

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 31/91

Dated the 23rd day of July 1991

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

ROBERT TERRY

of Napier

Broadcaster

TELEVISION NEW ZEALAND

LIMITED

I.W. Gallaway Chairperson

J.B. Fish

J.L. Hardie

J.R. Morris

DECISION

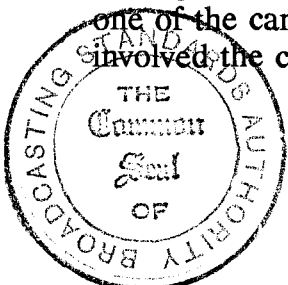
Introduction

An item on *One Network News* on TV1 on 9 October 1990, broadcast by Television New Zealand Ltd, dealt with the apparent contradictory statements on the proposed inflation target from a number of National candidates for the forthcoming General Election.

The item showed the then Leader of the Opposition, Mr Bolger, visiting the Hawkes Bay electorate and included comment from Mr Michael Laws, the National Hawkes Bay candidate, that he strongly objected to the 0-2% inflation target.

Mr Terry's Complaint to Television New Zealand Limited

Mr Terry made a complaint to TVNZ Ltd in which he stated that a number of other candidates were seeking election to Parliament in the three Hawkes Bay electorates. He argued that the Crown guaranteed equal rights to all candidates and that he, as one of the candidates, had a proposal of interest to the people of Hawkes Bay as it involved the creation of 600 new jobs.



In a later letter, he said that his complaint was based on s.4(1)(d) of the Broadcasting Act 1989 which requires broadcasters to maintain standards which are consistent with:

(d) The principle that when controversial issues of public importance are discussed, reasonable efforts are made, or reasonable opportunities are given, to present significant points of view either in the same programme or in other programmes within the period of current interest.

TVNZ's Response to the Formal Complaint

TVNZ advised Mr Terry of the decision of its Complaints Committee in a letter dated 3 December 1990. It noted that the basis of the complaint was that during Mr Bolger's brief visit to the Hawkes Bay, Mr Michael Laws, the National candidate for the Hawkes Bay electorate was the only local candidate to receive any television exposure.

TVNZ explained that the item was a genuine news item - unlike an electorate profile which had been broadcast about a number of marginal seats. The item was of news interest as it focused on the apparent split within the National Party over the 0-2% inflation target. It continued:

It so happened that the National Party candidate for Hawkes Bay (whom Mr Bolger happened to be visiting that day) was one of those who challenged the Party's commitment to the inflation target. It was considered natural and appropriate that he should be heard voicing his view - in opposition to that of his leader who was in town campaigning on his behalf!

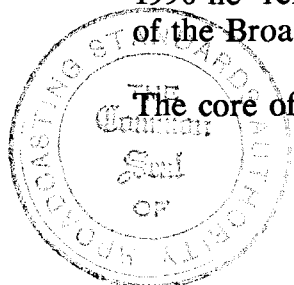
In these circumstances the Committee was unable to see any justification for including your views or, for that matter, those of the five other candidates seeking the Napier seat or the seven others seeking the Hawkes Bay seat and the six who were standing in Hastings.

Pointing out that the item was broadcast as a news item, not as a free time election broadcast, TVNZ declined to uphold the complaint. The Committee added that the balance provision of the Act under which the complaint was laid seemed to be inappropriate, noting the fact that Mr Terry received .37% of the election night votes in Napier. This, TVNZ observed, was relevant in assessing his significance as a candidate to be featured on the national news.

Mr Terry's Complaint to the Broadcasting Standards Authority

As Mr Terry was dissatisfied with TVNZ's decision, in a letter dated 12 December 1990 he referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

The core of his referral was summed up when he wrote:



678 candidates should all have equal access to State owned Television Network.

He observed that the great majority of New Zealanders did not have the opportunity to vote for the leaders of the major parties and, taking into account Article 3 of the Treaty of Waitangi which guaranteed equal rights to all New Zealanders, this meant that "Robert Terry has the same right in a election as Jim Bolger and Mike Moore". By not asking him for comment on the 0-2% inflation target, he recorded in the Complaint Referral Form, TVNZ's coverage of the Hawkes Bay electorates had been biased by not giving all candidates equal rights.

