



**TVNZ REPORT INTO ALLEGED MISCONDUCT
WITHIN MĀORI AND PACIFIC PROGRAMMES DEPARTMENT**

12 MAY 2014

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INTRODUCTION

On 17 February 2014 TV3 aired a story about TVNZ's General Manager of Māori and Pacific Programmes, Shane Taurima. Based on leaked emails, it alleged that "state broadcaster TVNZ has been used as a campaign base by Labour Party activists" including Mr Taurima. It revealed that a Labour Party meeting had been held at TVNZ premises, and that Mr Taurima had also chaired a Labour Party panel on how to win the Māori vote. The story reported that three other TVNZ staff in the Māori and Pacific Programmes unit, production manager Natasha Panui-Morris, associate producer Maria Kuiti and digital content producer Aroha Mane, were also involved.

Mr Taurima had previous connections with the Labour Party. In May of 2013 Mr Taurima had announced that he was seeking the Labour Party candidacy for Ikaroa-Rāwhiti following the death of Hon Parekura Horomia MP. However, this bid was unsuccessful, and Mr Taurima returned to TVNZ, again as General Manager of Māori and Pacific Programmes.

Mr Taurima assured TVNZ that his political ambitions were over. But his political activities continued. He remained a member of the Labour Party and, together with the three other TVNZ staff, who were also his close friends, was instrumental in setting up three Labour Party branches in the Tāmaki Makaurau electorate. They were involved in fundraising, recruitment, a party newsletter, and the development of electoral strategy. Some of those activities were conducted with TVNZ resources.

When the TV3 story broke, Mr Taurima resigned. He said he was considering standing for political office and "I believe there could be a perception that I am compromised by my political views."

Ms Kuiti and Ms Mane were reaching the ends of their contracts with TVNZ, and left too. Subsequently, Ms Panui-Morris has also departed TVNZ.

TVNZ's chief executive Kevin Kenrick commissioned a review into the issues raised by the TV3 story.

The scope of the review was to investigate the use of TVNZ resources and the possibility of political bias in relevant TVNZ programmes, and to make recommendations, including recommendations regarding the adequacy of TVNZ's policies and practices relating to conflicts of interest.

This report contains the Panel's findings.

Panel members

- Brent McAnulty, TVNZ's Head of Legal and Corporate affairs (Chair)
- Bill Francis, Chief Executive of the Radio Broadcasters Association and former broadcasting executive
- Steven Price, media lawyer and lecturer at Victoria University of Wellington

It also sought advice from Chris Wikaira, Director of BRG Limited, and Helen Wild, TVNZ's Senior Counsel.

Executive Summary

1. The Panel found no bias in any of the Māori and Pacific programmes that it viewed. Similarly there was no evidence of bias in Mr Taurima's Q+A interviews. It found no evidence that he or the other Labour Party members within the team influenced any TVNZ programming in a partisan way.
2. The Panel found that TVNZ resources, including a meeting venue, travel, email, telephone and photocopying resources were used inappropriately for Labour Party political purposes. The financial cost involved was negligible but, aside from this, it should not have happened. The Panel recommends that TVNZ seek reimbursement from Mr Taurima of the flight and taxi fare incurred for Ms Heni Tawhiwhirangi in the sum of \$334.43.
3. The Panel found that Mr Taurima was involved in extensive Labour Party political activity soon after his return from the Ikaroa-Rāwhiti by-election, and up until his resignation in February 2014. This breached TVNZ's policy on conflicts of interest, and he should have disclosed these activities sooner and in more detail than he did. The Panel also found that TVNZ could have done more to enquire further.
4. The Panel recommends that:
 - Those employees within TVNZ's News and Current Affairs Department, whose roles require them to report, edit or produce political content cannot be members of political parties, or engage in political activity for a party or cause. This extends to news managers, the Chief Executive (as Editor-in-Chief), the Head of News and Current Affairs and the Head of Legal and Corporate Affairs.
 - Those employees within TVNZ's News and Current Affairs Department, whose roles require them to report, edit or produce other news content must disclose membership of any political party, or involvement in any political activity for a party. This disclosure will necessitate a discussion about the person's suitability to cover stories with a potential political angle.
 - Those other employees within TVNZ's News and Current Affairs Department do not need to disclose political party membership, but should disclose any activity beyond passive membership of any political party. This requirement should be extended to those reporting to Executive Team members, as well as those Executive Team members themselves.
 - TVNZ's conflicts of interest policies be expanded to ensure that these recommendations are included, and that advice and instructions contained in the TVNZ Journalists Manual be extended to cover all News and Current Affairs staff.

- The conflicts of interest registration process at TVNZ be managed centrally by the Head of Legal and Corporate Affairs, who would have responsibility for ensuring that relevant managers monitor and manage any potential conflicts.

Issues for inquiry

The Panel was asked to review the circumstances surrounding the political activities of Mr Taurima and the other three staff members. In broad terms, this involved a focus on the following three matters:

1. Whether there was any political bias in TVNZ's Māori and Pacific Programmes (MPP) Department (between February 2013 and February 2014) and in Q+A interviews conducted by Mr Taurima (in 2012).
2. Whether there was any inappropriate use of TVNZ resources within the MPP Department (February 2013 - February 2014).
3. Whether there was any breach by Mr Taurima of any undertakings to TVNZ or TVNZ conflicts of interest policies by his political activities (between June 2013-February 2014).

Methodology

The Panel oversaw an internal audit review by TVNZ staff into the costs and expenses charged to TVNZ by Mr Taurima and the MPP Department, including invoices, credit cards and expense claims. The audit review also examined the use of TVNZ assets.

The Panel conducted interviews with relevant TVNZ witnesses as follows (with their roles during the relevant period):

- Janeen Williams, Personal Assistant to Mr Taurima
- Arana Taumata, Producer, *Marae Investigates*
- Hineani Melbourne, Producer, *Waka Huia*
- Stephen Stehlin, Producer, *Tagata Pasifika*
- Irena Smith, Political Reporter, *Te Karere*
- Toi Iti, Producer, *Totes Māori*
- Tini Molyneux, Executive Producer, *Te Karere*
- John Gillespie, Head of News and Current Affairs (from 24 June 2013)
- Michele Romaine, Acting Head of News and Current Affairs (29 March – 23 June 2013)
- Aroha Mane, Digital Media Content Producer for Māori and Pacific Programmes
- Maria Kuiti, Associate Producer, *Waka Huia*
- Maryanne Ahern, Executive Producer, *Q+A*
- Shane Taurima, General Manager, Māori and Pacific Programmes

Natasha Panui-Morris did not make herself available for interview.

The review was also assisted by conversations with the following TVNZ staff:

- Raewyn Rasch, Acting General Manager, Māori and Pacific Programmes (following Mr Taurima's resignation in February 2014)
- Lisa Hansen, General Manager, Human Resources - News and Current Affairs
- Richard Parker, General Manager, Human Resources and Shared Services
- Kerry Heath, Head of Internal Audit

The Panel examined a range of TVNZ documentation: the TVNZ Journalists' Manual for News and Current Affairs; the Code of Conduct and Editorial Guidelines for Presenters; the TVNZ Employment Code and Conditions of Employment; Mr Taurima's recent performance reviews. It also examined a range of emails, including those recording Mr Taurima's return to TVNZ after his unsuccessful bid for the Labour Party candidacy in Ikaroa-Rāwhiti in May 2013. In addition, the Panel conducted searches of the TVNZ email accounts of Mr Taurima, Ms Kuiti, Ms Panui-Morris, and Ms Mane, obtaining copies of emails to and from others in the Labour Party, and those containing words associated with the Labour Party.

The Panel had TVNZ staff examine the phone records of the four staff members.

The Panel viewed all the political interviews conducted by Mr Taurima on *Q+A*, and examined digests of items broadcast on *Te Karere*, *Waka Huia*, *Marae Investigates*, obtaining a sample of transcripts from programmes that were political in nature. It viewed a documentary on the Waitangi Tribunal produced by Mr Taurima.

The Panel provided Mr Taurima with copies of any documents that caused it concern and summarised the topics it wished to question him about.

Mr Taurima provided a timeline of key events and documents.

