexpected success of the Under 17 Women's Football Team in a FIFA tournament in Uruguay in late 2018, debate about media coverage of this event and of women's sport in general ensued. The Media Council received a complaint based on this issue that it did not accept into its processes. However, following discussion at its final meeting of the year, the Council decided that the complaint raised a number of issues worthy of debate by the media, and indeed the general public.

Several commentators pointed out the varied and, in some cases, light coverage given to this news story. This lack of coverage was seen, by such commentators, as surprising for two reasons. First, this tournament result was better than any other New Zealand team had achieved to date in any FIFA event. It was, in short, an impressive achievement. Second, public interest in women's football was high. In the previous months, there was a high profile review into the issue of the National Women's coach and accusations of bullying as well as controversy over the dance the winner of the International Best Woman Footballer of the Year was asked to do during this award ceremony.

But is it just perception? Did women's football receive less media attention than men's? Does women's sport in general receive less media attention than men's? Analysis says yes. The editorial team of one New Zealand media outlet state that they have less coverage of women's sport and argue this is because their news services need to provide their audience with the stories they want. Analysis of views of articles clearly shows news about men's rugby and league stars get the most readership. So this is what is and will be covered.

While the Media Council appreciates the need for news outlets to generate and increase engagement with their readers and that this is critical to survival in the tough and tight media market, this approach also raises a number of important questions. First, does this approach become self-perpetuating: news outlets cover the sports and sports heroes that current readers value, so the only visible sports and sports heroes are those currently valued, so they stay high profile and valued? What about the potential audience that is not being served? For example, women and girls who are interested in sport, but cannot see themselves or their heroes reflected in the coverage? Second, what about the role of journalism in sharing stories of public interest? Is the public interest defined by what the current audience for sports media is interested in?

Interestingly, the media outlets that covered the Under 17 Women's Football team story report that the stories were well read. It seems we like to read about our sporting successes.

This issue also raises a broader question. Research across neuroscience and a range of disciplines has increasingly shown us how we are hard-wired to have and act on biases. Gender bias is a common one. Race is another. We see the world through a gendered lens – with many of us unconsciously assigning roles based on gendered assumptions. What is the role of media in challenging these assumptions and biases? Is the role of the media just to reflect society as it is now (that is, full of biases and gendered assumptions) or is it to reflect and challenge such biases? Will an audience-led editorial approach just reinforce embedded gendered stereotypes? Is the media industry comfortable with this?

An Analysis - 2018

Of the 104 complaints that were determined by the Council in 2018 15 were upheld in full; two were upheld by a majority; one was upheld in part; one was part upheld by a majority; five were not upheld by a majority; and 51 were not upheld. Twenty-nine complaints were ruled insufficient grounds to proceed.

One complaint was split, with five members ruling to uphold and five ruling to not uphold. For this ruling, which includes both points of view, see Case 2731.

A further 11 complaints were resolved informally.

In March 2018, after consultation, the Council introduced a triage process whereby complaints would be assessed by a committee of Council members who would determine whether there were insufficient grounds for the complaint to be sent to the full Council. Each committee considering such complaints would comprise the Chair and one public and one industry member. If any one member of the committee determined the complaint should proceed to the full Council that would be the process followed. Others would receive a brief ruling advising that the Council had determined there were insufficient grounds to proceed. The committee operates with delegated authority from the full Council. All such rulings are presented to the next full Council meeting. In this first year of the process 29 complaints were considered to have insufficient grounds to proceed.

Forty nine of the complaints considered in 2018 were against daily newspapers; five were against weekend newspapers; four were against community newspapers; 29 were against online news sites; two were against magazines; 14 were against broadcasters; one was against a business magazine.

Most complaints going to the full Council are considered by all members of the Council. However, on occasions, there may be a complaint against a publication for which a member works, has had some input into the complaint, or has some link. On these occasions the member takes no part in the consideration of the complaint. Likewise, occasionally a Council member declares a personal interest in a complaint and leaves the meeting while that complaint is under consideration. In 2018 there were 17 occasions where a member declared an interest and left the room while the complaint was considered. There were also seven occasions when an industry member was required to stand down to maintain the public member majority.

Debate on some complaints can be quite vigorous and while the majority of Council decisions are unanimous, occasionally one or more members might ask that a dissent be simply recorded, or written up as a dissenting opinion. In 2018 eight cases involved a dissent and, as noted above, one was split 5:5 and so two opinions were included in the ruling.

