




Review of the New Zealand Press Council

Ian Barker and Lewis Evans



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I Introduction

On 14 February 2007, we were instructed by the constituent members of the New Zealand Press Council (“Press Council”) to review the activities and operations of the Press Council in accordance with the Terms of Reference which appear as Appendix I to this report. This is the first independent review of the Press Council since it was formed in 1972¹.

We were invited to conduct the Review in whatever manner appeared appropriate to us. Every cooperation was given to us by the Chief Executive of the Newspaper Publishers’ Association (“NPA”) on behalf of the constituent members of the Press Council. These members are:

1. the NPA; and
2. the New Zealand Amalgamated Printing Engineering and Manufacturing Union (“EPMU”).

Whilst representatives of the constituent members and the Chair and individual members of the Press Council made submissions to us during the course of our enquiry, we record that we have acted completely independently of the constituent members and of the Press Council. We present our report based on the submissions we have received and the research we have conducted.

Benchmarks of Accessibility, Independence, Fairness, Accountability, Management and Effectiveness have been used in Australia as appropriate benchmarks for reviewing industry-based dispute resolution schemes. These benchmarks are referred to in the Terms of Reference. They were used by the Banking Ombudsman Commission when seeking an independent review of the Banking Ombudsman Scheme in 2006.

We were fortunate to obtain the services of a recent law and commerce graduate, Mr Richard Robinson, to act as Secretary of the Review, to send out and manage the questionnaires, to coordinate the submissions and to conduct research, particularly into other press council schemes. We are grateful to Mr Robinson for his diligence and efficiency.

We set up a dedicated website to enable interested persons to be informed about the Review and to make submissions. A separate post office box, email address and telephone were obtained and an office established at the Pipitea Campus of Victoria University of Wellington under the auspices of the New Zealand Institute for the Study of Competition and Regulation.

We wished to obtain as much input as possible from interested persons and the general public into the matters raised by the Terms of Reference. To this end, the following steps were taken:

1. public notices were placed in various newspapers, seeking submissions and pointing interested persons to the Review website;
2. surveys (which preserved anonymity of the public, organisations, complainants and media organisations) were implemented through the Review website;
3. input was invited from:

¹ The history of the Press Council is set out in Section IV.

- (a) editors of numerous publications, big and small throughout the country,
 - (b) past complainants to the Press Council,
 - (c) potentially interested persons in central government, local government, industry, the professions and academia;
4. letters were written to institutions and individuals who, in our opinion, might have something particular to contribute to the Review. These letters pointed out the availability of the web-based surveys for providing comment.

Although the advertised cut-off date for receiving submissions was 14 May 2007, many submissions and replies to questionnaires were received after this date. All submissions have been considered by us whenever they were received. It is not possible to refer to all concerns raised in submissions but we believe that the principal ones are covered in the Review.

The volume of replies to questionnaires was considerable. Many persons made thoughtful input.² Some respondents thought the Press Council, as it presently operates, was performing its functions well. However, many raised all or some of the objections which we consider later in the Review.

In addition, we met with persons in Auckland, Wellington, Christchurch and Dunedin. Some of these persons brought comprehensive written material to the interview. Others were content to give us orally the benefit of their varied experiences. The interviews extended from May to August 2007.

In April 2007, we travelled to Sydney and met with the Chairman and Chief Executive of the Australian Press Council (“APC”), Professor Ken McKinnon and Mr Jack Herman. These gentlemen and the APC staff were extremely helpful to us, providing a first-hand understanding of the workings of the APC, which has elements in common with the Press Council in New Zealand.

We are most grateful to all those who took the trouble to reply to questionnaires, to make written submissions and to meet with us.³

We found the task of synthesising so much information into a report of manageable size a daunting one. Not every nuance of submission has been captured in this review, which endeavours to summarise general perceptions of the Press Council and its work and to suggest improvements in its operation. Because of the large amount of material to be considered and our other commitments, the Review has been longer in gestation than originally contemplated. However, since this is the first report on the Press Council in 35 years, we considered that it was important to take all necessary time to produce a comprehensive review.

Readers are invited to consider the various pieces of research summarised in this Review and its appendices. The conclusions from these studies have been taken into account when making recommendations. We commence our report with a section on self-regulation, which is central to the concept of a press council operating independently, but funded by the industry. Press councils were conceived in New Zealand and elsewhere out of an apprehension that the government might consider regulation of the print media. That apprehension is natural in a democracy and it has never entirely disappeared. It surfaced in some of the submissions we received and is considered in the section on self-regulation.

We look too at the existing regulation of the media in New Zealand and pose issues over the appropriate regulation of the print media in the context of the internet.

Benchmarks for best practice regulation and the activities of the Press Council overlap in many respects. Our recommendations may come under one or more of the benchmarks postulated by the Terms of Reference. In the next section of this report, we summarise our recommendations under the headings of Function, Independence, Process and Management, which we consider more appropriate. Reasons for those recommendations appear later in the report after we have considered regulatory process issues, the history to the present day of the Press Council and the state of the media, the operation of the Press Council and the survey results. We argue for our recommendations in Section VII.

² The replies to the questionnaires have been digested and described in Section V.

³ A full list of those who were interviewed is contained in Appendix II.

II

Recommendations

We summarise our Recommendations thus:

II.1 Function

1. In addition to its complaint handling role, the Press Council should:
 - (a) promote freedom of expression through a responsible and independent print media and through adherence to high journalistic and editorial standards;
 - (b) conduct limited research into media freedom issues and utilise its consideration of these issues in its decisions;
 - (c) sponsor an annual public lecture on a media-related topic and an annual prize at one or more journalism schools;
 - (d) produce occasional papers on media freedom issues.

II.2 Independence

2. The Press Council should become an independent legal entity.
3. The current constitution of the Press Council should be changed to reflect its position as a separate legal entity and to incorporate changes listed in this report designed to enhance the perception of its independence from its funders.
4. The Press Council should be more amply resourced to enable it the better to perform both its existing functions and the additional functions recommended in this report.
5. All publications which accept the jurisdiction of the Press Council should either individually, or through their parent group, agree to conform to the Press Council's complaints process, including the requirement to publish its decisions when required so to do.
6. The Press Council should continue to operate from premises separate from those of any of its funders.
7. Provision should be made for an independent review of the operation of the Press Council every five years.

II.3 Process

8. Amendments to the existing process should be made as follows:
 - (a) The Chief Executive Officer ("CEO") of the Press Council should consider all complaints at first instance and act as "gatekeeper", to filter either vexatious complaints or those more appropriately dealt with by other agencies.
 - (b) The CEO should deal initially with complaints which, in the CEO's view, may be

- capable of quick resolution by consultation with the editorial staff concerned.
- (c) The CEO should be trained in mediation skills and should offer conciliation to the parties to a complaint once the publication's response has been received, as a means of disposing of the complaint to the mutual satisfaction of both parties. Such mediation/ conciliation would be on a confidential and without prejudice basis.
 - (d) There should be an established "fast track" Complaints Committee, consisting of the independent chair, one media member and one public member to deal with complaints that benefit from rapid consideration. This Committee should have delegated power from the Press Council to make determinations. It should operate continuously. These persons need not necessarily reside in Wellington, given telephone conferencing and email. There should also be a right of appeal to this Committee from the refusal by the CEO to accept a complaint. There should be a right of appeal from decisions of this Committee to the balance of the Press Council.
 - (e) The time limit for laying a complaint to the Press Council should be reduced to two months after publication, with the right of the CEO to receive a complaint within three months in exceptional circumstances.
 - (f) The right of the publication to a "second reply" should be abolished. There should be one complaint by the Complainant, and one full response by the publication, with the complainant having a right of reply only on new matters in the response. In the discretion of the CEO, a publication could have a limited right of rebuttal on new matters raised by a complainant in a reply.
 - (g) A waiver from bringing suit against the publication should not be required of complainants.
 - (h) Both complainants and publications should be encouraged to attend Press Council meetings, to express in an informal way their particular viewpoints. We see no reason to encourage legal representation in what is essentially an informal process.
 - (i) The practice of one member of the Press Council preparing decisions in draft should be replaced by one member or the secretariat (if possible) preparing a précis of the issues and suggesting possible outcomes.
 - (j) Press Council decisions should be written on a standard template and efforts should be made to diminish any impression of a compromised decision.
 - (k) A précis of all decisions should be prepared by the secretariat suitable for publication in the media, and the full decision reported on the Press Council website.
 - (l) Each publication should have an established readily-accessible protocol for dealing with complaints. The Press Council should develop applicable protocols in consultation with the media..
 - (m) The Statement of Principles of the Press Council should be reviewed and updated regularly by the Press Council itself, which should take into account submissions from interested parties and Codes of Practice/Principles from other jurisdictions and from existing media organisations. Such a review should be conducted with urgency.
 - (n) The Press Council should have a graduated scale of penalties, as detailed in this Review in Section VII.
 - (o) There should be a majority of public members participating in any decision on a complaint.
 - (p) One of the nominees of the EPMU on the Press Council should be replaced by an

independent journalist chosen by the Press Council itself, subject to the requirements of the form of entity to be adopted.

- (q) The jurisdiction of the Press Council should encompass e-publications in the same manner as for hard-copy print publications.

II.4 Management

9. A full-time CEO should be appointed to run the Press Council, including the complaints process and to progress the other initiatives recommended for the Press Council in this Review.
10. The budget for the Press Council should be set annually by a Budget Committee of the incorporated body.
11. The arrangement under which the Press Council rents office space from the Advertising Standards Authority (“ASA”) should continue so long as there is space available, particularly for the enlarged functions of the Press Council. The ASA should be asked to provide office services under contract for the Press Council, if it is willing to do so.
12. The Press Council should be more accessible and better known in the community than it currently is. In addition to Recommendations II.1, we recommend the following:
 - (a) The Press Council should have an 0800 telephone number which should appear, along with the Press Council’s website details, in all Press Council publicity.
 - (b) Newspapers and magazines should be required to publish a reasonably regular statement of the rights of the public to approach the Press Council, just as broadcasters are required to advise the public of the right to approach the Broadcasting Standards Authority (“BSA”).
 - (c) The Press Council’s website should be brought up to date with past decisions; care should be taken to ensure that it provides comprehensive information about the Press Council and its operations and a digest of previous decisions. The website should include easily-accessible forms to facilitate the lodging of complaints.
 - (d) The Press Council should have a special committee to increase public awareness of its services and functions.
 - (e) The Press Council staff should be able to track complaints electronically.
 - (f) The Press Council should communicate with kindred organisations overseas – particularly its Australian counterpart.

Our recommendations entail some enhancement of resources for the Press Council. Although they contain avenues of economy, they do imply some increase in cost. We have been cognisant of this and consider that we have proposed no more elaborate an institution than need be in the New Zealand setting.

III Regulatory Process for the Media

III.1 Introduction

This section considers the Press Council's position as a self-regulatory body. It draws on many references to studies and sources of information.

Much activity in a modern economy is extensively regulated and New Zealand is no exception. The defining characteristic of regulation is its ability to sanction, encourage and inhibit certain behaviour. In the case of the Press Council, the relevant behaviour relates to the acceptability, according to some social norms, of the content of print media. While there are distinguishing features specific to most objects of regulation, media regulation has a particularly distinctive place in society, reflecting that social norms for different groups differ, and that interest groups utilise the media for persuasion purposes.

The topics covered in this section include the principles of regulation, statutory and self-regulatory institutions, best-practice guidelines relating to self-regulation, and issues of regulating media in a changing economy. It incorporates information from the Review's survey of press councils worldwide, reported in Appendix IV.

III.2 Basis for Regulation

The standard list of reasons for regulation includes mitigating social valuation and coordination failures involving such issues as public goods, externalities and information gaps. They may also be used to ensure that processes meet some broad social norms. Concerns for process and social norms such as, for example, the protection of rights to privacy, are prime motivations for regulation of the media.

Regulation is also widely used by special-interest groups to further their particular interests, often at the expense of the wider populace. An interest group is defined as a coalition of persons or entities with a common goal or philosophy. Some view the regulatory structures of an economy as representing the balance of competing special interest group pressures that leave each group optimally disgruntled with their share of the activity in which they have most interest. The interest group motivation for regulation is often relegated to the background in regulatory decisions and actions, leading such organisations as the OECD to propose principles of regulation for its constituent states that largely eschew the interest-group motivation.⁴

Regulation can be by the Government (government regulation), by the industry itself (self-regulation), or by a combination of both the Government and the industry (co-regulation). The New

⁴ For example, see the OECD Working Party on Regulatory Management and Reform report "Regulatory Performance: Ex-Post Evaluation of Regulatory Tools and Institutions, 2004:

Zealand Ministry of Consumer Affairs defines government regulation, co-regulation and self regulation as follows: ⁵

1. Government regulation occurs when the Government makes the rules.
2. Co-regulation occurs when the rules that govern market behaviour are developed, administered and enforced by a combination of government agencies and people whose behaviour is to be governed.
3. Self-regulation occurs when the rules that govern market behaviour are developed, administered and enforced by the people whose behaviour is to be governed.

Different types of regulation are appropriate in different circumstances. Whether government, co-regulation, or self-regulation is desirable depends upon the issues being addressed by the regulation and, particularly where process is of concern, the motivations of interest groups.

III.3 The Role of Self-Regulation in Society

Government regulation has advantages that include resourcing, compulsion, legal enforceability and universal coverage. However, it can also be less flexible and less adaptable to change, and it has a proclivity to spread from its original mandate. As industries evolve, government regulation can become increasingly less effective in achieving its goal. Further, as with any regulation, government regulation will reflect the interplay of special interest groups and special agendas; but it materially differs from self-regulation in its coercive powers which offer the potential to render interest group pressures influential and far-reaching.

Taken as a whole, firms in an industry have a strong incentive to ensure that their product and services are socially acceptable, and that the public has this perception. They can bring this about by self-regulation. The merits of the approach depend upon what exactly is being regulated. Where it is a matter of acceptable process and not, for example, long-lived hidden product problems, it is more likely that self-regulation has a comparative advantage over government regulation.

Government regulation is costly in various dimensions. Policy development and regulatory changes are expensive and these costs are borne by the tax-payer. The on-going cost of managing a government regulatory regime may be funded in part by the industry under compulsion, which itself is a tax. The Government may also contribute funds to the agency to achieve its social objectives. For example, the BSA is funded by the industry under compulsion and the Government in roughly equal amounts. On the other hand, self-regulation is designed by the industry, which bears the costs of developing the regulation and its ongoing operation and enforcement.

Industry funding and management of regulation will generally result in a sharper focus on cost efficiencies, and limit the spread of regulation beyond its initial mandate, as compared to government regulation. The suppliers of the funds have a direct interest in alternative uses for them under self-regulation.

Self-regulation can also promote improved industry practices because the industry has ownership over the scheme. The industry's informational advantages may lead to more effective standards which are then more likely to be complied with. Government regulation may rest on minimum standards, which "tend to be couched in vague generalities giving little guidance to what is necessary or desirable

⁵ Ministry of Consumer Affairs "Market Self-Regulation and Codes of Practice" (April 1997).

to achieve compliance”.⁶

The Australian Treasury argues that self-regulatory customer-dispute schemes have an important role in ascertaining customer problems and addressing them through a relatively informal inquisitorial approach, rather than one which is formal and adversarial.⁷ The schemes provide a relatively low-cost dispute resolution process that enables resolution of customer complaints that otherwise may go untested, yet leaves the potential for formal legal redress where the issue is of greater materiality.

There are advantages in confining involvement of the Government in the industry, as its coercive powers under regulation can be used to excess, and to influence the direction of the industry beyond that implied by the purpose of the regulation. Government involvement can increase compliance costs and cause efficiency losses.⁸

The coercive powers of government regulation mean that if ever Government were to implement the will of special interest groups, that may include political groups, it can do so effectively – for example, via appointments to the regulatory body. Potential utilisation of these powers is particularly serious for the media sector, which is granted a measure of legal protection so that it can readily and openly report and discuss issues of the day.⁹

Many would argue that the most effective check on political interest group excesses in the economy is the ability of the media openly to convey information of all sorts.¹⁰ For this, it is desirable to have an institutional arrangement for media regulation that has stable decision-making focused on the core activities being regulated, and decisions made by parties that are as objective and well-informed on the criteria as possible. In order for a regulatory institution to perform well over time, the structure and its processes should fit the purpose. In this respect, it is the structure and processes that are all important, rather than the performance and personalities of the regulators at particular points in time. For example, the performance of existing regulators may be satisfactory in an institutional set-up that has few checks on special interest group influence, but, over time, the performance of this institution would have to contend with the threat of poorer quality regulators and regulators with particular interest group agendas.

Whether or not there is a threat of government regulation, the design of a media regulatory body should place weight on the longer-term implications of the independence of the media as a critically important leg of the constitution of a democratic country, and on the importance of self-regulation in maintaining this position.¹¹

Self-regulation may, nevertheless, itself be affected by controlling interests. For such regulation to be credible it should have as precise goals as are possible, which are implemented in transparent

⁶ New Zealand Ministry of Consumer Affairs “Market Self-Regulation and Codes of Practice” (April 1997) 6.

⁷ The Australian Treasury “Bench Marks for Industry-Based Customer Dispute Resolution Schemes”, http://www.treasury.gov.au/documents/1124/HTML/docshell.asp?URL=02_preface.asp. (August 1997),

⁸ New Zealand Ministry of Consumer Affairs “Market Self-Regulation and Codes of Practice” (April 1997) 5.

⁹ The media is granted an exemption under the Privacy Act 1993, for example.

¹⁰ To take a prominent example, John McMillan reports that despite a range of constitutional protections it was a small independent media company that blew the whistle on an elected president that had taken control of an economy by means of widespread corruption, (see McMillan, John and Pablo Zoido, “How to Subvert Democracy: Montesinos in Peru” *Journal of Economic Perspectives* 18 (4), Fall 2004, 69-92.)

¹¹ For a statement of news media regulatory arrangements in the UK see the review of the activities of the UK Press Complaints Commission: *Self-regulation of the press, Seventh Report of Session 2006-07*, House of Commons, Culture Media and Sport Committee, July 2007. While finding some fault with certain decisions, it affirms the critical importance of self, rather than statutory regulation of the press.

processes by an independent body selected in a process designed to produce objectivity and pertinent expertise.

III.4 Industry Self-Regulation

In order for self-regulation to be effective the industry itself must be able to fix the problem – in other words there must be an incentive for individuals and groups to develop and comply with self-regulatory arrangements (e.g. for industry survival, or to gain market advantage). Often the industry prefers self-regulation to government or co-regulation, and therefore has an incentive to make self-regulation work.

The Australian Taskforce on Industry Self-Regulation lists the following reasons why industries prefer to self-regulate¹²:

To raise industry standards: in a competitive environment there is a strong incentive for businesses to continually improve standards and exceed benchmark service levels in order to increase market share;

As a marketing tool: membership of a recognised form of self-regulation, such as a code of conduct, can be an important selling point for businesses to attract customers. Businesses can also advertise the fact that they are a member of a self-regulatory scheme as a means of product differentiation;

To enhance the level of information: self-regulation can increase the level of information about products, and therefore increase consumer confidence in those products;

The threat of government regulation: the actual or perceived threat of government intervention may encourage industries to self-regulate or modify existing self-regulation; and

Legislative factors: self-regulation may also be imposed through legislation.

A similar list is provided by Baggot:¹³

On the face of it, self-regulation can be defined simply as an institutional arrangement whereby an organisation regulates the standards of behaviour of its members. But why should an organisation wish to do this? There are three possible reasons which might be suggested. First, the members themselves may wish to keep certain standards, for their own mutual benefit. This kind of self-regulation can be found in most organisations, even those that are relatively informal, such as clubs and societies. Secondly, organisations may wish to regulate themselves with respect to the public interest. To secure public approval, support or even tolerance, organisations have their own rules and regulate the conduct of members. Third, private organisations self-regulate in order to avoid direct regulation by the state. Rules and regulations are often drawn up in order to pre-empt direct control, to obviate (at least from the organisation's point of view) the need for such intervention, and to placate public concern.

The threat of government regulation is ever-present even where there is self-regulation. The threat will change over time depending on various factors, including interest group pressures. Variation in these factors may influence the long-term feasibility of self-regulation in an industry. Also, the variations

¹² Australian Taskforce on Industry Self-Regulation "Industry Self-Regulation in Consumer Markets" (August 2000) 60.

¹³ Rob Baggot "Regulatory Reform in Britain: The Changing Face of Self-Regulation"(1989) 67 Public Administration 435.

in approach to regulation by different government administrations may mean that self-regulation is the more stable and predictable form of regulation for some purposes. Nevertheless, self-regulation should be transparently effective to achieve its purpose and if it is to limit the possibility of government regulation.¹⁴

III.5 Best Practice Self-Regulation

The Australian Taskforce on Industry Self-Regulation draws the following conclusions about best practice for cost effective self-regulation mechanisms. It is worth noting that one of the key conclusions of this Taskforce was that the type and style of self-regulation adopted needs to fit with the industry regulated:¹⁵

“Principles

Good practice in self-regulation involves addressing industry specific problems and objectives;

The type of self-regulatory scheme should be the effective minimum solution”

The Australian Taskforce, the United Kingdom’s National Consumer Council¹⁶ and the Health and Consumer Protection Directorate General of the European Union¹⁷ propose similar best-practice guidelines for self-regulation. They are listed in Appendix III.

The desirably proscribed requirements of a self-regulatory body must depend upon the nature and amount of the matters being regulated. Based on examination of international precedent and literature, the blue print for best-practice regulation for the Press Council should include:

1. clearly specified goals, including timeliness of decisions;
2. an organisational structure that:
 - (a) renders the funding and regulatory process transparent and accountable, and
 - (b) enables the selection and employment of the appropriate decision makers;
3. adequate funding for its goals;
4. promotion of transparency and objectivity in its operation and decision processes;
5. promotion of its presence and availability;
6. promotion and explanation of its outputs;
7. application of its outputs to relevant public policy issues and education; and
8. reviews of its performance.

It is with these criteria in mind that we have made our recommendations.

¹⁴ The UK House of Commons, Culture Media and Sport Committee op cit, 2007 at paragraph 54 put it this way: “We do not believe that there is a case for a statutory regulator of the press, which would represent a very dangerous interference with the freedom of the press. We continue to believe that statutory regulation of the press is a hallmark of authoritarianism and risks undermining democracy. We recommend that self-regulation should be retained for the press, while recognising that it must be seen to be effective if calls for statutory intervention are to be resisted.”

¹⁵ Ibid

¹⁶ United Kingdom National Consumer Council “Better Business Practice: How to Make Self-Regulation Work for Consumers and Business”.

¹⁷ European Union Health and Consumer Protection Directorate General “Self-Regulation in the EU Advertising Sector: A Report of Some Discussion among Interested Parties” (July 2006).

III.6 New Zealand Media Regulatory Structures

The institutional arrangements of the New Zealand Press Council, BSA and ASA are depicted in Table 1 (below).

The distinguishing features of these organisations are the statutory basis of the BSA versus the self-regulation of the Press Council and the ASA; and the consequent government determination of the decision-making panel, the investigative and penalty powers, and the higher cost of the BSA. Before commenting on these distinctions it is relevant to consider the jurisdictions of the different bodies.

Regulatory Characteristic	Press Council	Broadcasting Standards Authority	Advertising Standards Authority
Type	Self Regulation	Statutory Regulation	Self Regulation
Complaints	<p>Receives approximately 45 per year</p> <p>Must go through publisher's complaints process first</p> <p>Must complain to publisher within 3 months of broadcast</p>	<p>150 to 200 complaints</p> <p>On the papers. BSA has power to call witnesses, but rarely does so.</p> <p>Must go through broadcaster's complaints process first</p> <p>Must complain to broadcaster within 20 days of broadcast</p>	<p>1557 complaints about 493 advertisements in 2006.</p> <p>679 complaints about 63 advertisements in 2005.</p>
Funding	<p>Approximately \$160,000</p> <p>Funded by publishers and the EPMU</p>	<p>Approximately \$1.2 million</p> <p>Funded 50:50 by industry levy and appropriation from Parliament</p>	<p>Approximately \$730,000.</p> <p>Funded by advertising levies and subscriptions.</p>
Decision-maker Membership	<p>11 members (independent chair, two EPMU, two NPA, one MPA, five public, (appointed by the appointments panel))</p>	<p>Four members appointed by the Governor General on the recommendation of the Minister of Broadcasting (of these four, one (the chair) – should be a barrister or solicitor with not less than 7 years practice of the High Court, one after consultation with the broadcasting industry, and one following consultation with public interest groups)</p>	<p>Board – nine members (four public, four industry, independent chair)</p> <p>There are different people for budget, administration and adjudication functions</p> <p>Appeal Board: three members (one public, one industry, independent chair)</p> <p>Public members appointed by appointments panel</p> <p>Industry members are appointed by the ASA</p>

Free Press Advocacy	Yes	No, but one function to conduct research and publish findings on matters relating to broadcasting standards	No
Coverage	Newspapers and magazines, and their websites	Broadcasters (ie television and radio)	Members, including print and broadcast media, and advertisers.
Penalty	Publication of decision	Broadcast of approved statement, order to refrain from broadcasting or refrain from broadcasting advertising, compensation for privacy breaches, costs.	Requested to withdraw the advertisement if complaint upheld. Media members asked not to print or broadcast an advertisement which has had a complaint upheld against it. The decision is published.
Appeal Rights	Rehearing if new information	Appeal to the High Court	Yes, if the proper procedures have not been followed, there is new evidence of sufficient substance to affect the decision, evidence provided to the Complaints Board has been misinterpreted to the extent that it has affected the decision, the decision is against the weight of evidence, it is in the interests of natural justice that the matter be reheard. Chair of the Board decides whether appeal should be heard. Appeals heard by the Appeals Board. Appeals against chair of the Board decisions referred to chair of the appeals board. Chair of the Board can also order rehearing.
Ombudsman Approach	No	No	No
Dispute Mediation	Not promoted	No	Some adverts modified or removed following notification of complaint to advertiser, agency and media. Board can also act as a mediator or arbitrator of disputes.
Waiver Against Court Action	Yes	No	No
Code	Statement of Principles	Yes	Yes
Instigate Action	No	No	Board can report to the ASA on advertising causing it concern.

III.7 Jurisdiction of New Zealand Media Regulation

The Press Council is charged with:

1. Consideration of complaints about the conduct of the Press and of others in relation to the Press;
2. Promotion of freedom of speech and freedom of the Press;
3. Maintenance of the highest professional standards by the Press.

It applies directly to those publications the owners of which subscribe financially to the Press Council. Subscribing organisations include producers of the daily papers, the New Zealand Community Newspapers' Association, the Magazine Publishers' Association ("MPA") and the journalists' union ("EPMU"). The Press Council will adjudicate complaints about non-subscribing publications as well, at its discretion. It also considers complaints about the websites of subscribing publications.

In our study of the Press Council, many persons consulted raised the issue of the separate treatment of the print and broadcast media. A number of these persons volunteered that there is now genuine convergence among hitherto separate media, and that this phenomenon will increase in the future. Examples were given of newspaper and television companies with websites that contain video clips, radio broadcast clips as well as the written word.¹⁸ Broadcasts of written work, movies, and real time picture news occur over the internet. Others pointed out that any one journalist may well, in the course of a day, present on live television, make a radio broadcast and produce copy for print publication. Thus, the activities of broadcast and print organisations and their professional employees indicate that the different forms of media are intertwined. Furthermore, the key sources of complaint fall under the general common rubrics of adherence to professional journalistic standards and societal norms. Any distinction among criteria for complaint on grounds of media type would seem moot, although, arguably, there may be distinctions drawn given the nature of the technology.¹⁹ It was submitted that the jurisdiction of the BSA is now arbitrary in that, for example, the distinction between broadcast and other videos rests on the way they are viewed or displayed.²⁰

Convergence of media is affecting the nature of publication rendering it more difficult for traditional regulation by any organisation: government or private. Blog sites are easily established by private parties of all sorts. They are prevalent both without traditional publications and within web-based newspapers' publications. Blog sites can be set up at very low cost and at virtually any location with access to the internet.²¹

The issue of inducing or requiring participation in media regulatory regimes is also a factor to consider when assessing the form of media regulation. The scope is too broad to give the issue due coverage here, but an important point would seem to be that it is the same for almost all media. It is true that broadcast licences may contain clauses that require the holder to participate in a regulatory

¹⁸ There also exist organisations that specialise in website delivery e.g. Scoop (at www.scoop.co.nz). Website delivery enables print media to be available and continuously updated in real time, and thereby compete with traditional broadcast services.

¹⁹ For example, broadcast limited to certain times of the day; however, with present technology this has lost its distinctiveness.

²⁰ As the BSA's jurisdiction is statutory, in comparison to self-regulation, it requires precise definition and Government action in making changes.

²¹ This discussion of regulation presumes that activity prohibited by statute – such as New Zealand's censorship under the Films, Videos, and Publications Classification Act 1993 and its subsequent amendments – is managed as now by means separate from the regulatory bodies represented by the Press Council, BSA and the ASA.

regime. But in a modern economy, many such license holders are wholesalers for media content that is created in a wide variety of ways and locations by unlicensed persons and entities. Broadcast and print dissemination via fixed-wire and wireless internet²² by subscribers is increasingly common. Furthermore, the boundaries of broadcast and print messages are equally ill-defined since they can arise in ways that do not use media wholesalers. Transport operators' print and voice messages to the travelling public, for example, may contain material offensive to some. There is thus a continuum of sources of offence not distinguished by broadcast, print or wholesale licenses to convey material; and seemingly, no technical reason that favours statute over self-regulation. Enquiry into this issue would be worthwhile.

This convergence, reduction in cost and easy re-location pose significant difficulties for regulation of any medium and all media. The ease of entry, exit and re-location suggest that it will be difficult for New Zealand to enforce professional standards and norms – such as the respect of privacy; and for a New Zealand regulatory body – whether government or industry – to obtain commitment to any regulatory regime from all those disseminating material in the internet. In the case of government regulation, even if there were technological ways of enforcing commitment by licensees to a regulatory regime, implementation of this approach has the real danger of being at odds with the free flow of information that has become known as the freedom of the press and that is critically important in a democracy. This is the position adopted by the UK House of Commons Media and Sport Committee in its report *New Media and the Creative Industries, Fifth Report of Session 2006–07*, where it stated:

..attempts by the European Union to apply the same regulations for non-linear services as presently apply to linear broadcasting are misguided and doomed to fail. We remain convinced that self-regulation by the industry and consumers offers a more realistic and practical approach. (p.4).

The regulatory solution to the present convergence of media and the implications of new communications technologies is to induce the take-up of a code of practice applicable to all media – a code that effectively signals to consumers the qualities and standards it represents.²³ The non-regulatory alternative is to argue that such is the ubiquity of the internet, the low cost of entry, exit and relocation and the ability for affected parties to retaliate via media is now so feasible that the social costs of regulation exceed the social benefits. The future is very uncertain in this area, but it would seem likely that some regulation will be useful for the foreseeable future, if only to pre-empt government action that may excessively restrict open communication.²⁴

In short, there is genuine media convergence and the issues of regulation are the same for all media. Jurisdictional differences between the printed and broadcast media are now arbitrary. Before considering the implications of this conclusion for the Press Council, it is useful to survey other countries' approaches. The Press Council survey is reported in Appendix V. While the survey focuses on press councils, other related information is provided.

²² Including mobile phones.

²³ The Australian Press Council is suggesting this approach for web based printed media. It hopes that the reputational effect of such a code will induce web-based publications to commit to it: the starting point being the websites of previously traditional publications that subscribe to the Council. Some (for example, Nagler, Mathew G., "Understanding the Internet's Relevance to Media Ownership Policy: a Model of Too Many Choices" *The B.E. Journal of Economic Policy Analysis & Policy*, 7(1), 2007, Available at: <http://www.bepress.com/bejeap/vol7/iss1/art29>. argue that reputation may well have the effect of screening out alternative providers on the internet.

²⁴ The implications of multimedia issues for media regulation are discussed by Gavin Ellis, "Different Strokes for Different Folks" *Pacific Journalism Review*, 11(2), 2005, 63-83.

III.8 Regulation of (Print) Media Worldwide

In this section we place the structure and functions of the New Zealand Press Council in the international context of media regulation, particularly as it relates to press councils.

8.1 *Self or Government Regulation*

Press councils are found in approximately 87 countries. They are designed to provide a complaints resolution service for the public to ensure that newspapers and, in some countries, the broadcast media adhere to good journalistic practice. In many countries studied, the establishment of a press council followed government control of the press or a threat of government regulation. A press council is set up by statute, or otherwise controlled by the government, in only 14% of the press councils for which there is information.²⁵ In these, control is exercised over levels that include: a) funding – for example, the German Press Council receives approximately 30% of its funding from the government, but it is not a statutory body; b) power of appointment – for example, the Indian Government controls the appointment process to the Indian Press Council; and c) types of appointees – some press councils have government or parliamentary representatives on the council itself. Statutory councils are often set up with some independence from the Government, like the BSA which is a Crown entity. In some – for example, Sweden – freedom of speech is specified in legislation and implemented by an industry-funded ombudsman and press council.

8.2 *Freedom of the Press*

Some 77% of press councils are charged with promulgating the concept of a free press, not withstanding their adjudicative role on complaints about the media. This role may seem to lay the basis of a conflict in the roles of press councils. The conflict is significantly mitigated in the councils that we have studied more extensively – e.g. the APC – by its interpretation of the words “the promotion of a free press”. This interpretation is not to proffer unfettered support for publications: instead it is to promulgate professional standards of journalism and to monitor, analyse and report on developments in the industry, court decisions and legislation that affect the ability of media to produce a free flow of information when they act responsibly.

This emphasis is reflected in the important role that journalist organisations have played in many press councils worldwide. Their involvement has been typically to link the principles of press councils to codes of professional journalistic practice.

The New Zealand and Australian Press Councils have in times past commented critically on media ownership aggregation, on pending legislation, and implications of court judgments on the responsible free flow of information. These bodies develop a deeper knowledge of the issues by their consideration of complaints before them, and through the knowledge of constituent members’ expertise in journalistic processes. Press councils thus contribute constructively to public consideration of freedom of the press issues as they relate to socially acceptable journalistic practice, particularly where their panel membership has a preponderance of public members – selected widely – with a range of expertise derived from journalists with various levels of responsibility. This structure lays the basis for a constructive contribution to consideration of freedom of the press issues, as well as to objective adjudications.

²⁵ The 14 % include: Denmark, Egypt, India, Ghana, Indonesia, Lithuania, Nepal, Nigeria, Portugal, and South Korea.

8.3 Panel Characteristics

The press council survey suggests that press councils have the characteristic of relatively large panel membership. Some 41% have membership that is at least the size (11 members) of the New Zealand Press Council. Some 34% of these Councils have panels where owners and journalists, appointed as of right, are out-numbered by public members. Public membership is a strength of press councils in that consideration of complaints often involves judgment of journalistic actions against social mores; who better to make such judgment than journalistic peers and members of the public? This is particularly the case where the selection of members is by a process not easily susceptible to interest-group capture. Such a process will enhance effective adjudication, and the ability of press councils to constructively comment on and contribute to protection of freedom of the press.

8.4 Journalist Organisations

Journalist organisations have a funding and participation role in very many press councils. The presence of journalists in press council activity is natural. Particularly in today's economy, where many specialist publication tasks have been removed by advancing publication technology, journalists have roles that include management, information-gathering and copy-preparation. Journalists are typically objects of complaints about the media and are involved in managing complaints for the publications which employ them. Thus, they have a direct interest in freedom of the press issues and a vested interest, along with the owners, in the acceptable performance of the media.

This dominance of journalists in the media industry is reflected in the codes used by the press councils, which in many instances are viewed as a codification of desirable professional journalistic practice. It is also reflected in non-governmental funding. Worldwide, self-regulatory press councils are funded by media owners, by journalist organisations and by other sources, such as corporate donations. Although the prime source of funding is typically the publication owners, there are at least two press councils – those of Iceland and Switzerland – funded solely by journalist organisations.

The presence of persons on press councils from print media organisations means the skills, knowledge and experience of appropriate persons will be used to advantage on adjudicative boards. Self-regulation improves the accountability of funders and enables them to have some influence on appointments, albeit distant, depending upon the selection processes. The right for the media to appoint panel members is justified on the ground that journalistic conduct is often at the centre of press council considerations.

8.5 Principles or Codes of Practice

The vast majority of press councils consider complaints under a code of practice rather than relying on general principles. While the distinction between a “code” and “principles” in the survey is not as precise as would be desirable, the survey does suggest that, worldwide, 82% operate under a code, whereas 8% rely on principles. The presence of a code gives complainants a framework for assessing whether their complaint will be successful; and it provides a framework for press council decisions that promote consistent adjudications over time. Nevertheless, media regulatory institutions are called upon to adjudicate upon codes that include such imprecise statements as “the observance of good taste and decency”²⁶ – something which requires a judgment about social norms and acceptability. Such an expression is open to wide interpretation even when listed in a code, and might be better regarded as a

²⁶ The BSA radio code includes this stricture (at www.bsa.govt.nz/codesstandards-radio.php).

statement of broad principle. Such judgements are a particularly distinctive feature of media complaints bodies. They are best adjudicated by a panel including a majority of members drawn from the public.

Mention has already been made of journalist professional codes being linked to the codes of press councils. This is a natural outcome given the presence of journalists throughout the activity of publication. However, we were informed that a number of publications also promulgate their own codes of journalistic practice for their employees and the EPMU has a code of conduct for journalists written into its rules.

8.6 Jurisdiction

Many press councils explicitly provide that their jurisdiction includes websites of the print media being regulated. Some 63% of press councils have a jurisdiction that incorporates print and broadcast media. The countries that have this broader jurisdiction include Algeria, Belgium, Benin, Botswana, Bulgaria, Burkina Faso, Spain (Cataluna), Canada (Québec) Chile, Cyprus, Denmark, Estonia, Fiji, Finland, Ghana, Iceland, Israel, Italy, Ivory Coast, Kenya, Lithuania, Luxemburg, Macedonia, Malta, Nepal, Netherlands, Norway, Papua New Guinea, Portugal, Russia, Senegal, South Korea, Switzerland, Taiwan, Tanzania, Turkey and USA (States of Washington, Minnesota and Hawaii). In a modern economy, combining print and broadcast media is worthy of consideration. Plainly, these results show that in many diverse countries, broadcast and print media can be self-regulated by the same organisation.

Persons interviewed in this Review indicated that the New Zealand situation, whereby broadcast media are regulated by the statutorily-based BSA is a vestige of the past. Regulation of broadcasting standards followed the development and regulation, of broadcast media by the state for various reasons that included technical issues such as management of the spectrum. There seems now no reason why technical issues should predetermine the statutory regulation of broadcast standards. This is particularly the case given the importance of the constitutional role of an open, free media and the substantial media ownership by the state in New Zealand. The BSA is solely owned by the State which is itself a substantial provider of broadcasting services through State-owned radio and television. This is not ideal regulatory practice. It differs materially from the operation of press councils that have a mix of alternative providers²⁷ and members selected from the public at large. Whether or not the current broadcasting regulatory arrangement in New Zealand is working effectively at present is beyond our brief to consider. Nevertheless, the convergence of media renders consideration of the convergence and form of regulation of media an important current issue for New Zealand.

The jurisdiction situation is signalled by the appearance of the Media Freedom Committee (“MFC”) which is a committee of the Commonwealth Press Union (“CPU”) (New Zealand Section). The CPU is a Commonwealth-wide body representing the interests of newspaper editors and publishers in press freedom matters. The MFC includes representatives of major radio and television networks. It is charged with monitoring political developments, making submissions and representations and circulating public statements.²⁸ The combination of media interests represented on, the MFC is indicative of the common regulatory concerns of all forms of media. The existence of

²⁷ The alternative providers are the various participating print media. If the broadcast media were to also be members of the Press Council the diversity of membership would be significantly increased. As with joint ventures, in general, among otherwise competing entities, this diversity would strengthen its independence.

²⁸ See www.nzpa-online.co.nz/var/cm/cm-commonwealth-press-union.php

the MFC does not affect the recommendation we make that the Press Council should have an analysis and publication role in conduct of media, and media freedom, issues. The Press Council will be more independent of industry ownership.

Advertising utilises all media. Why does its regulation have a distinctive place relative to broadcasting and print media regulation? The self-regulation of advertising is an example of the State explicitly choosing self-regulation when it excluded advertising from the jurisdiction of the BSA. While the originating factors of the different regulatory regimes is not a central issue for this Review, advertising is a retail activity that utilises the wholesale activity of print and broadcast media. If so, the ASA might be a regulatory model for the regulation of converged media. While this lies outside the Review, early in-depth consideration of this matter is suggested by the state of the media and comments we received from submitters.

8.7 The Adjudication Process and Penalties

In other press councils, the adjudication process commonly admits a mediation option. While the details are not precise enough to reveal the forms of mediation, 63% of press councils claim they make it available in their complaints process. It means that these press councils have processes for dispute resolution as opposed to dispute adjudication. The degree of formality almost certainly varies from informal facilitation or conciliation to a more formal structure of mediation conducted by a trained mediator. The APC, for example, uses both approaches with the Chief Executive informally conciliating at the outset of a complaint in some cases, but in other cases offering the mediation services of APC staff or a Council member. Such mediators have undergone mediation training. Sweden has a “gate-keeper” for its press council in the form of an ombudsman.

The emphasis on mediation is indicative of the sort of complaints received by press councils. There are few complaints. According to the survey of the public which we conducted, very few individuals in the last five years had complained to a media organisation (28.4%) or the Press Council (12.1%), or taken legal action against a media organisation (2.0%).²⁹ Few of these complaints carried a probability of action for damages – only one or two a year against metropolitan newspapers, according to interviewees. Many complaints are defused by the direct response from the publication. The routine publication of errors and omissions by *The New Zealand Herald*, for example, has apparently reduced the incidence of complaints taken beyond the paper. It is generally the case that complaints taken to the Press Council lie between those that are readily dealt with by direct negotiation – which varies by publication and complainant – and, more rarely, potential defamation action. The complainant survey results discussed in Section VI indicates that complainants are generally seeking a public retraction and an apology.

The ability to resolve disputes, as well as to mediate or conciliate, resonates with the sorts of penalties that press councils impose worldwide. These are, almost invariably, publication of any finding by the adjudicative body that the publication was in the wrong. Although our review of the Press Council in many cases revealed no information on penalty, of those that did provide information, 86% have this penalty only. Many complaints seek to have the record publicly “put right”; rather than pursue damages (survey of complainants reported in Section IV). Some press councils do impose other

²⁹ The survey is reported in Appendix V where the expected self-selection of respondents is noted. The proportions were report here are higher than we would anticipate for the population as a whole.

penalties – for example, the Statutory Press Council of Nepal provides penalties for journalists; the Press Council of Sweden charges costs on the basis of its adjudications.

Some press councils require complainants to sign a waiver of their right of legal action against the publication, no matter what the outcome of the adjudication. Some 56% of the press councils that responded to this question do not require a waiver. In New Zealand the Press Council requires a waiver if, in its judgment, there is the potentiality of legal action. According to the complainant survey of this Review (Appendix IV), 59% of complainants did not sign a waiver. The APC also requires the signing of a waiver. Information provided from both countries questioned the legal sustainability of the waiver. Nevertheless, lawyers whose practice in the area of defamation is significant indicated that the waiver requirement was an impediment to the use of the New Zealand Press Council. We address this issue in our recommendations discussed in Section VII.

Neither the New Zealand nor Australian Press Councils initiate their own investigations or lay complaints, although the New Zealand Press Council did so in its early days.³⁰ Worldwide, the percentage that can take such action is high: of the order of 70 %. The cost of laying a complaint to a press council is minimal. Complaints can be laid about any eligible matter, even by third parties. Thus, the rationale for a body “representing the public” in pursuing complaints is not strong in the case of press councils.

Further, since the complaints often involve social norms, having a proactive press council raises the undesirable possibility of advocacy of norms. However, there may be particular narrower areas, which calls for a proactive approach. For example, where the Press Council has researched and has publicly espoused a view; or where those directly affected may not be in a position to complain; or where a timely consideration of a seemingly clear breach of the Press Council’s Principles. We consider that timely adjudication, active and public promotion of its presence, a meaningful Code of Practice and a full record of its decisions, should render unnecessary the ability for the Press Council to activate complaints of its own accord.

³⁰ See the history of the Press Council in Section IV of this report.

IV

History of the Press Council

IV.1 Introduction

In the section we set out the history of the New Zealand Press Council. We felt it important to consider the history of the organisation under review in order to make recommendations for its future. In some areas, we recommend that the Press Council should return to activities in which it has engaged in the past.

There is limited writing on the history of the Press Council. It produced a history following its ten-year anniversary in 1982, written by Stuart Perry, then a Press Council member. More recent work includes two Masters papers written by students of Canterbury University. We used these sources to supplement the Press Council's own annual reports which record the Council's activities for each year following its inception in 1972.

IV.2 Demand for Press Regulation

Demand for press regulation in New Zealand followed international trends. The Newspaper Proprietors' Association, later to become the NPA and the New Zealand Journalists' Association ("NZJA"), which was to become the New Zealand Journalists' Union ("NZJU") and is now part of the EPMU, responded to public pressure and the threat of statutory intervention.

The earliest demands for press regulation of some kind in New Zealand followed the first of successive Royal Commissions concerned with the press, convened in the United Kingdom in 1947 in an "attempt to inspire internal reform of the press".³² The Royal Commission kindled political interest in New Zealand with the Prime Minister commenting in 1947:³³

It cannot in any fair or understandable sense be confined to the right of the proprietors of newspapers to publish whatever matter they may decide should be published, but must include the acceptance and discharge by them of the high responsibility of ensuring that there is a fair selection of news and a fair representation of views in their columns.

This led to calls for a self-regulatory body for the press in New Zealand. In 1949 Alan Mulgan, a journalism lecturer, called for the formation of an "Editor" Association with a committee to which the public could direct complaints against newspapers.³⁴

³² Nadia Elsaka "Beyond Consensus?: New Zealand Journalists and the Appeal of 'Professionalism' as a Model for Occupational Reform" PhD Thesis, University of Canterbury 256

³³ *The New Zealand Journalist* (15 September 1947) 1. Quoted in Elsaka, above, 257.

³⁴ Quoted in Elsaka, above, 262-3.

The Labour Government which left office in 1949 decided against holding an inquiry into the press following representations from the NPA. But, the NZJA was supportive of such an inquiry because allegations of suppression, distortion and falsification often fell against journalists.³⁵ The subsequent National Government did not commence an inquiry.

Public demand for some form of press regulation arose again in the mid-1960s. It is unclear from where this demand arose. Bertrand comments that the 1960s was a time in which there was considerable international interest in the concept of a press council, from bodies such as the Council of Europe, UNESCO and the International Press Institute.³⁶ This may have increased public awareness and demand in New Zealand. The Ombudsman Act was passed in the 1960s leading the New Zealand public to expect increased transparency from Government. Elsaka suggests that this Act precipitated increased transparency in the private sector.³⁷

The demand for regulation was targeted at the practices of publications that were not members of the NPA – primarily weekly newspapers.³⁸ The comments of Miss Alexia J Page “crystallised” the dissatisfaction following an incident in which she felt she had been misrepresented in the press and wrote in the *New Zealand Post Primary Teachers’ Journal*:³⁹

... the logical alternative to a controlled press is a press that controls itself. New Zealand needs a press council – a body that will take full professional responsibility, including disciplinary action where necessary – and no paper should be allowed to publish that is not affiliated with that council.

Questions to the Prime Minister were asked in Parliament following this article. One suggested, that, if the Government indicated that a press council was desirable, it might encourage the press to set one up. It was rumoured that the Labour Party was planning to include in its manifesto for the 1969 general election a commitment to setting up a statutory press council.⁴⁰

The United Nations Association of New Zealand and the National Council of Women both advocated the creation of a press council in New Zealand.

IV.3 Establishment of the Press Council

The political interest in the concept of a press council led the NPA to seek information from the Newspaper Society in London about the creation of the British Press Council following comments from the Prime Minister of the day. The NZJA also wanted increased regulation (or at least guidance) of the press as evidenced by its code of ethics. The NZJA also began work on the possibility of a voluntary press council.

The NZJA established a Code of Ethics in 1967. This code was not adopted by the NPA because

³⁵ Elsaka, above, 257.

³⁶ Claude-Jean Bertrand “The Case for Press Councils” (1990) 18 *Intermedia*.

³⁷ Elsaka, above, 261

³⁸ Stuart Perry “The New Zealand Press Council: Establishment and Early Years 1972-1982” (New Zealand Press Council, 1982) 5.

³⁹ Alexia J Paige On being in Truth; the need for a press council, in *NZ Post Primary Teachers’ Journal* vol 13(6) J1 1966. Quoted from Stuart Perry “The New Zealand Press Council: Establishment and Early Years 1972-1982” (New Zealand Press Council, 1982) 5.

⁴⁰ Elsaka, above, 260.

it “cut across newspaper proprietors’ prerogatives”.⁴¹ The Code of Ethics had limited impact as a self-regulatory instrument because the NZJA, and later the NZJU, could only rule on breaches of the code by union members, and most editors, who were in the best position to control the ethics of a newspaper, were not members of a union. The Code of Ethics continued through the changes in the NZJA’s membership and reincarnations, and now forms part of the EPMU’s Rules.

However, these endeavours were disconnected until Ian Templeton from the NZJA announced that the NZJA was exploring the possibility of setting up a press council and issued this warning:⁴²

It is known that some influential men in the Labour Party plan to put forward legislation establishing a press council if their party becomes the government in 1969.

Unlike the Press Council, which was established by the industry and not by statute in Britain, the New Zealand version will be set up under legislation, according to those privy to Labour’s plans.

It will make life exceedingly difficult for the owners of newspapers, and probably also for journalists.

On 24 September 1968, Mr H N Blundell, the President of the NPA, suggested to newspaper editors that discussions with journalists, who were already actively investigating the press council concept, be held. Mr Blundell also “enlisted” the support of Sir Thaddeus McCarthy, a member of the Court of Appeal, who was in London at the time, to investigate the background and operation of the British Press Council.⁴³

Sir Thaddeus’ investigations led him to write to Hon JR Hanan, the Minister of Justice:⁴⁴

In the selection of the Council, the best people should be obtained. Above all, semi-retired newspaper magnates should be firmly rejected, and the aim should be to secure as high a proportion of working journalists as possible. The problems coming before the Council are, in the main, problems of journalists, and need to be faced by men with requisite knowledge of the craft. The British system of representation on the Council is regional rather than separated between management and staff, and is conceivably different from that proposed in New Zealand... But in England, even when the representation is on behalf of management, an attempt is made to secure a representative who is still a working journalist.

The Chairman should be a lawyer. The Council must publish its decisions if it is to be effective. It has no special protection in the law of defamation. Therefore, its written judgments have to be prepared with legal skill and with knowledge of the intricacies of the law of libel. Besides, a lawyer should have a more developed ability to hold the balance between competing equities.

