

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 74/92

Decision No: 75/92

Decision No: 76/92

Dated the 15th day of October 1992

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of complaints by

NEW ZEALAND SHOOTERS
RIGHTS ASSOCIATION INC.
of Auckland

OTAGO - SOUTHLAND FIREARMS
COALITION
of Dunedin

DR L.A. BELTOWSKI
of Auckland

Broadcaster
TELEVISION NEW ZEALAND
LIMITED

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

DECISION

Introduction

Controls on firearms were discussed during an item on TV1's *Holmes* programme on 29 November 1991 following the introduction into Parliament of the Arms Amendment Bill on 28 November. The item included interviews with Hon. John Banks, Minister of Police, a representative from the Police Association, a mother of an Aramoana victim and a studio discussion in which Mr Holmes interviewed Hon. Richard Prebble, the Opposition Police spokesperson and Mr Graeme Barber from the NZ Firearms Coalition.

The Vice President of the New Zealand Shooters Rights Association Inc., Mr Grant Beesley, complained to Television New Zealand Ltd, as the broadcaster, that the item



breached 14 standards in the Television Code of Broadcasting Practice. The complaint detailed the aspects of the item which allegedly breached the standards and added that that entire programme failed to achieve objectivity and impartiality and, because it left an incorrect impression of the Arms Amendment Bill, it might cause unnecessary alarm to viewers.

The Secretary of the Otago-Southland Firearms Coalition, Mr Chaz Forsyth, complained that the item was inaccurate, unbalanced and had dealt with the legitimate owners of firearms unfairly. A third complainant, Dr Beltowski from Auckland, complained that the topic had been handled irrationally and inaccurately. Describing Mr Holmes' proposal to ban firearms as unhelpful and naive, he said the item was neither fair nor balanced. Moreover, the depiction of a fully automatic weapon being fired breached further broadcasting standards as it involved the gratuitous use of violence and could well cause alarm, especially to children.

Quoting other media comment about the Arms Amendment Bill, TVNZ argued that its approach which accused Mr Banks of backing down on earlier promises was justified and, further, that the *Holmes* item acted responsibly in drawing the contents of the proposed gun control laws to the public's attention. Although the item could not be regarded as a good example of live television and the interviewers' standards did not achieve excellence, TVNZ said that the participants had been given a reasonable opportunity to have their say. In view of the intensity of the debate about firearms, it continued, the phrases used were not inaccurate, the item was not unbalanced and it had not dealt with licensed firearm owners unfairly. It declined to uphold the complaints.

As the complainants were dissatisfied with TVNZ's decision, they referred their complaints to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

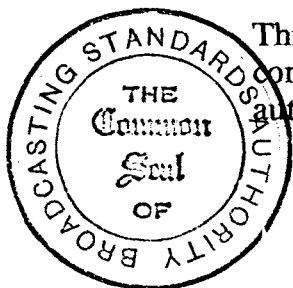
Decision

The members of the Authority have viewed a tape of the item complained about and have read the correspondence (summarised in the Appendices). As is its practice, the Authority has determined the complaints without a formal hearing.

Background

The detailed complaints focused on the way which an item on the *Holmes* programme on 29 November 1991 dealt with the Arms Amendment Bill introduced into Parliament on 28 November by the Minister of Police (Hon. John Banks). The New Zealand Shooters Rights Association included a copy of the Bill in support of the points made in its complaint. The purpose of the Bill is summarised in the Explanatory Note attached to the Bill which begins by stating:

This Bill amends the Arms Act 1983. Many of the amendments impose stricter controls in respect of the importation and possession of military style semi-automatic firearms.



The other significant amendments are described as the requirement for the photographs of licence holders to be affixed to firearms licences and for the establishment of a procedure to allow the Police to require photographs to be affixed to existing licences.

The Explanatory Note also records that the Bill includes a definition of the term "Military style semi-automatic firearm" and that such weapons are designated as a separate class of firearms for which a permit is required before they can be imported into New Zealand. It is further provided that, after the Act comes into force, possession of a military style semi-automatic weapon will only be allowed after a specific endorsement, possibly subject to conditions, has been included on a firearms licence.

