

# RNZ editorial policy 2024

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# 11 CEO's Foreword

How we approach the stories we tell about New Zealand and the Pacific is key to the successful relationships we have with audiences; without their trust, we would be lost.

It means the principles we use to help us decide the what, why, who, when, how and where - no matter in what part or type of RNZ material this originates - are core to our success.

This guide to our editorial policies is the result of decades of cumulative experience, here and overseas, but also reflects the dramatically changing environment we work in and how our audiences live.

RNZ is fortunate to have its role enshrined in both the RNZ Charter and New Zealand Legislation. We are caretakers of a great taonga which is essential to New Zealand's democratic health and cultural well-being. We strive to uphold the principles of Te Tiriti o Waitangi.

Using the founding documents as a framework, these editorial policies are designed to help RNZ kaimahi producing a range of content for an increasing number of platforms.

They are a source of advice which aim to be supportive and encouraging, allowing the best decisions to be made. We should never resile from taking risks, but it's also good to understand them and learn from our experiences.

To do our job properly as a public service media outlet, RNZ must be fearless in its journalism and content-making. In carrying out that role, our credibility is paramount and we must ensure our work is always underpinned by fairness, accuracy, independence, respect, decency and diversity. These policies are part of our strength as an organisation, especially as we strive to reflect more of New Zealand and the Pacific.

Paul Thompson

Chief Executive and Editor in Chief

## 12 A brief explanation

These policies apply to RNZ's journalism and content irrespective of where it is published.

For the sake of clarity, this is material delivered in any format, including but not limited to audio, video, stills, text, social media, metadata and print, of any length.

It can originate from anywhere in RNZ and cover any number of subjects. Audiences rely on us for many things including great journalism, analysis, in-depth features, podcasts, documentaries, music, culture, comedy and coverage of the broader arts. We shine the light, connect, inform and entertain.

If you are making something which appears on our radio stations or digital platforms (including social media and voice devices) then you have a responsibility to ensure it adheres to these policies.

They also apply to work produced for RNZ by external contractors, independent producers or casual employees. Contracts with independents must include an obligation to observe the relevant sections of these policies.

RNZ is responsible for determining methods and content of any commissioned work and for what it publishes.

If you are confused by the policies or considering going against them, ask your senior manager for further guidance. Never hesitate to ask for advice. There may be times when we decide, after proper thought and discussion, to do something which is counter to a policy.

Previous editions of this document used words which referred to 'radio only' outcomes. We still highly value this work, but RNZ is no longer only a broadcast entity. Embracing this means a change in language throughout this document to reflect reality.

Finally, while the policies endeavour to cover off a host of scenarios, the new and surprising are always just around the corner. Don't take fright. Just use your common sense and get the right people together to talk it through.

## 13 'Upward Referral'

Put simply, if in doubt, refer up.

RNZ has a high level of credibility and trust among its audience. We need to zealously guard this. When there is potential for damaging errors or material breaching our standards to be published, established practices should ensure that these are checked and eliminated or, at minimum, the proper level of risk understood.

It is essential therefore that all staff with editorial responsibility understand the principle of **upward referral** where responsibility lies with the individual to verify accuracy, fairness and safety (in ethical or legal terms). If this is not possible or questions remain, then the decision to publish, or not, must be taken by someone more senior.

If an item is controversial or likely to have an extraordinary impact the most appropriate senior manager should be consulted in advance, irrespective of whether editorial advice is being sought.

Throughout this document are examples of circumstances when you need to refer up.

Any output which may place RNZ at legal risk, such as contempt of court or defamation, must be referred upwards. If doubt remains it must then be referred to the senior manager responsible, so the matter can be considered and any further necessary legal advice sought.

Upward referral also applies to any item that may not meet RNZ's guidelines for fair, factual and balanced reporting or issues involving language, violence, privacy or poor taste. This includes on-air trailers, publicity material, and information shared via our digital platforms.

None of this should be misread as implying RNZ will shrink from seeking out issues of controversy or taking justifiable risks. Decisions to publish in the public interest, in the face of legal or other threats, may be considered by senior managers with the approval of the Chief Executive and Editor in Chief.



## **14 The Board and CEO**

The Board of Governors (the Board) is responsible to shareholding Ministers for the performance of RNZ in all matters, including ensuring editorial integrity and independence. However, consistent with accepted corporate governance principles, the Board will not generally become directly involved in the day-to-day management of the company.

Consistent with those governance principles, the Board must satisfy itself that sound editorial and complaints management policies and systems are in place but delegate to the Chief Executive all necessary powers and authority to manage those policies and systems on a day-to-day basis as Editor in Chief.

Regardless of that delegation to the Chief Executive and Editor in Chief, the Board can at any time, in circumstances it considers to be exceptional, conduct an independent review to satisfy itself regarding the appropriateness of RNZ's editorial policies, standards and procedures.

The Board will also, as part of its normal governance responsibilities, continuously monitor editorial performance to ensure that RNZ maintains the highest possible standards of public service.

### **Chief Executive and Editor in Chief**

Under delegation from the Board, the Chief Executive and Editor in Chief has responsibility for editorial decisions and complaints determination and is accountable to the Board for RNZ's editorial performance.

In carrying out this role, the Chief Executive and Editor in Chief will further delegate editorial authority within the company. However, under the policy of upward referral, the final decision on major editorial issues where doubt exists - or which might adversely affect the public standing or credibility of RNZ - rests with the Chief Executive and Editor in Chief, who will be responsible to the Board for ensuring the editorial policies are upheld.

## 15 Editorial Values

Editorial policies translate RNZ's Charter and legislative responsibilities, services, standards and expectations to the workplace to help staff make reasoned, timely and consistent decisions.

Much more than just the mandated requirements of RNZ, they incorporate values concerned with social responsibility, ethical considerations and a sense of fair play and decency.

They inform and guide our professional judgments, but also reassure the people to whom we are accountable, our audience, that their trust and expectations are not misplaced.

This document has changed from earlier editions in that you will find it groups the majority of guidelines under the values we hold most dear: Accuracy, independence, fairness, balance and diversity; respect and decency.

### Accuracy

Factual work must conform to reality, be in context and not in any way misleading or false. Staff should be enterprising and questioning in perceiving, pursuing and presenting issues. This demands thorough research and a disciplined use of language and production techniques. For other content, i.e. comedy, drama and entertainment, the due accuracy required will likely not be at the same level and will vary according to whether the content is factual, fictionalised, historical, etc.

### Fairness, balance and diversity

If we get this right, the rest will follow. It is about openness and straight dealing by reporting the relevant facts and significant points of view. This has to be done through fair, ethical and balanced treatment of issues, events, people and their experiences, institutions and audiences. We must treat interviewees, sources and contributors justly and fairly. Our target audiences in New Zealand and the Pacific represent a broad diversity of cultures, interests and opinions. Our work should reflect and draw on this diversity to present relevant views and material across the spectrum.

### Respect and decency

This does not imply weakness. It's about valuing the relationships we build as part of our work. Respect for the rights of others may call for careful handling of sensitive issues such as violence, sex, grief, trauma, privacy, gender, religion and taste. We need to avoid stereotypes and other prejudicial content. Interviewees and all others we deal with in the course of our activities must be treated with due respect and decency.

### Independence

This is central to our integrity and credibility. It demands that staff not be influenced by pressures from political, commercial or other sectional interests or by their own personal views or activities. There must be no external interference in the presentation or content of our work or any improper influence brought to bear internally. RNZ alone has the legal and editorial responsibility for what it publishes.

## 2. Accuracy

We are concerned with the broad interests and diversity of our audience, maintaining a strong sense of the community's need to know and taking account of the timeliness, impact, proximity and currency of unfolding events. We shine a light for the public good.

In the age of “fake news”, which is distributed at speed, RNZ plays an even more crucial role in our democratic and cultural well-being. Our accuracy is more valuable than ever in sustaining an ongoing relationship with our audience.

RNZ recognises its role in the increasingly fractured and stressed media scene is to provide a breadth, standard and integrity of journalism, analysis, content, and informed and commissioned opinion which is unrivalled.

### 2.1 Our approach

Research for all material must be thorough. Staff must be prepared to check, cross-check and seek advice to ensure this happens. We need to:

- Be there ourselves or gather material from first-hand sources.
- Check facts and statistics, identifying qualifying factors.
- Always confirm the authenticity of documentary evidence and digital material.
- Corroborate claims and allegations made by sources.
- Avoid recycling errors; be wary of reusing material which is out of date.
- Avoid using production techniques which would give a false impression.
- Never be scared to ask for help by referring up.
- Facts must be presented in a clear, not misleading, fashion.
- Achieving accuracy is more important than speed.

Accuracy is often more than a question of getting the facts right. All the relevant facts and information should be weighed to get at the truth of what is reported or described. If an issue is controversial, relevant opinions as well as facts may need to be considered. If an item is legally contentious its accuracy must withstand scrutiny in a court.

We must remember that accuracy can also be compromised by the omission of relevant facts.

*[See Also: 3. Fairness, balance and Diversity; 2.2 Note-taking; 2.4 Sources; 2.15 Correcting Mistakes]*

### 2.2 Note-taking

Accurate and reliable note-taking is an essential and prime journalistic craft. Failure to take good notes, and keep them, can increase the risk of mistakes and reduce opportunities for checking.

- Wherever practicable, interviews with sources should be recorded. If this is impractical, full shorthand or longhand notes are the best alternative.
- Journalists should not rely on memory but refer back to their notes.
- Key points not found in notes should be explicitly checked with the source.
- A full and accurate record of conversations is especially important when dealing with serious and major allegations. It is an essential element in RNZ being confident about the publication and to cover us legally.
- If notes give rise to any doubts whatsoever about what was said, then the journalist must check their accuracy with the source before use.
- It is mandatory for all reporters and producers to keep their own notebooks detailing the notes they have taken for their stories.

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- These notebooks and other records of interviews should be dated and kept in a safe place with the expectation that they could be used to defend RNZ in court or during BSA or Media Council complaints.
- In the case of major or controversial stories, notebooks and recordings of interviews should be retained for a period of at least two years.

*[See Also: 3. Fairness, Balance and diversity; 6. Legal considerations.]*

## 23 Language, editing and live coverage

Meanings matter and can have unexpected implications. Avoid colourful language, clichés, hyperbole and unnecessary adjectives. Certain words are always loaded and should be avoided see the RNZ Style Guide for more detail.

It is well-established practice for anything prepared for publication by RNZ to be checked first for accuracy, fairness, balance, style and grammar by another team member, whether that be a bureau chief, digital editor, bulletin editor, visual editor, producer, podcast or programme editor.

- The editing process must result in a true reflection of what was originally seen and heard.
- What should result from selection and editing is a slice of reality, which must nonetheless reflect the essential truth without distortion.
- We should always be careful when using production techniques that may give a misleading impression of events or an issue, including selective use of situational sound; cutaway and set-up shots. We should not digitally alter visuals beyond basic improvements nor use images that are inappropriate to the situation, i.e. a stupidly smiling politician illustrating a story which is bad for them.
- Re-staging events ourselves is risky and should be avoided except after a lot of discussion with a senior manager.
- There will be exceptions to the aforementioned standards in relation to dramatisation and comedy, where there is more license.

*(See Also: Drama 2.14)*

Live coverage - on-air or online, including Q and As and liveblogs etc - provides distinct challenges. In these situations staff involved should:

- Research appropriately and talk beforehand, especially if an issue is contentious or carries legal dangers.
- Be prepared to challenge and offer further context.
- Have other sources available to provide sufficient counter information.
- Inaccuracies in live content should be corrected quickly. We can also signpost with the audience when a situation is fluid and notify them that we will update information as it comes to hand.

*[See Also: 3.15 Editing Interviews]*

## 24 Attribution and Sources

The RNZ audience relies on us to be open and honest about the origins of our work. Mostly, this will mean attributing material to named sources, citing the relevant research and giving credit where it is due.

Our objectivity, balance and impartiality are helped by attributing correctly. This includes, where appropriate, attributing material to our staff.

*Continues over...*

We attribute statements, beliefs, claims and revelations of previously unknown facts to named individuals or institutions wherever there is a possibility of the statement being open to challenge. However, attributing a story does not, in any way, relieve RNZ of its responsibilities in assessing the story's accuracy and relevance.

RNZ prefers to use a number of sources to back up work, but there are times when this approach can be modified. Follow these guidelines in relation to sources:

- Where an unnamed or single source is relied upon, the story should be of significant public interest.
- We should make clear the status and number of unnamed sources.
- The source should be of proven credibility and reliability.
- The source must be in a position to have significant knowledge of the events featured.
- When serious and major allegations are involved, the credibility of an anonymous source must be evaluated by appropriate senior managers, including the Heads of News, Content and Radio. Legal advice will likely be needed.
- Where doubt still remains, the final approval will rest with the Chief Executive and Editor in Chief.
- When approval is given to use such information, resulting stories will need to be carefully written to flag the nature of the allegation.
- It is particularly important this is adhered to in live coverage and interviews.
- When there are follow-ups on the original story, editors should ensure they understand the terms in which the allegations are to be reported.

*[see Also: 2.5 Confidential sources; 2.6 External sources; 3.6 Anonymity; 6.28 Plagiarism]*

## 25 Confidential sources

Information which the public should know is sometimes only available through a confidential source. Off-the-record conversations take place frequently between journalists and public figures.

If the confidentiality of sources is not respected as a matter of principle, this inhibits the free flow of information which is essential to the vitality of a democratic society.

Protecting sources is a key principle of journalism - for which some journalists have gone to jail. It is, therefore, essential that RNZ journalists do not enter into undertakings of confidentiality lightly or without considering the possible consequences.

- Promises of confidentiality given to a source or contributor must be honoured. They should be discussed with a senior manager first.
- RNZ's journalism will suffer if people who have provided information on condition they remain anonymous are subsequently identified.
- Staff should avoid all situations in which the identity of a confidential source might become known.
- The passing of time makes no difference to an undertaking to protect a source. We protect them forever.
- RNZ will not divulge confidential sources and will support its staff in protecting their sources.

*[See Also: 3. Fairness, balance & Diversity; Informed consent 3.3; Right of refusal 3.4 Anonymity 3.6; 6.12 Requests for unpublished material]*

## 26 External Sources

RNZ seeks to provide its own original audio, visual and written material wherever possible. However, there will be times when we are supplied by external parties, whether they be our audience or other media outlets, and we need to attribute them. When doing so we should be aware of the dangers involved, particularly if the material is controversial. A number of legal issues have arisen from material lifted from other outlets without the appropriate checks.

- Staff may not ‘lift’ material from other news organisations with which we have no supply contract without independently authenticating the information before use.
- If this is not possible, we should be cautious about quoting such material and then only with attribution, e.g. “The New Zealand Herald reports...”
- Material supplied by non-RNZ sources such as user-generated content (UGC), public relations companies and political parties must not be used without the appropriate checks and clearance from the appropriate manager. It should be attributed.
- UGC supplied through social media or other channels is no different from any other source - it needs appropriate checking and verification. During big news events, people will use social channels to publish doctored images and video. Just be wary. If in doubt, refer up to the Off Platform Editor.
- Do not use websites, i.e. Wikipedia, as the single source for research purposes. It may be necessary to check who is running a website or confirm with the appropriate entity or person that the information about them is correct.
- Links from RNZ’s digital platforms to third-party sites should be to credible material directly related to our piece.
- The establishment of a link must add value to our content and not damage RNZ’s editorial independence. Issues of commercialism, good taste and decency must be carefully considered. Where we are referring to reports and studies we should link to them.
- Take care in linking to external material which may repeat a defamation or create a situation where the audience can piece together information which may violate a suppression order.
- While RNZ commissions coverage and commentary from other agencies or freelance stringers for international stories, it does not accept reporting, as distinct from ‘expert’ analysis, from any non-news organisations.
- Releases from PR sources and vested interests should be carefully checked. Occasionally, RNZ will accept news coverage from another media group as part of “pool coverage” when circumstances restrict the number of journalists attending an event.
- We do not pay for information, as in “chequebook journalism”, but reasonable expenses for costs such as travel may be considered.
- RNZ has a zero-tolerance approach to plagiarism.
- Where information becomes available from a crime (including cybercrime), extreme care must be exercised and upward approval must be obtained prior to use. The purpose and manner in which the information became available will be relevant to determining whether an overriding public interest exists in its use by RNZ.