I have said that the best men available should be obtained. These will inevitably be the busiest men. Therefore meetings should be short. In England the average is only half a day. To achieve this a highly qualified secretary is necessary. Complaints should be required in writing and in detail. They should be investigated initially by the secretary. It will be found that he is able to solve quite a few by explanation and pacification. The remainder should be reduced by him to précis form and confined to the important details. By these means the meeting can be brought quickly to the real point.

⁴¹ Elsaka, above, 259.

⁴² Evening Post 21 September 1968. Referred to in Stuart Perry “The New Zealand Press Council: Establishment and Early Years 1972-1982” (New Zealand Press Council, 1982) 7.

⁴³ Stuart Perry “The New Zealand Press Council: Establishment and Early Years 1972-1982” (New Zealand Press Council, 1982) 8.

⁴⁴ Referred to in Stuart Perry “The New Zealand Press Council: Establishment and Early Years 1972-1982” (New Zealand Press Council, 1982) 9. It is unclear why McCarthy was writing to the Minister of Justice.

Most complaints are dealt with on the papers. But if a journalist requires an oral hearing involving confrontation with his accusers, he is given one. In this case both sides are heard. As far as I can recollect, the English practice is not to allow counsel to appear...

There can it seems be little doubt that the Press Council has been a success in Great Britain. It has given the public a body to which they can complain of unethical behaviour, and at the same time has provided the Journalists' profession with a disciplinary tribunal of competent, understanding men, who, whilst they do not hesitate to castigate when that is necessary, yet equally strongly uphold the principles and rights of professional men. I do not doubt that as a result standards have been improved; one reads far less of public indignation than one did previously. I believe, too, that the establishment of a similar body in New Zealand would be beneficial.

The success of the British Press Council is to be found in the self-discipline imposed by British newspapers themselves by their adoption of the Council's authority, more particularly by their acceptance of a commitment to accept and print adverse comment about themselves. Lord Devlin has referred to this as the 'keystone' of the concept, and has said that he does not favour giving the Council powers more formidable and punitive than its sole current authority to issue rulings and condemnations...

...

There has been recently some discussion in England whether the jurisdiction of the Council should be extended to radio and television. There is, so I understand, strong opposition to this from the Press on the ground that while the Council works successful within its own area, it is doubtful whether it could satisfactorily embrace others. My own tentative view deriving from my discussions in England is that in this country we should likewise confine the proposed activities, certainly at the beginning.

...

I envisage a press council, such as is suggested, as a convenient body to which the Government could turn for advice if that be desired from an organisation of a working professional character; one more broadly representative of the views of employers and employees within the industry than the Newspaper Proprietors' Association or the Union would seem to be.

...

It was agreed by a working group of members of the NPA and NZJA that the Press Council would be made up of four members:

1. a retired judge of the Supreme Court (now High Court) as chairman;
2. one representative of the NPA;
3. one representative of the NZJU; and
4. one representative of the public appointed by the chairman with the approval of the other two members.

A joint statement that a press council was to be set up following finalisation of its rules was made by the working group in September 1971. The Deputy Prime Minister gave the Government's blessing.⁴⁵ However, it was not until July 1973 that the Minister of Justice in the Labour Government formally assured the industry that Labour had no plans to create a statutory press council.⁴⁶ In the words of Sir

⁴⁵ Stuart Perry "The New Zealand Press Council: Establishment and Early Years 1972-1982" (New Zealand Press Council, 1982) 13.

⁴⁶ Elsaka, above, 269.

John Jeffries: “*It was self-regulation with a wary eye on the real possibility of statutory intervention*”.⁴⁷ The Press Council’s “articles of constitution” were signed on 20 September 1972.

Under the 1972 Constitution, the Chairman and the two industry members then appointed one representative of the public. There was also provision for alternates. The member and alternates appointed by NPA were to be either a full-time director of a daily newspaper with editorial experience or a full-time editorial employee on the staff of a daily newspaper. The Union member was to be a financial member of the Union, currently employed as a full-time member on the staff of a daily newspaper.

The Press Council was required by the 1972 Constitution to meet at least twice a year and at other times at the Chairman’s request. There was nothing about a preponderance of lay members, although the Chairman was given a casting vote. Effectively, that provision would give the non-journalist members a majority in the event of an equality of votes.

The cost of the Press Council was to be met by annual subscriptions payable by the constituent bodies. Members of the Press Council were entitled to traveling expenses and subsistence allowances. The Press Council was entitled to dissolve itself at any time, with the prior consent of the constituent bodies.

IV.4 Rt Hon Sir Alfred North as Chairman

The Rt Hon Sir Alfred North was the first chairman of the Press Council having recently retired as President of the Court of Appeal. His years as Chairman saw the Press Council develop into a credible institution with a difficult task:

A press council, as has already been said, has the difficult task of trying to maintain “the delicate balance of forces that is needed to make standards effective without being suppressive”. Success in this field, we think, can only come from experience and not from application of a formula settled in advance.⁴⁸

The independence of the Press Council, which was later to be questioned, was established from its beginning with public members being able to out-vote industry representatives with the assistance of the chairman’s casting vote:

The Constitution] which closely follows the revised British articles – makes provision for a chairman unconnected with the industry and for the appointment of a person of standing to represent the point of view if the man in the street. Indeed, with the aid of the chairman’s casting vote, in a moment of crisis, the chairman and the representative of the public could outvote the representatives of the industry and the journalists.

As I had occasion to say quite recently, there is thus no room for any contention that the Council is weighted in favour of newspapers. It is not. Moreover, I can say with complete sincerity that the calibre of the members of the Council and its executive secretary has ensured that the complaints which have come before it are examined objectively and with great care.⁴⁹

The Press Council’s independence from the press was important for its public perception, particularly given the recent threat to provide a statutory body, which the Press Council was established to avoid.

⁴⁷ Sir John Jeffries (2002), “Establishing a Code of Ethics”, presented to the Asia-Pacific Regional Press Freedom seminar.

⁴⁸ Annual Report 1972-3, 1-2.

⁴⁹ Annual Report 1972-3, 1-2.

However, there is no indication of intrinsic conflict between the independent members and industry representatives.

The Press Council received over 300 complaints or inquiries during 1972 and 1973. Most of these complaints were about sex and nudity. As a result of the number of complaints on this issue, the Press Council released a pamphlet setting out general principles which it thought newspapers should consider when dealing with sex and nudity:⁵⁰

In view of the number of complaints [on sex and nudity] – ... – the Council decided in May, 1973, to publish a pamphlet “An appraisal of Sex, Nudity and Related Topics in the New Zealand Press”. In this pamphlet the Council not only examined certain specific complaints that had been referred to it but also set out general principles which it considered should be followed by newspapers in the treatment of sex and nudity. Copies of this pamphlet were sent to all newspaper offices and there have been many requests for copies, including requests from overseas, from libraries and individuals.

It is interesting to note that the Press Council at this time (and for most of its history) did not consider that a Code of Practice had value, despite the Press Council having issued a set of guidelines on a particular issue. It is unclear how effective these guidelines were in improving the standards of newspapers with regard to sex and nudity, but it would seem that the Press Council used the principles in this pamphlet when considering complaints on this topic.

In its first year, the Press Council dealt with two complaints by newspapers against members of the public and their treatment of the Press. The first was a complaint by the Nelson Journalists’ Union against the Mayor of Nelson who had accused *Nelson Mail* reporters of “unfair reporting of certain City Council proceedings”.⁵¹ The second complaint was laid by journalists from the *Truth* about a statement from the Mayor of Masterton alleging that the journalists had failed to disclose that they were *Truth* journalists when conducting an interview. The Mayor’s statement was published in the *Wairarapa Times-Age*. This complaint was also upheld, but a further complaint against the *Wairarapa Times-Age* for not correcting the Mayor’s statement was not.⁵² In both cases, the Mayors refused to accept the Press Council’s jurisdiction and did not provide any information or make submissions to the Press Council. It is difficult for us to see how the Press Council gave itself power to consider complaints against persons not associated with the press. Presumably, the reason was object (c) of the 1972 Constitution, which dealt with “conduct of persons and organisations towards the Press”.

In 1973, the NZJA complained that some newspapers’ publication of the Press Council’s decisions lacked prominence, leading to the requirement that decisions be published with “due prominence”. The NZJA also asked whether the Press Council should have powers of subpoena in 1973. The Press Council replied by saying that it did not need statutory powers and would be more effective if it remained industry-based.⁵³

The Press Council received further complaints on sex and nudity in 1975. It received its first criticism about how it dealt with these complaints from one member newspaper during this year. It is described in the Chairman’s foreword to the 1975 Annual Report:⁵⁴

The only serious criticism the Council has received came from the editor of one of the

⁵⁰ Annual Report 1972-3, 4

⁵¹ Annual Report 1972-3, 8. Complaint 16.

⁵² Annual Report 1972-3, 9-10. Complaint 12.

⁵³ Elsaka, above, 269.

⁵⁴ Annual Report 1975 page 3.

weekly newspapers. He described as “ill-considered and unfair” the way the Council had dealt with a complaint by the National Council of Women that the treatment of sex and related topics by some weekly newspapers showed undesirable trends harmful, the women felt, to the best interests of young people into whose homes such papers regularly came.

“Unfair” it may have been in the eyes of some, but “ill-considered” it certainly was not, for the Council set up a sub-committee to study the numerous clippings sent to it by the women’s organisation, in the light of its 1973 publication, “An Appraisal of Sex, Nudity and Related Topics in the New Zealand Press.” The sub-committee’s report was then circulated to all the remaining members of the Council and received their approval.

The National Council of Women did not lay a specific complaint against any particular newspaper, but talked of general trends that it had observed in the Press. Nonetheless the Press Council considered the complaint using a committee structure for the first time in its history. The Press Council commented in its adjudication that it “*could only deal with specific cases and could not assume functions properly assigned to the Courts or other authorities*”.⁵⁵

The Press Council made statements on three other occasions in order to “maintain the character of the New Zealand press in accordance with the highest professional standards”.⁵⁶

First, the appropriateness of publicity in the case of persons recently released from prison, particularly in regard to persons who had been sentenced to life imprisonment for the crime of murder; second, the propriety of a newspaper accepting for publication an article by an ex-prisoner alleging that it was not difficult to find in a prison a “bent screw” ready to perform small services for a consideration; and, finally, when the Minister of Justice, Dr. Finlay, announced his intention to introduce legislation forbidding the names of accused persons unless and until they were convicted of the crime with which they were charged, the Council expressed its great concern that Parliament should think it right “in its laudable efforts to protect an alleged offender or his relatives” to contemplate interfering “with a system of justice which in all democratic countries relies not only on justice being done but also on being seen to be done. ...

The Press Council’s Annual Report for the year describes a paper which was sent to newspapers throughout the country about publicity and the offender as “comprehensive”.⁵⁷ Consideration was also given to court reporting at the request of the Chief Justice, the Rt Hon Sir Richard Wild. The Chief Justice’s letter to the Press Council was sent to newspaper editors and also published in the *New Zealand Journalist*, the official journal of the New Zealand Journalists’ Union.

The Press Council also received a complaint about a community newspaper, which was not a member of the NPA. The Press Council refused jurisdiction over this complaint, commenting that it could only hear complaints against members of the NPA, despite instituting the complaints about mayors referred to earlier. The New Zealand Community Newspapers’ Association would later become a member of the Press Council in its own right in 1985.

In 1976, the Press Council issued a statement on reports of drug abuse after representations from the Pharmaceutical Society of New Zealand. Again, no specific complaint had been made by the Society, but the Press Council felt obliged to act in the interests of maintaining professional standards.

⁵⁵ Annual Report 1975, page 21.

⁵⁶ Annual Report 1975, page 3.

⁵⁷ Annual Report 1975 page 19.

The Rt Hon Sir Alfred North's last year as Chairman of the Press Council was 1977. In his final foreword he comments on developments in the United Kingdom, in particular the third Royal Commission on the Press:⁵⁸

It is interesting to note that the report of the Royal Commission on the Press in England, which was released in July, 1977, after three years' work and at a cost of some £750,000, has a section dealing with the British Press Council. It proposed tougher powers for the Council and its chairman expressed the view "that the Press Council was charged by some to be more concerned to protect the press than to protect the public." It advocated an independent chairman with an equal number of lay and press representatives.

I do not think this criticism could fairly be directed against the New Zealand Press Council. To begin with, those responsible for drafting the Constitution anticipated the criticism which has been levelled against the British body – namely, that the press representatives formed the majority of members at all times and could ignore the protests of the lay members if so minded. Our Constitution, by contrast, provides for the appointment of an independent chairman and a lay representative of the public so that in a crisis these two, with the aid of the chairman's second, or casting vote, could control the meeting for, while the alternate members are encouraged to attend on all occasions and to express their independent opinions on matters before the Council, they have no vote if their principals are present. Further, as I have recorded in earlier reports, I can unhesitatingly say that the representatives of the press at all times have approached their tasks objectively and with great care.

Nevertheless, it is well to remember that while at present the governments we enjoy in New Zealand accept on the whole the fact that the New Zealand Press is of high quality and makes a real effort to be impartial, in England the position is otherwise...

The Chairman also comments in his foreword that the Press Council's procedure for dealing with complaints had been set out in a printed document called: "Objects of the Press Council and How to Use its Services".

IV.5 Rt Hon Sir Thaddeus McCarthy as Chairman

Sir Thaddeus McCarthy, who had retired as President of the Court of Appeal, became Chairman in 1978. He commented on his belief that the Press Council should do more to promote or oppose legislation and comments on the risks of the Press not supporting the Press Council's self-regulation in his foreword to the 1978 Annual Report:⁵⁹

... I can see the possibility, not only of growth in complaints, but also of a need for [the Council] to concern itself in a more active way in promoting or opposing legislation, especially in such areas as defamation and privacy, and in forestalling attitudes which could imperil its independence. ...

Perhaps more fraught with danger than outside interference could be indiscipline within the media itself. Milton's aphorism of the scribe crying liberty while he meant licence is especially apt today. If the Press loses public confidence through its own excesses its liberty could be thrown away. The Council's most worthwhile endeavour must be to strive to ensure that that does not happen.

⁵⁸ Annual Report 1977 pages 5-6.

⁵⁹ Annual Report 1978, pages 5-6.

Sir Thaddeus repeats his comments on the risk of the Press losing public confidence in his foreword to the Press Council's 1979 Annual Report:⁶⁰

Such reaction to being criticised by a press council is what I have warned could in the future lead to grave loss of independence by the Press. Some newspaper men tend to overlook that they are not always loved or admired and that the public does not uncritically accept the immense contribution of so many newspapers to the maintenance of the free world. However that may be, it is surely incontrovertible that as journalists seek to be accepted and esteemed as professionals, so they should respect, indeed welcome, the modest degree of professional discipline provided by such a body as the New Zealand Press Council – a body created without prejudice to editorial independence by their own organisations. The likely alternatives to a press council of the present style also merit consideration.

Sir Thaddeus previously commented on “*resentment aroused in a few editors*” following a complaint against them being upheld.⁶¹ The Press Council continued to receive complaints relating to good taste throughout this time. The Press Council upheld one complaint about a headline “*Irish Peace Mum Slits Her Throat*” in the *Waikato Times*, describing it in its adjudication as a “most deplorable breach of taste”.⁶²

The Press Council commenced a review of press standards in 1981 after a proposal from one of the Press Council's members.⁶³

In accordance with its policy, the Council during the year devoted considerable attention to its ongoing review of desirable Press standards, based on comprehensive proposals brought forward in the press year by Dr John Robson, a Council member.

Opening discussion at a meeting in June, Dr Robson said he felt that newspapers had often failed to make known sufficiently what their responsibilities were in respect of what constituted news. He said that from time to time newspapers could in a dynamic and imaginative way do much to inform the public of their responsibilities in this matter. If a substantial campaign of education was embarked upon, it would do much to improve public understanding.

In a broad survey, Dr Robson also dealt with several other aspects of Press standards, and further topics were reserved for discussion on future occasions.

Another Press Council member, Stuart Perry, created an index of the Press Council's adjudications and statements in 1981. This was the first time that the adjudications of the Press Council had been thus collated.

The Press Council's tenth anniversary was in 1982. Sir Thaddeus McCarthy commented on the future of the Press Council in his foreword to the Annual Report. In particular, he notes that the Press Council does not have punitive powers and remarks that this makes the Press Council more effective rather than less so:⁶⁴

I expect, too, that the problems the Press Council will have to meet will not be greatly dissimilar in character to the present ones. They may grow in number and importance, but not greatly. So I see no need for major change in its structure. In particular I would oppose the creation of a large Council or a substantial interior administration. Such organisations as the Press Council perform best in New Zealand when they are small,

⁶⁰ Annual Report 1979, page 3.

⁶¹ Annual Report 1979, page 3.

⁶² Annual Report 1980, page 10-11. Complaint 158.

⁶³ Annual Report 1981, page 20-21.

⁶⁴ Annual Report 1982, page 3-4.

rather than fat, in resources and as far as possible informal in action. A large bureaucratic machine would rightly meet with disfavour. While I say this I must concede that there are good arguments for some increase in the representation of the general public. I think it would be an advantage to have two such members instead of one, as at present, with one alternate to serve them both. I think, too, that the fact that we do not have women on the Council is to be regretted.

The absence of punitive powers is frequently seen as weakening the Council. I continue to be against such powers. I believe the Council is more effective without teeth of that kind. All who have served on our Press Council are, as indeed are those from the press councils of the United Kingdom and Australia, resolutely opposed to being given the power to fine, suspend or otherwise act in punishment. ...

The Chairman also comments on the Press Council's role in assessing matters of good taste, and seems to allude to the Press Council as taking a limited role in these matters, in part, to preserve the free press:⁶⁵

One area of the Council's jurisdiction which gives us constant concern and about which I would like to add an observation, is the standards which of taste we should seek to impose. Many in our community would like to see stricter attitudes on our part, specially on sexual matters, but constant care must always be exercised lest we emasculate the ability of the press to discuss frankly in contemporary language, criticise, and attack robustly when attack is called for. The press doubtless has its faults. Its role can lead to an easy descent into vulgarity and disregard of the practices and courtesies which are the marks of a decent national culture. That must be discouraged, indeed prevented when possible. But we do not want a tame press. Its vigilance, its courage, its readiness to challenge the powerful make it increasingly important in the protection of society from the abuses of growing political and bureaucratic powers. To see it sufficiently vital and contemporary to do that, and hold the public's interest and support in the midst of changing attitudes to morals and beliefs, members of the Council have sometimes to pay the price of passing some blemishes which otherwise they might prefer to hold objectionable. It is a fact of life that too often the non-involved see other people's problems as more simple and one-sided than they really are. The Press Council must live with that.

Overall, these passages indicate that the Chairman thought the Press Council should pull its punches to maintain press freedom.

The Press Council continued its review of press standards and of factors influencing press freedom in 1982. As part of this review, the Press Council resolved to collect information on the following:⁶⁶

1. The preservation of the established freedom of the New Zealand press;
2. The likely restriction to the supply of information of public interest and importance;
3. Matters of ownership and control; and
4. Efforts made by politicians to influence unduly, manipulate or intimidate the press.

There is no mention of how or whether the Press Council would use this information. In particular, there is no mention that the information would be put together in a booklet or a seminar. However, the Press Council agreed to provide a speaker to the next conference of newspaper editors, and to seek an "active" role in the proceedings of a conference of the International Press Conference proposed to be held in New Zealand.⁶⁷

⁶⁵ Annual Report 1982, page 4.

⁶⁶ Annual Report 1982, page 20.

⁶⁷ Annual Report (1982) 20.

The Press Council also wrote to the New Zealand Section of the Commonwealth Press Union (“CPU”) giving its views on the possible publication of an information brochure setting out for the public the functions and responsibilities of newspapers.⁶⁸ It is interesting that the Press Council should write to the CPU about this publication since the Press Council had the role of promoting press freedom. It did not seek to publish the document on its own initiative. Perhaps, at this early stage, the Press Council thought that it was to be secondary to the CPU in this area.

In 1983, as suggested by the previous year’s Chairman’s foreword, the number of public representatives on the Press Council was increased by one after the unanimous support of what Sir Thaddeus McCarthy describes as the Press Council’s “three constituent bodies”: the NPA, the NZJU and the Northern Journalists’ Union, which had been contributing funds in a somewhat sporadic manner on behalf of its members since the NZJA had ceased to exist.⁶⁹ Further, the first female member of the Press Council was appointed to fill the post of alternate public member. This member did not have voting rights.

There were a significant number of complaints relating to political misreporting in 1983, the final year of the Muldoon Government. The increasing number of political complaints was a trend that seems to have developed over the previous few years, in contrast to complaints about the “*protection of the privacy or other rights of private citizens as was formerly almost [the Press Council’s] sole concern*”.⁷⁰

The most interesting complaint at this time was by *The Dominion* against the Cabinet which had decided to exclude this newspaper from receiving official Government material. *The Dominion* had published an article on a confidential document of the tripartite long-term wage-fixing committee. The Cabinet considered the publication unethical. The Government accepted the Press Council’s jurisdiction and cooperated with the Press Council in its process.

The Press Council upheld the complaint against the Cabinet and urged it to lift the ban against *The Dominion*, commenting:⁷¹

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

The Press Council also upheld a complaint by the Government that *The Dominion* failed to exercise the standard of care and accuracy required of a newspaper when presenting confidential material.

Some interested parties had called for a general statement condemning the Cabinet’s practice. However, the Press Council refused to comment publicly until it had received a formal complaint and each side had been given an opportunity to comment. This reflects the Press Council’s current practice.

It was, perhaps, this complaint that led the Prime Minister, Mr Muldoon, to criticise the speed

⁶⁸ Annual Report (1982) 20.

⁶⁹ Annual Report (1983) 3.

⁷⁰ Annual Report (1983) 4.

⁷¹ Citing in Annual Report (1983) page 10. Complaint 226.

of the Press Council's process, described in the Press Council's Annual Report for 1983 as follows:⁷²

It has been said, notably by the Prime Minister, that the machinery of the Press Council does not allow for sufficiently urgent action to meet complaint by Government or Opposition against newspapers, relating to issues which are current and deserving of immediate action. I can say that the Council's record of times taken in dealing with complaints is not at all bad, and may be favourably compared with those of normal judicial machinery or of departmental action. Nevertheless, I think there is merit in what the Prime Minister has said, but there are problems in speeding up the process. These arise principally from the facts that the work of the members is largely voluntary, and that they reside in different parts of the country. The Council has normally met only four or five times a year. Obviously, it must meet more often and its resources must be strengthened. This is being attended to.

It is difficult to see any notable change as a result of these comments. The Press Council's funding from the NPA did increase from \$20,000 in 1983 to approximately \$25,000 in 1984 and \$30,000 in 1985. The funding from other bodies remained static.

The Press Council's jurisdiction was widened from January 1985 to include complaints against all members of the Community Newspapers Association ("the CNA"). This development came at the initiative of the CNA and had the support of the Press Council's constituent bodies.⁷³ The CNA would make an annual contribution to the Press Council under this arrangement (currently \$5000; in 1985, \$1000).

During the 1980s, tensions between the NPA and the NZJU were played out in the Press Council. In particular, the issue of commercial sponsorship of the news was called upon to be adjudicated by the Press Council. Complaints against the practice were lodged with the Press Council by the NZJU, or its associated bodies. For example, in 1985 the Nelson chapel of the NZJU complained that the *Nelson Evening Mail* had adopted the practice of publishing draws for sports fixtures under the banner of a local motoring firm.⁷⁴ The Nelson chapel of the NZJU complained again in 1986 about what it saw as sponsorship of sports stories in the *Auckland Star*.⁷⁵ The Press Council did not uphold these complaints. Elsaka comments on this episode that:⁷⁶

Such issues appear to represent something of a double-edged sword for the [Council], both in the past, and for the future. On the one hand, as an 'ethical body' the [Council] is expected to take a stand on unacceptable journalism practice, threats to the independence of news being just one of them... On the other hand, the [Council's] success depends in large measure on the support of industry executives via the NPA, not only in a financial sense but also in terms of their cooperation in the self-regulatory process. The fact that self-regulation is so heavily dependent upon the industry's owners and publishers places self-regulatory bodies themselves in an uneasy position. As Collins and Muroi capture this difficulty: "There is an inverse relationship between the effectiveness and independence of self-regulatory bodies, as their ability to act depends on the consent of regulated firms". If promoting journalistic professionalism can be undermined by the commercial interests of the industry, then what does this suggest about the credibility (and long term sustainability) of self-regulation?

⁷² Annual Report (1983) 4.

⁷³ Annual Report (1984) 31.

⁷⁴ Complaint 259.

⁷⁵ Complaint 305.

⁷⁶ Elsaka, above, 271.

However, another complaint by the Northern Journalists's Union in 1986 about a "wrap around" advertisement for a mayoral candidate, which closely resembled the front page of a tabloid newspaper, was upheld.

Another complaint by the Auckland Combined Unions Information Service in 1986 concerned the general reporting of industrial disputes in newspapers. It was claimed that it was common practice to report industrial disputes in a manner that declared or implied that unions or the workers they represented were responsible for any industrial disruption arising from an industrial dispute. The Auckland Combined Unions Information Service had prepared a background paper on the issue which had been circulated to the newspaper industry. The Press Council declined to consider the complaint because "*while [the Press Council] considered itself empowered to pronounce on a general issue if it saw fit, the Press Council considered it would be manifestly unfair for it to adjudicate on a generalised complaint unless those subject to the complaint had first been given an opportunity to investigate and reply*".⁷⁷ This pronouncement is of interest given that the Press Council had earlier released a publication on the treatment of sex and nudity by the Press.

The Press Council raised concerns over the extent of newspaper concentration for the first time in 1986. The Chairman's foreword to the 1986 Annual Report comments:⁷⁸

... in its obligation to strive to preserve the established freedom of the New Zealand press, it found reason for concern in the swelling tide of absorption, by one means or another, of independent newspapers into the ownership and control of the three companies which dominate the New Zealand newspaper world.

This concern was not new. It had troubled us for some years. As one after another newspaper which throughout our lives had been in independent ownership was absorbed by one of these major groups, we came to accept that if that pattern continued to any further extent, we would have to adopt a public attitude about it.

...

... at the time of writing this, the Council is facing a proposed take-over of the Christchurch Press Company by one of the three dominant New Zealand groups, INL, and has decided on unanimous vote of all members, other than those who happen to be employed by either of the two companies involved and who naturally in those circumstances did not vote, that the Council must express its belief that these consolidations over a period have reached a stage which presents a potential danger to press freedom and in the long run will not be in the interests of our country.

It is not pleasant to have to adopt such a critical attitude when I have had nearly 50 years of association with INL and its predecessors, and when the Council does not see anything more objectionable in this latest purchase than in others which preceded it which have not been criticised by the Council. It is simply because the Council believes that it can be silent no longer, notwithstanding its acceptance of assurances of the present executive of INL that the complete editorial freedom which has been allowed its other acquired newspapers will be extended to *The Press* in Christchurch.

The Council's attitude should not be seen so much as opposition aroused by this particular instance, but rather as a realisation that the cumulative effect of a long line of take-overs or mergers leaves it now no option but to make its position plain. If it did not do this the next step would be a junction of two of the three groups. That, in my view, would have the gravest consequences for journalists, for the reading public and for the good health of our society.

⁷⁷ Annual Report (1986) 13.

⁷⁸ Annual Report (1986) 4-5.

These are very strong statements from a body largely funded by these organisations. The Press Council's statement is also in marked contrast to the approach of the APC to the same issue. The APC was divided on the issue of whether it should issue a public statement on newspaper concentration, and the majority finally voted against doing so. The Australian Journalists' Association cancelled its membership of the APC as a result, and has rejoined only quite recently.

The concern with newspaper ownership continued in 1987 with the Press Council discussing the issue, and what could be done about it, with the Government. It is interesting to note that the Press Council saw this as part of its duty to preserve the established freedom of the Press (ie this duty was now being used against a threat to freedom of the Press from within the industry itself rather than from an outside source, such as the Government). The Press Council's Annual Report for 1987 describes these activities as follows:⁷⁹

In a public statement after the April meeting, the Council expressed disquiet at recent further diminution of independent ownership, "and at the implications this could have for the industry in particular, and for the country as a whole".

The Council noted that one of its principle objects was to preserve the established freedom of the New Zealand press, and its statement said members felt that the growth of multiple ownership fell within the scope of this area of concern.

"The Council decided to convey to the Government its apprehension that current legislation does not adequately protect newspapers against the erosion of press freedom," the statement said.

The Council's concern was later put on record in a letter from the Chairman to the Prime Minister. This letter made clear that the Council saw nothing more objectionable in a recent move toward extended ownership by one newspaper group than in preceding ones. It said, however, that the concentration of ownership had reached a stage which presented considerable potential danger for the future. The Council asked that the Commerce Act 1986 be reviewed to allow the Commerce Commission to consider a wider range of criteria when questions of newspaper ownership were before it.

In his reply, the Prime Minister said the Government intended to review aspects of the Commerce Act 1986 during 1988.

The Commerce Act 1986 was reviewed in 1988, but no provisions specifically limiting the merger or acquisition of newspapers were inserted. In contrast, the United Kingdom has specific provisions dealing with the merger or acquisition of newspapers, which were retained in the Enterprise Act 2002 (UK).

The Rt Hon Sir Thaddeus McCarthy's final year as Chairman of the Press Council was 1987. He comments on the history of Press Council in the Annual Report for 1987, and suggests that a self-regulatory body is more desirable than bureaucratic organisation controlled by the Government of the day:⁸⁰

... At first, editors were suspicious and in some cases overtly antagonistic, fearing over-control and invasions of editorial power and freedoms. But that seems behind us now, and it is generally accepted that the Press, like all other professional callings, must have some form of disciplinary body supervising it. For newspapers a council voluntarily

⁷⁹ Annual Report (1987) 7.

⁸⁰ Annual Report (1987) 5.

established, selected, as ours is, as a result of joint action by the newspaper publishers, the employees and the Council itself, which performs in a low key fashion with little expense, is vastly superior to a bureaucratic expensive organisation whose personnel are selected or influenced by the Government of the day. That would be the obvious alternative to our present form. I do hope that there will be no violent change from what we have, and that the grand work which the members of the Council has contributed over the years since its formation in 1972 will continue to receive the recognition which is its due.

IV.6 Hon Sir Joseph Ongley as Chairman

The interest in newspaper ownership continued in Sir Joseph Ongley's first year of chairmanship in 1988. He commented in his foreword to the Press Council Annual Report for 1988:⁸¹

On a somewhat different plane, it was a matter of increasing concern to note that what Sir Thaddeus McCarthy, the previous Chairman, referred to in his forward to the 1986 report of the Council on the "swelling tide of absorption" of independent newspapers, has not abated. The report which follows deals with this trend in more detail but, for myself, I may say that I find it difficult to see what role the Council can play in countering it other than to support, as it has done, the introduction of appropriate legislation within the framework of the Commerce Act. Separate legislation of a more restrictive nature may be seen as inviting the sort of political intervention in newspaper ownership in New Zealand which many would see as being undesirable.

The Press Council made a further public statement, described in its Annual Report for 1988 as follows:⁸²

In a statement on August 16, Sir Joseph Ongley said recent changes in newspaper ownership gave renewed emphasis to the need to preserve complete editorial freedom for editors, especially editors of newspapers coming within group ownership. His statement followed acquisition by Independent Newspapers Ltd of the *Auckland Star*, the *Daily News* and the *Taranaki Herald*. He said the Council noted that these were transfers from one group ownership to another, and did not constitute further acquisitions to a group of newspapers hitherto independently owned.

Sir Joseph recalled that, in 1987, the Council had expressed concern at INL's take-over of The Press, Christchurch, regretting the disappearance of one more independently-owned opinion-forming source, but had noted and welcomed assurances given publicly that The Press, under INL ownership, would continue to enjoy full editorial independence.

"Our Council acknowledges that these assurances have, to date, been honoured in full, and has no reason to believe that it will not continue to be so. But the Press Council cannot ignore the fact that, with the recent sale of N.Z. News Ltd of three of its newspapers, newspaper ownership is being increasingly concentrated in fewer hands. We therefore think it timely to emphasise that, in the interest of a healthy society, with the media fully open to discussion of all viewpoints on issues of the day, the assurance of editorial independence is of the utmost importance," Sir Joseph said. His statement also recalled that, in 1987, the Council had written to the Prime Minister, Mr Lange, regretting that the Commerce Act as amended in 1986 no longer gave the Commerce Commission scope to consider special criteria such as social values when it dealt with questions of newspaper ownership, but restricted the Commission to the issue of market dominance as for other business enterprises.

⁸¹ Annual Report (1988) 3-4.

⁸² Annual Report (1988) 5-6.

The Press Council also made a submission to the discussion document on the review of the Commerce Act 1986 arguing that the Commerce Commission should be empowered to consider factors other than market dominance when assessing mergers and acquisitions of newspapers:⁸³

Later in 1988, the Department of Trade and Industry issued a discussion paper “Review of the Commerce Act 1986” and invited interested parties to make submissions on issues they considered should form part of the review. The Council took the opportunity to make a submission recommending the provision, dropped in 1986, should be restored, and that the Commission, in considering newspaper take-overs, should be able to take note of not only market dominance, but also any other effects on the well-being of the people of New Zealand. The Council’s submission suggested that reinstatement of this provision would not only help to protect editorial freedom, but would create a discretion for the Commerce Commission to deal with questions of overseas ownership according to the merits or otherwise of each particular case.

The Press Council made other submissions and dealt with other matters in 1988:

1. *The Defamation Bill:* The Press Council made a submission to the Select Committee considering the Defamation Bill supporting the reform of defamation law proposed by the Bill. The Press Council submitted:⁸⁴

We respectfully urge your Committee to support, to the fullest degree it finds acceptable, the important proposals before it for reform of the law. We do so, not simply because of the Council’s concern for the newspaper press, but because of the benefits which thoughtful reform of the statute will have, not only for the flow of important information of public interest, but for all who may be concerned with any aspect of the defamation law.

However, the Press Council decided against making a detailed submission because it was aware of the “*detailed submissions being prepared by the New Zealand section of the Commonwealth Press Union and by other parties*”.⁸⁵ The Press Council appears to be acknowledging a duplication of functions with the Commonwealth Press Union.

2. *Media coverage of organ transplants:* The Press Council received submissions from members of the medical profession about the reporting of transplants in newspapers. The Press Council did not receive any complaints on this issue, but in March 1988 issued a guidance note to editors identifying that special consideration was needed in the reporting of organ transplants in the news. The Press Council issued a guidance note in this instance. It had not taken a similar step after it had received submissions on the reporting of industrial disputes in 1986. This may have been a result of legal developments in the common law of privacy after *Tucker v News Media Ownership Ltd*, which concerned the releasing of negative, but accurate, information about someone about to receive a heart transplant.⁸⁶
3. *Confidential Information:* Mr D K Hunn, the Chief Commissioner of the State Services Commission, made submissions to the Press Council on the tendency for newspaper reports to reflect the personal biases of the reporters and the use of prejudicial language, such as “secret”, in contexts that did not warrant their usage. The Chief Commissioner also commented on the

⁸³ Annual Report (1988) 6.

⁸⁴ Annual Report (1988) 7.

⁸⁵ Annual Report (1988) 7.

⁸⁶ *Tucker v News Media Ownership Ltd; Tucker v Auckland Star Ltd; Tucker v Broadcasting Corporation of NZ* [1986] 2 NZLR 716.

lack of guidelines relating to the publication of information leaked by Government officials:⁸⁷

Mr Hunn said that, as leaks of Government papers became more widespread and ministers took steps to prevent leaks, there was a risk of politicisation of the public service if Ministers sought to appoint those they could trust not to leak information in an unauthorised manner. If such a development occurred, what responsibility would the press accept for it? Should some thought be given to a code of some kind which would set out broad understandings? There was a fine balance to be struck between freedom of expression and effective government which on occasion depended on non-disclosure.

4. *Race Relations Act*: The Press Council made a submission to the Minister of Justice supporting his intention to repeal section 9A of the Race Relations Act. The Press Council submitted that section 9A as it stood could be interpreted as imposing “*unwarranted and unnecessary*” restraint on the freedom of newspapers and other sections of the media in their proper task of informing the public. The Press Council’s Annual Report for 1988 makes no mention of any Commonwealth Press Union submission on this issue.

The Press Council also published in May 1988, an index of its adjudications since its establishment in 1972. The index was created at the request of newspaper editors. It was intended that the index would be updated every second year. The index listed adjudications under 40 different headings. It is interesting that it was the newspaper editors who requested the production of this index given their unwillingness to produce a Code of Conduct at that time.

Sir Joseph Ongley’s attention turned to reform of the Press Council processes for the first time in 1989. His foreword to the Annual Report for 1989 comments:⁸⁸

This raises a question as to whether it is practicable to hear the parties in person more frequently than has been the practice in the past, with what I believe would be the inevitable consequence that the Council’s meetings would become more akin to the hearings conducted by many statutory tribunals. As a general rule the present relatively informal procedure serves the Council’s purposes well and has not met with serious criticism, but, on the other hand, in the past year there have been several cases involving issues of public interest, which in the event did not require to be determined because they were either settled or withdrawn, but which, had they been pursued, would have required a fairly extensive hearing if they were to be disposed of effectually. I feel that the Council should be alive to the possibility that a review of its procedures may be warranted in the not very distant future.

A review of the Press Council’s procedures was started soon after in 1990 with the Chairman commenting on some of the criticisms that had been directed at the Press Council as follows:⁸⁹

As during most of its lifetime, the Council has been categorised as a “toothless tiger”. Over the years the Council has learned to bear that jibe with equanimity because, I believe, it is the view of most that the sensitivity of those within its jurisdiction to an adverse finding of professional incompetence or impropriety would not be greatly, if at all, increased by an accompanying monetary penalty.

A criticism of insufficient information being given to parties to a complaint of its progress and of the material submitted has led to a review of procedure which is described in greater detail in the accompanying report.

⁸⁷ Annual Report (1988) 9.

⁸⁸ Annual Report (1989) 4.

⁸⁹ Annual Report (1990) 4.

Delay in delivering adjudications is a difficult matter to counter in some cases, but the provision for an additional meeting of the Council each year should go some way towards ensuring prompt decisions.

The review assessed the Press Council's complaints procedures. As a result of the review, it was decided that an editor's response to a complaint once the Press Council's process had been initiated should be automatically copied to the complainant. The complainant may make a further comment to the Press Council within 14 days. Previously, an editor's response to a complaint was not referred to the complainant and the Press Council commenced adjudication immediately on its receipt of the response. The Press Council noted that this change could result in delays to the complaints process, but hoped that this would be avoided by the Press Council meeting more frequently.

The Press Council also reaffirmed its position concerning the oral hearing of complaints. The Press Council can hear a complaint if it "*deems it desirable*". The review concluded that hearing complaints should remain informal and that legal counsel would not be permitted to appear.

These changes to the Press Council's complaints procedure were introduced in late 1990.

Further procedural changes in relation to delays in the publication of Press Council decisions were indicated in the Chairman's foreword to the Annual Report for 1993:⁹⁰

The extended meeting times have, in part, alleviated the dissatisfaction sometimes arising from the delay in publishing Council's decisions. It is fairly apparent, however, that the basic cause of delays will not be eliminated without the imposition of more strictly applied time limitation in procedural matters. That may come with other reviews of the Council procedures in the coming year.

It is not clear from this statement whether the cause of the delays was editors failing to respond to complaints or complainants taking too long to file their complaint. However, it is worth noting that, in some extreme cases, the Press Council refused to consider complaints that were made a long period after the material complained about was published.⁹¹ The Press Council held an extra meeting each year commencing in 1994 to speed up the complaints process. Under this arrangement the Press Council met seven times a year.

The Privacy Act received Royal assent in 1993. The Chairman of the Press Council commented on this development in his foreword to the 1993 Annual Report:⁹²

A matter of considerable concern to the newspapers of the country has been the application of the Privacy Act. For the time being at least, that question has been resolved. The refinements of the Privacy Act are not really the concern of the Press Council, but I think it should be known that breaches of privacy by newspapers, in the lay person's understanding of the term, form a very small part of the business of the Council. The lack of discipline apparent in the practices of the press in some overseas countries, has no counterpart in New Zealand.

The Press Council seems to withdraw from its role in promoting press freedom in this statement, at least to the extent of the Privacy Act. This was despite the fact that the original Privacy and Information Bill⁹³ included the news media. The news media were later excluded from the Act's

⁹⁰ Annual Report (1993) 4.

⁹¹ For example, Annual Report (1982) where the Council dismissed a complaint because it was made nearly ten months after the material was published (at 5).

⁹² Annual Report (1993) 4.

⁹³ The Privacy and Information Bill later became the Privacy Act 1993.

application. However, the Privacy and Information Bill seemed to re-ignite debate on the benefits of the Press Council. The Select Committee considering the Bill “*took on face value the claims of the print media that it would beef up the Press Council to address privacy complaints more effectively and to head off the tabloid-style snooping characteristic of the British press*”, but this came with the following proviso:⁹⁴

... [T]he Committee would like to see evidence of further and more effective self-regulation by the news media ... We certainly believe that there is a case for the news media to strengthen the ability of the Press Council to help individual citizens in circumstances in which privacy and other rights have been transgressed ... This is not the end of the matter ... [We] await with expectation some moves on the part of the news media that would indicate ... that they are treating the protection of privacy as a serious issue.

Nonetheless, the Press Council came under attack from many quarters during the year. The Annual Report comments:⁹⁵

The role of the Press Council came under scrutiny from several sources during the year and while the Council itself did not respond directly to any of a number of critical assessments, its worth was defended in a number of statements by industry spokesmen. Members of the Council were kept abreast of developments being made within the industry to redefine its aims and objectives.

It is interesting to note that it was the industry, and not the Press Council, that was defending the Press Council.

The Press Council reaffirmed its position that it was not its role to issue or police guidelines, although, as discussed above, it does not seem to have universally followed this rule.

The Press Council received in 1993 a complaint from the then Journalists' Union, JAGPRO, on behalf of the Journalist Chapel at *The Press* against *The Press*. The complaint was against the publication of advertising logos with the publication of sports results and financial information. The complaint was not upheld, but the Press Council agreed that the practice presented risks and should be watched carefully by newspapers.⁹⁶

Issues over the length of time that the Press Council took to deliver its adjudications were present in 1994 as well. Stricter observance of time limits on complaints was seen as the solution:⁹⁷

Firmer insistence upon the observance of time limits for the making of complaints and furnishing responses, may be worth consideration, but here again, bearing in mind that our jurisdiction is a voluntary one, it may be undesirable to place too great an emphasis upon procedural requirements.

As mentioned above, complainants had the opportunity to respond to the editor's comments on the complaint at this time. However, the reference to the voluntary nature of the Press Council's jurisdiction seems to indicate that this criticism is directed at newspaper editors rather than complainants.

Talk continued about possible changes to the Press Council in 1994. The Chairman commented in his foreword to the 1994 Annual Report that:⁹⁸

⁹⁴ NZPD (18 March 1993) 14,133.

⁹⁵ Annual Report (1993) 5.

⁹⁶ Annual Report (1993) 6.

⁹⁷ Annual Report (1994) 4.

⁹⁸ Annual Report (1994) 4.

The Council's constituent bodies have had under consideration during the past year, some reformation of the Council's structure and rules. Matters affecting the Constitution are entirely within their province. The Council, as at present constituted, is empowered to make rules for the conduct of its business and it is anticipated this will continue to be so whatever other restructuring may take place. Council members have been kept informed of proposed amendments and have had an opportunity of making suggestions for the assistance of those engaged in framing the new provisions which have been sympathetically received. It is expected that a formal document containing the proposals will become available for consideration during the year.

The Press Council also considered expanding its size by the appointment of a fourth public representative. In 1994 the Press Council invited magazine publishers to become involved.

The Press Council's constituent members undertook the first major review of the Press Council in 1995. The Press Council also undertook a review of its procedures and regulations in 1995. It is unclear whether these reviews were separate (that is, undertaken by the constituent members and the Press Council) or, in fact, undertaken by one party.

As a result of this review, the constituent members of the Press Council were modified. The NPA and the Printing Packaging and Media Union ("the PPMU"), then representing the journalists, became the "constituent members". The CNA, which had contributed funds to the Press Council since 1985, did not become a "constituent member" of the Press Council.

The Press Council also increased in size to include an independent chairperson, four independent members representing the public and four members representing the industry. Previously, the Press Council had been composed of an independent chairperson, two independent members representing the public and one alternate member, and one member and one alternate representing each side of the industry. The alternate members, who could take part in Press Council debate but not vote in the presence of the members whom they were alternate members for was done away with. The alternate members at the time of the change were made full members.

The Press Council's principal objectives remained the same as a result of the review:⁹⁹

- (a) To consider complaints about the conduct of the Press; to consider complaints by the Press about the conduct of persons and organisations towards the Press; to deal with these complaints in whatever manner might seem practical and appropriate and to record the resultant action.
- (b) To preserve the established freedom of the New Zealand Press.
- (c) To maintain the character of the New Zealand Press in accordance with the highest professional standards.

As reviewed later, [d] and [e] of the objects in the 1972 Constitution were not included.

However, the Press Council described its "main task" as being to consider complaints against newspapers within its jurisdiction.¹⁰⁰

The Press Council also changed its appointment procedure for public members. Having been appointed by the Press Council after the review, the public members were selected by a panel, including the Chairman of the Press Council, the Chief Ombudsman, and nominees of the NPA and the Union. Candidates were referred to the appointments panel following an invitation to apply for

⁹⁹ Annual Report (1995) 38.

¹⁰⁰ Annual Report (1995) 3.

membership by advertisements published in major newspapers. The Chairman commented on this change in his foreword to the 1995 annual report:¹⁰¹

Appointment of all public members, including the Chairman, is to be made by reference to a panel which includes the Ombudsman. Candidates are to be invited to apply for appointment by advertisements published in major newspapers. One such appointment has already been made from nominations of a very high standard and quite encouraging numbers. I believe this procedure will allay any feeling that there might have been in the mind of some members of the public, that the Council may have had a tendency towards self-perpetuation.

The Press Council also required that complaints be made within three months of publication (or non-publication) of the material complained about. The Press Council also stated that it was willing to consider complaints against other publications with the prior agreement of the constituent members and the publication itself.¹⁰²

Also, as a result of the review, the Press Council adopted a rule that in cases of privacy breaches, it could require a newspaper found to have breached good practice to carry out its own internal audit of its proceedings and to publish the results of that audit.¹⁰³

[The Council] also adopted a rule that in the cases of any complaint involving breaches of privacy, it could require any newspaper found to have been in breach of good practice, to carry out its own internal audit of its proceedings and to publish the results of that audit. In the nearly 600 adjudications made since its inception, the Council has dealt with very few involving privacy.

Changes to the complaints procedure continued in 1996 after a submission made by editors about the complainants' right to comment on an editor's response to a complaint:¹⁰⁴

As a result of a submission made on behalf of the editors of one of the major newspaper groups, the Council agreed to an additional step in the complaints procedure. The editors felt they were at a disadvantage when complainants were given the chance of commenting on editorial responses to their complaints, and when they were not then given the opportunity of sighting those comments before the Council considered the complaint.

Editors are now provided with a copy of the comments made by complainants and are able themselves to make additional comments should new material have been introduced by the complainants in their letters.

This change is surprising in that it came only a year after substantial changes had been made to the Press Council's Constitution and procedures. It is also interesting to note that the Press Council made no reference to the likely increase in time taken to adjudicate complaints as a result of this change.

IV.7 Hon Sir John Jeffries as Chairman

The Hon Sir John Jeffries was appointed as Chairman of the Press Council from 1 July 1997. He

¹⁰¹ Annual Report (1995) 2.

¹⁰² Annual Report (1995) 3.

¹⁰³ NZPC (1995) 3.

¹⁰⁴ Annual Report (1996) 4.

describes the Press Council's activities in his foreword to the Annual Report of 1997 as follows:¹⁰⁵

The Council's primary role is complaint resolution and it is committed to the protection of individuals, especially young persons and children, from unwarranted intrusion by the press into private lives devoid of any real public interest justification. As stated above the grounds for complaint are not specified, but the Council interprets that widely, using ethical guidelines, and is alert to any unfair behaviour by the press. The Council firmly upheld a complaint where a newspaper had needlessly named a person who had been the subject of a criminal attack many years previously.

In this case the Council used its special procedures in cases involving privacy and directed that the decision not be published, but after notification to the complainants and the newspaper concerned, it was sent to all editors on an information basis. ...

Promotion of freedom of the press and maintenance of the New Zealand press in accordance with the highest professional standards are the other two limbs. ...

... During the year under review there were some important decisions on [the freedom of the press] given by the Press Council...

... It is a recognised function of press councils where they exist in the world that they should play their part in coaching the press to the highest standards. As Chairman I have spoken to journalists, and interested groups about the work of the Press Council and its part in newspaper production in New Zealand. ... the New Zealand Press Council, by the fulfilment of its other two Objectives is also performing the third.

Despite the Press Council describing its main purpose as "complaint resolution", it did put out a strongly-worded press release after the Privacy Commissioner requested a journalist to reveal her sources:¹⁰⁶

After the Council disposed of the Laws complaint ... Mr Laws approached the Privacy Commissioner about invasion of his privacy... the Privacy Commissioner wrote twice to the journalist seeking from her revelation of her sources for her articles. The Press Council issued a press release strongly challenging the Privacy Commissioner's right to pursue the journalist for her sources. In the Council's opinion this act by the Privacy Commissioner seeking to obtain access to journalist's confidential sources was a dangerous practice in a free society which if not opposed promptly might be used as a precedent in the future resulting in the inhibition of the free flow of information.

...

The Privacy Commissioner in a letter dated 13 March 1998, notified the editor of the newspaper that published the original articles that he has decided not to require the journalist to name her sources. He conceded there was a public interest in encouraging the free flow of information between journalists and their sources which reflected the recent position of the Press Council as contained in its press release.

In 1997 the Press Council was defending itself from criticisms that it was a "toothless tiger":¹⁰⁷

By requiring publication of the Council's adjudications, which can be written on a scale of strong condemnation to lightest disapproval for an upheld complaint, there is presently, in the Council's view, sufficient punitive power. It is professionalism that is at stake, not simply lowering the level of a company bank account. There is likely to be less resentment from editors and therefore a greater chance there will not be repetition of the subject conduct.

¹⁰⁵ Annual Report (1997) 4.

¹⁰⁶ Annual Report (1997) 7-8.

¹⁰⁷ NZPC (1997) 6.