By noting these points, the Authority records that controls on military style semi-automatic weapons, was the focus of the bill around which the item on the *Holmes* programme was based. The Police advise that the AK47, which was referred to on the broadcast both specifically and as an AK47-type, is manufactured to be both a semi or fully automatic weapon. A Chinese made imitation which is available in New Zealand and is also known, incorrectly, as an AK47 is available only as a semi-automatic weapon.

In view of its detail, the Shooters Rights Association's complaint will be discussed first along with TVNZ's response to the issues raised. That will be followed by a review of the matters raised by the other two complainants.

The Standards Allegedly Breached

In order to avoid the need to explain the requirement of each standard allegedly breached on each occasion it is raised, the numbers only of the standard will be recorded alongside each aspect of the detailed complaint. The standards referred to are from the Television Code of Broadcasting Practice and are presented in full at this point. The Code begins:

In the preparation and presentation of programmes, broadcasters are required:

1. To be truthful and accurate on points of fact.
2. To take into consideration currently accepted norms of decency and taste in language and behaviour, bearing in mind the context in which any language or behaviour occurs.
3. To acknowledge the right of individuals to express their own opinions.
4. To deal justly and fairly with any person taking part or referred to in any programme.
5. To respect the principles of law which sustain our society.
6. To show balance, impartiality and fairness in dealing with political matters, current affairs and all questions of a controversial nature.



7. To avoid the use of any deceptive programme practice which takes advantage of the confidence viewers have in the integrity of broadcasting.
11. No programme transmitted may, when considered as a whole:
 - (iv) Use or involve the process known as "subliminal perception" or any other technique which attempts to convey information to the viewer by transmitting messages below or near the threshold of normal awareness.

The Code continues:

A television news and current affairs service should take account of the following points:

12. News must be presented accurately, objectively and impartially.
13. The standards of integrity and reliability of news sources should be kept under constant review.
14. News should not be presented in such a way as to cause unnecessary panic alarm or distress.
15. Care must be taken in the editing of programme material to ensure that the extracts used are a true reflection and not a distortion of the original event or the overall views expressed.
16. No set formula can be advanced for the allocation of time to interested parties on controversial public issues. Broadcasters should aim to present all significant sides in as fair a way as possible, and this can be done only by judging every case on its merits.

The final standard referred to by the Shooters Rights Association reads:

26. The portrayal of people in a way which is likely to encourage denigration of or discrimination against any section of the community on account of sex, race, age, disability, occupation status, sexual orientation or the holding of any religious cultural or political belief shall be avoided. This requirement is not intended to prevent the broadcast of material which is:
 - i) factual, or
 - ii) the expression of genuinely-held opinion in a news or current affairs programme, or



- iii) in the legitimate context of a humorous, satirical or dramatic work.

In his complaint, Dr Beltowski alleged that the item, in addition to breaches of a number of the standards listed above, breached standards 18 and 22. Standard 18 requires broadcasters:

18. To be mindful of the effect any programme may have on children during their generally accepted viewing periods.

Standard 22 reads:

22. The gratuitous use of violence for the purposes of heightened impact is to be avoided.

The Complaints

The NZ Shooters Rights Association began its complaint by alleging that it appeared that TVNZ had not read the Bill around which the item on *Holmes* was based and it complained that, by not presenting the Bill's key feature and by deriding the Minister, the item breached standards 1, 5, 6, 7 and 12.

TVNZ responded that the Minister's backdown on his earlier undertakings was the item's focus although it believed that the introduction accurately reflected the changes proposed. It acknowledged that it had been incorrect, as occurred in the item's introduction, to describe a weapon, rather than its user, as insane.

The Association then complained that showing film clips from overseas when referring to weapons in New Zealand breached standards 1, 7 and 12. Moreover, the superficial way in which the overseas events were discussed breached standards 14 and 15.