*[See Also: 3.17 Unreasonable Demands Upon RNZ; 5.13 Rewards for publication or non publication; 5.17 Gifts, payments and hospitality]*

## 27 Opinion

RNZ takes no editorial stand in its news or factual output. It has no views or opinions. In the coverage of issues we do not ourselves promote or denigrate any view, including those of minorities. Views are covered according to their news value and significance.

It is accepted that specialist reviewers, drawing upon their expertise in areas like music, film, TV, books, concerts, dance, art, technology and gaming, are able to express their opinions in these subject areas.

*[See Also: 5. Independence; 5.1 Independence, our approach; 5.2 Conflicts of interest; 5.3 Social Media; 5.4 Petitions; 5.5 Staff involvement in politics etc.]*

## 28 Personal Opinion

RNZ needs to offer the audience an intelligent and informed account of issues that enables them to form their own views. Staff will have opinions of their own, but they must not yield to bias or prejudice. To be professional is not to be without opinions, but to be aware of those opinions and make allowances for them, so that reporting is judicious and fair.

- Audiences should not be able to detect a presenter or journalist's personal views.

*[See Also: 5. Independence; 5.1 Independence, our approach; 5.2 Conflicts of interest; 5.3 Social Media; 5.4 Petitions; 5.5 Staff involvement in politics etc.]*

## 29 Informed Analysis

Some staff, including those with specialist knowledge, are able to offer analysis of events or opinions in which the event or opinion is placed in a wider context and the listeners given a clearer idea of the significance of the issue. But we draw the line at the expression of prescriptive comments, i.e. saying whether things are good or bad or telling the listeners what opinion they should hold.

## 210 Commissioned Opinion

Written opinion pieces commissioned from outside RNZ should always be clearly marked as such and include details about the contributor. As they are the contributor's opinions they are not subject to the above caveats. However, material must always meet our editorial standards.

Opinions expressed by guests in news and day-part programming need to be placed in the right context, with the necessary balance of competing views. Hosts must also be prepared to challenge them appropriately through the use of good research and questioning.

*[See Also: 3. Fairness; Balance and Diversity; 5. Independence; 5.2 Conflicts of Interest]*

## 211 Material affected by changed circumstances

Work prepared some time before publication should be checked to make sure it hasn't been overtaken by more recent events. It may require the addition of a simple note/announcement to flag up the most recent developments, further editing or, in the worst case scenario, the removal of some material. Particular care should be taken when posting pre-prepared material to social platforms.

## 212 Archival material

It should not be used in a way which would mislead audiences about people, issues or events. Particular care should be taken around the use of archived visual and audio material in more recent events. Labelling will likely be required.

- When re-using archive material we need to take into account the editorial policies in place now, not those under which it was made (they may be quite different).
- Archive material, including our online archive, should only be removed or amended in exceptional circumstances, for example, a successful defamation action against us, safety risks to individuals or a serious breach of our policies. It should be removed only under the guidance of the appropriate manager.
- When a change is made, this should be indicated to users unless there are exceptional reasons not to.
- Requests to remove social media comments or content should be granted only under the conditions above and in consultation with the appropriate manager.

## 213 Online polls

These are not scientific and are best avoided in our work.

*[See Also: 7.7 Opinion polls & 7.8 Straw polls]*

## 214 Dramatisations, factually based drama, comedy and satire

It is normal for the above, when involving real events and people, to have elements like characterisation, dialogue and atmosphere which may be fictional. Podcasts, for example, often use dramatisations to engage the audience and help tell the story.

What remains important is that the work is based on substantial and appropriately sourced material which keeps us from ignoring the known and major facts, including chronology. The most sensitive content will relate to living people and recent major events. It is important to clearly signpost this when using dramatic licence.

*[See Also: 4. Respect and decency; 4.4 Warnings and sign-posting; ]*



## 215 Correcting Mistakes

RNZ makes every effort to avoid errors but with so much content produced each day mistakes do sometimes happen.

- RNZ will not hesitate to correct an error when it is established one has been made. To do otherwise would inevitably lead to loss of credibility.
- Corrections will be made in a timely manner and in a form most suited to the circumstances and platform. For example, if a mistake is made in a news story filed online, a corrected version needs to be sent out as soon as possible. The error should be explained and a clear correction made.
- We should be transparent about any changes made, unless there are exceptional editorial or legal reasons not to.
- This is important not only for RNZ's direct audience but also the many partners who now use our content.
- Where an error is acknowledged, it's only fair to aggrieved parties to make the correction as quickly as possible.

In no circumstances should a piece be completely removed from our digital platforms without proper consultation with the Head of Content, Head of News, Head of Radio (audio) or Digital Editor. In all but the most extreme circumstances a correction of some kind will likely suffice.

*[See Also: 2.17 Complaints; 2.18 Formal complaints]*

## 216 Potentially Defamatory Inaccuracies

Where we may have published a potentially defamatory inaccuracy the appropriate senior staff must be involved and RNZ's lawyer consulted about the best course of action. No material should be unpublished or removed until guidance is received from the aforementioned. The best way to avoid such situations is to have material containing serious allegations vetted prior to publication. It is rare to have legal action ensue when a piece has been properly vetted.

*[See Also: 6. Legal considerations; 6.13 Injunctions and suppression orders; 6.16 ]*

## 217 Complaints

RNZ recognises the public's right to complain and to be treated with courtesy, irrespective of viewpoint. A complaint may be unnecessarily escalated if the complainant is treated discourteously.

RNZ reports internally and publicly the overall number of editorial complaints it has received and investigated, and the number of complaints it has upheld, to improve transparency and strengthen editorial performance. This also allows better scrutiny of complaints RNZ may have dismissed but which have subsequently been upheld by external regulators.

Being able to recognise, appropriately discuss, learn from and not repeat our mistakes is a crucial part of building and maintaining trust with our audiences and kaimahi.

- When dealing with complaints it is worth keeping in mind that they come from people who choose to use RNZ. Their feedback is important to us.
- If a complaint cannot be dealt with immediately then ask that it is put in writing. In the event of an abusive call, staff should hang up.
- Some complaints require no direct response. Those of substance should be followed up by the area concerned.
- The supervisor or manager should seek a written account of the circumstances from the people involved for a reply to the complainant.
- It is important anyone anticipating a response receives one promptly and the responsible RNZ manager advises staff of any decision.

## 218 Formal Complaints

Where a complaint is ‘formal’ the Broadcasting Act and Media Council rules require us to investigate and respond to the complainant. At RNZ this process is managed by the Complaints Co-ordinator in consultation with the relevant senior manager.

Formal complaints should immediately be passed on to the co-ordinator.

A decision to uphold, uphold in part, or not uphold should be based on the standards and practices contained in RNZ’s editorial policies and style protocols, irrespective of whether the case is eventually referred to the Broadcasting Standards Authority (BSA) or Media Council.

### Upheld complaints

This document is intended to be a simple guide to how we learn from complaints, particularly those we uphold, or which are found to be in breach of standards by either the BSA, Media Council or our own Editorial Policies.

### Basic principles

- Complaints are natural in our business. We should respect upholds and their lessons. While BSA decisions can be appealed to the High Court this is rare and only pursued with Editor-in-Chief approval. Media Council decisions cannot be appealed.
- It is a rare occurrence when kaimahi set out to intentionally make errors which have repercussions.
- That said, we are guardians of a vitally important relationship with audiences, which means we need to hold dear our editorial standards.
- It is incumbent on all to be open to giving and receiving feedback when there are issues.
- Training will be a vital component of what we do when there are issues.

### Upheld complaints

While conversations will have been ongoing throughout the complaint process, an upheld complaint should trigger the following:

- The Chief Executive is briefed, information provided to our communications team and details included in reporting to the board.
- The appropriate details are made available on our [corrections and clarifications page](#); this will cover details about complaints received and investigated, and how many were subsequently upheld, partially upheld or not upheld.
- The leadership team member/senior manager/Director Editorial Quality and Training should meet with those involved to discuss the findings, what they mean and how to address the situation, so it doesn’t happen again.
- Depending on the nature of the complaint, the lessons learned are shared with kaimahi via the right communications (i.e. in the regular messaging put out by Chief News Officer/Director Editorial Quality and Training/Chief Content Officer) or in discussion with the right people/teams; and/or get built into training.
- Any upholds should result in a consideration of whether our editorial policy remains fit-for-purpose.
- If it is also an employment issue the People team should be consulted about the appropriate course.

*[See Also: 2.15 Correcting mistakes; Appendix 2: Radio Code of Broadcasting Practice; Appendix 3: Media Council principles]*

## 2.19 BSA/Media Council

A dissatisfied complainant may seek a ruling by the BSA (a statutory body) if they are unhappy with RNZ's decision, or the Media Council (voluntary industry group). The one exception to this procedure is where privacy complaints can be made directly to the BSA.

Generally speaking, the BSA handles complaints about material which was published on our radio stations and the Media Council our digital platforms.

If the BSA upholds a complaint, penalties may extend from publicising its decision to ordering the broadcast of a summary, a correction, action costs or in more serious cases taking a broadcaster off the air for up to 24 hours. Failure to comply risks a fine of \$100,000. Compensation payments in privacy cases may be up to \$5,000.

Any party to a complaint can appeal against a BSA decision to the High Court.

The Media Council cannot order fines but we have to publish findings against us and make the necessary corrections.

*[See Also: 2.15 Correcting mistakes; Appendix 2: Radio Code of Broadcasting Practice; Appendix 3: Media Council principles]*

## 3. Fairness, balance & diversity

If we get this right the rest will follow. It is about openness and straight dealing by reporting the relevant facts and significant points of view. This has to be done through fair, ethical and balanced treatment of issues, events, people, institutions and audiences.

We must treat interviewees, sources and contributors justly and fairly, presenting a range of voices to help the audience understand issues and events of public importance.

RNZ's Charter tasks us with "fostering a sense of national identity reflecting and promoting ethnic, cultural and artistic diversity and expression".

### 3.1 Our approach

RNZ is committed to providing material of great diversity which reflects a wide range of our audiences' interests, beliefs and perspectives. This is a requirement for all our work.

- Balance should be achieved, where appropriate, within a single story/item/programme/podcast, etc. or otherwise within the period of current interest.
- It should follow the weight of evidence. For example, global heating is a recognised scientific fact which is supported by the weight of evidence. This means you don't need to provide false balance by presenting the opposing view.
- Balance requires determining how representative or widely held key views are.
- Ensuring that particular views are not over or under-represented.
- Balance may require considering what is adequate and appropriate for different content types, for example: news bulletins, current affairs, digital storytelling, panel discussions, interviews, satirical and entertainment content.
- Consider the degree of contentiousness of a particular story or issue. In pieces involving controversy or disagreement a fair voice must be given to the opposition view.
- Exceptions may apply for long-running issues where every side can't be reasonably repeated in every piece. Balance then comes from the diversity of views over time.
- When our work focuses on claims of malfeasance, inappropriate behaviour, or the facts reveal a damning critique of an individual or organisation those involved should normally have a right of reply.
- There may be times when there is editorial justification to proceed without it but these will be rare and require the approval of a senior manager.
- Where an appropriate representative of one side of the story cannot be reached, we should detail the fact in a simple and direct manner.
- A piece may be based on the personal view of an individual as long as the audience is made aware of the personal character of it.
- Context is important. We can help the audience further understand controversial issues and different viewpoints by the information and research we include in and around a piece.
- Staff should avoid overusing particular contributors, specialists or analysts.

### 3.2 Interviewees & Participants

RNZ's journalism is based on independence, impartiality, and transparency. All contributors to it should be treated with honesty, fairness and respect.

### 33 Informed Consent

Participants should normally be informed - before they contribute - of the general nature and purpose of their contribution. They should not feel misled, misrepresented, or exploited. This would likely include telling them:

- Where and when (if known) a piece involving them is likely to appear, with the normal qualifier that it is subject to competing editorial demands, etc.
- What their involvement is, i.e. are they being recorded for on-air use; having their photo taken; will they be quoted in a digital piece.
- That their contribution will likely be used across RNZ's platforms. If it is general, national/ political or sport news it may also be used by one of our partners.

Other things to note:

- We should not make a commitment we cannot keep.
- We need to tread carefully when an interviewee/contributor could be considered vulnerable and not in a position to give informed consent.
- This may include those with learning difficulties; the grief-stricken; the sick or terminally ill. In such cases, unless there is editorial justification to do otherwise, we should seek the permission of their guardian.
- On the rare occasions we seek comment from children it is not enough just to get the permission of their parent or guardian. We need to make sure we also consider the best interests of the child.

*[See Also: 2.4 Attribution & Sources; 2.11 Material affected by changed circumstances; 2.12 Archival material; 3.4 Right of refusal; 4. Respect & Decency; 4.22 Reporting grief and suffering; 6.22 Children; 6.24 Children as participants]*

As we owe due care to our sources, we also need to consider the impact on interviewees who are being asked to comment on material that may cause them harm or distress as a result. Factors that will need to be weighed include:

- The kind of editorial content involved.
- The level of an interviewee's involvement and their public position.
- Are they someone used to being in the media?
- Are there safety risks as a result of a piece?
- Is the individual being asked to comment vulnerable?
- Are there different cultural considerations we need to be aware of?

There will be times, in the public interest, where we may withhold certain information. This should be discussed with a senior manager.

When there are significant changes to a piece which may invalidate the basis on which a person gave their original consent we should make them aware. Reasons for doing so may include:

- Further research/other contributions have invalidated their original comments or dramatically changed the nature of the piece.
- The publication time of the piece has changed in a major way.

It is not, however, normal practice for us to withdraw or amend an interviewee/contributor's contribution prior to publication simply because they have had a change of heart. We should listen to, and consider, their reasons for wanting to withdraw their consent. Ultimately, we need to ensure there is sufficient editorial justification to proceed with publication against their wishes.

## 34 Right of Refusal

RNZ respects the right of individuals and organisations to refuse to participate. Consider the following:

- Where the audience may wonder why an individual or viewpoint is not represented it is appropriate to explain the absence simply and without prejudice.
- We should give reasons where they exist but refrain from speculating.
- Refusal to participate should not normally act as a veto on a story except where it invalidates the idea behind a piece.

*[See Also: 3.3 Informed consent]*

## 35 Right of reply

When our work focuses on claims of malfeasance, inappropriate behaviour, or the facts reveal a damning critique of an individual or organisation those involved should normally have a right of reply.

It is important to achieve balance and accuracy, plus an important test of the information we have been given. When approaching the subject of allegations for a reply we would normally share the following information:

- Enough detail of the allegations for them to provide an informed response.
- General details of the format and content of the piece.
- If known, when and where it will be published.
- A reasonable amount of time to respond.
- One contact with the subject of allegations is not enough.

We should avoid very short timeframes for replies to serious allegations. There must be strong editorial justification and the matter discussed with a senior manager.

## 36 Anonymity

In the majority of cases our preference is to name sources/contributors, but there are occasions when we will get information that is “off-the-record” or provided on an anonymous basis. This is justified if there is a clear public interest in the information being supplied, strong editorial reasons exist for doing so, for safety or legal issues. Among the points to be considered are:

- Why the source wishes to be anonymous and from whom, in particular.
- The extent of the anonymity being provided, i.e. they may agree to being filmed but in a way they are not recognisable.
- We should keep a record of conversations with anonymous sources but always take care to ensure they can't be identified from our documents/digital data/audio or video files. If we promise anonymity we have to be prepared to ensure it.
- Anonymity should be made clear in the material.
- Anonymity should not be provided without the permission of the Head of News, Content or Radio. It is important we test each case to make sure it is justified.

*[See Also: 2. Accuracy; 2.4 Attribution & sources; 2.5 Confidential sources]*

## 37 Interviewing without Consent and Doorstepping

Phoning someone live without prior agreement, or revealing after a call has begun that it is being recorded, is rarely acceptable. However, when a person crucial to an important story in the public interest has refused to comment or be interviewed on unreasonable grounds it may be necessary to confront and record/film/photograph the subject without their consent as a last resort. This should only be done with the approval of the appropriate manager and in the following circumstances:

- It is an issue of significant public interest, there is clear evidence of wrong-doing or a crime.
- It's clear the person has been avoiding questioning.
- It's essential to the balance and accuracy of a piece.