Media Council complaints are generally considered on the papers. However if a complainant requests the opportunity to make a submission in person they are generally given that opportunity. In such cases the editor is also invited to attend. No new material ie that has not already been presented to the editor for a response may be introduced at this stage. This year one complainant asked to attend the meeting.

The Media Council does not encourage legal representation; the Council is after all dealing with ethical issues not legal ones, but occasionally complainants do attend with their lawyers, or send a lawyer to represent their case. No lawyers appeared in 2018.

Statistics - 2018

MEDIA COUNCIL COMPLAINT STATISTICS

Year ending 31 December	2014	2015	2016	2017	2018
Complaints Determined	61	77	85	98	115
Decisions issued	49	68	73	86	104
Upheld	2	20	13	7	15
Upheld by majority	2	1	3	7	2
Part upheld	1	2	3	2	1
Part Upheld by majority			1	1	1
Not Upheld by majority	5	6	2	8	5
Not upheld	40	39	51	61	50
Mediated/resolved	12	9		12	
No Grounds to Proceed					29
Complaints received and not determined	95	96	99	118	144
Withdrawn	3	2	3	4	7
Withdrawn at late stage		1			
Not followed through	38	62	53	61	93
Out of time	3	5	3	4	4
Not accepted	15	4	17	19	11
Outside jurisdiction	22	14	17	23	27
Not Progressed, similar ruling					2
In action at end of year	14	8	6	7	4
Mosque massacre complaints*					
Measles Cartoon complaints **					
Total complaints	156	173	184	216	248

Decisions - 2018

Complaint name	Publication	Adjudication	Date	Case No
David Brown	Stuff	Not Upheld	January	2641
Tony Climie	NZ Herald	Not Upheld	January	2642
Ta'afuli Andrew Fiu	NZ Herald	Not Upheld	January	2643
Tom Frewen	RNZ	Not Upheld	January	2644
Mike Loder	MediaWorks	Not Upheld	January	2645
Jason Marsden	MediaWorks	Not Upheld	January	2646
Jim Rose	Dominion Post	Upheld	January	2647
Ajit Sagoo	Waikato Times	Upheld	January	2648
Sanitarium Health	New Zealand Herald	Upheld	January	2649
Max Shierlaw	Dominion Post	Not Upheld	January	2650
Alvina Edwards	Sunday Star-Times	Not Upheld with dissent	March	2651
Sarah Ferguson	NZ Herald	Upheld	March	2652
Daniel Hobman	NZ Herald	Not Upheld	March	2653
Rotorua Lakes Council	Rotorua Daily Post	Not Upheld	March	2654
Rotorua Lakes Council	Rotorua Review	Not Upheld	March	2655
Mel Whaanga	NBR	Not Upheld with Dissent	March	2656
Ronel Jacobs	NZ Herald	No Grounds		2657
Marina Kapua	Stuff	No Grounds		2658
Peter Dennis	Stuff	Not Upheld	May	2659
Julie Fogarty	North & South	Not Upheld	May	2660
Keith Hunter	NewsRoom / Stuff	Not Upheld	May	2661
Malcolm North	Dominion Post/Stuff	Not Upheld	May	2662
Perry Spiller	Stuff	Not Upheld	May	2663
Dominic Timmon	Stuff	Not Upheld	May	2664
Ronan Whyte	NewsRoom	Upheld	May	2665
Angus Hastie	Cambridge Edition	No Grounds	May	2666
Kobi Shemesh	The Times	No Grounds	May	2667
Janine Carr	NZ Herald	Upheld	June	2668
Jacqueline Cavanagh	NZ Herald	Upheld in Part	June	2669
Mike Dee	NZ Herald	Not Upheld with Dissent	June	2670
Zeylin Li	NZ Herald	Not Upheld	June	2671
Richard Lauren	The Spinoff	Not Upheld	June	2672
Meredith Connell	Stuff	Upheld	June	2673
Tyran Powell	Stuff	Not Upheld	June	2674
Grant Ryan	The Press/Stuff	Upheld	June	2675
Geoff Thomas	Waikato Times/Stuff	Upheld	June	2676
Allan Golden	Otago Daily Times	No Grounds	July	2677
Andrew McNeill	RNZ	No Grounds	July	2678
Anton ten Hove	Stuff	No Grounds	July	2679
Josh Bailey	RNZ	No Grounds	July	2680
Aaron Sowry	RNZ	No Grounds	July	2681