The overseas material was factual, TVNZ replied, and was relevant because of its relationship to the massacre at Aramoana which prompted the Minister's calls for stricter controls.

The reporter's use of the term "shining arsenal" in describing gunshops breached standard 12 and the incorrect report of the Minister's earlier promises, the Association complained, breached standards 4 and 12. The Bill, the Association added, dealt with controls on semi-automatic weapons but as such weapons were not among the weapons shown on the item, it breached standards 7, 12 and 15. By linking the Bill to armed robberies in which semi-automatic weapons were seldom used, the item also breached standard 15 and, as only selected crime statistics were reported, it breached standard 12.

TVNZ justified its use of the term "shining arsenal" by referring to a dictionary definition and to common sense and, in view of the Minister's comments which were broadcast, it said that he had not been dealt with unfairly. It acknowledged that a visual of semi-automatic weapons would have been preferable but as the discussion was about gun control as a means of curbing violent crime, the guns displayed "were seen as being



relevant in a generic sense". It stated that relevant crime statistics were broadcast.

The brief portrayal on the item of a fully automatic weapon being fired, the Association complained, not only breached an earlier undertaking by TVNZ that the clip would only be used correctly but it breached the prohibition of subliminal programming in standard 11(iv). Moreover, it was inappropriate to present the views of a spokesperson from a lobby group (the president of the Police Association) whose views might not be acceptable to all New Zealanders.

The shot of the fully automatic weapon being fired, TVNZ maintained, was clearly not subliminal and, despite the earlier arrangement, it was considered appropriate on this occasion to use it "in a general sense". Most commentators whose views were reported on television, TVNZ observed, represented lobby groups.

The Minister of Police, when interviewed, the complaint continued, had been dealt with unfairly and was not allowed to express an opinion in contradiction to standards 3 and 6.

In response, TVNZ said the Minister was neither harassed nor badgered but was called to account as a Minister of the Crown.

The complainant alleged that, during the studio discussion, Mr Holmes had unfairly described the Bill as "wimpy" and had otherwise been factually incorrect and unbalanced in breach of standards 1 and 6. The final question to Mr Barber was "emotive claptrap" in breach of standard 12 to which he was not given an opportunity to respond in breach of standard 16.

Mr Holmes was entitled to his view, TVNZ stated, and his questions reflected the attitudes of many viewers. The wording of the final question did not breach the standards and the item finished abruptly as Mr Holmes had indicated earlier that time was running out.

In summary the complainant concluded:

From the start to finish this programme failed to achieve any objectivity and impartiality. It left viewers with erroneous impressions of what the Arms Amendment Bill is aimed at, and may cause unnecessary alarm to viewers.

TVNZ replied:

In summary, the Committee was unable to accept your view that the programme left viewers with an erroneous impression of what the Arms Amendment Bill was aimed at. However, it did believe that viewers would be left with the clear impression that the Bill did not meet the expectations raised by earlier ministerial comments, and that it stopped short of taking decisive action against weapons such as that used by David Gray at Aramoana. Such interpretation was not seen as being an inaccurate summary of the Bill.



While the Committee did not believe the item could be regarded as a perfect piece of live television, nor the performance of the interviewers be seen as meeting the highest standards of excellence, it did believe the participants were seen as being given reasonable opportunity to have their say on a matter of considerable public debate and importance.

The Otago-Southland Firearm Coalition complained that Mr Holmes expressed personal opinions, used the wrong terminology and displayed inadequate knowledge to deal with the topic. As part of its complaint, it also referred to the point that most of the weapons displayed were not semi-automatic firearms to which the Bill referred and that the item included a shot of a fully automatic weapon being fired.