The Panel provided a copy of this report in draft to Mr Taurima in confidence for comment or corrections before it was finalised.

PART 1: BIAS

What constitutes evidence of bias?

1. Perhaps the most significant question for the Panel, at least in terms of the impact on the TVNZ viewing public, is whether any of TVNZ's programming was tainted with bias as a result of the involvement of Mr Taurima or the three other TVNZ staff who were Labour Party members. Independent news organisations have a fundamental ethical and legal obligation not to show fear or favour toward any political party. Any question of bias has a potential negative impact on the reputation of the organisation and its staff.
2. The Panel accepts that bias is very subjective. Reasonable people may disagree about what amounts to bias. So a definition needed to be applied in the first instance.
3. Bias, for the purposes of the review, is displaying manifest unjustified favour or disfavour toward a person or viewpoint or party in the preparation or presentation of programmes, either:
 - (a) with the intention of gaining party political advantage for any political party; or
 - (b) with the effect of creating the impression in the minds of reasonable viewers of favour toward any political party.
4. Note that this is partisan bias. The Panel did not explore other forms such as bias toward particular iwi, or in relation to particular issues or people, or general ideology, unless it created partisan advantage.
5. Bias may be deliberate. But it may also be inadvertent, if it creates the impression of favour or disfavour for political purposes.
6. If a broadcaster makes reasonable attempts to obtain a range of relevant viewpoints, that will usually obviate any possibility of bias. The broadcaster cannot be held responsible for invited interviewees who are unavailable or refuse to appear, though this may mean that their views need to be represented in other ways. The Panel notes that some Māori programming has te reo Māori language requirements, and is therefore very limited in which guests can participate.

Q+A interviews

7. *Q+A* is TVNZ's long-form political interview programme. It is broadcast on Sunday mornings. Mr Taurima conducted interviews and moderated discussions on 28 episodes of *Q+A* between March and November of 2012. The interviews are still all available on TVNZ's website.
8. The Panel heard evidence about how *Q+A* was prepared. Production staff chose who was interviewed each week, though the presenters, who included Paul Holmes and Mr Taurima, were often consulted. The programme's staff conducted their own research to ascertain the most significant issues to explore. The production team met with the presenters later in the

week to agree on an approach to the scheduled interviews. The presenters then wrote their question lines and the producers discussed and approved them. During the course of the interviews, producers gave feedback to the presenters through their earpieces. There was often a post-interview briefing to explore what lessons could be learned.

9. The Panel has viewed all of the political interviews conducted by Mr Taurima on *Q+A*. It watched many of them together, including his interviews with Hon Paula Bennett, Minister of Social Development.
10. The Panel found that Mr Taurima's interviews on *Q+A* did not display bias. It found him to be a talented long-form interviewer who grew in the role as the year progressed. He was well-prepared, polite and calm. His questions were often based on specific research conducted by the programme, or by other credible sources, such as the Law Commission and BERL. His questions came from across the political spectrum. In each instance there was a justification for the questions he was asking.
11. At times, Mr Taurima asked questions that overlapped with those being asked by the guest's political opponents (for example, when interviewing government ministers he would sometimes press them on issues being raised by the Labour or Green parties), but that is to be expected. Indeed in many cases he could rightly have been criticised for not putting such questions.
12. Mr Taurima often pressed for answers, repeating his question if he felt it was not adequately addressed, but the Panel generally saw this as a strength of his interviews. He did interrupt sometimes. However, he invariably gave his guest the chance to provide a full answer at some point. Some of his interviews were tough without being overly aggressive, and these spanned the political spectrum: for instance, he had robust and challenging exchanges with Labour leader David Shearer and Labour MP David Clark.
13. If Mr Taurima really did favour Labour's interests, he did a noticeably poor job of it in some interviews. Interviewing Green Party Leader Russel Norman MP in October 2011, about six months before he put up his hand for a Labour candidacy, Mr Taurima quoted John Tamihere criticising Labour's front bench for "not firing". He asked "Is Labour that bad?" and "Do you think it is harming the chances of getting into government together?"
14. In the same interview, he asked Dr Norman what he knew about Kim Dotcom through his membership of Parliament's Intelligence and Security Committee. When Dr Norman said that operational details were not discussed there, Mr Taurima suggested that it was "believable that the Prime Minister was not told much either", an observation that directly supported Rt Hon John Key in relation to a politically sensitive issue about how much the PM knew about the government's involvement in Mr Dotcom's affairs.
15. The next month, in an interview with David Shearer, Mr Taurima spent almost seven minutes challenging him about dissent within the Labour Party caucus, pressing him repeatedly about Hon David Cunliffe's disloyalty, party divisions, and criticisms that he was "not up to the job".

16. After the publicity that led to Mr Taurima's resignation, some people pointed to his first interview with Ms Bennett as evidence of bias. The interview was conducted in March 2012, and the focus of Mr Taurima's questions was the 83,000 young people who were not in education, employment or training, an increase of 20,000 since National took office. Critics said Mr Taurima interrupted too much, browbeat the minister, and stridently kept coming back to the same question even though the Minister had addressed it.
17. The Panel gave that interview particular scrutiny. In the end it concluded that this interview had faults but the Panel reached the clear view that it did not show evidence of bias. It bore in mind that:
 - The interview was one of Mr Taurima's first half-dozen on Q+A.
 - It was conducted 12 months before he announced his intentions to put his name forward for the Ikaroa-Rāwhiti nomination; Mr Taurima said at that time he was not a member of the Labour Party, had given no consideration to standing for Parliament, or supporting any particular party, and was proud when people told him they could not guess who he supported.
 - Q+A took an unashamedly robust tone with its frontline political guests. It was there to hold politicians to account, especially those wielding government power.
 - The statistic about the 83,000 young people was uncovered by the programme's researchers, and Mr Taurima said they had a difficult job of extracting it from the ministry. The team justifiably regarded it as a significant and under-explored issue.
 - The interviewing approach Mr Taurima took was suggested by Paul Holmes. Mr Holmes recommended keeping the interview simple, focusing on a few issues, and repeatedly coming back to them to force the minister to answer them. This advice was approved by the producers. Mr Taurima took it.
 - It was open to Mr Taurima to conclude that Ms Bennett did not adequately respond to the question, though people could disagree about this.
 - Mr Taurima was receiving and following advice from his producer (through an earpiece) during the course of the interview. At a point in the interview, he was told to back off, and says he did.
 - While Mr Taurima did interrupt often, at several points in the interview Ms Bennett was given a full opportunity to respond as fully as she wished.

- Mr Taurima accepted that the interview was “not my best work”, that he interjected far too many times, and that the approach he took was too narrow. He said the problems had been identified and discussed in debriefings with his producer.
- There were no formal complaints about the interview.
- Mr Taurima interviewed Ms Bennett again in September 2012, in an interview that did not display the same faults.

Bias in other programmes?

18. Shane Taurima was appointed General Manager of Māori and Pacific Programmes in February 2013. Before that, he had been executive producer of the daily Māori news programme, *Te Karere*. That role included some presenting and reporting.
19. His role as GM involved an overarching responsibility for managing a variety of programmes, including *Waka Huia*, *Marae Investigates*, *Tagata Pasifika*, *Totes Māori* and *Fresh*. He also had an overarching responsibility for *Te Karere*, though this programme reported editorially to the Editor of Daily News.
20. Mr Taurima’s role was in practice largely managerial. He was responsible for funding applications, budget allocations, staffing issues, complaints, recruitment and overall strategy. He met weekly with the programmes’ producers. Day to day, he had little direct editorial input, though he did review the programmes and provide guidance regarding editorial direction.
21. However, Mr Taurima did have some influence on editorial content as General Manager:
 - He was stand-in executive producer of *Te Karere* for some days during August 2013.
 - He oversaw the polling that was conducted, and provided occasional advice on coverage of polls.
 - He was occasionally consulted about upcoming programmes, for example providing advice about question lines for Ranginui Walker’s appearance on *Marae Investigates*.
 - He produced a documentary on the Waitangi Tribunal for *Waka Huia*.
 - He was involved in special projects.
22. The Panel examined extensive digests of *Tagata Pasifika*, *Marae Investigates*, *Waka Huia* and *Te Karere* programmes from 2013. It looked at transcripts from some programmes that seemed particularly relevant, including *Te Karere* stories from a week in August 2013 when Mr Taurima covered as Executive Producer. The Panel also interviewed the producers of the programmes, and examined email traffic to and from Mr Taurima where he provided some editorial input into the programmes.