Sir John Jeffries also commenced another review of the Press Council soon after he became the Press Council's Chairperson:¹⁰⁸

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

At present the Council has jurisdiction for complaints over nearly all metropolitan and provincial newspapers regardless of frequency of publication. The great majority of community newspapers are covered, but there are some exceptions. The obvious and frequently mentioned publications not under jurisdiction are magazines which comprise a significant and influential part of print publications in New Zealand. The Press Council reached its decisions and says, in the public interest, magazines should be under the Council. ...

The Council, after a thorough examination of opposing viewpoints, has reached the conclusion that the Council should publish its own written document to guide the public, the industry and the Council in dealing with complaints. That document will probably take the form of a statement of principles along the lines of the Australian practice rather than a rigid Code of Practice that exists in the United Kingdom.

A review of the Privacy Act 1993 was scheduled for 1998. The Press Council announced that it would produce a written code of ethics, which had been one of Mr Bruce Slane's, the Privacy Commissioner's issues with the Press Council.

The Working Party, made up of "protagonists" from the print publishing industry, made several changes to the Press Council's procedures and jurisdiction. In brief the changes were:¹⁰⁹

1. Adoption of a new rule requiring publications against whom an unfavourable decision has been made to publish the substance of the Press Council's adjudication giving it full prominence rather than the Press Council's adjudication in full. The Press Council had a trial year of this rule in 1998.
2. The Press Council determined to accept complaints against publishers that operate their own websites.
3. The Press Council determined to accept complaints about publications printed outside of the country but sold in New Zealand provided there is a relevant link to the New Zealand reading public.
4. The Press Council clarified its position with regard to third party complaints. The complainant does not have to have a personal grievance, but may wish to complain on a general ground about a publication. The Press Council would not accept frivolous or mischievous complaints.
5. The Press Council stated that it was placing greater emphasis on mediation, largely through its secretary.
6. The adjudication of complaints on which the Press Council cannot reach a unanimous

¹⁰⁸ Annual Report (1997) 6-7.

¹⁰⁹ Discussed on pages 4 to 8 of the Annual Report (1998).

decision will record that there was a dissent. There is no mention on whether a dissenting adjudication would actually be written.

7. The Press Council considered the issue of whether legal representation was appropriate at complaint hearings. The Annual Report comments that:¹¹⁰

In the past the Council has not encouraged (but, of course, never excluded) legal representation by any party and that will continue in the future.

8. The Press Council also considered whether an appeal structure would be appropriate. The Press Council decided against establishing a formal appeal structure within the Press Council on the basis of cost to members of the public. However, the Press Council comments that it would be *“prepared to re-examine a decision if the aggrieved party could show that the decision was based on a material factual error, or new material had become available that had not been placed before the Council”*.

9. The Press Council’s jurisdiction was extended to include magazines. The Annual Report comments on the changes the print media landscape has undergone, particularly focusing on the growth in the number of magazines. Of particular interest is this statement about the need for the Press Council to stay up to date with the industry:¹¹¹

The Press Council considered that it was obligatory on itself to take up these jurisdictional gaps for several reasons. For true self-regulation the industry regulator must address the welfare of the public as part of its mandate. There now is an obligation on the regulator to stay abreast of its original mandate so as better to serve the public. It is obvious that the Press Council best fulfils the whole of its mandate, which includes protection of freedom of the press and maintenance of standards, if all significant print publishers are prepared to give to the public the services of an independent body to resolve disputes.

...

10. Finally, the Press Council determined that it should create a Statement of Principles, similar in approach to the APC’s Statement of Principles. The Annual Report for 1998 comments that at the publication of the Annual Report the Statement of Principles was close to being finalised and was expected to be ready in mid-1999.

The Privacy Act review confirmed the need for the Press Council to have a written code of practice:¹¹²

In my view, the Press Council would provide an adequate vehicle for self-regulation if it adopted a code detailing standards expected of news media concerning respect for privacy and provided for compensation or redress in cases of breach ... I believe the code of practice ratified by the UK Press Complaints Commission on 26 November 1997 would provide a good model for a code, while the \$5000 Broadcasting Act figure would probably cover many complaints accurately ... If privacy needs to be protected and no adequate self-regulatory code is developed, separate legislation would be more satisfactory than applying the Privacy Act.

The Press Council eventually adopted the Statement of Principles in August 1999. It decided to establish its own website and email address in 1998, which was opened at the same time as the adoption of the Statement of Principles. Sir John Jeffries describes the process through which the Statement of Principles was created as follows:¹¹³

During the past year, the Council decided then that a Statement of Principles was

¹¹⁰ Annual Report (1998) 6.

¹¹¹ Annual Report (1998) 7.

¹¹² Necessary and Desirable (1998).

¹¹³ Annual Report (1999) 6.

necessary. In framing this, a sub-committee under the leadership of the Chairman consulted widely and studied comparable formulations in New Zealand and elsewhere. In August 1999 a Statement approved by the full Council was published.

Comment is also made in the Chairman's foreword about the extension of the Press Council's jurisdiction to include magazines. In particular, the foreword comments that the Australian Consolidated Press did not agree to becoming part of the Press Council's jurisdiction, despite the fact that it was a constituent member of the APC. The Press Council heard one complaint by the Rt Hon Winston Peters against an ACP publication in 1999 (*North and South*). The Press Council decided to adjudicate the complaint despite ACP's refusal to deal with the Press Council. The foreword states:¹¹⁴

... as the Council has often asserted, self-regulation of newspapers and magazines in New Zealand requires that the regulator ensures, as far as possible, that the public are not deprived of the right to complain about a publication.

The Press Council was still being utilised by politicians in 1999. However, the Press Council rejected most of their complaints, including two from the then Minister of Tourism, the Hon Murray McCully. The Press Council comments that politicians are expected to be less sensitive to criticism than the average citizen:¹¹⁵

The Council dealt with complaints from a number of politicians – local and national – and generally took the approach that while politicians, by nature of their positions should be less sensitive to criticism than the average citizen, they are still entitled to fair treatment by the media.

The Press Council also commented on its desire to increase the use of mediation in its complaints procedure:¹¹⁶

The Council wishes to place greater emphasis on mediation to avoid an adjudication. In this context to mediate means to produce an agreement or reconciliation. The rules of the Council require a complainant to go first to the editor who has the chance to stop the complaint in its tracks with the result the Council knows nothing of it. It may be that the first attempt at mediation is not successful and more input is required. At this stage the Council could be used by having the secretary involved. It is very much the choice of the editor to pursue this course.

The Press Council also commented on the application of name suppression and media reporting of the courts.

The Press Council sought to increase its public awareness in 2000. Sir John Jeffries commented that:¹¹⁷

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.

¹¹⁴ Annual Report (1999) 7-8.

¹¹⁵ Annual Report (1999) 8.

¹¹⁶ Annual Report (1999) 10.

¹¹⁷ Annual Report (2000) 6.

The Press Council appeared as an Intervener in the second Court of Appeal hearing of *Lange v Atkinson* ([2000] 3 NZLR 385) along with the CPU. However, no legal expenses are listed in the Press Council's financial statements for 2000.

The Press Council, for the first time, used its discretion to reconsider a complaint in 2000.¹¹⁸ An initial adjudication against the "New Zealand Herald" was held on 15 February 2000. The Council cancelled its adjudication, which had upheld the complaint in part, on 28 March 2000 after receiving further information. The Press Council's adjudication had already been published by the *New Zealand Herald*.

The Press Council, in 2000, made public statements against proposed changes to the Electoral Act 1993, which included:

- making it an offence to publish the results of opinion polls for an election or by-election during the 28-day period before the election; and
- a separate amendment, which sought to re-introduce criminal libel.

The Press Council also made a formal submission to the Justice and Electoral Select Committee's review of the local body elections for 2001 requesting the abolition of section 135 of the Local Electoral Act 2001, which made it a criminal offence to support a candidate without the candidate's written authority.

The Press Council instituted a fasttrack procedure for dealing with complaints connected with the General Election in 2002. The purpose was to complete adjudications while they were still relevant to the election. One complaint was upheld and published by the offending newspaper prior to polling date. Only one complaint was received. This is the last complaint by a parliamentarian on the records available.

The Press Council reviewed its Statement of Principles in 2002. Small changes were made to the wording of two of the Principles. The Press Council commented on criticisms from Jim Tully and Nadia Elsaka in saying that the purpose of the Statement of Principles was to provide detailed rules to be applied in adjudications. Instead, the Press Council suggested reviewing its decisions on set topics, such as "the public interest" from time to time. Further, it did not consider it sensible to provide a definitive list of specific prohibitions for editors.¹¹⁹ Some minor adjustments were made to the Press Council's Constitution in conjunction with the review of the Statement of Principles to take account of the Press Council's change in jurisdiction.

During 2001 and 2002, the Press Council provided reviews of suicide reporting in the media in its Annual Reports, noting developments in the area. However, it did not make any other public statement on the issue.

The Press Council came under criticism from politicians for the number of complaints upheld in 2001 (the Press Council upheld one complaint and partly upheld three). The Press Council did not consider this a valid criticism given the snapshot that one year's complaints give of its adjudications.

Also in 2002, the Press Council continued its public speaking engagements. The Chair of the Press Council spoke to students at the Massey University (Wellington Campus) School of Journalism and attended a meeting of the New Zealand Women's Graduates.

Very little changed in 2003. The Chairman made at least two public appearances: to the New

¹¹⁸ Case 775.

¹¹⁹ Annual Report (2002) 8-9.

Zealand Skeptics Society and the Massey School of Journalism. The Press Council also met with delegates from China and Tonga, and was visited by a Japanese academic. The Chairman and the Chief Executive of the NPA visited Tonga to provide assistance in establishing a media council. 2004 was a quiet year, and was the last year that Sir John Jeffries was chairman.

IV.8 Hon Barry Paterson, QC as Chairman

Hon. Barry Paterson became Chairman of the Press Council on 1 July 2005. His foreword to his first Annual Report comments on the need for review of the Press Council, particularly the Statement of Principles. In his opinion, it was appropriate to review whether a definition should be given to the phrase “public interest”, whether there should be a right of appeal and whether the appropriate sanction is the publication of the substance of the adjudication.

The Chairman also commented in the 2005 Annual Report, on the tension between the Press Council taking a stand in defence of press freedom and its complaints resolution role:¹²⁰

The Constitution of the Council is not conducive to its taking a proactive approach in matters of public importance. This is particularly so if the matter is likely to come before the Council as a complaint. It can not prejudice such a matter. Since the end of the year the Council has been criticised by at least one correspondent for not making a statement at the time of the Muslim/cartoon controversy. It would not have been appropriate for the Council to have made a statement in isolation. If and when a complaint is received, both the complainant and the editor will have a full opportunity to present their side of the matter. The Council under its procedural rules will be required to consider both sides of the argument before it can make any adjudication. Rarely, if ever, will there be any opportunity for the Council to make a general statement relating to a national controversy without there being a formal complaint before the Council.

In 2005, the Press Council reviewed its position on its adjudications on name suppression, finding that they were not all consistent. The Press Council clarified its position to some extent by saying that it would treat complaints on breaches of name suppression orders with caution (it is a criminal offence), and may consider some complaints on purely ethical grounds.¹²¹

Also in 2005, the Press Council gave its support to internal complaints procedures and correction columns.¹²²

The Press Council made a submission to the Justice and Electoral Committee on the proposed Coroners Bill in 2005, which included provisions prohibiting aspects of reporting on suicide.¹²³ The submission was developed from the Press Council’s previous decisions on suicide reporting.

In some circumstances the Press Council has defended a “no comment” approach to issues facing the Press, arguing that commenting on such matters could be seen to prejudice the Press Council were a complaint on the issue to be made.¹²⁴

¹²⁰ Annual Report (2005) 7.

¹²¹ Annual Report (2005) 13-15.

¹²² Annual Report (2005) 16.

¹²³ Annual Report (2005) 20-23.

¹²⁴ See the Chairman’s Foreword in the New Zealand Press Council’s 33rd Annual Report (2005) at page 7 where he discusses the “Muslim cartoon controversy”. The Chairman comments that “the Constitution of the Council is not conducive to its taking a proactive approach in matters of public importance”.

IV.9 Today's Media Environment and Issues

The Press Council's operations and activities have changed since its establishment in 1972. In the past 15 years the media environment has experienced exceptional change that affects the Press Council's current and future operation and processes. At least three issues suggest themselves.

As the historical review reveals, professional standards and practice require sensitive, lawful treatment of issues that relate to privacy, whilst preserving freedom of speech. Less obvious from the review have been the effects of a huge change in the technology, a reduction in cost and an increase in the ubiquity of information collection and dissemination via digital means – all of which affect the processes required for professional journalistic and media practice. These changes have been accompanied by responses of organisations – public and private – to manage information in their own interest. We were informed of the significant growth in persons employed in the occupation “communications” in both government and private organisations. Partly because of digital technology, there is also pressure placed upon the definition of “news” by parties such as sporting bodies who assert ownership of, and manage, information formerly reported under open access.

It is not our place to analyse these factors. But we do point out that in the future there will be freedom of the press issues deserving of analysis and publication by a specifically informed group of persons, including journalists and the public, independent of the publications. We consider that this is a proper function of the Press Council.

We also acknowledge that changing technology is affecting the readership of traditional print media and that, also associated with changing technology, the media have become more concentrated in the last 15 or so years. The substitution of other newer forms of communication for traditional print media is a world-wide phenomenon.¹²⁵ It is engendering change in print and other media readership that is exacerbating the issues discussed in Section III regarding regulation of the media.

The paper of Bill Rosenberg “News Media Ownership in New Zealand”¹²⁶ provides an informative review of ownership changes. Reflecting the changed media technology and the increased interaction of domestic and foreign markets for goods and services, the media industry now has many fewer entities and a foreign ownership to an extent not seen in the past.¹²⁷ The effect of the nature of the changing technology is reflected in the information that local sub-editing and other functions were reduced from some local papers in 2007. Concentrated ownership as the major source of funds for the Press Council has some pros and cons in relation to funding decisions, but, in our assessment, it can have no implications for the constitution, function and operation of the Press Council.

¹²⁵ See for example, the short report at http://www.cbsnews.com/stories/2007/03/sunday/main2556674_page2.shtml.

¹²⁶ Bill Rosenberg “News Media Ownership in New Zealand” (August 2007) 115 Foreign Control Watchdog (available at <http://www.converge.org.nz/watchdog/15/index15.htm>)

¹²⁷ In summary, there are only eight daily publications with circulation over 25,000: *New Zealand Herald*, *Press*, *Otago Daily Times*, *Waikato Times*, *Hawkes Bay Today*, *Southland Times*, *Daily News* and *Dominion Post*. Five of these are owned by Fairfax and two by APN News and Media. The *Otago Daily Times*, owned by Allied Press, is the remaining standalone newspaper with circulation over 25,000. Of the daily publications with circulation less than 25,000 the *Ashburton Guardian* and *Gisborne Herald* are standalone. Allied Press, owns the *Greymouth Evening Star*. The remaining of these publications are owned by either Fairfax or APN News and Media. There are five weekly publications in New Zealand of which, the *National Business Review*, is standalone. The remaining of these publications are owned by either Fairfax or APN News and Media. The Australian Consolidated Press owns a significant number of New Zealand magazines, including *North and South* and *Metro*. Pacific Magazines of Australia publishes titles such as *New Idea*, *That's Life* and *Girlfriend*. The 3 Media Group of Auckland publishes a number of trade magazines and directories.

V

State of the Press Council: Current Operations

V.1 Introduction

This section sets out the New Zealand Press Council's ("Press Council") current operations and activities.

V.2 Functions of the Press Council

The Press Council's objectives are set out in article 4 of the Press Council Constitution:

4. OBJECTIVES

4.1 The objectives of the Council are:

- (a)
 - (i) to consider complaints about the conduct of the Press;
 - (ii) to consider complaints by the Press about the conduct of persons and organisations towards the Press;
 - (iii) to facilitate the satisfaction, settlement or withdrawal of complaints in an appropriate and practical manner; and
 - (iv) to record the action taken by the Council
- (b) To promote freedom of speech, and freedom of the Press in New Zealand;
- (c) To maintain the New Zealand Press in accordance with the highest professional standards."

The Press Council focuses on objective 4.1(a). The Press Council does limited work in "promoting freedom of speech" and in "maintaining the New Zealand Press in accordance with the highest professional standards". But its complaints process does yield a body of informed analysis and decisions that support objectives 4.1 (b) and (c). The history of the Press Council (Chapter IV of this Review) demonstrates that the Press Council has undertaken activities over the years to raise public awareness and promote freedom of speech and the professional standards of the press. However, this work has been sporadic and often follows proposals for legislative activity. The Press Council's annual reports are available on its website, but it is unlikely that they are read widely.

V.3 Membership

Membership of the Press Council is set out in articles 6 and 7 of the Press Council's Constitution:

6. MEMBERSHIP OF THE COUNCIL

6.1 The membership of the Council shall comprise:

- (a) A chairperson who shall be a person otherwise unconnected with the Press

and who shall be appointed by the appointments panel.

(b) Five persons representing the public, such persons to be appointed by the appointments panel.

(c) Two members appointed by the NPA.

(d) Two members appointed by the EPMU.

(e) One member appointed by the Magazine Publishers' Association.

6.2 In respect of the public members there shall be an appointments panel comprising a nominee of the NPA, a nominee of the EPMU, the Chief Ombudsman and the current chairperson of the Council.

7. TENURE

7.1 (a) The appointment of the chairperson shall be for a five-year term.

The retiring chairperson shall be eligible for reappointment for a term to be decided by agreement with the parties.

(b) The appointment of the members representing the public shall be for a four-year term. Retiring members shall be eligible for reappointment for one further term.

(c) The appointment of members appointed by the NPA, EPMU, and the MPA shall be for a four-year term. Retiring members shall be eligible for reappointment for one further term.

7.2 The appointment of any member of the Council (including the chairperson) shall terminate forthwith if that member becomes bankrupt or becomes mentally incapable or if that member retires from office by notice in writing to the secretary.

7.3 The appointment of a person to fill any casual vacancy on the Council shall be made in the same manner as the member being replaced and the term of the person so appointed shall terminate at the expiry of the term of the member being replaced.

Independent members are appointed by way of an appointments panel. The NPA and EPMU are both represented on the appointments panel, contributing one member each. The remainder of the appointments panel is made up of the current chairperson of the Press Council and the Chief Ombudsman. The MPA is not represented on the appointments panel.

The current members of the Press Council at 1 October 2007 were:

- (a) Hon Barry Paterson, QC, Chairman;
- (b) Ruth Buddicom, Keith Lees, Denis McLean, Aroha Beck and Lynn Scott representing the public;
- (c) Clive Lind and John Gardner representing the NPA;
- (d) Kate Coughlan representing the MPA; and
- (e) Alan Samson and Penny Harding representing the EPMU.

V.4 Coverage

The Press Council considers complaints against newspapers, magazines and periodicals in public circulation in New Zealand as set out in clause 5 of the Press Council's Constitution:

5. COVERAGE

- 5.1 The Council considers complaints against newspapers, magazines and periodicals in public circulation in New Zealand (including their websites). The Council retains the discretion to decline a complaint if the publication has a limited readership or the circumstances make the complaint inappropriate for resolution by the Council.

Any publication that is a member of the NPA, the New Zealand Community Newspapers' Association and the MPA is subject to the Press Council's coverage.

The Press Council, under the chairmanship of Sir John Jeffries, has considered complaints about other New Zealand print media with a wide readership. Therefore, membership of the Press Council by the relevant publisher is not the criterion which the Press Council considers when deciding its jurisdiction over a complaint. In general, this jurisdiction is not extended to student publications. However, the Press Council has considered complaints against these publications in some circumstances, often where there has been a large public outcry about particular articles.

The Press Council has also extended its jurisdiction to include material published on the websites of its members. This is a positive development as most newspapers now have websites which are regularly updated with news.

As the historical section showed, in the past the Press Council also assumed jurisdiction to consider complaints against members of public about their treatment of publications and journalists. It has not considered any complaint of this kind for a number of years and we doubt it should do so.

V.5 Complaints

The Press Council's primary activity is considering complaints by the public against publications.

The Press Council retains the discretion to "decline a complaint" if the publication has limited readership or the circumstances make the complaint inappropriate for resolution by the Press Council.

The Press Council receives approximately 75 complaints each year, and makes an adjudication on approximately 45. Some complaints are not prosecuted by the complainant, while others are mediated or otherwise resolved.

A majority of complaints are not upheld, but the percentage of complaints upheld is not dissimilar than that for similar complaints bodies. In comparison, the BSA upheld only 12% of 156 complaints for the year ending June 2006.

The large number of adjudicated complaints made to the Press Council which are not upheld suggests that there may be benefits for the Press Council having a formal gatekeeper to assess the merits of complaints before they are considered by the Press Council.

In recent years the Press Council has begun to mediate or resolve complaints. The Press Council has no power in its Constitution to undertake mediation and its complaints process does not consider this possibility. Our understanding of the Press Council's mediation activities comes from Mary Major, the Secretary of the Press Council, who commented that the Press Council would only mediate a complaint if both the complainant and the publication agreed.

The Press Council's complaints activity is shown in the table below:

	2000	2001	2002	2003	2004	2005
Total Complaints	75	106	87	79	75	80
Adjudications	45	47	48	52	45	41
Upheld	9	1	8	14	9	4
Part upheld	9	3	2	5	3	4
Not upheld with dissent	0	0	1	2	0	0
Not upheld	27	43	37	31	33	33

The Press Council's decisions are considered in detail by Steven Price in his book (*Media Minefield*, NZ Journalist Training Text 2007) on media regulation in New Zealand. Analysis of the content of decisions of the Press Council is not in the terms of reference of this Review.

In recent times the Press Council has dealt with most complaints in three to four months. There are exceptions to this rule, such as Decision 1089 (1079) which was issued nine (seven) months after the material complained about was published. We consider that the Press Council should normally be able to issue a decision within a shorter period.

Our assessment of the surveys reported in Section VI suggest that the nature of complaints that go to the Press Council is such that few would be able to be pursued through the court system, and that this is also indicated by the low number of complainants that were asked to sign legal waivers. This requirement is imposed for legally actionable complaints.

V.6 Complaints Process

A person wishing to complain to the Press Council must first complain in writing to the editor of the publication concerned. A complainant has three months to complain following the publication of the article in issue; or from the date it ought to have been published if the complaint concerns non-publication. The purpose of this requirement is to “*acquaint the editor with the nature of the complaint and give the opportunity for the complaint to be resolved ... without recourse to the Press Council*” (Press Council brochure).

A complainant may then complain to the Press Council if the editor's response is “unsatisfactory” or if no response has been forthcoming following a reasonable interval.

The Press Council will consider a complaint regardless of whether the publication belongs to an organisation affiliated with the Press Council and it may proceed to make a decision regardless of whether the publication accepts the jurisdiction of the Press Council or fails to cooperate with the process.

The complaint to the Press Council must:

1. be in writing;
2. specify the nature of the complaint, giving precise details of the publication (date and page) containing the material complained about; and

3. enclose:
 - (a) copies of all correspondence with the editor;
 - (b) a clearly legible copy of the material complained against; and
 - (c) any other relevant evidence in support of the complaint.

As mentioned, in the case of a legally actionable issue the Press Council requires the complainant to provide a written undertaking that no legal action will be taken or continued against the publication and/or journalist having referred the matter to the Press Council.

The Press Council forwards a copy of the complaint to the editor of the publication complained about who has 14 days to respond.

The Press Council then forwards a copy of the editor's response to the complainant. The complainant has 14 days in which to reply to the editor. There is no requirement on the complainant to respond to the editor.

If the complainant chooses to make further comment on his or her complaint, the editor is given a further 14 days to make a final response to the Press Council.

Members of the Press Council are supplied with a full copy of the complaint file prior to the meeting at which the complaint will be discussed. The Press Council meets approximately every six weeks.

The Press Council's decision is communicated to the parties. If the Press Council upholds the complaint, the publication concerned *must* publish the essence of the decision, giving it fair prominence. There are no apparent mechanisms for the Press Council to enforce this requirement. If the complaint is not upheld, the publication may publish a shortened version of the Press Council's decision.

There is no appeal from a Press Council decision. However, the Press Council is prepared to re-examine a complaint if a party can show that the decision was based on a material error of fact or that new information had come to light that had not been placed before the Press Council.

The Press Council retains all documents submitted.

The Press Council also considers complaints about the conduct of persons or organisations towards the press. Complaints of this nature are initiated by letter to the Secretary of the Press Council.

The Press Council also considers complaints from people who are not personally aggrieved by a published item. However, in circumstances where the consent of another individual appears to be required, the Press Council reserves the right to request that consent in writing from those individuals.

V.7 Statement of Principles

Following pressure from Parliament during the review of the Privacy Act 1993, the Press Council issued its first Statement of Principles in August 1999. Minor amendments were made to the Statement of Principles in 2002. The Press Council's Statement of Principles is:

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

3. **Privacy:**

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

Publications should exercise care and discretion before identifying relatives of persons convicted or accused of crime where the reference to them is not directly relevant to the matter reported. Those suffering from trauma or grief call for special consideration, and when approached, or enquiries are being undertaken, careful attention is to be given to their sensibilities.

4. **Confidentiality:**

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

5. **Children and Young People:**

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

6. **Comment and Fact:**

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

7. **Advocacy:**

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

8. **Discrimination:**

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

9. **Subterfuge:**

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

10. **Headlines and Captions:**

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

11. **Photographs:**

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

12. **Letters:**

Selection and treatment of letters for publication are the prerogative of editors who are to be guided by fairness, balance, and public interest in the correspondents' views. Complaints concerning Letters to the Editor will not necessarily be accepted for full consideration.

13. **Council Adjudications:**

Editors are obliged to publish the substance of Council adjudications that uphold a complaint.

The Statement of Principles was created by a working party of the Press Council's constituent representatives and was not released to the public for consultation.¹²⁸

Only 50% to 60% of complainants have used the Statement of Principles despite the many calls for the Press Council to produce a Statement of Principles. Most of these complaints fall under the "accuracy, fairness and balance" principle. This is similar to statistics from the BSA. The BSA issued 156 decisions in the year to June 2006 and of these complaints 30% related to fairness, balance and accuracy.

The BSA's codes of practice also deal with good taste and decency and 45% of the complaints the BSA received in the year to June 2006 dealt with this area. The Press Council can consider complaints about good taste and decency. However, there is no statement in the Press Council's Statement of Principles on this requirement.

Complainants' use of the Statement of Principles is set out in the table below:

	2003	2004	2005	2006
Percentage of complainants using the Statement of Principles	55	62	60	55
Number of complainants using the Statement of Principles				
Objects	1	2	0	0
Preamble	1	1	0	0
1. Accuracy, fairness and balance	18	20	21	14
2. Corrections	9	8	8	5
3. Privacy	6	2	3	3
4. Confidentiality	0	0	0	0
5. Children and Young People	1	0	2	2
6. Comment and Fact	9	7	9	10
7. Advocacy	0	2	1	0
8. Discrimination	3	5	4	1
9. Subterfuge	2	2	4	1
10. Headlines and Captions	7	2	7	5
11. Photographs	1	3	3	1
12. Letters to the Editor	3	1	3	1

Source: The Press Council

¹²⁸ Jim Tully and Nadia Elsaka "Ethical Codes and Credibility: The Challenge to Industry" in *What's News?* 142, 145.

VI

State of the Press Council: Surveyed Opinion

VI.1 Introduction

Surveys of the public, organisations, complainants and media organisations were conducted as part of the Review. A survey is a feasible means of providing data with a level of external validity when assessing the general state of practice. Although survey results have limitations – relating to coverage at reasonable cost, non-random sampling and issues to do with the design of questions – they do convey information that is more general than that of interviews and submissions and that is of relevance to understanding the broad picture. The purpose of the surveys was to assess public awareness of the Press Council, and the opinions of organisations, complainants and media organisations about the Press Council

Other reviews have conducted survey research. The Review of the Insurance and Savings Ombudsman Scheme conducted a survey of complainants. The BSA undertakes survey research on specific questions within its jurisdiction. The APC surveyed complainants and newspaper editors in July 1994. The APC survey was based on a survey of complainants by the National News Council and Minnesota News Council in the United States of America conducted by Professor Louise Hermanson of the University of Southern Alabama in 1993.¹²⁹ The Review's surveys are designed drawing upon the APC and Hermanson surveys. They have been updated to reflect the print media and journalism's changing environment.

VI.2 Methodology

Four surveys were undertaken:

1. Individuals and the Press, which surveyed members of the public;
2. Organisations and the Press, which surveyed public organisations;
3. Complainants to the Press Council, which surveyed complainants to the Press Council; and
4. Media Organisations and the Press Council, which surveyed media organisations (i.e. newspapers and magazines).

The individuals survey was intended to assess the public's perception of the press and its awareness of the Press Council. The survey was made available online with the public being directed to the survey from the Review's website. The public was made aware of the Review's website and the survey through public notices in New Zealand's major newspapers. There will be an element of self-selection to this

survey, in that members of the public were more likely to complete the survey if they had an interest in the press or already knew of the Press Council. Paper copies of the survey were sent to members of the public who requested it.

The organisations survey was intended to assess the perception of the press by professional, trade, business, government and other organisations, as well as their awareness of the Press Council. As for the survey for individuals, this survey was made available online through the Review's website. The public was made aware of the Review's website and the survey through public notices in New Zealand's major newspapers. Again, the sample will not be random, and there is an element of self-selection to this survey. Members of organisations were more likely to complete the survey if they had an interest in the press or already knew of the Press Council.

Invitations to participate and electronic versions of individuals and organisations surveys were sent to various organisations and groups of individuals that included every government department and ministry, every political party currently in Parliament, all district law societies, chambers of commerce, Federated Farmers, the Institute of Chartered Accountants and the Council of Trade Unions. The survey of complainants to the Press Council was intended to assess complainants' attitudes towards the Press Council's process. The survey was sent to complainants to the Press Council, who had complained within the last six years. In total 255 complainants were sent the survey by the Press Council to the address listed in their complaint. The length of time between the complaint and the survey decreases the possibility that the complainant would still be at the same address as when the complaint was made, and the complainant's ability to remember the finer details of the complaint and the Press Council's process.

The media organisations survey was intended to assess media organisations' views of the Press Council. The survey was emailed to editors of all major newspapers and magazines, regardless of whether they have accepted the Press Council's jurisdiction. Paper copies were also available, although no editor requested one.

VI. 3 Individuals and the Press Council

The survey of individuals received a relatively strong response with 147 responses to the survey conducted via the internet. The respondents to the survey were generally older, (68% of respondents older than 40), female (59.9%) and employed in education (30.6%), other services (18.4%), or health and community services (15.0%). Almost two-thirds (63.3%) of the respondents had not worked for an organisation related to the media. Of those respondents who had worked for a media organisation, 74% had worked for a daily or weekly newspaper. Respondents who had worked for a media organisation did not have significantly different views from other respondents to the survey.

Self-selection in the data is indicated by the fact that 40 respondents had complained to a media organisation in the last five years (27.2%) and 17 had complained to the Press Council (11.6%). These numbers are significantly higher than would be expected from a survey of the general public. The Press Council receives between 70 and 80 complaints each year, suggesting that approximately 350 individual complaints would have been made to the Press Council in the last five years. Individuals could make multiple complaints suggesting that the number of complainants would be even lower. This suggests that the data over-represents complainants to the media and the Press Council. Such selection is not surprising given that the survey requested the participation of individuals who became aware of the review. Individuals who have previously complained to the media are perhaps

more likely to take the time to complete a survey. Further, three respondents (2.0%) had taken legal action against a media organisation. This also appears to be higher than the level for the general population.

The survey indicates that the public are generally satisfied with the press. On the whole, individuals agreed that the press collects information responsibly (31.2%) and does a good job of providing accurate account of events in news stories (34.8%). Even those respondents who had complained to the Press Council agreed with these statements (41.2% and 58.8% respectively).

However, individuals also agreed that the press puts too much emphasis on what is wrong in society (37.6%), often misleads people by presenting only some of the facts required to form an opinion (40.7%), that reporters often let their own views influence a story (43.6%) and strongly agreed that the press placed too much emphasis on sensational rather than balanced news stories (48.6%). Those respondents who had complained to a media organisation or to the Press Council had similar views. These results are consistent with information gleaned at the interviews that we conducted.

Most individuals (62.6%) agreed that there should be limitations on what the press can print. The percentage of individuals agreeing with this statement was higher if the individual had complained to the Press Council (76.5%). Many individuals thought that the existing limitations on publication, such as defamation and suppression orders, are sufficient. There was also strong support for respect for privacy, and some support for increased restrictions on taste. No one suggested that these restrictions should include prior restraint of publication.

Newspapers, and their associated websites, remain a significant source of news for individuals. In particular, newspapers were the most common source of news about local and national events (48.9% and 27.0% respectively). Television and other websites unrelated to established media were significant sources for international news (21.3% and 24.1% respectively). However, other international sources, such as the British Broadcasting Corporation (“BBC”), were the most popular (31.9%). Newspapers did not feature as a source of international news. Only 10.6% of respondents selected it as their source of choice for international news and no respondents who had complained to the Press Council selected it at all.

Despite the strong showing of newspapers as a source of news, few respondents selected it as the source which they would be most inclined to believe if faced with conflicting reports from different media (18.6%). Interestingly the percentage of respondents who would believe newspapers increased if the respondent had complained to the Press Council (25.0%). Respondents selected “other” as the source they were most likely to believe (38.6%). Many respondents who selected “other” identified either Radio New Zealand or an international news source, such as the BBC. This indicates that radio is probably the most trusted source of news, given that 20% of respondents selected the radio option.

Newspapers were also the most frequently used media source for 29.5% of respondents, and they remained the most frequently used media source even if the respondent had complained to the Press Council.

Websites not operated by established media organisations performed very poorly in this survey. They were the most frequently used media source for only 7.9% of respondents. This might reflect the age of respondents to the survey. However, it should not reflect respondents’ access to the internet given that most surveys were completed on the Review website.

Magazines were also not a significant source of news for respondents.

Reflecting these results is the fact that very few individuals had complained to a media organisation (28.4%) or the Press Council (12.1%), or taken legal action against a media organisation

in the last five years (2.0%). As discussed above, these percentages are high when compared with what could be expected from the general population.

Few respondents said that their complaint had been satisfactorily resolved by the media organisation (6.5%). Not surprisingly, a large proportion (82.4%) of respondents who had complained to the Press Council said that their complaint to the media organisation had not been satisfactorily resolved with that organisation.

Only 17 of the 40 respondents who had complained to a print media organisation also complained to the Press Council. Yet, only eight of the respondents who complained to a media organisation had their complaint satisfactorily resolved by the media organisation. This suggests that there is some other reason why these respondents did not progress their complaint to the Press Council. One explanation may be that these respondents were unaware of the Press Council. This is reinforced by the fact that almost all respondents thought that the Press Council should increase its public awareness generally through media campaigns, including television advertisements. Many respondents did not know what the Press Council's functions were.

Most of the respondents who knew of the Press Council approved of its current objectives, but some thought that there should be greater separation between the Press Council's advocacy for press freedom and complaint resolution activities. Many respondents thought that the Press Council should encourage responsible journalism or audit the press. Some respondents said that the Press Council should merge with the BSA. Other respondents said that the Press Council had to make its decisions quickly so that the issue complained about was still in the public arena.

There was strong support for the Press Council offering mediation services to resolve complaints with 87.0% of respondents thinking that mediation would be useful, somewhat valuable or very valuable. This level of support was also present for respondents who had complained the Council.

VI.4 Organisations and the Press Council

The low number of organisations (34) responding to this survey was disappointing. The survey was similar in design to the individuals survey, and was intended to assess organisations' views of the press and the Press Council.

Most organisations that responded to the survey were non-profit (35.3%) or government departments or ministries (26.5%). Very few respondents described themselves as businesses (8.8%). Most respondents were large with 76.5% answering that they had more than five employees. Organisations tended to work in health and community services (35.3%) or local political services (23.5%). These results do not reflect the expected characteristics of New Zealand organisations. Most New Zealand organisations are small businesses with less than five employees.

Further, 71.5% of respondents had complained to a print media organisation in the last five years, 21.4% of respondents had complained to the Press Council and 6.9% of respondents had taken legal action against a media organisation. These results seem very high compared with the general population. This suggests that there has been self-selection in the respondents with those who have complained to the media being over-represented.

Almost all respondents believed that the press was significant (43.8%) or very significant (50.0%) for their organisation. This may explain the high number of complaints to media organisations by the respondents.

Most organisations communicated with the media through responding to inquiries and making

press releases. Some respondents said that they had developed relationships with the media over time, and used these relationships to communicate with the media. However, respondents generally said that the media did not understand issues related to the sector in which their organisation operates. Some respondents also commented on the lack of preparation by some media when asking for comment. In light of this, the majority of respondents agreed or strongly agreed that reporters did not understand issues related to the sector in which their organisation operates (48.3% and 17.2% respectively).

Like the respondents to the individuals survey, organisations generally thought that the press placed too much emphasis on sensational stories (53.6% agreed, 28.6% strongly agreed), but believed that the press usually acted responsibly when collecting information (57.1% agreed). However, organisations did not believe that the press provided as much accurate information as they could given deadline pressures (37.9%), unlike the individuals who responded. These results held for organisations that had complained to the Press Council. One respondent commented that it was unfair for reporters to give tight deadlines for providing comments which often cannot be met.

Organisations also considered that there should be limitations on what the press can publish (75.9%). Like the respondents to the individuals survey, organisations thought that the existing legal restrictions were sufficient, with many also mentioning privacy issues.

The majority of organisations had not complained to a media organisation (71.4%), the Press Council (78.6%), or taken legal action against a media organisation (93.1%) in the last five years. As discussed above, the number of organisations who had made complaints seemed high compared with the expected results from a wider population.

Many organisations identified that the Press Council provided a complaints resolution service. Respondents generally felt that this service should be “balanced” and that it should be a “watchdog”.

Organisations were also in favour of the Press Council offering mediation services with 73.1% of respondents believing mediation services would be useful, somewhat valuable or very valuable.

The complaints of 12 out of 20 respondents, who had complained to a print media organisation, were not satisfactorily dealt with by the print media organisation. However, only six of these organisations also complained to the Press Council suggesting that there was some other reason why the complaint was not taken to the Press Council such as a lack of awareness of the Press Council. This is consistent with the fact that organisations thought that the Press Council should increase its public awareness through media campaigns.

VI.5 Complainants and the Press Council

The complainants survey assessed complainants’ views of the Press Council’s processes and decisions. Complainants were contacted through the Press Council by post. In all 255 surveys were sent out by the Press Council representing the last six years of complainants. Of those surveys, 60 were returned.

Complainants who responded to the survey tended to be aged over 40 (91.7%) and male (70%). Complainants tended to work in education (23.3%) or other services (20.0%). Most complainants had not worked for a media organisation (83.3%). Of those complainants that had worked for a media organisation 60% said that they had worked for a daily newspaper.

The majority of respondents had only made one complaint to a print media organisation and the Press Council (78.3%). However, some complainants had made several complaints.

Complainants were unhappy with how the complaint had been dealt with by the media organisation. Descriptions of the response from media organisations ranged from “polite indifference”

to responses which were “blunt, antagonistic and rude”. Most complainants were not offered any corrective action as a result of their complaint (82.8%). Most complainants said that the media organisation’s attitude had a “major effect” on their decision to take the complaint to the Press Council (75.4%). Only 13.3% of respondents said that the media organisation’s response to the complaint had little or no effect on their decision to take their complaint further.

Respondents tended to find out about the Press Council through “other” sources (36.2%). A significant number of respondents found out about the Press Council through the news media (22.4%), perhaps through being referred there after making a complaint. The internet was also a source of information about the Press Council for many respondents (17.2%). However, very few respondents found out about the Press Council through newspaper advertisements (3.5%) and none of the respondents identified public meetings or seminars held by the Press Council as their source of information about the Press Council.

Most were unaware of other ways to challenge the media (64.9%). Of the remainder, most identified the courts, but also said that the courts were either inappropriate for their complaint or too expensive. Others identified the ASA and BSA. Many said that there would have been no-one to complain to if the Press Council did not exist (40.4% agreed and 22.8% strongly agreed). Many felt that the Press Council was better than the courts for resolving complaints with the press with 36.5% agreeing and 5.8% strongly agreeing.

Most complainants represented themselves in their complaint (44.8%). Very few were representing other groups or people, such as a business. However, 17.2% of complainants said that they were representing a social cause.

Most did not consult a solicitor about their complaint (89.5%), and did not think it necessary to do so (76.0%). Of those respondents, who did consult a solicitor, most did so to check for possible defamation. A solicitor had advised the respondent to file the complaint with the Press Council in some cases. One respondent commented that he or she had consulted a solicitor after the Press Council’s “inadequate process”.

The complaints of the majority of respondents were adjudicated by the Press Council (84.2%). However, 87.7% of respondents did not appear before the Press Council. Most respondents commented that they were unaware that this was an option or that travelling to Wellington was too expensive. As a result, 63.9% of respondents said that the objectivity of the Press Council’s members at the hearing was not an applicable question. Respondents felt that the Press Council had adequate facts to determine the truth (50.0% agreed and 27.8% strongly agreed). However, many respondents felt that this would have improved the Press Council’s process (36.4% agreed and 23.6% strongly agreed). Most complainants were not asked to sign a legal waiver (58.9%). The Press Council requires a waiver to be signed when there is a risk of legal action being taken or threatened by the complainant. This result indicates that there was negligible risk of legal action in many complaints. However, many respondents felt that the requirement to sign a waiver was unreasonable (78.9%).

Most complainants wanted the Press Council to correct what they perceived to be a mistake by retraction or clarification (58.6%). Other significant reasons for complaining to the Press Council included making the media organisation admit a mistake to the public (46.6%) and present all sides of the story (41.4%). Very few complainants wanted an apology in comparison (17.2%). Complainants were indifferent about receiving compensation with most saying that compensation was not applicable to their complaint (56.9%).

The majority of respondents said that their complaint did not change through the Press Council’s process (91.2%).

Few complainants felt that they won the case before the Press Council (32.8%). Complainants, who had their complaints upheld by the Press Council, had mixed feelings about the media coverage it received. Of these complainants, 16.3% were satisfied or very satisfied, while 14.3% were dissatisfied or very dissatisfied with the coverage the decision on their complaint received. Many respondents remembered seeing something printed or broadcast about their complaint, its settlement or the Press Council's decision (60.7%). This suggests that there has been publicity about complaints that have not been upheld.

Most complainants were either dissatisfied (26.4%) or very dissatisfied (39.6%) with the media organisation's response to the Press Council's process. Complainants were also more likely to be dissatisfied (14.8%) or very dissatisfied (40.7%) with the media organisation's response to the Press Council's decision.

Complainants were generally satisfied or very satisfied with the speed of the Press Council's process (47.4% and 10.5% respectively), but not the way in which the Press Council handled the complaint (17.2% and 29.3% respectively). However, those respondents who had only made one complaint to the Press Council were more likely to be satisfied or very satisfied with the way the Press Council handled the complaint (23.8% and 23.8% respectively) suggesting that views on the way the Press Council handles complaints diminish as the number of complaints made by the respondent increase. Nonetheless, complainants thought that the Press Council had handled the complaint professionally. One complainant described the Secretary of the Press Council in complimentary terms.

Complainants spent varying amounts of time on making their complaint to the Press Council:

- 24.1% said that they spent less than 5 hours;
- 24.1% said that they spent between 5 and 10 hours;
- 25.9% said that they spent between 10 and 15 hours; and
- 25.9% said that they spent more than 20 hours.

Complainants tended to agree or strongly disagree that the Press Council's process was too impersonal (20.4% and 20.4% respectively). Complainants also tended to disagree or strongly disagree that the Press Council's process was fair (25.5% and 21.6% respectively). Complainants also thought that media organisations were given more opportunity to present their side (30.8% agreed strongly and 11.5% agreed) and that the Press Council took the media organisation's word for what had happened (20.4% agreed and 40.7% strongly agreed). Respondents also tended to disagree or strongly disagree that the Press Council made the press more responsive to the public (33.3% and 16.7% respectively).

However, complainants did not think that the Press Council's process was too complicated (57.5% of respondents either disagreed or strongly disagreed that the process was too complicated). Complainants tended to disagree or strongly disagree that the process was too formal (48.9% and 6.4% respectively) and that the Press Council's process was intimidating (36.2% and 25.5% respectively). Complainants also disagreed that the process took too much time (40.4%) and took too long from complaint to decision (38.0%).

The assessed value of the process varied, with some thinking it was almost worthless and others very valuable. Responses were roughly 50:50 on this question. Overall satisfaction with the Press Council's process also varied with 36.5% being dissatisfied or very dissatisfied and 36.5% satisfied or very satisfied. However, respondents strongly disagreed that the Press Council's decision had a long-term positive impact on the media organisation's performance (46.9%). Despite this, 58.8% of respondents thought that the Press Council's decisions were either useful, somewhat valuable or very valuable.

Despite these reservations, 63.8% of respondents were glad that they had complained to the Press Council. Further, 39.3% of respondents would take a similar complaint to the Press Council if faced with similar circumstances, but 80.8% of respondents would not complain to the Press Council if they had to pay a fee.

Respondents did not think the media organisation should have the last right of reply to a complaint before it goes to adjudication (55.6%), but respondents also said that media organisations should be given an opportunity to attend a hearing. Consistent with this result is the fact that 69.0% disagreed or strongly disagreed that the Press Council was biased towards complainants while 70.9% agreed or strongly agreed that the process was biased towards media organisations.

Respondents thought that the concept of the Press Council was very valuable (66.7%). Respondents also thought that the Press Council's present structure and processes were very valuable (19.6%), somewhat valuable (13.7%) or useful (23.5%).

Complainants thought that advocacy for and education about the importance of a free press was important with 88.8% saying that it was useful, somewhat valuable or very valuable. However, some noted the potential conflict between the Press Council's advocacy and complaints resolution roles. Respondents also thought that mediation services offered by the Press Council would be useful, somewhat valuable or very valuable (29.4%, 19.6% and 23.5% respectively).

The majority of respondents felt that the current membership of the Press Council was inappropriate (45.3%). The majority of respondents also did not think that the Press Council's current membership was sufficiently independent of industry (57.4%). Some complainants commented that the Press Council should not have any industry members.

Most respondents thought that the Press Council should be funded through fees charged to the press or fees charged to professional press organisations (75.0% and 62.5% respectively). There was little support for charges or costs awards against complainants.

Most respondents thought that the Press Council should have the power to fine media organisations (71.7%), and almost all (96.3%) respondents thought that the Press Council should have the power to make media organisations apologise despite most respondents not identifying seeking an apology as a reason for complaining to the Press Council. Consistent with these results is the fact that 76.2% of respondents thought that the Press Council's current powers were insufficient.

A large proportion (81.1%) of respondents did not think that the Press Council too frequently stopped the press from reporting matters of public interest. Almost three quarters (73.1%) of respondents thought that the Press Council did little to prevent the free flow of information.

Complainant respondents said that the Press Council should be a "watchdog" that provided oversight of media organisations. Many respondents doubted whether the Press Council achieved this role.

Like the individuals and organisations surveys, most complainants felt that there should be limitations on what the press can publish (91.1%). Existing laws, such as defamation, and the Press Council's statement of principles were seen as appropriate benchmarks. The need for privacy protection was also noted.

VI.6 Media Organisations and the Press Council

The media organisations survey had a disappointing response, with only 18 publications responding. The survey assessed media organisation's views towards the Press Council.

The majority of respondents were newspapers (72.2%) with the rest being magazines (27.8%). There was a large spread of numbers of readers from 9000 to 1 million. The majority of publications were released daily (50.0%). Most publications described themselves as “regional” (33.3%), but 27.8% described themselves as “metropolitan”.

Publications received numerous complaints, but very few were serious enough to be taken to court or through the Press Council.

Publications generally did not use solicitors when dealing with complaints to the Press Council with all respondents indicating that they used a solicitor for less than half of the complaints received and 60.0% indicating that they had never used a solicitor. Only 30% of respondents recommended using a solicitor when dealing with complaints to the Press Council.

Few respondents had had more than half of complaints to the Press Council against them upheld (9.1%). Most respondents had no complaints to the Press Council against them upheld (54.6%). Almost all respondents had complaints to the Press Council reach adjudication (90.0%) and most respondents made submissions on all of the complaints to the Press Council against them (72.7%).

Complaints to the Press Council were mainly about specific stories by the respondent (78.5%). A significant number of complaints were also made about letters to the editor, but few are made about the general practices of the respondents or particular journalists. Almost three quarters (72.7%) of respondents were happy with the Press Council dealing with complaints about all of these issues, but some thought that it was inappropriate for the Press Council to deal with complaints about a particular journalist and another thought that it was “dangerous” for the Press Council to deal with complaints about a media organisation’s general practices.

All respondents spent less than 10 hours dealing with complaints to the Press Council. Almost two-thirds (63.6%) of respondents spent between 5 and 10 hours dealing with complaints to the Press Council.

Most media organisations thought the Press Council’s process was useful, somewhat valuable or very valuable to their organisation (36.4%, 27.3% and 36.4% respectively).

Few respondents had seen anything printed or broadcast about a complaint or its decision in a medium other than their own or the Press Council’s (30.0%). This was considered a rare event with the Press Council’s decisions only ever being published by other newspapers.

Over half (55.6%) of respondents felt that the Press Council had adequately addressed the complaint in all cases. The remainder felt that the Press Council had adequately addressed the complaint in more than half of cases.

All respondents were satisfied or very satisfied with the Press Council’s decisions and 66.7% of respondents were satisfied with the complainant’s response to the Press Council’s decision. All respondents were satisfied with the outcome of the Press Council’s complaints process. More than half (60%) of respondents felt that the Press Council’s process was an efficient use of their media organisation’s time.

Respondents agreed or strongly agreed that the Press Council members were objective at the Press Council’s hearings (70.0% and 20.0% respectively) and had enough facts to determine the truth (30.0% and 40.0% respectively). All respondents agreed or strongly agreed that the Press Council was receptive to their media organisation’s response to the complaint (60.0% and 40.0% respectively). Most respondents disagreed or strongly disagreed that the complainant was given more opportunity to present than their media organisation (50.0% and 10.0% respectively).

Few respondents thought that legal action would be taken against their media organisation if the

Press Council did not exist (54.5% disagreed).

Only 20.0% of respondents felt that the Press Council's decisions had a long term positive effect on their media organisation's performance.

Most respondents have a process to deal with complaints (76.9%). These processes varied. Those publications with large readership and more frequent publication had more detailed complaints processes. Two-thirds (66.7%) of respondents thought that the Press Council's complaints process had influenced how their media organisation dealt with complaints. Most media organisations made information about the Press Council available to readers (61.5%). Media organisations generally made this information available as part of their complaints process. Some media organisations also advertised the presence of the Press Council.

