

The Hearing

All members viewed the programme complained of before the oral hearing on Tuesday, 3 November 1987, attended by Mr Tod and Mr B. Hudson for the BCNZ. Mr Tod reiterated his previous submissions. While conceding that the aim of the documentary was laudable and that it was very professional and well-produced he insisted that the subject was controversial and ought to have been balanced by another programme. He did not accept that any of the 13½ hours of programme time devoted by TVNZ to the Papacy and the Pope's visit to New Zealand effectively balanced the 2-hour documentary. Mr Tod submitted that Morris West was a "dissenter" with antipathy towards the Papacy and Pope John Paul II.

The Tribunal declined to accept additional material purporting to represent Mr West's views on the Papacy and the Catholic Church on the grounds that the complaint had to be considered in the specific context of the programme material broadcast.

For the Corporation, Mr Hudson submitted it was dangerous to assume that the documentary represented solely Mr West's views, as producers of reputation do not allow performers to parade prejudice. He said the documentary was of relevance to non-Catholics as well as Catholics, that it was as difficult to define a "period of current interest" for the Papacy or the Catholic Church as it was for royalty, and that the schedule presented demonstrated TVNZ had transmitted many hours of "unedited adulation" during the Pope's visit.

Decision

The Tribunal has concluded that Mr Tod was not able to substantiate his views and there was no basis for his complaint. The Tribunal considers the documentary "The Triple Crown—The Paradox of Papacy" to have been a thoroughly professional production, reflecting high production values which include balance and fairness. The very aim of the programme was to contrast the world of the Vatican with that of the most populous Catholic nation on earth. That was the paradox alluded to in the title. The programme pursued its theme without sensationalism and the Tribunal could find no evidence of the motives Mr Tod ascribed to the programme, or its writer and presenter Morris West.

The Tribunal found the programme thought-provoking and illustrative of the dilemma facing a large international institution with a long history also facing the problems of the modern world.

There is no evidence that the Vatican or the Papacy took any exception to the programme, and Mr Tod was unable to produce any.

The Tribunal noted the collaboration of senior Vatican officials in the programme, both as participants and as advisers listed in the programme credits.

They were obviously aware of the programme and involved in its preparation.

If there had been a viewpoint of the Papacy in the programme adverse to the Pope which needed to be balanced in another programme, the schedule of programme material broadcast by Television New Zealand during the period surrounding the Papal visit to New Zealand in 1986 (including both live broadcasts and other programmes) would certainly have achieved the necessary balance.

The Tribunal finds the complaint demonstrates the difficulty the complainant had in divorcing his strong antipathy to Mr West's published views from the actual programme and his reading much more into some aspects of the programme than could possibly be justified. Unfortunately, Mr Tod could not see that his strongly held views on the Papacy and on Mr West predetermined his judgment of the documentary.

The complaint is not upheld.

Co-opted Members

Father John Coleman and Mr J. A. Kelleher were co-opted as persons whose qualifications and experience were likely to be of assistance in dealing with the complaint. In accordance with the Act, they took part in the discussions but the unanimous decision is that of the permanent members.

Signed for the Tribunal:

B. H. SLANE, Chairman.
au3497

Decision No. 2/88
BRO: 58/87
68/87

Before the Broadcasting Tribunal

In the matter of the Broadcasting Act 1976, and in the matter of an application by **Northland FM Radio Whangarei Ltd.** for a short-term broadcasting authorisation for a commercial FM radio station at Paihia:

Chairman: Judge B. H. Slane.

Member: Robert Boyd-Bell.

Reasons for Decision

Dated this 19th day of February 1988.

Background

On 27 August 1987 the Tribunal received an application from the BCNZ for a short-term broadcasting authorisation (STBA) to operate a hit-music and lifestyle radio station on the AM band in the Bay of Islands based at Paihia during the post-Christmas summer period from 26 December 1987 to 16 January 1988.

The Corporation said the proposed broadcast was similar to those operated over the previous 7 summers, the hours of local origination would be from 0600–1800 daily, except Sunday when they were to be 0700–1300. Outside those hours the station would relay Radio New Zealand's commercial network evening and all-night programmes. Advertising content of up to 10 minutes per hour was sought. The run-of-station rate would be \$20 plus G.S.T. The estimated income was \$60,000 with an estimated excess of income over expenditure of \$22,900. The application was referred to Northland FM for comment by 22 September 1987. No comment or objection was received, and the authorisation was approved by the Tribunal on 28 September.

On 28 September 1987 the Tribunal separately received an application from Northland FM Radio (Whangarei) Ltd. (Northland FM) for a STBA in the Bay of Islands to operate from 26 December 1987 to 17 January 1988 on the FM band.

This applicant also proposed extensive local origination from 0800–1800 daily, except Sundays when the local hours would be 1200–1800. For the balance of the time the station would relay programmes originated from KCC-FM Northland studios in Whangarei and broadcast from its Northland transmitters.

The applicant proposed a maximum advertising content of 8 minutes per hour, a run-of-station rate of \$20 plus G.S.T., and estimated its income at \$41,000 with an estimated excess of income over expenditure of \$16,000.

Northland FM said its financial projections had been calculated in the expectation that application BRO 58/87 by the BCNZ would be approved by the Tribunal.

The Northland FM application cited support from several businesses and commercial organisations in the Bay of Islands.

It was referred to the BCNZ for comment by 26 October 1987.

On 23 October the Tribunal received an objection from the BCNZ to the grant of an STBA to Northland FM. The Corporation gave the following grounds for its objection:

1. While previous STBAs conferred no exclusive rights to