

neither unfair nor inaccurate to have said that business was closed for the day "because of union action."

The Corporation said there was no "dispute" in this case. The thrust of the Corporation's evidence was that the impending ban on transmitting or editing the visual material became known to the Corporation late on the morning of the broadcast but the reasons for the ban did not. A non-staff cameraman provided Television New Zealand's news service with coverage of the fire. A PSA delegate in Auckland told news compilers that they could decline either to edit the material or to screen it if it were edited elsewhere. According to the Corporation's evidence, it did not have in front of it on the day of the ban, nor indeed for some three months after the ban, an indication of what the PSA wanted from it or of what the PSA was objecting to when it imposed the ban.

That may seem an unusual state of affairs. But the evidence of both parties tends to confirm it and the Tribunal was not presented with any information which would seriously contradict it. The day after the ban, Television New Zealand's Controller of Personnel Services, Mr Byrne (who has executive responsibility for industrial relations in Television New Zealand) wrote to the PSA's Dunedin office asking the reason for the ban and for details of any alleged breaches of the agreement between the PSA and Television New Zealand. The Dunedin Secretary wrote back saying he had referred Mr Byrne's letter to the National Office which "may" (to quote) reply. The Dunedin Secretary gave no other information.

Two weeks later, Mr Byrne still had no reply and wrote again to the Dunedin Secretary. Again there was no reply but a week later (June 3) Mr Simpson from the National Office, in a letter to the Corporation's Director of Personnel in Wellington, asked what was the Corporation's policy on the use of non-staff electronic news gathering crews. Mr Simpson referred to the Dunedin ban but still did not say why it had been imposed. He took exception to Mr Byrne's inquiry of the Dunedin office and continued, "Would you please take this matter up with him and make it clear to him that he has no right to the information he seeks but that it will almost certainly be available to him as a courtesy if he directs his question to the proper quarter."

The Tribunal is not concerned here with the industrial relations connotations of the letter but with the fact that it is completely consistent with the Corporation's assertion that, at the time of the ban, it had no claims before it from the PSA and was not aware either of what the PSA was imposing the ban in support of, or of what alleged transgression had led to the ban. More than a month later on 7 July in response to a further inquiry from the Corporation, Mr Simpson wrote to the Director of Personnel that he would provide Mr Byrne with the information he sought when the Director had replied to Mr Simpson's letter asking for the policy on electronic news gathering crews. Again, Mr Simpson's letter was consistent with an acceptance on his part that neither Mr Byrne nor anyone else in the Corporation's management would yet know the exact reason for the ban.

So the Corporation's case is that, at the time of the ban, it could not have been in dispute with the PSA; that in the absence of a statement of position by the PSA, there was nothing with which the Corporation could be in dispute.

The Tribunal accepts the Corporation's statements as to the state of its knowledge at the time of the ban. The Tribunal also accepts that, on the rather unusual facts, it was not inaccurate to attribute the ban to the PSA and it would have been rather generous to have said that the management of Television New Zealand was a party to a dispute with the PSA.

In accepting the Corporation's argument the Tribunal does not say that disputes can be called into existence only by written claims. The Tribunal is aware that industrial disputes can flare suddenly, with the parties' positions stated only orally. The PSA has not made a case that was so here. If it wished to bring its complaint on that basis, there is some burden on it to show that that is what happened. It led no substantial evidence to that effect, despite a direct inquiry from the Tribunal. In response to a question, Mr Simpson stated that the ban arose "from a confused stance on the part of the management" and that the management in Dunedin "was advised at 1 p.m. on 12 May that there was a dispute under way." On 23 August Mr Simpson wrote to Mr Byrne to explain for the first time that staff had declined to deal with material until they had adequate clarification of "contradictory positions on the part of management as to how they were to handle material produced by stringers using EMG equipment" (He declined to tell the Tribunal whether or not the PSA or its representative was aware of the action before the news broadcast. He said it was not part of the Tribunal's brief.)

The Corporation's correspondence on the other hand pointed strongly to there being no dispute in the usually accepted sense.

We had some concern over the use of the word "blacked". On balance we consider the word "ban" would have been more neutral but we cannot find the use of "blacked" to be inaccurate or lacking impartiality.

#### Decision

We find the item was not in breach of the standards set out in section 24(1)(d) for accurate and impartial gathering and presentation of news according to the accepted standards of objective journalism. The attribution of the ban to the PSA was justifiable in the state of knowledge of the Corporation at the time of the broadcast.

The circumstances were unusual and the Tribunal accepts that normally, in reports of industrial situations, the responsibility for industrial action should not be attributed indiscriminately to one side.

The complaint is not upheld.

#### Co-opted members

Mr Gordon Ell and Mr Brian Stephenson were co-opted as persons whose qualifications or experience would be of assistance to the Tribunal in dealing with the complaint. They took part in deliberations of the Tribunal but the decision is that of the permanent members.

Dated the 30th day of March 1984.

Signed for the Tribunal:

B. H. SLANE, Chairman.

#### Customs Notice—Exchange Rates

NOTICE is hereby given, pursuant to the Customs Act 1966, that the following exchange rates to the New Zealand dollar relate to imported goods for which a New Zealand Customs entry has been lodged on or after 1 June 1984:

Australia	72 Dollar
Austria	12.42 Schilling
Bangladesh	14.93 Taka
Belgium	35.99 B. Franc
Brazil	953.52 Cruzeiro
Burma	5.42 Kyat
Canada	.83 Dollar
Chile	58.93 Peso
China	1.39 Renminbi or Yuan
Denmark	6.50 Krone
Egypt	.55 E. Pound
Fiji	.68 F. Dollar
Finland	3.75 Markka
France	5.46 Franc
French Polynesia	98.06 FP Franc
Greece	68.34 Drachma
Hong Kong	5.08 H.K. Dollar
India	7.04 Rupee
Ireland	.58 I. Pound
Israel	120.63 Shekel
Italy	1095.48 Lira
Jamaica	2.61 J. Dollar
Japan	146.83 Yen
Malaysia	1.47 M Dollar (Ringgit)
Mexico	114.14 Peso
Netherlands	2.00 Florin (Guilder)
Norway	4.93 Krone
Pakistan	8.76 Rupee
Papua New Guinea	.56 Kina
Philippines	8.79 Peso
Portugal	89.18 Escudo
Singapore	1.34 S. Dollar
South Africa	.82 Rand
Spain	99.11 Peseta
Sri Lanka	15.85 Rupee
Sweden	5.20 Krona
Switzerland	1.47 Franc
Tonga	.71 Pa'anga
United Kingdom	.47 Pound
U.S.A.	.65 Dollar
West Germany	1.78 Mark
Western Samoa	1.10 Tala

Dated at Wellington this 18th day of May 1984.

P. J. MCKONE, Comptroller of Customs.