*[See Also: 3.8 Covert and Surreptitious Methods; 3.9 Secret recording for comedy & entertainment; 3.11 Recording in public places; 3.16 Public figures; 6.21 Privacy; 6.25 Children as subjects in stories; appendix 2 Radio code of practice; P76 privacy principles; Appendix 3 Media Council principles ]*

## 38 Covert and Surreptitious Methods

As a general rule, RNZ conducts its journalism and content-making in the open. However, there are occasions when it is acceptable for RNZ to investigate issues and record material in a more discreet manner. These may include:

- Where the safety of staff might be at risk if their role or activity was known.
- Where important information or material which is in the public interest cannot be gained by other means (particularly in the investigation of illegal, anti-social or fraudulent activity or behaviour, or significant abuses of public trust).
- As a way to conduct scientific, social or consumer investigations which are in the public interest.
- Where material cannot be gathered openly, i.e. places where local law or practice suppresses fundamental freedoms or seriously impedes responsible journalism.
- When investigating issues of serious anti-social or criminal behaviour. We must have prima facie evidence implicating those individuals being recorded, or a clearly defined group of people, e.g. home repair workers exploiting old people.
- Where overt recording/filming may significantly alter behaviour harming our ability to accurately capture reality.
- A senior manager must approve the use of such methods in advance.
- It is permissible for staff to record their own telephone conversations for note-taking purposes or to defend RNZ against possible legal action. Such recordings should not be published.

Covert or surreptitious methods should only be employed with due regard to their legality, fairness and invasion of privacy. Times where there may be heightened sensitivity include:

- Recording in a private place where the public would not normally have access.
- When people are grieving, under extreme stress or vulnerable.
- In medical situations or institutions.

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We do not:

- Go on “fishing expeditions”, secretly recording or filming on private property in search of crime or anti-social behaviour without prima facie evidence.
- RNZ will never plant an unattended device (a “bug”) on private property without the permission of the owner, or in the case of a tenanted property, permission of the tenant.
- No unattended device will be used for the purpose of recording/filming conversations to which the person making the recording is not a party.

*[See Also: 3.8 Covert and Surreptitious Methods; 3.9 Secret recording for comedy & entertainment; 3.11 Recording in public places; 3.16 Public figures; 6.21 Privacy; 6.25 Children as subjects in stories; appendix 2 Radio code of practice; P76 privacy principles; Appendix 3 Media Council principles ]*

### 3.9 Secret recording for entertainment, comedy and satire

It may be justified to use secret recording for the above if it is intrinsic to the outcomes of a piece. However, we need to avoid gratuitous invasions of privacy, causing distress or undue embarrassment. If people realise they are being recorded and want it to stop, we should comply. In addition, we should also:

- Obtain the consent of those featured before publication.
- If consent is not forthcoming and we intend to publish still, their identities should be obscured.
- If bystanders caught up in a recording can be recognised and they would suffer embarrassment as a result then they should be obscured.
- We should never aim to expose people to hurtful ridicule or to exploit them.
- We should give assurances regarding destruction of material recorded if requested.

### 3.10 Misrepresentation

RNZ employees and contractors should not misrepresent themselves or their purposes to gain information. However, there may be occasions when it serves a legitimate purpose for staff to seek information as an ordinary member of the public rather than in their professional capacity, for example:

- During investigation of schemes to defraud the public or during consumer investigations.
- They should never represent themselves as someone else.
- When entering countries to work for RNZ, people should normally be open about their purpose.
- Any proposal to work for RNZ overseas under a tourist visa in order to avoid visa restrictions should be referred to the appropriate senior manager.

### 3.11 Recording in Public Places

Some public places are actually private property to which the public has ready access, e.g. railways stations, public transport and malls. When considering secret recording/filming in such places staff should be aware of the laws regarding trespass.

People cannot expect the same degree of privacy in a public place that they do in their home and RNZ cannot guarantee that recordings made in public places will not cause people embarrassment; however, we should not embarrass or harass people needlessly.

*[See Also: 3.8 Covert and Surreptitious Methods; 3.9 Secret recording for comedy & entertainment; 3.11 Recording in public places; 3.16 Public figures; 6.21 Privacy; 6.25 Children as subjects in stories; appendix 2 Radio code of practice; P76 privacy principles; Appendix 3 Media Council principles ]*



### 3.12 Secret Recordings Made by Others

When RNZ is offered material covertly made by others the test that determines whether it should be used by RNZ is whether, under similar circumstances, RNZ would have felt it appropriate to make it. Such material must not be published without approval from the Head of News or Head of Content. It may also be referred to the Chief Executive / Editor in Chief. If material obtained in a manner inconsistent with RNZ's guidelines is of strong public interest it may be possible to report the content of the material without actually publishing the material itself.

### 3.13 Interviewing Code of Conduct

Interviews may be searching, sharp, sceptical, rigorous and challenging. The audience will accept and support such an approach where it is appropriate to the topic, the guest and the nature of responses.

However, interviewees must be treated fairly and with respect. RNZ makes a clear distinction between an assertive or persistent manner and that of rudeness or hectoring which is not acceptable and often counter-productive. Keep in mind the following:

- It is reasonable for interviewees to have the opportunity to respond to a question in their own words.
- While a direct question might seek a straight answer, an interviewee should be able to qualify their response if they seek to do so.
- Evasion and filibustering should be politely but firmly exposed once it is clear the interviewee is trying to avoid the issue.
- Interviewers must refrain from personal advocacy or giving any impression of bias whether through tone, inflection or careless wording.
- The way we interview is key to perceptions of RNZ's ability and effectiveness in uncovering critical and relevant information in an uncompromising, fair and credible way.

*[See Also: 5. Independence; 5.1 Independence, our approach; 5.2 Conflicts of interest; 5.3 Social Media; 5.4 Petitions; 5.5 Staff involvement in politics etc.]*

### 3.14 Honorifics

On air, RNZ uses honorifics such as Mr, Mrs or Ms in its references. The only exceptions are sports and entertainment figures (where informality is more appropriate). Online, honorifics can be removed as appropriate.

If someone has been charged with a crime we use an honorific. If they are found guilty we do not.

During news programme interviews presenters should be careful to address their interviewees with an honorific rather than using their first names. Referring to someone as "John" rather than "Mr Smith" could suggest bias or imply that they are not being asked the hard questions because of friendship with the interviewer.

*[See Also: 6.1 Crime and Court Reporting; 6.3 Identification 6.4 Innocence]*

### 3.15 Editing Interviews

When interviews are edited the interview must remain a true reflection of the original. Any music, sound effects or special effects should be used with care in order not to distort reality or make editorial comment.

*[See Also: 2. Accuracy; 2.3 Language, editing and live coverage]*

### 3.16 Public Figures

Prominent public figures must expect media attention when they become the subject of news stories, but the level of attention and coverage must be appropriate to the importance of the story. Our actions should respect the rights of public figures to a proper level of privacy. We should avoid causing undue harassment.

*[See Also: 6.21 Privacy; 6.25 Children as subjects in stories; appendix 2 Radio code of practice; P76 privacy principles; Appendix 3 Media Council principles ]*

### 3.17 Unreasonable Demands Upon RNZ

While RNZ should be reasonably open about its intentions in an interview, interviewees and other contributors sometimes make unreasonable demands. Staff should politely but firmly refuse any demand that could compromise their ability to work in an independent, honest, free and fair fashion. RNZ will support them in this.

Except in certain types of material, (eg, co-productions, music recording), RNZ will not generally accede to demands:

- To audition or approve any resulting piece for publication.
- To participate in the editing of material.

Generally RNZ will not accede to demands:

- To provide questions in advance (although we should outline the broad nature of an interview).
- To avoid question lines; RNZ must retain the right to ask, the guest is free to say 'no comment'.
- To give undertakings about precise forms of questions. Or to provide a copy of a story prior to publication.

Where, after careful consideration, RNZ determines it is appropriate to proceed with an interview under restricted conditions, those should be made very clear when the piece is published or interview conducted on-air.

RNZ will not accede to demands:

- To give payment for an interview (though it may assist with reasonable travel costs and expenses).
- To guarantee indemnity, legal support or assistance if what they say becomes the subject of legal action.

*Continues over...*

- To guarantee any publication resulting from a contribution; RNZ alone has the legal and editorial control and responsibility for what it publishes.
- Participants will not be granted the right to alter or veto any portion of our output. The responsibility for content cannot be transferred from RNZ, which is solely responsible for what it publishes.

*[See Also: 5.13 Rewards for publication or non publication; 5.17 Gifts, payments and hospitality]*

### **3.18 Censorship**

Where material has been affected as a result of submission to censorship from domestic or foreign authorities, it should be so identified.

There may also be cases where a producer or journalist has been hampered in pursuing, preparing or filing a story. Examples might include being subjected to coercive or threatening behaviour of any kind; being required to use a translator or other support staff supplied by a government or other body; denial of access to individuals willing to be contacted, or to a particular area; refusal by an agency to feed material on request. Where such restrictions are deemed to have had any serious effect they should be brought to the attention of the audience at the time of publication.

### **3.19 Embargoes**

It is not our policy to break embargoes, regardless of the individual or organisation from which they are issued. The embargo times and dates of such material are to be adhered to. Unless we have approval from the issuing organisation, our policy is not to pass on the contents of embargoed material in any way, to anyone.

But occasions will arise when an embargo cannot hold, these include:

- When it places RNZ at an unfair disadvantage in relation to other media or when it would be in the public interest to release the information ahead of the embargo.
- When an embargo has already been broken by other media or individuals. In such cases, a reporter or editor should go to the source of the embargoed release, explain what has happened and ask whether the embargo can be lifted.
- If the answer is no the matter should be referred to the appropriate senior manager for their decision.
- In the event that RNZ already has the story from its own sources we may decline to accept embargoed documents. We can then run the story in our own right and at a time of our choosing.

Cases in which RNZ has accidentally broken an embargo should be referred to the appropriate senior manager for guidance as soon as the mistake is realised. In the meantime, the story should be made less visible on our digital platforms and a mandatory HOLD put on the story for our other platforms.

There are occasions when embargoes are misused to silence or manipulate the media. Any such instances should be referred to the appropriate senior manager.

## 4. Respect and decency

Respect for the rights of others may call for careful handling of sensitive issues such as violence, sex, grief, race, religion, trauma, privacy and taste and the need to avoid stereotypes and other prejudicial content. Interviewees and others we deal with in the course of our work must be treated with due respect and decency.

Part of RNZ's role is to turn the mirror on society. At times, this will be confronting and challenging for our audience. We do not resile from this but our material should be platform and audience appropriate. We need to ensure RNZ content avoids creating indefensible offence. The greater the risk of causing harm or offence the more we need to consider our approach.

### 4.1 Our approach

RNZ is required by legislation to maintain "standards which are consistent with the observance of good taste and decency". These standards will change over time. What was offensive today may not be so in a year. Likewise, something considered inoffensive now may be so in the future.

Often this is broader than whether an item is OK for a specific audience. We also need to keep in mind the expectations of people who are not the target market, context, time of publication, the platform and signposting used will all play a part.

We do not publish material which is likely to offend our audience to a substantial degree. Material should respect and reflect the generally accepted values in society regarding such matters as vulgarity, profanity or behaviour.

To help deduce if you have the right context, think about the following:

- Material likely to be judged by the audience as being in bad taste must be justified by its editorial purpose and by the overall quality of the work.
- The likely expectations of the audience at the publication time should be considered.
- The platform on which the content is available. While we want everything to be suitable for all of our platforms, certain content types don't work on them all. The most obvious example is images.
- Other programmes or content available around the piece concerned.
- The likely size and composition of the potential audience and their expectations.
- The likely effect of a piece on audiences who may come across it unawares.
- There will be occasions when removing strong language, violence or sexuality would deny audiences access to events or reflections of reality which may contribute materially to their understanding of an event.
- The right of comedy, drama and the arts to challenge audience expectations and assumptions in creative, surprising and innovative ways must be safeguarded but circumstances must justify this.
- For 'on demand' material, context also includes the nature of access to the content, i.e. are measures in place to safeguard children.
- Signposting information will also be important. All non-news and current affairs video content will in the future need to carry an audience classification.
- Is a potentially offensive piece being published at a time children are more likely to be able to access it?
- Audiences should not be needlessly or gratuitously offended by what we publish.

## 42 Comedy and Entertainment

Comedy enjoys special licence, flourishing on departures from the norm. Even so it must be well judged, not gratuitous, unnecessarily cruel or designed to harm or humiliate a person or group. Comedy is not an excuse for repeating harmful or derogatory stereotypes and language.

*[See Also: 3.9 Secret recording for comedy and drama]*

## 43 Music

Daring music is part of our mix but the use of songs which feature strong language or explicit content dealing with drugs, violence, sex and discrimination will need serious consideration. This includes who is the target audience; where and when it is being played and the context around it.

In the event a piece is deemed too explicit, then where a radio version exists we can play it and, if appropriate, make clear that's what it is. We may also, where appropriate, edit music for programmes.

At night and in specialist music programmes listeners can be assumed to be capable of making informed choices about programmes supported by adequate signposting. Here the intended versions of music may find their place if they pass the quality test and are a genuine expression of artistic or popular culture.

*[see Also: 4.5 Offensive language; 4.6 Considerations for decisions regarding language; 4.8 Terms of racial abuse; 4.15 Live coverage]*

## 44 Warnings/signposting

Whenever content contains material that might be offensive to significant numbers - particularly children - cautionary announcements/appropriate signposting should be used. This includes digital material like video on demand. The exact nature of these will vary according to platform style. Consider the following:

- RNZ should ensure warnings give the audience enough information to decide whether they wish to continue with the piece or if it is suitable for their children.
- They should be clear and factual, neither urging the audience to leave nor daring them to stay.

*[see Also: 4.5 Offensive language; 4.6 Considerations for decisions regarding language; 4.8 Terms of racial abuse; 4.15 Live coverage; 6.22, 6.23, 6.24; 6.25 Children ]*

## 45 Offensive Language

While RNZ will make content which challenges our audience, we do not wish to offend them with gratuitous offensive language.

- The words “cunt”, “motherfucker”, “nigger” and “fuck” are not to be used in any circumstances other than those approved by a senior manager.
- In general, senior managers will not approve the use of “cunt” or “motherfucker”. The words “nigger” or “fuck” will only be approved in rare circumstances where context justifies it.
- RNZ discourages the use of strong or racist language and blasphemous terms when used as expletives.
- It is generally not appropriate for staff or contractors to use offensive language in material themselves.
- If in doubt, refer to the appropriate senior manager.

## 46 Considerations for Decisions Regarding Language

Strong language is less likely to cause offence where it does not surprise because warning is given, it is in context, it is not contrary to the expectations of the material’s target audience and does not appear gratuitous.

There are also occasions when language likely to offend listeners may be justified:

- Where editing would impair the integrity, significance or context of the information which is in itself important enough to justify publication.
- When excising strong language would deny audiences access to events or reflections of reality which may contribute materially to an understanding of the world in which they live.
- Where context and editorial merit justify its use.
- Shock value is not a justification.
- We should exercise special care in and around children’s material.

## 47 Offensive Language in News Stories

The use of offensive language can rarely be defended in statements we make, but may be defensible in actuality of newsmakers. We must justify inclusion by being able to say honestly:

- The story’s essence could not be told adequately without the use of the words.
- It is important to our audience that the story be told.

Staff must have editorial approval before filing stories containing offensive language. All such approvals should be indicated on stories filed.

## 48 Terms of Racial Abuse in News Stories

We must never use terms of racial abuse ourselves. Sometimes the use of such a word may be a story in itself and it is not for us to “clean up” the language of newsmakers. When quoting others’ use of these words we must clearly attribute the word and be sure that the quote is justified. If in doubt consult a senior manager.

## 49 Sex, Sexuality

Sex and sexuality are legitimate topics for staff who deal with them through discussion, reportage, reference and dramatic depiction. Any of these treatments can be appropriate if handled with integrity, sensitivity and without sensationalism. Where appropriate, RNZ informs the audience about such content in advance.