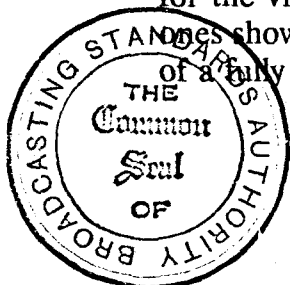
TVNZ assessed the complaint against standards 1, 4 and 6 of the Television Code. As examples were not given, it was unable to comment on the use of inadequate technical terminology. It acknowledged that, as the legislation dealt with semi-automatic weapons, it would have been preferable to show such weapons but as the item dealt with gun control generally, the depiction did not breach the standard. TVNZ reported that its approach to the Bill, in which it criticised the Minister's backdown on his earlier undertakings, was shared by some others in the media.

It also argued that Mr Barber, as the Coalition's spokesperson, had not been treated unfairly and, as the aspects of the topic covered in the item were relevant to the issue of gun control, the item was not unbalanced.

Dr Beltowski described the solution to the problem of the misuse of semi-automatic firearms proposed by Mr Holmes - to ban them - as intellectually naive. Furthermore, as Mr Holmes displayed inadequate factual knowledge about the topic, the programme had been untruthful, unfair and unbalanced. Dr Beltowski also pointed to the irrelevance of the weapons shown and the weapon being fired. The firing of a fully automatic weapon, he added, could cause unnecessary alarm, frighten children and it involved the gratuitous use of violence. The item, he concluded, had allowed Mr Holmes to adopt a dictatorial stance in which he showed no respect for the rights of law-abiding firearms owners.

TVNZ reported that his complaint had been assessed under standards 1, 6, 7, 12, 13, 14, 18 and 22 of the Television Codes. That the Minister had backed down from earlier undertakings, TVNZ emphasised, was the item's focus and an editorial from the print media was quoted in support of that view. It also cited some of the Minister's earlier statements when he had suggested restrictions on the ownership of semi-automatic rifles and shotguns and on the number of rounds which semi-automatics could hold. Despite these undertakings, only restrictions on the ownership of military style semi-automatics were covered in the Bill which, TVNZ argued, justified the approach taken in the item.

As with the other complaints, TVNZ acknowledged that it would have been preferable for the visuals to show weapons more closely aligned to those being discussed but the ones shown were relevant "in a generic sense" to the issue of weapon control. The shot of a fully automatic weapon being fired was also relevant under that criterion.



TVNZ denied that the shots of the fully automatic weapon being fired would cause unnecessary alarm, would frighten children or involved gratuitous violence.

The Authority's Findings

TVNZ maintained throughout the correspondence that the Minister's backdown was the theme of the item broadcast on the *Holmes* programme. In order to justify that view, the Authority considered that it was necessary for the item to explain, first, the Minister's position on the issues prior to the introduction of the Bill, and secondly, the contents of the Bill when introduced into Parliament.

Although it was argued that the details of the Minister's position before the Bill's introduction were presented inadequately, the Authority accepted with some reservation that a general outline of the Minister's attitude was provided. On the second question, however, relating to the Bill's contents, apart from passing references by the presenter to the legislative requirement for "pretty photos" and that there was "no blanket banning of those insane automatic weapons", the Authority decided the item was deficient in explaining the Bill's provisions. A later reference to the Bill's provisions on the importation of semi-automatic firearms was made without putting it in context and was thus unhelpful to the viewer.

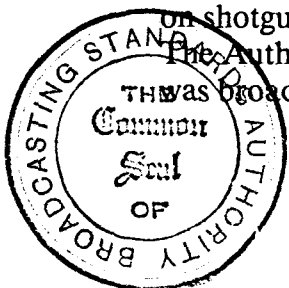
As it is fundamental to most of the following discussion, the Authority repeats its ruling made two paragraphs above - if a person is accused in a broadcast of backing down, a balanced item must at least touch upon what was the accused person's previous position as compared to that person's current position.

Having read the Bill, the Authority notes that it includes a requirement for photographs on firearms licences. However, although TVNZ gave prominence to that provision, it is not the main point in the Bill's Explanatory Note nor in the detailed clauses. The substance of the Bill is concerned with "military style semi-automatic weapons" and, having defined the type of weapon being described, it details the increased controls which will apply to such weapons.

