

the 11th day of October 1986, on a proposal to change the system of rating based on capital values to one based on land values within the Karoro Division of the Grey County (as defined in Valuation Roll 2549) to be as follows:

For land value rating	145
For capital value rating	94
Informal	2

I therefore declare the proposal to rate on the basis of land value to be carried.

Dated at Greymouth this 3rd day of November 1986.

J. G. STEPHENS, Returning Officer.

Notice of Confiscation of Motor Vehicle

TAKE notice that pursuant to section 84 of the Criminal Justice Act 1985 an order has been made for the confiscation of the following motor vehicle: 1972 Chrysler Charger DM. 9747; owner Wayne William Anderson; registered owner Sheryl Ann Mathews. Date of Order: 5 November 1986.

Dated at Dunedin this 11th day of November 1986.

A. J. HERRING, Registrar.

Confiscation of Motor Vehicle

PURSUANT to section 84 of the Criminal Justice Act 1985, notice is hereby given that Clinton Clay Martin of Maketu Camping Ground, Maketu, millhand, was convicted of 2 charges of driving whilst disqualified in the District Court at Tauranga on the 28th day of October 1986. An order for confiscation of a motor vehicle, namely a 1984 Ford Cortina motorcar, registration No. JE 5692, was made.

Dated at Tauranga this 28th day of October 1986.

K. P. NALLY, Registrar.

Decision No. 22/86

Com. 1/86

Before the Broadcasting Tribunal

IN the matter of the Broadcasting Act 1976, and in the matter of a complaint by WILLI HELGE FREY:

Warrant Holder: BROADCASTING CORPORATION OF NEW ZEALAND (TELEVISION NEW ZEALAND):

Chairman: B. H. Slane.

Member: Robert H. Boyd-Bell.

Co-opted Members: Brian W. Stephenson and A. H. Kocabas.

DECISION

THIS complaint arises from a statement about Islam in "News Review", Television New Zealand's weekly news programme for hearing-impaired viewers.

The Programme

"News Review" on Saturday, 30 November 1985 carried an extended item on terrorism and aircraft hijackings. According to the apparently incomplete script supplied to the Tribunal (the BCNZ said that a recording of the programme was no longer available) the item dealt first with an attack by Egyptian commandos to end the hijacking of an Egyptian airliner at Malta. The script said that the hijackers, when they realised they were being attacked, threw three hand grenades at the passengers: 10 minutes later, 59 people were dead and 27 were injured.

The item went on to review other recent hijackings and terrorist incidents dating back to the assassination of Egyptian President Anwar Sadat. It propounded a common thread of Moslem fundamentalism connecting several of these events. It then focussed on Moslem fundamentalist opposition to western trends in the Egyptian Government. At this point the script said:

"Islam speaks of violence and bloodshed in the name of religion."

The item ended less than a minute later, having indicated that Moslem fundamentalism was gaining support in Egypt but that journalists there believed that change would be slow.

The Complaint

Mr Frey complained in writing to the BCNZ 3 weeks later, on 20 December 1985. His letter also complained of another item broadcast on 8 December but he has not referred that second complaint to the Tribunal.

His objection to the 30 November programme was directed at the general statement about Islam. He said that the statement was biased. He said it could be argued that Christianity and Judaism are at least equally violent when one looks at the Old Testament or the Torah but it is not claimed that those religions "speak of violence and bloodshed in the name of religion."

Mr Frey felt that the statement did not conform to the requirements of Television Programme Rule 5.1 (b) of objectivity, impartiality and accuracy.

The Corporation's Reply

The BCNZ Board considered the complaint on 26 February 1986 and the secretary of the corporation, Mr Ian McLean, wrote to Mr Frey on behalf of the board on 5 March. The thrust of the corporation's reply was that the statement was made in context of an item about Moslem fundamentalism. The intent, Mr McLean said, was to make the point that, for the violent fringe of the fundamentalist movement, Islam was interpreted as providing justification and support for their actions. He said that the association between the statement and the group of Moslem fundamentalists was made by implication and it was apparent that the comment was part of a description of the extremist fundamentalist movement.

Reference to the Tribunal

Mr Frey was not satisfied. In his formal complaint to the Tribunal he argued that there is a difference between making a statement about *some* Moslem fundamentalists and about *all* of Islam. He described the statement as an extreme generalisation which lacked accuracy, objectivity or impartiality, added nothing to the rest of the item and was an attempt to defame Islam.

The corporation in reply submitted that, because the programme is for the hearing-impaired, it is necessarily a very much abbreviated form of the previous week's major news developments world wide. The corporation expanded on the "context" argument, saying that one could reasonably infer from the rest of the item that it was the extreme terrorist fundamentalist that was being singled out: The statement was not derogatory about Islam in general but about the faction which was referred to right throughout the item. The corporation submitted that Mr Frey's interpretation of the item as defaming Islam and by implication all those who practised that religion was rather extreme.

Finally, the corporation noted that the words "fundamentalist" or "fundamentalism" were used 11 times within 3 pages of the transcript and that this could leave no fair-minded viewer in any doubt that it was a faction of the religious movement that was being identified.

Mr Frey submitted that the fair-minded viewer would take the statement to be referring to Islam in general. He suggested that the average fair minded viewer has not met a Moslem, has never lived in a Moslem country, has never looked at the Koran and knows little about Islam. He thought that such a person would take the statement to be referring to Islam in general.

Mr Frey said that anti-Islam bigotry cannot be excused by claiming that the item was a summary: Summaries must also be impartial, objective and accurate.

Decision

The Tribunal accepts that the script writer did not intend to defame Islam or its adherents. Nor does the statement in our view amount to a display of bigotry. The corporation's own submissions are open to the interpretation that what was said was not what was intended and we consider that this was probably the case.

Nevertheless, the statement that "Islam speaks of violence and bloodshed in the name of religion" was too broad. It was capable of meaning, and may have been taken to mean, that violence is a theme of Islam. The Corporation argued that it was saved by the context—that in an item about fundamentalists, the meaning of "Islam" would be narrowed by implication to cover only those who interpreted their religion as calling for violence and bloodshed.

We do not think that the context necessarily narrowed the meaning in the manner suggested. The statement came after a long pause in the script. It stood out from the context and therefore has to be judged on its plain meaning. "Islam" is not synonymous with fundamentalism. Five dictionaries which we consulted give it a broad primary meaning of "the Moslem religion." Two give an expressly all-embracing secondary meaning—"all Moslem believers and their civilization (Heineman NZ 1979) and "Moslems collectively and their civilization" (New Collins Concise NZ 1982). The breadth of the meaning of the statement, although unintended, is inescapable. A small change would have saved the situation. For example, "To the fundamentalists, Islam speaks of violence and bloodshed in the name of religion," or "The fundamentalists speak of violence and bloodshed in the name of religion," would have been beyond