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New Zealand Media Council  
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## Request for Review: Majority Decision in Pauline Davies Against Rotorua Daily Post Inconsistent with Media Council Principles

Good morning,

1. The Free Speech Union is a registered trade union with a mission to fight for, protect, and expand New Zealanders' rights to freedom of speech, conscience, and intellectual inquiry. We believe that freedom of speech is not only a legal principle, but a social good that allows for people in modern liberal democracies to peacefully, freely advocate for the causes they care about without risking unjust retribution.
2. We write regarding the Media Council's ruling in Pauline Davies against the Rotorua Daily Post, specifically, to express our concern with the majority decision, which we believe extends the fairness principle in a way that chills responsible reporting on matters of public interest.
3. Ms Davies' complaint concerned a *Rotorua Daily Post* article revisiting the 1975 disappearance of Mona Blades, which reported the late former officer Tony Moller's long-standing theory that another former police officer, since deceased, might have been involved. The story made clear that this was an unproven theory, cited police responses and alternative explanations, and encouraged readers to contact police with information.
4. Nevertheless, the Media Council majority upheld the complaint under Principle 1 (Accuracy, Fairness and Balance), finding that naming the deceased officer was unfair to his surviving family and unnecessary for the story. Four members dissented, reasoning that the reporting was balanced, accurate, and in the public interest, particularly given that the individual had previously been publicly identified in connection with the case. This ruling restricts journalists' ability to report accurately on matters already in the public record and risks deterring the kind of open discussion that invites public input and new information, undermining both media freedom and the public's right to help pursue truth in unresolved cases.
5. The majority's reasoning appears to conflate fairness under Principle 1 with privacy under Principle 2, extending the scope of fairness to cover concerns that properly belong to privacy analysis. Principle 2 recognises that everyone is entitled to privacy, but it also makes clear that this right must yield where publication concerns a matter of significant public interest. The Media Council has previously held that individuals already publicly identified in connection with major events have a diminished expectation of privacy in further reporting on those matters, provided the coverage is accurate, relevant, and respectful.

6. In this case, the subject had long been publicly identified in relation to the Blades investigation, and the article dealt squarely with those historical facts, clearly attributing statements and noting that the theory remained unproven. By invoking “fairness” to prohibit accurate reference to a name already in the public domain, the majority effectively imposed a privacy restriction without applying the public-interest balancing test required by Principle 2. This departs from the Council’s own precedents and risks setting a chilling standard that discourages journalists from revisiting or accurately reporting on significant unresolved cases.
7. This approach also appears inconsistent with the Media Council’s own Preamble, which states that “*there is no more important principle in a democracy than freedom of expression,*” and that, in dealing with complaints, the Council “*will give primary consideration to freedom of expression and the public interest.*” In this case, the majority gave decisive weight to perceived unfairness to a family member over the clear public interest in open reporting on an unresolved homicide, and over the journalist’s and readers’ rights to freely examine information already on the public record. That inversion of priorities risks undermining confidence in the Council’s core role as a defender of media freedom and high professional standards.
8. We endorse the reasoning of the dissenting Council members, who correctly found that the article met the standards of accuracy, fairness, and balance required by Principle 1 and was clearly in the public interest. The dissent recognised that the story attributed its theory, included police context and alternative explanations, and sought public help in solving an unsolved homicide - precisely the kind of careful, balanced reporting the Principles are meant to protect. Their reasoning better reflects the Council’s Principles and preamble commitment to freedom of expression, showing that fairness depends on accuracy and balance, not on shielding readers from discomfort.
9. For these reasons, we respectfully urge the Media Council to review and overturn the majority decision in this case. We also ask the Council to reaffirm its founding commitment to protect press freedom and the public’s right to know, not to penalise responsible journalism that meets the long-standing standards of accuracy, balance, and fairness.
10. We look forward to hearing from you.

Yours faithfully,

**Free Speech Union (New Zealand) Inc.**



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