

The Tribunal considers that the good taste and decency allegation has no substance.

On the issue as to whether there was a failure to have regard to community standards in relation to the maintenance of law and order, the Tribunal notes that whether or not the word "anarchy" was used by Ms Waring is not critical. Mr Dryden made it clear what the census requirements were: regard was had to the maintenance of law and order.

On the question of censorship, the Tribunal accepts Radio New Zealand's submissions in their entirety. The material Mr Cullimore wished to introduce into the programme was, in the Tribunal's view, inappropriate, irrelevant and insulting. Radio New Zealand has editorial independence to make its own decisions about what is relevant and acceptable. No citizens have the right to demand to be heard over the air to say what they like, notwithstanding that they may have strong feelings about the subject matter of the broadcast. This is so even if the programme is an open talk-back programme which this one was not.

On the question of balance generally, the Tribunal finds that the statutory requirement for a range of viewpoints to be broadcast on controversial topics within a reasonable time frame (not necessarily in the same programme) was not breached. This was a programme about a book which put forward a particular point of view. That view can be explored sympathetically without breach of the standard. In fact, the host tested it.

The complaint is not upheld in any respect.

Co-opted Members

Messrs Carter and Wallace were co-opted as persons whose qualifications and experience were likely to be of assistance to the Tribunal. 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.

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Decision No. 2/90

COM 18/88

Before the Broadcasting Tribunal

In the matter of the Broadcasting Act 1976, and in the matter of a complaint by **Mary Catherine Karvelas** of Ngaio for the Wellington Palestine Group.

Warrant Holder: Broadcasting Corporation of New Zealand (Television One):

Chairman: B. H. Slane.

Member: Robert Boyd-Bell.

Co-opted Members: R. M. Carter and B. W. Stephenson.

Decision

Dated the 15th day of January 1990.

The complainant, as secretary of the Wellington Palestine Group, lodged the complaint with Television New Zealand, at that time part of the BCNZ. It concerned an item in the Television One news at 6.30 p.m. on 4 March 1988 which opened with the announcer saying that many Israelis were becoming increasingly concerned for their personal safety as violent demonstrations continued in the occupied territory. The item ran for 1 minute 35 seconds. Towards the end the reporter said:

"There are dozens of cases of Jewish civilians, badly hurt or worse, because they drove into troubled areas and weren't able to drive out. Before resorting to guns, people are encouraged to learn driving techniques normally reserved for stunt men."

In her letter to Television New Zealand, the complainant said:

"The item can only be understood to mean that many

Israelis had been killed. No other meaning can be put on the expression of what could be worse than being injured, than being killed. At the time of the item there had been no Israelis killed in the uprising, either civilian or military fatalities. Therefore it is totally false to make a claim of 'dozens' being killed."

In a letter dated 26 May, the Assistant Controller of News and Current Affairs for Television New Zealand agreed that the words must have referred to more than 24 cases, in recent months, who had been hurt or killed though numbers of those injured and those killed was not stated. He said the journalist must have had the facts before him to report them and there must have been some personal risks envisaged by those who took time off their usual work to pay for tuition to further their personal safety. He said he could not take the matter any further.

On 22 July 1988 a formal complaint was lodged with the Broadcasting Corporation itself. On 10 October 1988 the Secretary of the Corporation reported that on 27 September the board considered the complaint. It had found the item was imperfect but it was not considered to be at fault to a sufficient degree to be in breach of the Broadcasting Act's provisions so the complaint was not upheld.

In its finding the Corporation said there was no mention of deaths and that a reporter speaking to camera in a front-line situation would be unlikely to speak with absolute precision as if reading from a script. The reporter used an imprecise generalisation when he gave the "worse" description. It was acknowledged that this could mean something more than "badly hurt". It might imply serious injury or disablement such as losing a limb or eyes. It was not accepted that the item meant that more than 24 had died. The complainant's claim that, at 4 March, no Israelis had been killed was accepted.

In lodging the complaint with the Tribunal on 18 November, the complainant enlarged the complaint to state that the facts were distorted in the words used to give a false picture of the situation.

The Tribunal however deals with the matter on the basis it was put originally—that is, of an inaccurate report. The complainant reiterated that the report could only be understood to mean that many Israelis had been killed.

In a submission to the Tribunal, Television New Zealand (as successor to the Corporation) referred to its clear acknowledgment that the item was imperfect. TVNZ submitted that the imprecision of wording by a reporter in the thick of a disturbed, tense and confused situation was at the crux of the matter. There was no escaping the fact that the term "badly hurt or worse" was capable of giving an impression that anything "worse" than "badly hurt" could imply a death or deaths. But given the situation it was submitted that, had the reporter known of any deaths, it was more than probable that he would have been unequivocal and said so. In the context of the item, Television New Zealand said, the reference related to Israelis caught in their cars in troubled areas, in which case the word "worse" was equally capable of having an implication of "beatings, maimings and so forth". Television New Zealand submitted that there could be no dogmatic assertion that "worse" implied death or deaths as the complainant argued.

Television New Zealand submitted that, while having grounds to seriously question what was meant by the words at issue, the complainant had failed to prove that section 24 (1) (d) of the Broadcasting Act has been breached or that the complaint should have been upheld by the Corporation.

Decision

The Tribunal notes that the complainant gave no source for its assertion that no Israelis had been killed as at the date of the broadcast. The corporation seems to have accepted this as being correct and, in the absence of any evidence to the contrary, the Tribunal will also assume that it is correct.

There is no evidence to contradict the statement that dozens