In its correspondence to the Authority when referring to Dr Beltowski's complaint, TVNZ wrote:

At the outset we would make the general comment that no television news organisation can hope to cover every aspect of a complex piece of legislation as appears to be the expectation of the complainant.

The Authority does not disagree with TVNZ. It would add, however, that a television's news organisation's response to a complex piece of legislation which is featured on an item lasting a little more than 10 minutes must not be to ignore all the detail and policy. Referring again to Dr Beltowski's complaint, TVNZ advised him in writing that its focus on the Minister's backdown approach was justified as the Bill did not impose restrictions on shotguns or limit the number of rounds which a semi-automatic weapons could hold. The Authority considers that a brief reference to these two points during the item which was broadcast would have provided some justification for the approach taken by TVNZ.



Moreover, it believes that the item would have been better understood if the change in the Minister's attitude on those points had been put to various parties interviewed. Instead, apparently in an effort to avoid complexity, TVNZ's item adopted an approach which dealt in nebulous generalities and, although including some aspects of entertainment, omitted information on which viewers could judge whether or not the Minister had backed down (which he denied) on firearms control. The viewers would also have had a better understanding of the public safety and enforcement issues involved.

The three complaints each referred to or were considered under standard 6 of the Television Code of Broadcasting Practice. That standard requires items dealing with controversial issues to show balance, impartiality and fairness and for the reasons outlined in the preceding paragraphs, the Authority decided that the item breached that standard.

Having reached its decision on the item's approach to its theme, the Authority then examined the details of each complaint. It would note that it regarded standard 6 as central to the complaints and as the most important standard referred to. In studying some of the details raised by the complainants, it concluded that either they were subsumed in that standard or a consideration of them under standard 6 was the most appropriate response.

On the points raised by the Shooters Rights Association about the clips from overseas, the reference to a gunshop as a "shining arsenal", the reference to the crime statistics, the allegedly subliminal shots and the presentation of the Police Association's views, the Authority agreed with TVNZ that the item did not breach the standards. Similarly, the Authority accepted TVNZ's submission that its questioning of the Minister did not breach the standards. The Minister was given, the Authority believed, an adequate opportunity to present his point of view. Therefore, the aspects of the complaints which focused on the alleged deficiencies in the way the interview was conducted, and on the Minister's replies did not breach broadcasting standards.

All the complaints referred to the visuals of the guns which contained few, if any, semi-automatic weapons. While agreeing that visuals of semi-automatics would have been preferable, TVNZ said that the item did not breach the standards as the visual showed guns "in a generic sense". It was on points like this, and about the one showing a fully automatic weapon being fired, that the Authority, while having some sympathy for the complainants, considered that their complaints dealt with details which many viewers might not appreciate. While the Authority considered such details to be relevant to reaching its conclusion about TVNZ's general approach to the issue, they were details which in themselves lacked substance as formal complaints. At a general level, the Authority would record that partial presentation of the truth does not, in itself, amount to a breach of the standard requiring truth and accuracy. An accumulation of half truths, however, may seriously call the standard 1 requirement for truth and accuracy into question or, as well, the requirement in standard 6 for balance, impartiality and fairness.

The aspect of the complaints focusing on the requirement not to use gratuitous violence or unnecessary alarm are serious allegations. In view of some of the item's



references, the Authority appreciated why these standards had been raised. However, after studying the item thoroughly, it was unable to reach the conclusion that the standards had been breached.

Each complainant referred to the studio interview and in particular the last question put by Mr Holmes to Mr Barber of the NZ Firearms Coalition. The substance of the complaint was that Mr Barber had not been treated fairly. Whereas Mr Holmes' earlier reference to the legislation as "wimpy" was obviously a challenge to Mr Barber, the final question was not so easily classified. Mr Holmes asked the following question which completed the interview:

P.H. I'm running out of time Mr Barber. If you don't let me ask this question we'll just terminate the conversation. I want to ask you Mr Barber what about the moral question? Doesn't ...

