

Engineering Workers' Union's 1984 biennial conference as a threat to leave the FoL. He said the Union's conference had decided to survey member attitudes towards the leadership policies and future direction of the FoL; that delegates had wanted to ensure that the FoL be "given an opportunity to develop new policies and direction" and that they wanted the union's "continued affiliation" to be reviewed again in 1986. He also quoted the survey referred to as showing 34% of members in favour of affiliation, 34% against and 30% "didn't know".

4. The complainant took exception to the reporter's comment that the proposed Council of Trade Unions, as the logical replacement for the FoL, "would save the FoL from self destruction". It submitted that there was no evidence of "self destruction" and added,

"This is more than just a severe exaggeration of a real situation; it is not news, merely projected fantasy".

The reporter replied that in 1984 six FoL affiliates, representing almost 20% of its membership, debated whether to leave the FoL. He said that two of them left, three were still considering their position and one stayed in. He also said that a prominent unionist had forecast to him that the 1985 FoL conference would not be well attended and that this was borne out; delegate attendance was the worst in 5 years.

5. The complainant objected to the reference to Mr Knox's "poor public image", saying that many unionists admired Mr Knox.

The reporter replied that "any number of unionists and non-unionists" had personally told him that Mr Knox came across badly and was an embarrassment at times. He also drew support for his conclusion by putting together two responses to the N.Z. Engineering Workers' Union survey. He said: "Few surveyed knew anything of the FoL's workings and Jim Knox was, for all intents and purposes, the FoL. The same survey felt that the FoL's public image needed improving".

6. The item said that Mr Knox's call for a general wage order was an embarrassment to unionists, as it was against FoL policy at the time. The complainant said that Mr Knox's advocacy of a general wage order "meshed exactly" with FoL calls for a general wage increase.

The reporter said his understanding was that the FoL had dropped its 1984 claim sometime around October [that year], when it accepted the Government's proposal for wage bargaining. He said that Mr Knox's renewed call for a general wage order caught observers and the FoL Executive by surprise; that at least one Executive member had complained that a general wage order was not FoL policy; that the Minister of Labour, in response to a question from the reporter, was equally mystified and wondered whether the FoL now favoured a return to regulated, rather than negotiated wage increases.

7. The statement in the item that "Mr Knox has kept a low profile since then... only to be upstaged by Mr Rob Campbell," was also criticised. The complainant asked whether the media were promoting Mr Campbell "and then accepting their own promotion as having some non-media reality".

The reporter responded that Mr Knox had made himself unavailable for interviews for a number of weeks. He said that most journalists, excluding himself, had obtained "substitute" interviews with Mr Campbell, who then had his own newspaper column. The reporter said that Mr Knox expressed annoyance to him about Mr Campbell's public comments which he felt appeared to represent the FoL.

8. The item said that women delegates would probably aid the [so-called modernists'] cause by "continuing last year's attack on the FoL's white, middle-aged, hairy arm image". The complainant quoted Auckland Working Women's Resource Centre associates and conference delegates in both

years as rejecting this comment as "historically inaccurate and misleading".

In reply, the reporter said the 1984 FoL conference had spent some time debating the FoL's public image and ways to improve it. He said this debate was led by women members of the Clerical Workers' Association.

9. The item ended with the reporter's comment that the dilemma facing delegates to the FoL conference was "just how hard they can attack a government they helped to elect only ten months ago ... and whether by playing things down they get further offside with the workers they represent". The complainant took exception to the word "further", saying it assumed that delegates could be off-side with union members who had just recently elected them.

The reporter said the N.Z. Engineering Workers' Union survey of its members tended to support his comment, in that 34% of its members favoured leaving the FoL.

Mr Hudson produced copies of several newspaper articles on the relationship between the FoL and other unions and between the FoL and the Government. Some of these quoted some union officials as critical of the FoL and of Mr Knox's style.

In summarising the complaint, Mr Bradley submitted, among other things, that:

1. The item was effectively disguised comment, rather than news.

2. It exaggerated the internal conflicts within the FoL to the extent of neglecting most of the actual business of the conference. In saying this, the complainant accepted that there was not a total absence of evidence of FoL disunity.

3. There was no evidence that the unsourced material relied on for the item existed or, if it did, whether it had been correctly understood, assessed and interpreted.

4. When backgrounding events, the technique used for parliamentary reporters should be adopted: The industrial reporter should be interviewed by a presenter, in order that the viewer can identify the reporter's contribution as comment.

5. The Corporation had not entirely followed its own rules for unsourced comment.

6. Officials from unions not affiliated with the FoL would not have been reputable authorities on the views and feelings of affiliated unions.

7. Two of the six unions mentioned in the reporter's memo had left before the 1985 FoL conference and therefore should be disregarded. Of the other four, only one actually left subsequently. Another, the Engineers' Union, developed "an ambivalent attitude".

There were other submissions but we do not deal with all of them, as some do not add much to the consideration of the complaint and others are not relevant to an alleged breach of section 24 (1) (d).

Decision

At this point the Tribunal pauses to make clear that it is not required to and does not make any finding of fact as to whether the comments about the image of the FoL were true. The Tribunal has to decide whether the reporter was justified in his view that critical comments were *being made* by some unionists. We are satisfied that there was evidence on which he could base that conclusion.

The second point is whether, given that such comments were being made, the reporter put such disproportionate weight on them that the report was not "accurate and impartial, ... according to recognised standards of objective journalism". We do not think his interpretation of the comments fell outside the range of views which could reasonably be held by a well informed specialist reporter working within the scope of that speciality. In the interpretation of such comments by unionists, different reporters would differ to some extent in the