23. The Panel found an element of what might be called deference in many of the political interviews on these programmes. Those interviewed tended to come from the Labour or Māori or Mana parties. The Panel was told that guests on *Te Karere* were given the questions in advance.
24. Was this bias? The Panel has concluded that it wasn't. The circumstances of the production of these programmes are unique, and create severe constraints. The main constraint is the language requirement. A high proportion of each programme is required to be in te reo. This means that anyone interviewed at length must be more or less fluent. The programmes must occasionally interview people whose language skills are less strong. This is why *Te Karere* provides its questions in advance: so that guests can ensure they understand the questions and have the vocabulary and grammar at their command to answer them. That may require some preparation and practice for some. Recognising the necessity of providing the questions in advance for some, *Te Karere's* policy is that, in fairness, they needed to be provided to all. It is hard to criticise this.
25. The language constraint bites particularly hard when it comes to Parliament. Few Members of Parliament can speak Māori. Of those who do speak te reo Māori fluently, most come from the Labour, Māori and Mana parties. This made political balance difficult to achieve, though the programmes were quick to invite Hon Hekia Parata from National to appear because she is a fluent speaker of te reo Māori. In addition, the Panel was told that in many ways, the significant political issues in Māoridom relate to the differences between Labour, Māori and Mana. Finally, there was a degree of connection between many of the journalists and the politicians, through whānau and social relationships.
26. The Panel concluded that there were times when TVNZ's Māori and Pacific programmes could perhaps have strived harder to find a range of alternative viewpoints. However, this problem was very largely driven by circumstances, did not single out Labour alone for special treatment, and was not of Mr Taurima's making. The Panel saw no evidence, onscreen or off, that he exercised any editorial influence with the intention or effect of unjustifiably favouring the Labour Party.
27. The producers of the shows said that Mr Taurima made only rare suggestions about political content, and they could not recall any content that was overtly pro-Labour. They all said he left it to them to make final editorial decisions. Many mentioned that they themselves had occasionally sought his advice on story ideas, question lines, etc.
28. What of the role of the other TVNZ staff who were also involved in Labour Party activities? Those three staffers, Natasha Panui-Morris, Maria Kuiti and Aroha Mane had production jobs and had extremely limited ability to influence editorial content. The Panel saw no evidence that they had done so - or even sought to do so - at all.

PART 2: USE OF RESOURCES

29. The Panel's next task was to inquire into the use of TVNZ resources by Mr Taurima or other Māori and Pacific Programmes staff for the purposes of the Labour Party. Any use of these resources for a political party would be unacceptable.
30. TVNZ's policy is to allow reasonable use of its facilities for its staff personal purposes. For example, TVNZ Employment Code and Conditions of Employment allow staff to use the internet for "reasonable personal reasons subject to the use not interfering with the work of TVNZ". Likewise, reasonable personal use of TVNZ's telephone systems is allowed, again provided this does not interfere with the work of TVNZ. Otherwise, TVNZ assets may only be used for staff private purposes with the prior approval of the relevant manager.
31. In addition, staff also have a duty to "avoid any activity, interest or relationship with any person or any person or entity outside or inside TVNZ which could create, or might appear to create, a conflict with the interests of TVNZ. A conflict of interest includes any action or inaction that does or could harm the interests of TVNZ". The use of TVNZ resources to advance third party interests will engage this duty.
32. The Panel heard reports from TVNZ's internal audit review, which examined costs in the past 12 months charged to TVNZ by the MPP Department and the relevant Māori programmes, involving invoices addressed to or paid by TVNZ, use of TVNZ credit cards, expense claims, koha, petty cash use, and internal re-charges. They traced these back to supporting documentation. The Panel also raised these matters in its interviews.
33. The Panel's task was made considerably easier by Mr Taurima's exemplary expense returns. These were praised as orderly and comprehensive by TVNZ audit staff.

Findings

34. The Panel found that a range of TVNZ resources were used for Labour Party purposes. These are addressed in turn.
35. **Meeting room.** A TVNZ meeting room was used to host a Labour Party branch meeting on 6 August 2013. Mr Taurima and the other staff involved accept that this was entirely inappropriate. There was no evidence that any other TVNZ resources, such as food or drink, were used for this meeting. Another Labour Party branch meeting at TVNZ had been planned the week before, but this was cancelled.
36. **Email.** Mr Taurima and the other staff accept that they used TVNZ email for Labour Party purposes. Mr Taurima sent Labour Party emails from his TVNZ account, though many were emails to himself that he sent to his private email account, and almost all his party communications were sent from that private account. The emails he received in his TVNZ account about Labour were mostly Labour Party press releases that other journalists were also receiving.

37. The other three TVNZ staff used TVNZ email more extensively. Our searches turned up hundreds of emails to and from their TVNZ accounts that dealt with their activities for the Labour Party. It is possible that there were other emails relating to Labour Party business that our searches missed, but the Panel doubts they would change the overall picture. Many of the emails were from Ms Panui-Morris. Fewer were from Ms Mane. Fewer again were from Ms Kuiti.
38. The emails mostly involved a group of seven or eight Labour Party members, including the four in TVNZ. Emails from any of them would usually be sent to the whole group. In the emails, they discussed the process for setting up and running a branch, the timing, agendas, attendance, catering and minutes for meetings and fund-raisers, enrolling friends and whānau in the Labour Party, generating membership lists, setting up a Facebook page, opening bank and email accounts for the branches, selling raffle tickets, the production of a party newsletter, and liaison with other branches and party officials.
39. This needs to be put in context. The emails were over an eight-month period. Many of the emails from the TVNZ accounts were short and administrative in nature, and were contributions to group exchanges. There is no mention of any attempt to influence TVNZ coverage or its staff, or use TVNZ resources (besides the meeting room and a copy of the electoral roll).
40. Ms Mane and Ms Kuiti told the Panel that the party activity was largely at the behest of Mr Taurima. Ms Mane said she joined the party at his request and to support him. Mr Taurima accepted that he was the guiding hand for the party activity, but overall, his position was that he was supporting friends and family rather than furthering his own political ambitions. He saw it as a joint project to support Labour, and told the Panel he understood that at least two of the staff members were already members of the Labour Party. However, in an email from Mr Taurima dated 2 July 2013, he asked the three TVNZ staff to “please over the next couple of days join up to Labour” and provided an online link to do so. Mr Taurima could only tell the Panel that his memory was that Ms Panui-Morris and Ms Kuiti were already members at this point.
41. **Telephone.** The Panel started to gather information about the calls made from TVNZ telephones. However, it found that it was extremely difficult to establish which calls were for TVNZ or legitimate personal business. The Panel also found that the total costs of the calls would come to no more than \$10. The Panel has little doubt that Mr Taurima and the other staff made telephone calls from TVNZ related to Labour Party business. It is difficult to be sure how many. However, the costs involved were negligible.
42. **Staff time.** It is clear that a good many of the emails took place during work hours, and must have occupied, in total, substantial time. However, the Panel heard considerable evidence that Mr Taurima and the other staff involved worked long hours. On the other hand, Ms Mane expressed concern that some of Mr Taurima’s Labour Party-related requests made it difficult

for them to fulfil their work duties. For his part, Mr Taurima said that this was not his intention and that there was nothing he asked them that couldn't be performed after work hours.

