

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 59/91

Dated the 10th day of December 1991

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

ONE NEW ZEALAND FOUNDATION

Broadcaster

TELEVISION NEW ZEALAND  
LIMITED

I.W. Gallaway Chairperson

J.R. Morris

R.A. Barraclough

L.M. Dawson

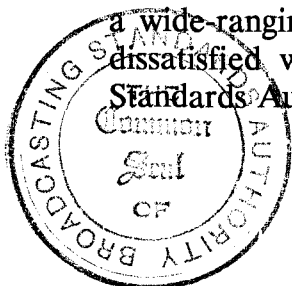
DECISION

Introduction

A debate between Mr Jim Bolger, Prime Minister, and Mr Mike Moore, Leader of the Opposition, chaired by Mr Lindsay Perigo, featured on Television New Zealand's *Frontline* programme on 4 August 1991. Towards the end of the programme, Mr Perigo asked a question about electoral changes, referring in particular to proportional representation.

The president of the One New Zealand Foundation, Mr W.J. Boyd, complained to TVNZ Ltd that the programme, having raised the issue of proportional representation, was unbalanced by not referring to other forms of electoral reform such as Citizen Initiated Referenda.

TVNZ said that it was inappropriate to deal with the details of electoral reform during a wide-ranging debate and declined to uphold the debate. As the Foundation was dissatisfied with TVNZ's response, it referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.



## Decision

The members have viewed the programme to which the complaint relates and have read the correspondence (summarised in the Appendix). The Authority regarded the Foundation's plea for support for a televised programme about electoral reform as a request for a formal hearing. Pursuant to s.10 of the Broadcasting Act 1989 which permits the Authority, if it thinks fit, to determine a complaint without a formal hearing, the Authority's usual practice is to determine complaints on the papers. As the complainant requested an action outside of the Authority's jurisdiction, the Authority did not believe that there was sufficient reason to depart from its usual practice.

Mr Boyd, as president of the One New Zealand Foundation, complained that a broadcast on *Frontline* on 4 August 1991 of a debate between Mr Bolger and Mr Moore was both unbalanced and unfair by not referring to electoral reform issues other than proportional representation.

TVNZ considered the complaint in the context of s.4(1)(d) of the Broadcasting Act 1989 and standard 6 of the Television Code of Broadcasting Practice. The former requires broadcasters to maintain standards 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.

Standard 6 requires broadcasters:

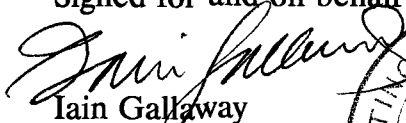
- 6. To show balance, impartiality and fairness in dealing with political matters, current affairs and all questions of a controversial nature.

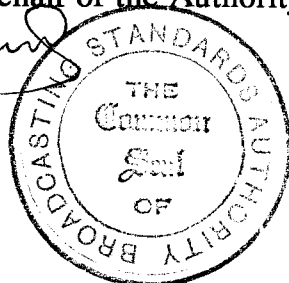
Arguing that the *Frontline* programme on 4 August, following the release of the Budget earlier in the week, involved a wide ranging debate between the leaders of the two main political parties in New Zealand, TVNZ declined to uphold the complaint.

The Authority accepts TVNZ's reasons for that decision. The debate between the two leaders traversed many topics. The issue of electoral reform arose at the end of the discussion and the chairperson, Mr Lindsay Perigo, noted that proportional representation was not the only relevant electoral reform matter. Electoral reform, as TVNZ observed, is a complex issue and it was not the main focus of the debate.

**For the reasons set forth above, the Authority declines to uphold the complaint.**

Signed for and on behalf of the Authority

  
Iain Gallaway  
Chairperson  
10 December 1991



## Appendix

### One New Zealand Foundation's Complaint to Television New Zealand Limited

The president of the One New Zealand Foundation, Mr W.J. Boyd, in a letter dated 8 August 1991, complained to Television New Zealand Limited about its *Frontline* programme broadcast on 4 August.

