MEDIA GUIDELINES

PRODUCED BY THE CHIEF JUDGE OF THE MĀORI LAND COURT AND CHAIR OF THE WAITANGI TRIBUNAL

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This resource is a guide for the media seeking to attend Māori Land Court, Māori Appellate Court and Waitangi Tribunal proceedings. The contents are drawn from guidance provided to the Senior Courts and District Court.

WHY THE MEDIA MATTER

Open justice is a fundamental principle of the New Zealand justice system. Court proceedings are therefore generally open to the public and to the media. However, a judge has control over conduct in the court room and has wide statutory powers to protect the integrity of the process and the rule of law. See *Erceg v Erceg* [2016] NZSC 135, [2017] 1 NZLR 310 at [2], where the Supreme Court emphasised the constitutional significance of open justice and media reporting of court proceedings. In the Māori Land Court and the Māori Appellate Court, the judges are able to apply to the hearing such rules of marae kawa as they consider appropriate (s 66 of Te Ture Whenua Māori Act 1993). In the Waitangi Tribunal, the panel can have regard to and adopt such aspects of marae kawa as the Tribunal thinks appropriate. (Sch. 2 cl 5(9) of the Treaty of Waitangi Act 1975). This may result in some restrictions on where and what part of the proceedings can be covered by the media. However, the starting principle is that the media are acknowledged as critical to open justice. They act as the eyes and ears of the public and convey what happens in the Māori Land Court, the Māori Appellate Court and the Waitangi Tribunal. They have a legal right to attend hearings and the judicial view is that they should be accommodated and treated with respect.

WHO MAY REPORT ON COURT PROCEEDINGS?

A hearing may be an in-person hearing, may be conducted as a mixture of in-person and virtual appearances, or may only be online.

No one other than members of the media may make a record in court/tribunal hearings, whatever form that record is, such as notes on an electronic device, film or recording, unless given permission by the presiding judge. This prohibition applies to members of the public texting, taking photos or recording proceedings from the gallery or public seating. Registry staff should monitor this. All matters relating to in-court/tribunal media coverage are at the discretion of the presiding judge or officer.

Anyone, including media, wishing to film, record or take photographs of a Court or Tribunal hearing need to seek the permission of the presiding judge or judicial officer by filling out the appropriate application form and filing it with the Māori Land Court, Māori Appellate Court or Waitangi Tribunal registry.

- An application to cover a Māori Land Court or Māori Appellate Court proceeding should be made on the following form and filed with the appropriate Māori Land Court district registry: https://www.justice.govt.nz/assets/Documents/Forms/MOJ01481.1-application-for-in-court-media-coverage.pdf

- An application to cover a Waitangi Tribunal proceeding should be made on the following form and filed with the Waitangi Tribunal Registrar: https://www.waitangitribunal.govt.nz/assets/DOCUMENTS/Media-Form.pdf

The Registry staff are responsible for ensuring that all media attending a hearing provide appropriate identification and contact details before the hearing. This ensures the court can communicate with the journalist or their news organisation directly if any issues with coverage arise.

WHAT MAY BE PUBLISHED?

What information can be published about a case, and when, will be determined by the nature of the case. Journalists covering court are responsible for complying with all suppression, confidentiality orders and non-publication orders. Registry staff should ensure reporters are aware of the orders.

The courts have published an In-court media coverage guidelines summary (September 2019) and In-court media coverage guidelines (2016) concerning media coverage of court proceedings. The guidelines are applicable to the Māori Land Court, the Māori Appellate Court, and the Waitangi Tribunal.

JUDGMENTS/REPORTS OF PUBLIC INTEREST

All Māori Land Court and Māori Appellate Court reserved judgments are published on the Māori Land Court website, as well as on legal publishers including NZLII. All Waitangi Tribunal reports are published on the Tribunal's website. All judgments and reports are published shortly after they are delivered to parties, and these documents can be accessed directly by media and other interested parties.

WHO MAKES MEDIA STATEMENTS?

By convention, any media statements on matters affecting the judiciary as a whole are the domain of the Chief Justice. The Chief Judge or Deputy Chief Judge of the Māori Land Court may make statements affecting the Māori Land Court and the Māori Appellate Court. Waitangi Tribunal matters are dealt with by the Chair or Deputy Chair.

However, an occasion may arise where a statement is required from a resident judge or presiding officer on an issue, for example local court events or news, or Tribunal events or the delivery of a Tribunal panel report.

PROCESS PRIOR TO HEARING

- Media apply to the Court or Tribunal to attend and seek permission to film if that is proposed. In-court media applications are necessary if media want permission from the presiding judge or officer to film, record sound or take photos in court. Such applications should be received at least one working day prior to hearing.

- Registry staff bring the application to the attention of the presiding judge or officer.

- Registry staff advise other staff and users about applications from the media to attend.

- Registry staff alert the Ministry of Justice media team.

- Applications are not required if accredited media simply want to attend and observe.

- Registry staff must be prepared to process several media applications in a short amount of time. Ideally all media requests should be bundled together where possible, and direction sought by staff from the presiding judge or officer prior to the start of the hearing.

- Ideally there will be seats available for the media with access to power (usually a power board) for laptops and audio plug-ins (one plug-in for radio and the other for television).

- The standard media guidelines allow for one pool tv camera and one pool photographer. That allows journalists to share footage and helps to reduce numbers in court. It is the responsibility of journalists to organise the pool.

- If Registry staff cannot accommodate the number of media expected, the Registry will advise the presiding judge or officer in advance and discuss alternative arrangements.

- Registry staff will identify a suitable position for a TV camera ensuring access to a power outlet and a chair, and a position and chair for the photographer.

- Media will be notified of any last-minute changes to details or arrangements to avoid further questions and confusion.

- Some media may request virtual access instead of appearing in-person. This request needs to be put before a presiding judge or officer in advance of the hearing and with sufficient time to allow journalists to arrange an alternative if their request is declined.

WHAT TO PLAN FOR ON THE DAY

- TV and radio media need extra time to set up and test their equipment (ideally 30-40 minutes) so consider arriving before the doors open officially.

- It's important to consider where the press bench is located, to ensure proximity to the audio plug ins.

- All people on the press bench must be a part of the accredited media list held by the Ministry of Justice. Court and Tribunal staff will be able to find this list on the Ministry of Justice intranet (JET).

- If a someone is not on the accredited media list, they need to supply an identification card or letter from an organisation subject to a code of ethics and the complaints procedure of the Broadcasting Standards Authority or the Media Council, and a form of personal identification such as a drivers' licence or passport to sit on the press bench and be treated as media.

- Anyone claiming to be media but unable to meet these requirements requires a presiding judge's or officer's permission to cover proceedings.

- Media have a right to documents relating to the matter in hearing unless otherwise specified in orders or directions. These may be supplied by handouts, website links or via email list).