### 4.10 Gender

Society's approach to gender is continually evolving and we need to keep moving with it. Generally, we need to ensure, for example:

- There is a balanced selection of sources and stories which reflect the genders in society and the broader human experience.
- There is no use of stereotypes, nor gender-based assumptions.
- We don't attribute certain characteristics to different genders.
- We avoid language which describes someone as a mere appendage of their partner.

Using the right language is important to make sure we correctly reflect the lives of our audience and also to help others understand. Things to keep in mind:

- A person who identifies as a certain gender should be referred to using the appropriate pronouns.
- Avoid referring to or 'outing' a person's sexuality, sex characteristics or gender in content without their permission. If you're unsure which pronoun to use, ask the person how they identify and how they'd like to be addressed. When this is not practical use neutral language.
- Avoid mentioning a person's sexuality, sex characteristics or gender if it is not relevant to the story.
- When dealing with Rainbow Communities, kaimahi should be aware of what may cause offence.
- When using them/they pronouns for a person we do not explain to the audience the reason for using these.

### 4.11 Violence

The portrayal of violence needs careful consideration. RNZ does not wish to encourage aggressive behaviour, indifference or insensitivity. In factual work, violent scenes or events must be an accurate reflection of reality and appropriate to the context. Violence should never be gratuitous or presented in a way that distorts its validity or over-emphasises its importance.

Staff should take particular care when work involves:

- Domestic or sexual violence.
- Extreme or sustained violence.
- Any apparent encouragement or approval of violence.
- Suicide or attempted suicide.

Where content contains violent material likely to be disturbing to audiences, particularly children, a warning announcement is appropriate.

## 4.12 Sexual Violence

The portrayal of sexual violence should not imply approval or acceptability of sexual exploitation or degradation. Rape is assault and it is wrong to suggest otherwise.

Never use the word “porn” in association with charges relating to sex offences, i.e. it is not correct to say someone has been arrested on child porn/pornography charges. These are sex offences and use of the word minimises the impact.

*[See Also: 6.1 Crime and Court Reporting; 6.3 Identification; 6.10 Paedophiles/Sex Offenders; 6.15 Contempt of Court]*

## 4.13 Violence in News and Current Affairs

The inclusion of violent actuality in news should be merited by newsworthiness but with regard for the feelings of reasonable audience members, particularly if children may be listening to a broadcast. We need to take particular note of the use of graphic images and video. Here are some points to consider:

- Violent actuality should not be considered newsworthy for its own sake.
- To use disturbing sound and visuals we must be satisfied that it is genuinely important in helping the audience understand the impact of an event.
- We need to consider the cumulative effect on the audience of the continued or repeated use of graphic material. Keep in mind the context, platform and timing.
- Violence should never be sensationalised, but neither should we avoid or sanitise reality.
- Care should be taken by court reporters in how much detail is included in descriptions of particularly horrific or sickening evidence.
- The use of the most distressing images or strongest language in the ‘headlines’ at the top of a homepage, bulletin, general news output or as the thumbnail or homepage image needs approval from a senior manager. In most circumstances, it will not be considered appropriate.

*[See Also: 2.3 Language and editing; 6.1 Crime and Court Reporting; 4.22 Reporting grief and suffering; 4.24 Funerals; 4.23 Interviews with victims and the bereaved; 8. Extraordinary events]*

## 4.14 Violence against animals

Audiences, particularly children, can be distressed by images or scenes showing human violence, or the results of it, against animals. We need to carefully weigh up the context for using such images, video or audio.

## 4.15 Live coverage

When live on-air or online we need to be aware of the risks involved and take measures to reduce potential problems. Considerations include:

- Whether material with the potential to cause offence is appropriately scheduled.
- The ability of interviewees, contributors, guests and talent to sensitively discuss difficult or upsetting material.
- Our ability to correct or apologise when the strongest language or offensive material is inadvertently published or broadcast.

*[See Also: 2.3 Live coverage]*



## 4.16 Suicide

Portrayal and coverage of suicide may encourage further suicides and RNZ should be sensitive to this risk. Consider the following:

- The depiction of suicide in drama should be handled with extreme sensitivity; responsibility should be exercised to ensure that events do not encourage others to copy these actions.
- RNZ News does not cover suicides except in exceptional circumstances, e.g. the death of a high-profile public figure.
- Stories associated with suicides, e.g. the effects of a suicide on traffic and those regarding the general topic of suicide rather than individual cases, are legitimate.
- The law obliges us not to identify the victims or means of suicides occurring within New Zealand until a coroner's inquest has made a finding.
- At that point we can report a victim's name, address, occupation and that the death was self-inflicted. However, we would only do so in exceptional circumstances. Further details require permission from the coroner.
- We should beware of jigsaw identification: whereby our news, when connected with details from other news outlets, identifies a suicide victim.
- It has become common, and sensible practice, that when we do cover suicide we provide our audience with information about where they can find help should they need it.

*[See Also: 6.19 Coroner's Inquests.]*

## 4.17 Religious Sensibilities

While RNZ does publish material relating to and about religion, it does not hold to or promote any particular belief system or form of religious expression. We should also be sensitive to certain protocols applying to places of special sensitivity or importance for a particular group whether it be a mosque, a marae, church or synagogue. Keep in mind the following:

- People and countries should not be defined by their religions unless it is strictly relevant.
- Particular religious groups or factions should not be portrayed as speaking for or representing their faith as a whole.
- Staff dealing with religious themes should be aware of what may cause offence.
- Deep offence may be caused by profane references or disrespect directed at deities, scriptures, holy days and rituals which are at the heart of various religions.
- Religious belief and practice should be described sensitively, accurately and consistently.

Avoiding offence should not be confused with compromising or altering other key RNZ values such as impartiality, accuracy and respect for the truth.

## 4.18 Race and Culture

RNZ is required under the Charter to reflect New Zealand's cultural diversity including, importantly, Māori language and culture. RNZ content should give a full and fair view of people and cultures in New Zealand, reflecting and drawing on this diversity to reflect life as it is.

## 4.19 Portrayal of Race and Cultures

In portraying social groups, stereotypes must be avoided. While issues of race and culture must be handled with care, we also do not resile from our responsibility to report such issues factually and openly. Where prejudice, disadvantage or tensions exist we need to report and reflect them in our work, but we should do nothing to perpetuate them. Keep in mind the following:

- Ethnic cultures within New Zealand cannot simply be equated with the cultures of their countries of origin.
- RNZ does not refer to the colour, race, impairment, gender or age of individuals unless it is relevant.
- Race and colour may legitimately be used as part of a police description of an individual they are seeking, provided the use of these is not selective.
- We should ensure any identification by race or colour is both relevant and even handed.
- We avoid the use of expressions or language which assume our audience are all of one race or ethnic group or other category.
- When describing different groups a good rule of thumb is to ask how people describe themselves: there have to be good reasons for calling them something different.
- Where something being discussed is essentially Māori it is always appropriate to use Te Reo.
- RNZ Pacific staff will exercise particular sensitivity in avoiding expressions that may cause undue offence to its audience.

But avoiding offence to people of different cultures or other distinctiveness should not be confused with compromising or altering other key RNZ values, such as impartiality, accuracy and respect for the truth. Nor should it prevent the expression of genuinely held opinion in news or current affairs content presented in the legitimate context of a humorous, satirical or dramatic work.

## 4.20 Disability

We should avoid labelling people with their impairment or using negative language to describe disability. References such as “wheelchair-bound” and “invalid” are examples of negative disability language. Terms such as “schizophrenic” tend to label people as being, rather than having, a condition.

Our platforms and content creation should take into account the accessibility issues our audiences may face, and mitigate these.

## 4.21 Tragic Events, Death and Funerals

The reporting of death is a sensitive issue requiring careful handling. While death itself is a matter of public record, the grieving of relatives and friends is a matter of privacy which should be respected. Children in particular should be treated with great sensitivity.

*[See Also: 2.3 Language and editing; 6.1 Crime and Court Reporting; 4.22 Reporting grief and suffering; 4.24 Funerals; 4.23 Interviews with victims and the bereaved; 6.22 Children ; 8. Extraordinary events]*

## 4.22 Reporting Grief and Suffering

Coverage of personal grief may sometimes have a legitimate editorial purpose but must not be exploited for sensational effect or prolonged unnecessarily. Keep in mind the following:

- We should not record, film or broadcast a relative being informed of the death of a family member.
- We should be sensitive in recording and filming people who are extremely distressed.
- To justify the use of disturbing sound and visuals we must be satisfied that it is genuinely important in helping the audience understand the impact of an event.
- We need to consider the cumulative effect on the audience of the continued or repeated use of graphic material.
- Never refer to an individual's death as their "passing". People die, they do not pass.

*[See Also: 2.3 Language and editing; 6.1 Crime and Court Reporting; 4.22 Reporting grief and suffering; 4.24 Funerals; 4.23 Interviews with victims and the bereaved; 6.22 Children ; 8. Extraordinary events]*

## 4.23 Interviews with Victims, Witnesses and the Bereaved

Immediately after trauma and in early bereavement people may be in shock and not able to make rational choices about being interviewed or judgements about what they are saying. Great sensitivity should be exercised in deciding whether there is a public interest in seeking or using such comment. We need to be human and show compassion while weighing up our coverage. Keep in mind the following:

- People in a state of distress must not be put under any pressure to provide interviews against their wishes.
- We should not harass them with repeated calls, emails, texts, social media messages or door knocks if they decline to be interviewed.
- There needs to be good editorial justification for using graphic or intrusive material of suffering.
- Live coverage places particular demands around the quick provision of images, video and audio but these should not override our consideration for victims' suffering.
- The police or other authorities may arrange or offer bereaved people for interview. This involvement does not justify use of voyeuristic or profoundly distressing material. An important purpose must be served by publishing it.
- Children who have recently been victims of, or eyewitnesses to, a tragedy or traumatic experience should be interviewed only in exceptional circumstances
- Such interviews should always be conducted in the presence of a parent or guardian.
- We will not, without editorial justification and approval from a senior manager, make next of kin aware of a relative's death or injury from our reporting. They should be told by the relevant authorities.
- Take special care when naming NZ victims overseas. Names can be released by authorities overseas before any information has reached next-of-kin. Again, discuss with a senior manager first.

## 4.24 Funerals

- While the approval of families is not required for media coverage of funerals, good reasons are needed if the wishes of the family are to be ignored.
- Coverage of a funeral service, however, does require the approval of the family.
- We should always ensure that funerals are covered sensitively and should avoid intrusive conduct. Staff would not normally be expected to go to the graveside.
- In general the same approach will apply to a Māori funeral ceremony or Tangi.
- Where this occurs on a marae then permission to enter must be sought in the usual way. A marae is private property. There may be restrictions on where media representatives are allowed.
- When using scenes of extreme distress or suffering explaining the circumstances in which they were gathered may help prevent offence.

*[See Also: 2.3 Language and editing; 6.1 Crime and Court Reporting; 4.22 Reporting grief and suffering; 4.24 Funerals; 4.23 Interviews with victims and the bereaved; 6.22 Children ; 8. Extraordinary events]*

## 5. Independence

This is central to our integrity and credibility. It demands staff or contractors not be influenced by pressures from political, commercial or other sectional interests or by their own views or activities. There must be no external interference in the presentation or content of our work or any improper influence brought to bear internally. It is fundamental to our independence that RNZ's editorial values and decision making processes are generated and managed internally. RNZ alone has the legal and editorial responsibility for what is published.

*[See Also: 2.7 Opinion; Appendix 1, 2 & 3]*

### 5.1 Our approach

Staff are not permitted to accept any form of external funding or assistance, except in special circumstances free of obligation and where a major news or cultural event would otherwise not be satisfactorily covered. For example, flights with the military to peace keeping zones or cyclone devastated areas.

- RNZ provides a vast array of material, free of sectional interests. It pursues issues of public concern through considered and persistent journalism.
- RNZ's reputation for impartiality and objectivity is crucial. RNZ is in the public eye and audiences must be able to trust the integrity of our work.
- RNZ takes no editorial stand in its news or factual output. It has no views or opinions.
- In the coverage of issues we do not ourselves promote or denigrate any views. Views are covered according to their editorial value and significance.
- It is accepted that specialist reviewers, drawing upon their expertise in areas like music, film, TV, books, concerts, dance, art, technology and gaming, are able to express their opinions in these subject areas. *[See Also: 2. Accuracy]*
- We must not give undue prominence to products, services or trademarks, though we can refer to and credit them where it is editorially justified.

### 5.2 Conflicts of Interest

Our audiences need to be confident the outside activities of staff do not undermine RNZ's impartiality or credibility and editorial decisions are not influenced by any commercial, political or personal interests.

- Conflicts of interest can arise for anyone who has responsibility for making or publishing content.
- There may be particular sensitivities concerning on-air talent.
- It is important that no external activity, including writing or presenting for others, the giving of interviews, making of speeches or use of social media, leads to any doubt about objectivity.
- If staff publicly express personal views on controversial issues, then their RNZ role may be severely compromised.

It is particularly important that staff do not in any public forum:

- State how they vote or express support for any particular party.
- Express views for or against any policy which is a matter of party political debate.

*Continues over...*

- Advocate any particular position on an issue of controversy or debate.
- Exhort a change in high-profile public policy.

*[See Also: 2.7 Opinion; 3.13 Interviewing Code of Conduct ]*

## 53 Social Media

Everyone who works at RNZ must ensure their actions online do not compromise its reputation or integrity. As an independent public media organisation, RNZ strives to set the highest standards of impartiality, independence and civility in debate, whether in person or online. News, current affairs and content creators, factual journalism production, those with an audience facing role, or acting in such a role, have a particular responsibility to ensure their use of social media does not compromise the perception of or undermine the impartiality, independence and/or reputation of RNZ.

If ever in doubt - refer up to your manager.

### Best practice:

- When posting about breaking news, do not cite anonymous posts on social media though feel free to use them to guide investigations.
- Attribute information and be clear on what has been confirmed and what has not.
- Do not spread rumours. Be sceptical and careful when reposting; photographs and vision especially can be manipulated. Do not repost anything you have not read fully.
- Especially with breaking news, post and repost as if what you are saying or passing along is information you would put on air or in an online story on an RNZ platform. If it would not stand up in either of those contexts, do not share it on social media.
- Step carefully when it comes to opinion - if you advocate for any particular cause or issue and you are called on to do a story on something relating to it, will you be able to? Do not share anything on social media that undermines your ability to be effective at work.
- If you're making contact with a source by social media, make sure they're aware what is on the record and what isn't.

If you are using something someone has said online in a story- except in very rare cases (breaking news or in a situation of exceptionally high public interest, for example) - ask permission to quote them.

Taking someone's comment off an open Facebook page and using it verbatim should be a last resort. However, the accepted convention as confirmed by the Media Council in 2023, is that it "is reasonable for media to use images published on public social media".

<https://www.mediacouncil.org.nz/rulings/ruling-by-the-new-zealand-media-council-in-the-complaint-of-sandra-goddard-and-kobe-oneill-against-the-herald-on-sunday/>

"It is best practice to seek permission first, but also that it is naive to think public posts can be treated as private. Posting an image on Facebook is like pinning an image to a physical noticeboard; it is in a public place and therefore will be seen by others. It is not unethical for the media to also publish such images."

Embedding posts/Instagram pictures is preferable to using them directly. Otherwise ask permission to use them - especially in cases where copyright is not clear.

### Crisis Management

Every official account must have a plan for what will happen in the event of:

- The account being hacked.

- A message being posted which is factually incorrect, or legally inappropriate.
- Something editorially inappropriate is inadvertently posted.
- In the event of a civil defence emergency, who will post and what.

Your manager and the Social Team Lead should be notified as soon as possible. As always, if in doubt, refer up to your manager, or a senior manager.

There are times on Facebook when a post gets so toxic it becomes impossible for staff to protect the community from racist and offensive comments, or from the spread of misinformation. If staff are unable to stay on top of moderating these types of comments, it is acceptable and in the public interest, to remove the post from Facebook.

We should try to anticipate these types of posts and be proactive in minimising the harmful comments they may attract. You should refer up any specific incidents immediately and contact Social Team Lead.