Complaint name	Publication	Adjudication	Date	Case No
Julie Fogarty	North & South	No Grounds	July	2682
James Barber	Dominion Post	Not Upheld	July	2683
Azaria Bialik	Stuff	Not Upheld	July	2684
Canterbury DHB	The Press/Stuff	Upheld in Part with dissent	July	2685
Martin Devlin	Dominion Post	Not Upheld	July	2686
Allan Jenks	Dominion Post	Not Upheld	July	2687
Chris McCashin	Dominion Post	Not Upheld	July	2688
Bill Dyet	NZ Herald	Not Upheld	July	2689
David Garrett	NZ Herald	Not Upheld	July	2690
Allan Halse	Waikato Times/Stuff	Not Upheld	July	2691
Nima Jarvandi	The Press/Stuff	Not Upheld	July	2692
Michelle Levy	RNZ	Upheld	July	2693
Plymouth Brethren Church	Manawatu Standard	Not Upheld	July	2694
Jim Schofield	Stuff	Not Upheld	July	2695
Philip Temple	Your Weekend/Stuff	Not Upheld	July	2696
Graham Wilkinson	Stuff	Upheld	July	2697
Matthew Farrell	NZ Herald	No Grounds	August	2698
Renee Gerlich	Scoop	No Grounds	August	2699
Gavan O'Farrell	Stuff	No Grounds	August	2700
Gavan O'Farrell	Dominion Post	No Grounds	August	2701
Marty Burwood	The Spinoff/NewsHub	No Grounds	August	2702
Ursula Edgington	Wanganui Chronicle	No Grounds	August	2703
Alexander Pryazhnikov	NZ Herald	No Grounds	August	2704
Ngairé Small	Nelson Mail	No Grounds	August	2705
Catherine Bindon	Dominion Post	Not Upheld	September	2706
Soraya Bradley & Michael Kay	NZ Herald	Not Upheld	September	2707
Roger Brooking	NZ Herald	Not Upheld	September	2708
Simon Fraser	NewsHub	Upheld	September	2709
Robin Grieve	NZ Herald	Not Upheld	September	2710
Housing NZ	Stuff	Not Upheld	September	2711
Nathan Marsden	Dominion Post/Stuff	Not Upheld	September	2712
Jim Rose	The Spinoff	Not Upheld with dissent	September	2713
Frank Shaw	Akaroa Mail	Not Upheld with dissent	September	2714
Christopher Shepherd	Sunday Star-Times	Not Upheld	September	2715
Andrew Spencer	Northern Advocate	Not Upheld	September	2716
Ben Vigden	NewsHub	No Grounds	October	2717
Mario McMillan	NZ Herald	No Grounds	October	2718
Right to Life	Dominion Post	No Grounds	October	2719
Simon Monrad Gough	RNZ	No Grounds	October	2720
David Tordoff	Otago Daily Times	No Grounds	October	2721
Dennis McLeod	Waikato Times	No Grounds	October	2722
Jean O'Callaghan	Otago Daily Times	No Grounds	October	2723
Eric Coyle	Herald on Sunday	Not Upheld	November	2724

Complaint name	Publication	Adjudication	Date	Case No
Brian Hewitson	Stuff	Not Upheld	November	2725
NZ Football	Stuff	Not Upheld	November	2726
Melanie Rewai Couch	Stuff	Upheld	November	2728
Melanie Riwai Couch	NZ Herald	Upheld	November	2729
Melanie Riwai Couch	TVNZ	Not Upheld	November	2730
Complaint	SS-T Stuff	Split 5:5	November	2731
TransDev	Stuff	Not Upheld	November	2732
Gregor White	Stuff	Not Upheld	November	2733
Tim Holvey	RNZ	No Grounds	December	2734
Greg Rzesniowiecki	MediaWorks	No Grounds	December	2735
Peter Charlton-Jones	Stuff	Not Upheld	December	2736
Katharine Cresswell Riol	Otago Daily Times	Upheld with dissent	December	2737
Aunty Ro Mudyin Godwin	Stuff	Not upheld	December	2738
Jenny Kirk	MediaWorks	Upheld with dissent	December	2739
Complaint	The Spinoff	Not Upheld	December	2740
Sunil Porumamilla & others	Stuff	Not Upheld	December	2741
James Powers	NZ Herald	Upheld	December	2742
Sentinel Tower	NZ Herald	Not Upheld	December	2743
Andy Espersen	Stuff	No Grounds	December	2744
Jon Turner	Rotorua Daily Times	No Grounds	December	2727