Most respondents did not have a view on whether the Press Council was too impersonal (70.0%). Most respondents agreed or strongly agreed that the Press Council was fair (60.0% and 20.0% respectively). Most respondents disagreed that the Press Council was too complicated (60.0%), too formal (50.0%), intimidating (80.0%), and takes too much time (50.0%). However, there was an even split between those who agreed that the Press Council took too long from complaint to hearing and those that disagreed (40% each, the remaining 20% were neutral).

Most respondents thought that media organisations should have the last right of reply in the Press Council's adjudication process (61.5%). Only 7.7% thought that media organisations should not. The remainder were unsure. Most respondents commented that it was only fair for them to have the last right of reply.

Respondents did not have any firm views on whether the Press Council's process was assisted by individuals having an opportunity to present their case orally, but the majority thought that media organisations should be given the opportunity to attend the Press Council's hearing of a complaint (58.3%). All media organisations thought that it was reasonable for the Press Council to require the complainant to waive their legal rights with respect to the complaint.

Respondents were satisfied with complainants' responses to the Press Council's process (50.0%) and the Press Council's process overall (60% satisfied, 20% very satisfied).

Respondents disagreed that the Press Council was biased to either complainants or media organisations (60.0% and 50.0% respectively).

All respondents thought that the concept of the Press Council was useful, somewhat valuable or very valuable (16.7%, 25.0% and 58.3% respectively). Respondents thought that the present structure and processes of the Press Council were useful, somewhat valuable or very valuable (25.0%, 41.7% and 33.3% respectively). Respondents thought that the Press Council's decisions were useful, somewhat valuable or very valuable (25.0%, 41.7% and 25.0% respectively). Two-thirds (66.7%) of respondents also thought that the advocacy for and education about the importance of a free press by the Press Council was very valuable.

Respondents thought that the Press Council made media organisations more responsive to the public with 50.0% agreeing and 25.0% strongly agreeing. Respondents also thought that the Press Council was better than the courts for solving disputes with the press with 50.0% agreeing and 33.3% strongly agreeing. Most respondents said that the Press Council was faster and more user friendly than the courts for dealing with disputes.

Respondents thought that mediation services offered by the Press Council would be useful, somewhat valuable or very valuable (41.7%, 16.7% and 8.3% respectively). However, 33.3% of respondents thought that mediation services would be of little value. One respondent commented

that mediation would be a good way of avoiding the Press Council's lengthy process of submissions. Others commented that their media organisation's complaints process already included mediation and therefore further mediation by the Press Council would only extend the length of time the Press Council takes to deal with complaints.

Three quarters (75%) of respondents agreed or strongly agreed that the Press Council's membership was appropriate, while 83.3% of respondents agreed or strongly agreed that the Press Council's membership was sufficiently independent of the industry. Most members commented that the Press Council needed to maintain a majority of public members.

The majority of respondents thought that the Press Council should be funded through fees charged to the press (58.3%). Fees charged to professional press organisations were also popular (50.0%). One-third (33.3%) of respondents thought that the Press Council should have the power to make costs awards against complainants.

A significant proportion (63.7%) of respondents disagreed or strongly disagreed that the Press Council should have the power to impose fines on media organisations. However, 45.5% of respondents agreed that the Press Council should have the power to make a media organisation apologise. No respondents disagreed with the statement that the Press Council should only have its current powers.

Two-thirds (66.7%) of respondents disagreed or strongly disagreed with the statement that the Press Council too frequently stops the press reporting on matters of public interest while 63.7% of respondents agreed or strongly agreed with the statement that the Press Council does little to restrict the free flow of information.

Respondents generally thought that the Press Council should have the same functions as it does now. Many respondents commented that the Press Council should advocate for a free press. One respondent said that the Press Council should also educate readers about their rights. Another respondent commented that the Press Council should inform the public and the industry about appropriate standards.

A large fraction (83.3%) of respondents thought that there should be limitations on what the press can print. Most respondents said that the current legal restrictions were sufficient. One respondent warned against placing too much emphasis on privacy.

VII Assessment of Common Criticisms and Basis of Recommendations

Persons whom we interviewed and the surveys we conducted – see Section VI – produced a mixed assessment of the Press Council. Whilst many maintained that it was doing a good job and that its adjudications were fair and balanced, there were a number of particular criticisms which we summarise below. Many opined that the Press Council’s decisions had been of better quality over the last few years, showing a greater consistency in style. The submitters differed in their understandings of the history, role and function of the Press Council. Many submitters praised the changes introduced by The Honourable Sir John Jeffries over his term as Chair of the Press Council and applauded the leadership he had provided.

Many submissions were concerned with what the submitters saw as a fall-off in standards of journalism, with allegations of how badly the press behaved in certain circumstances. We received some strong submissions about the treatment of Māori by the print media. Whilst the Press Council does play a part in setting and maintaining standards of journalism, we do not see it as our function in this Review to consider specific criticisms of the Press on specific occasions..

The present procedures of the Press Council and its Statement of Principles are covered in Section V of this review.

We summarise the principal criticisms of the Press Council and comment thereon. In considering these criticisms, we offer recommendations and rationale for the recommendations made.

VII.1 “Press Council not independent, or perceived to be not independent of the publishers”

The submitters taking this more extreme view saw the Press Council as having been set up by the NPA as a device to deflect the imposition of a statutory regulatory authority like the BSA, and to not be independent of the funders. The public-industry balance of the panel, appointments process, the survey results and the results of our enquiries do not support this view.

All those advancing this criticism perceived the Press Council as under-funded. They saw the under-funding as symptomatic of its lack of independence underscored by its reliance on an informal funding mechanism. The measures that we are recommending to give greater independence to the Press Council will, we hope, alleviate some of these concerns.

Non-industry submitters were virtually unanimous in their view that the Press Council is under-funded. Many associated with the media were of the same view. The Press Council’s annual budget is around \$160,000 approximately, compared to the ASA’s budget of around \$730,000. Yet there were those in the newspaper industry who felt that the Press Council had performed adequately, that it needed little, if any, extra funding and that it should not assume any function other than complaints handling.

VII. 2 “Press Council has no power to investigate properly or to obtain information”

Comparisons were made with the powers of the BSA, which includes a statutory right to make investigations and compel disclosure of documents. We do not recommend that the Press Council be other than a voluntary industry body, and certainly not one established by statute – as we discuss in Section III. Coercive powers would inevitably produce a lack of cooperation by the print media with the Press Council and they generally cannot be given other than under a statutory framework such as the BSA enjoys.

However, we recommend that the regime of the Press Council should be accepted by all print media organisations. Any participant should give a formal acceptance that any a publication against which complaint has been made, will give fullest information to the Press Council’s investigation, in the same way as banks are required by their participation agreement to give information to the Banking Ombudsman on complaints made against them.

VII.3 “Lack of Sanctions”

Most of the industry people to whom we spoke and who made submissions claimed that an adverse finding against a publication by the Press Council was very embarrassing for both the editor and the journalist concerned. It is seen as showing a lack of professionalism and could be viewed pejoratively by proprietors, competitors and peers. It was also represented to us that publication of the adverse finding may be worse medicine for the Complainant than the original act complained about. This situation can arise in privacy cases and lead to necessarily imprecise decisions to publish. Thus, there cannot be a mechanical publication sanction for all situations. Apart from a graduated scale of publication requirements, to which we shall refer in the next section, we see neither the need nor the ability for any other sanctions being imposed by the Press Council.

We note that the recent report of the House of Commons Committee found little evidence that the industry would support financial penalties and that the power to fine would need statutory backing. That Committee did not recommend any switch to government control of the UK scheme for complaints against the print media.

VII.4 “Publication of Decisions”

Submissions were also made regarding the length of decisions and the requirement that they be published in a prominent position in the offending publication. Moreover, a decision is often reached by the narrowest of majorities and dissenting opinions often make criticisms of the news medium concerned. We suggest a graduated scale of penalties as follows:

That the present Uphold/Not Uphold adjudication system be changed to (in ascending order):

- (a) *Rejected* – to apply when the Press Council knows there is no chance of the complaint being accepted, such as when a letter to the editor is rejected.
- (b) *Not Upheld* – when the Press Council considers a publication has behaved properly before and after publication and throughout the complaints procedures.
- (c) *Partially Upheld* – when the Press Council decides some parts of a complaint are justified but others are not.

- (d) *Upheld* – when the Press Council decides that a complaint should be upheld but there is no evidence to suggest a publication was behaving irresponsibly.
- (e) *Censured* – When the Press Council decides a complaint should not be just upheld, it also needs to send a message of rebuke for a job poorly done.

The Press Council should continue to publish all decisions on its website, and it should provide analyses of them in its Annual Report and, we shall suggest, in published occasional papers.

The Press Council should issue a summary that contains reference to the full decision on the website, which it requires the publication concerned to publish where a complaint has been upheld. This recommendation should answer criticisms that Press Council decisions can be unduly lengthy and that the publication concerned might choose to publish its own idiosyncratic summary of the decision. Whilst not giving the power to the Press Council to direct exactly where the summary should be published, the Press Council should stipulate the prominence to be given to the summary. Also, the publication should be discouraged from commenting pejoratively on an adverse decision – a course which could be seen as undermining the effect of the sanction and the authority of the Press Council.

There may be cases where the complainant does not wish any publication of the result of a successful complaint and the Press Council should have a discretion to order non-publication in cases where to publish would conflict with the Complainant's legitimate claims to privacy.

VII.5 “Press Council Decisions seen as being too far removed in time from publication and not having any remedial effect”

Several of those who have advised politicians claimed that the process was not suitable for the “cut-and-thrust” of politics where a week is allegedly a long time. The same point was made by commercial entities for which an inaccurate representation quickly affected their business. This is essentially a complaint about the lack of a fast process, which we address when we consider gatekeeping by the CEO, a fast-track procedure for truly urgent complaints and the option of mediation/conciliation.

VII.6 “Objection to the requirement to sign away legal rights”

The Press Council often requires complainants to sign a waiver against bringing legal proceedings against the publication before a complaint will be considered. In New Zealand, complainants are asked to sign the waiver only if there is a possibility of legal action. Some 59% do not sign. We note that the APC has a similar requirement. We were told by the APC that nobody had ever tried to institute proceedings after having signed such a waiver. We heard impressive legal opinion to the effect that such a waiver would be likely to be held useless because it violates public policy.

Some media people justified the waiver on the grounds that it made the newspapers more cooperative towards the Press Council inquiry and that the failure to have such a waiver could inhibit free exchange between the Press Council and the publication. The latter would see the complainant as wanting to have a “dry run” before litigation. We are not impressed by this argument.

It was alternatively represented to us by particular counsel that the waiver may be part of an arbitration option offered by the Press Council to parties contemplating defamation suits, and that this may be an efficient resolution mechanism.

There was wide agreement that defamation actions are costly, stressful and lead to unsatisfactory

outcomes. Few go to trial in any one year. Egregious instances of possible defamation tend quickly to be recognised and rectified by the publication concerned, e.g. the ascription of a photograph to the wrong person. Defamation actions should be avoided if at all possible, mainly because of cost to the parties in money, time and human resources. We also note that – as the surveys reveal – complaints that go to the Press Council are generally of a quite different nature from those where an award of damages is possible: e.g. comments about minorities where no individual is targeted. Parties engaged in a case with prospective damages could in any event arrange arbitration. We have no objection to an arbitration being facilitated by the Press Council. But we do not consider that that possibility should affect the presence of a waiver in the Press Council’s standard adjudication process. There is no waiver for the ASA or BSA.

We consider that the objections to the signed waiver from suit are more perceptual than real. We recommend the abolition of the waiver of future action against the publication as a prerequisite to making a complaint to the Press Council, because it is of doubtful legal validity and because it is of little benefit to the Press Council process.¹²⁹

We favour complainants being required to agree not to commence legal proceedings whilst a complaint is before the Press Council.

VII.7 “No right of appeal from Press Council decisions”

Various submitters advocated a right of appeal from Press Council decisions in the same way as ASA complaints decisions can be appealed to a separate Appeals Board and BSA decisions to the High Court. Both the ASA and the BSA can impose penalties with financial consequences and this possibility could be the basis for these appeal rights.

We note that there is no right of appeal from the decisions of either the Banking Ombudsman or the Insurance and Savings Ombudsman. A complainant (but not a bank or insurer) is entitled to go to court after receiving an adverse finding from these Ombudsmen. In practice, few do. Those who have done so have rarely succeeded in subsequent court proceedings.

Conversely, a complainant cannot go to Court first and then approach the Banking or the Insurance and Savings Ombudsmen, if the court case has been unsuccessful. The existence of the right of a dissatisfied complainant (but not the bank or insurer) to go to Court if the ombudsman process does not find in his/her favour, has not been an inhibiting factor in the participation of banks or insurers in the ombudsman process.

Given the nature of complaints, the sanctions available to the Press Council, the cost of appeals and the effect of the appeal process on investment by complainants and publications in “getting it right” in the first round, we do not consider that there should be a right of appeal from a Press Council decision.

We do consider that there should be a right to a rehearing of a complaint on the grounds of material evidence which had not been reasonably available when the original complaint was considered. Such evidence should not have been available on reasonably diligent enquiry and should be likely to have a bearing on the result. The independent Chair should decide whether a rehearing should be allowed.

¹²⁹ This is the position, with regard to the UK, reached by Geoffrey Robertson, *People Against the Press*, Quartet Books, London, 1983, at pp.28-31.

VII.8 “With so many members, a Press Council decision is rather like that of a jury”

In the BSA the complaints decision is made by the four Government appointees to the BSA. In the ASA the decision is made by a separate complaints committee of nine, with a right of appeal to an Appeal Authority of three. The decisions of the Press Council are made by all 11 members in general meeting. The Chair allocates the writing of a draft adjudication to a particular member. All members receive the relevant papers before the meeting and are expected to be “up to speed” in respect of each complaint and to participate in the discussion of its fate.

The member who has written a draft decision reads it out at the meeting, having previously circulated it beforehand. Discussion then takes place and a decision is made whether or not to uphold the complaint. Often discussion is quite vigorous. Discussion also takes place on the wording of the adjudication. Of necessity, there is often some compromise evident in a written decision. Change from one outcome to another can result from discussion. Under the present system, persons who wish to write a dissent are invited to contribute to the final published decision.

The APC has Complaints Committees of three with a majority of public members which considers each complaint and makes a recommendation to the full Council which makes the ultimate decision. The Committee often hears the oral presentations of both parties in an informal, non-adversarial way. The complaint is next considered at the meeting of the APC, when the decision is made to accept or not the recommendation of the Committee. The APC Secretariat gives some assistance to Council members in writing decisions. At the BSA, the staff prepare draft decisions which are then approved by the members.

Under the present Press Council arrangements, with only a part-time secretary, it is not feasible for staff to prepare draft decisions. One of the criteria for public membership of the Press Council is the ability to write well. Nevertheless, with so many potential authors, differences in style must be apparent, even though there is now a template for the format of decisions.

Given the role of the public members in adjudicating social and ethical mores, even with a Statement of Principles and the relatively few complaints processed to adjudication, we do not recommend any change in the present mode of decision-making. It appears to have worked well, despite its apparent capacity for unwieldiness. With the enhanced role for the Chief Executive, it ought to be possible for that person to prepare a summary of the issues with consistency of style and thus reduce the criticism of compromise decisions.

VII.9 “The Press Council has too many members”

We have given consideration whether the membership of the Press Council should be reduced. The quality of the current public members seems high, with a range of skill sets and experience. We do not recommend any reduction from the present number of 11.

We query whether it is necessary to have two members appointed by the EPMU. The former Journalists’ Union played a significant role in the formation of the Press Council in 1972 and it (and its successors) have supported the Press Council financially ever since. The Journalists’ Union has gone out of existence and has been absorbed by a much larger union embracing many industries. Also, we were told only about 30% of working journalists nationwide belong to the EPMU. Yet the EPMU seems

to be the only organised voice for workers in the journalist profession. Although other industry-based complaint schemes do not include representatives of employees on the adjudicating body, the pervasive role of journalism in media, plus the historical support given by journalists to the Press Council make it desirable to continue with two journalist members with one representative from the EPMU.

Instead of the present second member being nominated by the EPMU, we recommend the appointment by the Press Council of an independent journalist not currently connected with any of the publications represented in the Press Council.

The system for appointing public members appears to work well. Advertisements for public members attract many applicants. The Chairman of the Press Council manages the selection process with advice from a respected independent outsider in the person of the Chief Ombudsman. The process has been successful. Geographical and occupational spread, gender balance and Māori input are all desirable considerations in the choice of applicants. There are many relevant constituencies. For example, we were told that there were as many as 25 Asian newspapers in New Zealand. It is not possible, nor is it necessarily desirable to seek an omnibus coverage of different groups as opposed to the best candidates on offer. With only five positions to fill, the choice can be limited but it should contemplate persons with an appreciation of the diversity of the New Zealand populace. The Chief Ombudsman suggested to us that the selection panel might include a nominee of the Chief Human Rights Commissioner. That is something for the Press Council to consider.

VII.10 “The Press Council Process is too slow”

This criticism cannot be valid for all complaint situations. Natural justice requires that both parties have a reasonable opportunity to present their respective cases. Moreover, not all complaints really need an immediate ‘fix’.

The measures that we recommend should minimise the delay criticism. In particular:

1. The period for lodging a complaint with the Press Council should now be two months after publication, instead of three months, with power of the CEO to admit a complaint up to three months old if the publication has delayed dealing with the complainant’s original approach.
2. We propose a permanent Complaints Committee of three – The Chair and one industry and one public member, with delegated power to deal with genuinely urgent complaints. There should be a right of appeal to the remaining eight members of the Press Council.
3. We advocate the greater use of conciliation/mediation at the stage of the publication’s reply to the complaint.

VII.11 “The Press Council’s Statement of Principles is unsatisfactory”

The Statement of Principles (which is included in Section V) was agreed between the Press Council and representatives of the industry in 1999. We gather that the process of reaching agreement was not an easy one. There were some in the print media who failed to see the need for a Statement of Principles which some considered too prescriptive and constricting.

The Principles were criticised by many who made submissions on the grounds either that they were not prescriptive enough or were too vague or did not cover various important aspects. Submitters referred to the Codes of Practice of the BSA, the APC and the UK Press Complaints Council and the

Codes of Ethics/Conduct of the EPMU and of various newspaper publishers.

Statements of Principles should never be set in stone. They need frequent review in the context of an ever-changing social environment. We consider that the Press Council should undertake an immediate review of the Principles and should consult widely. We received some complaints that there had been only limited consultation at the time when the Principles were established. Journalism schools and former senior journalists and editors would be well placed to provide input into such a Code. Our review of other press councils showed that most had a Code of Conduct or Statement of Principles. Much could be gained from a study of these precedents.

Some of the principal criticisms of the existing Principles can be summarised as follows:

1. It is difficult for any tribunal to adjudicate without a clear set of Principles on which to base its decisions and to maintain consistency. There are some notable gaps in the existing Principles. For example, there may be merit in defining the public interest, as the APC has done. One aspect to consider is whether deceit will ever be in the public interest. The availability of tighter principles should assist complainants to understand what they can expect from the Press Council process. Complainants do refer to the Principles in their complaints – 42% did so in 2000, 63% in 2002 and 55% in 2006.
2. The current Principles concerning children and young people are too vague. The guiding principle should be the importance of protecting children and young persons from information injurious to their wellbeing. The Principles should contain guidelines of some detail for balancing a right of freedom of expression and the potential harm which could be caused to a child by the media.
3. Serious concerns were raised by Māori media organisations, the Human Rights Commission and others over an alleged mono-cultural bias in the mainstream media. There is no reference in the Principles to the Treaty of Waitangi.
4. The Principles need to be more specific on privacy. APC guidelines on privacy and such matters as advertorials, cheque-book journalism, asylum seekers, drug addiction, religious terms and newsworthy stories are worthy of consideration. The media enjoy an exemption from the Privacy Act. Maintaining retention of that exemption, might well be assisted by some codification of privacy standards for the print media.
5. Industry codes are not the place for detailed advice on ethical conduct. The Press Council should set acceptable benchmarks without descending into unnecessary detail: e.g. “good taste and decency” are reasonably not defined.¹³⁰ Nevertheless, it should explain the benchmarks in its decisions which offer ongoing analyses and appraisals of them.

We consider that the Press Council should undertake an immediate review of the current Principles. The review should take into account the numerous precedents that exist in other press councils and elsewhere. We do not advocate a code as prescriptive as that of the BSA but, nevertheless, the majority of the submissions was to the effect that the Principles at present needed revision and enlargement. Most thought they were too vague. Some thought that the Code was adequate and should not be more prescriptive. We do not agree with this view.

¹³⁰ We note elsewhere that we recognize that codifying such general principles does not much constrain the interpretation that can be applied; and that an advantage of the Press Council is the wider public panel it brings to bear on them.

VII.12 Independence / Constitution of the Press Council

When originally constituted in 1972, the objects of the Press Council were:

2. OBJECTS

The objects of the Council are:

- (a) To preserve the established freedom of the New Zealand Press.
- (b) To maintain the character of the New Zealand Press in accordance with the highest professional standards.
- (c) To consider complaints about the conduct of the Press or conduct of persons and organisations toward the Press; to deal with these complaints in whatever manner might seem practical and appropriate and to record resultant action.
- (d) To keep under review developments likely to restrict the supply of information of public interest and importance.
- (e) To make representations or submissions on appropriate occasions about matters relating to the foregoing objects to any body, organisation, thing or person.
- (f) To publish periodical reports recording Council's work.

The original Constitution provided for only two members (one appointed by the New Zealand Newspaper Proprietors' Association and the other by the then Journalists' Union). These two then appointed a Chairman "otherwise unconnected with the Press". This started the custom whereby the independent Chair of the Press Council has always been a retired superior court judge, i.e. Sir Alfred North, Sir Thaddeus McCarthy, Sir Joseph Ongley, Sir John Jeffries, down to the present Chairman, the Hon Barry Paterson, QC.

The current Constitution of the Press Council is dated 10 September 2003. It is signed by the NPA and the EPMU and is a fairly sparse document. The objectives of the Press Council are stated thus:

4. OBJECTIVES

4.1 The objectives of the Council are:

- (a)
 - (i) to consider complaints about the conduct of the Press;
 - (ii) to consider complaints by the Press about the conduct of persons and organisations towards the Press;
 - (iii) to facilitate the satisfaction, settlement or withdrawal of complaints in an appropriate and practical manner; and to record the action taken by the Council.
- (b) To promote freedom of speech, and freedom of the Press in New Zealand
- (c) To maintain the New Zealand Press in accordance with the highest professional standards.

It is to be noted that objects (e) and (f) of the 1972 Constitution were not included in the 2003 version – we do not know why.

The chair is appointed for five years, with an eligibility for reappointment "for a term to be decided by agreement with the parties". Presumably, this means the "constituent bodies". Other members are to be appointed for four-year terms with eligibility for reappointment for one four-year term. There is no "sunset" provision enabling a member to stay in office until a replacement has been appointed. The quorum is seven and the chairperson has a casting vote. There is power to delegate functions to a Committee of one or more members.

The public members are paid a fee per meeting plus expenses in accordance with rates to be determined from time to time by the NPA and the EPMU. The chairman is paid an annual retainer (presumably fixed by the NPA and EPMU). Industry members are not paid a fee but their

travel expenses are met. Their participation in the Press Council is usually requested as part of their employment obligations, so they are not out-of-pocket. This situation does not occur for “freelance” journalist members who should be paid the same fee as the public members if they are not employed by an organisation represented by one of the funders.

The Constitution provides that the Press Council may consider complaints against newspapers, magazines and periodicals in public circulation in New Zealand (including their websites). The Press Council has a discretion to “decline a complaint” if the publication has limited readership or circumstances make the complaint “inappropriate for resolution by the Press Council”. The Constitution envisages the Press Council considering complaints about all newspapers, and magazines in public circulation – regardless of whether they belong to the NPA or MPA

The costs of the Press Council are to be borne under the present Constitution by the NPA, the EPMU and other organisations, which agree to be involved. The costs are apportioned as determined by the NPA and EPMU. The MPA and the Community Newspapers Association (“CNA”) now contribute a percentage of the costs – presumably, as “other organisations” which have agreed to be involved, as envisaged by the Press Council Constitution.

The secretary of the Press Council is required to present a budget at the start of each year to the NPA and EPMU, for their approval. Newspapers within the NPA are levied according to some internal formula.

Clause 14 of the Constitution states that the NPA and EPMU may, at any time, after consultation with the Press Council, resolve to dissolve the Press Council. The Constitution is to be read in conjunction with the Press Council’s Pamphlet of Procedure and Statement of Principles.

The objects of the Australia Press Council (“APC”) are more comprehensive and read as follows:

3. OBJECTS

- (1) The objects of the Australian Press Council are to promote freedom of speech through responsible and independent print media, and adherence to high journalistic and editorial standards, by:
1. Considering and dealing with complaints and concerns about material in newspapers, magazines and journals, published either in print or on the Internet;
 2. Encouraging and supporting initiatives by the print media to address the causes for readers’ complaints and concerns;
 3. Keeping under review, and where appropriate, challenging political, legislative, commercial or other developments which may adversely affect the dissemination of information of public interest, and may consequently threaten the public’s right to know;
 4. Making representations to governments, public inquiries and other forums as appropriate on matters concerning freedom of speech and access to information;
 5. Undertaking research and consultation on developments in public policy affecting freedom of speech, and promoting public awareness of such issues.
 6. Promoting an understanding of the Objects, Principles and workings of the Council especially among editors, journalists and journalism schools, through forums and consultations: and encouraging feedback for Council’s consideration.

Membership of the APC under its new Constitution includes associations of publishers or corporate or individual publishers which are empowered to nominate members under the Constitution.

Consideration of the existing arrangements detailed above leads the Reviewers to offer the following recommendations about the Press Council's Constitution. We later recommend the creation of the Press Council as a separate corporate entity and the following would be incorporated into the relevant constitutional document:

1. The objects of the Press Council should be redrafted and adapted to follow the lines of the APC's objects. We had numerous representations that the express object of "promoting freedom of the Press in New Zealand" sits uneasily with the principal duty of the Press Council to consider complaints we tend to agree. The APC wording, "promoting freedom of speech through a responsible and independent print media and adherence to high journalistic and editorial standards" is a formulation more consistent with the objectivity needed for the discharge of the Press Council's complaint role. Adoption of objects similar to those of the APC would also align the Press Council with the wider role which we envisage, to be discussed elsewhere. Restoration of objects (e) and (f) of the 1972 objects would be appropriate in this context.
2. The perception of independence of the Press Council from the print media interests, is, in our view, paramount to greater public acceptance of the Press Council and greater use of its services. Various submitters perceived the Press Council as lacking in independence because of its alleged limited funding from and close association with the NPA, which had the power to change the structure of the scheme or even abandon it. Survey respondents adopted similar concerns. One suspects that some of these critics were unaware of the exact composition and *modus operandi* of the Press Council. Yet, the perception of lack of independence is fairly widespread. The following matters in the present constitution are inimical to that goal and need to be changed.
3. The right of the NPA and the EPMU to resolve to dissolve the Council needs to be modified. The Press Council can not be seen to be independent if its existence is "at will" and if, at any time, its funders can decide to dissolve it. Adoption of a separate "corporate" structure would mean that the circumstances in which the Press Council would cease to exist would be prescribed by corporate statute and/or the constitution. Arbitrary termination by the funders would not be possible. The APC's new constitution gives the right to APC to terminate its existence if it appears to members that its voluntary nature and independence are threatened or that circumstances have arisen which render the continuing function of the APC inappropriate. In that event, the net assets of the APC go to such charitable or educational purpose as the APC specifies. A similar provision should exist for the Press Council.
4. The terms of office and the honorarium and fees of the Chairman and public members of the Press Council should be determined by the Press Council in accordance with the registered constitution of the incorporated body and not unilaterally by the funders. Obviously, the quantum of the honorarium and fees will impact on the budget which will need to be presented by the Press Council to the funders after detailed consideration by their representatives. There are precedents available from what is paid to those who serve on statutory bodies of various sorts, which could guide them. The budget process needs to be more arms-length and specified in the constitution to enhance the independence of the Press Council.
5. There should be a "sunset" clause in the constitution to enable Press Council members to stay in office until a replacement has been appointed.
6. There should be a requirement that in all complaint decisions, a majority of public members must participate. Such a provision would ensure that this goal is achieved where, through absences, ill health or conflict of interest, a majority of non-public members may not vote.

7. There should be a Budget Committee as outlined earlier in this Report. Industry members of the Budget Committee would not be the same as the industry representatives on the Press Council properly constituted.
8. There should be provision for a Complaints Committee with full delegated power to deal with urgent complaints and appeals from the CEO's refusal to accept a complaint.
9. It would be desirable to have a system whereby those publications subject to the Press Council jurisdiction were tied into the Press Council complaints system in a way similar to the way banks sign up to the Banking Ombudsman scheme. Each registered bank which is a participant to that scheme signs a participation agreement with Banking Ombudsman Scheme Limited ("BOSL"). In essence, each bank agrees to comply with the scheme's complaint system and to pay its share of the levies made by BOSL to operate the scheme. The present constitution of the Press Council does not positively oblige the publications to comply with the Press Council system. There is nothing formal to require members of the NPA (let alone the MPA) to cooperate in the complaints process and to publish decisions of the Press Council if so directed by the Press Council.
10. Since there are a few major groupings of publishers, each should identify in a formal way, all the publications in its group which will be bound by the Press Council regime. This list will obviously change from time to time but should be on the Press Council's website. The groups should sign some form of participation agreement with the Press Council. In this way, the industry can demonstrate its commitment to a transparent, independent dispute resolution service.
11. We see as a consequence of this thinking, a proposal, floated with a number of submitters, that the Press Council become a separate corporate entity, to give it the appearance of greater distance from its founders. Few, including industry representatives, disagreed with the suggestion. Therefore, we recommend that the Press Council become a separate legal entity for the reason of enhancing its independence.
12. In the Review of the Banking Ombudsman Scheme, the independent reviewer recommended that the Banking Ombudsman Commission become a separate legal entity. Hitherto, it had been an unincorporated association of bank and consumer representatives with an independent Chair. The reviewer saw such a move as enhancing the independence of the Banking Ombudsman from the banks. It also overcame the difficulty of identifying the correct entity in the event of litigation and the actual employer of staff. The reviewer suggested a company structure with only one-share, held in trust by the Chairman. Banking Ombudsman Scheme Limited has been incorporated and has taken over the functions of the unincorporated Banking Ombudsman Commission which operated the Scheme for the past 15 years.
13. APC has become an incorporated society under the New South Wales equivalent of the New Zealand Incorporated Societies Act 1908. We note that the ASA is an incorporated society under that Act. Whilst there are advantages and disadvantages in that mode of incorporation, an incorporated society model may be more appropriate for the Press Council. There is a minimum requirement of 15 members of an incorporated society. If this recommendation is accepted, then the Press Council will, no doubt, obtain legal advice as to what sort of separate legal structure is appropriate. Separate funding will be needed for the Press Council to achieve incorporation.
14. Whilst we advocate the Press Council becoming a separate legal entity, it is neither sensible nor efficient for all the members of the Press Council to be engaged in the budget exercise. A draft budget should be prepared each year by the CEO and be determined by an Executive Committee, comprising the independent Chair of the Press Council and two representatives of the funders, plus one public member. It is appreciated that the funders' representatives on the

Executive Committee are unlikely to be the same as their nominees on the Press Council proper, dealing with complaints, and other Press Council functions. Management persons are more appropriate for funding decisions and persons with journalistic experience for complaints. It is suggested that the funders be represented on the Executive Committee of the Press Council by one person from the NPA and another nominated by all other funders.

- 15 After due consultation with the CEO of the Press Council, the Executive Committee should have power to set the budget. The funders would determine who pays and in what proportions. The levies should be struck and received by the Press Council. We envisage a process similar to that under the Banking Ombudsman Scheme where the budget is determined by the Board of Directors on which the bank funders are represented. Individual banks have sufficient confidence in the banking representatives on the Board to fix the budget without reference back to them. Banks then pay levies direct to the Banking Ombudsman's Office. The levy is set in accordance with an agreed formula.

It may seem an historical anomaly that employees of the media contribute to the working of the Press Council, via the EPMU's contribution. However, we are cognisant of the facts that journalists pervade media organisations, and that standards of journalism determine to a large extent the standards of publication, and the historical involvement of the former journalist-only unions in the formation of the Press Council and its equivalent world-wide. Although, the EPMU does not now speak for all journalists as its predecessor unions once might have done, we received no submission on the EPMU's modest contribution to the Press Council. We make no recommendation on the point

It is of concern that not all publications contribute to the running of the Press Council. All the metropolitan and provincial dailies do, as well as all publications controlled by the two biggest players in the industry, Fairfax and APN. Yet there have been some fairly high-profile publications that have not been represented amongst those who fund the Press Council. Although in the present technological climate even statutory control would struggle to achieve universal participation for print media. One would hope that public expectations and transparent codes of practice promulgated by the Press Council would induce such publications to conform with the Press Council scheme.

It should be possible for a publication not in a group to support the Press Council and adhere to its regime. By analogy, there is one registered bank which is not a member of the New Zealand Bankers' Association but which contributes to and participates in the Banking Ombudsman Scheme. It should be possible for such publications to join the Press Council scheme on payment of a reasonable contribution assessed on circulation.

The convergence of media poses a range of issues that we have discussed in Section III. We consider that the principles and practices of the Press Council might be applied to the electronic print publication both for members of the Press Council and non-members, providing the latter can be feasibly funded.

VII.13 Accessibility / Functions

The overall impression we received was that the Press Council was not as widely known amongst the general populace as other industry-based complaint schemes. The evidence was all anecdotal. No survey has been carried out by the Press Council, similar to that undertaken by the ASA in 2006, to ascertain the degree to which the Press Council is known in the community. The ASA survey showed that 87% of respondents knew that they could make formal complaints about advertisements, 61% knew about the ASA and 41% recognised the ASCB. We doubt whether such a survey, if it had been

conducted by the Press Council would have revealed the same degree of public awareness. Our targeted survey revealed that individuals had low awareness of the Press Council and of its functions.

Most people repeatedly transact with their bank and have an insurance policy, and have competitive alternatives that it is in their direct interest to assess. Therefore, it is reasonably in the interest of most of the adult population to routinely be aware of their banking and insurance services and, potentially, to want to complain about them. However, the majority of the population go through their life without attracting the critical attention of the print media. This fact is demonstrated by the few Press Council complaints compared to the number of complaints about banks, for example.

Because of the very infrequent demand – whether exercised or not – for Press Council services it is not that important that individuals be routinely aware of the Press Council. What individuals and organisations require are ready ways to discover if there is a body that deals with print media complaints. Random samples of the population that reveal a lack of knowledge of the Press Council are not necessarily indicative of actions to be taken. We consider that information and publicity close to the source of the problem – in print- and e-publications – ready internet identifiers, telephone availability, and publicity associated with the Press Council’s activities are appropriate mechanisms to provide information about the Press Council efficiently from consumers’ perspectives.

Experienced defamation lawyers to whom we spoke opined that the remedy of complaining to the Press Council, as a possible alternative to a defamation action, was not universally known in the legal profession. Many lawyers who knew about the Press Council did not consider that it offered a prompt or effective remedy. Whilst we were assisted in our deliberations by several senior lawyers and academics experienced in media law, we note that we received no submissions from the New Zealand Law Society, nor from any District Law Society. It may be desirable that the legal profession be routinely provided with Press Council information.

The nature of print media complaint issues renders it difficult to have a well-recognised scheme, nevertheless some of the reason for the low public profile of the Press Council must lie in a lack of publicity about its activities. Other complaint schemes go to some lengths to ensure that their procedures come to public notice. For example, all banks are required by the Code of Banking Practice to have available on display in each branch leaflets describing the Banking Ombudsman Scheme. Under Section 6(1)(ba) of the Broadcasting Act 1989, both radio and television broadcasters must broadcast the information about the right to complain, first to the broadcaster and then, if not satisfied, to the BSA. The equivalent of one notice must be broadcast every day and the notices spread through all programme times.

The volume of complaints processed (1,557 in 2006) by the ASA, plus the survey referred to earlier and the publicity attending some of the ASA’s decisions incline us to the view that this media-industry-funded scheme is better known to the public than the Press Council. One of the ASA’s strategic goals is “effective communication with consumers and industry about the role of ASA”.

Our enquiries show that some newspapers occasionally publish, usually in the Letters to the Editor section, a concise statement about the rights of readers to approach the Press Council if a complaint is not satisfactorily dealt with by the paper. One major metropolitan newspaper publishes this daily. Another never does. Others do it sporadically. In Australia, newspapers are expected to publish a statement about the APC reasonably frequently, although with some regard to space availability. It seems rare for such an announcement ever to be found in magazines and community newspapers. It would be impossible to expect universal compliance with such a requirement unless it were part of the agreement entered into by publications with the Press Council to be referred to later.

Whilst the Press Council has been more proactive in recent years in becoming better-known, more can be done.

There are several intertwined reasons for publicity for the Press Council. They include:

1. finding a convenient vehicle for furthering a complaint about print media (we note that entering “newspaper complaint nz” in an internet search takes the user directly to the Press Council);
2. providing publicity for what the Press Council does in decisions and beyond its complaint role;
3. that publicity can enhance the credibility of the Press Council.

These different purposes may have different audiences. What follows addresses all those roles.

All publications which accept the Press Council’s jurisdiction should be under some minimum requirement to regularly publish information about the public’s right to complain to the Press Council. We do not seek to be prescriptive as to the number of times such a statement is published but there certainly needs to be an improvement on the present haphazard minimalist approach. A minimum of one such publication once a fortnight would seem reasonable. The makers of the constitution of the incorporated body might recommend what is reasonable and incorporate this in the rules of engagement with publications.

The Press Council should obtain an 0800 telephone number and it and website details should be listed in all publicity of the Press Council.

The Press Council should prepare reviews of the principles it has utilised in its decisions. It should analyse issues of the day affecting journalistic practice and the ability of the media to investigate and report in an open manner. It should produce occasional papers on, and where relevant submit to decision-making bodies, the results of its deliberations.

The Press Council should, analogous to the role of the APC, host an annual public lecture on a press-related topic and sponsor a prize at one of the journalism schools. For example, last year’s APC lecture in Perth was by the Chief Justice of Western Australia on “The Media, the Courts and the Public Record”. The lecture attracted much interest. It should not be too difficult for the Press Council to stage such an address annually. Doing so, could only enhance its public profile.

There should be a separate sub-committee of the Press Council charged with increasing public awareness of the Press Council and its services and functions.

The Press Council should meet outside of Wellington at least once a year. Auckland and Christchurch would be obvious places. This move would enhance its perception as a national body, not just a Wellington-centric one, as perceived by some. The whole membership of the APC travels interstate annually. The last two years’ functions at Townsville and Perth, saw a public lecture by a distinguished person, combined with a visit to a journalism school.

As part of its broader functions, the Press Council should have the financial ability to engage researchers when investigation is desirable. The APC commissions such research often before a topic becomes imminent or even political – rather than producing a defensive reaction to proposed legislation. We do not suggest the full-time employment of a researcher as is the case with the APC. Rather we suggest that there be some funds for the production of short occasional papers, and that arrangements with tertiary or other research providers are entered into with a view to seeking contestable funding for specific projects relating to research commissions from the Press Council. One obvious field where research would be most helpful and necessary is in the type of regulation needed

for the print media content on the internet, not just websites of newspapers but for news services which use material from newspapers.¹³¹

VII.14 Complaints Process / Fairness / Effectiveness

The present time limit for bringing a complaint to the Press Council against a publication is three months. Bearing in mind the many submissions about the length of the complaint process and delays, we recommend a change to the APC standard of a complaint being accepted up to two months after publication. The CEO should have a discretion to allow complaints received more than two months after publication of the offending item where the response by the editor to the complainant has been unduly delayed.

All complaints against a publication must normally first be made to that publication. We do not suggest any change to that requirement other than in exceptional circumstances. The CEO could have jurisdiction to accept a complaint without it first having been referred to the newspaper.

Many complaints are and should be capable of being dealt with satisfactorily and promptly by the editor of the publication concerned. Three editors of metropolitan dailies emphasised the importance of dealing with complaints promptly. They struck us as genuinely keen to correct obvious mistakes sooner rather than later. Many complaints are trivial; minor errors are inevitable and can be assuaged by a regular “Corrections Column”.

We cannot stress too strongly that a sensible and measured response by an editor or some senior member of the editorial team at first instance will often deflect the ire of a complainant. Knee-jerk reactions to what is perceived as a criticism can be counter-productive. Editors should be prudent in initial dealings with complainants. In many cases, if a complainant feels they have been taken seriously by the publication, the complaint will dissipate. Objectivity over complaints might be more difficult to achieve for smaller organisations with limited staff and resources.

The BSA requires broadcasters to have a protocol in place for dealing with complaints. We see merit in all publications having something similar. The Press Council could suggest guidelines. A Press Ombudsman for each paper, as happens with some major journals overseas, is over-ambitious in New Zealand. However, a simple defined procedure that accommodates publications of all sizes, based on a model produced in discussion with the Press Council, should not be too onerous a requirement for all but the smallest operation.

Those complaints not disposed of promptly by an editor and which are then taken by the complainant to the Press Council, should be considered first by the CEO in a “gatekeeper” role. They could then reject vexatious complaints or ones where the likelihood of success is extremely low, such as those complaining about a refusal to accept the letter to the editor. Also, this “gatekeeper” should have the role of diverting complaints which do not normally come within the Press Council jurisdiction such as those concerning limited-interest publications and those for which the complainant’s right of resort lies elsewhere.

This fast-track Complaints Committee should deal with those complaints for which, if relief is to be granted, it has to be afforded promptly – such as complaints of a commercial damaging nature. The Press Council has already had the experience of a “fast track” procedure during general election campaigns and potentially damaging commercial complaints. We consider that this facility should be

¹³¹ We are aware of the work done by the Media Freedom Committee which includes representatives of all media.

available permanently. Our consultations show that politicians and commercial people were generally disinclined to use the services of the Press Council, largely because it is perceived by them as being too slow – defamation lawyers made the same point.

We were given an example by an experienced media lawyer of an instance where such a fast-track committee would have been helpful. A candidate in a local body election claimed that false and inaccurate information had been published about him in a provincial newspaper over the several weeks of postal voting. Despite requests, no correction was made until after the poll closed. He was unsuccessful in his bid for office. We were also given examples from commerce.

Once a complaint has been accepted, the next step for the Press Council is to receive the reply of the newspaper/magazine concerned. This reply should be full and considered, since we do not believe that either side should have two shots.

Once the complaint and the publication's response have both been received, the CEO should next consider whether the complaint is suitable for conciliation/mediation, a process which requires the consent of both parties. The APC has enjoyed much success in mediations conducted by either the CEO or the Office Manager, both of whom have training in mediation. Sometimes, mediations are conducted by APC members in states other than New South Wales. According to the APC, the advantage of mediation is that not only does the complaint go away but that a mediated confidential settlement can achieve a result different from the simple "uphold" or "not uphold" jurisdiction of the Press Council. Several examples were quoted by the APC of innovative solutions being achieved in this way:

1. A couple whose privacy had been invaded and who did not wish further publicity by way of an apology, agreed that the paper cover an event with which they were associated.
2. Another complainant preferred that the paper make a donation to a named charity instead of publishing an apology.

Another example of the efficacy of mediation comes from the domain name dispute procedure recently adopted by Internet NZ. A complainant alleges an abusive registration of a domain name by a respondent. If the claim is disputed, the parties are invited to consider mediation at the expense of Internet NZ. Only if the mediation fails, does the complaint proceed to adjudication by an Expert. Many such disputes have been resolved at the mediation stage.

On occasions, a trained professional mediator might have to be employed, if it were inappropriate for the CEO to conduct the exercise. Both the Arbitrators' and Mediators' Institute of New Zealand Inc. and LEADR have panels of suitably qualified people. The CEO should be trained and accredited by one of these organisations. The cost of paying a professional mediator might have to be borne by the Press Council by a levy on the publication concerned or from its general funds. It could still be cost-effective for the publication to make such a payment.

If a mediation fails or does not happen, the complainant should then be invited to reply in writing within a limited time, strictly on those matters raised in the publication response and not to introduce new matters. However, if a complainant does raise new matters, then natural justice requires that the publication then be given the chance to respond only to those matters.

We do not consider that the publication should have "two bites" at the cherry by way of a further reply/rebuttal. The normal civil litigation process is claim, defence and reply. Both parties should endeavour to "get it right the first time". We were told that waiting for a publication's second reply can add to the time required for the Press Council to process a complaint. If a publication does not file its reply in a timely way then, absent some good reason to the contrary, the complaint should be

considered by the Press Council on the complainant's submission.

When the complaint is ready for a determination by the Press Council, both parties ought to be told that they are welcome to attend the Press Council meeting and speak about the complaint in an informal manner. There should not be an adversarial litigation-style hearing. The Australian approach has much to recommend it. There, the complainant and the respondent are encouraged to appear before its Complaints Committee for an informal discussion. Many parties will be deterred from attending because of having to travel to Wellington, so that the occasion of an oral hearing would not be numerous.

In the past, the Press Council has allowed personal appearances occasionally, sometimes with lawyers representing parties. We think there is much benefit in the Australian view that a personal appearance can be cathartic for the parties, particularly the complainant. We were told that seeing and hearing the parties often helps the members of the APC Complaints Committee to come to a decision as to the appropriate recommendation to make to the APC. Lawyers do not customarily appear at APC Complaints Committee meetings. Whilst a party should always be able to seek legal advice, we do not wish to encourage the participation of lawyers in what is essentially a simple inquisitorial process.

We have commented on the process of one member of the Press Council writing a decision. This should be changed to a nominated member writing a précis of the issues in the case and stating its procedural history. Suggestions for the decision would be preferable to writing a full decision, including a result, in advance of the meeting of the Press Council. If the Press Council is more adequately staffed than it is at present, then a staff member could write a précis of the basis of a decision, as is done by the BSA staff.

VII.15 Management

Currently, the Press Council's only premises are in the offices of the ASA as a sub-tenant. The Press Council had previously had space in the NPA offices. Sharing the premises with an organisation representing newspapers could hardly add to the perception of independence and the move away from the NPA made obvious sense.

The arrangement with the ASA works well. There is evidence of economies between the ASA and the Press Council. The Press Council is on the ASA's telephone system. This means that when the Press Council Secretary is not present, there is telephone coverage. The Press Council uses the ASA's email system. The ASA has been very supportive of the Secretary of the Press Council and provides office services such as a photocopying.

The present dedicated and efficient Secretary of the Press Council is employed for only 30 hours a week. She has to undertake all routine secretarial work, such as sending out quite bulky documentation to the members of the Press Council in advance of meetings, as well as organising and recording meetings. She tracks the complaints, administers the scheme generally, records and issues decisions. The staffing level is such as to render any role for the Press Council in addition to a complaints service rather difficult.

The larger role envisaged for the Press Council justifies the employment of a Chief Executive Officer having the various functions which we spell out in this report. Certain of these functions are already being carried out in certain ways. A suitable employment contract would have to be negotiated between the Press Council and the CEO and remuneration should be at a level which acknowledges the responsibility of the position. The remuneration and conditions of service would have to be addressed in the Budget process.

If the ASA were willing, then the Press Council could utilise its office staff on contract to undertake necessary administrative functions such as photocopying.

It may not be necessary, initially, to provide any more full-time staff for the Press Council other than the full-time CEO, provided the ASA were willing to help with administrative services. There would be a need to commission research and to undertake the functions other than the complaints function. This may require part-time or casual employment of suitable persons. Budget provisions would have to be made accordingly.

In some self-regulatory schemes the constituent industry members are charged a usage fee as well as a lump sum participation fee. We have no objection to this practice at all and the Press Council's members are open to consider the design of such a scheme. The evidence is that most complaints are by individuals, rather than organisations, and about matters for which there is negligible likelihood of suing for damages. Thus we consider that routinely charging complainants if the decision went against them is inimical to the concept of providing a service to consumers. This conclusion, the need to have the Press Council function available, and the concentrated nature of industry ownership would limit the effectiveness of a charging scheme based on media complaints.

VIII

Final Comment

Our investigations have revealed to us that the Press Council has been performing generally usefully over the period since its inception. We are suggesting that its performance and processes would benefit from honing of its structure and operation and that it has a broader role to play than adjudication of complaints. This broader role of informing on the issues that affect the ability of the media to openly and objectively convey matters of the day is important in the institution of democracy.

We hope our suggestions result in a robust Press Council that can adapt to the change, even turmoil, that all types of media are presently experiencing, largely as a consequence of the arrival of digitally-based technologies. Many of these changes are irreversible and they portend a quite different and uncertain future for all media. It poses a shake-up for well-considered media regulation as well. We consider that this presents opportunities and challenges for the Press Council that require adaptability around its adherence to principles of best-practice regulation.

Appendix I:

Terms of Reference of the Review

Aims

The aims of the Review of the New Zealand Press Council (“the Review”) are:

1. to review the purposes, activities, performance, governance and resourcing of the New Zealand Press Council (“the Council”);
2. to consider whether the Council’s objectives are adequate in the light of changing circumstances and public perceptions and whether the Council is operating in a manner consistent with them; and
3. to assess the range and scope of the Council’s activities when compared with the operations of similar bodies in other countries.

Objectives of the Review

The Council has now been in operation for over 30 years. The Review should determine whether the basic concept of self-regulation on which the Council was founded and has operated continues to be an appropriate basis for a Council of this kind, independent of government. The Review should make recommendations as to appropriate amendments to procedures and operational principles consistent with the circumstances of the 21st Century.

Principles to be applied on the Review

Six benchmarks, which should be included are widely recognised in the self-regulatory arena as essential requirements for external complaint resolution schemes, will be the benchmarks, namely:

Accessibility: The scheme makes itself readily available to customers by promoting knowledge of its existence, being easy to use and having no cost barriers;

Independence: The decision-making process and administration of the scheme are independent of scheme members;

Fairness: The scheme produces decisions that are fair and seen to be fair by observing the principles of procedural fairness, by making decisions on the information before it and by having specific criteria upon which its decisions are based by giving cogent reasons for decisions;

Accountability: The scheme publicly accounts for its operations by publishing its determinations and information about complaints and highlighting any systematic industry problems;

Management: The scheme operates to efficiently by keeping track of complaints and the performance of the scheme as a whole, ensuring complaints are dealt with by the appropriate process or forum and regularly reviewing overall performance including the effective treatment of complaints in a timely fashion; and

Effectiveness: The scheme is effective by having appropriate and comprehensive terms of reference and periodic independent reviews of its performance.

