

should be directed to the Stock Exchange whose position we do not accept was in all the circumstances a reasonable one.

We note that there was no objection from any shareholder or any other person to this proposed amendment.

The existing conditions 4 (d) and 4 (e) will be deleted and the new condition restricting news media ownership will be imposed as 4 (d) in the form applied for.

Dated the 30th day of March 1984.

Signed for the Tribunal:

B. H. SLANE, Chairman.

Decision No. 10/84  
COM 7/83

*Before the Broadcasting Tribunal*

IN the matter of the Broadcasting Act 1976, and in the matter of a complaint by D. H. F. GREEN on behalf of the Nelson Harbour Board:

*Warrant Holder*—BROADCASTING CORPORATION OF NEW ZEALAND (Television New Zealand):

*Chairman*: B. H. Slane.

*Members*: L. R. Sceats, A. E. Wilson, N. L. MacBeth, P. J. Downey.

*Appearances*: G. R. Rowe for Broadcasting Corporation of New Zealand. D. H. F. Green for Nelson Harbour Board.

DECISION

THIS complaint arises from an item broadcast by TV1 in the 7 p.m. regional news on 30 March 1983. The script read as follows:

*Announcer*: A long-running row between the Nelson Harbour Board and local yachties looks set to continue for at least another month. The Board had given the boaties until tomorrow morning to get out of the harbour, but it seems the yachtsmen have had a reprieve, as (reporter) reports.

*Reporter*: For the dozen or so Nelson yachties who've chosen to live permanently on board their boats, life hasn't been plain sailing lately. Although they pay \$50 a month to moor here in a basin known as the *Mud Hole*, they've no facilities, no showers, no toilets, no running water on shore. They've complained to the Harbour Board, but the only response came as an eviction order. They were told to move out by tomorrow morning. The yachties claim they had nowhere safe or convenient to go, and they vowed to fight the Board.

*Richard Farley*: Well, everybody here's very upset, and at this stage, it could possibly be a confrontation with the Harbour Board, although that's the last thing we want. And we've done our best. We've approached the management, we've approached as many people as we can to get decisions, not necessarily reversed, but at least some rational discussion on it, and to come and see us and get our point of view.

*Reporter*: Well, it now looks like they'll get that chance for a rational discussion. For the Board's given them another month's extension, and they can argue their case before a full meeting of the Harbour Board in the middle of April.

Mr D. H. F. Green, Assistant General Manager and Secretary/Treasurer of the Nelson Harbour Board lodged the complaint on behalf of the Board. He alleged that the statement by the reporter to the effect that the Harbour Board's only response was an eviction order (paragraph 3) was untrue. The Board asked TV1 to "issue a statement to the effect that the yachties were not served with an eviction order but given notice to move, and that TV1 regrets any inference that the Nelson Harbour Board responded to complaints by requiring yachties to move."

The news item complained of was filmed during the visit to Nelson of a Wellington based reporter and a local camera crew to film the formal opening of a cement-loading installation. The reporter had telephoned the Harbour Board the previous day to inform the general manager, Mr F. S. Baldwin, that TV1 would be covering this ceremony. At the hearing the reporter said, "Towards the end of the phone call I mentioned the fact that I would also be doing a story on the controversy between the Board and the local yachties. There had been a long-running debate in the local newspapers over the mooring rights of the yachtsmen and the Board's attempts to move them from their present site."

Mr Baldwin declined to appear on television to discuss the issue. He warned the reporter to check any statements made by "the yachties", and, he says, he suggested that the reporter should approach the Board's chairman, Mr R. A. Fletcher, if he wanted any statement from the Board on the issue. Mr Baldwin's and the reporter's recollection of this part of the conversation differ. The reporter got the impression that neither Mr Baldwin nor Mr Fletcher, nor anyone else from the Harbour Board, wanted to be quoted on

the topic. Furthermore, he cannot recall anything he said which would give Mr Baldwin the impression that, unless he agreed to appear on film, the Board's side of the story would not be presented.

Mr Green wrote to Television New Zealand on 12 April quoting from the transcript of the news item (about the response to complaints being an eviction order—paragraph 3) and asking to be advised on what grounds the reporter made the statement. A reply before 21 April—the date of the next meeting of the Board—was sought.

The Wellington regional editor of the Corporation replied on 15 April stating "The grounds for the reporter's statement were contained in information by yachtsmen moored in the basin referred to in the item. The reporter had informed the editor that he approached a Board executive for its view of the yachtsmen's situation but was rebuffed. Had such a view been available it would of course have been included in the item."

On 21 May the following news item was prepared for the TV1 programme *Today Tonight*:

Nelson's community of 'live on board' yachties will definitely have to leave the port by the end of the month.

The yachties were told to ship out after a long-standing fight with the Harbour Board to keep their permanent moorings.

The Harbour Board says Nelson doesn't have proper facilities for house boats.

And they say the mud hole area where the yachties are moored was designed for marine industry and not domestic use.

In future cruising yachties will be able to stay in the port for no more than a month unless they get special permission for refitting their boats over a longer period.

This item was seen, and approved, by the regional editor during the process of preparing the programme. Later, however, without his knowledge or approval, the item was dropped from the programme due to other material running over time.

On 22 April Mr Green wrote as follows:

"The General Manager of the Nelson Harbour Board confirms that he received an approach by telephone to be interviewed on television on the subject of yachtsmen moored in the basin. The General Manager declined the invitation to be interviewed, advised the caller that he could approach the Board's Chairman, Mr R. A. Fletcher for interview and further advised that the interviewer should ensure that he has got his facts right. I know of no further approach to Executives of my Board on this issue.

"Your reporter has stated that my Board's response to complaint about lack of facilities in the shape of showers, toilets, running water, etc., has been an eviction order.

"The statement is quite untrue on 2 counts, firstly my Board resolved primarily to give notice to those persons with yachts moored in the slipway basin as a result of a report to the Board on the subject of congestion in the slipway basin. Secondly, there has not been an eviction order which I certainly understand to be a process through the courts. Boat owners were given notice by the Harbourmaster to move their vessels and I enclose a copy of said notice for your information, which is, I suggest, scarcely compatible with the comments made by your reporter.

"I am instructed by my Board to advise you that my Board requires that you withdraw the statement made by your reporter through the same medium as the original statement was made.

"My Board will wish to discuss the terms of such a withdrawal statement and be agreeable thereto before regarding this matter as closed."

The Harbourmaster's notice read as follows:

"I require you to cease berthing your vessel in the slipway basin with effect from 0800 hours 25 March 1983.

"The Board's boat harbour has a limited number of moorings available, however under the by-laws, living aboard a vessel within the boat harbour is not permitted.

"Alternatively, if you should wish to live aboard your vessel, then Mr A. Bryant, the Board's small craft supervisor, will arrange an area within the harbour in which you will be permitted to lay your own open mooring."

The Harbour Board decided, on 5 July, to make a formal complaint to the Broadcasting Corporation of New Zealand. The Corporation replied as follows on 11 July:

"The members of the Broadcasting Corporation considered the formal complaint you made on behalf of the Nelson Harbour Board about a *Today Tonight* item, dealing with yachtsmen, at their meeting on 5 July. The complaint was examined against subsection 24 (1) (d) and (e) of the Broadcasting Act 1976. They refer to the need to have regard to (d) the accurate and impartial gathering and presentation of news according to recognised