NEW ZEALAND MEDIA COUNCIL

FINANCIAL STATEMENTS | 2018

New Zealand Media Association Incorporated

For the year ended 31 December 2018

Prepared by The Tax Lady Wellington Limited



STATEMENT OF FINANCIAL PERFORMANCE

As at 31 December 2018

2018		2017
	INCOME	
2,700	Union	2,700
220,000	NPA Contribution	220,000
11,360	NZ Community Newspapers	11,360
18,875	Magazine Contribution	18,875
33,498	Associate Membership	43,223
2,000	Interest Received	1,708
288,433	Total Income	297,866
	EXPENDITURE	
259	ACC Levy	266
2,163	Accounting & Xero Fees	2,148
2,076	Advertising and Promotion	2,001
1,000	Auditor	1,000
25	Bank Fees	0
3,103	Chairmans Expenses	12,823
125	Cleaning	529
3,183	Computer Expenses	2,500
7,465	Contractors	22,542
4,747	Depreciation	6,692
4,601	General Expenses & Subscriptions	6,077
3,350	Insurance	3,070
0	Legal Expenses	10,771
3,173	Office Relocation Expenses	0
335	Postage and Couriers	1,271
1,311	Power and Telephone	1,312
2,746	Printing and Stationery	2,790
7,381	Rent and Carparking	9,656
127,674	Salaries - Board Fees	126,957
62,500	Chairmans Honorarium	60,000
23,009	Travel and Accommodation	20,755
49	Tax Provision	74
260,273	Total Expenses	293,234
28,160	Income over Expenditure	4,632
123,717	Plus Equity at beginning of year	118,934
151,877	Equity as at end of year	123,566

STATEMENT OF FINANCIAL PERFORMANCE

As at 31 December 2018

2017	Represented by:	2017
	ASSETS	
31,640	BNZ Current Account	13,956
67,756	BNZ Call Account	60,922
55,126	BNZ Term Deposit	53,851
24,954	Accruals and Receivables	6,688
10,850	Computer hardware/Office (less depreciation)	11,328
1,724	Fit out (less depreciation)	1,945
	Taxation	
192,049	Total Assets	148,690
	LESS LIABILITIES	
20,452	Creditors and Provisions	8,832
12,956	GST	7,735
6,627	PAYE Payable	8,039
288	Taxation	518
40,324	Total Liabilities	25,124
	Equity	
123566	Accumulated Funds	118934
28160	Income over Expenditure	4632
151726	Total	123566

NEW ZEALAND MEDIA COUNCIL

For the year ended 31 December 2018

Account	2018	2018 Overall Budget	Variance
Trading Income			
Associate Membership	33,497.98	26,750.00	6,747.98
Community Newspapers	11,360.00	10,000.00	1,360.00
Interest Income	2,000.00	0.00	2,000.00
Magazines Contribution	18,875.00	18,875.00	0.00
NPA Contribution	220,000.00	220,000.00	0.00
Union	2,700.00	2,700.00	0.00
Total Trading Income	288,432.98	278,325.00	10,107.98
Gross Profit	288,432.98	278,325.00	10,107.98
Operating Expenses			
Accident Compensation Levy	258.50	300.00	(41.50)
Accounting & Xero Fees	2,163.00	2,200.00	(37.00)
Advertising & Promotion	2,076.46	7,000.00	(4,923.54)
Annual Leave Owing	260.59	0.00	260.59
Audit Fees	1,000.00	1,000.00	0.00
Bank Fees	25.00	0.00	25.00
Board Fees	33,424.00	0.00	33,424.00
Chairmans' Expenses	3,103.39	13,000.00	(9,896.61)
Chairmans Honorarium	62,500.00	60,000.00	2,500.00
Cleaning	125.44	500.00	(374.56)
Computer Expenses	3,183.08	2,500.00	683.08
Contractors	7,464.56	0.00	7,464.56
Depreciation	4,747.07	7,000.00	(2,252.93)
General Expenses	4,600.71	5,000.00	(399.29)
Income Tax Provision	48.51	0.00	48.51
Insurance	3,350.00	3,000.00	350.00
Office Relocation Expenses	3,173.10	0.00	3,173.10
Postage & Courier	334.80	1,300.00	(965.20)
Power & Telephone	1,310.75	1,300.00	10.75
Printing & Stationery	2,745.63	2,500.00	245.63
Rent - Carpark	1,920.00	1,920.00	0.00
Rent - Office	5,460.60	9,080.00	(3,619.40)
Salaries	94,389.10	130,000.00	(35,610.90)
Travel - International	666.27	0.00	666.27
Travel - International Accommodation	418.09	0.00	418.09
Travel - National	21,524.71	20,000.00	1,524.71
Total Operating Expenses	260,273.36	267,600.00	(7,326.64)
Net Profit	28,159.62	10,725.00	17,434.62

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