

members of New Zealand society, cultures and the like had some input to offer.

He further claimed that his complaint was being discreetly put aside for a period sufficiently long for the matter to be beyond recollection or record.

He made extensive allegations of bad faith and intent by persons within the Corporation, who were allegedly using subtle means to tilt the news to their own advantage.

"The news item under study (viz, the Maori Loan debacle) was a perfect example where the Maori viewpoint took precedence, irrespective of any normal New Zealand layperson. There was internal monitoring and manipulation involving this entire issue", he said.

The Corporation Submission:

The Corporation filed submissions with the Tribunal on 4 November 1987, regretting the delay in response and pointing out that Mr Jensen's complaint did not identify any particular radio or television programme nor any specific section of the Act or Programme Rules which he considered may have been breached.

The Secretary of the Corporation said it had determined to consider the complaint under the Television and Radio Rules 1.1(g) which require broadcasters "to show balance, impartiality and fairness in dealing with political matters, current affairs, and all questions of a controversial nature".

The Corporation said the allegations of racial bias made by Mr Jensen were totally without substance, irrationally conceived and offensive. Nevertheless they received impartial consideration and temperate reply.

The Corporation also said the generalised nature of the complaint had contributed to delays by requiring considerable investigation. The submission included a list of people who had appeared on television in connection with the coverage and included a number of "Europeans". A similar range of views was heard on radio and the subject was open to discussion in talkback programmes.

The Corporation summarised its position thus:

"The loan question was principally a matter of government administration, and those concerned or who had authoritative comments were heard, Maori or Pakeha."

The Complainant's Response:

Mr Jensen responded to the Corporation's submissions by describing them as "trivia and postulations" and disputed the accuracy of the list of people who had appeared on television.

Mr Jensen described lay-persons as "clearly indigenous, down-to-earth New Zealanders" and asked "Is BCNZ so overawed at their Maori direction they have lost sight of a simple terminology of this nature?"

Decision:

Mr Jensen has been informed previously of the difficulties which both broadcasters and the Tribunal face in attempting to consider broad generalised assertions regarding programmes broadcast on radio and television over a period of many months.

It is virtually impossible for any review body to accept such generalised comments and adjudicate upon them on the basis of sweeping assertions and broad allegations of bias and bad faith unsupported by detail. Simply assembling the evidence from all the news and current affairs programmes broadcast on the Corporation's radio and television stations over the period of several months in question would prove a massive exercise.

Mr Jensen's allegations would not have justified such an approach.

Further, the Corporation satisfied the Tribunal in both its original response to Mr Jensen and subsequent submissions that a range of views had been broadcast in connection with

this issue. (The list of speakers from the Corporation's submission is appended to this decision).

The Tribunal accepts the Corporation's contention that the nub of the issue was one of administrative and financial management with political overtones.

While all New Zealanders were entitled to have opinions on the issue, the "players in the game" were essentially those involved in the management and politics of this issue. We found the coverage details supplied to us reflected that range of views. This was not essentially a story about racial matters and coverage reflected that situation.

As for Mr Jensen's allegations of racial bias and bad faith with the Corporation, the Tribunal finds them to be without substance.

The Tribunal noted the Corporation's comment that Mr Jensen changed his complaint from requiring comment from "New Zealanders (Europeans)" to one of requiring comment from "lay persons" after he saw the list of non-Maori participants in television coverage of the issue.

The Tribunal finds that Mr Jensen has failed to identify any particular radio or television programmes in which the Act or Programme Rules were breached. He has also failed to establish grounds for his complaint that comment ought to have been selected from lay persons on a racial (European) basis.

The complaint is not upheld.

Co-opted Members:

Messrs Sheehan and Stephenson were co-opted as persons whose qualifications and experience were likely to be of assistance to the Tribunal in determining the complaint. They took part in the deliberations of the Tribunal but the decision is that of the permanent members.

Dated this 20th day of July 1988.

Signed for the Tribunal:

R. BOYD-BELL, Member.

go11754

2

Coroners Act 1951

Appointment of Coroner

Pursuant to section 2 of the Coroners Act 1951, His Excellency the Administrator of the Government has been pleased to appoint:

Allan John Hall, barrister and solicitor of Gisborne to be a coroner for New Zealand.

Dated at Wellington this 4th day of October 1988.

PHILIP WOOLLASTON, for Minister of Justice.

(ADM. 3/13/4/20)

go11748

1

Criminal Justice Act 1985

Confiscation of Motor Vehicle

Pursuant to section 86 (2) of the Criminal Justice Act 1985, an order was made in the High Court at Christchurch on Thursday, 22 September 1988 against Warren Leonard Garthwaite for the confiscation of the following motor vehicle:

Mitsubishi Galant 1.6 Registered No. JN9612.

P. R. FANTHAM, Registrar.

go11678

1

Confiscation of Motor Vehicle

On 26 September 1988, His Honour Judge Unwin, sitting at the District Court Wanganui, made an order pursuant to section 84 (6) of the Criminal Justice Act confiscating a Honda