The programme had included a debate between Mr Jim Bolger, Prime Minister, and Mr Mike Moore, Leader of the Opposition, chaired by Mr Lindsay Perigo. Towards the end of the programme, Mr Perigo referred to proportional representation as an example of electoral reform. Mr Boyd said that, in the interests of fairness and balance, there should also have been a reference to other electoral reforms such as Citizen Initiated Referenda.

He submitted that TVNZ should correct its fault by screening a programme on other parliamentary and electoral changes which would improve Parliament's accountability.

### TVNZ's Response to the Formal Complaint

TVNZ advised Mr Boyd, as the Foundation's President, of its Complaints Committee's decision, in a letter dated 4 October 1991. The Committee had considered the complaint under s.4(1)(d) of the Broadcasting Act 1989 and standard 6 of the Television Code of Broadcasting Practice. The former requires broadcasters to maintain standards consistent with the principle that when controversial issues are discussed, reasonable efforts are made, or reasonable efforts are given, to present significant points of view. Standard 6 requires broadcasters to show balance, impartiality and fairness when dealing with controversial matters.

TVNZ explained that the question about proportional representation came at the end of a wide-ranging debate. It continued:

It was evident to the Committee that, in posing his question on the prospects for electoral reform, Mr Perigo chose to use the term "proportional representation" as a catch-all phrase to cover the various forms of electoral reform that might be considered.

As the Electoral Poll Bill was reasonably complicated, TVNZ believed that it was not appropriate to canvass its detail in the context of the leaders' debate. While the Foundation's views might be relevant to a discussion on electoral reform, TVNZ declined to uphold the complaint as the *Frontline* programme was a post-budget debate to which the specific issues raised by the complainant were of minimal relevance.

### One New Zealand Foundation's Complaint to the Broadcasting Standards Authority

As the Foundation was dissatisfied with TVNZ's decision, in a letter dated 18



October 1991 Mr Boyd, on its behalf, referred the complaint to the Authority under s.8(a) of the Broadcasting Act 1989. He repeated the Foundation's concern that the programme was unbalanced and unfair in that having aired the issue of electoral reform, it omitted to mention Citizen Initiated Referenda.

Mr Boyd recalled that the Government had promised wider electoral reforms than proportional representation and as they had not been raised in the *Frontline* programme, the debate had been biased and misleading. He concluded the Foundation's referral to the Authority by stating:

The adoption of Citizens Initiated Referendum (C.I.R.), preferably binding, into New Zealand law is of tremendous democratic importance. Many countries have used this system to advantage for years. At a guess three quarters of NZ voters have not a clue about it. If there is any doubt that the Authority will not support my plea that TVNZ show a programme then I would ask to be interviewed.

#### **TVNZ's Response to the Authority**

As is its practice, the Authority sought the broadcaster's comments on the complaint. The letter to TVNZ is dated 21 October 1991 and TVNZ's reply, 6 November.

TVNZ repeated the point made in its reply to the complainant that the programme was a leaders' debate touching on a wide range of subjects. Electoral reform was one of the subjects mentioned but, TVNZ stated, "it was never intended, nor was it appropriate in the context, that the programme develop into a full blown debate on that subject." TVNZ submitted that the complainant did not fully understand the nature of the programme and the appropriate journalistic imperatives. TVNZ concluded by noting that the complainant's comment, recorded above, required the Authority to exercise an unwarranted editorial judgement.

#### **One New Zealand Foundation's Final Comment to the Authority**

When asked to comment on TVNZ's response, Mr Boyd on the Foundation's behalf in a letter dated 7 November asked whether the programme was designed to educate New Zealanders or whether it was just an opportunity for Mr Perigo to express his own views. Arguing that the purpose of the programme was to educate viewers, the complainant said that Mr Perigo's reference just to proportional representation had made the programme "lop-sided".

To rectify the matter, the complainant said, it was necessary for TVNZ to present a programme which dealt with electoral reform comprehensively. The letter concluded:

In the present circumstances existing in our nation citizens are entitled to this balance. There are constant showings of criticism and public anger. Let us for a change receive presentation of various ways that our people may retain sovereignty and have a true democracy.