TVNZ's Response to the Authority

As is its practice, the Authority asked TVNZ to comment on Mr Terry's complaint. Its reply to the request of 27 March 1991 is dated 6 June and it enclosed some letters which Mr Terry had sent in support of his initial complaint but which he had not made available to the Authority.

TVNZ repeated the point, first, that the apparent disagreement with the 0-2% inflation target was a news item, and secondly, that there was no statutory provision which entitled every candidate to have his or her views published on a television news programme.

It considered the proposal that all candidates have equal access to television to be totally impractical and concluded that the item did not breach the broadcasting standards.

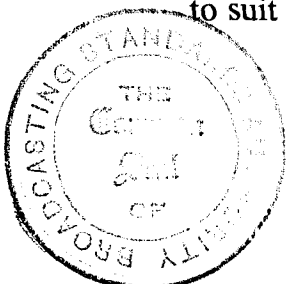
Mr Terry's Final Comment to the Authority

Mr Terry was asked for his comments on TVNZ's response and his reply is dated 16 June 1991. He objected strongly to the law which granted free television time to only the major political parties and repeated his claim that every candidate was entitled, under Article 3 of the Treaty of Waitangi, to have his or her views published on a television news programme. Why, he asked:

... should Jim Bolger and Mike Moore be shown every night on Nationwide TV telling the Public lies about the Future NZ Economy?

Politicians, he added, had a responsibility to educate the public about democracy. He concluded with another question:

How do you seek change in a democratic Society when Politicians change laws to suit themselves while leaving old laws in Place to block Competition?



Decision

The Authority has studied the correspondence and carefully considered the arguments advanced by Mr Terry in support of his complaint and by TVNZ in response. The members have viewed the programme which gave rise to the complaint. The item has been assessed against s.4(1)(d) of the Broadcasting Act 1989 which requires broadcasters to maintain standards consistent with:

The principle that when controversial issues of public importance are discussed, reasonable efforts are made, or reasonable opportunities are given, to present significant points of view either in the same programme or in other programmes within the period of current interest.

The Authority appreciates TVNZ's point that the broadcast complained about was an item on *One Network News* and that it was not an electorate profile. The item was broadcast during the 1990 election campaign and, as it focused on an apparent split about one major aspect of economic policy within the National Party, the Authority accepts that it was a genuine news item. Indeed, the item had a certain piquancy in that it involved a statement questioning party policy from a National Party candidate while the then Leader of the Opposition was campaigning on his behalf.

The Leader of the Opposition and the candidate were given the opportunity to express their respective views. A case, perhaps, can be made that other economic spokespeople within the National Party, or the economic spokespeople from the other major political parties, might have a significant point of view to express. Indeed, TVNZ presented the views of a former leader of the National Party. However, Mr Terry was not an economic spokesperson for a major political party and he was not a candidate in the electorate being visited by the Leader of the Opposition. Consequently, the Authority could not find any justification for Mr Terry's complaint.

Mr Terry raised a quite separate issue when he argued that all candidates at the time of a General Election should have equal access to TVNZ's network. The Authority points out that this is not a matter of broadcasting standards. It is a political issue and although the Authority was responsible for the allocation of free broadcasting time during the 1990 election campaign, it exercised that responsibility pursuant to, and within the guidelines set by, the Broadcasting Amendment (No. 2) Act 1990. Mr Terry's complaint about the requirements upon political parties in order to be eligible for "free time" is a matter to be pursued at a political level. It is not a matter on which the Authority may rule, either directly or otherwise, and is irrelevant to the consideration of a formal complaint about the broadcast on 4 October 1990 of a particular news item under the purview of programme standards.

For the above reasons, the Authority declines to uphold the complaint.

Signed for and on behalf of the Authority

I.W. Gallaway
Chairperson
 23rd July 1991

