

Media Release

21 February 2019

News report on new public interest defence does not breach standards

The Broadcasting Standards Authority has not upheld a complaint about a broadcast of *Te Kāea*, which reported on a new public interest defence in defamation proceedings recognised by the Court of Appeal.

The case at the centre of the Court's ruling was between the complainants, Sir Edward Taihakurei Durie and Ms Donna Hall, and Māori Television, the broadcaster responsible for *Te Kāea*.

The two complained that the broadcaster misrepresented the Court's findings and failed to include their views on the outcome of the decision, which was unfair.

The Authority recognised that, in news broadcasting "[c]omplex situations and facts will often... be reduced to key points to convey the essence of the story to viewers. It is not usually possible, or reasonable, for every detail to be included."

The Authority found that the focus of this item was the Court of Appeal's finding that a new public interest defence existed in New Zealand. The broadcast accurately reported the essence of the Court of Appeal's judgment and viewers were unlikely to be misled.

Finally, the Authority "did not consider comment from the complainants was required to be included in the item, in the interests of ensuring they were treated fairly," and did not uphold the fairness complaint.

ENDS

For more information contact Catie Murray on 021 623 794.

FURTHER INFORMATION

The item was broadcast on *Te Kāea* on 31 July 2018 on Māori Television. The full decision is available at <http://bsa.govt.nz/decisions/latest>. The decision was made under the Free-to-Air Television Code of Broadcasting Practice which is available at <http://bsa.govt.nz/standards/overview>.

ABOUT THE BROADCASTING STANDARDS AUTHORITY

The BSA is an independent Crown entity that oversees the broadcasting standards regime in New Zealand. The BSA determines complaints that broadcasts have breached standards, undertakes research and oversees the development of broadcasting standards in consultation with broadcasters.

The Authority members are Judge Bill Hastings (Chair), Paula Rose, Wendy Palmer and Susie Staley.

For more information see our website: www.bsa.govt.nz

Pānui Pāpāho

21 Hui Tanguru 2019

Ko te pitopito kōrero mō te waonga painga tūmatanui, kāore he wāwāhinga i ngā paerewa

Kāore i whakamarangahia e te Mana Whanonga Kaipāho (te Mana) te kōamuamu e pā ana ki tētahi pitopito korero a *Te Kāea*. Ko te pitopito nei i kawē kōrero mō tētahi waonga painga tūmatanui hou i roto i ngā whakahaerenga tūtara. Kātahi tonu nei ka āhukahukangia tēnei waonga e te Kōti Pira.

Ko te pūtake o te whakatau a te Kōti ko tētahi kerēme i waenga i Tā Taihākurei Durie (rāua ko Donna Hall) me Whakaata Māori (ko te kaipāho e kawē nei i a *Te Kāea*). I amuamu rāua me te kī, kā tahi - i whakatapeha te kaipāho i ngā whakatau a te Kōti. Kā rua - kāore te kaipāho i whakauru atu i o rāua whakaaro mō te putanga o te kerēme. Hei tā rāua, kāore rāua i manaakihia matatika.

Hei tā te Mana, mehemea e pāhonga ana ngā pitopito korero: “e hia kē ngā wā me whakarāpopoto ko ngā tūāhua pīroiroi ki ētahi meka matua ruarua noa hei kawē i te tino matū o te pūrākau ki ngā kaimātaki. Ko te tikanga, tē taea te whakauru atu, kāore hoki i te tika kia whakauru, i ngā ngā taipitopito katoa”.

Ko te whakatau a te Mana Whanonga Kaipāho e pēnei ana - ko te tino ngahunga o te pitopito kōrero ko te whakatau a te Kōti, arā tērā tētahi waonga painga tūmatanui hou ki Aotearoa nei. I tōtika te kawē mai o te tino pūtake o te whakatau a te Kōti Pira, me te aha, ākuni pea ka kore ngā kaimātaki e whakatuapekangia.

I te mutunga o te rangi, e ai ki te Mana: “kāore he take kia whakaurungia atu ki roto ki te piropito kōrero he kupu mai i ngā kaiamuamu. Otirā, ahakoa te aha, i whakatūturingia kia matatika tonu te manaaki a te kaikawē kōrero ki a rāua”. Ka mutu, nā tērā kāore hoki te Mana i whakamaranga i te kōamuamu nei.

KA MUTU I KŌNEI

Mō te roanga o te pārongo me whakapā atu ki a Catie Murray 021 623 794.

HE PĀRONGO ATU ANŌ

I pāhonga tēnei pūrongo e *Te Kāea* i te rangi 31 Hōngongoi 2018 ki runga Whakaata Māori. Ko te roanga o te whakatau ka taea te tiki mai i <http://bsa.govt.nz/decisions/latest>. I whakataungia i runga anō i te Tikanga Matatika mō te Pouaka Whakaata Kore Utu, ā, ka taea te tiki mai i <http://bsa.govt.nz/standards/overview>.

MŌ TE MANA WHANONGA KAIPĀHO

Ko te Mana Whanonga Kaipāho he hinonga Karauna motuhake. Ko tōna kāwenga he whakahaere tikanga mō te hanganga paerewa pāpāho kei Aotearoa nei. Ka riro māna hei whakawā kōamuamu e pā ana ki ngā pāhotanga e kī nei ētahi kua wāwāhi i ngā paerewa. Ko tāna hoki he whakarite rangahau, he whakahaere tikanga hoki mō te whanaketanga tahi o ngā paerewa nei i te taha o ngā kaipāho.

Ko ngā mema o te Mana ko ēnei e whai ake nei: Te Kaiwhakawā Bill Hastings (Ūpoko), rātou ko Paula Rose, ko Wendy Palmer, ko Susie Staley hoki.

Mō te roanga o te pārongo, toro atu ki tā mātou pae tukutuku: www.bsa.govt.nz

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