

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 55/92

Dated the 27th day of August 1992

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

JOHN CARTER Member of
Parliament for the Bay of Islands

Broadcaster
TELEVISION NEW ZEALAND
LIMITED

I.W. Gallaway Chairperson
J.R. Morris
R.A. Barraclough
L.M. Dawson

DECISION

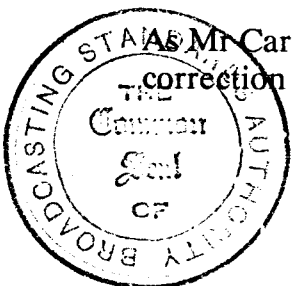
Introduction

State housing was an issue addressed by Mr John Carter, Member of Parliament for the Bay of Islands, at the electorate's Annual General Meeting on 4 April 1992. TV1's *One Network News* that evening reported that Mr Carter had described some state housing tenants as lazy and filthy and said that they treated their homes like pigsties.

Mr Carter complained to Television New Zealand Ltd, as the broadcaster, that his speech had been reported inaccurately and bad publicity had resulted.

In an item on *One Network News* on 17 April, TVNZ clarified the earlier item stating that Mr Carter had not been referring to state house tenants when he talked about people who stank and wore filthy clothes. He had been describing some members in society in general and, TVNZ reported, he had not used the word "pigsties" when talking about state houses. Later, TVNZ's Complaints Committee upheld Mr Carter's complaint that the item had not been accurate and that Mr Carter had not been dealt with fairly. It considered the earlier broadcast of the correction on 17 April to be the appropriate response to its finding.

Mr Carter did not believe that TVNZ's broadcast correction was adequate and as the correction had not been broadcast earlier, he referred his complaint to the Broadcasting



Standards Authority under s.8(a) of the Broadcasting Act 1989.

Decision

The members of the Authority have viewed the news item complained about and have read a transcript of the correction broadcast on 17 April. They have also watched an interview of Mr Carter by Mr Holmes, following the report of his speech, which was broadcast on the *Holmes* programme at 6.30pm on Monday 6 April. The complainant requested that the Authority hold a formal hearing to determine the complaint. The Authority may set its own procedures under s.10 of the Broadcasting Act and in view of the comprehensive information available to it (summarised in the Appendix), it decided to follow its usual practice and to determine the complaint without a formal hearing.

Having read Mr Carter's speech and having viewed TVNZ's report of it on *One Network News* on 4 April, the Authority agreed with TVNZ Complaints Committee that, on the basis of the item's shortcomings, standards 4 and 12 of the Television Code of Broadcasting Practice had been breached.

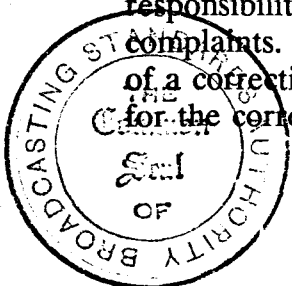
Mr Carter complained to the Authority that he was dissatisfied with TVNZ's actions after upholding his complaint. TVNZ argued that he had taken the opportunity to clarify what he had said in his speech when he was interviewed at length on the *Holmes* programme on 6 April and added:

To a degree the misreporting aspect was put into perspective by him on that occasion.

Moreover, TVNZ stated, a correction had been broadcast during *One Network News* on 17 April when it was reported that Mr Carter had not used the term "pigsties", that he had been referring to the condition of "some" state houses and that he was not talking about state housing tenants when he referred to people who stank and wore filthy clothing.

Standard 17 of the Television Code of Broadcasting Practice requires that significant errors of fact be corrected at the earliest opportunity and, Mr Carter complained to the Authority, that had not occurred after the incorrect report of his speech as he had not been advised by TVNZ of that provision. Dealing first with that aspect of the complaint, the Authority noted TVNZ's explanation that in advising Mr Carter of the complaints procedures, its Programme Standards Manager did not believe that it was necessary to refer Mr Carter specifically to the provision relating to corrections.

Whereas the Authority does not approve of any practice on the part of broadcasters which could result in the correction procedures being put in abeyance until a decision is reached on a formal complaint, it believes that Mr Carter, a politician, bore some responsibility for ascertaining the relationship between corrections and formal complaints. On the facts reported, it is evident that TVNZ did not delay the broadcast of a correction until its Complaints Committee had determined Mr Carter's complaint for the correction was broadcast before the decision was reached. The Authority also



noted that Mr Carter had taken the opportunity to explain on air during the *Holmes* programme where he considered the news report had erred.

However, the Authority also noted that TVNZ became aware of the alleged inaccuracies during the *Holmes*' programme on 6 April. Standard 17 requires the correction of significant errors of fact at the earliest opportunity and the Authority observes that the prompt broadcast of a correction is more likely to be effective than one broadcast some time after the misreporting. The operation of standard 17 is not dependent upon making a formal complaint or, indeed, on a request from the offended party. Thus, the Authority considered the advice given or not given by TVNZ to Mr Carter to be immaterial. As TVNZ did not broadcast a correction until more than a week had elapsed after becoming informed of its error, the Authority decided that the correction had not been broadcast at the earliest opportunity. Accordingly, that aspect of the complaint was upheld.