Appendix II.1

Persons Interviewed

Warren Beeby	Group Editorial General Manager, News Limited
John Belgrave	Chief Ombudsman
Liz Brown	Banking Ombudsman
Professor John Burrows QC	Law Commissioner
Sue Carty	Former Editor and Press Council Member
Ursula Cheer	Associate Professor, School of Law, University of Canterbury
Sue Chetwin	Chief Executive, Consumers' Institute of New Zealand
Dr Roderick Deane	Company Director
Gavin Ellis	Former Editor, <i>The New Zealand Herald</i>
Michael Gibson	Accountant
Lincoln Gould	Chief Executive, Newspaper Publishers' Association
Bruce Gray QC	Barrister
Richard Griffen	Communications Adviser
David Hastings	Deputy Editor, <i>The New Zealand Herald</i>
Victoria Heine	Principal, Chapman Tripp
Jack Herman	Executive Secretary, Australian Press Council
Jack Hodder	Partner, Chapman Tripp
Chris Jagusch	<i>The Press</i>
Hon Sir John Jeffries	Former Chairperson, Press Council
Alan Kennedy	Member of the Australian Press Council nominated by the Journalists' Union
Murray Kirkness	Editor, <i>The Otago Daily Times</i>
Keith Lees	Press Council Member
Richard Long	Communications Adviser
Mary Major	Secretary, Press Council
Hon Murray McCully	National Party MP
Professor Ken McKinnon	Chairperson, Australian Press Council
Denis McLean	Press Council Member
Kate McMillan	Lecturer, School of History, Philosophy, Political Science and International Relations, Victoria University Wellington
Stephen Mills QC	Barrister
Tim Murphy	Editor, <i>The New Zealand Herald</i>
Peter O'Hara	Fairfax executive
Rt Hon Sir Geoffrey Palmer	President, Law Commission
Tim Pankhurst	Editor, <i>The Dominion Post</i>

Hon Barry Paterson QC	Chairperson, Press Council
Steven Price	Adjunct Lecturer, Faculty of Law, Victoria University of Wellington
Hugh Rennie QC	Barrister
David Round	Retired Journalist
Alan Samson	Press Council Member
Dominic Sheehan	Chief Executive, Broadcasting Standards Authority
Marie Shroff	Privacy Commissioner
Julian Smith	Allied Press Limited
Christina Sophocleous	Legal Manager, Broadcasting Standards Authority
Hilary Souter	Executive Director, Advertising Standards Authority
Michael Stace	Former Complaints Officer, Broadcasting Standards Authority
Karen Stevens	Insurance and Savings Ombudsman
Martin Symons	APN executive
Paul Thompson	Editor, <i>The Press</i>
Jim Tucker	Journalists' Training Organisation
Jim Tully	Head of School, School of Political Science and Communication, University of Canterbury
Glen Wiggs	Former Executive Director, Advertising Standards Authority
Hon Justice Wilson	Court of Appeal
Tony Wilton	EPMU Legal Counsel
Sue Wood	Communications Adviser

Appendix II.2 Written Submissions Were Received From

ACP Media Limited
Alan Samson
Allan Golden
Business New Zealand
Clive Lind
David McLure
District Health Boards New Zealand
Engineering, Printing and Manufacturing Union
Fairfax Media
Glenn Wiggs
Hilary Souter
Human Rights Commission
Hugh Rennie QC
Prof. John Burrows QC
Kids Friendly New Zealand Magazine
Kupu Taea
Māori Party
Mary Major
Mental Health Commission
Michael Gibson
Hon Michael McCully
New Plymouth District Council
New Zealand Journalists' Training Organisation
New Zealand Television Broadcasters' Council
Philip Ward
Powerco Limited
Terry Snow
Tim Pankhurst
West Coast District Health Board
Whitireia Community Law Centre

The Australian Taskforce concludes that the following is required for best practice regulation:¹³²

Consultation

- Consultation between industry, consumers and government can help ensure that specific problems and social policy objectives can be identified and addressed.

Coverage and publicity

- Increased industry coverage of schemes ensures that the benefits from standards of practice in schemes flow to consumers. Wide coverage also ensures that consumers can identify self-regulatory schemes.
- Clarity in the schemes' documentation can help industry understand their obligations and assist dispute schemes interpret legal rights. Clarity can also help consumers understand their rights.
- Consumer awareness of schemes ensures that consumers know where to lodge complaints. Schemes are encouraged to make use of new technologies such as the Internet, make complaints cost free to the consumer, write sample letters of complaint, take oral complaints, provide personal contact and transfer complainants between schemes.
- Industry awareness campaigns and education about schemes is needed to make sure industry participants understand their obligations and, where appropriate, understand the consequences of failing to abide by these obligations.

Administration

- A good administrative body can identify issues, collect data, monitor the scheme, enhance credibility and ensure compliance costs are at an effective minimum level.
- Data collection by an industry scheme is a valuable tool in identifying systemic issues and allows industry to address these problems, which in turn, can improve market outcomes for both businesses and consumers.
- As consumers cannot guard against specific industry problems that they do not know exist, transparency in schemes is an important mechanism to ensure credibility and accountability.

Dispute procedures and sanctions

- Industry adherence to self-regulatory schemes is essential to ensure that the benefits flowing from the standards of practice set by schemes are passed onto the consumer.
- Where the standard of conduct has been breached, self-regulatory schemes should incorporate complaint handling and dispute resolution mechanisms to provide appropriate redress to consumers. The appropriate redress mechanism will depend on the nature of the specific problem and the consequences of non-compliance.

¹³² Australian Taskforce on Industry Self-Regulation "Industry Self-Regulation in Consumer Markets" (August 2000) 60-1.

- A range of sanctions can be used by industry in order to achieve compliance depending on the nature of the specific problem and consequences of non-compliance. The severity of the sanction should depend on the seriousness of the breach.
- Industry needs to manage the risk of any anti-competitive practices in schemes, particularly where sanctions are involved.

The United Kingdom's National Consumer Council has a similar set of best practice guidelines:¹³³

- The scheme should be able to command public confidence.
- There should be strong external consultation and involvement with all relevant stakeholders in the design and operation of the scheme.
- As far as is practical, the operation and control of the scheme should be separate from the institutions of the industry.
- Consumer, public interest and other independent representatives should be fully involved (if possible, up to 75 per cent or more) on the governing bodies of self-regulatory schemes.
- The scheme should be based on clear and intelligible statements of principle and measurable standards – usually in a code – which address real consumer concerns.
- The objectives should be rooted in the reasons for intervention.
- There should be clear, accessible and well-publicised complaints procedures where breach of the code is alleged.
- There should be adequate, meaningful and commercially significant sanctions for non-observance.
- Compliance should be monitored (for example through complaints, research and compliance letters from chief executives).
- Performance indicators should be developed, implemented and published to measure the scheme's effectiveness.
- There should be a degree of public accountability, such as an annual report.
- The scheme should be well publicised, with maximum education and information directed at consumers and traders.
- Independence is vital in any redress scheme that includes the resolution of disputes between traders and consumers.
- The scheme should be regularly reviewed and updated in the light of changing circumstances and expectations.
- The scheme should have adequate resources and be funded in such a way that the objectives are not compromised.
- The rules should identify the intended outcomes.

¹³³ United Kingdom National Consumer Council "Better Business Practice: How to Make Self-Regulation Work for Consumers and Business".

The Health and Consumer Protection Directorate General of the European Union released a report in July 2006 on self-regulation in the advertising sector; that includes the following best practice guidelines for self-regulation which are relevant more broadly:¹³⁴

- *Standards and Monitoring:* The self-regulating body should establish and publish performance objectives yearly, and their performance against those objectives. This should include a benchmark for the ease with which any form for the submission of complaints is completed. This should be verified through customer satisfaction surveys. There should be a standard for the speed with which complaints are handled. Monitoring of the self-regulatory body should include whether the involvement of stakeholders meets the expectations of society;
- *Structure and Funding:* The self-regulating body should have a clear objective. The self-regulatory body should be properly funded to function in a professional manner.
- *Independence:* The self-regulatory body should be open, independent and transparent. All stakeholders, including consumers, should have the opportunity to make a contribution to any codes of practice. Adjudicative panels should be composed of a substantial proportion of independent persons, appointed through calls for expressions of interest. All members of adjudicative panels should be subject to conflict of interest rules.
- *Complaints and Decisions:* There should be a systematic duty for the self-regulating body to publish its decisions to increase transparency. Sanctions should be clear and effective. Wide coverage, including coverage of emerging technologies, is important for the continued legitimacy of the self-regulatory body; and
- *Training:* The self-regulatory body should be involved in recommending minimum levels of training for industry professionals;

¹³⁴ European Union Health and Consumer Protection Directorate General “Self-Regulation in the EU Advertising Sector: A Report of Some Discussion among Interested Parties” (July 2006).

Appendix IV

Review of Press Councils

Introduction

This appendix summarises research undertaken into other press councils. The purpose of this research was to set the New Zealand Press Council into its international context.

Press councils are found in approximately 87 countries. The press council concept can be seen in countries in Scandinavia, Europe, some American states, Asia, parts of Africa and the Pacific. It is important to consider the wider international context when considering possible reforms to the New Zealand Press Council.

Methodology

Many of the press councils have their own website which was a useful source of information. Other secondary material, such as articles on each press council and comparing press councils, was also used.

The website: <http://www.mas.org> provides considerable detail on international press councils and proved a useful source of information.

We also wrote to each press council asking for information about its structure, membership and operations, amongst other things. Unfortunately contact details for many press councils proved incorrect and language proved a difficulty in some cases. We are grateful for responses from:

Alberta Press Council (Canada);

Cebu Citizens Press Council (Philippines);

Baguio Citizens Complaints Board (Philippines);

British Columbia Press Council (Canada);

Consejo de la prensa peruana (Peru);

Deutscher Presserat (Germany);

Minnesota News Council (United States of America);

Palawan Community Media Council (Philippines);

Philippine Press Council;

Conseil de presse du Quebec (Canada);

Press Ombudsman of South Africa;

Pressens Opinionsnamnd (Sweden);

Press Complaints Commission (United Kingdom);

Fiji Media Council;

Hong Kong Press Council;

Manitoba Press Council (Canada);

Ontario Press Council (Canada); and

Raad voor de journalistiek (Netherlands).

We met with, and obtained information from, the Australian Press Council in April 2007.

Comment

For many countries there are many and varied gaps in the data, and what is reported here is conditional on what is reported in each category in the tables that follow. For example, the membership information did not allow a precise distinction to be drawn between the numbers cited and the actual numbers that would adjudicate at a hearing. Another example is that of funding where in a few occasions where they appeared corporate donations are included in “owner” funding. The analysis is based on all reported Press Councils, which means that Canada, with Press Councils in four provinces, is over-represented. There were other very minor cases.

Summary 1

Number of Press Councils	87
Percentage under self-regulation	86
Percentage that are non-government funded	80
Percentage with print and broadcast media under their jurisdiction	63
Percentage charged with enhancing a free press	77
Percentage for which public membership is at least that of owners and journalists	34
Percentage which have at least 11 members	41
Percentage that have a penalty of published decision only	86
Percentage for which appeal rights exist	50
Percentage that have a mediation process	63
Percentage that have a waiver	56
Percentage that can take initiatives with respect to potential violation	70
Percentage that have an ombudsman	16
Percentage that operate under a code*	82
Percentage that operate under principles only*	8

* Percent of the total reporting whether they operated under a code or principles

Appendix IV

Table 1

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
Alberta (Canada) (Alberta Press Council)	Mixed Regional Established in 1972 by Alberta newspaper publishers. Non-profit society approved by Government of Alberta	No complaints went to adjudication in 2006. Complainants and members are asked to resolve the issue first. Free All non-conflicted Council members hear complaints. Must file complaint within 180 days of publication. Once complaint copied to newspaper, newspaper has 15 days to contact complainant and resolve issue.	Funding from newspaper members assessed as a percentage of readership sales. \$76,300 Canadian in 2007	17 members. One public member is elected by the Council from each circulation area of the daily newspapers after a newspaper advert - a total of seven. The publisher of each daily appoints one staff member as a press representative - a total of seven. The Alberta Weekly Newspapers Association appoints one publisher/editor from a newspaper and one public member. The Chairman is elected by the Council from the public. Two meetings per year	Yes Publication of a newsletter commencing in 2007 Education sessions are held in conjunction with fall and spring meetings. The most recent sessions discussed privacy and the effect of the internet on newspapers.	Newspapers and their websites	Newspapers required to publish the decision within two weeks. The Press Council also puts out a press release.
Algeria	No information	No information	No information	12 members (all owners or journalists)	Yes	Includes broadcasting	No information
Atlantic Provinces (Canada) (Atlantic Press Council)	Mixed Regional	60(0) A panel consisting of the chairman or vice-chairman of the Council, one public and one professional member of the Council from the province in which the complaint originates and one public member and one professional member from one or more of the other Atlantic provinces, considers the complaint.	18,000 euro (100% provided by owners)	24 members (10 owners, 2 journalists, 12 public)	No	Newspaper conduct in the gathering and publication of news, opinion and advertising	Newspaper concerned must publish the adjudication. Each adjudication is also released to other media.

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
Australian Press Council	Mixed National	Approximately 400(30) complaints Free Must complain within 60 days of publication of material	\$816,500 (100% provided by owners)	22 members (7 public members, 3 journalist members, 1 editor member, 10 members nominated by publications, independent chairperson).	Yes	Complaints against newspapers, magazines or periodicals printed or published in Australia, whether or not the publisher belongs to an organisation affiliated with the Council (although the Council may not deal with a complaint about a publication which is limited to a small, private circulation); and complaints about news reports, and commentary on them, published on the websites of the Council's publisher members	Publications must print the essence of adjudications upholding complaints
Austrian Press Council (Osterreichischer Presserat)	Established by journalists and publishers, no public membership ⁴	41(0)	26,500 euro (50% provided by owners, 50% provided by journalists)	24 members (12 owners, 12 journalists)	Yes	No information	No information
Azerbaijan Press Council	Formed in 2003 by news agencies, newspapers, magazines and journalistic organisations	Both sides have an opportunity to comment on complaint	Funded by the Congress of Journalists. The Control-Review Committee comprising three members elected by the Congress monitors the Press Council's finances and activities.	Congress of Journalists forms a board. Chairperson of the Congress is also Chairperson of the Council. The Council has 15 members (9 owners or journalists, 6 public) sitting in four commissions: the complaints commission (7 members); the language commission (9 people); The legal commission (5 people); the permanent commission (7 people including from law enforcement agencies)	Aims to protect freedom of the press and freedom of speech according to standards of journalism. The Permanent Commission deals with issues of wrongful detention and arrest of journalists.	Printed mass media including newspapers, magazines and news agencies registered with the Ministry of Justice of the Azerbaijan Republic. Does not deal with advertising or broadcasting	No information

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
Baguio Citizens' Press Complaints Board (Philippines)	Regional Does not appear to be operational	No information	No information	No information	No information	No information	No information
Bangladesh	Government controlled	No information	No information	No information	No information	No information	No information
Belgium (Flemish) (Raad voor de Journalistiek, translated as Council for Journalism)	Regional Non-Governmental Trust established in 2002 by the journalist unions, publishers and media houses in Flanders	Received 42 complaints in 2006. 11 were settled after mediation, 18 complaints were adjudicated of which 8 were upheld. "Quick" and "informal" process. Free Must complain within one month of publication. Written correspondence is exchanged between the parties and a hearing is held. Parties can be represented by lawyers at the hearing.	160,000 euro 50% provided by publishers and audio-visual companies, 50% provided by the journalist union. No direct Government funding, but the journalist unions are funded by the Government in part.	The trust is chaired by a board of 16 members: 8 journalists and 8 representatives of the publishers and media houses. The board appoints the 18 members of the council: 6 journalists, 6 representatives of the publishers and media houses, and 6 members representing the public. The council, and not the board, deals with complaints	No, but has given expert opinions to Parliament when invited.	Deals with all media: print, broadcast and internet.	Decisions published on website and the magazine <i>De Journalist</i> . The Council can ask the publication, television or radio programme involved to publish a rectification.
Benin (Observatoire de la déontologie et de l'éthique dans les medias)	Observatory ⁵	20(16)	No information	13 members (2 owners, 9 journalists, 2 public)	No	Includes broadcasting	No information
Press Council of Bosnia-Herzegovina	Mixed National Federation entity Established by 11 largest publishers and journalists' associations	30(3) Free	108,000 euro	Assembly: 14 members (1 chairperson, 2 deputy-chairpersons) (10 owners, 4 journalists) Steering Board: 9 members (1 chairperson, 2 deputy-chairpersons) (7 owners, 2 journalists) (cont'd)...	Yes	Newspapers and magazines	"Journalistic remedies" – right of reply, publishing of retraction, apology or denial.

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
...cont'd Press Council of Bosnia-Herzegovina				...cont'd Complaints Commission: 9 members (2 representatives of newspaper publishers, 2 journalists, 5 members of the public)			
Botswana Press Council	2002 Trust	Complaints are heard by the Media Complaints Committee	Publishers and “media managers” pledged financial commitment to operationalise the Council in 2002.	Appointment Panel was established independent of the Board of Trustees to appoint members to the Media Complaints Committee and Media Appeals Committee in 2003. The private sector, media, civil society and Government are represented on the Appointment Panel.	No information	Membership of the Council is open to “all print, broadcast and electronic publishers of news and information” in the Botswana.	No information
British Columbia (Canada) (British Columbia Press Council)	Mixed Regional Established in 1983 Non-profit society registered with the Government of British Columbia	33(1) (2006) Lawyers cannot attend hearings. Free Complaints must be filed within 45 days of publication.	77,000 euro (100% provided by owners) The Council is funded by the industry. Dailies pay an annual assessment based on their circulation while community newspapers pay a fixed assessment of \$140.	11 members (5 owners and journalists, 6 public members chosen geographically). Chairperson and vice-chairperson must be public members. Alternating 3 person committee decides if a complaint will go to hearing if mediation fails.	Yes Makes submissions to Government. Newsletter published bi-annually. Holds seminars throughout the Province as finance permits.	Newspapers.	Newspaper is required to publish the adjudication in full.
Bulgaria – National Council for Journalistic Ethics (Nationalen Svet za Zhurnalitit-seshka Etika, translated as “National Council for Journalistic Ethics”)	Established in 2005	Media organisations obliged to advertise the existence of the Council	No information Media organisations have committed to fund the majority of the Council’s running costs.	The Union of Publishers, the Association of Broadcasters, the Union of Bulgarian Journalists, the Bulgarian Media Coalition and the Media Development Centre form the board. There are two commissions: one for complaints about print media and one for complaints about broadcast media. Each commission has 12 members (4 owners, 4 journalists, 4 non-media representatives)	No information	Includes broadcasting	Obligated to publish the Council’s decisions with due prominence.

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
Burkina Faso (“Observatoire national d'autorégulation de la presse)	Mixed National	10(3)	183,000 euro funded solely by the Government.	18 members (9 owners, 7 journalists, 1 public member, 1 legislator)	Yes	Includes broadcasting	No information
Cataluna (Spain) (Consell de la informació de Catalunya, translated as News Council of Cataluna”)	Regional Private foundation Established in 1999 by the College of Journalists	30(25)	150,000 euro (100% provided by owners)	The governing body of the Foundation is a board of trustees made up of members of the College of Journalists, the media, universities, civic bodies and professional colleges. The board elects a chair and a general secretary who are also the chair and general secretary of the Council. No information on membership of the Council.	No	Includes broadcasting	No information
Cebu Citizens-Press Council (Philippines)	Regional Does not appear to be operational	Only considers complaints when a newspaper fails to address it adequately. Complaints accepted through the Council's screening panel.	No information	Meets quarterly	No information	Newspapers	Newspaper against which complaint brought is expected to publish the Council's decision. If newspaper does not publish decision within two days, decision is released to other newspapers for publication.
Chile (Consejo de ética de los medios de comunicación)	Mixed National Established in 1992 through a joint initiative of the National Press Association, the Chilean Radio Broadcasters' Association, and the National Television Association	10(10)	No information on the Council's budget (100% provided by owners). Dependent on the Chilean Communication Media Federation, which was created by the same organisations.	9 members who are chosen by agreement by the affiliated associations, and 1 prosecutor.	No	Only deals with complaints against members, which account for approximately 90% of the written press, open radio and television.	

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
Congo (Observatoire congolais des medias)	Observatory	No information	No information	No information	No information	No information	No information
Cyprus Media Complaints Commission (Epitropi Dimosiographikis Deontologias)	No information	12(3) Free Complaints must be made to media outlet first. Complaints must be made to the Commission within one month of publication or transmission.	The expenses of the Commission are equally borne by the Union of Journalists, the Publishers' Association and the Owners of Electronic Media.	13 members (3 owners, 3 journalists, 7 public). Chairperson to preferably have legal training. The Chairman and three of the members of the Commission are appointed jointly by the Union of Journalists, the Association of Publishers and the Owners of Electronic Media. These members must be independent of the media. The other nine members are appointed, three by the Union of Journalists, three by the Association of Publishers and three by the Owners of Electronic Media.	No	Includes broadcasting	The journalist or the media found in a decision to have breached the Code has an obligation to publish the relevant decision.
Czech Republic	No information	No information	No information	No information	No information	No information	No information

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
Denmark (Pres-senaevnet, translated as "Press Council")	Independent Statutory National Established in 1992 pursuant to the Danish Media Liability Act.	134(47) Must complain to media outlet first. Must complain within four weeks of publication/transmission.	200,000 euro (100% owners)	8 members. A chairperson, vice-chairperson and 6 other members. All members are appointed by the Minister of Justice. The appointment of the chairman and the vice-chairman, who must be lawyers, is made upon recommendation by the president of the Danish Supreme Court. 2 members are appointed upon recommendation by the Danish Journalists' Union, 2 members are appointed to represent the editorial management of the printed press, radio and television on their recommendation and 2 members are appointed as public representatives on the recommendation of the Danish Council for Adult Education. Complaints are heard by four members, one from each of the membership categories.	No	Newspapers, daily papers, weekly magazines, local papers, professional papers and other national, periodical publications which are published at least twice a year. Danmarks Radio (Danish Broadcasting Corporation), TV2, TV2's regional enterprises, and undertakings authorised in Denmark to broadcast radio or television programmes. Some electronic information systems, especially publications from news agencies or publications of the printed press on their websites. The information system must be registered with the Council.	In cases concerning sound press ethics the Council can express its criticism. In cases about replies to the media organisation, the Council may direct the editor of the media in question to publish a reply. In both cases the Council may direct the editor to publish the decision of the Council to an extent specified by the Council. The Council cannot impose a sentence on the media organisation or award the complainant financial compensation.
East Carribean ⁶	Mixed National	No information	95,000 euro	7 members (1 owner, 1 journalist, 5 public)	No	No information	No information
Egypt	Government controlled	No information	No information	No information	No information	No information	No information

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
Estonia (Avaliku Sõna Nõukogu, translated as the “Council of the Public Word”)	<p>Mixed National</p> <p>Established by the Estonian Newspaper Association in 1991, reorganised by several media organisations in 1997. Founded on private agreement between the Newspaper Association, the Association of Broadcasters, the Journalists' Union, the Union of Media Educators and the Consumers' Union.</p> <p>The Network of Estonian Non-profit Organisations, the Estonian Council of Churches and a NGO called Media Watch are also members of the non-profit organisation.</p>	22(13)	<p>1700 euro</p> <p>Financed mainly by membership fees.</p> <p>Foundations and the Government have funded some projects.</p>	9 members: 1 journalist, 4 academics (2 journalism, 1 psychology, 1 ethics), 1 person from the consumer union, 2 managers from media organisations and 1 clergyman.	Yes	<p>Only covers member publications and transmissions.</p> <p>Includes broadcasting</p>	<p>If the complaint is upheld, the newspaper/station is obliged to print/announce the full text of the adjudication within 7 days.</p> <p>If the media organisation does not follow that rule, the Council shall make the adjudication public by other means of mass communication.</p> <p>The Council may drop the obligation to print the adjudication to protect the privacy of the individuals concerned.</p>

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
Estonia ⁷ (Pressinõukogu, translated as “Press Council”)	Mixed National Established by the Estonian Newspaper Organisation in 2003.	14(11) Free Must complain within three months of publication.	8400 euro	10 members (6 media, 4 public)	Yes	Members’ publications. Main online news portals agreed to comply with the Council’s standards for the journalistic content of those sites.	If a complaint is upheld against a publication, the publication must publish the full adjudication within 10 days. If the publishing cycle of the publication is longer, the adjudication shall be published in the second issue after the receipt of the decision.
Fiji Media Council	Mixed National Registered company	10 complaints. All were settled without going to the complaints committee. Free Formal hearings are held if deemed necessary by the complaints committee. Complaints must be made within three months of publication or broadcast.	9000 euro (100% provided by owners) Biannual subscriptions from members.	There are 7 industry members from the print, broadcasting and television media. There are 7 public members, an independent Chairman and an independent Secretary. Public members of the Council are appointed by the Complaints Committee. The Complaints Committee is composed of the Chairperson and two public members, who are not members of the Council, appointed by the Chairperson.	Yes The Council makes media releases and submissions when required.	Includes broadcasting Hears complaints against all media organisations regardless of whether they are members of the Council.	The media organisation against which a complaint is made is expected to publish the adjudication. If it does not do so within one week, copies of the adjudication may be released to other media organisations for publication. The Committee reserves the right to restrict publication in special circumstances

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
Finland (Julkisen Sanan Neuvosto, translated as “Mass Media Council”)	Mixed National Established in 1968	128(14) Free Complaint must be made within three months of publication.	165,000 (40% funded by owners, 10% funded by journalists, 50% funded by Government)	9 members and a President (or chairperson). 6 members have expertise in mass media and 3 members represent the public. The President and representatives of the public are selected by the Council itself. The media representatives are appointed by a separate selection committee, which is made up of representatives of media organisations affiliated to the Council.	Yes	Includes newspapers, magazines, television, radio and the internet.	Publication of a notice by the offending media.
German Press Council (Deutscher Presserat)	Established in 1956 by journalists and publishers. No public membership Non-profit association in accordance with German Civil Law.	954 (171) (2006) Free Complaints must be filed within one year of publication, Complaints considered first by a chairperson from a complaints committee and an office member. No formal hearing. Newspapers are asked to comment on the complaint.	565,000 euro (300,000 paid by two publisher organisations, 86,000 paid by two journalist organisations, 175,000 federal grant) The Association of sponsors deals with the legal, financial and personnel decisions of the Council.	Association of sponsors made up of 2 representatives from each of the following publisher and journalist organisations: Bundesverband Deutscher Zeitungsverleger e.V., Verband Deutscher Zeitschriftenverleger e.V., Deutscher Journalistenverband e.V. and Deutsche Journalisten Union in Ver.di. Council has 28 members. Seven members elected from each of the four organisations. Meets biannually. Two complaints committees (Beschwerdeausschuss) elected from the 28-member plenary: the general complaints committee with two chambers and 8 members each and the complaints committee for editorial data protection with 6 members.	Yes Council provides general press information on laws and legal developments concerning the press. Council is asked to comment on new laws and amendments by the government. The Council publishes a newsletter of decisions made in the complaints committees.	Newspapers and magazines. Plans to expand to internet publications in 2007.	Editorial notes, censures and public reprimands. Public reprimands have to be published in the publication complained about under Article 16 of the Press Code.

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
...cont'd German Press Council (Deutscher Presserat)				Complaints Committee considers complaints. Complaints committees usually meet four times every year. Important complaints are considered by the Plenum of the Council. Term of members is two years. No public representation.	Yearbook published every year with articles from journalists, publishers and sometimes politicians.		
Ghana (National Media Commission of Ghana)	Established under statute	87(80)	183,000 euro (100% funded by Government)	18 members (1 owner, 2 journalists, 12 public, 3 legislators)	Yes	Includes broadcasting	No information
Guinea (Observatoire Guinéen de la déontologie et de l'éthique des medias)	Observatory Established in 2001	No information	Limited	13 members (4 representatives of the management of the public press, 5 representatives of the management of the private press, 2 representatives of the Guinean association of journalists, 1 from the bar association and 1 from the association of women journalists).	No	Includes broadcasting	No information
Hong Kong Press Council	Regional Established in 2000 Incorporated as a limited company	42 Complaints go through a screening committee of three Council members. If there is a prima facie case, the complaint is heard by a complaints committee of three members. If the complaints committee finds that the complaint is substantiated, the complaint is considered by the executive committee that imposes penalties.	Funded by newspapers and donations.	34 members (12 owners and journalists, 22 public) Ordinary corporate members (representatives of newspapers and the Hong Kong News Executives' Association and the Hong Kong Federation of Journalists) Public members must hold a majority on the Council. Independent Chairperson and two vice-Chairpersons elected by the Council. Executive committee has 25 members (10 ordinary corporate, 12 public, the 2 vice-chairpersons and the chairperson)	Yes	Under its by-laws, the Council deals with complaints related to publications that amount to intrusion of privacy or articles of a prurient, indecent or sensational nature	The Council can: reprimand the newspaper, direct the newspaper to give a written apology, direct the newspaper to publish the decision or summary of findings, and/or direct the newspaper to publish a written apology.

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
Honolulu (USA) (Honolulu Community-Media Council)	Regional Established in 1970 Legal entity	10(0)	No Government funding	<p>51 members (8 owners, 15 journalists, 23 public, 5 legislators)</p> <p>Split into committees:</p> <p>Program Committee: Develops programmes, special forums or meetings to explore issues of interest to the Council, and the Freedom of Information Day programme.</p> <p>Fundraising Committee: Raises funds through gifts, grants and other means to support Council programmes and activities.</p> <p>Publicity and Newsletter Committee: Publicises the Council's concerns and activities, prepares and distributes the Council's newsletters, and develops, monitors and updates the Council's website.</p> <p>Government Watch Committee: Monitors federal, state or local legislation and regulation that affects press freedom, information practices and other issues of concern.</p> <p>Membership Committee: Promotes membership in the Council.</p> <p>Complaint Committee: Investigates complaints submitted to the Council.</p> <p>Hearing Committee: Conducts hearings and decides the outcome of complaints.</p> <p>Committee members are elected at a regular or special Council meetings. The committees are composed of not less than seven or more than nine Council members. No more than half of the committee members shall be active members of the news media.</p>	Yes. Also deals with complaints from media organisations about the handling of information by public officials.	Includes broadcasting	No information

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
Iceland (Sidaneftnd Bladamannafélags Islands, translated as the Ethics Committee of the Union of Icelandic Journalists)	Mixed National	10(10)	5000 euro (100% provided by journalists)	5 members (1 owner, 2 journalists, 2 public)	Yes	Includes broadcasting	No information
India Press Council	Independent Statutory National First established in 1966 Functions under the Press Council Act 1978	1213(197) Must complain within 2 months if daily or weekly and within 4 months for other publications	512,000 euro (88% provided by Government, 12% provided by a fee) Fee levied on registered newspapers on basis of circulation. Central Government also provides a grant through the Ministry of Information and Broadcasting	29 members (chairperson, by convention former judge, 6 editors, 7 journalists, 6 newspaper managers, 1 nominated from managers of news agencies, 3 persons having special knowledge or practical experience in respect of education and science, law and literature and culture of whom one each nominated by the University Grants Commission, the Bar Council of India and the Sahitya Academy, three members of Lok Sabha (Lower House of Parliament) nominated by the Speaker and two members of Rajya Sabha (Upper House of Parliament) nominated by its Chairman)	Yes Newspapers and journalists can complain to the Council about any activity of any authority that may impinge on freedom of the press	Newspapers and news agencies.	The Council can “warn”, “admonish” or “censure” the newspaper The Council can also direct the newspaper to publish a statement from the complainant or a summary of the Council’s decision in its next issue
Indonesia (Dewan Pers, translated as “Press Council”)	Created by statute: Law on the Press 1999	No information	Journalists and media owners’ associations, media companies, assistance from the state and other contributors.	9 members including journalists nominated by journalists associations; executive members of media companies nominated by media owners’ associations; and public figures nominated by journalists and media owners associations. Chairman and vice chairman of the Council are appointed from and by members.	Yes	No information	Not legally binding – educational/moral in nature

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
Press Council of Ireland	Established in December 2006 by the National Newspapers of Ireland, the Regional Newspapers Association of Ireland, the Periodical Publishers Association of Ireland, the National Union of Journalists and the Irish Editions of UK Titles following the threat of Government regulation	<p>First year – no complaints data</p> <p>Free</p> <p>Must complain within three months of publication.</p> <p>Must complain to the editor of the publication first.</p>	No information	<p>13 members (7 members including the chairperson selected from the public, 6 members are senior editors or journalists that represent the industry).</p> <p>Chairperson appointed by the Council.</p> <p>Chairperson and three other persons nominated by the Council form an appointment committee. Appointments are made following advertisements (public) and nominations from the industry (press).</p>	Yes	<p>All publications that are members of the National Newspapers of Ireland (daily and Sunday newspapers, also Irish editions of UK newspapers), the Regional Newspapers Association of Ireland (provincial newspapers) and the Periodical Publishers Association of Ireland (Irish-published magazines).</p> <p>Complaints can also be made about the behaviour of (rather than anything specifically published by) any journalist working for any of the above organisations.</p>	Publication must publish the decision in a prominent place.
Israel Press Council	Mixed National Established in 1963	<p>83(2)</p> <p>Heard by the Ethics Tribunal consisting of a public representative (who also serves as chairperson of the Tribunal) and a representative from each of the publishers, the editors and the journalists on the Council.</p>	83,000 euro (60% provided by owners, 40% provided by journalists)	<p>Public representatives (40%), journalists (30%) and newspaper editors and publishers (30%).</p> <p>The Plenum of the legislative body of the Council determines its rules and regulations and forms its policies. The Plenum has sixty members.</p> <p>The Presidium, the executive body of the Council, has 17 members.</p> <p>The President is the head of the Council, in his absence the position is filled by the deputy President. (cont'd)...</p>	Yes	<p>Includes broadcasting</p> <p>Can hear complaints against publications that are not members of the Council. In these cases, punishment is limited to publication of the decision.</p>	Penalties take the form of a warning through to reprimand and the publication of an apology by the newspaper or (in the more extreme cases) the suspension of the offender from the Council as well as employment cessation of the reporter. (cont'd)...

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
... cont'd Israel Press Council				... cont'd The Ethics Tribunal is the judicial body. The task of the Tribunal is to deal with complaints about breaches of ethics made against journalists and the media.			... cont'd Usually punishment is limited to publication of the decision in the newspaper.
Italy (Discipline Commissions of the Ordine Nazionale dei Giornalisti)	Established and managed by journalists National, 20 autonomous regional orders enforcing ethics in their area Statutory	No information	No information	Only journalist members.	No	Includes broadcasting	No information
Ivory Coast	No information	No information	No information	13 members (5 owners, 6 journalists, 2 public)	Yes	Includes broadcasting	No information
Japan (Newspaper Contents Evaluation Chamber of NSK)	No information	No information	No information	No information	No information	No information	No information
Kenya (Media Council of Kenya)	Established by the media industry Registered trust	No information	No information	17 members (8 owners or journalists, 9 public) Nominated by industry.	Yes	Includes broadcasting	No information
Lithuania (Commission of Ethics of Lithuanian Journalists and Publishers)	Independent Statutory National	200(180) Rules of procedure set by the Commission	28,000 euro (100% provided by Government)	12 members. One member from each of the Human Rights Centre of Lithuania, the Lithuanian Psychiatrists' Association, the Lithuanian Bishops' Conference, the Lithuanian Association of Periodical Press Publishers, the Lithuanian Radio and Television Association, the Lithuanian Cable Television Association, the Regional Television Association, and the Lithuanian Journalists' Union, the Lithuanian Society of Journalists, the Lithuanian Centre of Journalism, (cont'd)...	No	Includes broadcasting	Publication of decision in publication complained about. If publication fails to publish the decision, the decision is broadcast on the National Radio of Lithuania

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
... cont'd Lithuania (Commission of Ethics of Lithuanian Journalists and Publishers)				... cont'd Lithuanian National Radio and Television and the Lithuanian Branch of the International Association of Advertising			
Luxemburg	Established by journalists and publishers	3(2)	50,000 euro (85% provided by Government, 15% provided by fees for press cards)	34 members (17 owners, 17 journalists)	Yes	Includes broadcasting	No information
Macedonia (Sovet na cesta na Zdruzenieto na novinarite na Makedonija, translated as "Council of Honour")	Established and managed by journalists (Association of Journalists of Macedonia) National	21(15)	No information	5 journalist members. Chairperson elected by the Council from its members.	Yes	Includes broadcasting	No information
Malawi	No information	No information	No information	No information	No information	No information	No information
Mali (Observatoire de la déontologie et de l'éthique dans la presse)	No information	No information	No information	No information	No information	No information	No information
Malta (Press Ethics Commission)	Mixed National Part of the Malta Press Club Established in 1999	12(8) Must be made within one month of publication Required to attend a hearing Free	No budget of its own – part of the Malta Press Club	7 members, including chairperson. Chairperson and at least one member must belong to the legal profession.	No	Includes broadcasting	The Commission may impose: a disapproval, a censure or a grave censure. In appropriate cases, the decision may be given whatever publicity the Commission deems fit. In all cases, the Commission also communicates its decision to the Organisational Head of the journalist concerned.

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
Manitoba (Canada) (Manitoba Press Council)	Mixed Regional Established in 1984 Independent corporation.	2(0) Free Complaints must be made within 90 days of publication. No requirement for a hearing to be held. Lawyers are entitled to be present if a hearing is held.	\$20,500 (100% provided by owners) Owners pay 8c per subscription	Board consists of a chairperson (a public representative), 4 public representatives and 4 newspaper representatives. The Council has a separate complaints committee composed of the Chair, 1 public representative and one newspaper representative.	Yes	Member Newspapers	Newspaper is required to publish the Council's decision on complaints.
Mauritania (Comité pour le Respect de l'Ethique et de la Déontologie)	No information	No information	No information	No information	No information	No information	No information
Minnesota (USA) (Minnesota News Council)	State Established in 1970, modelled on British Press Council. Independent corporation.	53 (3 went to hearing; 2 upheld) (2006) Free Complaints must be filed within 6 months of publication. Lawyers not allowed to participate in formal process.	\$200,000 budget. No government funding. 40% corporate donations, 30% media donations, 30% individual donations.	Corporate board oversees Council's finance and organisation. 25 members (12 journalists, 12 public representatives, chairperson is a retired justice from the State Supreme Court). Public representatives appointed by membership committee composed of existing members of the Hearing Board and approved by Corporate Board.	Yes Has a magazine, TV series and public forums.	Includes print, broadcast and internet media.	Cannot sanction (participation voluntary)
Nepal	Government controlled Established in 1972. Currently operates under the Press Council Act 1992	Must file complaint within 15 days.	Government funded.	13 members (chairperson must have expertise in either journalism or law, a member nominated by the Speaker from the members of the House of Representatives, one member nominated by the Chairperson from among the members of the National Assembly, (cont'd)...	Yes	Includes broadcasting	Publication of the statement of the aggrieved party in the concerned paper. Apology to the aggrieved party and publication of their statement in the newspaper complained against. (cont'd)...

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
... cont'd Nepal				... cont'd 6 members nominated by the Government after consultation with the journalist associations (2 editors, 2 journalists, 2 publishers), 2 members nominated by Government with expertise in “the various fields including journalism”, 1 member nominated by Government from journalists on recommendation of the Associations concerned with literary journalism and the Director-General of the Department of Information			... cont'd Publication of any comment, article or material of the aggrieved party in the newspaper complained against. With respect to a journalist who defies the professional code of conduct persistently, to recommend to the Government for the suspension, in whole or in part, of any privilege or facility granted to him from the Government. (section 12(2) of the Press Council Act)
Netherlands (Raad voor de Journalistiek)	Mixed National Established in current form in 1960	93 (30) in 2006 Free Legal representation is permitted, but not compulsory. Hearings are held in most cases. Complaints are dealt with by committees of 3 to 5 members (one chairperson and equal (cont'd)...	130,000 euro (86.6% funded by media owners, 6.7% funded by Netherlands Union of Journalists and Netherlands Society of Chief Editors) Established and financed by Foundation Membership including: the Netherlands (cont'd)...	31 members (Chairperson, 4 vice-chairpersons, 13 journalist members, 13 non-journalist members). Appointed by the Board of the Foundation for a term of four years. Chairperson and vice-chairpersons must be members of the judiciary. Non-journalist members all have jobs related to journalism. (cont'd)...	No Seeks to maintain standards of journalism.	The complaint must concern journalistic practice of either a professional journalist or someone who, on a regular basis and for remuneration, collaborates on the editorial content of a mass medium. The Council cannot consider complaints relating to (cont'd)...	The Council gives its opinion on a complaint and publishes its decision on its website and in the professional magazine for journalists. (cont'd)...

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
... cont'd Netherlands (Raad voor de Journalistiek)		... cont'd numbers of journalist and non-journalist members) Complaint must be made within 6 months of publication	... cont'd Union of Journalists (Nederlandse Vereniging van Journalisten), the Netherlands Society of Chief-Editors (Nederlands Genootschap van Hoofdredacteuren), the Netherlands national news agency (Algemeen Nederlands Persbureau), several co-ordinating organisations of the printed press, and organisations of public and commercial broadcasting	... cont'd Board of the Foundation appoints all members.		... cont'd good taste or general complaints against the press. Includes broadcasting.	... cont'd Decisions also sent to the national news agency and to other media.
New Zealand	Mixed National	80 complaints, 41 adjudicated, 4 upheld (2005).	NZ\$160,000	11 members (3 owners, 2 journalists, 6 public)	Yes	Newspapers, magazines and their associated websites. Considers complaints against non-members, but no ability to penalise.	Publication of the essence of the adjudications upholding complaints.
Nigerian Press Council	Statutory	No information	No information	No information	No information	No information	No information
North Cyprus (Kibris Turkish Press Council)	Government controlled Established in 2000	No information	No information	No information	No information	No information	No information
Norway (Pressens Faglige Utvalg, translated as "Press Complaints Commission")	Mixed National	207(51)	600,000 euro (65% funded by owners, 35% funded by journalists)	7 members (2 owners, 2 journalists, 3 public)	Yes	Includes broadcasting	No information

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
Ontario (Canada) (Ontario Press Council)	Mixed Regional	120 (2) (2006) Free. If a hearing is held the Council pays the complainant's expenses to travel to Toronto for the hearing. Lawyers cannot attend hearings Council reserves the right not to consider complaints about material published more than six months ago. Inquiry Committee hears complaints – 5 members: 3 public (including chair) two industry	The Council is funded by the 39 daily newspapers and 190 weekly, community and specialty newspapers. The Council's budget for 2007 is approximately \$205,000 Canadian.	There are 11 public members on the Council including the chair and 10 journalists. The Council chooses its members. The executive committee examines all complaints that have not been redressed by the newspaper or have not otherwise been abandoned. If the executive committee decides adjudication is justified, the complaint goes directly to a hearing by a five-member panel made up of two journalists and three public members. If the executive committee decides a complaint does not deserve to be adjudicated, its recommendation is reviewed by the full council.	Yes	Only member publications (ie newspapers).	Newspaper must publish a fair account of the adjudication.
Palawan Community Media Council (Philippines)	Regional Does not appear to be operational	No information	No information	9 members.	No information	No information	No information
Papua New Guinea Media Council	Established by journalists and publishers. No public membership	No information	95,000 euro (100% provided by owners)	9 members (6 owners, 3 journalists)	Yes	Includes broadcasting	No information
Peru (Consejo de la prensa peruana, translated as "Council of the Peruvian Press")	Mixed National Established in 1996	No information	No information	The Ethics Tribunal is made up of 7 non-media members. The sponsoring "Consejo de Prensa" is made up of 5 publishers and editors	Yes	No information	Publication of rectification.

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
Philippine Press Council Institute	<p>National Mixed</p> <p>Established in 1992 by the Philippine Press Institute, a private organisation with approximately 100 news publication members</p>	<p>3(0) Free</p> <p>No formal hearings.</p> <p>Complainants must first write to the newspaper. Complaints must be filed with the Council within four months of publication.</p>	<p>Funded by the Philippine Press Institute</p>	<p>No information on membership.</p> <p>Journalists, who are editors or publishers of national newspapers that are represented on the Philippine Press Institute Board of Trustees. They are appointed by their publishers for an indefinite period. Publishers may appoint up to two members for each newspaper.</p> <p>These newspapers are BusinessWorld, Journal Group, Malaya, Manila Standard Today, Philippine Daily Inquirer and Philippine Star.</p> <p>Regional trustees on the Philippine Press Institute Board are elected at the Philippine Press Institute annual membership meeting. They represent newspapers outside of Manila. One each from the three main islands of Luzon, Visayas and Mindanao.</p> <p>Non-journalists, coming from the academic, business and legal circles. They are directly invited by the journalist members. They serve for one year; their term may be extended an unlimited number of times.</p>	<p>Yes.</p> <p>Council makes public statements when necessary.</p>	<p>Jurisdiction over Philippine Press Institute members only.</p>	<p>The Council requires a newspaper to publish the disregarded side of the story or issue. If it refuses to do so, the Council's findings on the complaint are published in other newspapers, and in the Press Forum (the Institute's publication).</p> <p>There are also penalties for Philippine Press Institute members who refuse to cooperate with the Council.</p>

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
Portugal (Alta autoridade para a comunicação social)	Independent Statutory National Established in 1990	248	1.9 million euro (100% provided by Government)	11 members (1 judge, appointed by the Superior Magistrate Council, acting as president, 5 members elected by Parliament; 1 member appointed by the government; 4 members representative of public opinion, the media and the culture, among whom 3 appointed respectively by the National Council of Consumers, the professional association of journalists and the organisations of media employers - the fourth is co-opted from a list of experts in the cultural and scientific areas).	Yes	Includes broadcasting	“Compulsory recommendations” which must be published in the publication. Fines Suspend or withdraw broadcasting licences.
Quebec (Canada) (Conseil de presse du Québec)	Mixed Regional Established in 1973 by journalists’ associations and media organisations	73(33) (July 2005-June 2006) Free Must complain within six months of article or broadcast. No hearing, decisions based only on written arguments.	260,000 euro (49% provided by owners, 3% provided by journalists, 30% provided by Government, 18% provided by foundations) papers); Association québécoise des télédiffuseurs et radiodiffuseurs; The Canadian Broadcasting Corporation / Société Radio-Canada; The Société de télédiffusion du Québec; The Quebecor Dailies; and the Fédération professionnelle des journalistes du Québec. The Council also has associate members.	22 members (7 owners, 7 journalists, 8 public). Chairperson must be a public member. Constituent members are represented on the Council. Journalists: designated by the general assembly of the Fédération professionnelle des journalistes du Québec. Industry: designated by the members. Public: designated by the Board after a public recruiting process and recommendation by a tripartite committee of board members Every member of the board except the President, is also a member of the Journalistic ethics and complaint committee. (cont’d)...	Yes The Council appears at legislative committee hearings, publishes opinions, memorandums, press releases, etc.	Written press, radio, television and the internet, including non-members of the Council.	None

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
... cont'd Quebec (Canada) (Conseil de presse du Québec)				... cont'd Eight members, in rotation, are asked to participate in each meeting of the committee (four public members, two journalists and two media members), the quorum is four members with at least one representative of each category.			
Russia ⁸ (“The Grand Jury”)	Mixed National Established in 1998 “Corporate institution of civil society”	11(8)	9000 euro	28 members (5 owners, 10 journalists, 13 public) ⁹	Yes	Includes broadcasting	No information
Senegal (Comité pour le respect de l'éthique et de la déontologie)	No information	No information	3700 euro	13 members (3 owners, 4 journalist, 5 public, 1 legislator)	Yes	Includes broadcasting	No information
Slovakia (Press Council of the Slovak Republic)	Mixed National Established in 2002	14(10)	1500 euro (half provided by media owners and half provided by journalists)	6 members (5 from “major institutions” and 1 from the general public) No members are journalists or work for publishers.	Yes	No information	No information
Slovenia (Novinarsko Castno Razsodisce, translated as “Journalists’ Ethics Council”)	Established and managed by journalists National	25(17)	11,000 euro	9 journalist members	Yes	Includes broadcasting	No information

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
South Africa (Press Ombudsman of South Africa)	Established in 1997 by the South African National Editors Forum, the Forum for Community Journalists, the South African Union of Journalists, the Media Workers Association of South Africa, the Newspaper Association of Southern Africa and the Magazine Publishers Association of South Africa.	Approximately 200 (100) in 2006. Complaints go to the ombudsman first Complaints must be made within 10 days of publication.	Funded by Newspaper Association of Southern Africa.	<p>Founding Bodies panel made up of 2 members appointed by the South African National Editors Forum; 1 member appointed by the Forum for Community Journalists; 1 member appointed by the South African Union of Journalists; 1 member appointed by the Media Workers Association of South Africa; 2 members appointed by the Newspaper Association of Southern Africa; 1 member appointed by the Magazine Publishers Association of South Africa.</p> <p>Responsible for changes to constitution, code of ethics and procedural rules and the creation of the appointments panel.</p> <p>Ombudsman must have extensive editorial experience. Appointed by appointments panel.</p> <p>Appeal panel has 6 public representatives, 6 press representatives and an independent chairperson. All members are appointed by the Appointments Panel.</p>	No. Other organisations fulfill this role (national editors forum, freedom of expression institute, and the newspaper association)	Members of Newspaper Association of Southern Africa. Other members can join voluntarily.	Publishing reprimands and corrections. The Council can order these to be published by the member complained against.
South Korea (Korea Press Ethics Commission) ¹⁰	Mixed National	600(162) in 1999	No information	17 members (15 owner or journalist members and 2 public)	No	No information	No information
South Korea (Press Arbitration Commission)	Statutory	659(258)	100% funded by Government	75 members (15 owners or journalists, 60 public)	No	Includes broadcasting	No information

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
Sri Lanka (Press Complaints Commission of Sri Lanka)	<p>Established in 2003 by the Newspaper Society of Sri Lanka, The Editors' Guild and the Free Media Movement</p> <p>Established as a company.</p> <p>Independent but operates under the Arbitration Act.</p> <p>Functions concurrently with Government run Press Council.</p>	<p>128 (approximately 20% upheld) (2006)</p> <p>Complaints must be made within two years of publication.</p>	<p>Since its inception in 2003 and up to 2006 the Council was fully funded by three Scandinavian countries – Norway, Sweden and Denmark.</p> <p>However, this funding component is now 70%. The industry's component is covered through free advertising of events.</p> <p>The Council functions under the Sri Lanka Press Institute, which is mandated to undertake activities which generate income.</p>	<p>The Council is governed by a Board of Directors made up of representatives from the Editors' Guild of Sri Lanka, the Sri Lanka Newspaper Society and the Free Media Movement. The Council has 50 members made up of journalists and editors. In 2006 the Articles of Association were changed to enable the election of three of the members to the governing Board.</p> <p>Complaints are handled by the Secretariat staff comprising of a Chief Executive Officer, and three complaints officers for each of the languages spoken in Sri Lanka, ie: Sinhala, Tamil and English. A Dispute Resolution Council made up of 11 members, 6 from civil society and 5 from the media resolve disputes that cannot be solved by the Secretariat.</p>	<p>No.</p> <p>Sri Lanka Press Institute handles advocacy</p>	<p>Jurisdiction over the print media only.</p> <p>A draft code of practice for television journalists has been prepared. The Council is in the process of getting support from electronic media organisations.</p>	<p>Publication of a correction/apology or a right of reply.</p>
Swedish Press Council (Pressens Opinionsnämnd)	<p>Mixed</p> <p>National</p> <p>Independent</p>	<p>405 (44) in 2006.</p> <p>Free</p> <p>Must complain within three months from publication of material</p> <p>There is mail correspondence between the parties if deemed necessary. Lawyers can act on behalf of complainants/media in responses.</p> <p>There are no formal hearings.</p>	<p>Approximately 4.5 million SEK provided by founding bodies: Tidningsutgivarna, Sveriges Tidskrifter, Publicistklubben and Journalistförbundet.</p> <p>Approximately 500,000 euro from fines (approximately 20%), journalists (approximately 5%), and owners (approximately 75%).</p>	<p>16 members (6 public members, 2 representatives of the National Press Club, 2 representatives of the Swedish Union of journalists, 2 representatives of the Newspaper Publishers' Association, 2 representatives of the Magazine Publishers' Association, and an independent Chairperson and Vice-Chairperson).</p>	<p>Yes.</p> <p>Press Ombudsman gives lectures on the importance of a free press.</p>	<p>Newspapers and magazines and their associated websites.</p>	<p>Administrative fees of up to 25,000 kronor charged to publication.</p> <p>Publication of unabridged Press Council decision.</p>

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
Switzerland (Conseil suisse de la presse / Schweizer Presserat)	Mixed National Established in 2000 by Impressum (formerly known as the Swiss Association of Journalists), the media trade union Comedia, the Syndicate of Swiss Media Journalists (electronic media) and the Conference of Chief Editors.	91(23) Complaints considered by a chamber of the Council. Each chamber has journalist and public members.	120,000 euro (100% provided by journalists) The activities of the Swiss Press Council are financed by contributions from the Impressum (formerly known as the Swiss Association of Journalists), the media trade union Comedia, the Syndicate of Swiss Media Journalists (electronic media) and the Conference of Chief Editors as well as contributions from larger media groups and other organisations. The Council also accepts public donations.	21 members (15 journalists, 6 public)	Yes	Print and electronic media, including broadcasting and websites.	No sanctions. Decisions published on Council's website and important decisions are sent to news agencies, major editorial offices as well as other interested parties.
Taiwan (National Press Council of the Republic of China)	Mixed National Established in 1974 by the News Editors Association, the News Agency Association, the National Association of Broadcasters, the Republic of China Television Association, (cont'd)...	20(16)	No information	11 members (2 owners or journalists, 8 public members selected by media people from management and unions). Review board consists of veteran journalists, scholars of journalism, legal experts, and prominent civic leaders.	Yes Publishes a monthly magazine and "numerous books".	Includes broadcasting	No information

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
... cont'd Taiwan (National Press Council of the Republic of China)	... cont'd Taiwan Province Press Association, Taipei Press Guild, Kaohsiung City Press Association, and Taipei Journalists Association						
Tanzania (Media Council of Tanzania)	Mixed National	22(16)	Not funded by Government	15 members (6 owners, 7 journalists, 2 public)	Yes	Includes broadcasting	No information
Thailand (National Press Council of Thailand)	Mixed National	24(0)	9000 euro	21 members (10 owners, 4 journalists, 7 public)	Yes	No information	No information
Togo (Observatoire Togolais des medias)	No information Observatory	No information	No information	No information	No information	No information	No information
Tonga (Tonga Media Council)	Established in 2003 Incorporated	Complaints Committee deals with complaints	No information	The Council is administered by a Board of Directors. Each member news organisation selects a director to be their representative on the Board, but the day to day running of the Council is taken care of by the Chairman, Secretary and the Treasurer	No information	No information	No information
Turkey (Basin Konseyi, translated as "Turkish Press Council")	Mixed National Established in 1988 by active journalists	133(62) Free	40,000 euro (90% provided by owners, 10% provided by journalists)	Members' Council: members of the press, representatives or owners of televisions, radios, and printed media, chairpersons or representatives of trade unions and employers' union of the press sector, chairpersons or representatives of societies or associations of journalists or unions, federations or confederations of the sector. The chairperson or a representative of the Union of Bar Associations, chairpersons or representatives of (cont'd)...	Yes	Includes broadcasting	Can admonish (warn) or censure the journalist or media organisation complained against.

