

Suicide reporting: Summary of the Law Commission's recommendations and the Government's response

Background

1. In June 2013, the Government asked the Law Commission to undertake a first principles review of the legislative provisions in the Coroners Act 2006 which restrict the reporting of suicide. The Law Commission report "*Suicide Reporting*" was presented to Parliament on 1 April 2014.
2. The purpose of the review was to examine whether the restrictions on publishing details of self-inflicted deaths strike an appropriate balance between the public health goal of reducing the possibility of imitative ("copycat") suicide and the principle of freedom of expression.

Overview

3. The Law Commission made recommendations to clarify and improve the legislative restriction on what can be published about self-inflicted deaths. The revised provision would be better targeted to details most likely to cause harm if made public. The restriction would be more clearly defined, which would assist with enforcement.
4. The Law Commission also recommends a new statutory requirement for the Minister of Health to develop suicide reporting standards, which could be implemented and enforced by media standards bodies (the Broadcasting Standards Authority, Online Media Standards Authority and New Zealand Press Council) on a voluntary basis.
5. The Ministry of Health would be required to implement an ongoing programme to disseminate, promote and support the implementation of the standards, and to evaluate the success of the standards.

Revised legislative restriction

6. The Coroners Act 2006 states that, unless the coroner agrees, no one may make public any information about the manner in which a death occurred until an inquiry has been completed. If a coroner finds the death was self-inflicted, the only information that can be made public without the coroner's approval is the person's name, address, occupation and the fact that the coroner has found the death to be self-inflicted.
7. In practice, media do not always comply with the legislative restriction and it is difficult to enforce because there are different views on how it should be interpreted.
8. The Law Commission proposes a tightly targeted restriction that focuses on the most harmful aspects of reporting. Under the proposed provision, no-one may make public the method of a death, or describe the site of the death if it suggests the likely method.

9. The Law Commission notes there is a significant body of evidence to suggest that reporting the method and description of the site of a suicide is harmful enough to warrant statutory restriction and a penalty for breaching it. The Law Commission acknowledged that other aspects of reporting can also be harmful (eg, sensationalising the death), but concluded that the evidence is not sufficiently compelling to justify a legislative prohibition.
10. The Chief Coroner could grant exemptions if requested, but only if satisfied the risk of harm was low and was outweighed by other matters of public interest. In making a decision, the Chief Coroner could seek the assistance of an expert panel of suicide prevention and media experts. This expert panel would be convened by the Ministry of Health.
11. The proposed changes to the legislative restriction will provide greater clarity for the media and make it easier to enforce.

New standards to encourage responsible reporting

12. The Law Commission considers that reporting which is potentially harmful, but does not fall within the statutory restriction, such as sensationalising a death, would be best addressed by non-legislative means (eg, encouraging responsible reporting through guidelines).
13. The Law Commission recommends that the Minister of Health be required to prepare standards for suicide reporting in consultation with media and mental health experts. The standards would apply to mainstream and social media and be enforced by media standards bodies on a voluntary basis. The Ministry of Health would be responsible for promoting, monitoring and supporting the industry to implement the standards.
14. Media information resources on suicide reporting were published in 1999 and 2011. The Law Commission considers these resources are not widely understood or followed by media and there was consensus among the stakeholders they consulted that new standards are necessary.
15. The report notes that overseas experience shows guidelines work best when developed collaboratively and where there is ongoing support while they are implemented. For example, the *Mindframe National Media Initiative* in Australia encourages responsible reporting through relationship building with the media and has been effective.
16. The Law Commission considers that creating a new, statutory role for the Minister of Health would provide the necessary leadership to raise awareness of the standards and encourage compliance. It considers that the proposed changes to the legislative restriction are likely to create a more constructive environment for media and health professionals to agree on suitable reporting standards.

Government's response to Law Commission's recommendations

17. The Government has accepted all 14 recommendations relating to the proposed legislative restriction. The Law Commission's proposal strikes a good balance

between preventing potentially harmful reporting and encouraging responsible reporting, which is in the public interest and consistent with the right to freedom of expression.

18. The Government has accepted in principle three of the Law Commission's 17 recommendations which relate to developing new reporting standards. The Government has already committed to providing good information to the media as part of the Suicide Prevention Action Plan. Action 2.2 of the Suicide Prevention Action Plan will include disseminating, promoting and supporting the implementation of current suicide reporting resources. This aspect of Action 2.2 will be implemented in 2015/2016.
19. The Ministry of Health considers the combination of a clearer, more targeted legislative restriction and a stronger focus on educating the media will significantly assist in achieving the goal of low-risk suicide reporting. The need for new reporting standards will be considered when the Ministry evaluates the success of the new legislative provision and initiatives under the Action Plan.
20. The changes will be included in a Coroners Amendment Bill, which the Minister for Courts intends to introduce in the coming months. The Bill makes several improvements to the coronial system following a targeted review of the Coroners Act 2006.

Ministry of Justice
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