Dissatisfaction with TVNZ's action after the Complaints Committee's finding was the other aspect of Mr Carter's complaint. Of relevance to that was the fact that the Authority disagreed with TVNZ that the interview of Mr Carter by Mr Holmes allowed Mr Carter to bring some clearer perspective to the issue for the benefit of viewers. It was an interview in which, TVNZ said in a letter to another viewer which was passed to the Authority, "there was fault on both sides." In the Authority's opinion it was an interview which generated a vast amount of heat but a minimal amount of light.

The Authority focused on the correction broadcast by TVNZ on 17 April - Good Friday - and TVNZ's comment that those involved in the item's production had been "duly dealt with". Besides noting that the correction had been broadcast nearly a fortnight after the offending news item had been screened, the Authority considered it to be a grudging effort in so far as the item was introduced as a clarification rather than a correction and it neither acknowledged that the actual news item had been considerably amiss nor did it include an apology or any other expression of regret. The Authority, nevertheless, accepted that the people responsible for the item did have the error pointed out to them and that any censure imposed would have reinforced the Complaints Committee's ruling.

However, because of the muted way in which the clarification broadcast on 17 April dealt with the issues which the Complaints Committee addressed when upholding the complaint, the Authority concluded that neither the *Holmes* interview on 6 April nor the clarification on 17 April was sufficient redress for the breaches.

For the reasons set forth above, the Authority upholds the complaints that a correction was not broadcast at the earliest opportunity as required by standard 17 of the Television Code of Broadcasting Practice and that the action taken by Television New Zealand Ltd, having upheld the complaint about the broadcast of an item on 4 April, was insufficient.

Having upheld a complaint, the Authority may make an order under s.13(1) of the Broadcasting Act 1989. The Authority acknowledges that TVNZ corrected the basic

inaccuracies - if somewhat grudgingly - before the Complaints Committee's decision and, accordingly, on balance considered an order inappropriate.

Signed for and on behalf of the Authority

Iain Gallaway
Iain Gallaway
Chairperson
27 August 1992



Appendix

Mr Carter MP's Complaint to Television New Zealand Limited

In a letter dated 8 April, Mr John Carter MP complained to Television New Zealand Ltd about an item on *One Network News* on Saturday 4 April which reported his speech to the Bay of Islands electorate Annual General Meeting.

Enclosing a copy of his address, he said that the item involved inaccurate reporting and, as a result, bad publicity had followed. He denied the item's report that he had described some state house tenants as lazy and filthy and that they treated the houses as pigsties.

TVNZ's Response to the Formal Complaint

TVNZ advised Mr Carter of its Complaints Committee's decision in a letter dated 7 May 1992. It reported that the complaint had been considered under standards 4 and 12 of the Television Code of Broadcasting Practice which require broadcasters to deal fairly with people taking part or referred to in a programme and that news be presented accurately, objectively and impartially.

Describing the procedure whereby the item had been filmed, TVNZ acknowledged that Mr Carter had not used the word "pigsties" and that the report combined several distinct aspects of the address. TVNZ wrote:

The Committee was in agreement that there had been carelessness in the fundamental area of context, and hence it was clear that the item was not accurate hence it breached Code 12. And by taking your words out of context there had been a breach of Code 4. Accordingly your complaint was upheld.

TVNZ noted that a correction had been broadcast on the *One Network News* on 17 April and it considered that that action was appropriate. Further, those involved in the production of the item had been duly dealt with. TVNZ explained the process by which the complaint had been dealt with and maintained that as soon as the news department recognised that a serious case of misreporting had occurred, the Director of the News took steps to put the matter right.

Mr Carter's Complaint to the Broadcasting Standards Authority

As he was dissatisfied with TVNZ's action, in a letter dated 22 May Mr Carter referred the matter to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Mr Carter said that he disagreed with TVNZ that the broadcast of the correction was adequate. He also noted that, whereas TVNZ now said that if he had complained



earlier a correction would have been broadcast sooner, he had followed TVNZ's advice initially in complaining in the way he did.

TVNZ's Response to the Broadcasting Standards Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 3 June and TVNZ's reply, 2 July.

TVNZ stated that following the reported remarks on 4 April, Mr Carter had been interviewed by Mr Paul Holmes on the *Holmes* programme on 6 April. During that interview, TVNZ wrote, Mr Carter took the opportunity to clarify the contents of his speech and:

To a degree the misreporting aspect was put into perspective by him on that occasion.

TVNZ also argued that its misreporting of the "pigsties" description and that Mr Carter's reference to "some" tenants had been dealt with explicitly on the 17 April correction.

With reference to Mr Carter's concern about the time taken until the correction was broadcast, TVNZ said that the complaint procedure had been explained to Mr Carter at his request and, at that time, the possibility of a correction had not been mentioned.

TVNZ submitted that the broadcast of the correction and the internal censure of its staff was responsible and reasonable action having upheld the complaint.

Mr Carter's Final Comment to the Authority

When asked to comment on TVNZ's response, in a letter dated 2 July Mr Carter argued, first, that the reference to his appearance on *Holmes* on 6 April clouded the issue as it did not address TVNZ's misreporting on 4 April. Secondly, he repeated that he had not requested an immediate apology when he spoke to TVNZ's Programme Standards Manager as he had not been informed that he was required to do so. Thirdly, he described his speech, which was misreported, as hard-hitting but factual and added that it only became controversial when misreported.

He finished:

In conclusion I draw your attention again to what I am asking for and that is a proper correction of the misrepresentation made by TV1 of my address, not the fleeting reference that they claim to be a correction, which was made on One Network News on 17 April 1992.

