

## ORAL DECISION

*The Twenty-ninth day of October 1982*

THE Tribunal has decided to grant the application by United Broadcasters Limited for the hours and dates applied for. The frequency and site have of course still to be confirmed as far as the Post Office is concerned as the application is not yet certified in its amended form.

There will be the condition of no networking or simulcasting; there will be a condition related to advertising including a maximum of 5 minutes in any hour and providing an average for a day of no more than 4 minutes per hour.

Accounts have to be filed within 4 months and also an analysis of advertising separating national advertisers from within the coverage area and other advertisers from outside the coverage area. That will have to be verified by declaration.

In relation to that the Tribunal will if there is difficulty in making such an analysis give a further direction to the applicant.

There will be the usual conditions as to insurance, standards, and compliance with rules. The grant still remains subject to the technical certification by the Post Office under the Act. We will also insert a condition that the company will have to cease broadcasting if required to by the Post Office due to any interference with any other services.

Leave is reserved to the applicant to apply in relation to any other matters related to the authorisation.

Dated the 14th day of December 1982.

For the Tribunal:

B. H. SLANE, Chairman.

0

Decision No. 25/82.  
BRO. 40/82

*Before the Broadcasting Tribunal*

In the matter of the Broadcasting Act 1976, and in the matter of an application by RADIO KAPITI LIMITED for a short-term broadcasting authorisation to serve Horowhenua, December 1982-January 1983:

B. H. Slane, Chairman; L. R. Sceats, Member.

Hearing: 29 October 1982.

Counsel: J. V. McLinden for applicant; H. Williams for Manawatu Radio Company Limited.

## ORAL DECISION

*The Twenty-ninth day of October 1982*

THE Radio Kapiti application has been considered and an authorisation granted for a station in Paraparaumu, broadcasting from 1 December 1982 to 30 January 1983 and also for a relay station at Levin which will be permitted for the period commencing on 15 December 1982 to 30 January 1983. Studios may be situated at Levin and Paraparaumu.

Other aspects of the application, frequencies and the like, are as applied for. The usual conditions will be imposed as to insurance, standards, and compliance with rules and there will be a similar condition imposed as in the United application relating to the filing of audited accounts within 4 months and with an analysis in the 3 categories of national advertisers, those within the coverage area and other advertisers outside the coverage area.

Leave is given to the applicant to apply if they find difficulty in completing that analysis so that the information can be provided in another form. It will have to be verified by declaration.

Permission is granted for networking as applied for, and in respect of this application also there will be leave given to the applicant to apply for directions as to any aspect of the authorisation.

I should say that in this application, as with the other applications, that the Tribunal regards contra as revenue as defined in the regulations that relate to levies in respect of warrant-holders. Warrant holders returns are required to be based on revenue including contra revenue.

Dated the 14th day of December 1982.

For the Tribunal:

B. H. SLANE, Chairman.

0

Dec. No. 24/82.  
COM. 25/82

*Before the Broadcasting Tribunal*

In the matter of the Broadcasting Act 1976, and in the matter of a complaint by BRIAN FRANK LONG of Lower Hutt.

WARRANT HOLDER BROADCASTING CORPORATION OF NEW ZEALAND. Television New Zealand:

B. H. Slane, Chairman; Lionel R. Sceats, Member; Gordon Ell, Co-opted Member; Robert Boyd-Bell, Co-opted Member.

## DECISION

MR Long complained about the Eye Witness news broadcast on 11 March which he described as biased, superficial, and inaccurate reporting and presentation. The coverage associated by proximity and inter-relation of subject matter and treatment, was superficial, emotive, unfair, and unprofessional. The programme appeared designed to report, support, condone, and encourage the view of one group in a troubled area of current events: a role which was mischievous and unprofessional.

In particular, he referred to the news report that 5 Rugby Football Union executive members had, despite a ministerial request, decided to proceed with plans to go on a fact finding trip to South Africa. The president of the Rugby Union who was not going on the trip and who "was not a particularly forthcoming or capable interviewee, and to whom were posed questions asking for personal judgments on the topic of sport with South Africa" was interviewed. After comments on a possible boycott of the Commonwealth Games, the Lord Privy Seal, Mr Humphrey Atkins was interviewed. He was a competent interviewee and he pointed out several times that the questions asked were pointless and hypothetical and that answers could not sensibly be given, said Mr Long.

There was then a film of a disturbance outside the Wellington hotel at a cocktail party of Mr Lindhorst where Mr Long said, people were clearly shouting at and for the cameraman who no doubt had been informed of the planned demonstration by the demonstrators.

After the film he said there was an unfair and gratuitous statement "the long batons in evidence during the Springbok Tour were not in use". He said the presenter might just have fairly said, "the tacks and fish hooks in evidence during the Springbok Tour were not in use", except, of course, that such a comment would not have been anti-police. At the end of the first part of the programme, they were told that in the next part, there would be news of the "English cricket rebels in South Africa".

The Corporation considered the complaint in the light of section 24(1)(d) which referred to accurate and impartial gathering and presentation of news and to the television rules which referred to broadcasts dealing justly and fairly with any person taking part or referred to in any programme and the need to show balance and partiality and fairness.

The Corporation did not uphold the complaint.

MR Long complained that the Corporation should have given reasons for its decision with no careful rebuttal of any point.

The Tribunal does not consider that the Corporation is obliged to give detailed decisions in dealing with all complaints.

However, the Tribunal has had an opportunity of viewing the whole of the programme and has decided it cannot uphold the complaint, except to the extent that the complaint covers the same ground as the complaint by Mr Jensen which was upheld by the Corporation in respect to accuracy. The Corporation in that complaint agreed that there was an error in the television reporting in stating the function had been arranged by the diplomatic community for Mr Lindhorst.

This was not specifically a matter complained of by Mr Long but his complaint is upheld to that extent.

With regard to the reference to the long batons, the Tribunal does not consider that the statement was an indication of inaccuracy or bias but a reporters assessment of the level of the disturbance taking place and of the police action required.

The news items may have provided programme material distasteful to Mr Long but there was justification for reporting all of them.

We cannot uphold the complaint based on a spokesman for a body being a not very capable interviewee. We pass no comment on the abilities of the President of the Rugby Union in this respect, but it is evident that if he was President of the Union, he was acceptable to the Union. If the Corporation was taking these matters further by way of current affairs treatment, it would be incumbent on it to ensure that those who put forward views opposed to those of the demonstrators were people who could competently express the views and the different opinions that can be expressed by people broadly in the same camp.