

Mr Jane was advised by the Registrar that the Tribunal was not empowered to consider complaints that had not previously been formally referred to the warrant holder for consideration. He subsequently copied his complaint to the station on 9 February.

*The Complaint:*

In his letter lodging a formal complaint with the radio station, Mr Jane identified two principal grounds for his concern.

First, he complained that the audio recording of the shooting had been broadcast twice within the same news bulletin, repetition he considered offensive, unnecessary and sensationalist.

Secondly, Mr Jane complained that the audio "drop" was of interest only because it recorded the actual event, that there was no useful information for the listener contained in it and there was no need for it to have been played at all.

Mr Jane explained that he had telephoned the station's news department and discussed the matter with the news editor, asking whether the station intended repeating the item. He said it was subsequently broadcast again at 1 p.m., but the actuality audio material was broadcast only once on that occasion.

Mr Jane said he had also discussed the item by telephone with Radio New Zealand and Radio Hauraki, who told him they did not intend broadcasting audio coverage of the incident. He said Radio Pacific did broadcast the story although Television New Zealand had not covered it in either its 6.30 p.m. or 10 p.m. news programmes that day.

*The New Zealand Herald* had reported the incident with a series of photographs.

*The Station's Response:*

The General Manager of Triple M/Stereo FM, Mr A. A. Withrington, replied to Mr Jane by letter on 11 February. He acknowledged a previous telephone conversation with Mr Jane on the day of the broadcast but reiterated his support of the station's News Director in handling the material in the way he had.

Mr Withrington said he did not agree that the use of the audio coverage was sensationalist; he considered that audio material added to the realism of a news event however unpleasant it may be. He also said many news items were unpleasant and he had lost count of the number of times he had heard or seen coverage of President Kennedy being shot. He also referred to *The New Zealand Herald* having seen fit to publish a sequence of pictures of the incident.

*Referral to the Tribunal:*

Mr Jane referred his formal complaint to the Tribunal on 27 February 1987.

Mr Jane had not completed the declaration associated with the complaint in an appropriate manner and was advised that the Tribunal could not proceed with consideration of the complaint until he did. This was subsequently received by the Tribunal on 5 May 1987, when Mr Jane also supplied an audio recording of the station's 1 p.m. news bulletin of 23 January.

*Station Submissions:*

Mr Withrington advised the Tribunal on 3 April 1987 that the station had considered the complaint under section 95 (c) of the Broadcasting Act and was satisfied that the item in question was sufficiently newsworthy to be broadcast in the way it had been.

He said a tape of the news item concerned had not been retained.

*Decision:*

Section 95 (1) of the Broadcasting Act includes the following provisions:

"Each private broadcaster shall be responsible for

maintaining in its programmes and their presentation, standards which will be generally acceptable in the community, and in particular it shall have regard to— . . . (c) The observance of standards of good taste and decency: . . ."

The Tribunal was not able to hear the item as originally broadcast by Triple M/Stereo FM on its midday news on 23 January. The station had not retained a recording of the news bulletin and Mr Jane had been able to provide only a recording he made of the subsequent broadcast at 1 p.m., which was not identical to the broadcast complained of.

The Tribunal considers that the unusual circumstances of Mr Dwyer's suicide did render the incident newsworthy, though perhaps of limited direct relevance to a New Zealand audience listening to an FM stereo music station.

The issue before the Tribunal was whether the way the story was treated offended against "standards of good taste and decency" . . . "generally acceptable in the community".

In Australia, edited television coverage of the incident was broadcast in some early evening television news bulletins. That was found by the Australian Broadcasting Tribunal to have breached its programme standards. The Australian Tribunal considered that the television coverage should have been modified to a greater degree and more adequate warning of its content given.

In New Zealand it appears that most radio stations chose not to broadcast the actuality audio material and television chose not to broadcast actuality coverage available that day either.

Triple M/Stereo FM has a stated target audience of 18 to 39 and at midday during the January summer holidays might be expected to have a reasonable proportion of younger listeners.

Questions of good taste and decency in the end devolve to matters of judgement.

This Tribunal does not consider that the incident was such that it should not have been reported at all, nor did the complainant seek such a ruling.

The quality of the audio material that was made available to the Tribunal was not such that it added significantly to the Tribunal's understanding of what had occurred nor, we suspect, would it have done so for the station's audience.

Mr Withrington's argument that audio actuality adds to the realism of a news event depends to some degree on the quality of the material and the significance of the event. Nor did he advance any justification for the material being broadcast twice in the same bulletin beyond disagreeing that the coverage was sensationalist.

Whether or not a major New Zealand newspaper chose to publish a selected series of still photographs of the incident has little direct bearing on judging whether broadcasting actuality audio coverage was in good taste.

Having regard to all the circumstances, the quality of the audio material and the significance (or lack of it) of the incident to New Zealanders in general, the Tribunal considers that any broadcast of the actuality audio material would have been only marginally justifiable.

Its repetition twice within the same bulletin, in our opinion, constituted a breach of standards of good taste.

*Because of that, Mr Jane's complaint is upheld.*

We note that, while the station's news editor and General Manager continued to defend their original decision both to Mr Jane and the Tribunal, they had in fact modified the nature of the coverage following Mr Jane's original telephone call. We are pleased that they did. Some evidence of willingness to acknowledge a possible error of judgement might have added to the station's credibility to Mr Jane.

The Tribunal is concerned that the station was unable to provide a record of the item as broadcast, although it was certainly aware within a few weeks that a formal complaint had