43. **Photocopying.** The Panel finds that the staff generally took care to ensure that copying and printing relating to party business was done outside TVNZ premises. But there is an exception. Mr Taurima asked Aroha Mane to copy the Tāmaki Makaurau Electoral roll. She borrowed it from the TVNZ library and copied it on a TVNZ photocopier. She says she believed this was for the purposes of journalistic research (a role she had performed in the past), not for party purposes. Mr Taurima says he did not know that she copied it using a TVNZ photocopier.
44. **Polling.** As General Manager of Māori and Pacific Programming, Mr Taurima oversaw the conduct of political polling in relation to Māori matters. Polls are very expensive. The Panel was concerned that TVNZ resources might have been used by Mr Taurima to conduct polling that might benefit the Labour Party, or even him personally in an attempt to learn about the dynamics of the Tāmaki Makaurau race. Some of the documents suggested that Mr Taurima had ordered a poll to be conducted in Tāmaki Makaurau in 2013. However, in the event, that poll was never conducted, and Mr Taurima chose other seats for polling. The Panel found there were valid reasons for the choices of polling he made.
45. **Expenses.** TVNZ's audit review brought to the Panel's attention five instances of expense claims relating to hired cars, taxi fares and air fares that seemed questionable. The Panel asked Mr Taurima about these and were generally satisfied by his explanations. There were two exceptions:
- (a) Mr Taurima acknowledged that one of the taxi fares for \$70 was for personal business and he offered to reimburse it. It does not seem to have been for the Labour Party. The Panel sees no reason to doubt that this was a simple oversight by Mr Taurima, and acknowledges his honesty.
 - (b) There is an air fare for Ms Heni Tawhiwhirangi on 6 July from Gisborne to Auckland, and an associated taxi fare for her from the Auckland airport to TVNZ on the same day, a Saturday. These amounted to \$334.43 in total. The meeting at Mr Taurima's home to establish two Labour Party branches was held on that day, and Ms Tawhiwhirangi attended and participated.

Mr Taurima gave the Panel an extremely detailed explanation for this expense claim. In short he explained that while Ms Tawhiwhirangi did attend the meeting at his home, it was through a series of unexpected events. Mr Taurima explained that Ms Tawhiwhirangi's primary purpose for being flown to Auckland was to discuss a business opportunity that he believed would benefit both TVNZ and the Iwi Radio Network, which Ms Tawhiwhirangi advised.

Mr Taurima provided an email from Ms Tawhiwhirangi, which supports his explanation that Ms Tawhiwhirangi ended up staying as a guest at Mr Taurima's home that night and attended the meeting in an unplanned fashion. The email says "He [Mr Taurima] said

that he would put me up in a hotel if I wanted. I asked who would be here, and realised that some of them were old friends, so I stayed at Shane's place overnight. We had a beautiful dinner with old friends and we discussed politics. It was wonderful."

The Panel believes that this account seems rather to underplay the nature of the meeting and Ms Tawhiwhirangi's involvement. The meeting was held in order to set up two branches; it was attended by 11 people (and 12 others gave apologies); resolutions were passed setting up the branches; officers were elected; minutes were taken and later distributed.

What's more, Ms Tawhiwhirangi actively participated in the meeting (she seconded the appointment of the vice chairperson of one of the branches, and moved a motion that a bank account be established). Some months earlier, Mr Taurima had written confidentially to Ms Tawhiwhirangi to let her know that he was planning to stand in Ikaroa-Rāwhiti. Besides attending the 6 July meeting, Ms Tawhiwhirangi was copied in and contributed to some of the later emails concerning party business, and provided Mr Taurima with advice on party issues.

This has caused the Panel some concern. Even if the business meeting was legitimate, it also conveniently facilitated Ms Tawhiwhirangi's attendance at the Labour Party foundational branch meeting. The Panel believes that the primary reason for Ms Tawhiwhirangi's presence in Auckland was the Labour Party meeting, and that TVNZ should seek reimbursement from Mr Taurima.

46. The Panel accepts that most of the four TVNZ staff members' Labour-related activities took place elsewhere. All but one of the meetings were held at other venues. Mr Taurima almost always used private email. Copying of the branch newsletters was done elsewhere. The TVNZ carpool was not used. Party meetings were not held during work time. No TVNZ food or money was used for catering.
47. The Panel also accepts that such TVNZ resources as were used did not cost much. The use of the meeting room did not cost TVNZ in a financial sense. The direct costs of the email and telephone usage were negligible. The photocopying of the electoral roll was not expensive. The use of staff time was significant, but the Panel is unable to say that the long hours worked by Mr Taurima and the three staff members did not make up for it, as is claimed.
48. However, the costs are not the only issue. In fact, they are not the main issue. The concern here is primarily about damage to TVNZ's credibility and reputation for independence when its resources are used for party political purposes. The Panel finds that any use of TVNZ resources for Labour Party purposes was inappropriate.

PART 3: DISCLOSURE OF POLITICAL ACTIVITIES AND CONFLICT OF INTEREST

49. It is vitally important to a news organisation that its staff – and particularly its editorial staff – do not involve themselves in external activities that might undermine the public’s confidence in the organisation’s independence. Like most other media organisations, TVNZ has rules about conflicts of interest and expects its staff to avoid them if possible and otherwise to disclose them so that they can be discussed and managed.

50. The Panel has noted TVNZ’s general conflict of interest policy in its Employment Code and Conditions of Employment. This says (at clause 5.1):

TVNZ employees must avoid any activity, interest or relationship with any person or entity outside or inside TVNZ which could create, or might appear to others to create, a conflict with the interests of TVNZ.

A conflict of interest includes any action or inaction that does or could harm the interests of TVNZ.

In case of doubt, employees should consult the Head of Human Resources or the Chief Internal Auditor.

51. Clause 5.8 deals specifically with Political and Other Sensitive Activities:

Employees must advise TVNZ upon being selected, elected or appointed to any executive or other position within any political party, employer or employee organisation or any position which could leave the employee open to an allegation of bias or partiality in favour of that organisation or position to the detriment of TVNZ.

TVNZ may consult with the employee regarding the consequences to TVNZ and take such action as is reasonably necessary to protect its interests.

52. Part 6 of the TVNZ Journalists’ Manual is headed “Editorial Independence” and states in part:

The principle of editorial independence recognises the vital importance of separating control of editorial content from commercial or political interference, whether inside or outside TVNZ. Operating without fear or favour is fundamental to an objective and impartial newsroom, and absolutely necessary in a free and democratic society. Editorial decisions in News & Current Affairs must be made freely, based solely on recognised principles of objective journalism. Any attempt to undermine that should be referred to the Head of News & Current Affairs.

53. Part 7 of the Journalists’ Manual is headed “Conflicts of Interest”. It says in part:

The integrity of our news and current affairs is paramount. Viewers must be in no doubt that editorial decisions are made without fear or favour.

Presenters and reporters are most vulnerable to allegations of conflict of interest, but anyone who has responsibility for the content of a programme is accountable. This includes producers, directors, researchers, editors and camera crews, and can also apply to freelancers and casual contractors.

The degrees of conflict can depend on the nature of a particular programme. Some areas – politics, finance and consumer – are particularly sensitive, because they can more easily cause audiences to doubt our impartiality and integrity.

Any potential conflict requires referral upwards. If you think an outside commitment/relationship might be seen to compromise your integrity then it must be declared, at an Executive Producer level. The E.P. may decide to refer the matter to the Head of News & Current Affairs.

It is TVNZ's view that conflicts of interest should be handled on a case-by-case basis. However, in the three most vulnerable areas, you should bear the following issues in mind:

a) Politics

TVNZ has no wish to limit any person's freedom of association or ability to join a political party. But someone working in news and current affairs should ask the basic question: If this fact (party membership) became public, would our viewers regard the journalist involved as truly impartial? If there is any suggestion they would not, then it must be declared.

The same applies to anyone seeking office in a political party. Standing for local or central Government is likely to create a conflict of interest, though the risk of compromise can vary depending on your particular role in news and current affairs.

Candidates must also consider the implications to their journalistic careers should they prove unsuccessful. Despite every effort to remain objective, journalists who return to work after being unsuccessful as political candidates, can nevertheless remain tainted in the minds of viewers and therefore be judged to have lost their impartiality.

Clearly, anyone with political aspirations must consider the serious risk of conflict and the need to refer upwards.

54. The Panel approached this section of our report as follows. First, it examines what was agreed when Mr Taurima returned to TVNZ after his unsuccessful bid for the Labour candidacy of Ikaroa-Rāwhiti. The focus is on two issues:
- (a) What, if anything, did Mr Taurima promise TVNZ in relation to his ongoing activities with the Labour Party?

- (b) What, if any, ground rules were set about whether Mr Taurima could continue to be involved in political aspects of TVNZ programmes?
55. Having considered what was agreed and promised upfront, the Panel then look at what actually happened. What Labour Party activities did Mr Taurima and the other three staff members involve themselves in? Did they try to keep this secret? What was TVNZ told? Was Mr Taurima planning all along to stand for Tāmaki Makaurau?
56. Finally, the Panel considers whether these activities created a conflict of interest that should have been disclosed, or disclosed earlier and more fully than occurred.

Mr Taurima's return

57. On 16 May 2013, Mr Taurima told TVNZ he had decided to stand for the Labour candidacy for Ikaroa-Rāwhiti. A process was agreed with the (acting) Head of News and Current Affairs, Michele Romaine, documented in an email. Mr Taurima resigned from Q+A, and went on leave until the selection process on 26 May. If he was unsuccessful, TVNZ would discuss his return as head of Māori and Pacific Programmes.
58. In the event, Mr Taurima took annual leave until 10 June, when he returned to TVNZ. The Panel heard conflicting versions of the arrangements that were put in place when Mr Taurima returned to TVNZ, and the assurances he gave TVNZ. Unfortunately, these were not recorded in writing.
59. Michele Romaine says that Mr Taurima insisted that his candidacy had been about representing his people in Ikaroa-Rāwhiti. It was that seat or nothing. He said he had no further political ambitions, and promised he would not be involved in any further political activity at all. If that changed, he would tell TVNZ. Ms Romaine also says:

"I sought an assurance by Shane in the very first conversation when he was considering putting his name forward that he was not at that time a member of the party. He assured me he was not and had no intention of joining unless he was successful in securing the nomination. On his return to work having failed to be selected I sought and was given the same assurance by Shane."

60. She says they agreed ground rules about his role at TVNZ. He would have no further involvement in political programmes. He could not be a political presenter. He would have no editorial direction or responsibility over *Te Karere*.
61. This version was largely consistent with what the Panel heard from John Gillespie, who was Editor of Daily Content at the time, and took over as Head of News and Current Affairs on 24 June. He said Ms Romaine advised him Mr Taurima told her after his failed nomination bid that his political aspirations were over, that his political involvement was finished, and that his motivations were not about Labour but about helping his people.

62. Mr Gillespie said, however, that parameters were not laid out as to what Mr Taurima could and couldn't do in relation to his involvement with programmes. But he said he told Mr Taurima that "he would need to tell me straight away if Labour came knocking on his door again". He says Mr Taurima agreed.
63. Mr Taurima accepts that his conversations with Ms Romaine focused on Ikaroa-Rāwhiti and his motivations for seeking representation of his people there. He accepts that he said he had no intention of standing for Labour in another seat or on the List (nor did he in fact have any such intention at that point). He accepts that they agreed that if this were to change, he would have to declare this to TVNZ and resign. But he says there was no discussion about his ongoing membership of the Labour Party, or any activities he might engage in, in a personal capacity, to support friends and whānau in Labour.
64. He says that Ms Romaine must have known about his Labour Party membership. On his account, he told her that standing for the Ikaroa-Rāwhiti candidacy would involve joining the Party. He denies assuring her that he did not and would not join unless he was successful in gaining the candidacy. In fact, he says he told her positively that he would join.
65. Mr Taurima is also firmly of the view that there was no change to his role and responsibilities as GM of Māori and Pacific Programming. In particular, there was no rule that he could have no involvement in political programmes, except that he could no longer be involved in Q+A.
66. However, Mr Taurima does say in an email on 11 June, "I am back at TVNZ as GM of Maori and PI programmes, but will lose editorial of TK [*Te Karere*], and won't pick up *Marae* until after the by-election". This does suggest an understanding that his role had changed.
67. There is one internal TVNZ email recording the terms of Mr Taurima's re-engagement. It is dated 10 June 2013. Unfortunately, it was not sent to either Michele Romaine or Mr Taurima. It records that Mr Taurima is returning to work and that:
- He told Michele that he harbours no future political aspirations following his unsuccessful tilt at the Labour candidacy for Ikaroa-Rāwhiti. He's ruled out seeking a place on the Labour list in next year's election.
 - He's back in the job and there will be no change to his role or responsibilities.
 - He's committed to his role with TVNZ.
 - *Marae Investigates* continues under his management.
 - *Te Karere* remains under the management of the Editor of Daily News Programmes, an arrangement that predates Shane's run for office.
 - He will not be returning to frontline political journalism and he won't be back on Q+A.

- We have in place robust editorial processes to manage any potential conflict of interest issues that may arise. Michele says: “we have no question about his integrity”.

68. There are two issues here. What assurances did Mr Taurima give about his political aspirations? And: Were restrictions placed on his involvement in TVNZ’s political journalism (beyond his resignation from *Q+A*)? The Panel deals with these in turn.

What assurances did Mr Taurima give?

69. The Panel does not know exactly what Mr Taurima said to Ms Romaine and Mr Gillespie on his return from challenging for the Ikaroa-Rāwhiti. There is certainly some common ground in the evidence heard by it. But there are also significant points of conflict.

70. TVNZ needs to take some responsibility for this. Given the questions that were being raised about his return, it was important that the conditions of his return be carefully documented. It was incumbent upon TVNZ to do so. The Panel heard that the leadership of News & Current Affairs was in transition, and that it contributed to this lapse.

71. On the other hand, even on Mr Taurima’s account, he was telling TVNZ that he was very disaffected with Labour. He felt bruised by the selection process. He was expressing a commitment to TVNZ in circumstances where he knew he had to choose. Even on his own account of things, he said he had no intention of standing in any other seat. This was linked to his insistence that his candidacy had been about his people in the region of Ikaroa-Rāwhiti. He should have understood that TVNZ would likely treat this as an undertaking that his political activities for Labour were over.

72. The Panel accepts that, as at the date of his return to TVNZ, Mr Taurima had no fixed intention to seek a Labour candidacy at the next election. He had no existing and definite political aspirations. But as discussed below, some of the evidence suggests he was harbouring the notion of a possible run in another seat. Indeed he admitted to the Panel that friends and whānau were pressuring him to do so, in part because of the expectations he created from his Ikaroa-Rāwhiti attempt.

73. On either version of events, the Panel believes that the tenor of his conversations with TVNZ was inconsistent with Mr Taurima undertaking significant political activities for the Labour Party in the ensuing months and not telling TVNZ. It was also inconsistent with him coming to give serious contemplation to standing for Labour in another seat at the next election, and certainly inconsistent with taking active steps to lay the groundwork for that option, should he decide to stand at a later date.

What limits were placed on Mr Taurima’s role at TVNZ?

74. Michele Romaine says the agreement was that Mr Taurima was to have no further input into political coverage at TVNZ. The Panel heard from the Executive Producer at *Te Karere* that this

was her understanding too. Mr Taurima's email about "losing" *Te Karere* provides some further evidence of this arrangement.

75. However, other evidence suggests that any such ground rules were not clearly laid down. As the Panel has seen, the 10 June email said there would be no change to Mr Taurima's role and responsibilities. The reference to the end of Mr Taurima's "frontline political journalism" seems to be about *Q+A*.
76. In the end, the Panel finds that it doesn't need to resolve the issue. Suffice to say that if any such ground rules were laid down, they were not adhered to by TVNZ or Mr Taurima and were unrealistic anyway.
77. The Panel has noted that the job of the General Manager is very largely managerial (see above para 20). It has also noted that the GM did not have direct editorial control of *Te Karere*, the most political of the MPP shows (see para 19). So his role was never going to involve powerful input into political programming.
78. That said, most MPP programmes had some degree of politics about them. *Te Karere* dealt with political issues every day. *Marae Investigates* often tackled political matters. Even *Waka Huia* aired shows about politicians from time to time. Mr Taurima was expected to meet with the Executive Producers, review the programmes, and discuss performance and strategy. It was never feasible to draw a line between items that were political and those that weren't. To a limited extent, his role drew him into these issues.
79. In addition, given Mr Taurima's extensive experience as a journalist, it is not surprising that he would offer suggestions to staff, and occasionally staff would turn to him for advice.
80. Further, it must have been clear to TVNZ that Mr Taurima was having an involvement in political coverage. He acted as stand-in executive producer at *Te Karere* for some days in August. He produced a documentary about the Waitangi Tribunal for *Waka Huia*. He managed the polling for the programmes. His performance reviews include reference to his role in programme content. The Head of News and Current Affairs was aware of all of this.
81. The Panel concludes that Mr Taurima was permitted to continue to have a role in the political content of the MPP shows. However, it reiterates that this role was very limited.