## Harmful Communications

No one is required to deal with harmful (racist, sexist, homophobic or other objectionable) communications as part of their job. If you are receiving direct messages, emails, phone calls or other communication that worry you, there is a process to follow for dealing with Harmful Digital Communications:

- Talk to your manager or producer and together decide whether you wish to give the offender a warning or block them completely.

If you decide to send a warning, use the wording below:

*RNZ has a strict policy on harmful digital communications. RNZ will not tolerate or accept communications that are considered threatening, harassing, intimidating or have the potential to cause harm or distress.*

*Any further communication of this type will be blocked by RNZ and may be referred to Netsafe New Zealand or other appropriate authorities.*

*Information on the Harmful Digital Communications Act can be found here:*

<https://netsafe.org.nz/what-is-the-hdca>

If you're completely blocking someone for an abusive or intimidating digital communication, use the wording below:

*RNZ has a strict policy on harmful digital communications. RNZ will not tolerate or accept communications that are considered threatening, harassing, intimidating or have the potential to cause harm or distress.*

*Your ability to further communicate with RNZ has been blocked and your communication may be referred to Netsafe New Zealand or other appropriate authorities.*

*Information on the Harmful Digital Communications Act can be found here:*

<https://netsafe.org.nz/what-is-the-hdca>

- Send any warned or blocked content to the central inbox of HarmfulDigitalComms@rnz.co.nz (this is an important step as messages often self-destruct after a few days) for an assessment of further action e.g. do we need to escalate any to Netsafe or the Police?

*[See Also: 2.7 Opinion; 7. Political coverage]*

## **54 Petitions**

Editorial staff must not sign, promote or endorse any public petition.

## **55 Staff Involvement in Politics**

To maintain editorial integrity it is vital staff not only avoid actual conflicts of interest but also the perception of a conflict of interest.

- All staff should be aware of the perceived conflict of interest which would arise from membership of a political party.
- Any RNZ staff member considering standing for office in a national or local election must talk to their senior manager first.
- You will be asked to go on leave without pay effective from the announcement of your candidature.
- You should not reference RNZ in any promotional material used for election purposes which would suggest the company endorses your candidature.

*[See Also: 2.7 Opinion; 7. Political coverage]*

## **56 Public Engagements and media training**

It may be appropriate for RNZ staff to speak publicly at conferences or to interested bodies about our work. Staff may also be asked to chair an event or speak in a general capacity. On such occasions, staff must:

- Obtain prior approval from their senior manager in the first instance. Advice may also be sought from the Chief Executive and Editor in Chief.
- Separate approval must be sought for each engagement.
- Payment for such work may be acceptable - depending on what the engagement is related to.
- It is not permitted for staff or contractors to train individuals or organisations in how to present themselves to the media.

## **57 Outside Commitments and Relationships**

The greater the level of responsibility, the greater the need to avoid any possible conflict of interest. RNZ should be satisfied that everyone involved in editorial decisions and content making is not identified with inappropriate outside commitments. The principles apply equally to staff or freelancers.

In a nutshell, the outside activities of staff - including financial, personal and political relationships - must not compromise RNZ's editorial integrity.

- News and current affairs presenters should not front campaigns for charities or similar bodies which lobby for outcomes.



- Staff involved with news and current affairs content should not endorse a particular product or service.
- Makers of factual output asked to play themselves in fictional work risk damage to their own and RNZ's reputation. Requests to do so must be referred to your Head of Department.
- Voluntary public roles without a political connection, such as a school board membership or justice of the peace are normally OK as long as they are declared and discussed with a senior manager.

## 58 Associations with Other Media

As a general rule RNZ employees may not work, on a paid or unpaid basis, for other media organisations without prior discussion and approval by the appropriate department head. The Chief Executive may also be consulted. In some circumstances, management may authorise such outside work if there is a recognisable benefit to the company, such as enhancement of the company's image in the community. For example, it may be deemed suitable for RNZ's Political Editor to take part in a discussion on TVNZ about the role played by journalists during an election campaign.

## 59 Secondary Employment

All staff who have any secondary employment outside RNZ, or monetary interest in another media organisation, must declare such employment and/or interest and gain approval from their senior manager and Chief Executive. All staff who wish to have such employment and/or interest in the future must gain approval from their senior manager and the Chief Executive. Failure to do so could result in disciplinary action. RNZ staff are strictly prohibited from engaging in secondary employment which:

- Is conducted during their RNZ working hours.
- Involves the use of any RNZ equipment or facilities or
- Involves the use of RNZ's intellectual property.

*[See Also: 5.12 Shareholdings & investments]*

## 5.10 Casual Staff and Independent Contractors

RNZ accepts that it cannot restrict the work undertaken by casual staff and independent contractors when they are not being employed by RNZ. All casual staff and contractors are, however, required to declare any external employment or other activities which might constitute a conflict of interest with their RNZ duties.

- RNZ reserves the right to decline or discontinue the employment or engagement of any casual staff member or independent contractor where it considers a conflict of interest exists.
- Casual staff and contractors may not use intellectual property, branding and related matters derived from their association with RNZ in external contexts without the consent of a senior manager.

## 5.11 Intellectual Property & Business Methodologies

All work produced by employees or contractors remains the sole property of RNZ. RNZ is entitled to any copyright, patent, trademark or any other intellectual property rights arising from material, inventions, ideas or processes developed, unless there is a prior written agreement stating otherwise.

*[See Also: 5.20 Attribution of RNZ Material; 5.21 Partnership Projects; 6.29 RNZ and Copyright;]*

## 5.12 Shareholdings & investments

Shareholdings and large investments should be declared by all staff if they are in any way connected with the area in which they work or the subject matter which they cover. The area of most sensitivity is financial and business journalism.

- People working in business programmes should register all their shareholdings and other financial interests or dealings.
- On no account must early information acquired in the course of RNZ work be used to trade ahead of the markets (insider trading). It is illegal and unethical.
- Staff with large property investments - i.e. in excess of five homes or commercial property interests - should declare these.

## 5.13 Rewards for Publication or Non-Publication

In no circumstances are employees to solicit or accept personal payment, gifts or benefits associated with the publication or non-publication of a story. This includes hospitality, travel, accommodation and entertainment.

*[See Also: 3.17 Unreasonable demands on RNZ; 5.13 Rewards for publication or non publication 5.17 Gifts and payments;]*

## 5.14 Funding

RNZ is committed to its Charter responsibility to publish freely and fairly in all areas across its platforms and does not enter into any external funding agreements which may compromise editorial independence. RNZ is resourced by public funding and does not accept any form of external commercial funding or sponsorship in relation to its content on its platforms.

RNZ, on rare occasions, may accept funding support from other publicly funded organisations to assist in our activities. We should be very wary though, as just because it's public funding doesn't mean it is provided without an attempt to exert influence.

Such funding support will be accepted only where:

- The content is consistent with the Charter objectives of RNZ.
- RNZ retains absolute editorial control; and
- Such arrangements are publicly transparent through appropriate acknowledgement.
- We must be absolutely sure such funding would not result in claims of bias or influence in our work.

Examples of such arrangements include funding support from the New Zealand Parliament for production of "Today in Parliament".

## 5.15 Promotions and Advertising

We are free of commercial messages and their possible implications is one of the major points of difference between RNZ and other media. It must be protected. No promotional activity can be taken by RNZ which undermines the integrity and values of our brands. Our own platforms are strictly non-commercial and mention of products or services, other than our own, is to be avoided wherever possible.

## 5.16 Products and services in our coverage

We will inevitably report on/review/investigate, etc. products and services in our work. Often this will be related to consumer-focused journalism or through content like book, music, technology and film reviews. What we must avoid is giving any product, service or trademark too much prominence. Context is always important in determining what is appropriate.

- References to products, services and trademarks (and the brands and catchphrases associated with them) should be editorially justified.
- Favourable descriptions must be editorially justified. Outside of consumer/review material we do not detail prices and availability.
- If reviewing a product or service we should review a range from different suppliers.
- We may accept copies of books, albums and other digital products for review.
- People reviewing cultural events, i.e. concerts, theatre, ballet, may accept review tickets but doing so never guarantees any particular outcome.
- We do not accept products or services of significant value.
- Output designed for children should avoid product references.
- No staff member is permitted to endorse or be involved in the promotion of any non-RNZ products and services. Any exceptions should be referred to the Chief Executive.
- When employing casual staff or contractors, managers should establish that they do not have any existing commercial arrangements which may be a conflict.

*[See Also: 3.17 Unreasonable demands on RNZ; 5.2 Conflicts of interest; 5.13 Rewards for publication or non publication 5.17 Gifts, payments & Hospitality]*

## 5.17 Gifts, Payments and Hospitality

The practice of accepting gifts, payments or hospitality via work-related activity can create both actual and perceived conflicts of interest and may harm RNZ's credibility. Although some gifts are relatively trivial, such as a token mug or souvenir calendar, others may have substantial value. Staff are expected to maintain a high standard of professional and personal integrity in the performance of their duties and to carry them out in a fair and impartial manner at all times. This includes:

- Not giving preferential treatment to any person or organisation with which they are involved.
- Not taking actions which could be seen to influence or be influenced by their personal interest.
- Not accepting substantial gifts, payment or hospitality from contacts or people who represent them or who may become contacts or newsmakers.
- Small promotional gifts may be accepted, however, any gift (including hospitality) must be declined if more than of a modest nature.
- Acceptances of such offers must be free of obligation and must not influence, or appear to influence, subsequent editorial decisions.
- No payment associated with the publication or non-publication of a story (including reimbursement of costs) is to be accepted under any circumstances.
- The acceptance of gifts, entertainment, favours, personal discounts and other simple gratuities must be declared to the appropriate senior manager.

## 5.18 Prizes and Giveaways

RNZ may accept minor items such as books or tickets to entertainment events from commercial organisations to be used in competitions or giveaways. The acceptance of such items must never influence any editorial decision, however, and such arrangements should always be transparent. RNZ does not accept nor offer cash prizes.

## 5.19 Offers of Travel

No RNZ employee is to accept an offer of travel inside or outside New Zealand without getting the approval of their senior manager and Chief Executive and Editor in Chief.

- Events are not to be covered solely or mainly because of the availability of subsidised travel.
- Under no circumstances will there be any external influence on work resulting from any subsidised trip.
- Where approved assistance is provided, it should be clearly recognised in the material. For example, work assisted by the Asia Foundation is always acknowledged as such.
- RNZ content made outside News and Current Affairs, may widen this beyond travel assistance to facilitate important stories within the context of meeting Charter obligations. All assistance must also be non-commercial and free of obligation. Where substantial assistance is given, this should be acknowledged appropriately.

*[See Also: 5.13 Rewards for publication or non publication 5.17 Gifts, payments & Hospitality]*

## 5.20 Attribution of RNZ Material

RNZ has dozens of deals with other outlets allowing them to use some of our material with appropriate attribution. The rules for these partners are part of the contractual arrangements put in place. For a complete list please consult the Head of Content or their designated manager. Outlets which don't have a formal agreement with RNZ should only be using material on a fair use or fair dealing basis or approaching us for permission. Under these circumstances they should give the appropriate credit to RNZ. Approval for RNZ material to be used by non-partners must be given by a senior manager.

## 5.21 Partnership Projects

As a general principle RNZ's involvement in publishing, music production, shared content or other joint projects will only be considered if they support Charter objectives, reinforce the RNZ brand, enhance our work and meet editorial and company policies. There must also be appropriate acknowledgement of RNZ and its role in the project.

## 5.22 Linking to External Sites

When providing links to or recommending other websites, or embedding social media posts, staff need to be conscious of the content and nature of those sites. RNZ's digital platforms should only provide links and embeds aimed primarily at providing factual information.

Links must never be provided in return for a consideration of any kind.

RNZ will not provide links:

- To any site whose primary purpose is selling products or services.
- From RNZ pages aimed at children to websites designed to sell to children.
- To sites that promote illegal or violent behaviour unless there is a compelling editorial reason to do so. Suitable warnings must be posted.
- To a political party's site unless the site itself is the subject of a story.
- To commercial or fundraising sites except where the target site provides new or additional information to a story. However, the mention of a company or fundraiser's name in a story, in itself, will not be justification.
- We do not link to petitions.

*[See Also: 2. Accuracy; 2.6 External sources]*

## 5.23 News Stories Involving RNZ

Stories about RNZ are reported in the same way as others. However, because of the difficulty for the audience in distinguishing between our reporting and statements by RNZ on its own behalf, very careful attention should be paid to accuracy.

- News judgement on any story about RNZ must be based on its significance to our audience, not its significance to our staff.
- All stories about the company should be referred to the appropriate senior manager before publication.

## 6. Legal Considerations

RNZ is subject to all of the laws of the land. From our crime and court coverage, to privacy, defamation, the OIA and copyright - there is much legislation we need to understand and work with. This is a part of good journalism. If you strike an issue or need advice please refer up to a senior manager.

### 6.1 Crime and court reporting

As in any other factual area, we need to report crime in a way which not only gives our audience details of significant events, but also throws light on issues.

We should try to increase understanding of crime, and the underlying reasons behind it, with the aim of enabling people to make informed decisions about public policy and their personal circumstances. Stories in the media may add to people's fear of becoming victims of crime even when, statistically, they are very unlikely to be so.

It is against this background we need to judge our reporting of crime and ensure such coverage is kept in proportion.

### 6.2 Our approach

- Coverage should never include material likely to incite people to criminal acts.
- We should not provide detailed descriptions of the skills or tools which could be used to commit a crime unless editorially justified.
- There will be times when it is in the public interest to report extreme views. This should be done in the right context with the appropriate challenge and counter views.
- Remember to think carefully about the accuracy and suitability of language when reporting crimes. Crime is dramatic enough when it is described factually. Avoid colourful or glamorising language, clichés and unnecessary adjectives.
- Probes into criminal or anti-social behaviour involving secret recording, deception or intrusion must be editorially justified. Approval is needed from the Gads of News and Content. The Editor in Chief would need to be consulted.

*[See Also: 3.8 Covert and surreptitious methods; 4.11 Violence]*

## 63 Identification

Care should be taken before identifying the victim of a crime. Publishing the victim's identity often only adds to grief, anguish and trauma.

- We must not identify victims of sexual offences unless the court rules otherwise.
- We can NEVER publish the name of the accused in cases of incest or when they are the guardian of the victim.
- We are also prohibited from publishing details of a witness in a criminal case who is under 17.

*[See Also: 6.15 Contempt of court; 6.25 Children as Subjects of Stories; 4,23 Release of names]*

When a person featured in our work is involved in criminal or anti-social behaviour we would normally reveal their identity. However, there are instances where we may disguise their identity, including:

- Legal reasons, i.e. a suppression order; defamation.
- To publish a name would create safety concerns for them or others.
- Protecting sources.
- Publication of their name would not be proportionate to the wrongdoing. This decision should be referred to a senior manager.
- Archive material is being re-used and to identify the person again is unfair.
- There is a clear public interest in publishing material but this couldn't be achieved without keeping those involved anonymous.

*[See Also: 2.5 Confidential sources; 3.6 Anonymity]*

## 64 Innocence

A person is presumed innocent until proven guilty in a court of law. The fact someone is under police investigation does not by itself prove a person has committed a crime. In accordance with this principle, defendants should not be referred to by only their surname by RNZ until they plead guilty to a criminal charge or are found guilty by the Court.

## 65 Alleged Crime

The word "alleged" is over-used, over-rated and often misunderstood. Use of "alleged" does not offer the extensive legal protection it is credited with. It should be used sparingly and only where other tidier mechanisms cannot do the job. Adequate and careful sourcing and writing is often all that is required. Words and phrases like "suspect", "police believe" and "eyewitnesses say" all convey something that, although unproven, has enough basis in fact to be reported.

It is not an "alleged stabbing" when someone has knife wounds nor an "alleged robbery" when we know that a bank has lost thousands of dollars to a gun-wielding robber. If someone is charged with a crime then report what charges they are facing, rather than say they are alleged to have committed that crime.

