

Approval of Sirens

PURSUANT to subclause (1) of regulation 88 of the Traffic Regulations 1976*, the Secretary for Transport hereby approves, for the purposes of subclause (5) of regulation 9, subclause (11) of regulation 21, subclause (3) of regulation 24, and subclauses (3) and (4) of regulation 69 of the said regulations, sirens of the make and type described in the Schedule hereto.

SCHEDULE

FEDERAL CPA 100 series sirens marked with the model designation "CPA 100 NZ"

Dated at Wellington this 15th day of October 1981.

R. N. ABRAM.

Pursuant to a delegation from the Secretary for Transport.

*S.R. 1976/227

- Amendment No. 1: S.R. 1978/72
- Amendment No. 2: S.R. 1978/301
- Amendment No. 3: S.R. 1979/128
- Amendment No. 4: S.R. 1980/31
- Amendment No. 5: S.R. 1980/115
- Amendment No. 6: S.R. 1981/158

(M.O.T. 17/13/6; 17/13/6/1)

Com. 43/81

Decision No. 19/81

Before the Broadcasting Tribunal

IN the matter of the Broadcasting Act 1976, and in the matter of a complaint by Colin Alexander Bell.

WARRANT HOLDER: Broadcasting Corporation of New Zealand (Television 1).

B. H. Slane, Chairman,
Lionel R. Sceats, Member,
Janet C. Somerville, Member,
Robert Boyd-Bell, Co-opted Member,
S. H. Gardiner, Co-opted Member.

*Decision***NEWSMAKERS**

Mr Bell wrote first to the Tribunal in June to complain about the Newsmakers programme in which the Minister of Maori Affairs and Minister of Police, Hon. M. B. R. Couch, M.P., was interviewed about the Springbok tour. Mr Bell said the interviewer, Mr Ian Fraser, had been capable of high level performances in his interviewing but when his own convictions were firm he could exhibit prejudice to such a degree that the performance was objectionable. He considered that occurred when he interviewed Mr Couch. Mr Bell did not believe, necessarily, that a TV interviewer should not have his own views about matters under discussion but the views should not obtrude to an unpleasant degree.

His complaint was sent on to the Corporation where it was dealt with as a formal complaint. The Corporation examined the complaint in relation to section 24 (1) (d) of the Broadcasting Act 1976 (which relates to the accurate and impartial gathering and presentation of news according to recognised standards of objective journalism) and to 2 rules of the Television Programme Rules and Standards.

The first required broadcasters to deal justly and fairly with any person taking part in any programme and the other requires broadcasters to show balance, impartiality and fairness in dealing with political matters, current affairs and all questions of a controversial nature.

The Corporation replied to Mr Bell as follows:

The Board had regard to the view that a Cabinet Minister could be expected to respond to a wide range of diverse issues affecting his portfolios and government policy, and thought that where there are issues of public concern which can be elucidated to give viewers a clearer understanding there is a responsibility on the part of an interviewer to examine subjects in depth. A "devil's advocate" role is how an interviewer's approach is commonly described. This can sometimes be misconstrued as bias, but was not considered to be so in this case.

The Board acknowledged that the interview had aroused considerable public comment and debate but when it was subjected to critical analysis members concluded that there had not been any breach of the requirements of the Act or the rules. It noted that the Minister himself acknowledged that the interviewer was very experienced, and had commented publicly that "it is his job, and he did it well".

The Board respected your views of the interview, but could not reconcile the feelings you have about it with the actual performance. I have been asked to advise you accordingly, that your complaint was not upheld.

Mr Bell then referred the complaint to the Tribunal stating that Mr Fraser, when conducting the interview with Mr Couch, was obviously prejudiced against the Springbok tour and was not adopting a "devil's advocate" viewpoint as the BCNZ suggested.

He added a further objection that the programme was just one of "an orchestra of programmes on the Springbok tour that took a consistent anti-tour stance—without giving the pro-tour people a chance to adequately state their case."

The Tribunal did not consider the further objection. This had not been put to the Corporation and did not form part of the original complaint.

However the Tribunal has considered the original complaint in relation to the 3 standards set out by the Corporation, after viewing a tape recording of the programme.

The Tribunal has come to the conclusion that there are no grounds for upholding the complaint.

First, Mr Couch accepted an invitation to appear on the programme and to be interviewed by Mr Fraser. Mr Couch was in the position of a member of the Cabinet which supported the Gleneagles Agreement. That agreement required the Government to discourage the Springbok tour while Mr Couch clearly stated he supported the tour. Much of the interview was taken up in establishing Mr Couch's views, the Government's position and Mr Fraser's endeavouring to reconcile apparent inconsistencies between the two.

It is difficult to see how Mr Fraser could have taken any other tack, given the position the Minister took in the interview. He approached the stage of direct argument with the Minister, but that was understandable at the point where it occurred. Mr Fraser confronted the Minister forcefully with his earlier statements in the interview and suggested they were irreconcilable.

The fact that it may have been seen that Mr Couch was having difficulty in dealing with the questions is not justification for an interviewer to soften his approach. The Minister's responsibilities could be expected to equip him to deal with the questions. The questions were not inappropriate to the issues raised and the context of the interview.

The complaint is misconceived so far as it relates to the allegation that Mr Fraser did not adopt a devil's advocate role.

It cannot be any ground for complaint that the questions being put in an interview happen to put forward a particular viewpoint which the interviewer might personally hold. The relevance of the interviewer's views arises only where they might have affected the proper conduct of the interview. Mr Fraser relentlessly pursued his lines of questioning but there was no ground for a finding of impropriety.

The Tribunal sent Mr Couch a copy of the complaint and the relevant standards. He was invited to comment. In his reply Mr Couch said:

"Your letter puts me in a difficult position. On the one hand, I stand by the comments I made at the time. On the other, I appreciate Mr Bell's loyalty, and I do not want to say anything that would appear to contradict him."

After referring to hundreds of letters he had received, criticising Mr Fraser, Mr Couch concluded:

"I did my best, in my replies, to make it safer for Mr Fraser to walk down dark alleys at night; as, indeed, I did in my public statement at the time . . . All I can say is that (a) I did not inspire any complaints; and (b) that I shall not be wielding any blunt instrument personally."

The Tribunal must hesitate to find in a complaint that a person was unfairly treated when that person declines to support the allegation. There is, in the programme, no evidence of unfair treatment.

Likewise a careful review of the programme does not show that there was a failure to observe section 24 (1) (d) although this section has obvious limitations in its application to a current affairs programme compared with the presentation of news.

The Tribunal cannot find any justification for an allegation that the programme shows that the Corporation has failed to show balance, impartiality and fairness.

The complaint is not upheld.

We observe (without implying criticism) that one of the factors leading to this complaint could well have been the changing format and content of the Newsmakers series.

Mr Fraser has in other programmes adopted a similarly strong line of questioning when dealing with proponents of other views on this controversy.