
From: Belinda Milnes (MIN)
Sent: Friday, 30 April 2010 12:21 pm
To: 'mjennings@mediaworks.co.nz'
Subject: Letter from Paula Bennett
Importance: High

Dear Mark,

Please find attached a letter from Paula Bennett.

If you would like to discuss this you can contact me on 021 243 9310.

Regards,

Belinda Milnes

Ministerial Advisor to the Hon Paula Bennett

Minister for Social Development and Employment and Youth Affairs

belinda.milnes@parliament.govt.nz

Ph 04 471-9310

Mob 021 243-9310



Hon Paula Bennett

Member of Parliament for Waitakere

Mark Jennings
TV3
Private Bag 92624
Symonds Street
Auckland

Dear Mark,

I am writing in response to the story aired on 3News on Thursday 29 April by Rebecca Wright.

The story made serious allegations against me - allegations that are unfounded, untrue and have been completely rejected by both the parties involved. In addition, the conduct of your reporter fell far short of the standards expected of a journalist.

The introduction stated "3News believes a decision on that complaint is imminent. But we've also learned Bennett this week made Fuller an offer to make the complaint go away".

The story also stated 3News was in possession of emails showed that "a meeting took place yesterday between Bennett and Fuller. A monetary settlement was discussed, and the idea of Fuller dropping the complaint was floated".

Despite continual requests from my staff, no evidence was provided of this claim, either to this office, the Minister or even in the story itself. Despite being promised the 'evidence' would be provided this morning, it has still not appeared.

To make matters worse, I understand that TV3 is planning to run a further story this evening based on this so-called 'evidence'.

I can assure you that the claim is malicious, completely without merit and worse, it is defamatory. On that basis I am seeking advice on options for legal action against 3News.

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New Zealand email p.bennett@ministers.govt.nz

The logo for the National Party, featuring a stylized 'N' with a star above it, and the word 'National' in a bold, sans-serif font below it.
www.national.org.nz

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This story makes an extremely serious allegation against a Minister; namely it makes an allegation that 'hush' money was offered to make a complainant withdraw a Privacy Commission complaint.

In my view, the story was potentially in breach sections 4b, 5a, 5b, 5c and 6c of the Broadcasting Act, specifically relating to fairness, accuracy, and balance.

Without prejudice to other legal options, I strongly suggest an apology to both the complainant and myself should be run on 3News in this evening's programme.

In addition I would like to express my disappointment at the conduct of the reporter involved.

Rebecca Wright's handling of this story over the course of the day was unprofessional; she lied and obfuscated to my staff trying to get me on camera and despite four conversations over the space of a few hours she refused to give any information on the substance of the claim on which her story was based.

As you know Mark, politics is a long game and political journalists are only able to do a decent job because they have fostered good relationships with politicians and press secretaries. Rebecca Wright has clearly chosen not to operate in this time-honoured way.

On the other hand, when another TV3 reporter Richard Langston turned up and was prepared to reveal the allegations that Facebook comments suggested a financial settlement had been discussed – I was happy to go on camera and answer his questions.

I look forward to hearing from you,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'pp. Bennett', with a long horizontal flourish extending to the right.

Paula Bennett

From: Mark Jennings [mailto:mjennings@mediaworks.co.nz]
Sent: Friday, 30 April 2010 7:00 pm
To: Belinda Milnes (MIN)
Cc: Sia Aston (MIN)
Subject: RE: Letter from Paula Bennett

Hi Belinda and Sia, I have now had a chance to discuss the events of yesterday with Rebecca Wright and Gordon McBride.

As far as I can ascertain, Rebecca met with you, Sia, in your office, at 4.45pm. You asked her to hand over the emails and she declined to do so.

I believe at that point she should probably have told you that there was a claim within the emails that a financial settlement had been discussed and what was the Ministers reaction to that. She decided not to do that because she felt she needed advice from a more senior colleague.....either Gordon McBride or Patrick Gower.