## 66 Interviewing Witnesses

When conducting news interviews with people who have recently witnessed a crime, staff should be aware of the possibility of a court case in the future and the prospects of a fair trial. Particularly important will be how imminent a trial is. Keep in mind the following:

- “Witnesses” include defendants and victims.
- Witnesses would not normally be interviewed once proceedings are underway and until the verdict has been delivered.
- We should record and keep our interviews with witnesses to help protect them and us against any claims of undue influence or coaching.

*[See Also 6.11 Sub judice]*

## 67 Naming Police Who Kill

RNZ observes the convention among mainstream media organisations that it will not name police officers who use lethal force in the course of duty, unless there are compelling reasons to do so in the public interest, prior to any official findings by investigating authorities.

## 68 Accompanying Police on Operations

Police and other services sometimes allow groups of journalists to accompany them on particular operations such as drug raids. There is a clear public benefit in seeing the operations carried out, but there are risks too. The event may be aimed principally at gaining favourable publicity; it may offer only partial access to a wider operation and coverage may risk making the media appear part of the operation itself. Under no circumstances should any RNZ staff member agree to conditions which surrender editorial control. Approval from a senior manager is needed before staff join police on operations.

## 69 Demonstrations and Civil Disorder

Demonstrations or civil disorder are legitimate news events but they can be manipulated by elements playing to the media, particularly to cameras and on social media.

- We need to take great care when considering providing preview coverage of planned demonstrations. It must be editorially justified and not simply a promotion of an event. Factors to consider would include risk of disruption to the public; the likely size of the protest; the importance of the issue it focuses on and previous coverage relating to it. A senior manager should be consulted first.
- Care should be taken to ensure that we cover the crux of the story as well as the more unruly and noisier elements.
- The issues and those involved should be clearly identified early in the piece.
- Staff should avoid involvement and should seek a safe vantage point in the event of violence.
- Police do not have the right to prevent journalists carrying out their lawful business. All lawful instructions from police should, however, be followed.
- Where they unreasonably interfere with your job, speak to the senior officer present and inform your office.

Crowd size is often contentious. If figures from the police and organisers are widely different, quote both. The lead-up to a demonstration may warrant news coverage but we should avoid any perceptions of promoting it. RNZ News value judgements apply.



## 6.10 Paedophiles/Sex Offenders

When paedophiles and other sex offenders have served their sentences and been released, strong passions can be aroused in the communities they live in. RNZ has a responsibility to report such matters where there is a clear public interest, while at the same time avoiding possible incitement and unjustified infringement of privacy.

- If it becomes editorially relevant to report on the release of a sex offender, then it will be perfectly reasonable to name the town or city where they are living.
- But we should not give addresses or details as this may provoke vigilante action.
- Any story that is published should include contextual information regarding the record of the offender and the circumstances and reasons for their release.
- Interviews with paedophiles and sex offenders should be a rare occurrence and will need strong editorial justification. They cannot take place without the permission of a senior editorial manager.
- As with any criminal, editorial staff should think through ways of minimising the distress any interview may cause victims and their relatives.

[See Also: 6.15 Contempt of Court; 6.22 Children]

## 6.11 Sub Judice

The *sub judice* rule means we should not publish anything which could interfere with court proceedings or likely court proceedings.

- Once a person has been arrested or charged we must not give any details or background which may prejudice a fair trial.
- In the case of a retrial, care should be taken not to mention anything from the first trial or to refer to it as a retrial.
- Any breach of this rule may be dealt with as a contempt of court for which there are a wide range of penalties, including imprisonment.
- The consequences of a breach of *sub judice* can include having to move the trial, discharging the jury or even abandoning the case.

There are, however, rare times when we may wish to consider publishing further material, beyond the basic information, ahead of a trial.

The additional factors which will come into play here will include:

- How far off the trial is; its location; whether the accused's name or other elements of the case are already suppressed; the nature and relevance of the material; the extent of the reporting which already exists and where it is to be published.
- In these instances the Heads of News and Content must be involved and legal advice sought from our counsel.

Technically, a case is still *sub judice* after sentencing while there remains an opportunity to appeal.

## 6.12 Requests for Unpublished Material

On occasion requests will be made to RNZ for access to unpublished material, e.g. by the police as part of a criminal investigation.

- RNZ will not voluntarily allow access to unpublished material when doing so could endanger people who work for the company or when it could make it more difficult to gather such material in the future.
- When approached for access to such material, staff should always refer in the first instance to their appropriate senior manager. The Heads of News and Content need to be informed immediately.
- Any request for access to material which could point to the identity of a confidential source will be refused.
- RNZ will oppose any court application for an order granting access and, if such an application is granted, will consider an appeal to higher courts.

In many situations the media can operate only by virtue of being neutral observers. All these situations may involve danger for RNZ people. The danger may increase if those being recorded regard us as agents of authority who will automatically surrender any material they have recorded.

RNZ's editorial integrity could be damaged if other organisations and individuals are allowed access to unpublished material for their own use, e.g. such material should not normally be released to organisations for training and public relations purposes.

## 6.13 Injunctions and Suppression Orders

Injunctions are a type of restraining order made by a court, e.g. to prevent the reporting of a story. Sometimes they are interim, meaning that the Court has yet to consider the full case. Anyone, whether individuals or organisations, can seek an injunction if they think their interests or reputation are about to be damaged by our work. Applications are often associated with claims for breach of contract or breach of confidence and may sometimes be sought for defamation.

- It is essential staff dealing with highly contentious subjects, or with people or organisations with a history of litigation, are alert to the possibility of injunctions and maintain excellent notes and recordings of interviews and research.

Similarly, courts have the power to suppress the name of defendants or witnesses appearing in court, or other details before the Court. Sometimes, people are given interim name suppression to allow time for them to tell their relatives details of the charges they face and sometimes name suppression is permanent, for example when to name someone would place them in danger.

- When orders are permanent caution is required in reporting details of convictions long after a case is concluded.
- Reporters must be satisfied they are aware of any suppression orders in the case they are covering as breaches are viewed seriously by the courts.
- If you do violate a suppression order please inform a senior manager immediately.
- Orders are sometimes sought outside court hours and we may have little or no warning. They can be granted and enforced at night or at the weekend.

## 6.14 Injunctions Against Other Media

Care should be taken when there is an injunction against another part of the media preventing their publishing certain information. If we publish the same material we might be in contempt of court. If in doubt, talk to the Heads of News and Content.

## 6.15 Contempt of Court

Contempt of court arises if an action or statement gives rise to a substantial risk the course of justice will be seriously impeded or prejudiced. There are some well established categories of contempt underpinned by the need to preserve respect for the courts. They are:

- Disrespect of a judge or a court.
- Inaccurate criticism.
- Imputation of bias, favouritism, improper motive.
- An attack on the Court as an institution.
- A suggestion the court/judge is susceptible to pressure.

RNZ should never criticise the court or a judge, but this does not preclude us publishing reasonable criticism by others, e.g. victims or others involved in a case.

Areas of contempt include:

- Reporting Family Court and Youth Court proceedings except with a judge's permission and without naming or identifying.
- Naming of sex crimes without the Court's permission.
- Naming the accused in incest cases (as this may lead to identification of victims).
- Naming witnesses in criminal cases if they are under 17.
- Naming someone ordered to provide blood for analysis in relation to a crime.
- Information pertaining to a case between when a suspect is charged and their first court appearance.
- Details of an accused's criminal record or anything which might be used in evidence or any details of complainants.
- Communicating with or identifying jury members during or after a trial.
- Repeating what is said in court in the absence of a jury.
- Reporting what a judge has forbidden to be reported.
- Speculating about the verdict in a case.
- Publishing material which could prejudice the conduct of a case.
- Mentioning previous convictions or other charges not currently being tried before a verdict has been reached.

If a case is actively before the courts or likely to be before a court, contempt will be an issue.

*[See Also: 6.1 Crime and Court Reporting; 6.11 Sub Judice ]*

## 6.16 Defamation

If we publish anything that damages the reputation of an individual, group or company we may be defaming them. It doesn't matter who says it or is quoted, if it's on our platforms we carry the risk.

Any publication which may place RNZ at legal risk such as contempt of court or defamation must be referred upwards to a senior manager. All complaints of defamation to staff should be referred to the appropriate senior manager immediately.

There is no one common definition of what constitutes defamation. We can defame when we say something tending to injure an individual's reputation or cause a company financial harm. The courts have applied the following tests to determine if a statement is defamatory:

- Reduces a person in the eyes of right thinking people.
- Causes a person to be shunned or avoided.
- Exposes a person to hatred, ridicule or contempt
- Injures them in their office, profession or trade

There are a number of defences to defamation including:

- Truth.
- Honest opinion (based on stated true facts).
- Privilege
- Public interest

## 6.17 Privilege

There are two types of privilege. Absolute privilege applies to a live broadcast/or live coverage of the proceedings of Parliament. A lesser, or qualified privilege, applies to the fair and accurate reporting of Parliament and Select Committees, all courts, coroners' courts, tribunals and similar bodies and official inquiries, local authorities, official statements and documents published under government authority, e.g. a Royal Commission of Inquiry.

Privilege in these instances is lost where it can be proved that the publication was made for an improper purpose or was motivated by ill will, spite or a desire to injure the complainant. If in doubt seek guidance from the appropriate senior manager.

## 6.18 Public Interest

The public interest defence applies when the subject is one of genuine public interest and the publisher has communicated the matter responsibly.

- Matters of public interest are not confined to publications on political matters.
- The subject matter should be one inviting public attention, or about which the public has some substantial concern because it affects the welfare of citizens, or one to which considerable public notoriety or controversy has attached.
- It is also not necessary the plaintiff be a public figure.
- It is not necessary to find a separate public interest justification for each item of information. It is the thrust of the publication as a whole.

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Responsible communication is assessed having regard to all the circumstances of publication, which may include:

- The seriousness of the allegation — the more serious the allegation, the greater the degree of diligence required to verify it.
- The degree of public importance and urgency of the matter — did the public’s need to know require the defendant to publish when it did.
- The reliability of any source.
- Whether comment was sought from the plaintiff and accurately reported — this has been described as a core factor because it speaks to the essential sense of fairness the defence is intended to promote.
- The tone of the publication.
- The inclusion of defamatory statements which were not necessary to communicate on the matter of public interest.

## 6.19 Coroner’s Inquests

Inquests are generally held in public. But a Coroner may prohibit publication of any evidence or part of proceedings on the grounds of justice, decency or public order.

## 6.20 Suicide

Strict rules govern what may be reported in relation to suicide. If there is reasonable cause to believe that a death that occurred in New Zealand was self inflicted, we cannot report the method of death or any detail that suggests the method of death without the Chief Coroner’s permission. Until a coroner has completed a certificate of findings the death may only be referred to as a “suspected suicide”.

*[See Also: 4.11 Violence; 4.16 Suicide ]*

## 6.21 Privacy

Privacy issues and how they impact on reporting can be a contentious issue for the media. We, along with other media, are subject to the regulatory provisions of the Broadcasting Act.

Under it, the Broadcasting Standards Authority administers the Radio Code of Broadcasting Practice by which formal complaints may be made against broadcasters for breaching principles, including those covering privacy, for which they can be penalised if upheld. There are eight privacy principles applying to broadcasters.

In addition, RNZ is also a member of the Media Council and subject to its privacy principles relating to online material. *[See Appendix 2, 3]*

- Privacy in the broadest sense means being left alone. RNZ respects the right of people to privacy.
- While public figures are more open to scrutiny, they still have a right to expect privacy unless wider public interest overrides this.
- The law protects an individual against the disclosure of private facts where that disclosure is “offensive and objectionable to a person of ordinary sensibilities”.
- Public facts may become private again over time, i.e. a criminal conviction.
- We should not publish private facts that destroy someone’s seclusion or ridicule or

*Continues over...*

denigrate them.

- We should exercise particular care and discretion before identifying relatives of persons convicted or accused of crime where the reference to them is not relevant to the matter reported.
- Those suffering from trauma or grief call for special consideration.
- Audiences have a right to information about public figures which is relevant to their office or functions.
- We should be cautious in reporting the private lives of public figures.

Nevertheless the right of privacy should not interfere with publication of significant matters of public record or public interest such as public safety or health.

## **622 Children**

RNZ seeks to act in the best interest of children as listeners and participants and subjects. Under this policy, we regard a child as being under 16.

## **623 Children as Listeners**

In considering matters of taste and decency RNZ recognises the need for special care in and around children's content. We note that children find violence in realistic settings more upsetting than in fantasy settings, e.g. fairy tales are less upsetting than stories of domestic violence or violence to pets.

- Cautionary announcements/signposting should give information to help parents decide whether content is appropriate for their children.
- In our material for children we do not wish to conceal the real world from them.
- Children's content should be relevant and not impose adult concerns and expectations about children's behavioural standards upon them.

## **624 Children as Participants**

The views of children are legitimate and, if possible, should be sought on issues which affect them, rather than interviewing an adult to speak on their behalf.

However, before significant participation in our work by children happens consent should be gained from them and their parents, guardians or those responsible.

- We should interview children with care. Children are often open to suggestion and can be led in questioning.
- Young children may have difficulty in distinguishing reality from fantasy.
- Teenagers cannot always distinguish truth from hearsay and gossip.
- When dealing with dangerous or illegal activity involving children (eg, drug taking, prostitution), staff should consider being accompanied by an independent agency during any contact with the children.
- On the occasions we seek comment from children it is not enough just to get the permission of their parent or Guardian. We need to also ensure it is in the best interests of the child.

## 625 Children as Subjects of Stories and Content

RNZ is obliged by law to protect the privacy of children involved in legal cases. Proceedings of the Family Court or the Youth Court may only be published with the Judge's permission but with a strict prohibition on identifying young people or their guardians or any other information (such as their school) which may lead to their identification. We cannot identify witnesses under 17 or the victims of sexual crimes.

In interviewing adults about their own life or activity we must be careful they do not directly or indirectly identify any children as victims of sexual crimes.

*[see Also: 4.21 Tragic events; 4.22 Reporting grief and suffering; 6.1 Crime & Court Reporting; 6.10 Paedophiles/Sex offenders; 6.15 Contempt of Court; 6.21 Privacy; 8. Extraordinary events]*

## 626 Copyright and Permissions

In New Zealand, the copyright law is covered in the Copyright Act 1994. Copyright protects original works and allows copyright owners to control certain activities relating to their material.

- Copyright can exist in original works such as in books, music, broadcast, video, cable and film.
- Generally, it does not protect information, ideas, schemes, techniques or styles.
- Individuals can research material, facts or ideas from various sources to write about a topic.
- It's only when someone copies another individual's words or structure that a potential breach of copyright could occur.

RNZ staff should have a good working knowledge of the laws relating to copyright and the exemptions that apply to their work. If in doubt, seek advice from a senior manager. For further information, see RNZ's copyright policy on The Source.

## 627 Copyright Exemptions

Copyright protection does not apply to certain government works like:

- Parliamentary bills; acts of Parliament; regulations; bylaws; parliamentary debates; Select Committee reports; court and tribunal judgements; reports of Royal commissions; commissions of Inquiry; ministerial inquiries or statutory inquiries.

The Copyright Act exempts from liability certain acts which would otherwise be breaches of copyright. This is because there are certain occasions when a person is allowed to copy some of another's work due to considerations such as the wider public interest.

They also include:

- Limited copying for educational purposes.
- "Fair dealing" for the purposes of criticism, review, news reporting, research or private study (see Fair Dealing below).
- Reporting current events.
- Recording/video excerpts (small pieces only) made for the reporting of current events or broadcasting.
- Public reading or recitation.

Generally, copyright lasts 50 years from the end of the calendar year in which the author / performer dies. Any queries should be referred to the Support Services Manager.

## 628 Plagiarism

Plagiarism ( the use of another person’s ideas, work, words, etc. as one’s own) is not tolerated by RNZ.

## 629 RNZ and Copyright

RNZ is subject to numerous contractual obligations covering both our own and others material. These obligations are often complex. It can never be assumed that simply because we have a recording we are permitted to publish it – even if it is our own.

- Material produced by RNZ staff is the property of RNZ. However, before material is used by others its copyright status should be checked.
- RNZ employees do not have the right to supply external parties with any material without permission.
- But staff can provide a copy of a piece to a contributor for non-commercial use, subject to the normal copyright and legal restrictions.
- In an instance where someone wishes to use an image, video or audio clip for commercial purposes please refer the request to the Support Services manager.
- At times, RNZ will sell material to other media outlets and entities where it is appropriate.
- No RNZ employee may supply a complainant with a copy of any item broadcast.
- Any such request must be referred to the appropriate senior manager for consideration as part of the normal RNZ procedure for handling complaints.

