

had not been breached by any intention of Television One. However, there is always a residual duty for a news service to ensure that the accuracy of any accusation is put to the test. The board found that Television One did recognise its duties in this respect by early decisions and action taken by the reporter, the assignment editor and the duty editor at Auckland, and by the network editor in Wellington: these decisions resulted in your being interviewed for the 6.30 p.m. news on 13 June.

"This interview, apart from testing the validity of statements made on 12 June, gave Television One the opportunity of meeting its obligations under subsection (e) in regard to balance. Subsection (e) uses the words:

'... reasonable efforts are made to present significant points of view either in the same programme or in other programmes within the period of current interest.'

"The board was not called upon to make an editorial judgment by deciding whether the issue would have been better covered in one bulletin, but to decide whether, in covering it in bulletins on succeeding days Television One was in breach of subsection (e). The board came to the conclusion that as the Act makes provision for coverage over a longer period than a single programme, Television One was not in breach of its requirements. It found therefore, that it could not uphold your complaint.

"Nevertheless, the board has asked me to convey its sincere regret that, because of an unfortunate misunderstanding between the Auckland and Wellington news sections of Television One, you held yourself in readiness on Monday, 12 June, for an interview which did not eventuate. The assumption had been made, without warrant, that you would be automatically unavailable on a Monday, being Cabinet day. Staff have been advised that such assumptions must not be made in future with regard to anyone's availability.

"Perhaps I could offer an explanation of one other source of annoyance to you when you thought that the reporter who interviewed you, Spencer Jolly, had not seen the original item. His words to you were meant to convey that he had not initiated or taken part in the 12 June item, but had seen it in full."

The Minister was dissatisfied with the decision and exercised his right to refer the complaint to the Tribunal which he did on 23 August, filing the declaration required under the Act on 15 September.

While Mr Gill considered the Tribunal could deal with the complaint without the necessity of the parties appearing personally he was asked by the Tribunal to attend. We also had the benefit of statements made by Mr Eckhoff, editor of news for Television One and Mr Spencer Jolly, who interviewed the Minister the day after the offending programme. It was Mr Jolly's interview which had been found by the Corporation to fulfil its requirement to present significant points of view within the period of current interest.

The Tribunal viewed both items, had a copy of the script and the benefit of submissions made by the Minister and Mr Hudson for the Corporation.

It may be as well to dispose of one minor matter at this stage. There were conflicting versions referred to in the decision of the Corporation as to how the separate interview with Mr Gill was finally prepared. The Tribunal is satisfied that Mr Jolly was informed the day before that he would be required to do the interview and that he viewed the programme when it was broadcast and that no criticism is justified on the way in which he carried out that assignment.

Section 24 (1) Broadcasting Act 1976 makes the Corporation responsible for maintaining in its programmes and their presentation standards which will be generally acceptable in the community. In particular, the Corporation must have regard to:

- (d) The accurate and impartial gathering and presentation of news, according to recognised standards of objective journalism,
- (e) The principle that when controversial issues of public importance are discussed, reasonable efforts are made to present significant points of view either in the same programme or in other programmes within the period of current interest.

This complaint must be considered in the light of both provisions.

There were serious allegations contained in the studio introduction that "New Zealand immigration authorities were

today accused of being cruel and ruthless in their dealings with Pacific Island immigrants," which were not fully borne out in the item broadcast. While the allegation of ruthlessness was broadcast, that of cruelty was not. Though Mr Eckhoff said it had been made by one of those interviewed but was not included in the film broadcast, we were not informed who had made the allegation. The point was not raised by the complainant.

Nevertheless the item as broadcast on 12 October was impartially presented as far as it went. The Tribunal accepts that Television One was justified in broadcasting the material it had gathered.

The question was whether its failure to broadcast in the same item a reply to the allegations was a breach of either section 24 (1) (d) or (e). The Corporation has regarded it solely as a matter to be dealt with under section 24 (1) (e).

We find that it can quite reasonably be dealt with also under section 24 (1) (d) as a question relating to the presentation of the news in accordance with the standards of objective journalism.

Furthermore, the Corporation found that it was not called upon to make an editorial judgment by deciding whether the issue would have been better covered in one bulletin but to decide whether in covering it on succeeding days Television One was in breach of section 24 (1) (e). The Corporation board came to the conclusion that, as the Act made provision for coverage over a longer period than a single programme, Television One was not in breach of its requirements. It therefore declined to uphold the complaint.

The Tribunal takes a different view. In doing so, the Tribunal wants to make it perfectly clear that it is not laying down a general rule requiring the withholding of news items until the views of authorities or other interested parties have been sought and obtained.

There were special circumstances relating to this news item which we consider clearly established that it would have been fairer and more in accordance with the standards of good journalism to secure and broadcast the reaction of those who were criticised at the same time as the criticism was made.

The broadcast item did not arise from the events of the day. It was in fact developed as a piece of investigative reporting over a three week period. The reporter had sought the co-operation of the authorities and had been referred to a senior officer of the Immigration Division for comment. It appears there was an indication that he would not comment personally so it was clear that the Minister would have to be approached. The Minister was not approached until the item had been broadcast despite the fact that a Wellington reporter, Mr Jolly, was told to watch the item on the Monday evening when it was broadcast from Auckland and then to seek the Minister's reaction. (This he did and the interview took place on the Tuesday, and was broadcast on Tuesday evening, 13 June).

It would have been a different situation had this been an item of reported news based, for example, on an event where one of the persons interviewed in the item had publicly made such allegations regarding the immigration authorities. In such circumstances official reaction might not have been available immediately. That, in itself, should not prevent the publication of such an item in the next available bulletin.

But in this case, despite the assertion that Immigration authorities "were today accused of being cruel and ruthless," the item (although filmed that day) was a researched piece prepared over three weeks. The immigration authorities were approached on the possibility of giving their reaction during this preparatory period, but no formal request was made for a person to appear to answer the charges after the interviews with those making the allegations had been filmed.

Television One news had also "assumed" there was no point in approaching the Minister to comment because it was a Cabinet day and that he would not be available. This assumption was found by the Corporation to have been unwarranted. It appears in fact Cabinet did not sit in the afternoon and the Minister would have been available.

No reason was given why it was necessary to broadcast this news item on Monday, 12 June, rather than wait until the other side of the story had been obtained.

Accordingly, although the Tribunal does not attempt to set out guiding principles as to when reaction should be sought from people who are to be publicly attacked and items withheld until it can be obtained, in this specific instance the Tribunal considers that the department and the Minister of Immigration were not fairly dealt with by delaying any presentation of their response to the allegations until the next day. The compiled, investigative nature of the story—as distinct from a spontaneous report from an event—gave ample