

WINNING ISN'T EVERYTHING – IN FACT, IT'S ALMOST NOTHING!

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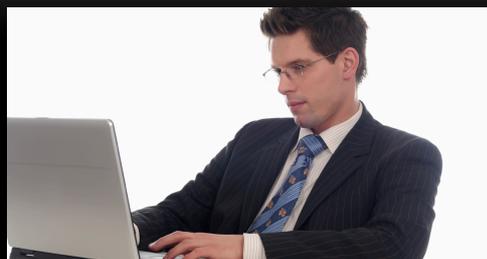
CONGRATULATIONS! YOU WON!



2007 SURVEY RESULTS

- Of those expressing an opinion, 47% were dissatisfied or very dissatisfied with the WAY in which the Press Council handled their complaint.
- Of those complainants who had their complaints upheld, only 40% were satisfied or very satisfied with the publicity received by the decision.

ALERTING THE ONLINE USER



A COMMON ONLINE RESPONSE TO AN UPHELD COMPLAINT

- Text is not changed, even in simple ways (eg removing inappropriate quotation marks)
 - Problematic as websites continue to attract hits far more than old print copies are consulted.
- A statement is added at the *end* of the article
 - Scrolling is usually required to see the statement
 - Unlike hard copy, there is no requirement that it be given prominence
- The statement that the article is "subject to a ruling" is ambiguous
 - Does it mean a decision is pending? It does not suggest a successful complaint.
 - Unlike hard copy, there is no requirement that a summary of the decision be included
- There is a link to the Press Council homepage
 - Users expect pinpoint links

- Eg Holmes column – contained inaccuracies, unfair with respect to Maori
- Before seeing the brief notice, the reader must go through:



- Searches for "Paul Holmes", "Holmes & NZ Herald", "Feb 11, 2012" don't pull it up at top, although "Watangi" does

POTENTIAL REFORMS:

- Requiring statement at top of article
- Parallel print requirements – not enough to just refer to a decision
- Statement needs to convey that decision was upheld and the grounds
- Should take down, edit, or give full explanation of Press Council's ruling
- Any links must be pinpoint – no searching necessary!

TIMING



- The Herald on Sunday publishes Sunday 2 September, referring the reader to the full decision on Press Council website. It wasn't there.
- The NZ Herald publishes Wednesday 5 September, referring the reader to the full decision on Press Council website. It wasn't there until much later that day.
- By design, the Press Council's decision is embargoed until the media organisation publicises it, *then* the Press Council posts the decision on its website. There does not seem to be any requirement that the media advise the Press Council in advance to enable simultaneous posting.
- There is no provision for *ever* informing the complainant of print publication. Being left in the dark makes it harder to marshal favourable publicity.
- It was apparently considered reasonable to wait several more days (after printing PC decision summary) to amend online content.

POTENTIAL REFORMS:

- Get rid of the embargo (there is none for the BSA, ASCB, courts etc.)
- Require media organisation to notify the Press Council and complainant in advance of printing the hard copy article on the decision

- Require taking down or modifying the online content within 48 hours of the decision's release
- Permit complaints about online content to be made within a month of their presence online, not their posting date. It can be harder to notice online posts, and they retain readership far longer than do print publications.

ENFORCEMENT



- Both the *NZ Herald* and *Herald on Sunday* articles remained online in totally unchanged form until after I drew attention to their failure to comply with the Press Council's rules
- *Whakatane Beacon*
 - Offending article published 16 August 2011
 - Press Council October 2011 meeting: upheld on lack of balance
 - Beacon publicised PC decision on 9 December 2011
 - Article remains online 28 November 2012 in totally unchanged form

POTENTIAL REFORMS:

- Relieve complainant of the burden of policing of the Press Council's rules
- Consider imposition of penalties for failure to follow the rules

HIDDEN REASON OR TYPO?



HERALD ON SUNDAY (LLLNZ)

- Press Council (emphasis supplied):
- "The front page skybox mentioned the word 'ban' The heading over the story also used the word, and it was mentioned in a letter article. Ban usually means forbidden and that is too strong a meaning for what transpired. ... It seems clear the email campaign – and it could be described as such - to get the clip removed was successful but that does not justify the use of 'ban' when the decision was made by the HSC which acknowledged it had a duty to ensure health messages did not become confused."
- Result? Skybox complaint upheld, heading and article **not** upheld
- ... Or so we were told – the published decision does not specify the articles against which the complaint was upheld.
- WHY the difference?



NZ HERALD (LLLNZ)

- Press Council (emphasis supplied):
- "The complaint about the Your Views segment is not as serious [as article discussed just prior] yet the Council can see the complainant's point. First, it was not LLL's complaint that led to Pin Weepu's "lender moment being cut", rather, it was the result of many voices from several organisations putting pressure on HSC. And further, the cheek-to-cheek photograph of Weepu and baby daughter may perhaps have led some readers to assume that this was indeed the kind of image that LLL wanted to cut from the ad. That this was not the image at the centre of the controversy should have been made clear to readers."
- Result? Not upheld
- ... Or so we were told – the published decision does not specify the articles against which the complaint was upheld
- WHY not upheld?



POTENTIAL REFORMS:

- The Press Council should include the specific finding in the published decision and the supporting reasoning
- Consider creating an appeal process

SELF REGULATION



ALTERNATIVES?