*[See Also: 3.17 Unreasonable demands; 5.20 Attribution of material to rnz]*

## 630 Fair Dealing or Fair Use

Copyright does not exclude all forms of copying or re-publishing. The Copyright Act sets out some exemptions to infringement which allow some uses of copyright material without permission.

The most notable exceptions for us in using other copyright material are fair dealing for criticism or review and fair dealing for reporting the news.

## 631 Review and Criticism

You can use copyright material for the purpose of criticism or review without breaching copyright, provided the author and title of the work are credited and use is “fair”.

The criticism or review can also use material, or sound bites, relating to previous works by the same author, e.g. a movie reviewer can use audio clips from other films as well as the one they are reviewing.



## 632 Reporting the News

Copyright material can be used in reporting news where it is part of the story and as long as the author and title of the work is acknowledged. It can't be used for its own sake - it must be part of a broader news package.

- This has to be “fair use”. The courts have not formally ruled in this area but the industry in NZ has agreed that, for example, the most you can take is 80-90 seconds from an 80-minute rugby match or less than 30 seconds from a music track.
- It follows, for example, that if you wish to use footage or audio from someone else's news report you will be using a very small amount - if a news report was three minutes long you'd only be able to use around 10 seconds.
- Fair dealing does not allow the taking of still images without permission nor the use of written stories.

## 633 Music

Music can generally be used under RNZ's APRA and RIANZ agreements. However, there are exceptions.

If you are unclear on how the Copyright Act applies to a particular situation contact our Support Services manager.

Our music agreements forbid the parody of music without permission from the author or recording label.

*[See Also: Appendix 4]*

## 634 Use of RNZ Logo, Company Name or Brands

RNZ's logos and brands are respected and valuable assets and it is important that their usage is centrally coordinated to ensure RNZ's public image is managed in line with the company's overall strategic policies. The use of RNZ's name, logos and other registered trademarks is strictly controlled. The following guidelines apply:

- RNZ logos and brands may only be used by third parties with the approval of the Graphic Design Team Leader, RNZ Product and Development.
- RNZ's brands or logos can never be attached to any product, service or outlet which threatens the editorial independence or integrity of RNZ and its commitment to the Charter.
- All issues and requests in this area must be referred to the Graphic Design Team Leader, RNZ Product and Development.

## **635 Official Information Act**

The Official Information Act (OIA) can be used to obtain information from most government and local body organisations. It is an important tool in a journalist's armoury. You can read the Act here: <http://www.legislation.govt.nz/act/public/1982/0156/latest/DLM64785.html>

Because RNZ is a Crown-owned Entity, the OIA can be used by others to discover information that RNZ holds. It is important to remember that everything recorded and written (including reporters' notes, though it would be exceptional for these to be requested and released) counts as information and can be discovered by others under the OIA unless there is a legitimate reason to withhold. This includes work-related emails and discussions via Teams, WhatsApp and other social media platforms

It is a fundamental principle of independent journalism that confidential sources will be protected. RNZ will not divulge confidential sources and will support its staff in protecting their sources.

## **636 Security Intelligence Service Act**

The Security Intelligence Service (SIS) Act prevents publication identifying any member of the New Zealand SIS (other than the Director), or anyone connected with a member of the Service (eg, wife, mother, father, husband). The provision does not apply to the reporting of proceedings in Parliament.

It is also a contempt of court to reveal more detail than this when reporting a court case involving evidence from, or personnel connected with, the SIS.

We may not report an account of any evidence or proceedings before the Commissioner of Security Appeals unless that information is also revealed in Parliament.

## **637 Smokefree Environments Act**

RNZ is subject to the Smoke-free Environments Act (SEA) which prohibits the publication of any "tobacco product advertisement". In practical terms, RNZ must not broadcast material which encourages the use, or notifies the availability, or promotes the sale of any tobacco product.

## **638 Promotion of Liquor**

RNZ adheres to the Promotion of Liquor Code issued by the Broadcasting Standards Authority. RNZ should avoid advocacy of excessive liquor consumption and must not encourage drinking by people who are under age.

*[see Also: Radio Code of Broadcasting Practice: Promotion of Liquor p.]*

## 7. Political Coverage

Legislation guarantees RNZ's independence from political interference. RNZ has authority to exercise complete editorial control over all of its output. By law and in practice, neither the Government nor Parliament can directly intervene, although accountability for the expenditure of public funds is sought through the parliamentary process.

The flipside is we must be beyond reproach when covering politics - our impartiality and independence should never be in question. It means, as with all our coverage, we must ensure we assess the significance and news value of political statements following our key editorial principles of balance, fairness and accuracy.

### 7.1 Our approach

The following considerations help us to decide whether to run any particular story:

- The news value of the action being taken by a party or political entity.
- The chances a specific proposal will be enacted.
- The level at which the party is polling and its consequential potential impact on the country.
- Whether a political party already has elected members.
- Whether the community would be denied important information if the item was not run.

Our task is to achieve uncompromising coverage of the political scene while remaining clear of any perceptions of partisanship or bias. It means:

- We must endeavour to give sufficient weight and coverage to the main points of an argument and to the relevant parties or entities.
- This should happen in the appropriate timeframe so due balance is achieved.
- We also need to keep in mind that politics and campaigning is not just the realm of "parties".
- We should apply the same approach to the many groups and individuals who contribute to the broader political debate or lobby for outcomes.

Sometimes we may ask politicians to take part in content which is not political, i.e. a music or cultural piece to discuss their tastes. In such instances the matter should be discussed with the political editor first, before an invitation is extended, to ensure it is appropriate given the political climate of the day.

### 7.2 Election Coverage

RNZ is committed to contributing to democracy through the reporting of free and fair elections, backgrounding and analysing the issues so a well informed electorate can make reasoned choices.

## 73 Balance

At election time we rely on the news judgement of our journalists and editors who must ensure that attention is given to a thorough examination of the views, policies and campaigns of all the main political parties.

The way in which we achieve due balance among the various parties, groups and individuals will vary depending on format, output and platform. Deciding the necessary levels of coverage is about good and impartial editorial judgment rather than a tally of stories.

- We must ensure reasonable efforts are made to present significant points of view either in the same piece or others within the period of current interest.
- During election time this period is shorter than usual. For example, if one party is announcing a tough new approach on law and order we need to chase reaction from other parties as soon as possible.
- RNZ's needs to be able to editorially justify and defend decisions relating to campaign coverage. Balance and fairness need to be kept firmly in mind.
- Special care needs to be taken with vox pops, emails and social media posts during an election campaign. Due journalistic rigour needs to be applied.
- Staff should be alert to organised campaigns by parties and pressure groups, including via social media.
- Under electoral law there's a ban on any political story on election day - including coverage of exit polls - until the polls have closed.

*[See Also: 5. Independence; 5.1 Our approach; 5.2 Conflicts of interest; 5.5 Staff involvement in politics]*

## 74 Editorial Independence

All political parties will seek to influence editorial decisions at election time. Staff must not allow themselves to be intimidated. Politicians should be assured that any complaints will be dealt with in accordance with RNZ's standard complaints procedures.

*[See Also: 5. Independence; 5.1 Our approach; 5.2 Conflicts of interest; 5.5 Staff involvement in politics]*

## 7.5 Election Unit

During an election campaign, RNZ News will typically set up a unit to coordinate coverage. It will be responsible for any further guidelines specific to that election cycle. The team will include people with a broad range of skills and experience from across our many content types and platforms.

Part of the team's responsibilities is to help ensure the coverage is as balanced as possible during the course of the campaign. Again, this is about sound editorial judgment and being able to justify decision-making.

## 7.6 Social Media

Staff should clear with their manager any social media posts, letters to the editor or other media if they deal with any political, public policy or controversial issue, including views on news relating to RNZ. We need to take particular care during election campaigns.

- If approved, these must be clearly marked as being from a private individual, not as an RNZ representative or staff member.
- Your approach to social media needs to be well considered in the context of your role. If you are commenting on subject matter you are likely to cover then you are compromised.
- Comments on people who feature in your work; colleagues; the work of other media outlets and your views on issues need to be approached with extreme caution. They should be avoided.
- Your general tone on social platforms will impact people's view of how much they can trust your work at RNZ. It is very hard for people to separate the two.
- Do not respond to baiting or "trolling" of your, or RNZ's, work on social media. If you believe there is an issue then discuss it with your manager first.
- It's about protecting yourself as much as RNZ; comments can quickly snowball.
- As a general rule of thumb, never say anything you wouldn't be prepared to say to someone in a public forum or polite conversation.
- Do not break news on your social media accounts before filing to the newsroom. There are a number of good reasons for this: our platforms have larger audiences; work needs to be checked; you work for RNZ not your own brand.
- If in doubt, stop typing immediately and seek advice.
- If you can't adhere to the guidelines we will ask you to stop using your social accounts for anything that could relate to work produced by RNZ.
- Please refer to the RNZ Social Media Policy for fuller social media guidelines

*[See Also: 2.7 Opinion; 2.8 Personal opinion; 5. Independence; 5.1 Our approach; 5.2 Conflicts of interest; 5.5 Staff involvement in politics]*

## 7.7 Opinion Polls

Opinion polls should always be treated with great care, but particularly during election campaigns when parties or pressure groups may try to target undecided voters by creating a poll-driven bandwagon effect.

- When reporting on an opinion poll, remember to say who carried out the poll, who commissioned it, how and when it was carried out, the number of people questioned and the margin of error.
- Draw attention to events which may have had a significant effect on public opinion either before or after it was done, for example “The poll was carried out last Wednesday, before the party announced ...”
- Poll results are often interesting because they show a trend in voter intention, but polls which defy the general trend without convincing explanation should be treated with caution.
- Be particularly wary of polls based on insignificant samples or where the methodology doesn’t allow comparison with earlier polls.
- Do not use language which gives greater credibility to the polls than they deserve: polls “suggest” but never “prove”.
- When reporting poll results, remember that they refer only to those people surveyed, not the population as a whole.
- We should not rely solely on the people who carried out the poll or organisation which commissioned it to provide an interpretation of the results.

## 7.8 ‘Straw Polls’

Whether these are conducted on the street, by phone, text, social media or online votes, have no statistical or numerical value and we should not report them.

*[See also: 2.13 Online Polls]*

## 8. Extraordinary Events

### Major Disasters and crisis; VIP deaths

RNZ has a special role to play as a lifeline utility (we're mandated by legislation) in times of major disasters and crisis. For example, in an event such as an approaching tsunami, an agreement with the Ministry of Civil Defence and Emergency Management provides for the publication of special alerts to ensure urgent and timely information reaches communities that may be under threat.

This arrangement does not impinge on the independence, role and function of RNZ news and current affairs.

Our reporting will provide people with the information they need to survive. At such times, it's even more important RNZ provide accurate and sensitive coverage.

We must also take care of each other. RNZ has plans in place for how to deal with certain kinds of disasters in different locations. For example, in the event of a major earthquake in Wellington, the Auckland newsroom can take over operations without staff based in the capital putting themselves in harm's way. Staff should familiarise themselves with plans.

### 8.1 Our approach

During these events we need to ensure:

- Our journalism does not put the public at additional risk of harm.
- It does not place our staff in life-threatening situations.
- We do not re-traumatise victims via our questioning or approach.
- We correctly report and attribute the facts. Numbers of those dead or injured can vary wildly, so we need to use the most trusted sources. Where there is a range we indicate as such and update regularly, making clear to the audience it is a rapidly changing situation.
- Tone and language is appropriate when reporting loss of life and suffering.
- We will not, without editorial justification and approval from a senior manager, make next of kin aware of a relative's death or injury from our reporting. They should be told by the relevant authorities.
- There must be good editorial reasons for using very graphic pictures, video and audio. Always refer up before publication.
- All of our content should be kept under review at such times to avoid publishing material which may be insensitive in the aftermath, this includes podcasts, comedy, drama, music and trails.

*[See Also 4.21, 4.22 Tragic events; Grief and trauma]*

## 82 Terror attacks; kidnapping; hostage taking; hijackings

RNZ's reporting of the above should be timely and responsible, keeping to the forefront our need to be accurate and not sensationalise coverage. During these events the language we use is very important.

- We should not use the terms “terrorist”, “terror attack” or “terrorism” without attribution. For example, during the Christchurch terror attack we did not use the term until it was referred to as such by the prime minister and emergency officials.
- We can use words which specifically describe the person responsible, i.e. “bomber”, “attacker”, “gunman” or “kidnapper”.
- We should try and give basic details as quickly as possible i.e. location, time, etc. so people can understand whether the event impacts them and their loved ones.
- We do not publish the perpetrator's manifesto; live or pre-recorded footage; postings, writings or diatribes. A decision to do so needs the approval of the Editor in Chief.
- We do not interview a perpetrator(s) live on air or engage with them online.
- The publication of any demands must be in context and can't be done without the approval of the Editor in Chief or, in their absence, the Head of News, Content or Radio.

During such events we cooperate as far as reasonably possible with authorities. In reporting the event some details may require sensitive handling to avoid tipping off the terrorists, making the job of negotiators more difficult or endangering lives.

In terrorist situations the media and police (with the backing of anti-terrorist authorities) have agreed on the following principles:

- Information of public interest will be released to the media without unnecessary delay, unless there are compelling security or public safety reasons not to do so.
- Best endeavours will be made to provide as much information as possible without compromising the operations of officials working to resolve the incident.
- Operational decision-makers will be made available to provide comment.
- Authorities to be notified of any contact between media and terrorists. Any request for withholding publication of such information will be most seriously considered, with involvement from the Editor in Chief.
- With the exception of the Emergency Powers Act, relating to the anonymity around operational personnel, editorial control will remain with news media editors.

## 83 News Blackouts

Circumstances such as civil disorder, terrorist incidents, sieges or hostage taking may prompt a police request for a news blackout. This must be referred to the Heads of News, Content and Radio and the Chief Executive and Editor in Chief.

- Although compliance with such a request will never be taken lightly and must be fully justified, it will be seriously considered, especially if lives are at stake.
- In the event of a blackout, our staff will continue on the job so that we can publish the story as soon as possible after it is lifted.

*Dangerous circumstances, where lives may be at stake, call for responsible actions and reporting as well as mandatory upward referral to the most senior available manager. At all times, the safety of victims and staff is paramount. We must not do anything which places them or our people in harm's way.*



## 84 Going live/cancelling scheduled material

Live coverage should be incorporated into our platforms proportionate to the significance of the event. It is easier to start live coverage as soon as possible and row back than wait and miss the boat. Our role is to provide information to the audience, who will start coming to us immediately.

- Where appropriate, and with the involvement of the Heads of News, Content and Radio, or their representatives, normal scheduled programming and work should be suspended and replaced by live rolling coverage.
- If they are not contactable then the senior staff on duty should make the call. Again, it's easier to row back than to start late and on the back foot.
- It is OK if different platforms start live coverage at different times, but for the benefit of our audience we should aim to begin as soon as possible and leverage the work being done across RNZ.
- Music programming may also be interrupted and point to more detailed news coverage provided by National and our digital platforms.
- All programming on Concert, in consultation with the Heads of Music and Radio, may also be suspended with the network simulcasting the rolling coverage.
- Examples of VIP deaths which may trigger the above include figures like the Queen, Prince Charles and Prime Minister of the day.

## 85 Threats and hoaxes

- If we receive a credible and specific threat we should first pass it to the appropriate authority.
- We should not reveal security details or sensitive information not widely in the public domain which may assist an attack.
- Threats against individuals are not normally covered unless they have a public effect, i.e. the cancellation of a public appearance.
- We do not normally report events which turn out to be hoaxes unless they have had a public impact, i.e. major traffic delays; lots of people being evacuated.

