

Commission should have been challenged with the information and given an opportunity to respond.

This part of the complaint is upheld.

7. It was argued by the complainant that the programme lacked balance and that, by selection, an unfairness occurred since more than 5000 claims were speedily settled with a minimum of complaint and 95 percent were settled in full within a 2-month period. No reference was made in the programme to that aspect of the matter.

We accept that the reporter reported what she found but we are not satisfied that any attempt was made through the Commission to find whether there were any satisfactorily concluded claims. The report was therefore incomplete and failed to ascertain the Commission's reaction.

A number of other allegations were made which we do not intend to particularise, as they are derived from the matters above mentioned or appear to be of minor importance in considering the matters before us. In some instances they are overstated by the complainant, whose own views on the issues were not always impartial—as might be expected.

The Tribunal does not accept that every individual programme must be balanced as to viewpoint within that programme. There is specific provision in the Act (section 24 (e)) for "The principle that when controversial issues of public importance are discussed, reasonable efforts are made to present significant points of view either in the same programme or in other programmes within the period of current interest". But there was no suggestion made by the Corporation or evidence given to us that the views aired in the programme about the Commission and its claims performance (stated by the reporter herself in some cases) were later balanced by any other views presented in a later programme. The producer failed to take up the request from Mr Roberts to do this.

This may have been due to the absence of internal procedures requiring an initial letter of some depth and importance to be referred upwards so that some more senior executive could decide whether a follow-up ought to be broadcast.

We find the statement that 25 000 people were so desperate they had asked for international aid to be quite indefensible.

The programme's producer, after receiving Mr Roberts' complaints, should have had another look at the situation and should have obtained information from the Commission itself.

The Tribunal emphasises that there is nothing wrong with such a programme tackling a particular aspect of the issue in order to illustrate how people feel. It is not a matter of whether those people are justified in their feelings as Mr Roberts seemed to say.

The existence of those feelings is in itself a justifiable circumstance to report and investigate. Nevertheless, in a programme such as this the viewer is entitled to believe such an investigation had taken place and the facts as stated to be verified. Clearly, it had not.

A few views should not by implication be represented as typical of those in the area without apparently confirming the facts with the Commission or conveying in the programme in any way at all whether or not these examples were typical.

The viewer would see those people presented as typical of the 25 000 people affected in the area, the property owners in particular, and would gain an overall impression of badly-handled claims and slow, niggardly treatment by the Commission. In fact it would have been useful and publicly significant to know whether the law or the Commission had any blame for the feelings of those interviewed.

In the absence of an objective investigation and report there was an issue of public importance in which a significant point of view was not presented in this programme or any other.

The programme was seriously flawed. The Tribunal believes some, at least, of these errors could have been avoided if clear internal guidelines for the need for programme-makers to 'refer upwards' to a senior level had been in a place and then implemented.

The Tribunal cannot say on the evidence that the information supplied to it enables it to make an assessment of the true position. It can say that the programme-makers failed to demonstrate that the programme represented a fair assessment of the situation and not just some grumbles from some individuals whose particular circumstances were not adequately explained to the viewer. Greater public service might have been given to the viewer if the reasons for the low payout in each case had been provided, together with the lessons to be drawn from them.

A simple explanation in a few words of the role of the Commission would indeed have helped the programme and the viewer to understand it. This was a major public issue which the programme as broadcast skirted but did not address. If such criticism is to be aired the standards of objective journalism require that the response be sought and broadcast.

Alternatively this aspect should have been explored in greater depth in a separate follow-up programme broadcast with the period of current interest.

The Tribunal finds that the programme failed to present the facts in a fair and accurate way and was in breach of the standard in section 24 (d) relating to the accurate and impartial gathering and presentation of news, according to the recognised standards of objective journalism and section 24 (e) which sets the principle that when controversial issues of public importance are discussed, reasonable efforts are made to present significant points of view either in the same programme or in other programmes within the period of current interest.

In all the circumstances the Tribunal does not consider that any particular statement should be published at this time. In deciding that, the Tribunal has borne in mind the fact that although there was a letter written immediately to the producer, he elected to take no action and time wore on. The period for some rectification of the situation had passed by the time a formal complaint was made to the Corporation and then to the Tribunal in the following year.

It has also taken into account the fact that no complaint was lodged by the Earthquake and War Damage Commission about unfair or unjust treatment or in respect of the inaccuracies and the purpose of Insurance Council in lodging the complaint.

However, we accept the complaint's view that, in view of the dangers of misapprehension likely by citizens who may be the subject of a similar loss in traumatic circumstances, a serious responsibility rested on the Broadcasting Corporation to see that accurate information was made available and criticisms were accurately and fairly reported. In view of the absence of further complaints since 1988, despite several natural disasters, that point may well have been taken within Television New Zealand.

The complaint is upheld specifically in relation to points 1, 3, 5, 6 and 7 and in relation to the general complaint of failing to present the significant views of the Commission. Specifically, it is not upheld in relation to points 2 and 4.

Co-opted Members

Messrs Kelleher and Whitehead 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.