

The Corporation told Mr Dawson: "Reference was made to anti Muldoon sentiment running high and the 3 interviews you refer to illustrated the point and served as a basis for further discussion of this issue. It was not a situation where balance of viewpoint was called for in the context of the programme discussion but the Corporation recognised that this point may not have been understood by many viewers and considers that an explanatory lead in to the interviews would have improved the presentation."

We agree with the Corporation's view. It would therefore be useful for news and current affairs editors to consider and define the proper use of street interviews, especially when the interviewees are not named. As the technique is so frequently used to reflect popular opinion, the use of unidentified people without a firm indication of the purpose could lead to the sort of misunderstanding by the viewer which led to this complaint.

The Tribunal does not consider that the use of the interviews or the way in which they were presented was improper or in breach of any rule or statutory requirement.

The complaint is not upheld.

Television New Zealand: "News" 12 September 1980

Mr Dawson's complaint was upheld by the Corporation in the following terms.

"The second part of your complaint concerned a news item on a food price increase in which 3 shoppers were seen being interviewed. The Board was informed that indeed a total of only 4 people had been interviewed and that viewers could have believed that the 3 gave views representative of a wider general view. This was not the case nor was it indicated in the item that only 4 viewpoints for the food price increase had been obtained.

In these circumstances the Corporation considered there has been a breach of the television rule relating to the accurate, objective and impartial presentation of news and this part of your complaint was accordingly upheld. This breach has also been drawn to the producer's attention."

Mr Dawson was not satisfied with that. He said the producer should have been reprimanded or disciplined. He thought the breach was treated lightly.

Section 25 (3) Broadcasting Act 1976 reads:

"If a complaint is found to be justified in whole or in part, the Corporation shall take appropriate action and shall inform the complainant of the action taken."

The Tribunal considers that telling the producer of the finding of the Board of the Corporation was appropriate action. There is no evidence that the breach was deliberate. The matter complained of did not require any other action. A reprimand or disciplinary action does not appear to be necessary for this type of incident in the absence of any aggravating circumstances.

The complaint that appropriate action was not taken by the Corporation is not upheld.

Radio New Zealand: "Morning Report"

Mr Dawson alleged the interviewer in "Morning Report" on 19 September 1980, pursued the Minister of Labour with "tiresome persistence." The Corporation found the interview though forceful, kept the minister to the point of the interview and was not in breach of good manners.

The Corporation told Mr Dawson: "Some questions posed incorporated a perspective of the situation which was then put to the Minister and even embraced interpretive comment on the Minister's reply, which was used as a base on which to mount further questions exploring the Government's position. The Minister was in a position to challenge, confirm or deny the contentions. It was recognised that any opinions expressed by the interviewer were conclusions that listeners could readily draw from the answers or the prevailing circumstances and were justified for incorporation in further questions."

Mr Dawson contended that the interviewer was ignorant of the Government's policies and that it was unnecessary for the interviewer to draw the conclusions for the listeners. He objected to the prefacing of questions by a paraphrase of the Minister's answers. He said the style of the interviewer was unnecessarily aggressive and did not appear to be informed or impartial.

The Tribunal has listened to a recording of the whole programme in which the interview took place.

The Tribunal does not consider that the interview was in breach of the rule that broadcasters are required to deal justly and fairly with any person taking part in any programme.

The Tribunal does not consider the interviewer was unnecessarily aggressive. It is often not understood by listeners that it is, on occasions, the role of the interviewer to take the position of devil's advocate. This is particularly so where there is some depth in the interview and it is not just a

brief news interview where only the key facts might be sought.

The Minister was in a position to deal with the points put by the interviewer. The recording shows that the Minister was not disadvantaged by the approach of the interviewer. It is possible that, as a result of the strong questioning, the Minister presented his case with more force and eloquence than might have been the case if the interview had been conducted in another way.

The complaint is not upheld.

Radio New Zealand: "Morning Report"

In the same "Morning Report" programme on 19 September 1980, there was a report on some problems at the National Women's Hospital the following statement was made by the presenter:

"Claims by the Minister of Health, Mr Gair, that the problems of National Women's Hospital Neo-natal Unit are now well and truly over have been strongly refuted by senior medical staff"

Mr Dawson said the word *refute* meant "disprove by argument" and carried a judgmental comment undesirable in the news broadcast. The BCNZ should not condone the use of words in ways which would erode long accepted meanings.

The Corporation had told the complainant the point made was recognised and though it was agreed that it would have been better to use the word "deny" in the context of the situation, both words were often regarded as being interchangeable in common usage.

The Corporation told the Tribunal it had acknowledged that it would have been better to have used the word *deny* "which demonstrated that we have taken Mr Dawson's point".

However the Corporation did not uphold the complaint.

The "Heinemann New Zealand Dictionary" defines *refute* as "to prove a statement false." The Tribunal considers that the word "refute" was wrongly used in the context because the intention was not to indicate that "Morning Report" made a finding on the point in dispute.

Its use does not appear to have been deliberate. The listing of items broadcast in the programme read, "senior medical staff deny that National Women's Hospital problems are over". In other parts of the bulletin the word *deny* was used rather than *refute* in referring to the same news item. It appears to have been a sub-editorial error in the preparation of the introduction to the item.

Nevertheless we agree with Mr Dawson that in this context the word "refute" is not interchangeable with the word "deny".

The Corporation agreed with Mr Dawson and should have upheld the complaint (on this point of semantics) but chose to excuse the misuse of the word "refute". We consider its use should not have been excused.

The Tribunal upholds the complaint.

Co-opted Members:

Messrs Boyd-Bell and Ell were co-opted as persons whose qualifications and experience were likely to be of assistance to the Tribunal in dealing with the complaint. They took part in the deliberations of the Tribunal but the decision, in accordance with the Act, is that of the permanent members.

Dated the 10th day of June 1981.

For the Tribunal:

B. H. SLANE, Chairman.

Decision No. 9/81

Com. 6/81

Before the Broadcasting Tribunal

IN the matter of the Broadcasting Act 1976, and in the matter of a complaint by Clifford Reginald Turner.

WARRANT HOLDER: Broadcasting Corporation of New Zealand (Radio New Zealand—1ZH):

BEFORE THE BROADCASTING TRIBUNAL

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

Mr Turner complained of an advertisement for the Melville Wine Centre which was broadcast by 1ZH Hamilton on 5 December 1980. The text of the advertisement was:

"Today and tomorrow . . . there's a mighty pre-Christmas special at the Melville Wine Centre in Bader Street. Today and tomorrow your hostess at the Melville Wine Centre is Nola Gray, well known wine personality. She'll be conducting a wine promotion on these two days. You'll have the chance to win \$5,000. Also . . .