

standards of objective journalism; and (e) the need to make reasonable efforts to present significant points of view in the same programme, or in others, when controversial issues are discussed.

"The Corporation considered that the item correctly represented the views of the yachtsmen, including their understanding of the notice given to them, and that to have withdrawn the statements, as your Board had required, would have resulted in a misrepresentation of the yachtsmen's views. The Corporation considered that what was required in the situation was not the withdrawal of a part, but the presentation of the other side of the story, and noted the several efforts by the Wellington Regional Editor to get this view. This included, twice, in letters of 26 April and 2 May, invitations to provide a spoken item, an interview or a statement, so that it is not correct to say, as in your letter of 26 May, that a member of your board or its executive must appear on television.

"In the circumstances the Corporation was unable to uphold the complaint on either ground; and it was noted that the invitations for your Board's position to be put still stand."

The Tribunal heard evidence from the general manager of the Harbour Board and from the reporter and regional editor.

The allegations can be conveniently dealt with under the following headings:

*Statement made in the television report was inaccurate and untrue.*

The reporter's script shows that he makes the statement "They've complained to the Harbour Board, but the only response came as an eviction order." He goes on to say that they were told to move out by the next day and "The yachties claim that they had nowhere safe or convenient to go, and they vowed to fight the Board." If the reporter had interpolated the words 'they claim' or 'they say' that the only response came as an eviction order, it would not have been possible to have criticised the statement made. But the use of the phrase later that 'the yachties claim' infers that the preceding statements were facts and only the statements in the final sentence were controversial.

This was conceded by the editor when he gave evidence to the Tribunal. He acknowledged that the report should have started with the words "Yachties say".

Had the reporter framed his report that way, the Board would have had little ground for complaint, except possibly in the use of the term 'eviction order' which is discussed below.

*Inadequate investigation*

The investigation by the reporter was indeed lacking in depth. The item was not a full scale investigative report, but a very short report bringing to the viewers' attention the existence of a dispute of considerable local interest. The details of the row were not put forward for comment to the Board because of a misunderstanding as to the general manager's personal position. The Harbour Board says that the reporter was warned to "ensure that he has got his facts right" but that was (not unreasonably) construed by the reporter as an indication of the Board's reluctance to have this particular item aired. It is certainly reasonable to regard the attitude of the Board as obstructive unless the Board at the same time offered to help the reporter to get the facts right.

*Televised Interview*

There was a conflict of evidence on whether the reporter told the general manager that it would be necessary for him to be interviewed on camera for the Board's side of the story to be told. The Tribunal finds that there was a misunderstanding, in good faith. It accepts the reporter's evidence that he obtained a clear impression that nobody from the Board would be prepared to comment. He did not recall any mention of approaching the Board chairman. He considered that he had been firmly and politely told that there would be nothing from the Board.

The general manager had already been interviewed and quoted in the *Nelson Evening Mail* on the same topic, but declined to be interviewed for television or even to refer the reporter to the statements that he had made which were already reported in the local newspaper. The impression we had was that the general manager saw the best interests of the Board being served by giving as little co-operation to the reporter on this story as possible in the hope that it would not be fueling the news value of the item.

It is possible that a formal televised interview was understood by the general manager as the only way in which information about the Board's position could be conveyed and that his refusal to give such an interview would therefore mean that the issue would not get on television at all.

*Eviction Order*

The Tribunal accepts that an eviction order may only be obtained by due process through the courts. This is a distinction most people would not appreciate. The Harbour Board, in the public mind, is an official body and a notice to quit from such a body would commonly be thought of in terms of the yachties being "ordered" to move their vessels. The yachties therefore might well have

regarded the notice "to cease berthing your vessel in the slipway . . ." as being tantamount to an eviction order; and so, presumably, might viewers if they had been shown a copy of the Harbourmaster's notice with the programme. The general manager conceded that the use of that phrase would not, on its own, have warranted a complaint.

The Nelson "Evening Mail" used the same phrase more than once—even after the Harbour Board had complained about it when it was first used.

*Demand for withdrawal*

The Harbour Board's repeated requests for the BCNZ to "withdraw" the statement complained of, was not the best course to have followed. While Television New Zealand was not blameless in this instance, the Harbour Board contributed to its own embarrassment. Instead of demanding a withdrawal it could have put the Board's position in a news release or accepted Television New Zealand's suggestion of an agreed statement and submitted a draft. Either of these simple straightforward steps could possibly have settled the problem at an early state.

A succinct statement of the facts as seen by the Board could, in any event, have constituted a good basis for a correction.

*Subsequent action*

The regional editor told the Tribunal that his attention was drawn to the "lack of balance" in the report, even before it was broadcast, but he accepted that the reporter had attempted to get the Board's side of the story and had been rebuffed. But the BCNZ's subsequent action showed the Corporation to have been less than diligent in attempting to redress the balance.

Even as late as 21 April (the date of the next meeting of the Board) a report of the Board's decision on the issue would have sufficed. When that item was—to the editor's dismay—dropped from the regional news of 21 April, it could have been included in the 22 April programme. The reason this was not done was that it was considered that by the evening of 22 April the news value had died. That was inconsistent with the editor's earlier assurance that he had been concerned to redress the balance of the offending item.

The Tribunal notes that a report on 22 April would have been published on the same day as the local afternoon newspaper report of the Board meeting the previous evening.

The Tribunal upholds the complaint to the extent that finding that the original statement was not fair and accurate; it lacked attribution. In all other respects the Tribunal does not uphold the complaint.

*Observation*

During its consideration of this complaint, the Tribunal consulted the BBC's *News Guide*, which it commends to the BCNZ. The following quotation is taken from that publication (page 27):

"The BBC's tradition of impartiality in the presentation of news debars it from expressing any opinion of its own. We do not take sides. And make sure that in reporting the opinions, comments and claims of others, the BBC does not become identified with them.

"This danger can be avoided by clearly sourcing every piece of information which could be regarded as an opinion or which could be seen to be open to question.

"For example: *Not* "the Government have been successful in . . ."—Instead "the Government say they have been successful in . . .".

"In the context of the Nelson Harbour Board's complaint, *not* "although they pay \$50 a month . . ."—Instead "Yachties say that although they pay \$50 a month . . .".

The Tribunal also commends to the attention of BCNZ the sections of the *News Guide* on "Getting it Right . . ." and "Putting it Right", from which the following is quoted (page 24):

"Most of us hate admitting we are wrong—and hate even more admitting it publicly by broadcasting a correction or apology. The way to avoid apologising is to avoid making mistakes. When we are wrong we should say so . . . The listeners will have greater, not less, respect for us if we admit our mistakes."

(The underlined passages appear that way in the original.)

While the BCNZ was not blameless in this instance, the Harbour Board contributed to its own embarrassment through an initial misunderstanding and lack of co-operation, followed by a demand for a "withdrawal" instead of co-operating in the preparation of an accurate statement. This may have been due to the Board's belief that to give an interview to or to make a statement to be used on television news it is necessary to appear on camera in person. That was not the case.

The Tribunal observes the complaint was hardly one which warranted a full scale hearing and perhaps if there had been some better personal communication later between the editor and the Board's general manager or assistant general manager the matter might have been resolved more quickly on a satisfactory basis.

We note that a videotape was not available to use.