# The RNZ Charter

## 7A The Charter - Purpose

*As an independent and commercial free public service broadcaster, RNZ's sole purpose is to serve the public interest.*

- (1) Freedom of thought and expression are foundations of democratic society and RNZ as a public service broadcaster plays an essential role in exercising these freedoms.
  - (a) RNZ fosters a sense of national identity reflecting and promoting ethnic, cultural and artistic diversity and expression.
  - (b) RNZ provides reliable, independent and freely accessible news and information.

## 7B The Charter - Delivery

- (1) In achieving its purpose RNZ will endeavour to provide services of the highest quality which:
  - (a) are predominantly and distinctively of New Zealand;
  - (b) inform, entertain and enlighten the people of New Zealand;
  - (c) are challenging, innovative and engaging;
  - (d) foster critical thought, informed and wide-ranging debate thereby contributing to greater tolerance and understanding;
  - (e) stimulate, support and reflect the diversity of cultural expression including drama, comedy, literature and the performing arts;
  - (f) stimulate, support and reflect a wide range of music, including New Zealand composition and performance;
  - (g) reflect New Zealand's cultural identity, including Maori language and culture;
  - (h) provide awareness of the world and of New Zealand's place in it;
  - (i) provide comprehensive, independent, accurate, impartial and balanced regional, national and international news and current affairs;
  - (j) balance programmes of special interest with those of wide appeal recognising the interests of all age groups;
  - (k) contribute towards intellectual and spiritual development;
  - (l) include an international service to the South Pacific in both English and Pacific languages;
  - (m) take account of services provided by other broadcasters;
  - (n) take advantage of the most effective means of delivery;
  - (o) preserve and archive broadcasting material of historical interest;

*Continues over...*

## **7C Charter Performance**

- (1) RNZ must, as part of its annual report, report on its performance against its Charter as measured by :
  - (a) annual research relating to its current audiences; and
  - (b) research conducted from time to time, including people not in its current audiences; and
  - (c) the measures, if any, it has taken in response to those results.

## **7D Charter Review**

- (1) The Charter shall be reviewed by the House of Representatives at intervals of no less than five years since the completion of the previous review.

# Radio Code Of Broadcasting Practice

## Preamble

Under the Broadcasting Act each broadcaster is responsible for maintaining in its programmes and their presentation standards which are consistent with:

- a) the observance of good taste and decency;
- b) the maintenance of law and order;
- c) the privacy of the individual;
- d) the principle that when controversial issues of public importance are discussed, reasonable efforts are made, or reasonable opportunities are given, to present significant points of view either in the same programme or in other programmes within the period of current interest.
- e) any approved Code of Broadcasting Practice applied to programmes.

The Act also established the Broadcasting Standards Authority (BSA) which is responsible for administering the standards regime. The Act describes how the BSA is required to encourage broadcasters to develop and observe appropriate Codes of Broadcasting Practice.

This Code, the Radio Code of Broadcasting Practice, has been prepared by the Radio Broadcasters Association on behalf of commercial broadcasters and RNZ. It aims to ensure compliance with the law, prevention of misleading or deceptive practices and social responsibility.

Fundamental to broadcasters and to the BSA's activities is the right to freedom of expression which is referred to in the New Zealand Bill of Rights Act 1990.

## **Grounds for a Formal Complaint**

Formal complaints allege that the broadcaster has failed in its responsibility to maintain one or more of the following broadcasting standards set out in Principles 1 to 9 below.

In determining complaints, emphasis will be placed on the Principles and the spirit and the intentions of the broadcasting standard which each Principle incorporates.

Each Principle has guidelines which are included to assist viewers, broadcasters and the BSA in applying the Principles to specific complaints.

Formal complaints must first be made, in writing, to the broadcaster concerned within 20 working days of broadcast. The one exception is an allegation of breach of privacy (Principle 3) which may be made directly to the BSA without first being referred to the broadcaster. Contact details are included at Appendix 2.

Formal complaints should specify the name of the programme, the date of broadcast, the principle(s) alleged to have been breached and why.

Radio broadcasters are also required to comply with the Programme Code covering election programmes/advertisements. A copy of this Code is on the BSA's website.

Apart from programme promotions and broadcast political advertising, the BSA has no jurisdiction over advertisements. Complaints about advertisements should be made to the Advertising Standards Complaints Board.

Copies of all broadcasting Codes are available from the BSA and from its website.

# The Principles

## Principle 1: Good Taste and Decency

In programmes and their presentation broadcasters are required to maintain standards which are consistent with the observance of good taste and decency.

Guidelines:

- 1a Broadcasters will take into consideration current norms of decency and good taste in language and behaviour bearing in mind the context in which any language or behaviour occurs and the wider context of the broadcast, e.g., time of day, target audience.

## Principle 2: Law and Order

In programmes and their presentation broadcasters are required to maintain standards which are consistent with the maintenance of law and order.

Guidelines:

- 2a Care should be taken in broadcasting items which explain the technique of crime in a manner which invites imitation.

## Principle 3: Privacy

In programmes and their presentation broadcasters are required to maintain standards consistent with the privacy of the individual.

Guidelines:

- 3a Broadcasters shall apply the privacy principles developed by the Broadcasting Standards Authority and applied when determining privacy complaints.

## Principle 4: Balance

In programmes and their presentation broadcasters are required to maintain standards consistent with the principle that when controversial issues of public importance are discussed reasonable efforts are made, or reasonable opportunities are given, to present significant points of view either in the same programme or in other programmes within the period of current interest.

Guidelines:

- 4a Broadcasters will respect the rights of individuals to express their own opinions.
- 4b Broadcasters may have regard, when ensuring that programmes comply with principle 4, to the following matters:
  - (i) an appropriate introduction to the programme; and
  - (ii) any reasonable on air opportunity for listeners to ask questions or present rebuttal within the period of current interest. Broadcasters may have regard to the views expressed by other broadcasters or in the media which listeners could reasonably be expected to be aware of.

## Principle 5: Fairness

In programmes and their presentation broadcasters are required to deal justly and fairly with any person taking part or referred to.

Guidelines:

- 5a No telephone conversation will be recorded or broadcast for the purpose of news, current affairs or any other programme unless the recipient has been advised that it is being recorded for possible broadcast, or is aware that the conversation is being broadcast. Exceptions may apply depending upon the context of the broadcast, including the legitimate use of humour.
- 5b Care must be taken in the editing of programme material to ensure that the extracts used are a true reflection and not a distortion of the original event or the overall views expressed.
- 5c Programmes shall not be presented in such a way as to cause panic, unwarranted alarm or undue distress.

## Principle 6: Accuracy

In the preparation and presentation of news and current affairs programmes broadcasters are required to be truthful and accurate on points of fact.

Guidelines:

- 6a Broadcasters will not use deceptive programme practices.
- 6b In the event of an allegation of inaccuracy broadcasters will act promptly to check the allegation against the original broadcast and will broadcast with similar prominence a suitable and appropriately scheduled correction if that is found to be justified.
- 6c Factual reports on the one hand and opinion, analysis and comment on the other shall be clearly distinguished.
- 6d Broadcasters shall ensure that the editorial independence and integrity of news and current affairs is maintained.

## Principle 7: Social Responsibility

In programmes and their presentation broadcasters are required to be socially responsible.

Guidelines:

- 7a Broadcasters will not portray people in a manner which encourages denigration of or discrimination against any section of the community on account of gender, race, age, disability, occupational status, sexual orientation; or as the consequence of legitimate expression of religious, cultural or political beliefs. This requirement does not extend to prevent the broadcast of material which is:
  - (i) factual;
  - (ii) a genuine expression of serious comment, analysis or opinion; or
  - (iii) is by way of legitimate humour or satire.
- 7b Broadcasters shall be mindful of the effect any programme may have on children during their normally accepted listening times.

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- 7c The time of transmission is an important consideration in the scheduling of programmes which contain violent themes.
- 7d If a programme is likely to disturb an appropriate warning should be broadcast.
- 7e Broadcasters shall ensure that the incidental promotion of liquor is minimised.
- 7f Advertisements and infomercials shall be clearly distinguishable from other programme material.

## **Principle 8: Liquor**

In the preparation and presentation of programmes broadcasters must observe restrictions on the promotion of liquor appropriate to the programme genre being broadcast. Liquor promotion should be socially responsible and must not encourage consumption by people who are under the legal age to purchase liquor.

Definition:

Liquor promotion comprises:

- promotion of a liquor product, brand or outlet ('promotion');
- liquor sponsorship of a programme ('sponsorship'); and
- advocacy of liquor consumption ('advocacy').

Guidelines:

- 8a Liquor promotion must not occur in programmes specifically directed at children.
- 8b Broadcasters must ensure that liquor promotion does not dominate programmes.
- 8c Broadcasters are not required to exclude promotion from coverage of an actual event or situation being broadcast where promotion is a normal feature of the event or situation but must take guideline 8b into account.
- 8d Sponsorship of a programme must be confined to the brand, name or logo and must not include a sponsor's sales message.
- 8e Promos for a liquor-sponsored programme shall clearly and primarily promote the programme. The sponsor and sponsorship may be featured only in a subordinate manner, be confined to the brand, name or logo and must not include a sponsor's sales message.
- 8f When scheduling liquor-sponsored programmes broadcasters will also take into account the requirements of principle 4.4 and Guideline 4(c) of the Advertising Standards Authority's Code for Advertising Liquor (which requires broadcasters to take care to avoid the impression that liquor promotion is dominating the viewing period).
- 8g In the preparation and presentation of programmes broadcasters must avoid advocacy of excessive liquor consumption.



## Principle 9: Broadcast Tape Retention

For a period of 35 days after broadcast broadcasters are required to be able to provide a copy of the tapes of all open line and talkback programmes and all outside broadcast news and current affairs coverage. For the same period broadcasters are also required to retain, or be able to obtain, a tape or script of all news or current affairs items.

Guidelines:

- 9a In the event of a formal complaint broadcasters will retain all relevant programme information, records and recordings until the complaint has been finally dealt with.
- 9b Tapes and transcripts required pursuant to Principle 9 and all relevant information retained in the event of a formal complaint shall be made available to the Broadcasting Standards Authority on the Authority's written request.

## Privacy Principles

1. It is inconsistent with an individual's privacy to allow the public disclosure of private facts, where the disclosure is highly offensive to an objective reasonable person.
2. It is inconsistent with an individual's privacy to allow the public disclosure of some kinds of public facts. The 'public' facts contemplated concern events (such as criminal behaviour) which have, in effect, become private again, for example through the passage of time. Nevertheless, the public disclosure of public facts will have to be highly offensive to an objective reasonable person.
3. (a) It is inconsistent with an individual's privacy to allow the public disclosure of material obtained by intentionally interfering, in the nature of prying, with that individual's interest in solitude or seclusion. The intrusion must be highly offensive to an objective reasonable person.  
  
(b) In general, an individual's interest in solitude or seclusion does not prohibit recording, filming, or photographing that individual in a public place ('the public place exemption')  
  
(c) The public place exemption does not apply when the individual whose privacy has allegedly been infringed was particularly vulnerable, and where the disclosure is highly offensive to an objective reasonable person.
4. The protection of privacy includes the protection against the disclosure by the broadcaster, without consent, of the name and/or address and/or telephone number of an identifiable individual, in circumstances where the disclosure is highly offensive to an objective reasonable person.
5. It is a defence to a privacy complaint that the individual whose privacy is allegedly infringed by the disclosure complained about gave his or her informed consent to the disclosure. A guardian of a child can consent on behalf of that child.

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6. Children’s vulnerability must be a prime concern to broadcasters, even when informed consent has been obtained. Where a broadcast breaches a child’s privacy, broadcasters shall satisfy themselves that the broadcast is in the child’s best interests, regardless of whether consent has been obtained.
7. For the purpose of these Principles only, a ‘child’ is defined as someone under the age of 16 years. An individual aged 16 years or over can consent to broadcasts that would otherwise breach their privacy.
8. Disclosing the matter in the ‘public interest’, defined as of legitimate concern or interest to the public, is a defence to a privacy complaint.

*Note:*

*These principles are not necessarily the only privacy principles that the Authority will apply  
The principles may well require elaboration and refinement when applied to a complaint  
The specific facts of each complaint are especially important when privacy is an issue*

## Appendix 3

# Media Council Principles

### 1. Accuracy, Fairness and Balance

Publications should be bound at all times by accuracy, fairness and balance, and should not deliberately mislead or misinform readers by commission or omission. In articles of controversy or disagreement, a fair voice must be given to the opposition view.

Exceptions may apply for long-running issues where every side of an issue or argument cannot reasonably be repeated on every occasion and in reportage of proceedings where balance is to be judged on a number of stories, rather than a single report.

### 2. Privacy

Everyone is normally 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 significant matters of public record or public interest.

Publications should exercise particular care and discretion before identifying relatives of persons convicted or accused of crime where the reference to them is not relevant to the matter reported.

Those suffering from trauma or grief call for special consideration.

### 3. Children and Young People

In cases involving children and young people editors must demonstrate an exceptional degree of public interest to override the interests of the child or young person.

### 4. Comment and Fact

A clear distinction should be drawn between factual information and comment or opinion. An article that is essentially comment or opinion should be clearly presented as such. Material facts on which an opinion is based should be accurate.

### 5. Columns, Blogs, Opinion and Letters

Opinion, whether newspaper column or internet blog, must be clearly identified as such unless a column, blog or other expression of opinion is widely understood to consist largely of the writer's own opinions. Though requirements for a foundation of fact pertain, with comment and opinion balance is not essential. Cartoons are understood to be opinion.

Letters for publication are the prerogative of editors who are to be guided by fairness, balance, and public interest. Abridgement is acceptable but should not distort meaning.

### 6. Headlines and Captions

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

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## 7. Discrimination and Diversity

Issues of gender, religion, minority groups, sexual orientation, age, race, colour or physical or mental disability are legitimate subjects for discussion where they are relevant and in the public interest, and publications may report and express opinions in these areas. Publications should not, however, place gratuitous emphasis on any such category in their reporting.

## 8. Confidentiality

Publications 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. Care should be taken to ensure both source and publication agrees over what has been meant by “off-the-record”.

## 9. Subterfuge

Information or news obtained by subterfuge, misrepresentation or dishonest means is not permitted unless there is an overriding public interest and the news or information cannot be obtained by any other means.

## 10. Conflicts of Interest

To fulfil their proper watchdog role, publications must be independent and free of obligations to their news sources. They should avoid any situations that might compromise such independence. Where a story is enabled by sponsorship, gift or financial inducement, that sponsorship, gift or financial inducement should be declared. Where an author’s link to a subject is deemed to be justified, the relationship of author to subject should be declared.

## 11. Photographs and Graphics

Editors should take care in photographic and image selection and treatment. Any technical manipulation that could mislead readers should be noted and explained. Photographs showing distressing or shocking situations should be handled with special consideration for those affected

## 12. Corrections

A publication’s willingness to correct errors enhances its credibility and, often, defuses complaint. Significant errors should be promptly corrected with fair prominence. In some circumstances it will be appropriate to offer an apology and a right of reply to an affected person or persons.

## Appendix 4

### Rules for using music in RNZ content (Effective 1 Jan 2020 – 30 June 2022)

Music in News stories:

- Use less than 25” and only if the music/performer/composer is the subject of the story.
- Acknowledge the performer / composer and title of the track within the story.

Music in radio broadcast:

- Play complete tracks (but only two tracks back-to-back without talk between)
- or use extracts (e.g. within an item).
- All use must be reported.

Music in video or podcast items:

- Use production music only. (Unless you have individually licensed the music from its copyright owners.)  
All use must be reported.

Online publishing of audio / video items which contain music has three rules:

- 1) Only publish to RNZ-owned platforms. (NO: YouTube, FB, podcasts etc).
- 2) Must be broadcast (but can stream-on-demand (not download) up to seven days prior to the broadcast date).
- 3) ‘Incidental use’ or ‘the 50/50% rule’ for downloads We can stream-on-demand indefinitely, but can only allow a 30-day download period from the RNZ website/app under these conditions: If less than half of each music track is used, and less than half of the audio file is music, then the item can be offered for download for 30 days from the broadcast date.

Otherwise, ONLY streaming-on-demand is permitted. These rules apply to all music except production music and RNZ music recordings.

RNZ music recordings:

- e.g. live performances. These have individual contracts and usage rights. Check with the relevant producer before you use any.
- Usually these are not available for podcast or download.