

		Per Tonne Extra	
		\$ c	
(8) Tests			
Government inspection	1 00	
To Lloyds, etc.	1 50	
By buyer at supplier's works	8 00	
		lump sum per test or set of tests or 20c per tonne whichever is the greater	
Surface inspection	2 00	
Proof stress	3 00	
Additional chemical analysis	3 00	
Impact	3 50	
Brinnell on not less than 10 percent of the bars		7 50	
Inspection or testing of lots less than 1 tonne	75	
		lump sum per test	
Where test certificates are called for giving mechanical properties covering any of the numerical series of steels	1 00	
(9) Special Paint Marking or Hand Stamping		1 00	
(10) Cutting Margin			
		The standard cutting margin is - 0 + 50 mm and is covered in the basis price.	
(11) Extras for exact lengths are by arrangement between buyer and seller.			
(12) Deduction for steel rod supplied in coils \$1.00 per tonne.			
		Dated at Wellington this 1st day of July 1981.	
		J. P. EGAN,	
		Director, Stabilisation of Prices and Research.	
		*Gazette, No. 113, 2 October 1980, p. 2915	
(T. and I.)			

Decision No. 12/81
Com. 5/80

Before the Broadcasting Tribunal

In the matter of the Broadcasting Act 1976, and in the matter of a complaint by Keith Graham Cullimore.

WARRANT HOLDER: Radio Pacific Ltd.

B. H. Slane, chairman, Lionel R. Sceats, member, Janet C. Somerville, member, Graham R. Wear, co-opted member, Gordon C. Ell, co-opted member.

DECISION

Mr Cullimore's complaint arises from a promotion, "Tucker's Turf Analysis", conducted by Radio Pacific Ltd. Mr Cullimore considered the promotion was illegal. Subsequently the Department of Internal Affairs came to the conclusion that the prize scheme was a lottery, but was not a legal lottery because it was not conducted for an authorised purpose. Radio Pacific suspended the promotion some time after it was referred by Mr Cullimore to the Department of Internal Affairs and after obtaining legal advice.

Partly as a result of Mr Cullimore's strong feelings on this topic and the frequency and nature of his calls to the station, he fell out with members of the station staff which led to his bringing to the Committee of Private Broadcasters a number of other matters.

He alleged impolite language and abuse directed by Mr Bickerstaff and in particular the use of the words "You are a bloody bore", by Mr Bickerstaff during one talk-back programme.

The Committee found that the language used was within the context of the particular programme concerned. Mr Bickerstaff, the Committee said, had a reputation as a commentator and talk-back programme host using what could be called strong and direct language. He had a reputation for being brief and to the point and the use of colourful language seemed to be a feature of his particular programme. The Committee said a programme of that type would have limited appeal and a limited audience. Mr Cullimore must have been aware of Mr Bickerstaff's reputation as he had been broadcasting in Auckland for several years and his reputation was well known. In getting involved in the programme, Mr Cullimore should have expected this type of reaction from Mr Bickerstaff. The language although borderline was considered by the Committee to be within the context of the

programme. The Committee of Private Broadcasters found there was no breach of the radio standards and rules.

Rule 1.1 (b) provides that broadcasters are required "to take into consideration currently accepted norms of decency and taste and language and behaviour bearing in mind the context in which any language or behaviour occurs".

Mr Cullimore also complained about a breach of an agreement by Radio Pacific to allow him time to (as he put it) balance the programme. It appears that Radio Pacific did agree to allow Mr Cullimore to put forward his comments on the programme and it appears that this agreement was not adhered to. The Committee found that the station did not therefore deal justly and fairly with Mr Cullimore, in breach of Rule 1.1 (e).

The third point raised by Mr Cullimore was that he considered that Radio Pacific had prevented him from providing a balanced programme and the Committee came to the conclusion that that would have been a breach if indeed he had been cut off before being able to provide a balance.

The original cause of the situation arose from the offending promotion which Mr Cullimore considered was clearly illegal and should never have been broadcast. The station admitted the programme did carry on for a few days after the station heard of the investigation by the Internal Affairs Department but the Committee did not consider that of any great significance. Mr Cullimore also complained about the use of the word "report" rather than "investigation" in reference to the activities of the Internal Affairs Department. The Committee pointed out that the letter from the Minister of Internal Affairs, Mr Hight, referred to both investigation and report and the Committee considered there was no real significance in the overall context of the matter.

The Committee observed that Mr Cullimore described the programme as being illegal and that he was obtaining a legal ruling from the Minister of Internal Affairs. The Committee pointed out that it was not possible for the Minister to give a legal ruling—that could only be done by a court of competent jurisdiction. All that the Minister had done was to seek an opinion from his department which showed that the programme probably did not constitute a legal lottery because it was not conducted for an authorised purpose.

The last complaint dealt with by the Committee of Private Broadcasters was that there was no breach of privacy of the individual by the identification of the name Cullimore in a discussion between Mr Bickerstaff and Mr Tucker who had been concerned in the racing promotion in question. The Committee found that even though the reference was probably inadvertent on Mr Tucker's part it was a breach of the Act.

The Committee recommended to Radio Pacific that it write a letter of apology to Mr Cullimore covering the three areas where it considered Radio Pacific was in breach of the Radio Standards and Rules and/or the Broadcasting Act 1976. A copy of each letter of apology was to be furnished to the Committee for its records.

The Committee of Private Broadcasters observed that if Radio Pacific had perhaps been a little more responsive and sensitive in its attitude to Mr Cullimore at an earlier stage then perhaps the matter may have concluded without the Committee getting involved. The tone of the letter from Mr Gordon Dryden, Managing Director of Radio Pacific Ltd., to Mr Cullimore on 5 March 1980 and in particular the first paragraph was not helpful. Clearly Mr Cullimore had made his point when the programme was abandoned and perhaps Radio Pacific could have been a little more gracious in the loss of its promotion in the circumstances.

Finally the Committee pointed out that it had no legal power to award damages to Mr Cullimore.

No letter of apology was sent as requested by the Committee. Mr Cullimore first asked for a review of the Committee's findings and then referred the complaint to the Broadcasting Tribunal. He summarised his complaint as follows:

"1. Illegality.

2. Insulting language directed to a person identified and identifiable.

3. Failure to rectify a matter to the 60,000 people to whom the abuse was directed against me.

4. Failure to comply with the Committee's recommendations to apologise in writing.

5. Advertising on a Sunday children's programme.

6. Encouraging youngsters to discuss betting merits on horses.

7. Inducing people to subscribe to a scheme which could see them convicted.

8. Inaccurate and irresponsible gathering and reporting of news.