

Professor Harris alleged that TVNZ had conducted a crusade against the Cavalier tour; had failed to prevent it and was conducting a vendetta against the team. He said TVNZ was anxious to discredit in advance any personal experiences which the soon-to-return Cavalier team might recount and that the reporter had been affected by being snubbed by the team.

Professor Harris specifically complained that the report breached s. 24 (1), Broadcasting Act in that it did not have regard to:

- “(d) the accurate and impartial gathering and presentation of news, according to the recognised standards of objective journalism.
- (g) the privacy of the individual.”

The Corporation Response:

The Board of the BCNZ considered Professor Harris' complaint at its meeting on 29 July and the Secretary of the Corporation advised its decision by letter dated 5 August.

He advised Professor Harris that the item had been specifically commissioned by TVNZ editorial executives following telephone calls from some viewers who had recently toured South Africa but seen nothing of the black riots shown almost nightly on the 6.30 news.

The reporter had been commissioned to set this experience in context with the Cavalier rugby tour. The BCNZ did not believe the report “smeared” the Cavaliers but pointed out that, like many tourists, they did not see trouble spots at first hand and that it was easy to miss them.

The Corporation regarded the report as objective, factual and neutral although the linking of violence on the rugby field with that at a political meeting was considered unfortunate.

The complaint was not upheld by the Corporation.

Reference to the Tribunal:

Professor Harris was not satisfied with the BCNZ response and referred his complaint to the Tribunal on 20 August.

He also made a formal request that TVNZ hold all tapes relating to its reporting of South Africa and the Cavaliers rugby tour since the original announcement, to ensure that the complaint could be considered in context.

Professor Harris expanded on the grounds for his original complaint, alleging that:

- (a) The editing of archival footage was subjective and biased, not self balancing and neutral as the Corporation claimed.
- (b) The association of violence on the rugby field with violence at a political meeting was much more serious than “unfortunate”.
- (c) The BCNZ should have launched a more extensive inquiry into TVNZ reporting of South Africa and the Cavalier rugby tour.
- (d) The news item indicated that “TVNZ adopted an editorial opinion hostile to all whites in South Africa and to the Cavaliers, and used television to influence NZ viewers accordingly.”
- (e) The response of the BCNZ revealed the primary reason for the item as being the complaints from recent visitors to South Africa who said they had seen nothing of the riots which TVNZ had been reporting so frequently, thus the item was “an exercise in justification”.

The Corporation submission:

In its submission to the Tribunal filed on 9 October the BCNZ said that there was no basis for Professor Harris' complaint that the report infringed the privacy of individual Cavalier rugby players.

As to his complaint that the item breached section 24 (1) (d) of the Broadcasting Act with regard to the accurate and impartial gathering and presentation of news according to recognised standards of objective journalism, the Corporation submitted:

- (a) The item was “an honest attempt to encapsulate fairly an aspect of the South African scene from a New Zealand perspective”.
- (b) The item was imperfect in linking violence on the rugby field with violence at a political meeting.
- (c) The use of archival or library film was a legitimate and acknowledged television news production device world-wide.
- (d) The complex nature of the story in question was acknowledged from the outset.
- (e) The rugby violence clip was used twice only because its initial use was as a trailer or tease in the opening of the news to indicate that a report relevant to the Cavalier tour was coming up.
- (f) The Corporation rejected any assertion that it attempted to link the Cavaliers with pro-apartheid extremist groups, or that TVNZ was engaged on a propaganda exercise.

The Corporation summarised its submission thus:

“It (the item) was triggered by reaction TVNZ and its reporter in South Africa had received from those who had been there in recent times. Furthermore, the reporter refers to being tackled on the very point, about what the viewer sees being variance with what sometimes appears on television. His was a sincere attempt to present the scene as best he could, bearing in mind that his visa permit limited his activities to covering rugby matches. In such circumstances coverage from other sources had to be interwoven into his “perspective piece”.”

Decision:

The Tribunal considers that TVNZ editorial executives were expecting a great deal of a reporter whose visa was limited to coverage of rugby and whose experience of South Africa was limited, when they commissioned him to put “the black riots shown almost nightly on the 6.30 news . . . in context with the touring Cavaliers, as the chances were that they too might see nothing of the trouble spots.”

The reporter himself may not have seen or experienced first hand many of the aspects of South African life portrayed in the item he presented and was heavily dependent on material recorded and edited by others.

Experienced foreign correspondents are frequently critical of “instant experts” who, on the basis of brief and limited personal knowledge, present “perspective pieces” to their audience. Fulbright Distinguished Fellow Ms Georgie Anne Geyer voiced such criticism during her recent visit to New Zealand.

It is difficult for individuals in any society to witness personally all the stresses and strains that society is subject to. Few New Zealanders would have personally witnessed the Queen Street riots, the Rainbow Warrior sinking, the Ruatoria arsons, the Forestry and Coal Corporation redundancies and be in a position to comment on them collectively and with authority. Still less so if they were visiting the country on a restricted visa.

To a considerable degree the reporter appears to have set up a “straw man” and then demolished him.

The Tribunal doubts the wisdom of such a commission considering the limitations under which the reporter was working.

Television Programme Rule 5.1 (a) notes that:

“Viewers should always be able to distinguish clearly and easily between factual reporting on the one hand, and comment, opinion and analysis on the other. This is particularly important where a change of approach, say from news to comment, occurs during the course of a programme.”

The Tribunal considers that this rule is more relevant to the report in question than rule 5.1 (b), which refers to the accurate, objective and impartial presentation of news.

Although Mr Ralston's report was given prominence in the 6.30 news on Friday 30 May 1986 it was much more a commentary and “perspective piece” than factual reporting.

The report was almost four minutes in duration, was placed as third item just three minutes into the programme and was more comment, opinion and analysis than fact. These factors all contributed to it appearing as an unusual feature of the 6.30 news, more in keeping with material viewers might expect to see in *Eyewitness News* or *Foreign Correspondent*.

The Tribunal does not consider that any substantial effort was made by TVNZ to distinguish between factual reporting and commentary, particularly in the context of viewer's normal expectations of the 6.30 news.

The distinctions between fact, comment and opinion can be as difficult to determine as those between news and current affairs, but viewers are entitled to clear signposts as to the source and authority of the information they are receiving. These entitlements are reinforced in the legislation and the television programme rules which TVNZ editorial executives are required to observe.

The Tribunal does not uphold the complaint that the programme constituted an invasion of privacy.

The Tribunal does not consider that Professor Harris' complaint can be upheld in full, particularly his allegations regarding the motivation, “crusade” and “vendetta” of TVNZ against the Cavalier tour.

The Tribunal does not consider the item in question to have been unwisely commissioned and flawed in both execution and presentation.

The Tribunal will require TVNZ news and current affairs to pay greater attention to the legislation and programme rules under which it operates.

The report could have been more adequately presented as a personal commentary on the difficulties which a television news organisation and reporter face, just as much as tourists, in attempting to reflect responsibly the reality of life in South Africa.