

Corporation") is the warrant holder. This complaint was held in abeyance for some time, as it appeared that someone was contemplating litigation arising out of the same programme. The Tribunal has since been told that no litigation will now ensue. We therefore proceed to deal with the complaint.

The Item

Because of the general nature of the complaint, it is necessary to describe the item at some length. It was about alleged espionage by diplomatic missions of the Soviet Union. It did not contain new material of any great substance. Essentially, it provided a local angle on an overseas news report that, 2 weeks before, France had expelled 47 Soviet diplomats "for spying".

It started by referring to the French expulsions and then reviewed the history of the USSR's diplomatic presence in New Zealand in recent years. Apart from the reporter, only 2 people appeared in the programme—the Minister in Charge of the Security Intelligence Service, Mr Robert Muldoon (as he then was) and the former permanent Head of Security Intelligence Service, Sir William Gilbert. The script referred to the expulsion of the Soviet Ambassador to New Zealand, Mr Sofinsky, following a report from the SIS that Mr Sofinsky had been involved in giving a large sum of money to the Socialist Unity Party ("the SUP") in Auckland in December 1979. The item traversed earlier expulsions of Soviet diplomats from New Zealand, in 1962. It referred to the Soviet diplomatic connection with incidents which led to a charge being brought under the Official Secrets Act against former Secretary of Industries and Commerce Dr William Sutch. (The item did not mention that Dr Sutch was acquitted.) It also said that 3 current members of the Soviet Embassy staff in Wellington at the time of the broadcast were "almost certainly" KGB agents.

In the interviews, Mr Muldoon expressed his view that the SUP and other groups were still getting money from Russia but he said at two points in the interview that there was "no hard evidence" that this was so. Sir William Gilbert said that "a good proportion" of Soviet diplomatic staff abroad worked directly or indirectly for the KGB and that the same sort of thing was happening here. He said they were not interested in military secrets here "because we have virtually none". He said that Soviet agents in New Zealand made a close study of the leading political, diplomatic and civil service personalities and were very interested in documentation. He suggested that this last interest was directed towards equipping people with false passports. He cited the arrest of Peter and Helen Krogers by the British MI5 in 1958, saying that both the Krogers had false New Zealand passports.

The reporter's script repeated the SUP's earlier denial that it had received a large amount of money from Soviet diplomats in New Zealand. No SUP representative appeared on the programme and the script did not say whether one had been invited to appear. It did, however, say that the programme had put some questions to a Soviet Embassy representative who had declined to answer them.

The rest of the reporter's script seemed to be directed towards showing a connection between the promotion of a pro-Soviet viewpoint and the views of various organisations and/or people in New Zealand. We say "seemed" because some sentences in the script were constructed rather loosely. Even with the aid of a transcript we had difficulty in working out what the reporter meant in some places and a viewer simply hearing the script read on air would have at least as much difficulty. The script did, however, say clearly that an article in the SUP newspaper attributed to the Novesti Press Agency was written by the Soviet diplomat stationed in Wellington. The reporter put this as a fact in support of his contention that a Moscow influence is apparent in the SUP's views on foreign policy. He continued:

"The SUP has gone on since that article to sponsor the formation in New Zealand of a New Zealand Council for World Peace. FOL President, Jim Knox, has spoken at a Council for World Peace conference here. The affiliation of the Council is obvious, when one takes note of its Chairman, a former Labour MP, Gerald O'Brien."

The item then reproduced a short quote from Mr O'Brien in the SUP newspaper. Mr O'Brien was quoted as asking people to "understand the aggressive intent of the American President and his advisers and made comparisons with the statements of President Brezhnev".

The Eyewitness reporter went on to say:

"It's easy to over-rate the influence of the SUP. After all, even this book shop that the Party runs in Auckland is pretty small business. It is however true that Party members have gained for themselves a large number of influential trade union posts."

In a brief extract of an interview, Sir William Gilbert then said that [this SUP presence] was "partly trouble-making in the unions" and was also aimed at creating a favourable climate towards the Soviet viewpoint.

In conclusion, the reporter commented that the Sofinsky affair had strained relations between New Zealand and the Soviet Union and that, if relations were to improve, it seemed that the KGB would have to go.

A transcript of the item is appended to this decision.

The complaint

Mr Simpson's complaint ran to some length. What he had to say falls conveniently under two headings:

1. *Lack of balance*—Mr Simpson drew attention to s. 24, paragraphs (d) and (e) of the Broadcasting Act 1976 which imposed a duty to gather and present news in an accurate and impartial way and to make reasonable efforts to present significant points of view (either in the same programme or in other programmes within the period of current interest) when controversial issues are discussed. He said that the 2 persons interviewed had "remarkably congruent" views and no attempt seemed to have been made to present anyone from the SUP. "This was a very unbalanced programme, in terms of those who participated in it", he said. Mr Simpson thought that there might have even been scope for objective comment from someone, as he put it, "academically qualified to remark upon the pattern or significance of the allegations".
2. *"Editorialising"*—Mr Simpson saw this aspect as being the more serious one. He argued that, because of the high degree of reliance which people place on the media for information, the reporter's role should be circumscribed strictly. He said:

"Their role should be confined to the provision of linking information or to that of interlocutor. The participants in the programme should be allowed as far as possible to speak for themselves. Of course, there is a fine line between objectivity in some circumstances and editorialising. This was not one of those circumstances. The journalist in question went well over that line and took a clear position by repeatedly stating opinions which can be ascribed to nobody but himself."

Mr Simpson then gave a number of examples in support of his view that the item contained "editorialising". First, he said that the mention of the charge against Dr Sutch in the context would lead any reasonable person to the inference that Dr Sutch was involved in espionage. (We here condense Mr Simpson's words.) In the interests of objectivity, he said, it should have been mentioned that Dr Sutch was acquitted: Mr Simpson argued:

"All relevant facts must be put forward and if it [is] relevant to mention the arrest it is relevant to mention the acquittal. Otherwise editorialising takes place."

Second, Mr Simpson said that the reporter drew a connection between the policies of the Soviet government, the SUP and a large section of the trade union movement. Mr Simpson described this as "the grossest editorialising" in a highly political and controversial matter. He also said it was based on wrong facts concerning the relationship between the FOL and the International Confederation of Free Trade Unions. He did not offer an alternative view of this relationship.

In his third category of criticism Mr Simpson raised a number of matters:

(a) He objected to the word "sponsored", as used to describe the SUP's role in the formation of a New Zealand Council for World Peace. He said it was "an inaccurate statement" but again he did not offer an alternative view or claim any special knowledge of the matter.

(b) He objected that the reporter's script seemed to predicate a link from the SUP to the New Zealand Council for World Peace then to the President of the FOL and, through Mr Gerald O'Brien, to the Labour Party, a suggestion which Mr Simpson described as "bizarre".

(c) Mr Simpson thought that the term "large number", as applied to trade union posts held by SUP members, was factually incorrect, whether considered solely in terms of numbers, or in terms of the influence of the office held.

(d) He said that the statement that Mr Sofinsky had been "caught" handing money to an SUP official was contradicted by Mr Muldoon's statement that there was "no hard evidence" of Soviet financing of the SUP.

The Corporation's response

The Corporation made submissions in reply to Mr Simpson's complaint. It also made available an undated memorandum from Mr Paul France, Northern Editor of Current Affairs, to the Controller of News, Current Affairs and Sport, dealing with Mr Simpson's complaint. On behalf of the Corporation, Mr Barry Hudson put the contents of the memorandum forward for the Tribunal's consideration.