Mr Taurima's activities for Labour

82. Having looked at what happened when Mr Taurima returned to TVNZ, the Panel now examines the months afterwards. What Labour Party activities did Mr Taurima take part in? Should he have declared to TVNZ his activities for the Labour Party in the latter part of 2013. Indeed, should he have engaged in them at all?

83. Here is a summary of some of the evidence of Mr Taurima's activities for the Labour Party after his return to TVNZ. This is largely gathered from the emails the Panel examined, supplemented by interviews with Mr Taurima, Aroha Mane and Maria Kuiti.

- In early June, Mr Taurima started gathering information about the Tāmaki Makaurau electorate.
- On 18 June he forwarded to his private email account part of an email from a supporter which identified four steps to gain a foothold in Tāmaki Makaurau.
- He took steps to help register Labour Party members. A 2 July email from Mr Taurima says "I need to sign up people to the Labour Party"; another asks the three other TVNZ staff members to "please over the next couple of days join up to Labour" and explains how.
- In early July, he organised the photocopying of the Tāmaki Makaurau electoral roll.
- He called a 6 July meeting to set up branches: Tāmaki Herenga Waka, Tāmaki Herenga Wahine. The chairs appointed are Maria Kuiti and Aroha Mane. His agenda explained that the aim of the branches to recruit members and supporters, participate in policy development, become involved in community issues, campaign in local and general elections, and raise funds for the Party.
- Later in July, Mr Taurima wrote briefing notes setting out the new branches' positions on agenda items for the 15 July Tāmaki Makaurau Labour Electorate Committee (LEC) meeting.
- Mr Taurima participated in a 16 July Labour Party hui at Otara.
- On 31 July, a hui at Mr Taurima's home established a third party branch, Tāmaki Awa.
- On 6 August there was a branch meeting at TVNZ: nine attended. They discussed getting representation on the LEC and holding a fund-raising debate/dinner at Te Mahurehure Marae (which Mr Taurima was to organise).
- On 5 September Mr Taurima told his brother he was "busy with Labour".
- At a special general meeting of the LEC chaired by Mr Taurima on 23 September, he was elected chair of the LEC.
- He helped organise a raffle by the three branches for Alicia Keys and John Legend concert tickets to raise money toward LEC levies.
- He helped coordinate a party newsletter.

- On 2 October, Mr Taurima discussed advice to the Te Kaunihera Māori (TKM: Labour’s Māori Council) re the need for media team and media training.
 - On 6 November Mr Taurima sent an email to his supporters indicating he would attend a confidential party election campaign meeting at Western Springs. Mr Taurima did not attend, however.
 - He was MC for a 19 January LEC hui at Te Mahurehure Marae, attended by MPs Shane Jones, David Cunliffe, and Nanaia Mahuta. He also facilitated a session on “How we will win the Māori vote in 2014”. The LEC officially asked him to stand, and he said he’d have to think about it.
 - On 10 February he told TVNZ that he was considering standing.
84. Mr Taurima says that for most of the time, he was merely supporting friends and whānau to further their commitment to Labour, and that his role was largely limited to providing cultural and language support. The Panel concludes that these activities go well beyond that.
85. There was also some evidence that Mr Taurima took steps to keep these activities confidential, at least at TVNZ:
- “Please keep this to yourself for now”, he wrote in 1 July email to Natasha Panui-Morris, Aroha Mane and Maria Kuiti about setting up the branch. “Signed.... Secret Squirrel”.
 - Aroha and Maria both told the Panel that the expectation from Mr Taurima was that the Labour Party activities would be kept confidential at TVNZ.
 - Aroha Mane emailed Mr Taurima in July to say she has a few friends she would invite to sign up to Labour – “they are the only friends I would trust to keep this on the down low”. (Mr Taurima told the Panel he did not know why she wrote that).
 - On 21 November Mr Taurima emailed Aroha Mane about an attached letter she has scanned, and he replies “Did you change the name of the scan? They may notice it’s come from TVNZ”.
 - Mr Taurima’s partner emails branch members in early December to say “I think we still need to remain cautious not to share too much of how Shane is involved”.
 - In a 15 January email, Mr Taurima writes, “I have taken out all reference to me in case it is leaked to the media.” This is in a draft programme for the 19 January hui.
86. Mr Taurima told the Panel that he never tried to hide his Labour Party involvement, though he didn’t go around discussing it at the water cooler. Again, the Panel concludes the evidence

suggests that Mr Taurima was conscious of the tension between his Labour Party activities and his role at TVNZ and aware of the sensitivity of what he was doing.

A plan to stand?

87. Did Mr Taurima form a plan during his time at TVNZ to stand for Tāmaki Makaurau himself? The evidence is mixed. Mr Taurima says he vacillated on this. Others were urging him to stand. He recognised that he had fostered this expectation. He wanted to help his people. He felt he had let them down. But he says he never reached a fixed determination to stand. And at some points, he was clear in his mind that he would not.
88. This is supported by some of the documentation:
- An email from a supporter to Mr Taurima on 3 June 2013 encouraging Mr Taurima to stand started: “I know you don’t want to hear any of this”.
 - On 3 July he wrote to his auntie to say “I know the whānau will want me to stay in politics but I think I’m better suited to broadcasting.” He noted that his partner “and a few of our close friends are keen to stay involved and we’re hosting a dinner this weekend to see if there’s any appetite in setting up a branch. (No doubt, I’ll be the cook).”
 - Within an email chain between Mr Taurima and Ms Panui-Morris there was reference to a discussion held at the 6 July meeting. Mr Taurima’s explanation was that others at the meeting had indicated they wished him to stand in Tāmaki Makaurau, but he had said he would not be standing.
 - Mr Taurima told the Panel he explained to a family hui in Napier on 27 July that he would not be standing again for Parliament.
 - In an email to his auntie on 2 September he called Labour “your party”, and criticised its lack of professionalism.
 - He explained that he only took the role of Chair of the LEC on 23 September because those at the meeting asked him to.
 - He did not attend the Labour Party conference on 2-3 November, but travelled with his partner to attend the AGM of Labour’s Māori Council, to support him as nominee as its secretary.
 - In November, Mr Taurima wrote asking his supporters to “stop promoting me for Tāmaki Makaurau. I know your intent is sincere but it does compromise my role at TVNZ”.

- When someone offered to be his EA “when you win the Tāmaki Makaurau electorate”, he replied, “It’s not going to happen.”
- He said this again in an email on 8 January.

89. On the other hand, there is evidence that at some points, at least, Mr Taurima was seriously considering a run in Tāmaki Makaurau:

- In a speech he drafted on 1 July 2013 but never delivered, Mr Taurima wrote: “There has been much speculation about me vying for a high list placing or standing in another electorate. The whānau still hope that one day I will be able to serve Ikaroa-Rāwhiti, but in the meantime, we need to work towards a plan of getting into Parliament. The whānau agree that all options should be considered and I would love to hear your thoughts. As you may be aware, I have returned to my role at TVNZ. I have given them an undertaking that my political aspirations in Ikaroa-Rāwhiti are past tense, and I am fully committed to TVNZ. In the meantime, without having made any decisions around pursuing a list place or contesting another electorate I want to show my commitment to the Labour Party.”
- On 7 November, Mr Taurima sought detailed advice about how the Tāmaki Makaurau selection process would work under the specific clauses of the party’s constitution, concerned that it would disadvantage the new members he was registering because they haven’t been there a year.
- The same day, Mr Taurima’s partner wrote to his supporters saying, “I can’t find a reason for Shane to continue in his desire to stand for Tāmaki Makaurau”.
- On 19 November Mr Taurima sent an email attaching two amended letters to party leaders after news reports that Labour had approached Julian Wilcox to stand in Tāmaki Makaurau. One is from the chairs of the branches, endorsing the “strong leadership of Shane Taurima”, saying: “We believe Shane Taurima has the right skills and experience to be an effective Labour MP of Tāmaki Makaurau.” It noted that “Shane is yet to make a decision around his political future” but referred to a resolution saying that they would back Mr Taurima if he decided to stand. The other letter was drafted for the Acting Chair of the LEC, dated two days later, and “fully endorses” the chairs’ letter. By forwarding these it shows he was consulted over the letters which supported his candidacy.
- A submission was sent from Tāmaki Makaurau LEC on 2 December asking the General Secretary of Labour Party to extend closing dates for nominations for Tāmaki Makaurau candidates because “it is inevitable that there will be candidates who for one reason or another are not able to declare their candidacy until the last time possible, because it will mean that they have to step down or resign from their current employment or office”. Mr Taurima was sent this submission for approval prior to being sent.