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
<p>... cont'd</p> <p>Turkey (Basin Konseyi, translated as "Turkish Press Council")</p>				<p>... cont'd</p> <p>trade unions and employers' unions, who have the highest number of registered members in the country, deans or representatives of Faculties of Communication studies, 40 individuals who are elected by the Supreme Board of the Council as representatives of the readers. Chairperson elected from members.</p> <p>Supreme Board, which considers complaints, is made up of: 18 members, 8 of whom are to be from the press sector (2 of whom are to be from the televisions, radios or print media outside Ankara, Istanbul, Izmir, Bursa and Adana regions) and 10 of whom are to be from outside the press sector, as elected by the Members' Assembly of the Council.</p>			
Ukraine (Journalist Ethics Commission)	<p>Established by journalists in 2001.</p> <p>Legal entity</p>	No information	No information	23 members elected by Congress of Journalists (19 journalist members)	No information	No information	No information

	Type	Complaints ¹	Funding ²	Membership	Free Press Advocacy ³	Coverage	Penalty
United Kingdom Press Complaints Commission	Mixed National Independent Established by newspaper and magazines publishers. It is a company limited by guarantee and not having a share capital.	3325 in 2006 Free Must complain within two months of publication of material	2.2 million euro from publishers	17 members (7 editorial members, 9 public members, independent Chair). Public members appointed by appointments commission Editorial members of the Commission are appointed to represent their relevant association (Newspaper Publishers Association - 3 members, the Newspaper Society - 2 members, the Scottish Daily Newspaper Society, the Scottish Newspaper Publishers' Association - 1 member to represent both, and the Periodical Publishers' Association - 1 member)	No	Newspapers and magazines, and their associated websites who have signed up to the Commission's Code of Practice (approximately 97 per cent of all commercially available newspapers and magazines in the UK). The Commission's jurisdiction was extended to include audio-visual material on newspaper and magazines websites in early 2007.	Publication of adjudications upholding complaints
Washington (state) (USA) (Washington News Council)	Regional	5(1) Holds open hearings on complaints.	110,000 euro (2% provided by owners, 10% provided by journalists, 56% provided by foundations, 20% provided by business, 10% provided by donors).	20 members (10 journalists, 10 public)	No	Includes broadcasting	Publication of decision, including video of hearings
Zambia	No information	No information	No information	No information	No information	No information	No information

1 Figures are for 2003. The number of complaints upheld in parenthesis.

2 Funding for 2003.

3 One of the Press Council's functions is to advocate press freedom.

4 There has been limited activity since newspaper proprietors left the Council in 2002.

5 Observatories are present in many French speaking West African nations. Observatories are set up by journalists to monitor the news media and (often) take complaints.

6 Including Antigua, Anguilla, Barbados, Dominica, Grenada, Montserrat, St Kitts-Nevis, St Lucia, St Vincent, and (British) Virgin Islands.

7 The second Estonia Press Council was set up by publishers in 2002 after they left the first.

8 The national Grand Jury, set up by the Union of Journalists, has 30 regional chapters or "collegiums".

9 Composition of the central collegium. There are 30 regional collegiums with 252 members in total.

10 The Korea Ethics Commission, set up by the press, is overshadowed by the Commission of Press Arbitration, a statutory body covering all media which can demand corrections.

	Appeal Rights	Ombudsman Approach	Mediation	Waiver	Code	Take Initiatives
Alberta (Canada) (Alberta Press Council)	No	No	No	Yes Does not consider complaints that are already before the courts or if complainants are being advised by legal counsel	Yes Policy and Procedures Committee of the Council considers any proposed changes to the Code, which must be voted on by the full Council.	Yes
Algeria	No information	No information	No information	No information	Yes	No information
Atlantic Provinces (Canada)	No information	No information	No information	Does not consider complaints if legal proceedings have been commenced.	Yes	Yes
Australian Press Council	At the discretion of the Chairperson	No	Yes	Yes	Non-binding Statement of Principles Privacy Standards. The Statement of Principles is written by the Australian Press Council.	No
Austrian Press Council (Osterreichischer Presserat)	No information	No information	No information	No information	Yes	Rarely
Azerbaijan Press Council	No information	No	Yes – informal complaints resolution. Complaint proceeds to a “trial case” if the complaint is not reconciled satisfactorily.	No information	Professional Code of Journalists. The Council cannot consider complaints about matters outside the Code, apart from inquiries from the courts. The Press Council implements “public control” over the Code.	No information

	Appeal Rights	Ombudsman Approach	Mediation	Waiver	Code	Take Initiatives
Baguio Citizens' Press Complaints Board (Philippines)	No information	No information	No information	No information	No information	No information
Bangladesh	No information	No information	No information	No information	No information	No information
Belgium (Flemish) (Raad voor de Journalistiek, translated as Council for Journalism)	No	Yes. Secretary General acts as the Ombudsman and seeks to resolve complaints without going to the Council. The Secretary General will take the complaint to the Council if reconciliation is not possible.	Yes. Secretary General acts as the mediator.	No. Complainants can take court action simultaneously or after the Council has adjudicated the complaint.	Council can amend the Code. Council has also issued guidelines on specific issues of journalistic ethics. Code has been signed by publishers, media houses and journalist unions.	Yes, but the Council has never used this power.
Benin (Observatoire de la déontologie et de l'éthique dans les medias)	No information	No information	No information	No information	Yes	Rarely
Press Council of Bosnia-Herzegovina	No information	No	Yes Discussions held between newspaper, the complainant and the Council.	No information	"Press Code of Bosnia and Herzegovina".	Yes
Botswana	Yes. Trust deed provides for a Media Appeals Committee to hear appeals from the Media Complaints Committee.	No information	No information	No information	Code of Ethics for Media Workers in Botswana. Created through consultation with independent and Government media, the public and other stakeholders. Launched 2004.	No information

	Appeal Rights	Ombudsman Approach	Mediation	Waiver	Code	Take Initiatives
British Columbia (Canada) (British Columbia Press Council)	No	No	Yes. Carried out by the Council's executive director.	Yes	Yes 12 point code of practice. Council has the power to amend the code.	No
Bulgaria – National Council for Journalistic Ethics (Nationalen Svet za Zhurnalistitseshka Etika, translated as “National Council for Journalistic Ethics”)	No information	No information	No information	No information	Complaints are judged against the Code of Ethics which has been approved by all of the umbrella media organisations and 80 individual media outlets.	No information
Burkina Faso (“Observatoire national d'autorégulation de la presse)	No information	No information	No information	No information	Yes	Yes
Cataluna (Spain) (Consell de la informació de Catalunya, translated as News Council of Cataluna”)	No information	No information	Yes	No information	Yes: Ethical Code, established in 1992 by Congress of Catalan Journalists	Yes
Cebu Citizens-Press Council (Philippines)	No information	No information	Mediation offered by Council's screening panel.	No information	No information	No information
Chile (Consejo de ética de los medios de comunicación)	No information	No information	No information	No information	No	The Council's prosecutor can require a decision to be made.
Congo (Observatoire congolais des médias)	No information	No information	No information	No information	No information	No information
Cyprus Media Complaints Commission (Epitropi Dimosiographikis Deontologias)	No information	No information	Aim of the Commission is to resolve any dispute that arises as a result of a breach of the Code.	The Committee is not entitled to impose any penalty, to adjudicate compensation or to deal with a complaint which is the subject matter of a procedure before a court or other body having jurisdiction under law.	Yes Also issues guidance notes	In exceptional circumstances: “The Committee may, exceptionally, deal on its own initiative with a case, which may be tantamount to a breach of the Code, due to its importance and seriousness”.

	Appeal Rights	Ombudsman Approach	Mediation	Waiver	Code	Take Initiatives
Czech Republic	No information	No information	No information	No information	No information	No information
Denmark	No information	No information	No information	No information	The Media Liability Act requires the content and conduct of mass media to be consistent with “sound press ethics”. “Sound press ethics” is interpreted in light of the Press Ethical Rules of Guidance.	Yes, where the case is “essential” or “leading”.
East Carribean	No information	No information	No information	No information	Yes	Rarely
Egypt	No information	No information	No information	No information	No information	No information
Estonia ¹ (Avaliku Sõna Nõukogu, translated as the “Council of the Public Word”)	No information	No information	Chairperson and vice-chairperson can take steps to conciliate the parties. If unsuccessful after one month, the complaint is heard by the Council.	The Council cannot consider a complaint if it has already been heard by the courts or is under police investigation.	The Code of Ethics for the Estonian Press was created in 1997 by the Estonian Newspaper Association, the Association of Estonian Broadcasters and the Council. The Code does not cover all possible cases.	Yes
Estonia ² (Pressinõukogu, translated as “Press Council”)	No	Executive Secretary acts as an ombudsman.	Executive Secretary tries to negotiate a settlement between the complainant and the publication (for example, a letter of apology or an oral apology by the publication or printing a reader’s letter). Complaint is considered by the Council if the negotiation is unsuccessful.	No information The Council cannot consider complaints if a “court procedure” has been commenced.	Yes	No

	Appeal Rights	Ombudsman Approach	Mediation	Waiver	Code	Take Initiatives
Fiji Media Council	No	No	Informal process provided by the Executive Secretary.	Yes	General Media Code of Ethics and Practice. Every major publisher and broadcaster on Fiji Island has agreed to abide by these rules. The Council can amend the Code following submissions.	Yes
Finland (Julkisen Sanan Neuvosto, translated as "Mass Media Council")	No information	No information	No information	No information	Journalistic Guidelines that are consulted when considering complaints.	Yes if the issue involves "important principles". The Council also issues guidance notes.
German Press Council (Deutscher Presserat)	Complaint can be re-opened if new facts are presented.	No	Yes, but seems to be voluntary on the part of the publication (i.e. Council not involved). The Council encourages mediation. Rectification taken must be suitable for maintaining professional ethics and maintaining the standards of the press.	Not required Hearing of complaints can be suspended if it would influence criminal investigation or pending court case.	Yes. Press Code first published in 1972. Approximately 95% of publications have agreed to be bound by the Code. The Council has the power to amend the Code. The Council also issues guidelines and uses the case law it has developed.	Yes, but this power is used rarely.
Ghana	No information	No information	No information	No information	No information	Yes
Guinea (Observatoire Guinéen de la déontologie et de l'éthique des medias)	No information	No information	No information	No information	No information	No information
Hong Kong Press Council	No information	No	No	No information	Journalists' Code of Professional Ethics. Created by the Council. Council also has guidelines for photo-journalism.	No information

	Appeal Rights	Ombudsman Approach	Mediation	Waiver	Code	Take Initiatives
Honolulu (USA) (Honolulu Community-Media Council)	No information	No information	No information	No information	Yes	Yes
Iceland (Sidanefnd Bladamannafélags Islands, translated as the Ethics Committee of the Union of Icelandic Journalists)	No information	No information	No information	No information	Yes	No
India Press Council	No	No	No	Complainants must “subscribe to a declaration ... regarding non-pendency of the subject matter in any court of law”	No	No information
Indonesia (Dewan Pers, translated as “Press Council”)	No information	No	No	The Council will not handle complaints related to media reporting that is under due process of law or being tried in court or that might be used in a court trial, unless the complainant is prepared to sign a statement pledging not to use the Council’s recommendation in any legal process or court trial.	The Council is required to enact a code under the Law on the Press 1999	No information
Press Council of Ireland	Parties can appeal the ombudsman’s decision to the Council.	Appointed by the Council. The Ombudsman receives complaints and seeks to resolve them. Refers difficult cases or cases which cannot be resolved.	Undertaken by the Ombudsman	No information	Code of Practice for Newspapers and Periodicals. Created by the Press Industry Code Committee, which is a sub-committee of the bodies that created the Council.	No information

	Appeal Rights	Ombudsman Approach	Mediation	Waiver	Code	Take Initiatives
Israel Press Council	Appeals are heard by a tribunal consisting of five members (two of whom are representatives of the public) or seven members (where three are public representatives). The appeal tribunal must be chaired by a jurist.	No	No	No information	The Code is determined by the Council's plenum.	Yes
Italy (Discipline Commissions of the Ordine Nazionale dei Giornalisti)	No information	No information	No information	No information	Yes	No information
Ivory Coast	No information	No information	No information	No information	No information	No information
Japan (Newspaper Contents Evaluation Chamber of NSK)	No information	No information	No information	No information	No information	No information
Kenya (Media Council of Kenya)	No information	No information	No information	No information	Code of the Ethical Practice for Journalists established by the media industry in 2002.	No information
Lithuania (Commission of Ethics of Lithuanian Journalists and Publishers)	Appeal to court. The publication must publish the decision in the meantime	No information	No information	No information	Yes	Yes
Luxemburg	No information	No information	No information	No information	Yes	No
Macedonia (Sovet na cesta na Zdruzenieto na novinarite na Makedonija, translated as "Council of Honour")	Assembly of the Association of Journalists of Macedonia considers appeals	No information	No information	No information	Yes	Yes

	Appeal Rights	Ombudsman Approach	Mediation	Waiver	Code	Take Initiatives
Malawi	No information	No information	No information	No information	No information	No information
Mali (Observatoire de la déontologie et de l'éthique dans la presse)	No information	No information	No information	No information	No information	No information
Malta (Press Ethics Commission)	No information	No	Mediation is offered at the first hearing. If accepted, a Council member acts as the mediator.	No information	Yes: Code of Journalistic Ethics	No
Manitoba (Canada) (Manitoba Press Council)	No	No	No	Yes	No	No
Mauritania (Comité pour le Respect de l'Ethique et de la Déontologie)	No information	No information	No information	No information	No information	No information
Minnesota (USA) (Minnesota News Council)	No	No	No Council used to operate mediation service.	Yes	Yes The Council has a written complaint handling policy that can be amended by the Board of Directors.	No
Nepal	No information	No	No	No information	Journalist Code of Conduct (2003) created pursuant to section 7(b) of the Press Council Act with the consent of the Nepal Journalist Association. Council has power to amend the Code. Complaints can be made about matters falling outside the Code, including material that is in contravention of public decency, morality or well-being.	Yes
Netherlands (Raad voor de Journalistiek)	No	No	Yes	No information	No	Yes. Has happened three times since 1993

	Appeal Rights	Ombudsman Approach	Mediation	Waiver	Code	Take Initiatives
New Zealand	No formal right of appeal. Council will re-consider complaint if mistake or new facts come to light	No	No, but the Council has mediated disputes if both parties agree.	Yes	Non-binding statement of principles	No
Nigerian Press Council	No information	No information	No information	No information	No information	No information
North Cyprus (Kibris Turkish Press Council)	No information	No information	No information	No information	No information	No information
Norway (Pressens Faglige Utvalg, translated as "Press Complaints Commission")	No information	No information	No information	No information	Yes	Yes
Ontario (Canada) (Ontario Press Council)	Appeals are dealt with on an ad hoc basis.	Executive director acts as a gate keeper.	The Council is prepared to mediate complaints, but it happens rarely.	The Council does not normally deal with a complaint that in any way involves litigation, whether launched, threatened or in prospect	No, but uses various codes from similar bodies. Also issues policy statements.	The Council has the right to undertake investigations of restrictions by government on freedom of information.
Palawan Community Media Council (Philippines)	No information	No information	No information	No information	No information	No information
Papua New Guinea Media Council	No information	No information	No information	No information	Yes: General Code of Ethics for News Media	No information
Peru (Consejo de la prensa peruana, translated as "Council of the Peruvian Press")	No information	No information	No information	No information	No	Rarely
Philippine Press Council	Yes, if complainant dissatisfied with redress. Appeal heard by Philippine Press Institute Board	Executive Director acts as a gatekeeper.	Yes	Yes	Philippine Press Institute and the National Press Club adopted the Journalists' Code of Ethics in 1997. The Council cannot amend the Code unilaterally.	The Council can initiate an investigation after a vote by two thirds of its members.

	Appeal Rights	Ombudsman Approach	Mediation	Waiver	Code	Take Initiatives
Portugal (Alta autoridade para a comunicação social)	Appeal to courts	No information	No information	No information	No: complainants may complain about breaches of laws applicable to mass media	Yes
Quebec (Canada) (Conseil de presse du Québec)	Yes. Can appeal on any ground except jurisdiction. An appeals committee considers appeals. The appeal commission is composed of former members of the Council (2 journalists, 2 public members and two from the industry).	No	No	No	Yes: Rights and Responsibilities of the Press. The code contains general principles. The Council's jurisprudence (more than 1 600 decisions) also gives guidance to the committee considering complaints	Rarely
Russia ("The Grand Jury")	No information	No information	No information	Parties are invited to sign an agreement recognising the authority of the Grand Jury.	Journalists' Code of Ethics. Also uses Russian media law, the International Federation of Journalists Declaration of Principles Concerning the Behaviour of Journalists and other "recognised standards" for journalists.	No
Senegal (Comité pour le respect de l'éthique et de la déontologie)	No information	No information	No information	No information	Yes	Yes
Slovakia (Press Council of the Slovak Republic)	No information	No information	No information	No information	Code of Journalists' Ethics established in 1990 by the Slovak Syndicate of Journalists	No
Slovenia (Novinarsko Castno Razsodisce, translated as "Journalists' Ethics Council")	No information	No information	No information	No information	Yes	Yes

	Appeal Rights	Ombudsman Approach	Mediation	Waiver	Code	Take Initiatives
South Africa (Press Ombudsman of South Africa)	Can appeal ombudsman's decision to an "appeal panel".	Complaints go to the ombudsman first, who tries to settle the complaint. If unsuccessful, goes to panel.	Carried out by the ombudsman.	Ombudsman may not accept a complaint where legal proceedings threatened or considered likely by the ombudsman unless a waiver is signed.	Code of Conduct established by the Founding Bodies.	No
South Korea (Korea Press Ethics Commission) ³	No information	No information	No information	No information	Yes	Yes
South Korea (Press Arbitration Commission)	No information	No information	No information	No information	No	No
Sri Lanka (Press Complaints Commission of Sri Lanka)	The Council operates under the Arbitration Act. If a complaint is upheld and the newspaper does not publish the award, a complainant has the right to take the ruling to the High Court and have it enforced.	No	The Council conducts mediation. A member of the Dispute Resolution Council acts as the mediator.	Yes. Once a settlement has been reached through the Council, a complainant cannot use that ruling to obtain further compensation through the courts.	Code of Practice established by the Editors' Guild and adopted by the Commission. The Code is reviewed annually.	No
Swedish Press Council (Pressens Opinionsnämnd)	Appeal to the Council from the Ombudsman's decision. Complainants cannot appeal from the Council's decision but can go to court at any time during the Ombudsman/Council process.	Ombudsman brings case before Press Council and can mediate a dispute.	Undertaken by the Ombudsman.	No	Code of Ethics for the Press, Radio and Television. The Council is concerned with "good journalist practice" and is entitled to interpret this phrase as it sees fit. The Board of the Funding Organisations can change the Code if necessary.	Yes, but must receive the consent of the person concerned.

	Appeal Rights	Ombudsman Approach	Mediation	Waiver	Code	Take Initiatives
Switzerland (Conseil suisse de la presse / Schweizer Presserat)	No information	No information	No information	No information	"Declaration of Duties and Rights of Journalists" and related guidelines, first established in 1973.	Yes, by majority vote of the plenum of the Council.
Taiwan (National Press Council of the Republic of China)	No information	No information	No information	No information	Code of Ethics for Chinese Journalists, the Code of Ethics for the Republic of China Press, the Code of Ethics for Republic of China Radio Broadcasting, and the Code of Ethics for Republic of China Television.	Yes
Tanzania (Media Council of Tanzania)	No information	No information	No information	No information	Yes	Yes
Thailand (National Press Council of Thailand)	No information	No information	No information	No information	Yes	No
Togo (Observatoire Togolais des medias)	No information	No information	No information	No information	No information	No information
Tonga (Tonga Media Council)	No information	No information	No information	No information	No information	No information
Turkey (Basin Konseyi, translated as "Turkish Press Council")	No	No	The Secretary-General can mediate complaints. The Supreme Board can still consider issues.	Complainants can use the Council and the court system at the same time.	"Professional Principles of the Press", established at same time as the Council	Yes
Ukraine (Journalist Ethics Commission)	No information	No information	No information	No information	Code of Ethics of Ukrainian Journalists. Commission has the power to amend the code.	No information

	Appeal Rights	Ombudsman Approach	Mediation	Waiver	Code	Take Initiatives
United Kingdom Press Complaints Commission	<p>Charter Commissioner appointed to consider complaints from people who have received a decision from the Commission about how the Commission handled the matter</p> <p>The Commission will re-consider decisions if fundamentally misunderstood aspect of complaint or new evidence comes to light</p>	No	No formal mediation, but investigation of complaint by the Commission is used to seek out alternative solutions	No, but the Commission will not deal with any complaint that is subject to parallel legal proceedings or if legal proceedings are immediately impending.	Binding Code of Practice including privacy and harassment. The Code is written by a panel of editors and ratified by the Commission.	Yes, but rare. The Commission rarely initiates its own investigations except in cases where there is unlikely to be a person directly affected by the potential breach (eg in cases relating to financial journalism).
Washington (state) (USA) (Washington News Council)	No information	No information	No information	Yes	No	No
Zambia	No information	No information	No information	No information	No information	No information

¹ Including Antigua, Anguilla, Barbados, Dominica, Grenada, Montserrat, St Kitts-Nevis, St Lucia, St Vincent, and (British) Virgin Islands.

² The second Estonia Press Council was set up by publishers in 2002 after they left the first.

³ The Korea Ethics Commission, set up by the press, is overshadowed by the Press Arbitration Commission, a statutory body covering all media which can demand corrections.

Appendix V

Survey Results

A survey of the public, organisations, complainants and media organisations was conducted as part of the Review.

Methodology

A survey is a feasible means of providing data with external validity when assessing the general state of practice. Four surveys were undertaken:

- Individuals and the Press, which surveyed members of the public;
- Organisations and the Press, which surveyed public organisations;
- Complainants to the Press Council, which surveyed complainants to the Press Council; and
- Media Organisations and the Press Council, which surveyed media organisations (ie newspapers and magazines).

The Individuals and the Press survey was intended to assess the public's perception of the press and its awareness of the Council. The survey was made available online with the public being directed to the survey from the Review's website. The public was made aware of the Review's website and the survey through public notices in New Zealand's major newspapers and the Press Council's website. There is an element of self-selection to this survey. Members of the public were more likely to complete the survey if they had an interest in the press or already knew of the Press Council. A paper copy of the survey was sent to members of the public who requested it.

The Organisations and the Press survey was intended to assess general organisations' perception of the press and their awareness and experience of the Press Council: the organisations included businesses and Government departments. Like the survey for individuals, the survey was made available online through the Review's website. Organisations were made aware of the Review's website and the survey through public notices in New Zealand's major newspapers and the Press Council's website. As for the survey of individuals, there is an element of self-selection to this survey. Organisations were more likely to complete the survey if they had an interest in the press or already knew of the Press Council.

Electronic versions of Individuals and the Press and Organisations and the Press surveys were sent to various organisations and groups of individuals.

The survey of complainants to the Press Council was intended to assess complainants' attitudes towards the Council's process. The survey was sent to complainants to the Press Council, who had complained within the last six years. In total 255 complainants were sent the survey by the Press Council to the address listed in their complaint. An increase in the length of time between the complaint and the survey decreases the possibility that the complainant would still be at the address from which the complaint was made, the possibility that the complainant was still available to complete a survey, and the complainant's ability to remember the finer details of the complaint and the Press Council's process.

The survey of media organisations and the Press Council was intended to assess media organisations' views towards the Press Council. The survey was emailed to editors of all major newspapers and magazines. Paper copies were also available, although no editor requested one.

I Individuals and the Press

Introduction

There were 147 responses to the Individuals and the Press survey. The tables and commentary below give an overview of the Individuals and the Press survey. Data in the tables is in the following format (total response, percentage). Percentages are expressed as a percentage of those respondents answering the question.

Transport, storage and communication	3, 2.0	2, 3.4	0, 0.0	1, 1.0	2, 11.8	1, 1.9
Energy services	0, 0.0	0, 0.0	0, 0.0	0, 0.0	0, 0.0	0, 0.0
Business and financial services	6, 4.1	4, 6.8	1, 2.4	4, 4.0	0, 0.0	2, 3.7
Education	45, 30.6	15, 25.4	8, 19.5	33, 32.7	6, 35.3	11, 20.4
Health and community services	22, 15.0	7, 11.9	1, 2.4	17, 16.8	1, 5.9	1, 1.9
Local political services	10, 6.8	3, 5.1	3, 7.3	6, 5.9	1, 5.9	7, 13.0
National political services	11, 7.5	6, 10.2	5, 12.2	7, 6.9	0, 0.0	3, 5.6
Journalism	11, 7.5	6, 10.2	8, 19.5	9, 8.9	0, 0.0	11, 20.4
Other services	27, 18.4	11, 18.6	12, 29.3	18, 17.8	3, 17.7	13, 24.1
No industry	8, 5.4	2, 3.4	2, 4.9	5, 5.0	2, 11.8	3, 5.6

The majority of respondents worked in either education or health and community services. A significant number of respondents worked in political services, both national and local.

1.4 Please indicate if you have ever worked for any of the following

	Full	Male	Newspapers source most often used	No complaints to print media	Complained to Press Council	Worked for a media organisation
Daily newspaper	22, 40.7	13, 58.5	13, 59.1	15, 46.9	2, 28.6	22, 40.7
Weekly newspaper	18, 33.3	10, 43.5	9, 40.9	10, 31.3	3, 42.9	18, 33.3
Magazine	20, 37.0	10, 43.5	8, 36.4	14, 43.8	1, 14.3	20, 37.0
Public relations firm	14, 25.9	6, 26.1	4, 18.2	6, 18.8	3, 42.9	14, 25.9
Radio station	16, 29.6	7, 30.4	4, 18.2	9, 28.1	1, 14.3	16, 29.6
Television station	11, 20.4	6, 26.1	3, 13.6	7, 21.9	1, 14.3	11, 20.4
Press service	3, 5.6	3, 13.0	3, 13.6	1, 3.1	1, 14.3	3, 5.6
Book publisher	4, 7.4	1, 4.4	1, 4.6	3, 9.4	1, 14.3	4, 7.4
No response	93	36	19	69	10	0

The majority of respondents had not worked for a media organisation, such as a newspaper. Of those respondents who had worked for a media organisation, a daily newspaper was the most common. This question is important because the views of those individuals who have worked for a media organisation may be different from those that had not. The final column shows only those respondents who have worked for a media organisation.

1.5 Most of the time the press does a good job of providing accurate accounts of events in news stories

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know	No response
Full	5, 3.6	49, 34.8	39, 27.7	39, 27.7	8, 5.7	1, 0.7	6
Male	2, 3.7	21, 38.9	16, 29.6	13, 24.1	2, 3.7	0, 0.0	5
Newspapers source most often used	2, 4.9	19, 46.3	11, 26.8	8, 19.5	1, 2.4	0, 0.0	0
No complaints to print media	5, 5.0	35, 34.7	24, 23.8	30, 29.7	6, 5.9	1, 1.0	0
Complained to Press Council	1, 5.9	10, 58.8	2, 11.8	3, 17.7	1, 5.9	0, 0.0	0
Worked for a media organisation	3, 6.1	27, 55.1	10, 20.4	8, 16.3	1, 2.0	0,0.0	5

The majority of respondents agreed that the press does a good job of providing accurate accounts of events in news stories. This view held regardless of the respondent's gender, whether newspapers were the media source used most often and whether the respondent had complained to the Press Council.

However, a significant number of respondents disagreed. Overall, the full results indicate a roughly 50:50 split between agreeing or strongly agreeing, and disagreeing or strongly disagreeing. This trend is confirmed by the high number of respondents who neither agreed nor disagreed with the statement. The exceptions to this rule are those respondents who have complained to the Press Council or those that have worked for the media. These groups were much more likely to agree that the press does a good job of providing accurate accounts of events in news stories, particularly those who had complained to the Press Council.

1.6 The press puts too much emphasis on what is wrong in society and not enough on what is right

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion	No response
Full	48, 34.0	53, 37.6	26, 18.4	12, 8.5	2, 1.4	0, 0.0	6
Male	12, 22.2	20, 37.0	12, 22.2	8, 14.8	2, 3.7	0, 0.0	5
Newspapers source most often used	8, 19.5	15, 36.6	12, 29.3	5, 12.2	1, 2.4	0, 0.0	0
No complaints to print media	36, 35.6	37, 36.6	20, 19.8	7, 6.9	1, 1.0	0, 0.0	0
Complained to Press Council	3, 17.7	5, 29.4	4, 23.5	4, 23.5	1, 5.9	0, 0.0	0
Worked for a media organisation	8, 16.3	19, 38.8	12, 24.5	9, 18.4	1, 2.0	0, 0.0	5

There was uniform agreement that the press places too much emphasis on what is wrong in society and not enough emphasis on what is right. The vast majority of respondents either agreed or strongly agreed with this statement.

1.7 The press puts too much emphasis on sensational rather than balanced accounts

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion	No response
Full	68, 48.6	53, 37.9	10, 7.1	9, 6.4	0, 0.0	0, 0.0	7
Male	26, 48.2	16, 29.6	7, 13.0	5, 9.3	0, 0.0	0, 0.0	5
Newspapers source most often used	16, 40.0	11, 27.5	5, 12.5	8, 20.0	0, 0.0	0, 0.0	1
No complaints to print media	50, 50.0	34, 34.0	8, 8.0	8, 8.0	0, 0.0	0, 0.0	1
Complained to Press Council	6, 35.3	8, 47.1	2, 11.8	1, 5.9	0, 0.0	0, 0.0	0
Worked for a media organisation	16, 32.7	20, 40.8	5, 10.2	8, 16.3	0, 0.0	0, 0.0	5

The majority of respondents strongly agreed that the press puts too much emphasis on sensational rather than balanced accounts.

1.8 Reporters for the press often let their own views influence the way they report a story

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know	No response
Full	41, 29.3	61, 43.6	27, 19.3	6, 4.3	2, 1.4	3, 2.1	7
Male	15, 28.3	22, 41.5	13, 24.5	2, 3.8	1, 1.9	0, 0.0	6
Newspapers source most often used	9, 22.0	15, 36.6	12, 29.3	4, 9.8	1, 2.4	0, 0.0	0
No complaints to print media	28, 28.0	45, 45.0	18, 18.0	5, 5.0	2, 2.0	2, 2.0	1
Complained to Press Council	7, 41.2	6, 35.3	3, 17.7	1, 5.9	0, 0.0	0, 0.0	0
Worked for a media organisation	13, 26.5	20, 40.8	10, 20.4	3, 6.1	2, 4.1	1, 2.0	5

The majority of respondents agreed that reporters for the press often let their own views influence the way they report stories. This reflects the responses to questions 1.6 and 1.7 which indicate that individuals thought that there was too much emphasis on what is wrong in society and that the press puts too much emphasis on sensational stories.

Only one of the respondents who had complained to the Press Council disagreed with this statement, and no one of these respondents strongly disagreed with it. This corresponds to their responses to question 1.7. This might provide some insight into why complainants complain to the Press Council: it seems from these responses that some complainants are unhappy with the lack of balance in reporting, perhaps because particular views have not been adequately addressed in their opinion.

1.9 The press often misleads people by presenting only part of the facts people need to make decisions

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know	No response
Full	53, 37.9	57, 40.7	15, 10.7	13, 9.3	1, 0.7	1, 0.7	7
Male	16, 30.2	22, 41.5	7, 13.2	6, 11.3	1, 1.9	1, 1.9	6
Newspapers source most often used	14, 35.0	13, 32.5	5, 12.5	7, 17.5	1, 2.5	0, 0.0	1
No complaints to print media	38, 38.0	38, 38.0	12, 12.0	10, 10.0	1, 1.0	1, 1.0	1
Complained to Press Council	5, 29.4	8, 47.1	2, 11.8	2, 11.8	0, 0.0	0, 0.0	0
Worked for a media organisation	18, 37.5	11, 22.9	9, 18.8	9, 18.8	1, 2.1	0, 0.0	6

As for questions 1.6, 1.7 and 1.8, the majority of respondents agreed that the press often misleads people by presenting only part of the facts people need to make decisions. Very few people disagreed or strongly disagreed with this statement.

It is worth noting that individuals have various media to choose from, and so, the information that individuals perceive to be missing from the press could well be available from other sources.

1.10 The press usually acts responsibly when collecting information for stories

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know	No response
Full	4, 2.8	44, 31.2	43, 30.5	34, 24.1	11, 7.8	5, 3.6	6
Male	2, 3.7	19, 35.2	16, 29.6	14, 25.9	3, 5.6	0, 0.0	5
Newspapers source most often used	2, 4.9	19, 46.3	13, 31.7	5, 12.2	0, 0.0	2, 4.9	0
No complaints to print media	3, 3.0	32, 31.7	28, 27.7	27, 26.7	6, 5.9	5, 5.0	0
Complained to Press Council	0, 0.0	7, 41.2	6, 35.3	1, 5.9	3, 17.7	0, 0.0	0
Worked for a media organisation	4, 8.2	25, 51.0	11, 22.5	7, 14.3	2, 4.1	0, 0.0	5

The most common response to the statement that the press acts responsibly when collecting information for stories was "agree". However, more respondents disagreed or strongly disagreed, than those who agreed or strongly agreed.

1.11 Considering deadline pressures, the press provides as much accurate information as can be expected

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Don't know	No response
Full	6, 4.3	32, 22.9	40, 28.6	46, 32.9	12, 8.6	4, 2.9	7
Male	3, 5.7	12, 22.6	13, 24.5	21, 39.6	3, 5.7	1, 1.9	6
Newspapers source most often used	3, 7.3	13, 31.7	11, 26.8	11, 26.8	3, 7.3	0, 0.0	0

No complaints to print media	5, 5.0	26, 25.7	27, 26.7	29, 28.7	10, 9.9	4, 4.0	0
Complained to Press Council	1, 6.3	4, 25.0	5, 31.3	5, 31.3	1, 6.3	0, 0.0	1
Worked for a media organisation	5, 10.2	17, 34.7	14, 28.6	11, 22.5	2, 4.1	0, 0.0	5

The most common response to the statement that considering deadline pressures the press provides as much accurate information as can be expected was to “disagree”.

However, those respondents who had worked for a media organisation (and therefore would be aware of the accuracy of the information and the deadline pressures faced) agreed with this statement, as did those respondents who used newspapers as their main source of news.

1.12 Do you think there should be any limitations on what the press can print?

	Yes	No	Don't know	No response
Full	87, 62.6	26, 18.7	26, 18.7	8
Male	34, 64.2	14, 26.4	5, 9.4	6
Newspapers source most often used	21, 52.5	11, 27.5	8, 20.0	1
No complaints to print media	58, 58.6	17, 17.2	24, 24.2	2
Complained to Press Council	13, 76.5	4, 23.5	0, 0.0	0
Worked for a media organisation	34, 69.4	8, 16.3	7, 14.3	5

The majority of respondents across all groups thought that there should be limitations on what the press can print.

1.13 If “yes” to question 1.12, what limitations should be imposed?

The most common response to this question was privacy and related issues. For example, the press should not print personal or intimate details of individuals particularly those suffering family tragedy. Some respondents placed increased emphasis on privacy for children and the elderly. One respondent commented that victims of sexual assault should not be identified without their consent.

Many respondents considered the relevant laws sufficient. Respondents identified laws such as defamation and suppression orders. Suppression orders were a common theme throughout the responses with responses both in favour and not in favour of suppressing more court information.

Some respondents commented that facts in court cases should not be distorted. This reflected another common theme in the responses: that the press should provide balanced accounts of events. In particular, one respondent commented that individuals should be informed if they are going to be quoted in an article, and that the individual should have the opportunity to view and comment on the article before it is published.

A significant number of respondents commented on what they perceived to be bias in the reporting of stories about groups, particularly Māori. These respondents thought that greater balance was required when reporting on Māori issues, and that they should not be reported on in a “confrontational” manner.

Some respondents said that the press should not be able to print material in bad taste. For example, in the view of some respondents, blasphemy and pornography should not be published. Other respondents commented that the press should not print photos of the deceased.

1.14 If you receive conflicting or different reports of the same news story from radio, television, magazines and newspapers, which would you be most inclined to believe?

	New Zealand newspapers including newspapers' websites	New Zealand live television including television websites	New Zealand live radio including radio websites	New Zealand magazines including magazine websites	Other websites	Other	No response
Full	26, 18.6	23, 16.4	28, 20.0	3, 2.1	6, 4.3	54, 38.6	7
Male	14, 26.4	4, 7.6	10, 18.9	1, 1.9	2, 3.8	22, 41.5	6
Newspapers source most often used	15, 36.6	7, 17.1	8, 19.5	1, 2.4	1, 2.4	9, 22.0	0
No complaints to print media	19, 18.8	16, 15.8	22, 21.8	3, 3.0	5, 5.0	36, 35.6	0
Complained to Press Council	4, 25.0	2, 12.5	4, 25.0	0, 0.0	1, 6.3	5, 31.3	1
Worked for a media organisation	16, 32.7	5, 10.2	6, 12.2	2, 4.1	1, 2.0	19, 38.8	5

The most common response to this question was "other". Those respondents who answered "other" commented that they were most likely to use radio, or Radio New Zealand, if stories conflicted. This indicates that for most respondents radio is the most commonly trusted source of information (given that radio is the next highest response after other for all respondents).

Some respondents commented that they would look at all sources of information and then make a decision. Other respondents had preferences for international media sources such as the British Broadcasting Corporation. Other respondents said that they trusted Māori media.

Not surprisingly, newspapers were the most commonly trusted source of information for those who used newspapers as their main source of information.

1.15 If you had to choose only one source for local news articles, which source would you choose?

	New Zealand newspapers including newspapers' websites	New Zealand live television including television websites	New Zealand live radio including radio websites	New Zealand magazines including magazine websites	Other websites	Other	No response
Full	69, 48.9	13, 9.2	20, 14.2	2, 1.4	7, 5.0	30, 21.3	6
Male	31, 57.4	2, 3.7	10, 18.5	0, 0.0	3, 5.6	8, 14.8	5
Newspapers source most often used	33, 80.5	0, 0.0	4, 9.8	1, 2.4	0, 0.0	3, 7.3	0
No complaints to print media	58, 57.4	8, 7.9	10, 9.9	2, 2.0	5, 5.0	18, 17.8	0
Complained to Press Council	7, 41.2	1, 5.9	3, 17.7	0, 0.0	1, 5.9	5, 29.4	0
Worked for a media organisation	28, 57.1	5, 10.2	3, 6.1	0, 0.0	1, 2.0	12, 24.5	5

The most common response to this question was newspapers. This reflects the many smaller, regional and local newspapers that provide local news.

1.16 If you had to choose only one source for national news articles, which source would you choose?

	New Zealand newspapers including newspapers' websites	New Zealand live television including television websites	New Zealand live radio including radio websites	New Zealand magazines including magazine websites	Other websites	Other	No response
Full	38, 27.0	32, 22.7	34, 24.1	5, 3.6	7, 5.0	25, 17.7	6
Male	22, 40.7	10, 18.5	14, 25.9	1, 1.9	2, 3.7	5, 9.3	5
Newspapers source most often used	26, 63.4	4, 9.8	6, 14.6	2, 4.9	0, 0.0	3, 7.3	0
No complaints to print media	26, 25.7	24, 23.8	23, 22.8	5, 5.0	5, 5.0	18, 17.8	0
Complained to Press Council	5, 29.4	2, 11.8	5, 29.4	0, 0.0	1, 5.9	4, 23.5	0
Worked for a media organisation	20, 40.8	7, 14.3	9, 18.4	2, 4.1	2, 4.1	9, 18.4	5

The most common response to this question was newspapers. Radio and television were also significant.

1.17 If you had to choose only one source for international news articles, which source would you choose?

	New Zealand newspapers including newspapers' websites	New Zealand live television including television websites	New Zealand live radio including radio websites	New Zealand magazines including magazine websites	Other websites	Other	No response
Full	15, 10.6	30, 21.3	16, 11.4	1, 0.7	34, 24.1	45, 31.9	6
Male	6, 11.1	10, 18.5	7, 13.0	0, 0.0	15, 27.8	16, 29.6	5
Newspapers source most often used	6, 14.6	11, 26.8	2, 4.9	1, 2.4	11, 26.8	10, 24.4	0
No complaints to print media	13, 12.9	26, 25.7	9, 8.9	1, 1.0	23, 22.8	29, 28.7	0
Complained to Press Council	0, 0.0	0, 0.0	3, 17.7	0, 0.0	5, 29.4	9, 52.9	0
Worked for a media organisation	6, 12.2	7, 14.3	2, 4.1	1, 2.0	12, 24.5	21, 42.9	5

Most respondents did not use newspapers as their main source of international news. Many of those respondents who identified newspapers as their main source of news do not use newspapers for international news.

Other was the most significant category for international news. The most common response in the other

category was the British Broadcasting Corporation.

Television and websites are significant sources of international news.

1.18 If you had to choose only one source for information about issues of the day, which source would you choose?

	New Zealand newspapers including newspapers' websites	New Zealand live television including television websites	New Zealand live radio including radio websites	New Zealand magazines including magazine websites	Other websites	Other	No response
Full	32, 22.7	26, 18.4	38, 27.0	3, 2.1	15, 10.6	27, 19.2	6
Male	17, 31.5	8, 14.8	13, 24.1	0, 0.0	7, 13.0	9, 16.7	5
Newspapers source most often used	21, 51.2	3, 7.3	10, 24.4	1, 2.4	3, 7.3	3, 7.3	0
No complaints to print media	25, 24.8	20, 19.8	26, 25.7	3, 3.0	10, 9.9	17, 16.8	0
Complained to Press Council	3, 17.7	2, 11.8	4, 23.5	0, 0.0	3, 17.7	5, 29.4	0
Worked for a media organisation	18, 36.7	5, 10.2	10, 20.4	1, 2.0	4, 8.2	11, 22.5	5

For all respondents, radio was the source most used for issues of the day. For most other groups newspapers are the source most used for issues of the day.

1.19 What media source do you use most often?

	New Zealand newspapers including newspapers' websites	New Zealand live television including television websites	New Zealand live radio including radio websites	New Zealand magazines including magazine websites	Other websites	Other	No response
Full	41, 29.5	29, 20.9	35, 25.2	0, 0.0	11, 7.9	23, 16.6	8
Male	21, 39.6	8, 15.1	13, 24.5	0, 0.0	6, 11.3	5, 9.4	6
Newspapers source most often used	41, 100.0	0, 0.0	0, 0.0	0, 0.0	0, 0.0	0, 0.0	0
No complaints to print media	32, 32.3	20, 20.2	26, 26.3	0, 0.0	7, 7.1	14, 14.1	2
Complained to Press Council	4, 23.5	3, 17.7	4, 23.5	0, 0.0	3, 17.7	3, 17.7	0
Worked for a media organisation	22, 44.9	7, 14.3	10, 20.4	0, 0.0	1, 2.0	9, 18.4	5

Newspapers are the media source used most often by all groups of respondents. Radio is the next most significant media source, followed closely by television.

**1.20 What percentage of your information do you get from the following media sources?
(Note that your answer must sum to 100)**

(response average, response total, response count)

	New Zealand newspapers including newspapers' websites	New Zealand live television including television websites	New Zealand live radio including radio websites	New Zealand magazines including magazine websites	Other websites	No response
Full	32.79, 4296, 131	30.23, 3870, 128	27.59, 3200, 116	9.06, 752, 83	20.77, 1682, 81	9
Male	36.16, 1808, 50	26.70, 1335, 50	26.00, 1222, 47	9.42, 292, 31	23.97, 743, 31	5
Newspapers source most often used	51.38, 2055, 40	21.24, 807, 38	15.70, 518, 33	10.58, 254, 24	15.91, 366, 23	1
No complaints to print media	31.95, 2971, 93	30.86, 2870, 93	26.57, 2205, 83	9.58, 565, 59	20.86, 1189, 57	3
Complained to Press Council	35.31, 565, 16	22.50, 315, 14	30.00, 420, 14	10.00, 90, 9	31.00, 310, 10	0
Worked for a media organisation	43.26, 2033, 47	22.60, 972, 43	25.76, 1082, 42	7.97, 231, 29	18.77, 582, 31	5

Respondents get most of their information from newspapers. The next most common response was television, followed closely by radio. Overall, respondents appear to get their information evenly from newspapers, television and radio.

1.21 Have you ever filed a law suit against a media organisation?

	Yes	No	No response
Full	3, 2.2	136, 97.8	8
Male	2, 3.8	51, 96.2	6
Newspapers source most often used	1, 2.4	40, 97.6	0
No complaints to print media	1, 1.0	100, 99.0	0
Complained to Press Council	0, 0.0	16, 100.0	1
Worked for a media organisation	1, 2.0	48, 98.0	5

Very few respondents had filed a law suit against a media organisation.

1.22 How many complaints have you made to a print media organisation (for example: newspapers, magazines) in the last 5 years?

	0	1 to 5	More than 5	No response
Full	101, 71.6	33, 23.4	7, 5.0	6
Male	32, 59.3	19, 35.2	3, 5.6	5
Newspapers source most often used	32, 78.1	9, 22.0	0, 0.0	0
No complaints to print media	101, 100	0, 0.0	0, 0.0	0
Complained to Press Council	2, 11.8	14, 82.4	1, 5.9	0
Worked for a media organisation	32, 65.3	12, 24.5	5, 10.2	5

Most respondents had not complained to a print media organisation in the last five years. The exception to this rule was the group of people who had complained to the Press Council. Those respondents who had complained to the Press Council were more likely to have complained to a print media organisation in the last five years. This is because of the requirement for a complaint to be made to the print media organisation before the Press Council will consider it.

1.23 If you have made a complaint to a print media organisation, was your complaint resolved satisfactorily with the print media organisation?

	Yes	No	Not applicable	No response
Full	9, 6.5	33, 23.9	96, 69.6	9
Male	4, 7.7	20, 38.5	28, 53.9	7
Newspapers source most often used	3, 7.5	7, 17.5	30, 75.0	1
No complaints to print media	1, 1.0	4, 4.1	93, 94.9	3
Complained to Press Council	1, 5.9	14, 82.4	2, 11.8	0
Worked for a media organisation	5, 10.6	13, 27.7	29, 61.7	7

The majority of respondents who had complained to a print media organisation did not have their complaints resolved satisfactorily.

1.24 Have you approached the Press Council to resolve a complaint with the print media?

The majority of respondents had not complained to the Press Council. Of the 40 respondents who had complained to a media organisation, only 15 had gone on to complain to the Press Council.

