

At the hearing of the complaint (which lasted some 4 hours) the events which led up to the interview, the interview and the attitude to the participants were canvassed in considerable detail.

We do not intend to traverse all the evidence.

The Television Rules and Standards provide that in the preparation and presentation of programmes broadcasters are required:

- (a) To be trustful and accurate on points of fact.
- (e) To deal justly and fairly with any person taking part or referred to in any programme.
- (g) To show balance, impartiality and fairness in dealing with political matters, current affairs, and all questions of a controversial nature.

A television news and current affairs service has to take into account:

- (f) Great care must be taken in the editing of programme material to ensure that the extracts used are a true reflection and not a distortion of the original event or the overall views expressed.

Section 24 (1) Broadcasting Act 1976 requires the Corporation to have regard to—

- (d) The accurate and impartial gathering and presentation of news, according to recognised standards of objective journalism.

#### PREPARATION

We heard considerable evidence about the arrangements and discussions which led up to the actual interview. We cannot find that in the preparation for the programme Mr Barnett was unjustly dealt with. When the question was put to him he had to agree that he could not say that he believed there was an arrangement with the reporter not to ask certain questions. He in fact hoped and trusted that she would not canvass the matters which he did not wish to talk about.

It is quite likely that she conveyed that impression to him, but the questions were relevant even to the wider topic he believed the programme was being made about, and in the absence of an agreement to confine the interview to only some matters or to exclude certain matters then Mr Barnett, in our opinion, cannot complain that these questions were eventually put to him in the interview.

As to the interview we have, besides watching the programme, read a transcript.

While we must bear in mind that a different impression can be given of a programme by reading a transcript than by watching the programme, we had no difficulty finding the programme was flawed in a number of respects.

Some factors should be borne in mind. The programme was prepared under pressure and Mr Barnett was preoccupied. He was in the midst of producing a film at Queenstown. Both appeared to have been confused.

There is no doubt, also, that Mr Barnett would have been sensitive to some of the remarks made and the way the programme was put together, possibly because there have been other pressures and criticisms of him which would be unknown to the general viewing audience.

#### PRODUCTION

The objectionable features fall into the following categories:

1. In the following passage Mr Barnett is being interviewed by Miss Shanahan. He concludes a statement about the making of the film *Yankee Zephyr*.

"... it has promoted New Zealand in a way that has never been done before by any film that has taken place here."

Shanahan: "And that it may do but the *Yankee Zephyr* has raised other problems. One of the criticisms that has been made about *Yankee Zephyr* is for example, that when the initial auditions were done it was said that there were going to be 24 speaking parts..."

Barnett: "I'm not going to talk about that. We didn't agree to talk about this at all."

Shanahan: "Well I think it's a fact that's been discussed..."

Barnett: "No I'm not going to talk about that. We will talk about the film industry."

Shanahan (V/O): "John Barnett refuses to discuss the problems he's had with local actors who at one stage threatened to blacklist him."

Barnett: "I want that clear. I am not talking about Actors Equity, I am talking about the film industry."

Shanahan: "The film industry—Actors Equity is part of the film industry."

Barnett: "No, Actors Equity is no more part... (pulls microphone off)."

The film continued with a statement by another interviewee that the New Zealand actor was just being ripped off.

The Tribunal considers that there is no justification for the extended showing of this scene which appeared to have been left in the interview for its dramatic quality rather than for the information value. It would have been justifiable to have shown Mr Barnett initially refusing to answer the question but to have continued to the length shown was not fair to Mr Barnett.

In this respect the programme did not deal fairly with Mr Barnett.

2. On two occasions Mr Barnett is shown answering a question but the question itself is not stated and the passage beforehand, a spoken piece by Miss Shanahan, does not fairly lead into the answer. In one case Mr Barnett starts his answer with "That's not a rip off" when there is nothing in the preceding passage to indicate that there was an allegation of a rip off. The viewer could therefore assume that Mr Barnett was feeling guilty or had accepted that there was some implication in what Miss Shanahan had just finished saying that there was a rip off.

In another passage Miss Shanahan said "So if the industry is to survive should the big boys be allowed in unchecked or should we be trying to make films as the Australians have done that are successful without being American copies?"

Mr Barnett's answer begins with

"Well I object to them being referred to as New Zealand films because it sort of implies that they don't have a glossy level of production..."

In both these passages Mr Barnett is put in a defensive situation which is not logically in context with the preceding statements.

In these respects the programme was in breach of the editing rule.

3. There are statements of arguable accuracy which reflect on Mr Barnett and the production of *Yankee Zephyr*.

Miss Shanahan says at one stage, "It's the *Yankee Zephyr* film made in Queenstown last year that has made people sit up. It was New Zealand's biggest ever production—money was no problem but the key positions were taken by people from overseas. The film was kicked out of Australia because of problems with Actors Equity. There were 2 deaths on the set, 6 stop-work meetings and some walk outs."

As to the 2 deaths on the set, one person died as a result of a medical condition on the set, and the other person died in a river accident while seeking locations. We fail to see the relevance of mentioning these two events as evidence of a film beset with troubles.

Both deaths did not take place on the set although it could have been said that both took place while on location. The implication could be taken that the deaths were in some way due to mismanagement or lack of safety. This reference is gratuitous.

Mr Barnett denies that there were 6 stop-work meetings and some walk outs. He gave detailed evidence specifying the industrial incidents on location. No evidence was brought to support the programme's version, except Miss Shanahan's stating that she was satisfied that the statements were true. That of course does not necessarily make them facts.

The programme, in these respects, breached the standards for fairness and accuracy.

4. There are a number of statements in the report referring to the making of a film in New Zealand which viewers would reasonably understand to be a reference to the making of the *Yankee Zephyr* of which Mr Barnett was producer. Not all these statements appeared to have been put to him and yet the course of the programme could have suggested that he had failed to answer such basic criticisms.

In these respects the programme breached the standards for fairness.

5. Mr Barnett had requested a tape of the interview before giving the interview and understood that this would be made available to him. Miss Shanahan believed that she was merely to pass on the request. The Corporation's policy is not to supply a recording or transcript of the full interview but the Corporation did after some delay, provide a transcript of the finished programme.

We cannot find that the failure to supply the tape was unfair treatment.

We make the general observation that the programme was not of a high standard as was acknowledge by Mr Carter.

Mr Barnett objected that the Corporation found on the basis of reports of Television New Zealand's staff, as to all circumstances outlined in the complaint that they "provided either a total rebuttal of the complainant's allegations or reasonable justification for what transpired."