

Executive—did in fact prove correct. It was also noted that, once the conference began, unionists and Federation officials had the opportunity to present their own views of events to balance out any viewpoint with which they may have wished to take issue.”

Reference to the Tribunal

For the complainant, Mr Bradley referred the complaint to the Tribunal on 14 November 1985. The grounds stated for dissatisfaction with the Corporation's response were that the item was in breach of section 24 (1) (d) of the Broadcasting act 1976, which requires:

“The accurate and impartial gathering and presentation of news, according to recognised standards of objective journalism.”

He said the item contained exaggerated language and biased, unattributed editorial interpretations well outside a reasonable interpretation of the section. He sought a hearing in Auckland.

The Corporation's submissions

Before the hearing Mr Mainwaring provided further arguments for the Corporation's position, in a letter to the Tribunal dated 21 January 1986. Noting that the key element of the complaint was the alleged insufficiency of attribution and an implication that this did not constitute accurate, impartial or objective journalism, Mr Mainwaring said,

“As a senior TVNZ specialist industrial roundsman of over two and a half years experience in this particular field, the reporter was well qualified to give an informed appraisal or perspective preview of the conference. In preparing the item he sought opinion from a wide range of trade unionists he had made previous contact with during his work as an industrial roundsman and who had confidence in his journalistic integrity. Since many of them were marshalling their tactics for the debate that usually takes place within such a conference, they were unwilling to show their hand by agreeing to attribution the day before a possible debate, discussion or vote.”

Mr Mainwaring quoted an extract from the *Manual of Journalism* by the late John Hardingham, former editor of the *New Zealand Herald*:

“News does not have to be said. No-one should be better qualified than the trained reporter to search for the facts, not just from one quoted source but from many sources. Surely the reporter has the special skills to describe what he himself sees or finds out without having to attribute it as a matter of course to third persons.”

Mr Mainwaring quoted the Corporation's policy as requiring that sources should normally be stated before information is given, so that the viewer understands that the viewpoint being expressed is not the Corporation's own. However, he said that the “House Rules” allow unattributed statements if they meet strict requirements:

“Unsources material must meet the most stringent tests before it is put to air. It should first be approved by the controller who must be supplied with sufficient background information (including the authority and identity of sources) to make a judgment on whether it should be broadcast. When in doubt the Controller should refer the question to the Director-General.

“Criteria for publication of an unsourced story must be:

—That it has more than one reputable source and due allowance is made and safeguards taken where the social and political bias of informants may lead them to fall below broadcasting standards of accuracy and fairness in conveying information to the public; such sources must also possess sufficient knowledge and understanding of the subject to convey reliable information upon it.

—Single sources may be used only when senior specialist

reporters have developed sources who are in a position to know of developments at first hand, and who have proved to be consistently reliable and accurate in the past.

—Every effort must be made to obtain on-the-record confirmation of any story based on anonymous sources.

—Where the source is a document.”

Mr Mainwaring conceded that the story could have contained more attribution than it did: It could have mentioned the Engineers' Union survey and might have included a statement that “a number of union officials, including two national secretaries, have told me that the FoL is becoming irrelevant to the day-to-day affairs of unions ... etc” While acknowledging this perceived shortfall, he did not consider that the item was sufficiently defective to be in breach of section 24 (1) (d).

In further support of one of the item's main propositions, Mr Mainwaring submitted a copy of an article written by M. D. J. Butler and described as being from a publication of the New Zealand Storemen and Packers' Union. The article was roundly critical of the FoL, referring to “crass threats of industrial reactions to a National win by FoL President Knox” having possibly “cost Labour six seats or more, from Awarua to Whangarei, where industrial sensitivities are high”. The article went on to refer to the “increasingly tattered image of the FoL”, saying its political and economic stance was “increasingly out of the mainstream of New Zealand thought and increasingly irrelevant to the aspirations and needs of union members”.

The hearing

There were repeated difficulties in arranging a hearing to suit the complainant and to fit in with the Tribunal's intensive commitment to the television warrant application hearings over a lengthy period. A hearing was set down for 4 February 1987 but the complainant was not ready to proceed and sought a later fixture. Eventually it was set down for 7 December 1987.

Mr R. C. Carlyon, acting Controller of News for Television New Zealand, gave evidence for the Corporation. The reporter was not available as he had left the Corporation to work in Australia. Mr Carlyon said that he had discussed the item with the reporter, who had taken meticulous notes of what various sources had said to him. The reporter wrote a memo to his editor about the item on 2 July 1985. The Corporation made this available. It provided a great deal of relevant and useful information. We have not reproduced it in full but have paraphrased parts of it in detailing the complainant's criticisms below:

1. The complainant argued that there was no evidence for an alleged “stormy relationship” between the FoL and the Government.

The reporter said there was “any amount of evidence” for this proposition, climaxing in a joint FoL/CSU statement earlier in 1985 that the relationship was “at crisis point”.

2. The statement that “prominent unionists say the FoL has become largely irrelevant in the day-to-day life of unions” was criticised by the complainant as hearsay, lacking supporting evidence. The complainant argued that “either the source should be named or some credible commentator [should] make the assessment”.

The reporter responded that at least two national union secretaries, one on the FoL's national executive, and “sundry other union officials” had expressed such views to him personally. Non-affiliated unions had been more public in their criticism. He also quoted a NZ Engineering Workers' Union survey as finding that 70% of its members knew “very little” or “nothing at all” about the FoL's workings.

3. The complainant objected to the statement that the Engineers' Union was threatening to leave unless the FoL's performance improved.

The reporter said he interpreted decisions of the NZ