1.25 What do you think the role and purpose of the Press Council is?

Respondents generally identified the Press Council's current objectives. Some respondents said that the Press Council also made public comment on journalism ethics.

A large number of respondents did not know what the role and purpose of the Press Council is.

1.26 What do you think the role and purpose of the Press Council should be?

Most respondents thought that the Press Council should continue with its current role and purpose. Some respondents said that the Press Council should merge with the Broadcasting Standards Authority so that the public had one place to go to if they had a complaint about the media. Other respondents noted that decisions needed to be made quickly; while the story is still in the public arena.

Some respondents suggested that there should be greater division between the Press Council's advocacy and complaints functions. Many respondents thought that the Press Council should "encourage" responsible journalism or "audit" the press suggesting a more active role than the Press Council has currently.

A number of respondents commented that the Press Council should give greater thought to how Māori are treated by media organisations in New Zealand.

One respondent thought that the Press Council should assist the public sector by criticising journalists who make requests for "large volumes" of information under the Official Information Act 1982 that "go no where".

1.25 How valuable would mediation between complainants and media organisations be if provided by the Press Council?

	Very valuable	Somewhat valuable	Useful	Of little value	Almost worthless	No response
Full	38, 29.0	35, 26.7	41, 31.3	12, 9.2	5, 3.8	16
Male	19, 35.9	11, 20.8	17, 32.1	4, 7.6	2, 3.8	6
Newspapers source most often used	16, 40.0	12, 30.0	7, 17.5	3, 7.5	2, 5.0	1
No complaints to print media	24, 25.8	26, 28.0	31, 33.3	8, 8.6	4, 4.3	8
Complained to Press Council	5, 29.4	4, 23.5	3, 17.7	3, 17.7	2, 11.8	0
Worked for a media organisation	19, 39.6	12, 25.0	10, 20.8	4, 8.3	3, 6.3	6

Most respondents were in favour of the Press Council providing mediation services for complaints about the press. More respondents thought that mediation would be very valuable, somewhat valuable or useful, than that it would be of little value or almost worthless. This is also true for those respondents who had complained to the Press Council.

1.28 Should the Press Council increase public awareness of its functions and if so, how?

There was almost universal support for the Press Council increasing public awareness of its functions. Most respondents suggested that the Press Council should have advertisements inserted into newspapers. Some respondents suggested television advertisements as well. Other respondents suggested that the Press Council should make more public comments about journalistic standards. One respondent suggested a full scale advertising campaign using celebrities.

Most of those respondents that did not support increasing public awareness of the Press Council commented that there was no point to the Press Council advertising given its current form.

1.29 Please provide any additional comments here

Additional comments were diverse.

Respondents commented on what they perceived as a decline in media standards over the last five years. Other respondents commented on overseas ownership of media organisations negatively.

Other respondents commented that the Press Council was biased in favour of the print media. Respondents suggested that there should be independent media members, who are not current journalists, and also academic members of the Press Council. One respondent commented that mediation increased the risk that the Press Council would appear to be biased towards the industry. There were also negative comments about the Press Council's penalty regime.

Some respondents reinforced their earlier comments about their perception that media organisations did not do an adequate job of presenting Māori issues fairly.

2 Organisations and the Press

Introduction

There were 34 responses to the Organisations and the Press survey.

The tables and commentary below give an overview of the Organisations and the Press survey. Data in the tables is in the following format (total response, percentage). Percentages are expressed as a percentage of those respondents answering the question.

2.1 What is your organisation?

	Business	Non-profit	Charity	Government department	Other
All	3, 8.8	12, 35.3	1, 2.9	9, 26.5	9, 26.5
Media very significant to organisation	3, 18.8	5, 31.3	0, 0.0	4, 25.0	4, 25.0
Media significant to organisation	0, 0.0	6, 42.9	1, 7.1	4, 28.6	3, 21.4
No complaints to print media	1, 12.5	5, 62.5	0, 0.0	1, 12.5	1, 12.5
Complaint not satisfactorily dealt with by media	0, 0.0	3, 25.0	1, 8.3	6, 50.0	2, 16.7
Organisation has been to Press Council	0, 0.0	3, 50.0	1, 16.7	1, 16.7	1, 16.7

Most respondents were non-profit organisations. A significant number of Government departments also responded to the survey. Most respondents that responded “other” identified themselves as local councils.

Most New Zealand organisations are businesses. The respondents do not reflect the make-up of New Zealand organisations generally.

2.2 Does your organisation have less than 5 employees?

	Yes	No
All	8, 23.5	26, 76.5
Media very significant to organisation	5, 31.3	11, 68.8
Media significant to organisation	3, 21.4	11, 78.6
No complaints to print media	3, 37.5	5, 62.5
Complaint not satisfactorily dealt with by media	2, 16.7	10, 83.3
Organisation has been to Press Council	2, 33.3	4, 66.7

Most respondents had more than five employees. This indicates that respondents were large when compared to the average New Zealand organisation.

2.3 What sector is your organisation in?

	All	Media very significant to organisation	Media significant to organisation	No complaints to print media	Complaint not satisfactorily dealt with by media	Organisation has been to Press Council
Agriculture, forestry and fishing	1, 2.9	1, 6.3	0, 0.0	0, 0.0	0, 0.0	0, 0.0
Manufacturing	0, 0.0	0, 0.0	0, 0.0	0, 0.0	0, 0.0	0, 0.0
Construction	0, 0.0	0, 0.0	0, 0.0	0, 0.0	0, 0.0	0, 0.0
Wholesale and retail trade	0, 0.0	0, 0.0	0, 0.0	0, 0.0	0, 0.0	0, 0.0
Transport, storage and communication	1, 2.9	0, 0.0	1, 7.1	0, 0.0	1, 8.3	0, 0.0
Energy services	0, 0.0	0, 0.0	0, 0.0	0, 0.0	0, 0.0	0, 0.0
Business and financial services	0, 0.0	0, 0.0	0, 0.0	0, 0.0	0, 0.0	0, 0.0
Education	1, 2.9	0, 0.0	1, 7.1	0, 0.0	0, 0.0	1, 16.7
Health and community services	12, 35.3	3, 18.8	8, 57.1	3, 37.5	6, 50.0	3, 50.0
Local political services	8, 23.5	4, 25.0	3, 21.4	1, 12.5	3, 25.0	1, 16.7
National political services	3, 8.8	2, 12.5	0, 0.0	1, 12.5	1, 8.3	0, 0.0
Journalism	3, 8.8	3, 18.8	0, 0.0	1, 12.5	0, 0.0	0, 0.0
Other services	4, 11.8	2, 12.5	1, 7.1	2, 25.0	0, 0.0	0, 0.0
No industry	1, 2.9	1, 6.3	0, 0.0	0, 0.0	1, 8.3	1, 16.7

Most respondents operate in health and community services or local political services. The majority of New Zealand organisations do not operate in these sectors. The survey results can be expected to be biased as a result.

2.4 What position do you hold in your organisation?

	Chief executive	Senior executive	Public relations or media advisor	Other (please specify)
All	7, 20.6	4, 11.8	14, 41.2	9, 26.5
Media very significant to organisation	3, 18.8	3, 18.8	5, 31.3	5, 31.3
Media significant to organisation	4, 28.6	0, 0.0	6, 42.9	4, 28.6
No complaints to print media	2, 25.0	1, 12.5	1, 12.5	4, 50.0
Complaint not satisfactorily dealt with by media	3, 25.0	1, 8.3	7, 58.3	1, 8.3
Organisation has been to Press Council	2, 33.3	0, 0.0	2, 33.3	2, 33.3

Most respondents were public relations or media advisors, who deal with the media on a regular basis.

This might reflect the fact that most organisations were large by comparison to the average New Zealand organisation. Many smaller organisations would not have the resources to employ a public relations or media advisor. Other respondents held senior positions in their organisations.

Those respondents who answered “other” held a variety of senior positions. The most common of these was “chairperson”.

2.5 How significant is the press to the general activities of your organisation?

	Very significant	Significant	Neither significant nor insignificant	Insignificant	Very insignificant	No response
All	16, 50.0	14, 43.8	1, 3.1	1, 3.1	0, 0.0	2
Media very significant to organisation	16, 100.0	0, 0.0	0, 0.0	0, 0.0	0, 0.0	0, 0.0
Media significant to organisation	0, 0.0	14, 100.0	0, 0.0	0, 0.0	0, 0.0	0, 0.0
No complaints to print media	4, 50.0	4, 50.0	0, 0.0	0, 0.0	0, 0.0	0
Complaint not satisfactorily dealt with by media	4, 33.3	6, 50.0	1, 8.3	1, 8.3	0, 0.0	0
Organisation has been to Press Council	2, 33.3	3, 50.0	1, 16.7	0, 0.0	0, 0.0	0

Most respondents thought that the media was either “very significant” or “significant” to their organisation. Only one respondent thought that the media was “insignificant” to their organisation. This might reflect the fact that the organisations which responded to the survey were large by comparison to the average New Zealand business and the fact that many of the respondents held public relations or media advisor positions in their organisation.

2.6 Please explain how your organisation communicates information to the media?

There were a variety of responses to this question. The most common response was through media releases, queries from reporters and interviews with reporters. Some respondents commented that these interviews were over the phone, but noted that briefings were sometimes required. Some respondents commented that they had built up relationships with the media over time and used these relationships to communicate information to the media.

One respondent uses a communication company.

2.7 Reporters do not understand issues related to the sector in which my organisation operates

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion	No response
All	5, 17.2	14, 48.3	6, 20.7	2, 6.9	2, 6.9	0, 0.0	5
Media very significant to organisation	3, 21.4	5, 35.7	2, 14.3	2, 14.3	2, 14.3	0, 0.0	2
Media significant to organisation	2, 15.4	8, 61.5	3, 23.1	0, 0.0	0, 0.0	0, 0.0	1

No complaints to print media	1, 12.5	4, 50.0	1, 12.5	0, 0.0	2, 25.0	0, 0.0	0
Complaint not satisfactorily dealt with by media	4, 33.3	5, 41.7	3, 25.0	0, 0.0	0, 0.0	0, 0.0	0
Organisation has been to Press Council	1, 16.7	3, 50.0	2, 33.3	0, 0.0	0, 0.0	0, 0.0	0

The majority of respondents did not believe that reporters understood issues related to the sector in which their organisation operates. Only 13.8% of respondents disagreed or strongly disagreed with this statement.

No respondents whose complaint to a media organisation had not been satisfactorily dealt with or who had complained to the Press Council disagreed or strongly disagreed that reporters understood issues related to the sector in which their organisation operates.

2.8 Press reporting of business news in general is not good

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion	No response
All	2, 6.9	9, 31.0	8, 27.6	8, 27.6	1, 3.5	1, 3.5	5
Media very significant to organisation	1, 7.1	4, 28.6	5, 35.7	3, 21.4	1, 7.1	0, 0.0	2
Media significant to organisation	1, 7.7	5, 38.5	1, 7.7	5, 38.5	0, 0.0	1, 7.7	1
No complaints to print media	1, 12.5	2, 25.0	2, 25.0	2, 25.0	1, 12.5	0, 0.0	0
Complaint not satisfactorily dealt with by media	1, 8.3	3, 25.0	5, 41.7	2, 16.7	0, 0.0	1, 8.3	0
Organisation has been to Press Council	0, 0.0	0, 0.0	3, 50.0	3, 50.0	0, 0.0	0, 0.0	0

Respondents were reasonably evenly split between agreeing and strongly agreeing that reporting of business news is not good and disagreeing or strongly disagreeing. Agreeing had a slight majority. No respondents that had made a complaint to the Press Council agreed or strongly agreed with this statement.

However, most respondents were not businesses. Therefore, the responses to this question are of limited value.

2.9 The press puts too much emphasis on sensational rather than balanced accounts

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion	No response
All	8, 28.6	15, 53.6	3, 10.7	1, 3.6	1, 3.6	0, 0.0	6
Media very significant to organisation	3, 21.4	8, 57.1	1, 7.1	1, 7.1	1, 7.1	0, 0.0	2
Media significant to organisation	5, 41.7	5, 41.7	2, 16.7	0, 0.0	0, 0.0	0, 0.0	2
No complaints to print media	2, 25.0	4, 50.0	1, 12.5	1, 12.5	0, 0.0	0, 0.0	0
Complaint not satisfactorily dealt with by media	5, 41.7	6, 50.0	1, 8.3	0, 0.0	0, 0.0	0, 0.0	0

Organisation has been to Press Council	2, 33.3	4, 66.7	0, 0.0	0, 0.0	0, 0.0	0, 0.0	0
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Almost all respondents agreed or strongly agreed that the press puts too much emphasis on sensational rather than balanced accounts. This trend was reflected across all sub-groups tested for.

This is a similar result to the Individuals and the Press survey, discussed above.

2.10 The press usually acts responsibly when collecting information for stories

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion	No response
All	1, 3.6	16, 57.1	5, 17.9	3, 10.7	3, 10.7	0, 0.0	6
Media very significant to organisation	1, 7.1	10, 71.4	2, 14.3	0, 0.0	1, 7.1	0, 0.0	2
Media significant to organisation	0, 0.0	4, 33.3	3, 25.0	3, 25.0	2, 16.7	0, 0.0	2
No complaints to print media	0, 0.0	5, 71.4	0, 0.0	1, 14.3	1, 14.3	0, 0.0	1
Complaint not satisfactorily dealt with by media	0, 0.0	7, 58.3	3, 25.0	1, 8.3	1, 8.3	0, 0.0	0
Organisation has been to Press Council	0, 0.0	4, 66.7	1, 16.7	0, 0.0	1, 16.7	0, 0.0	0

The majority of respondents agreed or strongly agreed that the press acts responsibly when collecting information for stories. This result held for all groups of respondents tested for.

2.11 Considering deadline pressures, the press provides as much accurate information as can be expected

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion	No response
All	1, 3.5	7, 24.1	6, 20.7	11, 37.9	4, 13.8	0, 0.0	5
Media very significant to organisation	1, 7.1	4, 28.6	4, 28.6	4, 28.6	1, 7.1	0, 0.0	2
Media significant to organisation	0, 0.0	3, 21.3	2, 15.4	6, 46.2	2, 15.4	0, 0.0	1
No complaints to print media	0, 0.0	3, 37.5	1, 12.5	3, 37.5	1, 12.5	0, 0.0	0
Complaint not satisfactorily dealt with by media	0, 0.0	1, 8.3	4, 33.3	5, 41.7	2, 16.7	0, 0.0	0
Organisation has been to Press Council	0, 0.0	2, 33.3	2, 33.3	1, 16.7	1, 16.7	0, 0.0	0

Respondents generally disagreed that the press provides as much accurate information as can be expected given deadline pressures.

2.12 Do you think there should be any limitations on what the press can print?

	Yes	No	Don't know	No response
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All	22, 75.9	3, 10.3	4, 13.8	5
Media very significant to organisation	11, 78.6	3, 21.4	0, 0.0	2
Media significant to organisation	10, 76.9	0, 0.0	3, 23.1	1
No complaints to print media	5, 62.5	0, 0.0	3, 37.5	0
Complaint not satisfactorily dealt with by media	10, 83.3	1, 8.3	1, 8.3	0
Organisation has been to Press Council	6, 100.0	0, 0.0	0, 0.0	0

Most respondents thought that there should be limitations on what the press can print. All respondents who said that there should not be limitations on what the press can print identified the press as very significant to their organisation.

2.13 If “yes” to question 2.12, what limits should be imposed?

As for the Individuals and the Press survey, the responses mainly focused on existing legal restrictions. A significant number of respondents commented on privacy issues, with some noting that privacy was particularly important when dealing with children. Other respondents commented on the need for balanced reporting.

One respondent commented that a newspaper’s deadlines should not determine the accuracy of the information presented. This respondent noted that in many cases their organisation was given short time frames to provide information. These deadlines could often not be met due to key managers being away from work or other justifiable reasons.

2.14 Has your organisation ever filed a law suit against a media organisation?

	Yes	No	No response
All	2, 6.9	27, 93.1	5
Media very significant to organisation	1, 7.1	13, 92.9	2
Media significant to organisation	1, 7.7	12, 92.3	1
No complaints to print media	0, 0.0	8, 100.0	0
Complaint not satisfactorily dealt with by media	1, 8.3	11, 91.7	0
Organisation has been to Press Council	0, 0.0	6, 100.0	0

Only 2 out of 34 organisations had filed a law suit against a media organisation. This figure is probably high when compared to the average organisation. Organisations in New Zealand are probably much less likely to have filed a law suit against a media organisation than these figures suggest.

2.15 How many complaints has your organisation made to a print media organisation (for example: newspapers, magazines) in the last 5 years?

	0	1 to 5	More than 5	No response
All	8, 28.6	15, 53.6	5, 17.9	6
Media very significant to organisation	4, 30.8	6, 46.2	3, 23.1	3
Media significant to organisation	4, 30.8	7, 53.9	2, 15.4	1
No complaints to print media	8, 100.0	0, 0.0	0, 0.0	0

Complaint not satisfactorily dealt with by media	0, 0.0	9, 75.0	3, 25.0	0
Organisation has been to Press Council	0, 0.0	6, 100.0	0, 0.0	0

Only 8 out of the 34 respondents said that they had never made a complaint to a print media organisation. Over half of the respondents had made between 1 and 5 complaints.

All of those respondents who had not complained to print media organisation considered the media to be either very significant or significant to their organisation.

2.16 If your organisation has made a complaint to a print media organisation, was the complaint resolved satisfactorily with the print media organisation?

	Yes	No	Not applicable	No response
All	6, 24.0	12, 48.0	7, 28.0	9
Media very significant to organisation	5, 38.5	4, 30.8	4, 30.8	3
Media significant to organisation	1, 10.0	6, 60.0	3, 30.0	4
No complaints to print media	0, 0.0	0, 0.0	6, 100.0	2
Complaint not satisfactorily dealt with by media	0, 0.0	12, 100.0	0, 0.0	0
Organisation has been to Press Council	1, 16.7	5, 83.3	0, 0.0	0

Most respondents that had complained to a print media organisation said that their complaint had not been satisfactorily resolved with the print media organisation. It is odd that one respondent who had been to the Press Council said that their complaint had been resolved satisfactorily with the print media organisation.

However, a significant number of respondents said that their complaint had been satisfactorily resolved with the print media organisation. In some cases, organisations may have significant power over a print media organisation. For example, if the print media organisation relies on that organisation for significant amounts of advertising revenue.

2.17 Has your organisation approached the Press Council to resolve a complaint with the print media?

	Yes	No	Not applicable	No response
All	6, 21.4	18, 64.3	4, 14.3	6
Media very significant to organisation	2, 15.4	9, 69.2	2, 15.4	3
Media significant to organisation	3, 23.1	8, 61.5	2, 15.4	1
No complaints to print media	0, 0.0	4, 57.1	3, 42.9	1
Complaint not satisfactorily dealt with by media	5, 41.7	7, 58.3	0, 0.0	0
Organisation has been to Press Council	6, 100.0	0, 0.0	0, 0.0	0

Most respondents had not approached the Press Council to resolve a complaint with the print media. This was the case even where a respondent's complaint had not been satisfactorily dealt with by a print media organisation.

2.18 What do you think the role and purpose of the Press Council is?

Most respondents commented on the Press Council's complaints function. Some respondents commented that this function was "robust", while others commented that the Press Council provided only the "appearance" of fairness.

Some respondents did not know what the Press Council's role and purpose is.

2.19 What do you think the role and purpose of the Press Council should be?

Most respondents thought that the Press Council should provide a balanced complaints process and be a "media watchdog". Many respondents commented that the Press Council should set ethical standards and monitor compliance with them.

2.20 How valuable would mediation between complainants and media organisations be if provided by the Press Council?

	Very valuable	Somewhat valuable	Useful	Of little value	Almost worthless	No response
All	3, 11.5	10, 38.5	6, 23.1	5, 19.2	2, 7.7	8
Media very significant to organisation	2, 16.7	6, 50.0	1, 8.3	2, 16.7	1, 8.3	4
Media significant to organisation	1, 8.3	3, 25.0	5, 41.7	2, 16.7	1, 8.3	2
No complaints to print media	1, 16.7	2, 33.3	2, 33.3	1, 16.7	0, 0.0	2
Complaint not satisfactorily dealt with by media	1, 8.3	5, 41.7	2, 16.7	3, 25.0	1, 8.3	0
Organisation has been to Press Council	0, 0.0	3, 50.0	1, 16.7	2, 33.3	0, 0.0	0

Respondents generally thought that there would be value in the Press Council providing mediation services. This position applied to all sub-groups considered.

2.21 Should the Press Council increase public awareness of its functions and if so, how?

Most respondents thought that the Press Council should increase its public awareness. Respondents' suggestions included assessing its performance and reporting on it, an advertising campaign including print, television and radio, and holding seminars on media issues.

2.22 Please provide any additional comments here.

Many responses commented on the Press Council's perceived lack of independence. One respondent noted recent criticism of the Police Complaints Authority, where the police judge their own, and likened this to the Press Council. One respondent had the opposite view, stating that the Press Council was too reader focused.

Some respondents commented on their perceived bias in reporting on Māori issues.

Another respondent commented on the laziness of reporters. This respondent found it frustrating when reporters sought comment having not read all of the facts or asked the organisation to do their research for them.

3 Press Council Complainants

The Press Council Complainants survey was set to 255 people who had complained to the Press Council in the last six years. There were 60 responses to this survey.

The tables and commentary below give an overview of the Press Council Complainants survey. Data in the tables is in the following format (total response, percentage). Percentages are expressed as a percentage of those respondents answering.

3.1 Please indicate your age

	Under 20	20 to 30	30 to 40	40 to 50	50 to 60	60 and over
Full	0, 0.0	0, 0.0	5, 8.3	8, 13.3	20, 33.3	27, 45.0
Male	0, 0.0	0, 0.0	4, 9.5	5, 11.9	14, 33.3	19, 45.2
One complaint	0, 0.0	0, 0.0	5, 11.6	5, 11.6	14, 32.6	19, 44.2

All respondents were over 30 years of age. The majority of respondents were over 60 and 78.3% were older than 50.

3.2 Gender

	Male	Female
Full	42, 70.0	18, 30.0
Male	42, 100.0	0, 0.0
One complaint	29, 67.4	14, 32.6

Most respondents were male. The ratio of male to female respondents was similar for those respondents who had made only one complaint to the Press Council.

3.3 What industry are you in?

	Full	Male	One complaint
Agriculture, forestry and fishing	3, 5.0	3, 7.1	2, 4.7
Manufacturing	1, 1.7	0, 0.0	1, 2.3
Construction	0, 0.0	0, 0.0	0, 0.0
Wholesale and retail trade	1, 1.7	1, 2.4	1, 2.3
Transport, storage and communication	2, 3.3	2, 4.8	0, 0.0
Energy services	2, 3.3	2, 4.8	2, 4.7
Business and financial services	3, 5.0	1, 2.4	3, 7.0
Education	14, 23.3	12, 28.6	10, 23.3
Health and community services	5, 8.3	2, 4.8	3, 7.0
Local political services	6, 10.0	4, 9.5	5, 11.6
National political services	1, 1.7	0, 0.0	1, 2.3
Journalism	1, 1.7	1, 2.4	0, 0.0
Other services	12, 20.0	8, 19.1	9, 20.9
No industry	9, 15.0	6, 14.3	1, 2.3

The most common industry for respondents was education. Other common industries were other services, no industry, local political services and health and community services.

3.4 Please indicate if you have ever worked for any of the following

	Full	Male	One complaint
Daily newspaper	6, 60.0	2, 40.0	3, 0.60
Weekly newspaper	3, 30.0	1, 20.0	2, 0.40
Magazine	4, 40.0	1, 20.0	3, 0.60
Public relations firm	1, 10.0	0, 0.0	1, 0.20
Radio station	2, 20.0	1, 20.0	0, 0.0
Television station	2, 20.0	1, 20.0	0, 0.0
Press service	0, 0.0	0, 0.0	0, 0.0
Book publisher	1, 10.0	1, 20.0	0, 0.0
No response	50	5	38

Most respondents had not worked in a media related industry. Of those that had, most had worked for daily newspapers.

3.5 How many complaints have you made to media organisations in the last 5 years?

The majority of respondents had made one complaint to a media organisation in the last five years. Some respondents had made several complaints.

3.6 If you complained to a media organisation in the last 5 years, what was the media organisation's response?

Respondents were generally unhappy with how their complaint had been dealt with by the media organisation. One respondent said their complaint had been received with "polite indifference", while others described the media organisation's response as "blunt, antagonistic and rude".

Most respondents commented that their complaints did not affect how the media organisation operated.

3.7 Did the media organisation offer to take any sort of corrective action in response to your complaint?

	Yes	No	Don't remember	No response
Full	9, 15.5	48, 82.8	1, 1.7	2
Male	7, 17.5	32, 80.0	1, 2.5	2
One complaint	6, 14.0	36, 83.7	1, 2.3	0

Most respondents said that the media organisation that they complained to did not offer to take any sort of corrective action.

3.8 Please comment on your answer to question 3.7 if you have made more than one complaint to media organisations.

Many respondents commented that the media organisation had printed a second article which had made matters worse. One respondent complained that the media organisation had published a "selectively edited letter ... that was clearly not intended for publication". Another respondent felt that the media organisation had commenced a "campaign against [the respondent] personally".

The responses were not so negative in other cases. One respondent said that a letter to the editor had been offered as a result of the complaint. However, the respondent did not feel this was appropriate given the length and position of the article complained about. Another respondent commented that an interview had been conducted in a balanced and fair way following the complaint.

One respondent commented that the Press Council's Secretary had been "very pleasant and helpful" through the process.

3.9 What effect did the attitude of the media organisation in response to your complaint have on your decision to take your complaint further?

	Major effect	Some effect	Little effect	No effect	No response
Full	43, 75.4	6, 10.5	6, 10.5	2, 3.5	3
Male	32, 78.1	5, 12.2	3, 7.3	1, 2.4	1
One complaint	30, 73.2	5, 12.2	4, 9.8	2, 4.9	2

Respondents identified the media organisation's response to their complaint as having a "major effect" on their decision to take the complaint further. This emphasises the fact that most respondents said that the media organisation did not offer to take any corrective action as a result of their complaint.

3.10 How many of your complaints have resulted in legal action in the last 5 years?

Only two respondents said that their complaints had resulted in legal action, although they had not taken the legal action personally. Many respondents commented on the prohibitive expense of legal action.

3.11 How many complaints have you made to the Press Council in the last 5 years?

Most respondents had made only one complaint to the Press Council. Some respondents had made two complaints and a smaller number three. One respondent had made seven complaints in the last five years.

3.12 How did you find out about the Press Council?

	Full	Male	One complaint
Telephone directory	2, 3.5	1, 2.4	2, 4.8
Friend or relative	4, 6.9	2, 4.9	4, 9.5
Business associate	2, 3.5	2, 4.9	1, 2.4
Public meeting	0, 0.0	0, 0.0	0, 0.0
News media	13, 22.4	11, 26.8	5, 11.9
Government or other body	1, 1.7	0, 0.0	1, 2.4
Newspaper advertisement	2, 3.5	1, 2.4	2, 4.8
Internet	10, 17.2	8, 19.5	9, 21.4
Solicitor	3, 5.2	2, 4.9	3, 7.1
Other	21, 36.2	14, 34.2	15, 35.7
No response	2	1	1

Most respondents said that they found out about the Press Council through "other" sources. Most respondents who said "other" said that they knew of the Press Council from general knowledge and awareness. Two respondents said that they had been advised of the Press Council through correspondence with a media organisation about the complaint. Another respondent said that they had seen the Press Council's decisions published in newspapers.

After "other" the most common response was through the news media. This captures a variety of sources, such as through correspondence with the media organisation or through seeing the Press Council's decisions published. The internet was also a significant source of information.

Very few respondents identified newspaper advertisements as how they found out about the Press Council and no one identified public meetings.

3.13 At the time you made the complaint to the Press Council were you aware of other channels for members of the public to challenge unfair or inaccurate reporting by media organisations?

	Yes	No	No response
Full	20, 35.1	37, 64.9	3
Male	13, 32.5	27, 67.5	2
One complaint	16, 39.0	25, 61.0	2

Most respondents were unaware of other channels for members of the public to challenge unfair or inaccurate reporting by media organisations. This could be influenced by the high cost of going through the court system and the lack of any other low cost alternatives.

3.14 If "yes" to question 3.13, what other channels were you aware of?

Most respondents who answered this question identified legal action as the only other course of action available. Other respondents commented on the possibility of writing a letter to the editor.

Many respondents noted the existence of similar bodies for broadcast and advertising content: the Broadcasting Standards Authority and Advertising Standards Authority respectively.

3.15 When you made the complaint to the Press Council, were you representing:

	Full	Male	One complaint
Yourself only	26, 44.8	17, 41.5	19, 45.2
Other individuals only	5, 8.6	3, 7.3	5, 11.9
Social cause	10, 17.2	8, 19.5	6, 14.3
Yourself and other individuals	7, 12.1	5, 12.2	5, 11.9
Business	1, 1.7	0, 0.0	1, 2.4
Government	1, 1.7	0, 0.0	0, 0.0
Non-profit organisation	3, 5.2	3, 7.3	3, 7.1
Other	5, 8.6	5, 12.2	3, 7.1
No response	2	1	1

Most respondents were representing themselves when they complained to the Press Council. A significant number of respondents were representing a social cause or themselves and other individuals.

3.16 Did you consult a solicitor about your complaint to the Press Council?

	Yes	No	Don't remember	No response
Full	6, 10.5	51, 89.5	0, 0.0	3
Male	4, 10.0	36, 90.0	0, 0.0	2
One complaint	5, 12.2	36, 87.8	0, 0.0	2

Most respondents did not consult a solicitor about their complaint before complaining to the Press Council.

3.17 If you consulted a solicitor with respect to your complaint to the Press Council, at what stage in the complaint process did you do this and for what purpose?

Some respondents' solicitors advised them to lay their complaint. In general respondents consulted a

solicitor before filing the complaint, often to check for defamation. One respondent commented that he or she consulted a solicitor after the Press Council's "inadequate process".

3.18 Would you recommend consulting a solicitor when making a complaint to the Press Council?

	Yes	No	No response
Full	12, 24.0	38, 76.0	10
Male	10, 25.6	29, 74.4	3
One complaint	10, 27.8	26, 72.2	7

Most respondents would not recommend consulting a solicitor when complaining to the Press Council. However, the number of respondents saying that they would not recommend consulting a solicitor was lower than the number of respondents who had not consulted a solicitor about their complaint. This suggests that some respondents would have considered advice from a solicitor beneficial when making their complaint to the Press Council.

3.19 Please indicate the process level which your most recent complaint reached with the Press Council:

	You did not follow up your initial complaint to the Press Council	You withdrew your complaint to the Press Council	A settlement was arrived at after the complaint was filed with the Press Council	The complaint went to Press Council adjudication	No response
Full	5, 8.8	1, 1.8	3, 5.3	48, 84.2	3
Male	2, 5.0	0, 0.0	2, 5.0	36, 90.0	2
One complaint	3, 7.3	0, 0.0	3, 7.3	35, 85.4	2

The Press Council adjudicated most complaints (84.2%). Settlement was reached after the complaint was filed with the Press Council in some circumstances (5.3%). The Press Council has mediated in situations where both the media organisation and the complainant agree.

3.20 If your complaint was heard by the Press Council, did you appear in person before the Council?

	Yes	No	Not applicable	No response
Full	6, 10.5	50, 87.7	1, 1.8	3
Male	3, 7.5	37, 92.5	0, 0.0	2
One complaint	6, 14.6	35, 85.4	0, 0.0	2

The majority of complainants did not appear before the Press Council (87.7%).

3.21 Why did you, or why did you not, appear before the Press Council?

Many respondents said that they had not been invited to appear. Others commented that the expense of travelling to Wellington did not make it worthwhile. Most respondents were happy for the material to be provided in writing and did not need a further opportunity to present their complaint.

3.22 Were you asked to sign a legal waiver which said you would not sue the media organisation complained about if the Press Council heard the complaint?

	Yes	No	Don't know	No response
Full	15, 26.8	33, 58.9	8, 14.3	4
Male	9, 22.0	27, 65.9	5, 12.2	1
One complaint	14, 34.1	21, 51.2	6, 14.6	2

Most respondents had not been asked to sign a legal waiver saying that they would not sue the media organisation complained about if the Press Council considered the complaint. This reflects the fact that many complaints are inappropriate for legal proceedings.

3.23 What did you hope to achieve by complaining to the Press Council. Make the media organisation:

	Full	Male	One complaint
Apologise to me	10, 17.2	5, 12.2	10, 23.8
Apologise to the person discussed in the story	7, 12.1	3, 7.3	7, 16.7
Admit a mistake to the public	27, 46.6	20, 48.8	20, 47.6
Correct a mistake by a retraction or clarification	34, 58.6	24, 58.5	23, 54.8
Stop certain practices involved in the complaint	28, 48.3	21, 51.2	19, 45.2
Stop misleading the public	31, 53.5	22, 53.7	21, 50.0
Present all sides of the story	24, 41.4	19, 46.3	17, 40.5
Other	8, 13.8	7, 17.1	6, 14.3
No response	2	1	1

Most respondents said that they made their complaint to the Press Council to correct a mistake by retraction or clarification. Many respondents also wanted the media organisation to stop misleading the public and admit a mistake to the public.

Respondents sought objective reporting in most cases where respondents answered "other".

3.24 Do you feel you won the case before the Press Council?

	Yes	No	Don't know	Not applicable	No response
Full	19, 32.8	36, 62.1	1, 1.7	2, 3.5	2
Male	13, 31.7	25, 61.0	1, 2.4	2, 4.9	1
One complaint	17, 40.5	24, 57.1	0, 0.0	1, 2.4	1

Most respondents felt that they did not win the case before the Press Council. However, a significant number (32.8%) felt that they won.

3.25 From the time you first made your complaint to the Press Council to the time the complaint reached settlement or hearing, had it changed?

	Completely	No change	Some change, but not important	Some change, but very important	Not applicable	No response
Full	1, 1.8	52, 91.2	2, 3.5	1, 1.8	1, 1.8	3
Male	0, 0.0	39, 97.5	1, 2.5	0, 0.0	0, 0.0	2
One complaint	1, 2.4	37, 90.2	2, 4.9	1, 2.4	0, 0.0	2

Very few respondents said that their complaint had changed through the Press Council process.

3.26 Who changed the complaint?

	You	Your lawyer	Press Council staff with your approval	Press Council staff without your approval	Not applicable	Other	No response
Full	1, 2.2	0, 0.0	0, 0.0	1, 2.2	44, 95.7	0, 0.0	14
Male	0, 0.0	0, 0.0	0, 0.0	0, 0.0	31, 100.0	0, 0.0	11
One complaint	1, 3.1	0, 0.0	0, 0.0	1, 3.1	30, 93.8	0, 0.0	11

Respondents whose complaints had changed through the Press Council process were evenly split between changing their complaint themselves and having Press Council staff change the complaint without the respondent's approval.

3.27 Were you satisfied with the changes made to your complaint?

	Fully	Partially	No	Not applicable	No response
Full	0, 0.0	2, 3.8	2, 3.8	49, 92.5	7
Male	0, 0.0	1, 2.8	1, 2.8	34, 94.4	6
One complaint	0, 0.0	1, 2.6	1, 2.6	36, 94.7	5

No respondents were fully satisfied with the changes made to their complaint. Half of the respondents answering this question were partially satisfied with the changes made to their complaint and the other half was not satisfied.

3.28 If your complaint was upheld by the Press Council, how satisfied were you with the publicity its decision received?

	Very satisfied	Satisfied	Neutral	Dissatisfied	Very dissatisfied	Not applicable	No response
Full	3, 6.1	5, 10.2	5, 10.2	3, 6.1	4, 8.2	29, 59.2	11
Male	2, 6.1	4, 12.1	4, 12.1	1, 3.0	3, 9.1	19, 57.6	9
One complaint	2, 5.6	4, 11.1	5, 13.9	2, 5.6	4, 11.1	19, 52.8	7

Few respondents answered this question as most respondents had not had their complaint upheld by the Press Council. Respondents that did answer this question were evenly split between those satisfied and those dissatisfied with the publicity the Press Council's decision received. There was a slight tendency towards satisfaction.

3.29 Did you see anything printed or broadcast about the complaint, its settlement, or the decision delivered by the Press Council?

	Yes	No	Don't remember	No response
Full	34, 60.7	22, 39.3	0, 0.0	4
Male	27, 65.9	14, 34.2	0, 0.0	1
One complaint	29, 70.7	12, 29.3	0, 0.0	2

Most respondents had seen something printed or broadcast about their complaint, its settlement or the decision delivered by the Press Council. This was surprising as media organisations are only required to publish the Press Council's decision if the complaint is upheld.

3.30 How satisfied were you with the media organisation's response to the Press Council process?

	Very satisfied	Satisfied	Neutral	Dissatisfied	Very dissatisfied	No response
Full	2, 3.8	3, 5.7	13, 24.5	14, 26.4	21, 39.6	7
Male	1, 2.7	3, 8.1	10, 27.0	11, 29.7	12, 32.4	5
One complaint	1, 2.4	2, 4.9	11, 26.8	10, 24.4	19, 46.3	2

Over 65% of respondents were dissatisfied or very dissatisfied with the media organisation's response to the Press Council's process. Most of these respondents were very dissatisfied. This result echoes the respondents' impression of the media organisation's response to the respondent's complaint.

3.31 How satisfied were you with the media organisation's response to the Press Council decision?

	Very satisfied	Satisfied	Neutral	Dissatisfied	Very dissatisfied	Not applicable	No response
Full	2, 3.7	3, 5.6	12, 22.2	8, 14.8	22, 40.7	7, 13.0	6
Male	1, 2.6	2, 5.3	11, 29.0	5, 13.2	13, 34.2	6, 15.8	4
One complaint	1, 2.5	2, 5.0	9, 22.5	5, 12.5	20, 50.0	3, 7.5	3

Like question 3.30, the majority of respondents were dissatisfied or very dissatisfied with the media organisation's response to the Press Council's decision (55.5%). 40.7% of respondents were very dissatisfied.

3.32 How satisfied were you with the SPEED with which the Press Council handled your complaint?

	Very satisfied	Satisfied	Neutral	Dissatisfied	Very dissatisfied	No response
Full	6, 10.5	27, 47.4	12, 21.1	10, 17.5	2, 3.5	3
Male	4, 10.0	20, 50.0	8, 20.0	7, 17.5	1, 2.5	2
One complaint	6, 14.3	17, 40.5	9, 21.4	9, 21.4	1, 2.4	1

Most respondents were satisfied or very satisfied with the speed with which the Press Council handled the complaint (57.9%). This result contradicts the comments the reviewers received about the length of time that a complaint takes to go through the Press Council's process.

3.33 How satisfied were you with the WAY in which the Press Council handled your complaint?

	Very satisfied	Satisfied	Neutral	Dissatisfied	Very dissatisfied	No response
Full	10, 17.2	12, 20.7	9, 15.5	10, 17.2	17, 29.3	2
Male	8, 19.5	8, 19.5	6, 14.6	8, 19.5	11, 26.8	1
One complaint	10, 23.8	10, 23.8	7, 16.7	4, 9.5	11, 26.2	1

Slightly more respondents were dissatisfied or very dissatisfied with the way the Press Council handled their complaint than those who were satisfied or very satisfied (46.5%:37.9%). The most common response was very dissatisfied.

3.34 Please comment on your answers to questions 3.30, 3.31, 3.32 and 3.33.

Many respondents said that the process had been handled professionally by the Press Council. Some

respondents commented that the process was too long. Other respondents felt that the process was biased towards the editor or that the Press Council only listened to the editor's views. One described the process as a "white-wash".

Some respondents commented that the media organisation did not seem to take the process seriously, while other respondents commented that it appeared as if the media organisation had consulted with a solicitor when preparing their responses.

One respondent commented that an unflattering photograph was published by the media organisation alongside the decision upholding his or her complaint. The respondent found this belittling.

3.35 Approximately how much time did you spend taking your most recent complaint through the Press Council's process?

	Less than 5 hours	5 to 10 hours	10 to 20 hours	More than 20 hours	No response
Full	14, 24.1	14, 24.1	15, 25.9	15, 25.9	2
Male	10, 24.4	12, 29.3	9, 22.0	10, 24.4	1
One complaint	8, 19.0	9, 21.4	12, 28.6	13, 31.0	1

Over half of the respondents spent more than 10 hours taking their complaint to the Press Council. Those responses were split 50:50 between spending 10 to 20 hours and more than 20 hours on their complaint. Respondents who had made only one complaint to the Press Council spent more time on their complaint than those who had complained more than once.

3.36 Please assess the following statements about the Press Council's complaints adjudication process.

(a) *The Press Council's adjudication process was too impersonal*

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	10, 20.4	10, 20.4	14, 28.6	13, 26.5	2, 4.1	11
Male	7, 19.4	8, 22.2	10, 27.8	10, 27.8	1, 2.8	6
One complaint	7, 20.0	5, 14.3	10, 28.6	11, 31.4	2, 5.7	8

While "neutral" was the most common response, more respondents agreed or strongly agreed that the Press Council's adjudication process was too impersonal.

(b) *The Press Council's adjudication process was fair*

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	4, 7.8	16, 31.4	7, 13.7	13, 25.5	11, 21.6	9
Male	3, 7.9	11, 28.9	7, 18.4	11, 28.9	6, 15.8	4
One complaint	4, 10.5	12, 31.6	6, 15.8	7, 18.4	9, 23.7	5

The most common response to whether the Press Council's process was fair was "agree". However, more respondents disagreed or strongly disagreed with this statement (47.1%) than respondents that agreed or strongly agreed (39.2%).

(c) *The Press Council's adjudication process was too complicated*

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	1, 2.1	5, 10.6	14, 29.8	20, 42.6	7, 14.9	13
Male	1, 2.8	4, 11.1	11, 30.6	15, 41.7	5, 13.9	6
One complaint	1, 2.8	5, 13.9	8, 22.2	17, 47.2	3, 8.3	9

The majority of respondents did not think that the Press Council's adjudication process was too complicated (42.6% disagreed and 14.9% strongly disagreed with the statement).

(d) The Press Council's adjudication process was too formal

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	2, 4.3	9, 19.1	10, 21.3	23, 48.9	3, 6.4	13
Male	2, 5.6	8, 22.2	8, 22.2	17, 47.2	1, 2.8	6
One complaint	1, 2.8	6, 16.7	7, 19.4	19, 52.8	1, 2.8	9

The majority of respondents disagreed or strongly disagreed that the adjudication process was too formal (50.0%).

(e) The Press Council's adjudication process was intimidating

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	1, 2.1	4, 8.5	13, 27.7	17, 36.2	12, 25.5	13
Male	1, 2.8	3, 8.3	10, 27.8	14, 38.9	8, 22.2	6
One complaint	1, 2.9	2, 5.9	9, 26.5	15, 44.1	7, 20.6	9

The majority of respondents disagreed or strongly disagreed that the Press Council's adjudication process was intimidating (61.7%).

(f) The Press Council's adjudication process took too much time

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	4, 8.5	8, 17.0	16, 34.0	19, 40.4	0, 0.0	13
Male	3, 8.3	7, 19.4	11, 30.6	15, 41.7	0, 0.0	6
One complaint	4, 11.1	6, 16.7	9, 25.0	15, 41.7	0, 0.0	7

The most common response to whether the Press Council's adjudication process took too much time was disagree. More respondents disagreed (40.4%) than respondents who agreed or strongly agreed (25.5%). No respondents strongly disagreed with the statement.

(g) The Press Council's adjudication process took too long from complaint to decision

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	9, 18.0	6, 12.0	15, 30.0	19, 38.0	1, 2.0	10
Male	8, 21.6	5, 13.5	10, 27.0	13, 35.1	1, 2.7	5
One complaint	9, 24.3	3, 8.1	9, 24.3	16, 43.2	0, 0.0	6

Like the results from question 3.36(f), the most common response to whether the Press Council's adjudication process took too long from complaint to decision was disagree. More respondents disagreed or strongly disagreed (40.0%) than those who agreed or strongly agreed (30%).

(h) The Press Council's adjudication process gave the media organisation more opportunity to present its side than I was

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	16, 30.8	6, 11.5	14, 26.9	14, 26.9	2, 3.8	8
Male	8, 21.1	6, 15.8	13, 34.2	11, 28.9	0, 0.0	4
One complaint	11, 29.7	5, 13.5	7, 18.9	13, 35.1	1, 2.7	6

More respondents agreed or strongly agreed that the Press Council's adjudication process gave the media organisation more opportunity to present its side than they were (42.3%) than those respondents disagreed or strongly disagreed (30.7%). The most common response was "strongly agreed".

3.37 What was the value of the Press Council's complaint process to you?

	Very valuable	Somewhat valuable	Useful	Of little value	Almost worthless	No response
Full	13, 22.4	8, 13.8	7, 12.1	8, 13.8	22, 37.9	2
Male	7, 17.1	7, 17.1	6, 14.6	7, 17.1	14, 34.2	1
One complaint	11, 26.2	7, 16.7	5, 11.9	5, 11.9	14, 33.3	1

The majority of respondents thought that the Press Council's complaint process was of little value or almost worthless (51.7%). The most common response was almost worthless (37.9%).

3.38 Please assess the following statements about the Press Council's decision on your complaint:

(a) At the hearing the members of the Press Council appeared to be objective

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Not applicable	No response
Full	1, 1.9	8, 15.4	1, 1.9	2, 3.8	7, 13.5	33, 63.5	8
Male	0, 0.0	6, 16.2	1, 2.7	1, 2.7	5, 13.5	24, 64.9	5
One complaint	1, 2.7	8, 21.6	1, 2.7	2, 5.4	4, 10.8	21, 56.8	6

Most respondents did not attend a hearing of their complaint by the Press Council. Of those that did there was a reasonably even split between those respondents who thought that the members of the Press Council appeared to be objective and those respondents that did not.

(b) In my case, I should have received money to compensate for the wrong done by the media organisation

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Not applicable	No response
Full	1, 2.0	3, 5.9	6, 11.8	7, 13.7	5, 9.8	29, 56.9	9
Male	1, 2.7	3, 8.1	3, 8.1	4, 10.8	3, 8.1	23, 62.2	5
One complaint	0, 0.0	3, 8.3	5, 13.9	5, 13.9	5, 13.9	18, 50.0	7

Most respondents thought that compensation was inapplicable to their complaint. This might reflect the fact that relatively few of the respondents had their complaint upheld by the Press Council.

Of those respondents that thought compensation might be applicable, 23.5% disagreed or strongly disagreed that they should have received compensation for the wrong done by the Press Council compared with 7.9% of those that agreed or strongly agreed.

(c) The decision in the case had a long-term positive effect on the media organisation's performance

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Not applicable	No response
Full	2, 4.1	4, 8.2	10, 20.4	2, 4.1	23, 46.9	8, 16.3	11
Male	2, 5.9	3, 8.8	7, 20.6	1, 2.9	17, 50.0	4, 11.8	8
One complaint	2, 5.6	4, 11.1	7, 19.4	1, 2.8	19, 52.8	3, 8.3	7

The majority of respondents disagreed or strongly disagreed that the Press Council's decision had a long-term positive effect on the media organisation's performance (51.0%) was materially different from the proportion of respondents that agreed or strongly agreed (12.3%). The most common response was strongly disagree.

This might reflect the fact that relatively few of the respondents had had their complaint upheld by the Press Council.

(d) The Press Council took the media organisation's word for what had happened

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Not applicable	No response
Full	22, 40.7	11, 20.4	4, 7.4	7, 13.0	3, 5.6	7, 13.0	6
Male	14, 36.8	10, 26.3	3, 7.9	6, 15.8	1, 2.6	4, 10.5	4
One complaint	15, 39.5	8, 21.1	3, 7.9	6, 15.8	3, 7.9	3, 7.9	5

The majority of respondents agreed or strongly agreed with the statement that the Press Council took the media organisation's word for what happened (61.1%) compared with those that disagreed or strongly disagreed (18.6%). The most common response was strongly agree.

(e) The available facts were adequate for the Press Council to determine the truth

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Not applicable	No response
Full	15, 27.8	27, 50.0	4, 7.4	1, 1.9	2, 3.7	5, 9.3	6
Male	13, 33.3	19, 48.7	3, 7.7	0, 0.0	2, 5.1	2, 5.1	3
One complaint	12, 30.8	20, 51.3	3, 7.7	1, 2.3	2, 5.1	1, 2.6	4

The majority of respondents agreed or strongly agreed that the available facts were adequate for the Press Council to determine the truth (57.8%).

3.39 If a situation arose again in which you had a similar complaint against a media organisation, would you:

	Take it to the Press Council	Take it to court	Do nothing about it	Try to settle it in some other way	Try to settle it by talking to the media organisation	Other	No response
Full	22, 39.3	4, 7.1	12, 21.4	3, 5.4	4, 7.1	11, 19.6	4
Male	16, 41.0	4, 10.3	7, 18.3	2, 5.1	3, 7.7	7, 18.0	3
One complaint	18, 45.0	4, 10.0	7, 17.5	1, 2.5	2, 5.0	9, 22.5	2

The most common response of respondents when faced with a similar complaint against a media organisation would be to take it to the Press Council (39.3%).

Many respondents said that they would do nothing if they had a similar complaint against a media organisation (21.4%).

However, many of those respondents who responded "other" commented that they would not take their complaint to the Press Council often identifying the Press Council's perceived bias towards media organisations. Some of these respondents said that they would write strong letters to the editor or erect signs criticising the media organisation.

3.40 If faced with similar circumstances again, would you consider using the Press Council if you had to pay a fee of:

	Less than \$100	\$101 to \$250	More than \$250	I would not consider using the Press Council if I had to pay a fee	No response
Full	9, 17.3	1, 1.9	0, 0.0	42, 80.8	8
Male	6, 15.8	1, 2.6	0, 0.0	31, 81.6	4
One complaint	7, 18.4	0, 0.0	0, 0.0	31, 81.6	5

The majority of respondents would not consider using the Press Council if they had to pay a fee (80.8%). Some respondents were willing to pay a fee of up to \$100.

3.41 All things considered, are you glad you filed your complaint with the Press Council?

	Yes	No	Don't know	No response
Full	37, 63.8	20, 34.5	1, 1.7	2
Male	26, 63.4	14, 34.2	1, 2.4	1
One complaint	28, 66.7	14, 33.3	0, 0.0	1

The majority of respondents were glad that they had complained to the Press Council (63.8%).

3.42 Please provide any additional comments on your complaint to the Press Council here

A reasonable number of respondents said that they felt the Press Council was a “total waste of time” or similar. Many respondents said that their complaint had achieved nothing. Some respondents felt victimised by the media organisation after having made the complaint. Some respondents said that they would not use the Press Council again.

Many respondents said that they would not consider using the Press Council if they had to pay a fee. Many would rather go to court than pay a fee to the Press Council.

One respondent commented that he or she did not feel that media organisations gave enough space to decisions.

One respondent said that the Press Council was not a satisfactory guardian of standards.

3.43 If there had not been a Press Council, there would have been no one to complain to

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	13, 22.8	23, 40.4	8, 14.0	10, 17.5	3, 5.3	3
Male	8, 20.0	11, 27.5	8, 20.0	10, 25.0	3, 7.5	2
One complaint	10, 24.4	17, 41.5	5, 12.2	6, 14.6	3, 7.3	2

The majority of respondents agreed or strongly agreed that there would be no one to complain to if there had not been a Press Council (63.2%). This might reflect the responses to question 3.39, where a significant number of respondents would take a similar complaint to the Press Council.

3.44 Should the media organisation complained against have the last right of reply to a complaint before it goes to adjudication by the Press Council?

	Yes	No	Not sure	No response
Full	9, 16.7	30, 55.6	15, 27.8	6
Male	8, 21.6	19, 51.4	10, 27.0	5
One complaint	4, 10.3	23, 59.0	12, 30.8	4

The majority of respondents said that the media organisation should not have the last right of reply to a complaint before it is considered by the Press Council (55.6%). Many respondents were unsure whether media organisations should have the last right of reply to a complaint before it is considered by the Press Council.

3.45 Please comment on your response to question 4.44

Most respondents felt that the media organisation should not be given the last right of reply in correspondence. One thought that this was reasonable if the media organisation and the complainant were both willing to attend a hearing.

3.46 Should media organisations be given an opportunity to attend the Press Council's hearing of a complaint?

	Yes	No	Don't know	No response
Full	36, 66.7	8, 14.8	10, 18.5	6
Male	27, 71.1	6, 15.8	5, 13.2	4
One complaint	26, 66.7	6, 15.4	7, 17.9	4

The majority of respondents said that the media organisation should be given an opportunity to attend the Press Council's hearing of a complaint (66.7%).

3.47 The Press Council's complaints adjudication process is assisted by individuals having an opportunity to present their case orally

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	13, 23.6	20, 36.4	17, 30.9	1, 1.8	4, 7.3	5
Male	8, 20.5	15, 38.5	11, 28.2	1, 2.6	4, 10.3	3
One complaint	13, 31.7	15, 36.6	11, 26.8	0, 0.0	2, 4.9	2

The majority of respondents agreed or strongly agreed that the Press Council's complaints adjudication process was assisted by individuals having an opportunity to present their case orally (50.0%).

However, few of the respondents had attended the Press Council's hearing of their complaint. Therefore, many respondents would not have anything on which to base this conclusion.

3.48 Should the 3 month time limit for a complainant to make a complaint to the Press Council be changed and, if so, what should it be changed to?

There was a variety of responses to this question. Most respondents thought that three months was an appropriate time limit. However, many felt that six months was more suitable. Some thought that there should be no time limit. Other respondents commented on the length of time it takes media organisations to respond to complaints in the first instance, and suggested that the time limit should be extended in this circumstance.

3.49 Do you believe that the Press Council's requirement for the complainant to waive legal rights is reasonable?

	Yes	No	No response
Full	11, 21.2	41, 78.9	8
Male	9, 25.0	27, 75.0	6
One complaint	9, 23.7	29, 76.3	5

The majority of respondents did not believe that the Press Council's requirement for the complainant to waive their legal rights was reasonable (78.9%). However, few respondents were required to waive their legal rights by the Press Council.

3.50 Generally how satisfied were you with:**(a) Reactions of the media organisations to the Press Council's process**

	Very satisfied	Satisfied	Neutral	Dissatisfied	Very dissatisfied	No response
Full	1, 1.9	6, 11.5	14, 26.9	17, 32.7	14, 26.9	8
Male	0, 0.0	5, 13.9	11, 30.6	14, 38.9	6, 16.7	6
One complaint	0, 0.0	6, 16.2	7, 18.9	11, 29.7	13, 35.1	6

The majority of respondents were dissatisfied or very dissatisfied with the media organisation's reactions to the Press Council's process (59.6%).

(b) The Press Council's overall process

	Very satisfied	Satisfied	Neutral	Dissatisfied	Very dissatisfied	No response
Full	4, 7.7	15, 28.8	14, 26.9	13, 25.0	6, 11.5	8
Male	3, 8.1	9, 24.3	13, 35.1	8, 21.6	4, 10.8	5
One complaint	4, 11.1	13, 36.1	8, 22.2	6, 16.2	5, 13.5	7

The most common response to the respondent's satisfaction with the Press Council's overall process was "satisfied". However, the percentage of respondents who were dissatisfied or very dissatisfied (36.5%) was equal to the percentage of respondents who were satisfied or very satisfied (36.5%).

3.51 The following statements reflect possible reactions after using the Press Council:**(a) The Press Council is biased to the complainant**

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	0, 0.0	3, 7.1	10, 23.8	14, 33.3	15, 35.7	18
Male	0, 0.0	2, 6.9	8, 27.6	11, 37.9	8, 27.6	13
One complaint	0, 0.0	1, 3.0	8, 24.2	11, 33.3	13, 39.4	10

The majority of respondents disagreed or strongly disagreed with the statement that the Press Council is biased towards the complainant (69.0%).

(b) The Press Council is biased towards the press

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	26, 47.3	13, 23.6	8, 14.5	6, 10.9	2, 3.6	5
Male	19, 48.7	8, 20.5	7, 17.9	4, 10.3	1, 2.6	3
One complaint	18, 46.2	7, 17.9	6, 15.4	6, 15.4	2, 5.1	4

The majority of respondents agreed or strongly agreed with the statement that the Press Council is biased towards the press (70.9%).

3.52 What is your general opinion of the social value of:**(a) The concept of the Press Council**

	Very valuable	Somewhat valuable	Useful	Of little value	Almost worthless	No response
Full	38, 66.7	5, 8.8	4, 7.0	5, 8.8	5, 8.8	3

Male	28, 70.0	4, 10.0	3, 7.5	3, 7.5	2, 5.0	2
One complaint	30, 73.2	5, 12.2	1, 2.4	3, 7.1	2, 4.9	2

The majority of respondents thought that the concept of the Press Council was very valuable (66.7%). Few respondents thought that the Press Council was of little value or almost worthless by comparison (17.6%).

(b) The present structure and processes of the Press Council

	Very valuable	Somewhat valuable	Useful	Of little value	Almost worthless	No response
Full	10, 19.6	7, 13.7	12, 23.5	12, 23.5	10, 19.6	9
Male	9, 23.7	3, 7.9	10, 26.3	10, 26.3	6, 15.8	4
One complaint	9, 25.0	6, 16.7	10, 27.8	3, 8.3	8, 22.2	7

The majority of respondents thought that the present structure and processes of the Press Council were useful, somewhat valuable or very valuable (56.8%).

However, quite a number of respondents thought that the Press Council's present structure and processes were of little value or almost worthless (43.1%).

(c) Press Council decisions

	Very valuable	Somewhat valuable	Useful	Of little value	Almost worthless	No response
Full	10, 19.6	11, 21.6	9, 17.6	13, 25.5	8, 15.7	9
Male	9, 23.7	8, 21.1	7, 18.4	11, 28.9	3, 7.9	4
One complaint	8, 22.2	9, 25.0	6, 16.7	9, 25.0	4, 11.1	7

When asked about the value of Press Council decisions, the most common answer of respondents was "of little value". However, the majority of respondents thought that the Press Council's decisions were useful, somewhat valuable or very valuable (58.8%).

(d) Advocacy for and education about the importance of a free press by the Press Council

	Very valuable	Somewhat valuable	Useful	Of little value	Almost worthless	No response
Full	19, 36.5	12, 23.1	10, 19.2	7, 13.5	4, 7.7	8
Male	15, 39.5	8, 21.1	8, 21.1	4, 10.5	3, 7.9	4
One complaint	13, 35.1	10, 27.0	8, 21.6	5, 13.5	1, 2.7	6

The majority of respondents thought that advocacy for and education about the importance of a free press by the Press Council was useful, somewhat valuable or very valuable (78.8%).

3.53 Please comment on your answer to question 3.52

Some respondents said that the publication of the Press Council's decisions was not good. In particular, one respondent commented that the Press Council's decisions were lost at the back of newspapers.

Some respondents felt that there was a conflict between the Press Council's arbitration and advocacy roles.

Many respondents commented that the concept behind the Press Council was "excellent". However, many of these respondents thought that the process favoured media organisations and that the Press Council was biased.

One respondent commented that in his or her opinion the Press Council's decisions were not taken very seriously by media organisations.

3.54 The following statements reflect views towards the Press Council.

(a) The Press Council makes the press more responsive to the public

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	3, 5.6	15, 27.8	9, 16.7	18, 33.3	9, 16.7	6
Male	3, 7.7	11, 28.2	8, 20.5	10, 25.6	7, 17.9	3
One complaint	2, 5.1	14, 35.9	6, 15.4	12, 30.8	5, 12.8	4

When asked whether the Press Council makes the press more responsive to the public, the most common response was “disagree”. More respondents disagreed or strongly disagreed with this statement (50.0%) than those that agreed or strongly agreed (33.4%).

(b) The Press Council is better than the courts for solving disputes with the press

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	3, 5.8	19, 36.5	12, 23.1	10, 19.2	8, 15.4	8
Male	2, 5.4	15, 40.5	8, 21.6	8, 21.6	4, 10.8	5
One complaint	1, 2.6	16, 42.1	7, 18.4	9, 23.7	5, 13.2	5

When asked whether the Press Council is better than the courts for solving disputes with the press, the most common answer was “agree”. More respondents agreed or strongly agreed with this statement (42.3%) than those that disagreed or strongly disagreed (34.6%).

3.55 Please comment on your answer to question 3.54

Most respondents thought that the Press Council was more appropriate for dealing with complaints to the media than the court system. Most respondents noted the added expense and time that the court process would take. However, many respondents said that the benefit of using the courts would be that the adjudicator would be independent of the parties.

3.56 How valuable would mediation between the complainant and the media organisation be, if provided by the Press Council?

	Very valuable	Somewhat valuable	Useful	Of little value	Almost worthless	No response
Full	12, 23.5	10, 19.6	15, 29.4	4, 7.8	10, 19.6	9
Male	7, 19.4	6, 16.7	13, 36.1	4, 11.1	6, 16.7	6
One complaint	11, 2.8	9, 25.0	8, 22.2	2, 5.6	6, 16.7	7

When asked about the value of mediation between the complainant and media organisation if provided by the Press Council, the most common response was “useful”. The majority of respondents thought that mediation would be useful, somewhat valuable or very valuable (72.5%).

3.57 Please comment on your answer to question 3.56

Many respondents thought that the value of mediation depended on how rigorous and independent the mediation was. Some respondents commented that it was often valuable to have a one on one meeting with the editor to resolve complaints and that a mediation process may discourage editors from “brushing off” complainants.

3.58 The Press Council is composed of an independent chair, five members representing the public, two members representing the Newspaper Publishers’ Association, one member representing the Magazine Publishers’ Association, and two journalists**(a) The membership of the Press Council is appropriate**

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	3, 5.7	13, 24.5	13, 24.5	15, 28.3	9, 17.0	7
Male	2, 5.4	10, 27.0	11, 29.7	8, 21.6	6, 16.2	5
One complaint	2, 5.1	12, 30.8	10, 25.6	8, 20.5	7, 17.9	4

More respondents disagreed or strongly disagreed that the current membership of the Press Council is appropriate (45.3%) than those that agreed or strongly agreed (30.2%).

(b) The membership of the Press Council is sufficiently independent of the industry

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	2, 3.7	11, 20.4	10, 18.5	11, 20.4	20, 37.0	6
Male	1, 2.6	8, 21.1	8, 21.1	5, 13.2	16, 42.1	4
One complaint	2, 5.1	11, 28.2	8, 20.5	6, 15.4	12, 30.8	4

The majority of respondents disagreed or strongly disagreed with the statement that the membership of the Press Council is sufficiently independent of the industry (57.4%).

3.59 Please comment on your answer to question 3.58

Most respondents said that the Press Council should be entirely independent and have no media membership. One respondent suggested that senior media people could have an advisory role.

Other respondents felt that the Press Council's current membership was appropriate provided that the chairperson was truly independent and that the Press Council's members were not funded by the media industry.

3.60 Listed below are some possible ways in which to finance the Press Council. Please tick the boxes corresponding to the ways which you think are appropriate.

	Fees charged to the press	Fees charged to professional press organisations	Fees charged to complainants	Costs awards against the press	Costs awards against complainants	Other	No response
Full	36, 75.0	30, 62.5	1, 2.1	19, 39.6	4, 8.3	7, 14.6	12
Male	25, 75.8	20, 60.6	1, 3.0	13, 39.4	4, 12.1	7, 21.2	9
One complaint	25, 73.5	21, 61.8	0, 0.0	15, 44.1	3, 8.8	6, 17.6	9

Most respondents thought that the Press Council should be financed through fees charged to the press (75.0%) or fees charged to professional press organisations (62.5%). Most of those respondents who responded "other" thought that the Press Council could be funded by the Government.

3.61 Please comment on your answer to question 3.60

Most respondents felt that the media organisations should fund the Press Council. Some respondents felt that the Government should provide independent funding of the Press Council. Most respondents did not think that complainants should have to pay a fee to use the Press Council's services.

3.62

(a) The Press Council should have the power to fine media organisations

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	25, 47.2	13, 24.5	6, 11.3	8, 15.1	1, 1.9	7
Male	19, 50.0	8, 21.1	5, 13.2	5, 13.2	1, 2.6	4
One complaint	19, 48.7	10, 25.6	5, 12.8	5, 12.8	0, 0.0	4

The majority of respondents agreed or strongly agreed that the Press Council should have the power to fine media organisations (71.7%).

(b) The Press Council should have the power to make media organisations print an apology

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	18, 70.4	14, 25.9	2, 3.7	0, 0.0	0, 0.0	6
Male	29, 76.3	7, 18.4	2, 5.3	0, 0.0	0, 0.0	4
One complaint	27, 67.5	11, 27.5	2, 5.0	0, 0.0	0, 0.0	3

The majority of respondents agreed or strongly agreed with the statement that the Press Council should have the power to make media organisations print an apology (96.3%).

(c) The Press Council should only have its current powers

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	1, 2.4	1, 2.4	8, 19.0	17, 40.5	15, 35.7	18
Male	1, 3.1	1, 3.1	6, 18.8	13, 40.6	11, 34.4	10
One complaint	1, 3.3	1, 3.3	7, 23.3	11, 36.7	10, 33.3	13

The majority of respondents disagreed or strongly disagreed with the statement that the Press Council should have only its current powers (76.2%).

3.63 Please comment on your answer to question 3.62

Most respondents did not feel that the Press Council's current penalties were adequate. Many respondents view the Press Council as "toothless". However, many respondents also commented that fines were inappropriate, as they would only "encourage intransigence".

Many respondents thought that the Press Council should have the power to require media organisations to print an apology. However, one respondent said that an apology was not appropriate if it was required by the Press Council. Other respondents thought that an apology would not be effective if it was lost in the publication.

3.64

(a) The presence of the Press Council too frequently stops the press reporting matters of public interest

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	0, 0.0	0, 0.0	10, 18.9	16, 30.2	27, 50.9	7
Male	0, 0.0	0, 0.0	7, 19.4	12, 33.3	17, 47.2	6
One complaint	0, 0.0	0, 0.0	9, 23.7	11, 28.9	18, 47.4	5

The majority of respondents disagreed or strongly disagreed with the statement that the Press Council too frequently stops the press reporting matters of public interest (81.1%).

(b) The presence of the Press Council does little to restrict the free flow of information

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	17, 32.7	21, 40.4	12, 23.1	2, 3.8	0, 0.0	8
Male	12, 33.3	13, 36.1	9, 25.0	2, 5.6	0, 0.0	6
One complaint	10, 27.0	16, 43.2	10, 27.0	1, 2.7	0, 0.0	6

The majority of respondents agreed or strongly agreed with the statement that the Press Council does little to restrict the free flow of information (73.1%).

3.65 Please comment on your answer to question 3.64

Most respondents said that the Press Council has little influence. Many respondents restated previous comments by saying that media organisations do not seem to take the Press Council seriously. Many respondents tied the Press Council's lack of influence with its limited penalties.

3.66 What do you think the role and purpose of the Press Council is?

Most respondents identified the Press Council's adjudication role saying that the Press Council was a "watchdog" and provided oversight of media organisations. Many respondents doubted whether the Press Council achieved this role.

3.67 What do you think the role and purpose of the Press Council should be?

Responses to this question were almost identical to those of the question above. However, some respondents said that the Council should also have an advocacy role.

3.68 Do you think there should be any limitations on what the press can print?

	Yes	No	Don't know	No response
Full	51, 91.1	5, 8.9	0, 0.0	4
Male	35, 87.5	5, 12.5	0, 0.0	2
One complaint	38, 95.0	2, 5.0	0, 0.0	3

The majority of respondents thought that there should be limitations on what the press can print (91.1%).

3.69 If "yes" to question 3.68, what limitations should be imposed?

Most respondents identified the Press Council's statement of principles as an appropriate indication on what should be published after an event. Many respondents noted the laws of defamation and some respondents commented on the need for privacy to be respected.

3.70 Please provide any additional comments here.

Many respondents reiterated their comments that the Press Council was biased towards the press with some advocating the creation of a statutory body to deal with complaints about the media.

Some respondents commented that media organisations had a significant advantage when dealing with complaints from readers because they are trained communications professionals.

One respondent commented that the Broadcasting Standards Authority and Press Council should be combined and have statutory powers.

4 Media Organisations and the Council

There were 18 responses to the Media Organisations and the Council survey.

The tables and commentary below give an overview of the Media Organisations and the Press Council survey. Data in the tables is in the following format (total response, percentage). Percentages are expressed as a percentage of those respondents answering the question.

4.1 Is your media organisation:

	A newspaper, including any associated websites	A magazine, including any associated websites	A periodical, including any associated websites	Solely a website	Other
Full	13, 72.2	5, 27.8	0, 0.0	0, 0.0	0, 0.0
Newspapers	13, 100.0	0, 0.0	0, 0.0	0, 0.0	0, 0.0

Most respondents were newspapers (72.2%). The remaining respondents were magazines (27.8%). No publications identified themselves as periodicals or solely websites.

4.2 How often is your publication released?

	Daily	Weekly	Fortnightly	Monthly	Annually	Other
Full	9, 50.0	3, 16.7	0, 0.0	5, 27.8	0, 0.0	1, 5.6
Newspapers	9, 69.2	3, 23.1	0, 0.0	1, 7.7	0, 0.0	0, 0.0

Half of the respondents' publications were released daily. All of these publications were newspapers. Three weekly newspapers also responded. Four out of the five publications which were released monthly were magazines.

4.3 Please indicate your publication's type:

	Metropolitan	National	Suburban	Regional	Country	Ethic/non-Anglophone	Special interest	Other
Full	5, 27.8	3, 16.7	2, 11.1	6, 33.3	0, 0.0	0, 0.0	1, 5.6	1, 5.6
Newspapers	5, 38.5	0, 0.0	2, 15.4	6, 46.2	0, 0.0	0, 0.0	0, 0.0	0, 0.0

There was a mix of publication type. The most common type identified was "regional" (33.3%). All of those identifying themselves as regional were newspapers. One magazine identified itself as special interest.

4.4 Approximately how many readers does your publication have?

Readership rates varied from 9000 to 1 million.

4.5 How many complaints about media content has your organisation received in the last 5 years?

The number of complaints also varied greatly. Some publications received around 100 to 200 complaints in the last 5 years. Some had received as few as two; while others had received none at all. The daily metropolitan newspapers receive approximately one per day.

4.6 How many of those complaints have resulted in legal action being taken against your media organisation in the last 5 years?

Most respondents had not had any complaints result in legal action. One publication had six complaints result in legal action on average every year.

4.7 How many of those complaints have resulted in a complaint being made to the Press Council?

Most publications had very few complaints go to the Press Council. Others, mainly daily metropolitan newspapers, had many. The highest number of complaints to the Press Council in the last 5 years was 34.

4.8 In what proportion of complaints to the Press Council have you consulted a solicitor?

	All	More than half	Half	Less than half	None	No response
Full	0, 0.0	0, 0.0	0, 0.0	4, 40.0	6, 60.0	8
Newspapers	0, 0.0	0, 0.0	0, 0.0	4, 50.0	4, 50.0	5

Respondents said that they consulted a solicitor about very few complaints to the Press Council. 60% of respondents said that they had never consulted a solicitor about a complaint to the Press Council. The remaining 40% said that they had consulted a solicitor in less than half of the complaints to the Press Council.

4.9 If you have consulted a solicitor with respect to a complaint to the Press Council, at what stage in the complaint process did you do this and for what purpose?

Most respondents commented that they rarely consult with solicitors about complaints to the Press Council. In the cases where solicitors were consulted it was generally where the complainant had also threatened legal action.

One respondent commented that they occasionally consulted solicitors where the complainant raised complex legal issues. The solicitors' advice helped formulate the respondent's response to the complaint.

4.10 What proportion of complaints to the Press Council against your media organisation has been upheld by the Press Council?

	All	More than half	Half	Less than half	None	No response
Full	0, 0.0	1, 9.1	0, 0.0	4, 36.4	6, 54.6	7
Newspapers	0, 0.0	1, 11.1	0, 0.0	4, 44.4	4, 44.4	4

Respondents said that very few complaints to the Press Council against their media organisation were upheld. 54.6% of respondents said that the Press Council had never upheld a complaint against their media organisation. 36.4% of respondents said that the Press Council had upheld less than half of the complaints against their media organisation.

4.11 Would you recommend a media organisation uses a solicitor when dealing with complaints to the Press Council?

	Yes	No	Don't care	No response
Full	3, 30.0	5, 50.0	2, 20.0	8
Newspapers	0, 0.0	5, 71.4	2, 28.6	6

Half of the respondents said that they would not recommend using a solicitor when dealing with complaints to the Press Council. Only 30% said that they would recommend using a solicitor when dealing with complaints to the Press Council. The remaining 20% were indifferent.

4.12 Please indicate the process levels which you have experienced with the Press Council:

	The initial complaint was not followed up	The complaint was withdrawn after your response	A settlement was arrived at after the complaint was filed with the Press Council	The complaint went to Press Council adjudication	No response
Full	3, 30.0	4, 40.0	1, 10.0	9, 90.0	8
Newspapers	3, 33.3	3, 33.3	1, 11.1	9, 100.0	4

Most respondents said that complaints to the Press Council against their publication went to adjudication (90.0%). One respondent said that a settlement had been arrived at after the complaint had been filed, and 40% of respondents said that the complaint was withdrawn after their response, and another 30% said that the initial complaint was not followed up by the complainant.

4.13 In what proportion of complaints to the Press Council have you made submissions to the Press Council?

	All	More than half	Half	Less than half	None	No response
Full	8, 72.7	0, 0.0	0, 0.0	2, 18.2	1, 9.1	7
Newspapers	8, 88.9	0, 0.0	0, 0.0	1, 11.1	0, 0.0	4

72.7% of respondents said that they made submissions on all complaints to the Press Council. The remaining respondents said that they made submissions on less than half of the complaints against them to the Press Council. One of these respondents said that they had never made a submission to the Press Council. This could reflect the fact that some complaints were not followed up or that settlement was reached before submissions were required.

4.14 What percentage of complaints about your media organisation to the Press Council have been about the following (answers must sum to 100)

(average, total, count)

	General practices of your media organisation	A specific story	A particular journalist	Letters to the editor	Other	No response
Full	12.50, 50, 4	78.50, 785, 10	4.00, 8, 2	23.67, 142, 6	7.50, 15, 2	8
Newspapers	12.50, 50, 4	76.11, 685, 9	4.00, 8, 2	23.67, 142, 6	7.50, 15, 2	4

Most complaints to the Press Council were about a specific story (78.50%). The other main category of complaints was letters to the editor (23.67%).

4.15 Does your media organisation believe that the Press Council should not deal with any of those general categories listed in question 4.14?

	Yes	No	No response
Full	3, 27.3	8, 72.7	7
Newspapers	3, 33.3	6, 66.7	4

Most respondents thought that the Press Council should deal with all of the categories identified in question 4.14.

4.16 Please comment on your answers to questions 4.14 and 4.15

Most respondents thought that the Press Council should have as wide a brief as possible. Therefore, the Press Council should consider complaints about all of the above categories. However, some respondents did not think that the Press Council was an appropriate body to deal with complaints about a particular journalist and one thought that it was dangerous for the Press Council to be given jurisdiction over a publication's general practices.

4.17 Generally, how many hours would you spend in handling a complaint through the Press Council's process?

	Less than 5 hours	5 to 10 hours	10 to 20 hours	More than 20 hours	No response
Full	4, 36.4	7, 63.6	0, 0.0	0, 0.0	7
Newspapers	3, 33.3	6, 66.7	0, 0.0	0, 0.0	4

Most respondents spent between 5 and 10 hours handling a complaint through the Press Council's process. The remaining 36.4% of respondents spent less than 5 hours handling a complaint through the Press Council's process. This is significantly less time than that spent by complainants. This could indicate that there is a learning process to handling complaints to the Press Council. It could also reflect that publications have more information about a story than complainants.

4.18 What is the value of the Press Council's complaints process to your media organisation?

	Very valuable	Somewhat valuable	Useful	Of little value	Almost worthless	No response
Full	4, 36.4	3, 27.3	4, 36.4	0, 0.0	0, 0.0	7
Newspapers	4, 44.4	3, 33.3	2, 22.2	0, 0.0	0, 0.0	4

All respondents said that the Press Council's complaints process was useful, somewhat valuable or very valuable to their media organisation. The most common answer was very valuable. No respondents said that the Press Council's complaints process was of little value or almost worthless.

4.19 Did you see anything printed or broadcast about the complaint, its settlement or the decision handed down by the Press Council in any media other than your own and the Press Council's?

	Yes	No	No response
Full	3, 30.0	7, 70.0	8
Newspapers	3, 33.3	6, 66.7	4

Most respondents said that they had not seen anything printed or broadcast about the complaint, its settlement or the Press Council's decision in any media other than their own and the Press Council's (70.0%).

4.20 If "yes" to question 4.19, where?

Few respondents answered this question. Those that did said that it was rare for other media to report Press Council adjudications, and that only newspapers did so.

4.21 In what proportion of complaints about your media organisation to the Press Council does your media organisation feel that the complaint was adequately addressed?

	All	More than half	Half	Less than half	None	No response
Full	5, 55.6	4, 44.4	0, 0.0	0, 0.0	0, 0.0	9
Newspapers	4, 50.0	4, 50.0	0, 0.0	0, 0.0	0, 0.0	5

The majority of respondents said that they felt the complaint was adequately addressed by the Press Council in all cases (55.6%). The remaining respondents said that they felt complaints were adequately addressed more than half the time. No respondents said that they felt that the complaint had been adequately addressed less than half the time.

4.22 Generally, how satisfied have you been with:

(a) *The Press Council's decisions:*

	Very satisfied	Satisfied	Neutral	Dissatisfied	Very dissatisfied	No response
Full	3, 33.3	6, 66.7	0, 0.0	0, 0.0	0, 0.0	8
Newspapers	3, 37.5	5, 62.5	0, 0.0	0, 0.0	0, 0.0	5

The majority of respondents were satisfied with the Press Council's decisions (66.7%). The remaining respondents were very satisfied. No respondents were dissatisfied or very dissatisfied.

(b) *Reactions of complainants to the Press Council's decisions*

	Very satisfied	Satisfied	Neutral	Dissatisfied	Very dissatisfied	No response
Full	0, 0.0	6, 66.7	3, 33.3	0, 0.0	0, 0.0	9
Newspapers	0, 0.0	5, 62.5	3, 37.5	0, 0.0	0, 0.0	5

Most respondents were satisfied with the reactions of complainants to Press Council decisions. No respondents were dissatisfied or very dissatisfied.

(c) *Have you generally been satisfied with the outcome of the Press Council's complaints process?*

	Yes	No	No response
Full	10, 100.0	0, 0.0	8
Newspapers	9, 100.0	0, 0.0	4

All respondents were generally satisfied with the outcome of the Press Council's complaints process.

4.23 Please assess the following statements about the Press Council's complaints process by ticking the response your media organisation considers appropriate:

(a) *It was an efficient use of my media organisation's time*

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	2, 20.0	4, 40.0	3, 30.0	1, 10.0	0, 0.0	8
Newspapers	2, 22.2	3, 33.3	3, 33.3	1, 11.1	0, 0.0	4

The majority of respondents agreed or strongly agreed that the Press Council's complaints process was an efficient use of their time (60.0%). Only one respondent disagreed with this statement.

(b) *At hearings the Press Council's members appear to be objective*

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	2, 20.0	7, 70.0	1, 10.0	0, 0.0	0, 0.0	8
Newspapers	2, 22.2	6, 66.7	1, 11.1	0, 0.0	0, 0.0	4

The majority of respondents agreed or strongly agreed that the Press Council appeared to be objective. No respondents disagreed or strongly disagreed.

(c) The Press Council's decisions have had a long term positive effect on my media organisation's performance

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	2, 20.0	3, 30.0	5, 50.0	0, 0.0	0, 0.0	8
Newspapers	2, 22.2	3, 33.3	4, 44.4	0, 0.0	0, 0.0	4

50% of respondents agreed or strongly agreed that the Press Council's decisions had a long term positive influence on their media organisation's performance. The remaining respondents were neutral. No respondents disagreed or strongly disagreed with this statement.

(d) In investigating the facts in the complaint, the Press Council was thorough enough to determine the truth

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	3, 30.0	4, 40.0	1, 10.0	2, 20.0	0, 0.0	8
Newspapers	3, 33.3	3, 33.3	1, 11.1	2, 22.2	0, 0.0	4

The majority of respondents agreed or strongly agreed that the Press Council was thorough enough to determine the truth when investigating the facts in the complaints (70.0%). Only 20% of respondents disagreed with this statement.

4.24 Please assess the following statements about the Press Council's process by ticking the response your media organisation considers appropriate:

(a) If there had not been a Press Council, there might have been legal action taken against my media organisation

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	1, 9.1	1, 9.1	3, 27.3	6, 54.5	0, 0.0	7
Newspapers	1, 11.1	1, 11.1	1, 11.1	6, 66.7	0, 0.0	4

The majority of respondents disagreed that there might have been legal action taken against their media organisation if there had not been a Press Council (54.5%).

(b) The Press Council was receptive to my media organisation's response to the complaint

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	4, 40.0	6, 60.0	0, 0.0	0, 0.0	0, 0.0	8
Newspapers	4, 44.4	5, 55.6	0, 0.0	0, 0.0	0, 0.0	4

All respondents agreed or strongly agreed that the Press Council was receptive to their media organisation's response to the complaint. The most common response to this statement was "agree".

(c) The complainant was given more opportunity to present his or her side than my media organisation was

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	1, 10.0	0, 0.0	3, 30.0	5, 50.0	1, 10.0	8
Newspapers	1, 11.1	0, 0.0	2, 22.2	5, 55.6	1, 11.1	4

Half of the respondents disagreed with the statement that the complainant was given more opportunity to present his or her side than their media organisation was. A further 10% of respondents strongly disagreed with this statement.

4.25 Does your media organisation have a process to deal with complaints about media content?

	Yes	No	No response
Full	10, 76.9	3, 23.1	5
Newspapers	9, 90.0	1, 10.0	3

The majority of respondents said that their media organisation has a process to deal with complaints about media content (76.9%). Only one newspaper said that they did not have a complaints process.

4.26 If "yes" to question 4.25, please explain your media organisation's complaints procedure

Respondents' complaints processes varied. Publications with large readerships tended to have more detailed complaints procedures.

Some respondents said that all complaints went through the editor, others to the chief-reporter with only those easily sorted out going to the editor while others had a staffer specifically assigned to deal with complaints. Some respondents carry out an investigation. One respondent's complaints process ensured that complaints were dealt with within 24 hours.

4.27 Has the presence of the Press Council affected the way in which your media organisation deals with complaints?

	Yes	No	No response
Full	8, 66.7	4, 33.3	6
Newspapers	8, 80.0	2, 20.0	3

The majority of respondents said that the presence of the Press Council had affected the way in which their media organisation dealt with complaints (66.7%).

4.28 If "yes" to question 4.27, in what way has the presence of the Press Council affected the way in which your media organisation deals with complaints?

Most respondents thought that the Press Council altered their responses by making them publicly accountable. One respondent noted that correspondence from the publication could be tabled to the Press Council by the complainant. Some respondents said that they would invite the complainant to take their complaint to the Press Council if the complainant was unhappy with the internal procedure.

4.29 Does your media organisation make information about the Press Council available to readers?

	Yes	No	No response
Full	8, 61.5	5, 38.5	5
Newspapers	7, 70.0	3, 30.0	3

The majority of respondents said that their media organisation made information about the Press Council available to readers (61.5%).

4.30 If "yes" to question 4.29, how is this information made available to readers?

Some respondents run advertisements detailing the Press Council's contact details, often on the letters page. However, many respondents only informed readers that they could complain to the Press Council as part of their internal complaints process.

4.31 The Press Council process:

(a) *is too impersonal*

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	0, 0.0	1, 10.0	7, 70.0	2, 20.0	0, 0.0	8
Newspapers	0, 0.0	1, 11.1	6, 66.7	2, 22.2	0, 0.0	4

The majority of respondents were neutral about whether the Press Council's process was too impersonal (70.0%). One respondent agreed with this statement, while two disagreed.

(b) *is fair*

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	2, 20.0	6, 60.0	1, 10.0	1, 10.0	0, 0.0	8
Newspapers	2, 22.2	5, 55.6	1, 11.1	1, 11.1	0, 0.0	4

The majority of respondents agreed or strongly agreed that the Press Council's process was fair. Only one respondent disagreed with this statement.

(c) *is too complicated*

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	0, 0.0	1, 10.0	3, 30.0	6, 60.0	0, 0.0	8
Newspapers	0, 0.0	1, 11.1	2, 22.2	6, 66.7	0, 0.0	4

The majority of respondents disagreed that the Press Council's process was too complicated. Only one respondent agreed with this statement.

(d) *is too formal*

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	0, 0.0	2, 20.0	3, 30.0	5, 50.0	0, 0.0	8
Newspapers	0, 0.0	1, 11.1	33.3	5, 55.6	0, 0.0	4

Half of the respondents disagreed that the Press Council's process was too formal. Only two respondents agreed with this statement (20.0%).

(e) *is intimidating*

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	0, 0.0	1, 10.0	0, 0.0	8, 80.0	1, 10.0	8
Newspapers	0, 0.0	0, 0.0	0, 0.0	8, 88.9	1, 11.1	4

The majority of respondents disagreed that the Press Council's process was intimidating (80.0%). Only one respondent agreed with this statement (10.0%).

(f) *takes too much time*

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	1, 10.0	4, 40.0	0, 0.0	5, 50.0	0, 0.0	8
Newspapers	1, 11.1	3, 33.3	0, 0.0	5, 55.6	0, 0.0	4

There was an even split between those respondents who agreed or strongly agreed (10.0% and 40.0%) that the Press Council's process took too much time and those that disagreed (50.0%).

(g) *takes too long from complaint to hearing*

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	0, 0.0	4, 40.0	2, 20.0	4, 40.0	0, 0.0	8
Newspapers	0, 0.0	4, 44.4	1, 11.1	4, 44.4	0, 0.0	4

Like question 4.31(f), there was an even split between those respondents who agreed that the Press Council's process takes too long from complaint to hearing (40.0%) and those that disagreed with this statement (40.0%). The remaining respondents were neutral.

4.32 Should media organisations have the last right of reply to a complaint before it goes to adjudication by the Press Council?

	Yes	No	Don't know	No response
Full	8, 61.5	1, 7.7	4, 30.8	5
Newspapers	6, 60.0	1, 10.0	3, 30.0	3

The majority of respondents thought that media organisations should have the last right of reply before a complaint went to adjudication (61.5%). Only one respondent disagreed (7.7%).

4.33 Please comment on your answer to question 4.32

Most respondents thought that it was fair for them to have the final right of reply. Some noted the risk that complainants would make "wild accusations" when replying to a media organisation's submission.

However, one respondent noted that this may give the impression that the Press Council was biased towards media organisations.

4.34 The Press Council's process is assisted by individuals having an opportunity to present their case orally

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	0, 0.0	2, 20.0	7, 70.0	1, 10.0	0, 0.0	8
Newspapers	0, 0.0	1, 11.1	7, 77.8	1, 11.1	0, 0.0	4

The majority of respondents were neutral about whether the Press Council's process was assisted by individuals having an opportunity to present their case orally (70.0%). 20.0% of respondents agreed with this statement while 10.0% of respondents disagreed.

4.35 Should media organisations be given an opportunity to attend the Press Council's hearing of a complaint?

	Yes	No	Don't know	No response
Full	7, 58.3	1, 8.3	4, 33.3	6
Newspapers	4, 44.4	1, 11.1	4, 44.4	4

The majority of respondents said that media organisations should be given an opportunity to attend the Press Council's hearing of a complaint (58.3%). Only one respondent disagreed (8.3%).

4.36 Should the 3 month time limit for a complainant to make a complaint to the Press Council be changed and, if so, what should it be changed to?

Most respondents thought that the three month limitation period was fair. Two respondents thought that the limitation should be shorter and suggested two months.

4.37 Does your media organisation believe that the Press Council's requirement for the complainant to waive legal rights is reasonable?

	Yes	No	No response
Full	11, 100.0	0, 0.0	7
Newspapers	10, 100.0	0, 0.0	3

All respondents thought that the Press Council's requirement for the complainant to waive their legal rights was reasonable.

4.38 Generally, how satisfied has your media organisation been with:

(a) reactions of complainants to the Press Council's process

	Very satisfied	Satisfied	Neutral	Dissatisfied	Very dissatisfied	No response
Full	0, 0.0	5, 50.0	5, 50.0	0, 0.0	0, 0.0	8
Newspapers	0, 0.0	4, 44.4	5, 55.6	0, 0.0	0, 0.0	4

Respondents were evenly split between satisfied and neutral in their media organisation's satisfaction with the reactions of complainants to the Press Council's process.

(b) the Press Council's overall process

	Very satisfied	Satisfied	Neutral	Dissatisfied	Very dissatisfied	No response
Full	2, 20.0	6, 60.0	1, 10.0	1, 10.0	0, 0.0	8
Newspapers	2, 22.2	5, 55.6	1, 11.1	1, 11.1	0, 0.0	4

The majority of respondents were satisfied or very satisfied with the Press Council's overall process (80.0%). Only one respondent was dissatisfied with the Press Council's overall process (10.0%).

4.39 Please assess the following statements by ticking the response your media organisation considers appropriate

(a) the Press Council is biased to the complainant

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	0, 0.0	0, 0.0	3, 30.0	6, 60.0	1, 10.0	8
Newspapers	0, 0.0	0, 0.0	2, 22.2	6, 66.7	1, 11.1	4

The majority of respondents disagreed that the Press Council was biased towards the complainant (60.0%).

(b) the Press Council is biased to the press

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	0, 0.0	0, 0.0	4, 40.0	5, 50.0	1, 10.0	8
Newspapers	0, 0.0	0, 0.0	3, 33.3	5, 55.6	1, 11.1	4

The majority of respondents disagreed or strongly disagreed that the Press Council was biased towards the press (60.0%). No respondents agreed or strongly agreed with this statement.

4.40 What is your media organisation's general view of the social value of:

(a) the concept of the Press Council

	Very valuable	Somewhat valuable	Useful	Of little value	Almost worthless	No response
Full	7, 58.3	3, 25.0	2, 16.7	0, 0.0	0, 0.0	6
Newspapers	6, 60.0	2, 20.0	2, 20.0	0, 0.0	0, 0.0	3

The majority of respondents thought that the concept of the Press Council was very valuable. No respondents thought that the concept of the Press Council was of little value or almost worthless.

(b) the present structure and processes of the Press Council

	Very valuable	Somewhat valuable	Useful	Of little value	Almost worthless	No response
Full	4, 33.3	5, 41.7	3, 25.0	0, 0.0	0, 0.0	6
Newspapers	4, 40.0	3, 30.0	3, 30.0	0, 0.0	0, 0.0	3

All respondents thought that the present structure and processes of the Press Council were useful, somewhat valuable or very valuable. The most common response was "somewhat valuable".

(c) Press Council decisions

	Very valuable	Somewhat valuable	Useful	Of little value	Almost worthless	No response
Full	3, 25.0	5, 41.7	3, 25.0	1, 8.3	0, 0.0	6
Newspapers	3, 30.0	4, 40.0	2, 20.0	1, 10.0	0, 0.0	3

Almost all respondents thought that the Press Council's decisions were useful, somewhat valuable or very valuable. The most common response was "somewhat valuable" (91.7%). Only one respondent thought that the Press Council's decisions were of little value (8.3%).

(d) advocacy for and education about the importance of a free press by the Press Council

	Very valuable	Somewhat valuable	Useful	Of little value	Almost worthless	No response
Full	8, 66.7	0, 0.0	3, 25.0	1, 8.3	0, 0.0	6
Newspapers	6, 60.0	0, 0.0	3, 30.0	1, 10.0	0, 0.0	3

The majority of respondents thought that advocacy for and education about the importance of a free press by the Press Council was very valuable (66.7%). Only one respondent thought that the Press Council's role in this area was of little value (8.3%).

4.41 Please comment on your answer to question 4.40

All respondents thought that the Press Council had a valuable role in society. One respondent said that the Press Council did a good job and that the low number of complaints that it upheld was reflective of the weakness of some of the complaints made. Many respondents commented favourably on the Press Council's independence.

However, some felt that the Press Council should have a stronger advocacy and education role.

4.42 Please assess the following statements by ticking the response your media organisation considers appropriate

(a) the Press Council makes the press more responsive to the public

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	3, 25.0	6, 50.0	1, 8.3	2, 16.7	0, 0.0	6

Newspapers	3, 30.0	4, 40.0	1, 10.0	2, 20.0	0, 0.0	3
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The majority of respondents agreed or strongly agreed that the Press Council makes the press more responsive to the public (75.0%). Only two respondents disagreed with this statement (16.7%).

(b) the Press Council is better than the courts for solving disputes with the press

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	4, 33.3	6, 50.0	2, 16.7	0, 0.0	0, 0.0	6
Newspapers	4, 40.0	4, 40.0	2, 20.0	0, 0.0	0, 0.0	3

The majority of respondents agreed or strongly agreed that the Press Council is better than the courts or solving disputes with the press (83.3%). No respondents disagreed or strongly disagreed with this statement.

4.43 Please comment on your answer to question 4.42

Most respondents thought that the Press Council was an appropriate way to deal with complaints as it is faster and more user friendly than the courts. However, many respondents also noted that they would “go out of business” if they required the Press Council to make them accountable to society.

Most respondents said that the courts were inappropriate for most complaints. One respondent commented that the courts were appropriate where there were complex issues of law and fact combined with a demand for money. Another respondent commented that no one won in defamation cases; except lawyers.

4.44 How valuable would mediation between the complainant and your media organisation be, if provided by the Press Council?

	Very valuable	Somewhat valuable	Useful	Of little value	Almost worthless	No response
Full	1, 8.3	2, 16.7	5, 41.7	4, 33.3	0, 0.0	6
Newspapers	1, 10.0	1, 10.0	4, 40.0	4, 40.0	0, 0.0	3

The majority of respondents thought that it would be useful, somewhat valuable or very valuable for the Press Council to provide mediation between the complainant and their media organisation (66.7%). However, 33.3% thought that mediation would be of little value. No respondents thought that mediation would be almost worthless.

4.45 Please comment on your answer to question 4.44

Only one respondent was in favour of mediation being offered by the Press Council saying that it could be a good way of avoiding the long process of submissions and adjudications.

One respondent commented that they tried to mediate complaints before the Press Council became involved. Therefore, mediation would not be useful.

Most respondents commented that a mediation process would add time to the process and that few complaints would be appropriately dealt with through mediation.

4.46 The Press Council is composed of an independent chair, five members representing the public, two members representing the Newspaper Publishers’ Association, one member representing the Magazine Publishers’ Association, and two journalists. Please indicate your agreement with the following statements by ticking the appropriate response.

(a) the membership of the Press Council is appropriate

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	4, 33.3	5, 41.7	2, 16.7	0, 0.0	1, 8.3	6
Newspapers	4, 40.0	4, 40.0	1, 10.0	0, 0.0	1, 10.0	3

The majority of respondents agreed or strongly agreed that the current membership of the Press Council is appropriate (75.0%). Only one respondent strongly disagreed with this statement (8.3%).

(b) the membership of the Press Council is sufficiently independent of the industry

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	4, 33.3	6, 50.0	1, 8.3	1, 8.3	0, 0.0	6
Newspapers	4, 40.0	5, 50.0	1, 10.0	0, 0.0	0, 0.0	3

The majority of respondents agreed or strongly agreed that the Press Council's current membership is sufficiently independent of the industry (83.3%). Only one respondent disagreed (8.3%).

4.47 Please comment on your answer to question 4.46

Most respondents felt that the balance of public and industry membership on the Press Council was appropriate. Many respondents said that the Press Council needed to maintain a majority of independent members.

One respondent commented that there was no justification for the Engineering, Printing and Manufacturing Union to have two members on the Press Council as it represented a minority of journalists.

4.48 Listed below are possible ways in which to finance the Press Council. Please tick the boxes corresponding to the ways which you think are appropriate

	Fees charged to the press	Fees charged to professional press organisations	Fees charged to complainants	Costs awards against the press	Costs awards against complainants	Other	No response
Full	7, 58.3	6, 50.0	4, 33.3	4, 33.3	5, 41.7	0, 0.0	6
Newspapers	7, 70.0	6, 60.0	2, 20.0	3, 30.0	3, 30.0	0, 0.0	3

Over half of the respondents thought that the Press Council should be funded through fees to press and fees charged to professional press organisations. A significant number of respondents thought that the Press Council should be funded through fees charged to complainants (33.3%), costs awards against the press (33.3%) and costs awards against complainants (41.7%).

4.49 Please assess the following statements by ticking the response your media organisation considers appropriate.

(a) The Press Council should have the power to fine media organisations

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	0, 0.0	4, 36.4	0, 0.0	27.3	4, 36.4	7
Newspapers	0, 0.0	3, 30.0	0, 0.0	3, 30.0	4, 40.0	3

The majority of respondents disagreed or strongly disagreed that the Press Council should have the power to fine media organisations (63.7%). However, a significant number of respondents agreed (36.4%).

(b) The Press Council should have the power to make media organisations apologise

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	0, 0.0	5, 45.5	2, 18.2	0, 0.0	4, 36.4	7
Newspapers	0, 0.0	4, 40.0	2, 20.0	0, 0.0	4, 40.0	3

Responses were reasonably split between agreeing that the Press Council should have the power to force media organisations to apologise (45.5) and disagreeing (36.4%).

(c) The Press Council should only have its current powers

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	4, 36.4	2, 18.2	5, 45.5	0, 0.0	0, 0.0	7
Newspapers	4, 44.4	2, 22.2	3, 33.3	0, 0.0	0, 0.0	4

The majority of respondents agreed or strongly agreed that the Press Council should have only its current powers (54.6%). No respondents disagreed or strongly disagreed with this statement.

4.50 Please comment on your answer to question 4.49

Respondents were not in favour of fines stating that giving the Press Council the power to impose fines would alienate media organisations and make the Press Council's process more confrontational.

There was a divergence of views on giving the Press Council the power to require an apology. One respondent thought that a forced apology was no apology at all, while another respondent thought that the Press Council should have this power, but that it should be used sparingly.

Most respondents thought the Press Council's current powers were adequate.

4.51 Please assess the following statements by ticking the response your media organisation considers appropriate**(a) The Press Council too frequently stops the press reporting matters of public interest**

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	0, 0.0	0, 0.0	4, 33.3	4, 33.3	4, 33.3	6
Newspapers	0, 0.0	0, 0.0	2, 20.0	4, 40.0	4, 40.0	3

The majority of respondents disagreed or strongly disagreed that the Press Council too frequently stops the press reporting matters of public interest (66.6%). No respondents agreed or strongly agreed with this statement.

(b) The Press Council should be defending the free press more actively

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	3, 25.0	3, 25.0	6, 50.0	0, 0.0	0, 0.0	6
Newspapers	3, 30.0	3, 30.0	4, 40.0	0, 0.0	0, 0.0	3

Half of the respondents agreed or strongly agreed that the Press Council should be defending the free press more actively. No respondents disagreed or strongly disagreed with this statement.

(c) The Press Council does little to restrict the free flow of information

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No response
Full	2, 18.2	5, 45.5	3, 27.3	0, 0.0	1, 9.1	7
Newspapers	2, 22.2	5, 55.6	1, 11.1	0, 0.0	1, 11.1	4

The majority of respondents agreed or strongly agreed that the Press Council does little to restrict the free flow of information (63.7%). One respondent strongly disagreed with this statement (9.1%).

4.52 Please comment on your answer to question 4.50

Few respondents answered this question. Some respondents said that the Press Council had little impact on day-to-day reporting and that the Press Council had never acted to stop reporting of material in the public interest. One respondent commented that if the media organisation did not agree with a Press

Council decision it would take it on board, but not necessarily change their behaviour. Another respondent commented that they thought the Press Council should increase its advocacy for a free press.

4.53 What do you think the role and purpose of the Press Council is?

Most respondents said that the Press Council's main role was providing an opportunity for readers to complain to an independent body about the practices of media organisations.

Many respondents said that the Press Council should advocate for a free press. One respondent said that the role of the Press Council included educating the public about their rights.

4.54 What do you think the role and purpose of the Press Council should be?

Respondents thought that the Press Council should have the same role and purpose as it does now. One respondent said that the Press Council should also inform the industry and the public about appropriate standards.

4.55 Do you think there should be any limitations on what the press can print?

	Yes	No	Don't know	No response
Full	10, 83.3	2, 16.7	0, 0.0	6
Newspapers	8, 80.0	2, 20.0	0, 0.0	3

The majority of respondents thought that there should be limitations on what the press can print (83.3%).

4.56 If "yes" to question 4.55, what limitations should be imposed?

Respondents felt that limitations on what can be published should not be different from what they are currently. Many respondents identified the law, such as the law relating to defamation as an appropriate limitation.

4.57 Please provide any additional comments here

One respondent commented that many Press Council complaints are frivolous, made by third parties, sought judgement on complex facts that the Press Council was not willing to make, or sought to re-litigate issues. As a result, the respondent thought that the number of complaints going to adjudication should be cut. The respondent suggests exercising a more rigorous procedure for determining which complaints should be considered by the Press Council including clarifying what the complaint is (ie requiring the complainant to identify the grounds of complaint) and clarifying what evidence is admissible.

One respondent commented that complainants should be required to identify who they are and what, if any, interest they have in the complaint.

