

have been badly hurt. The words "or worse" form the whole basis of the complaint.

"Killed" is not the only possible meaning of the phrase "or worse [than badly hurt]". A person might be said to be worse than badly hurt if it is unlikely that that person will survive his/her injuries. The same expression might also be used, admittedly with some lack of precision, to describe someone permanently disabled by his/her injuries.

The complainant appears to have modified its position a little about the meaning of the words "or worse" in the course of developing the complaint. The complainant's letter of 8 April 1988 to the Assistant Controller of News and Current Affairs, said "... it is totally false to make a claim of 'dozens' being killed" [the Tribunal's emphasis]. In its formal complaint to the Tribunal, it interpreted the phrase as meaning that "many" Israelis had been killed and elsewhere on the form acknowledged that it might mean that "some" had been killed. The fact that the complainant was able to find shades of meaning tends to support the imprecision of language which the Corporation acknowledged was a defect in the report. However, the Tribunal considers that there is no case for going further than the Corporation went.

The complainant took an unrealistically rigid view against the Corporation. In the complaint form, the complainant says "whether or not anyone has been killed is a matter of fact...". While this may be true as far as it goes, a reporter in a war zone is not always able to ascertain precise casualty figures. Nor is a broadcaster in a position to check every casualty statistic for accuracy before an item goes to air.

The Tribunal does not accept the complainant's submission that the report created the impression that the confrontation between Israelis and Palestinians is "somehow symmetrical", if that is intended to mean that casualties are more or less equal on both sides. The item neither says nor implies that this is so.

There is no evidence whatever of any lack of impartiality on the Corporation's part.

We do not say that there is any less responsibility on a news organisation for reporters' statements that are not correct. But we do say it is inevitable that errors and imperfections will occur, particularly in reports done at the scene of physical conflict. The best that a broadcaster can do is to correct later where that is desirable. In this case, there was no need for such a correction.

In the normal course we consider the nature of this complaint did not warrant determination by the Tribunal, but we have given a decision in this case. It was possible there might have been subsequent complaints of a similar nature which might have indicated some general deterioration of standards. That has not occurred.

Lobby groups do have a role in helping to check sloppy reporting and bias, whether deliberate or unconscious. They should draw television news editors' attention to inaccuracies. We have assisted in improving communication between those sympathetic with the Palestine cause in conveying their views on news coverage to Television New Zealand news executives. But we do not think in this case this complainant should have taken the matter any further than the original letter and response.

The complaint is not upheld.

#### *Co-opted Members*

Messrs Carter and Stephenson were co-opted as persons whose qualifications and experiences 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.

Signed for the Tribunal

B. H. SLANE, Chairman.

go8005

Decision No. 3/90

COM 17/88

### **Before the Broadcasting Tribunal**

In the matter of the Broadcasting Act 1976, and in the matter of a complaint by **Triple M Ltd.**, a duly incorporated company having its registered office at Auckland:

*Warrant Holder:* **Hauraki Enterprises Ltd.**

*Chairman:* Judge B. H. Slane.

*Member:* Robert Boyd-Bell.

*Co-opted Members:* R. M. Carter and Bruce Wallace.

### **Decision**

Dated this 15th day of January 1990.

#### *Complaint*

This complaint was made by one private Auckland station, Triple M Ltd. (89FM), against another, Hauraki Enterprises Ltd. (Radio Hauraki).

On 21 September 1988, 89FM wrote to the Tribunal as follows:

"We formerly (sic) complain that a broadcast this morning on warrant holder IXA, Hauraki Enterprises Ltd., severely breached the Radio Standards and Rules.

"We formerly (sic) complain under Radio Standards and Rules, numbers:" [2.3, 4.2 (a), 4.2 (b), 4.2 (e), 4.2 (g) set out with the specific complaint under each rule in the section of the letter headed "Our Complaint".]

#### *Broadcast*

The item complained of was broadcast on Radio Hauraki on 21 September 1988 during the 8 a.m. bulletin.

The complainant wrote first to the Tribunal.

"The 89FM news team have, this week, broadcast a series of news items concerning the practices of an Auckland towing company which had been refusing to release cars to members of the public unless those members of the public gave them their home address in addition to any other identification they may have.

"Prior to going to air with the story concerned, our newsroom had checked with the police to ascertain the legal position and had given the towing company concerned ample opportunity to comment. A legal opinion was also obtained before broadcast to ensure legality and impartiality.

"The news items on 89FM carried both sides of the story with comments from the police spokesman and comments from the principal of the towing company concerned. Members of the public also contributed.

"Following the broadcast of these news items by 89FM, the following segment was broadcast as part of the Radio Hauraki news this morning at approximately 8.04 a.m.

'Another Auckland radio station appears to be putting the boot into an Auckland tow truck company.

Could it be because that station's cars have been towed away about ... 89 times from where they shouldn't have been parked in someone else's car park?

Well, the station has harangued the towing company on air for requiring the name and address of people collecting cars.

The station says, by law, you don't have to give your name and address to a tow truck company and they claim to quote police. But the poor old tow truck company can't get a word in edgewise which is a pity because the radio station is wrong. The tow truck company is obliged under civil law to ascertain that the person collecting a vehicle is entitled to it. How else can