- Mr Taurima says that the reference to ‘those that may hold positions of employment or office that may prevent them from standing for selection in the immediate future’ was included as a result of media reports around that time suggesting that Dale Husband, Julian Wilcox, Arena Williams and himself were possible candidates for the seat.
- The same day, Shane’s partner emailed others in the branches and suggests starting to promote Shane’s candidacy while acknowledging “Shane’s commitment to his current mahi”.
- Aroha Mane told the Panel it was clear to her that Mr Taurima wanted to stand, and that all the work they were doing was to prepare the option of Mr Taurima standing. Maria Kuiti told the Panel that the branches set up a network with the idea that Mr Taurima could be a good representative.

90. The Panel accepts Mr Taurima’s contention that he never reached a fixed decision to stand for Labour in Tāmaki Makaurau. It also accepts that at some points, he seems to have decided not to. But it concludes that the evidence suggests that for other periods of time he was at least strongly considering a candidacy in Tāmaki Makaurau.

What was TVNZ told?

91. What did Mr Taurima tell TVNZ about his activities and intentions? Very little, until 10 February 2014, when he sought a meeting with TVNZ’s Chief Executive, revealing that he was thinking of going back into politics but had not made up his mind.
92. Before that, he sent only the following two emails, on 4 November and 7 November, to Head of News and Current Affairs John Gillespie:

Nov 4

Media Reports

I am not sure if you saw 3 News last night? Paddy Gower reported that Julian Wilcox is considering standing for Labour in Tāmaki Makaurau next year. He then tweeted that the competition for the seat will be between him and I. The Herald rang me last night about it, and I told them categorically that I will not be standing next year, and Ikaroa Rāwhiti was a one off. I just wanted to reassure you that it’s pure mud-raking and there is no substance to the speculation.

Mr Gillespie responded: *Thanks for the response Shane and the reassurance, yes it does seem rather mischievous from Mr Wilcox.*

Nov 7

Col *[This heading has been taken to be an abbreviation of “Conflict of Interest”]*

A few weeks ago I was encouraged by whānau and friends to help out with local Labour Party Electorate Committee. Unfortunately, I got caught up in the momentum of it all and reluctantly agreed to chair the group. On reflection this was not a wise thing to do because of my role at TVNZ and the public perception of bias towards one particular political party. As a result, I resigned from the role 2 weeks ago and have removed myself from the group.

Mr Gillespie responded: *A wise move to remove yourself. Thanks for letting me know.*

93. Mr Taurima acknowledges that he could have had a “fuller conversation” about his Labour Party activities with Mr Gillespie. He admitted that the media coverage about his LEC chairmanship was part of what prompted him to email Mr Gillespie about it. But he argues that his email at least put TVNZ on notice about his activities. It was implicit that he was still a Labour Party member, and that he had an active involvement. Yet TVNZ asked him no further questions about it. He also points out that his affiliation to Labour had hardly been a secret since he had publicly sought the candidacy for Ikaroa-Rāwhiti. The Panel acknowledges that these are all fair points.

94. Further, Mr Taurima says he is used to managing conflicts of interest. He says the Māori world is steeped in them; that the potential for conflicts lives in their heads all the time. As he put it to us, *“We operate in a smaller environment with a smaller technical talent pool and there are overlapping whānau and friendship relationships. The professional and personal world that we operate in is even smaller still than those of Pākehā journalists and broadcasters.”*

95. He explained further:

“The familiarity of Māori journalists with their sources is a key difference. As Māori journalists, we look at our connections, to our sources, as strengths, not weaknesses. Our Māori newsrooms have been run along tribal lines. For example, in most mainstream newsrooms, a reporter is allocated a certain subject to take care of; health, business, sports. We call these rounds. In Māori newsrooms, we don’t have rounds. We assign tribal areas. The reporter would come from that tribe and would be reporting stories about his or her relations. ... The world of Māori broadcasting and journalism, and particularly Māori language reporting has differences from reporting in the Pākehā world. We are challenged by our whānau and friendship relationships every day, which mean that conflicts of interest and the potential for perceptions are at the forefront of our minds every single day, as we believe those relationships, whilst ensuring that they do not stray into our onscreen or editorial work.”

96. Mr Taurima therefore says he is used to ensuring that such inherent conflicts do not stray into onscreen or editorial work. He said had he taken a public stand in favour of Labour – carrying placards or wearing t-shirts – then this could have created the perception of conflict in the public mind, and would have crossed the line. Similarly, he would have had to tell TVNZ had he decided to stand.

97. He accepts that he got “a bit too much involved and that’s absolutely wrong.” However, he says he acted with discretion and at no stage did he believe he had a conflict of interest that needed to be disclosed to TVNZ. Three weeks after he was formally asked by the LEC to stand in late January 2014, when he was wrestling with the decision, he felt he had reached the point where TVNZ needed to know.
98. The Panel found Mr Taurima’s view on managing conflicts in the Māori world particularly interesting, and it took care to seek advice on this issue from Chris Wikaira. Mr Wikaira is a director of BRG Communications and Public Affairs and is a highly regarded PR practitioner. He has Ngāti Maniapoto, Nga Puhi and Pākehā affiliations. He has extensive experience working and managing within news rooms. He was previously a member of Kawea te Rongo (the National Māori Journalists Association) and director of Transparency International NZ.
99. Mr Wikaira reviewed the transcript of the Panel’s interview of Mr Taurima. His view was that the basic tenets of journalism, ie balance and fairness, are universal and that a conflict is a conflict regardless of the ethnicity of the person at the centre of it. Furthermore, while he acknowledged that Māori journalists often have more interests to balance (be they familial, tribal or political), the management of these needs to be consistently applied. The potential reputational damage to TVNZ overrides any cultural nuance, and it required Mr Taurima to disclose these activities. He noted that this issue was less about tikanga Māori and cultural nuance and more about a senior manager in a mainstream media organisation managing his political aspirations in a mainstream political party.

Conclusion: Was there a conflict of interest?

100. The Panel has concluded that Mr Taurima faced a conflict of interest that he should have disclosed much earlier and more fully than he did. In not doing so, it finds that he breached TVNZ’s conflict of interest policy.
101. The Panel accepts that it must have been difficult for Mr Taurima to take a decision that turned his back on a long-standing and successful career in pursuit of an uncertain and contested political position. The temptation must have been to consider pros and cons, test the waters, see what potential opponents are doing, and keep options open for as long as possible before deciding whether to commit to the race.
102. However, Mr Taurima was in a sensitive position at TVNZ. He held an office of editorial leadership. He must have known that TVNZ’s reputation for political neutrality was endangered. Even on his own account, he accepts that he was guilty of errors of judgment in allowing a TVNZ room to be used for a Labour Party meeting, and for using TVNZ’s email account for Labour Party business. He accepts that he got too deeply involved in Labour Party activities. He accepted (belatedly) the need to tell TVNZ about his role as chair of the LEC, and the need to resign that role. He accepts that he could have disclosed more to TVNZ.