Having done that she then tried to call Sia to tell her the contents of the email.....Her own phone was flat so she used the cameraman's phone and her landline at Abel Smith. Rebecca says she called Sia up to 5 times and left at least 3 messages.

She made the first of those calls at 4.55.

Sia has already told me that by then she was already dealing with Richard Langston and a camera crew.

Richard has told me that he did the interview with Minister at 5.35 but I accept that Sia was probably busy between 5 and 6pm.

Once Rebecca knew the contents of Richard's interview she was to able to refer to it in her live cross and, of course, Richard's interview was run on Campbell Live at 7pm

While there are some issues around Rebecca's handling of this I don't think there is a major issue here, in fact if Rebecca and Sia had connected between 5 and 6pm then we may not be having this discussion.

I thought that tonight's story was very clear and fair to all the parties involved.

However if the Minister remains unhappy I am happy to talk to her or indeed have further dialogue with either of you.

Yours,

Mark



Office of Hon Paula Bennett

MP for Waitakere

Minister for Social Development and Employment

Minister of Youth Affairs

Mark Jennings
TV3 News and Current Affairs

4 May 2010

Dear Mark,

FORMAL COMPLAINT **TV3 News bulletins 29 and 30 April**

My complaint relates to your item featuring me on the TV3 6.00pm News on 29 April. It is my contention that the item was in breach of sections 4b, 5a, 5b, 5c and 6c of the free-to-air broadcasting code in that they failed to meet the requirement for fairness accuracy and balance and failed to deal justly and fairly with me as a party affected by the item.

Your item commenced:

"The Social Welfare Minister Paula Bennett has been discovered having an intriguing off the radar meeting..... " The introduction concluded with the assertion that: "But we've also learnt Bennett this week made Fuller an offer to make the complaint go away."

Subsequently your reporter asserts that: "TV3 News has obtained emails which say a meeting took place yesterday between Bennett and Fuller. A monetary settlement was discussed and the idea of Fuller dropping the complaint was floated."

The meaning of the words used in the item is quite clear: it asserts that I met with the complainant Fuller and offered her money in order to procure withdrawal of her complaint. Such actions would have been improper and, as a consequence of your broadcast, there was widespread public interest in the matter, with considerable criticism of me which is ongoing.

It will now be clear to you that I made no such offer to the complainant, despite this being stated as a fact in the introduction. This was based entirely on Facebook emails which TV3 ran uncorroborated.

Further, the complainant has admitted that the Facebook messages referred to by TV3 were not true. Therefore the statements made in your broadcast

were false. The fact that the allegations were damaging to my reputation compounds the offence.

It is my further contention that TV3 failed in its obligation to deal justly and fairly with me as a party affected by the story. My office sought details of the allegations being made against me in order to give me the opportunity to check the relevant facts and make myself available for a considered

response. Your journalist refused to provide the material. If she had done so it is likely that she would have become aware of the inaccuracy of the story and that the damaging assertions would not have been made against me. When TV3 had an outright denial of any wrongdoing from me and no verification of the facts from any other party, they still chose to run with the story. The consequence of which has been damaging to my reputation and has caused ongoing speculation based on inaccurate reporting by TV3 News. Attached is a timeline of events on the day of the broadcast.

On the evening of 30 April TV3 News ran a follow up story, the piece started with "More light's been shed on that meeting between Social Development Minister Paula Bennett and the solo parent who's taken a privacy complaint against her"

It went on to justify your original item based on the "emails which indicated monetary compensation was under discussion". There was no apology, retraction or even clarification for getting the original story wrong.

I do not believe that your second story redressed the harm caused to my reputation and in fact compounded the wrong by lending weight to the original story.

TV3 made a mistake in basing such serious allegations on Facebook messages with no corroboration. I would like a full retraction and apology to be run at the same time as the original items as soon as possible.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Paula Bennett', written in a cursive style.

Paula Bennett



Date 10 June 2010

DECISION OF TV3 STANDARDS COMMITTEE

Complainant Paula Bennett

The Standards Committee has now considered your formal complaint regarding a 3 News story about Hon Paula Bennett that screened 29 April 2010 at 6pm.

Your complaint has been considered with reference to Standards 4, 5 and 6 of the Free-to-Air Television Code of Broadcasting Practice.

The Programme

3News story on Thursday 29th April was about the meeting that took place between Ms Bennett and Natasha Fuller the previous day, in the story it was reported that

- Paula Bennett and Natasha Fuller had met in Cambridge.
- 3news had obtained emails which said the meeting had taken place, a monetary settlement was discussed and the idea of Fuller dropping the complaint was floated.
- We wanted to put the information contained in the emails to the Minister – she refused to be interviewed unless she saw the emails.
- Advice from the Privacy Commissioner said a complainant can withdraw their complaint and the investigation would be shut down.
- Natasha Fuller was not willing to be interviewed on her meeting with the Minister – but that she had to have counselling – move house – and change her phone number since Ms Bennett publicly released her benefit details.
- The opposition said that John Key should be concerned that this meeting had taken place because it raised issues around transparency.
- According to the emails 3News had obtained – the deadline for a private settlement between Bennett and Fuller was thought to fall on Friday.
- Ms Bennett had issued a denial she had ever offered Ms Fuller any money
- She wouldn't comment on the other elements of our story

Your Complaint

You complain that the item had inaccurately reported you had made a financial offer to Natasha Fuller, and that your office was treated unfairly and that the second story on Campbell Live did not redress the harm caused by the first.

The Relevant Standards

Standard 4 Controversial Issues – Viewpoints

When discussing controversial issues of public importance in news, current affairs or factual programmes, broadcasters should make reasonable efforts, or give reasonable opportunities, to present significant points of view either in the same programme or in other programmes within the period of current interest.

Guideline

- 4a. *No set formula can be advanced for the allocation of time to interested parties on controversial issues of public importance. Significant viewpoints should be presented fairly in the context of the programme. This can only be done by judging each case on its merits.*
- 4b *The assessment of whether a reasonable range of views has been presented takes account of some or all of the following:*
- *the programme introduction;*
 - *whether the programme approaches a topic from a particular perspective (e.g. authorial documentaries, public access and advocacy programmes);*
 - *whether viewers could reasonably be expected to be aware of views expressed in other coverage.*

We accept that it may be possible to interpret this story as a controversial issue of public importance, and if so, the Committee considers that it presented all significant points of view where possible. The citizen at the centre of the allegations was approached multiple times for her point of view but refused to be interviewed, and you were given ample opportunity to speak to the 3 News reporter, indeed eventually you spoke to a Campbell Live reporter and this interview was broadcast on Campbell Live the same night.

We therefore consider that the reporters made every effort to present the material points of view on this topic and the information available was presented in a balanced manner. We have not upheld your complaint under this standard.

Standard 5 Accuracy

Broadcasters should make reasonable efforts to ensure that news, current affairs and factual programming:

- *is accurate in relation to all material points of fact and/or*
- *does not mislead.*

Guidelines

- 5a *The accuracy standard does not apply to statements which are clearly distinguishable as analysis, comment or opinion.*
- 5b *In the event that a material error of fact has occurred, broadcasters should correct it at the earliest appropriate opportunity.*
- 5c *News must be impartial.*

The introduction to the story stated:

The Social Welfare Minister, Paula Bennett has been discovered having an intriguing "off the radar" meeting.

It's with a solo mother who claimed Bennett had breached her privacy, by releasing details of her benefits.

Natasha fuller complained to the privacy commissioner .. And 3 News believes the decision on that complaint is imminent.

But we've also learned Bennett this week made fuller an offer to make the complaint go away.

Rebecca Wright with this exclusive report.

We asked the news producer who wrote the introduction to comment on your complaint and he told us:

The offer was to have a meeting; to talk and find a solution to, and a way out of the complaint, before the Privacy Commission's decision had to be published. If one was found the Privacy Commission's decision would not proceed and thus never be made public, and hence any embarrassment to either party would be spared. The complaint would go away. They did meet and did talk about how this could be made to happen...and failed to reach any agreement.

At no point did the introduction or the body of the report say that you had offered the complainant money, only that a monetary settlement was discussed and the idea of Fuller dropping the complaint was floated. In an interview broadcast by Campbell Live approximately an hour later, Ms Fuller's allegation that you made a monetary offer was put to you and you responded: "Absolutely not, not in any form, not in any conversation, not face to face, not in writing, no."

It has since been widely published that the complainant has requested \$15,000 to settle the complaint. A story by 3 News, 27 May 2010 for example, reported:

Social Development Minister Paula Bennett is being asked for fifteen thousand dollars compensation, by the beneficiary whose income details she released last year.

Natasha Fuller took out a privacy complaint against the Minister, and the two sides have been trying to reach a "resolution" through the Privacy Commission.

Rebecca Wright who first broke the story is live with the new developments.. Rebecca.

"Last month 3 News revealed that a beneficiary Natasha Fuller and Paula Bennett had met and were discussing some sort of settlement as part of the privacy complaint process...

Fuller talked about a monetary settlement in emails to a friend - obtained by 3 News - she later said she was lying and joking in those emails but it turns out today that she is in fact seeking a compensation payment from Paula Bennett.

Bennett says she won't be paying.

The Committee does not agree that the introduction asserted that you offered Ms Fuller money in order to procure withdrawal of her complaint. We accept that the issue of money was to some degree left open by the introduction but we are satisfied with the reasoning of the producer for the way in which the introduction was phrased and with the detail that was published later which clarified and expanded on the position – for all those reasons we have not upheld this aspect of your complaint.

Standard 6 Fairness

Broadcasters should deal fairly with any person or organisation taking part or referred to.

Guidelines

6a *A consideration of what is fair will depend upon the genre of the programme (e.g. factual, dramatic, comedic or satirical programmes).*

6b *Broadcasters should exercise care in editing programme material to ensure that the extracts used are not a distortion of the original event or the overall views expressed.*

6c *Except as justified in the public interest:*

- *Contributors and participants should be informed of the nature of their participation*

- *Programme makers should not obtain information or gather pictures through misrepresentation;*
- *Broadcasters should avoid causing unwarranted distress to surviving family members by showing footage of bodies or human remains.*

6d *Broadcasters should respect the right of individuals to express their own opinions.*

6e *Individuals and particularly children and young people, taking part or referred to should not be exploited, humiliated or unfairly identified.*

6f *Where the programme deals with distressing circumstances (e.g. grief and bereavement) discretion and sensitivity are expected.*

The Committee has consulted the newsroom on the background of the story and reached the view that you were treated fairly by the 3 News reporter who had to take care, in the circumstances, to protect the identity of her source. We believe that the broadcast dealt with you fairly overall.

The newsroom's description of events leading up to the broadcast follows:

We called Ms Bennett's office for an interview using the office phone about 1pm Thursday 29th May and left a message on her press secretary's mobile.

At 2.09pm the interview request with Ms Bennett was formalised with her Press Secretary. We explained that our story was about the Privacy Complaint against her by Natasha Fuller, we had inside information into how the investigation and process was proceeding, that we understood the Privacy Commissioner was close to making a ruling and that an indication of how she was going to find had been communicated to the affected parties. We advised we had emails containing details of the case – we emphasised these had been provided by a third party source who wished to remain anonymous.

At approximately 3pm Ms Bennett's Press Secretary confirmed the interview request had been accepted and it was set down for 4.45pm that afternoon.

At approximately 3.30pm Ms Bennett's Press Secretary visited the TV3 Gallery Office asking to see the emails that we had. We declined her request on the grounds that to give them to her would identify our source. After some discussion she accepted we couldn't supply them to the Minister and advised the interview would still go ahead at 4.45pm.

At approximately 4.35pm the reporter and a cameraman went to Ms Bennett's office for the interview. Ms Bennett's Press Secretary asked if we had the emails on us, we advised we did and Ms Bennett's Press Secretary demanded that we hand them over, we declined. She provided us with an ultimatum – no emails, no interview, after some discussion, we again declined and left the office to take advice on how to proceed.

At 4.54pm the reporter rang Ms Bennett's Press Secretary back to explain it would be unethical to supply the Minister's office with the emails as we had given our undertaking to not disclose our source. We explained we could however give her some of the detail that the emails contained. To this end we advised Ms Bennett's Press Secretary that we knew there had been a meeting between Fuller and Bennett on Wednesday, we asked if this was a part of the Privacy Complaint Process. At this point the reporters phone ran out of battery and the call was cut off.

At approximately 5pm we rang Ms Bennett's Press Secretary back from a crew phone to continue the conversation, still hopeful we could do an interview. The reporter left a message explaining that her phone had run out of battery and left an alternative number she could be reached on.

Another call was placed at approximately 5.15pm explaining again the phone had run out of battery and supplying an alternative contact number. Other calls (at least three) were placed after that. They were made from an office phone to the press secretary's cellphone . None were returned.

A call was also placed to the Prime Minister's Chief Press Secretary at approximately 5.05 and a message was left explaining we had some questions around a story we were working on involving Ms Bennett that required an urgent response.

Another call was placed to another of the Prime Minister's Press Secretaries at around the same time. We told her we were working on a story about the meeting between Ms Bennett and Ms Fuller and asked if the Prime Minister's Office knew about the meeting or were able to provide any comment for our story. We were referred back to Ms Bennett's office.

At 5.34 the reporter (Rebecca) was notified by text by a colleague Richard Langston that he was waiting at Bennett's office to interview her but had not yet had word from the press secretary about whether the interview would go ahead.

The reporter next heard from the bureau chief at 5.50 that Bennett had given an interview to Richard Langston and that she denied making any offer of money for a settlement of the case. It was decided to include this information in a live cross following the report we had prepared for 6pm.

We consider that reasonable efforts were made for Ms Fuller and Ms Bennett to appear in our story and present their point of view in person. Further when the invitation to appear in person was refused, we included Ms Bennett's view at the conclusion of our report.

We also advised our audience that since preparing our report Campbell Live was able to interview Ms Bennett on the questions that were raised around the nature of the meeting with Ms Fuller and played that interview at 7pm. We deem this to be within the period of current interest.

The committee accepts that while there are clearly individual differences in the manner in which the individual reporters approached the story both approaches were open and fair. The individual reporters were, as sometimes happens, subject to different constraints both of time and obligations to their sources.

Overall we consider that you were treated fairly by 3 News in conjunction with a same-day broadcast by *Campbell Live*. We do not agree that the first story carried more weight than the second as the first clearly signposted that the interview with you, an integral part of the story, was going to be broadcast in *Campbell Live*. Any viewer with an interest in the story had the clearly signalled opportunity to watch for that interview.

We therefore do not uphold your complaint under this standard.

The Decision

The Standards Committee has not identified any breach of the relevant standards and accordingly declines to uphold your complaint.

New Zealand Bill of Rights Act 1990

Section 14 of this Act provides for a statutory right to "freedom of expression" it states:

Everyone has the right to freedom of expression, including the freedom to seek, receive and impart information and opinions of any kind in any form.

This important right to "free speech" (as it is sometimes called) can only be limited if it is considered reasonable and justifiable in a free and democratic society to do so (s5 of the Act). The Standards Committee has considered your complaint weighed against the right to freedom of expression and considers that to uphold your complaint would unreasonably and unjustifiably restrict the public's right to receive information and opinions of any kind in any form.

Right to Refer to Broadcasting Standards Authority and Time Limit

In accordance with Section 7(3) of the Broadcasting Act 1989 you are notified that it is your right, should you be dissatisfied with this decision, to refer this matter, under Section 8 of the Act, to the Broadcasting Standards Authority, (P.O. Box 9213, Wellington) for the purpose of an investigation and review of this decision. You have 20 working days after receipt of this letter to exercise this right of referral.

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STANDARDS COMMITTEE