

the complaint form and his annotations on the Corporation's response that Mr Frykberg expected the Corporation's news services "to carry South African newspaper material as a matter of course".

The Corporation submitted:

"This cannot be the case. The objectivity of a trusted broadcasting correspondent, or reporter at the scene, will always be preferable when it comes to presenting an unbiased account of a situation, to second-hand newspaper coverage which may be sympathetic to a government or cause."

The Corporation claimed that broadcasting entailed different presentation techniques from those employed by newspapers, and added:

"The newsworthiness of a newspaper editorial or featured coverage must depend on the prevailing circumstances. The difficulty of obtaining other views from South Africa will be known to the Tribunal. Those that can be obtained, and which meet journalistic criteria, are broadcast."

The Corporation's submission concluded:

"Despite the complainant's preferences for the sources of material the Corporation considers that the complainant's case (directed as it was principally to Mr Tambo's visit) fails in the light of the extensive coverage, and its nature . . ."

Decision:

The Corporation's submission was referred to Mr Frykberg on 4 March 1988. No response has been received by the Tribunal. The Tribunal considers that Mr Frykberg received a thorough response from the Corporation to his original complaint regarding the coverage of Mr Tambo's visit to New Zealand.

In the face of the analysis which the Corporation investigation presented to him, Mr Frykberg substantially changed his ground in referring his complaint to the Tribunal.

His subsequent statement of complaint "that B.C.N.Z. do not make any effort to obtain the point of view of spokespersons from the South African Government, South African press, such as the Citizen, Die Vaderland, or the Volksblad" is substantially different from his original complaint of generalised bias and specific lack of balance during coverage of Mr Oliver Tambo's visit.

To the extent that there is any identity between the two complaints, Mr Frykberg had already received a detailed analysis of the variety of coverage of South African affairs during the period in question, including coverage of changes in South African government policy, ANC guerrilla activity and the election campaign. The election campaign coverage was noted to have "regularly featured white leaders talking about the black guerrilla threat . . . during the time of South African Government censorship which favoured white Government statements over black expression".

The Tribunal finds that Mr Frykberg's original complaint was not substantiated. Rather, it was effectively demolished by the Corporation analysis of material actually broadcast during the period surrounding Mr Tambo's visit. It finds there is no basis for any further detailed inquiry to see whether there were any flaws in the total television and radio news coverage over the period in question.

That complaint is not upheld.

The Tribunal has not considered the wider nature of Mr Frykberg's subsequent complaint in detail but notes that the views of the South African government have been sought and broadcast by the Corporation, both in general news coverage and in specific assignment from time to time.

The Tribunal also notes that Mr Frykberg has previously been informed of the impracticality of the Tribunal's dealing both with generalised non-specific complaints and with complaints that have been changed in the period between reference to the broadcaster and the Tribunal. These matters were specifically addressed in Decision 6/87 in which the Tribunal ruled on an

earlier complaint lodged by Mr Frykberg against the Corporation's coverage of news concerning South Africa.

Co-Opted Members:

Mr Kelleher and Mr Sheehan were co-opted as persons whose qualifications and experience were likely to be of assistance to the Tribunal in the determination of the complaint. They took part in the deliberations of the Tribunal but the decision, in accordance with the Act, is that of the permanent members.

Signed for the Tribunal.

B. H. SLANE, Chairman.
go11448

2

Decision No. 13/88

COM 7/87

Before the Broadcasting Tribunal

In the matter of the Broadcasting Act 1976, and in the matter of a complaint by **Ronald Chippindale**, Chief Inspector of Air Accidents of Wellington.

Warrant Holder: Broadcasting Corporation of New Zealand, Television One:

Chairman: B. H. Slane.

Member: Robert Boyd-Bell.

Co-opted Members: J. A. Kelleher.

Hearing on the 2nd day of November 1987.

Decision

Dated the 29th day of April 1988.

Complainant

Mr Chippindale is the Chief Inspector of Air Accidents and Head of the Office of Air Accidents Investigation of New Zealand, a position he has held for 11 years. He acts independently of the Civil Aviation Division of the Ministry of Transport and he has been responsible for the investigation of some 1500 aircraft accidents. On 29 November 1979 he began an investigation into the accident involving the Air New Zealand DC10 at Mount Erebus on Ross Island in Antarctica. His office produced a draft report recording the findings of a panel of investigation experts. That draft was subject to review by interested parties and the subsequent final report was dated 31 May 1980.

The Subject of Complaint

On 15 May 1986 Television One broadcast a special two-part report in the *Close Up* series which examined the aftermath of the sinking of a cruise liner *Mikhail Lermontov* in February that year. A preliminary inquiry into the loss of the ship (pursuant to section 324, Shipping and Seamen Act 1952) was carried out by Captain S. J. Ponsford, who had been appointed a Marine Inspector for the purpose by the Minister of Transport. The hearing which formed the basis of his inquiry was held from 17 to 23 February 1986. He reported the results of his inquiry to the Minister of Transport on 26 February 1986 and recommended that no formal investigation take place. The Minister accepted the recommendation.

The *Close Up* programme examined claims that there should be a full investigation because of allegations of "a cover up" and to determine the full facts. In particular participants said that a period of 5½ hours had been disposed of in the preliminary report in one sentence.

The programme, which lasted about 31 minutes, ended with interviews and statements from the reporter concerning the issue of whether or not a further inquiry should be held. Reference was made to the decision being the Minister's, and the programme concludes with the following statements by the reporter:

"But Richard Prebble remains unmoved by public pressure. His statement reads: