

importance they would attach to them, particularly in relation to the conference which was just about to begin. The Tribunal does not agree with the complainant that the disaffiliation of two unions could be disregarded merely because it had occurred before the conference. Those events were significant and would have been relatively fresh in people's minds. Significant also were the results of the survey by the NZ Engineering Workers' Union and the debate at its biennial conference. Because of its sheer size, with 51 446 members, any change in its attitude towards the FoL would have been highly important.

The complainant's allegation that the "actual business of the conference" was neglected and that "the internal conflict theme blinded the reporter to the wide range of issues that actually became the business of the 1985 conference" was not supported by any evidence put before the Tribunal.

In any event, the complaint was only about the preview item and not about any reports on the business of the conference on subsequent days. That claim is therefore tangential to the complaint.

While not upholding the complaint, the Tribunal acknowledges merit in the complainant's submission that specialist reporters, when backgrounding a situation, could be interviewed by a presenter. This is one technique that would allow the specialist reporter to express an opinion based on special knowledge and, if necessary, unsourced comment on the interpretation of events. At the same time, the viewer would be left in no doubt that an opinion was being presented. However the Tribunal does not consider that this is the only circumstance under which a specialist reporter can exercise judgment in interpreting events within the specialist's field.

The essential requirement is that, in the presentation of mixed fact and opinion, the viewer must be left in no doubt which is which.

There was a statement in the item that the Council of Trade Unions would "save the FoL from self-destruction." The Tribunal was not presented with evidence that the FoL was anywhere near self-destruction, other than as part of the transition to the Council of Trade Unions. While this was a flaw in the item, it still does not amount in our view to a breach of section 24 (1) (d).

The complaint is not upheld.

#### *Co-opted members*

The Tribunal co-opted Brian Stephenson and Diane Billing as persons whose qualifications or experience were likely to be of assistance in dealing with the complaint. They took part in the deliberations of the Tribunal but the decision is that of the permanent members.

Dated this 31st day of May 1988.

Signed for the Tribunal

ROBERT BOYD-BELL, Member.  
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Decision No. 22/88

### **Before the Broadcasting Tribunal**

In the matter of the Broadcasting Act 1976, and in the matter of a complaint by **Harold Earl Jensen** of Wellington:

**Warrant Holder: The Broadcasting Corporation of New Zealand (all television and radio services):**

#### *The Tribunal:*

*Chairman:* B. H. Slane.

*Members:* A. E. Wilson and R. Boyd-Bell.

*Co-opted Members:* M. J. Sheehan and B. W. Stephenson.

### **Decision**

#### *The Complaint:*

Mr Jensen wrote to the Secretary of the Broadcasting Corporation on 13 February 1987 complaining that:

"The racial stance adopted by BCNZ news in reporting the recent Maori Loan debate was totally devoid of open European viewpoint outside the odd politician".

"The overall input throughout has been a supportive Maori element. European's (New Zealanders) views and feelings have been censored throughout the entire scandal."

He said that he had written to the Chairman of the BCNZ in January and sent a telegram in February seeking "to have media censorship lifted and open overall comment".

He added that "New Zealanders (Europeans) as a whole have rights and feelings over this issue, more so when one considers the costs involved in an issue of this nature, and above all those who would have to meet the costs".

He went on to say that "The Europeans would have had to face this whole fiasco and its astronomical costs. Why are New Zealanders (Europeans) deprived of their rights to make comments over the BCNZ media?"

On 3 April 1987 he complained that the acknowledgement of his formal complaint advised that it would not be dealt with until a Corporation Board meeting on April 29 and went on to complain that it was not reasonable for the BCNZ complaints committee to review the issue after such a time lapse.

#### *The Corporation Response:*

On 11 May 1987 the acting Secretary of the Corporation informed Mr Jensen that his complaint had not been upheld. It had been examined under the provision of Television Programme Rule 1.1 (g) which requires broadcasters, in their preparation and presentation of programmes, to show balance, impartiality and fairness in dealing with political matters, current affairs, and all questions of a controversial nature.

The Corporation letter said that during December 1986 and January 1987 the story was extensively covered on radio and television networks and an analysis of the people who were interviewed found the allegation of bias was insupportable in fact. Although it was true that the principal characters in the story were New Zealand Maori, resulting in a greater than usual focus on Maori newsmakers, the viewpoints of Europeans were canvassed and broadcast where relevant.

The Corporation said that representatives from both political positions, including Maori and European speakers, were interviewed on the issue. The Prime Minister and Leader of the Opposition were both reported in addition to Ministers and officials. Other non-Maori persons interviewed included representatives of the Development Finance Corporation, Arthur Young Chartered Accountants, The Treasury, the Public Service Association, the State Services Commission, Professor John Roberts and the Auditor-General, all of whom were chosen because of their knowledge of the situation or their involvement with organisations likely to be affected. The Corporation said this occurred during the period of current interest.

Mr Jensen was dissatisfied with the decision not to uphold his complaint and told the Corporation that his complaint did not insinuate bias. He concluded that the Corporation did not take into account the "grass roots European lay person's concerns".

He asked for a review of the complaint.

#### *Reference to the Tribunal:*

On 11 June 1987 Mr Jensen referred the complaint to the Tribunal. At this stage he changed and extended his complaint to mean that he wanted lay persons' viewpoints reported.

He claimed that the BCNZ exercise was Maori oriented and all