103. The Panel finds that those concessions are realistic ones. However, it believes they lead unavoidably to the conclusion that he did face a conflict of interest that needed to be disclosed to TVNZ sooner and in greater detail than Mr Taurima did.
104. First, the Panel concludes the test for whether there was a disclosable conflict of interest was not whether Mr Taurima had firmly made up his mind to stand. Nor was it whether he was able to keep his activities out of the public limelight. It was how his actions would be perceived were they to be discovered by the public. The Panel believes that Mr Taurima very quickly reached a level of involvement with the Labour Party – even if he was only intending to support friends and whānau – that would plainly be deeply embarrassing to TVNZ if it came to light because it would cause the public to lose confidence in the political impartiality of its senior management.
105. Second, the Panel is sceptical that Mr Taurima’s involvement with Labour was only ever intended to benefit friends and whānau. It does not go so far as to conclude that Mr Taurima was executing a plan to create a political vehicle for his candidacy in Tāmaki Makaurau, but the Panel does think he was taking steps to preserve and develop that option in case he should decide to stand.
106. Third, the Panel notes that under TVNZ’s conflict of interest policy concerning political and other sensitive activities, Mr Taurima was required to disclose his role in the LEC as soon as he was elected, not six weeks later. In fact, he should never have put himself in that position in the first place.
107. Fourth, the Panel thinks these conclusions stand whatever allowance is made for Mr Taurima’s cultural ability to manage conflicts. It trusts the advice provided by Mr Wikaira on this point and consider that Mr Taurima’s role as a senior manager at TVNZ created an obligation that he disclose his extensive political activity.
108. Fifth, as discussed, the Panel believes that Mr Taurima’s actions were inconsistent with the tenor of the assurance he gave TVNZ when he returned to work there.
109. There are certainly mitigating factors. TVNZ could have questioned Mr Taurima more closely on his return, after the news reports about his potential selection battle with Julian Wilcox, and after his email to John Gillespie about his LEC involvement. The fact that he had attempted to stand for Labour before and that there was open speculation in the media about the possibility he would do so again meant that his political leanings were not unknown. He did not exercise a great deal of direct editorial control over the programmes he managed. He kept his Labour activities very largely separate.
110. Nevertheless, the Panel also concludes there was a conflict of interest here and Mr Taurima did not do enough to disclose it. This meant that TVNZ was not given an opportunity to manage the conflict. TVNZ’s conflicts policies require its staff to voluntarily disclose such conflicts so that they can be discussed and steps taken to avoid the very sort of problem that emerged when Mr Taurima’s activities came to light.

111. The Panel believes that Mr Taurima's position at TVNZ was so senior and his editorial responsibilities were such that he should not have remained a member of the Labour Party after his return to TVNZ.
112. Mr Taurima says that TVNZ should bear the lion's share of responsibility for this situation because it failed to properly document its expectations of Mr Taurima on his return to work after his bid for Ikaroa-Rāwhiti. He also argues that it was TVNZ's responsibility to regularly and effectively educate staff on conflicts of interest, and it failed to do so in his case. The Panel does not agree. It finds that TVNZ should have better documented the arrangements put in place on Mr Taurima's return. However, as a senior member of TVNZ's editorial staff and a member of its news management team, Mr Taurima should have been closely familiar with TVNZ's policies on conflicts of interest. Furthermore, the Panel concludes that this was a significant conflict that should have been obvious to any experienced journalist.

The three other staff members

113. The Panel concludes the other three staff members also got themselves into a position of conflict of interest. It notes that both Maria Kuiti and Aroha Mane told the Panel that they were uncomfortable with the use of the TVNZ meeting room in particular. Although they did not have editorial positions at TVNZ, the extent of their involvement with Labour ought to have made it clear to them that TVNZ would be seriously embarrassed should it become public. The Panel also notes that all three of them took formal positions within the Labour Party: Maria Kuiti as chair of the Tāmaki Herenga Waka branch, Aroha Mane as chair of the Tāmaki Wahine branch, and Natasha Panui-Morris as secretary/treasurer for three branches. These positions should have been disclosed immediately under the TVNZ Conditions of Employment. The Panel accepts that they were largely acting under the guidance of Mr Taurima. But they rightly took responsibility for their own choices.
114. If Ms Panui-Morris and Ms Kuiti had simply joined the Labour Party, and had not engaged in electorate activities, then the Panel thinks there would have been no need for that to be disclosed. They had no role in editorial matters. The position is slightly less clear for Ms Mane. She had some editorial involvement – in re-fashioning content for the web – but this role was largely not journalistic. The Panel believes it would have been preferable for her to declare it as soon as she joined.

PART 4: RECOMMENDATIONS

115. The Panel considers there to be two important recommendations that it is compelled to make.
116. The first is simple and obvious. Upon Mr Taurima's return to TVNZ, following his unsuccessful tilt at the Labour candidacy for Ikaroa-Rāwhiti, there was a conversation as to his ongoing role. As the Panel has seen there is a divergence of opinion as to what protocols or limitations were agreed. This could have been avoided if such agreement had been clearly documented and signed by both TVNZ and Mr Taurima. Certainly best practice would dictate this and the onus was on TVNZ to do so. Unfortunately this was not the case and this caused considerable uncertainty.
117. The second recommendation relates to the issue of conflicts of interest. TVNZ has a process in place for the registering of conflicts of interest. It requests that all employees declare potential conflicts of interest on joining the organisation. There is a reminder sent to all staff every 1-2 years. While employees also have an ongoing obligation to register any new conflicts of interest that arise, the Panel believes that the reminder to all staff should be an annual occurrence.
118. TVNZ has a considerable database of registered conflicts, mainly on account of personal relationships. This is not unusual; the media industry in New Zealand is small and many people have family, spouses and partners in other media organisations. Many have worked in those organisations themselves.
119. The area of political conflicts is more controversial. Here, TVNZ needs to balance the rights of its employees under the Human Rights Act and the Bill of Rights Act, with its own Broadcasting Act obligations to ensure its output is fair and balanced, and editorial independence is maintained. This is fundamental to a news organisation. An employee has a general right to freedom of speech, association and assembly, and their rights not to be discriminated against for their political beliefs and actions.
120. Imposing restrictions on political party membership on all employees would be a step too far. However, the Panel believes that certain roles within TVNZ require political independence. This is independence from political party membership and activity, which is quite distinct from political leanings. These roles would include any in which editorial influence may be exerted in the field of political reporting, including but not limited to reporters, content producers and editors of political content, as well as news managers (including the Head of News and Current Affairs). In addition the Panel would add the Chief Executive (as Editor-in-Chief) and the Head of Legal and Corporate Affairs (who holds responsibility at TVNZ for government relations) to that list. The Panel's view is that holding political party membership and/or carrying out political activity whilst employed in any of these roles is untenable. The Panel believes that this is a justifiable restriction on those employees' usual rights and is broadly in line with the State Services Commission's guidelines.

121. The Panel recognises that there are other roles in which editorial influence (on matters other than politics) may be exerted, such as general reporters, producers and editors. Any political party membership and/or any political activity by those employees in these roles must be disclosed. This will necessitate an immediate discussion around how the role can be fulfilled. Such disclosure will allow TVNZ to adequately resource coverage of news and current affairs stories that may have a political element to them. TVNZ policies need to make this clear.
122. Other News and Current Affairs roles may shape or influence TVNZ's output, but in a less direct sense. The standard that the Panel would apply to these roles is that any political party activity which goes further than passive party membership needs to be disclosed. On this point it agrees that the TVNZ Journalists Manual is sufficient; however the provisions of the Journalists Manual need to be extended to other News and Current Affairs staff who are responsible for the creation of news content. For the avoidance of doubt the Panel considers that the level of involvement by Ms Mane, Ms Kuiti and Ms Panui-Morris (as chairs and/or secretary of party committees) in their roles should be captured by this standard.
123. The Panel recommends extending this requirement for mandatory disclosure of political activity (beyond passive party membership) to senior managers at TVNZ. That is, those reporting to Executive Team members as well as those Executive Team members themselves.
124. It is important to note that the registration of a conflict of interest by an employee should not be felt as a punitive process. On the contrary it is a process which should afford some comfort to both parties. It is important though that the information provided is handled appropriately and systems put in place to ensure that the potential conflict is contained and mitigated.
125. These recommendations are consistent with the State Services Commission Code of Conduct, as well as those overseas broadcasters whose policies we reviewed.
126. To that end the Panel recommends that the management of the conflicts of interest process be overseen by someone in a senior role who can give independent advice on the effective way to manage and/or monitor the potential conflict. It is recommended that the Head of Legal and Corporate Affairs take that responsibility, particular in light of that position's independent Company Secretary role, which reports directly to the Board Chair.

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12 May 2014