Doesn't ...

Doesn't the danger of these weapons, the danger these weapons represent to New Zealanders far outweigh the bizarre pleasure people get out of owning them and using them?

Weapons made for power, weapons made for killing, weapons that don't give animals a chance let alone human beings.

G.B. That's not true Mr Holmes. Are you anti-firearms Mr Holmes?

P.H. Thankyou very much for your time, thankyou for coming to the studio.

The Authority noted that by this stage of the studio interview the interviewer and the interviewee were obviously confronting each other on an emotional level. Furthermore, Mr Barber's inexperience with television meant that he was not very effective in presenting his arguments. TVNZ argued that Mr Holmes adopted a role of the devil's advocate which was appropriate in the circumstances.

Whereas the role of a devil's advocate involves a person testing a proposition by arguing against it, the Authority decided that Mr Holmes had allowed himself to become too emotionally involved with the case he was presenting to be described as the devil's advocate when he asked the question given above. His approach had become fervently anti-firearms. The Authority also considered that, while Mr Barber appeared to stand up for himself reasonably well, he did not appear to be given an adequate opportunity to respond to the final question. Nevertheless, because he had been given sufficient opportunities earlier during the interview to present his perspective, the Authority decided that he had not been treated unfairly on that final question to the extent that standard 4 of the Code was breached.

Reaching that conclusion, the Authority took into account that Mr Holmes has considerable advantages over "amateur" interviewees. Not only does that include extensive media experience, but it also includes familiarity with technical detail such as



the impending time limit for the completion of an item. That allowed Mr Holmes on this occasion to ask an expansive question when the time remaining did not allow an adequate response. The final question recorded above also justified TVNZ's acknowledgement that the interview was not a good example of live television.

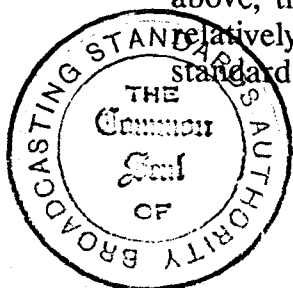
In addressing the standard 26 complaint, the Authority noted that the complaints alleged that the item encouraged the denigration of lawful holders of firearms licences. Relying on common sense, the Authority accepts that viewers generally do not believe that every licence holder is a threat. It also accepts that many guns are owned by licence holders who use them for legitimate purposes. In regard to the item to which the complaints related, the Authority believed that most viewers were probably concerned about the very limited percentage of the population who misuse weapons. As a solution to the problem of misuse, Mr Holmes proposed a ban on all semi-automatic firearms at least. The Authority believed that view holds insufficient validity to be regarded as denigration of legitimate licence holders.

Summary

The Authority returns to the point it made at the beginning of the above section of the decision. In its attempt to portray the Arms Amendment Bill as a backdown by the Minister of Police, TVNZ did not, the Authority decided, present information which was in any way an adequate summary of the provisions in the Bill. Some archival material was shown which, to some extent, showed the Minister's earlier promises, and the introduction and comments from the people interviewed touched on aspects of both the previous regime and, fleetingly, the proposed regime. However, the Authority considered that the "backdown" was presented as an unsubstantiated allegation.

The Shooters Rights Association complained that it appeared that TVNZ had presented an item about the Arms Amendment Bill without reading the Bill. It was an argument with which the Authority tended to agree taking into account the statements made and the attitude of the presenter and interviewers. The Bill imposed increased controls on military style semi-automatic weapons. However, the changes in the legislative controls were not dealt with. Had the item presented some detail to allow viewers to assess the extent of the proposed legal controls and the extent of the controls previously promised by the Minister, there would have been minimal grounds for a complaint about balance. The Authority believes that had that approach been adopted, a much more understandable and informative programme would have been broadcast. Instead, the item focused on interview style and emotional interaction which, although it may have been entertaining, was not particularly informative. Consequently, the Authority concluded, it breached standard 6 of the Television Code of Broadcasting Practice requiring balance, impartiality and fairness.

Because of the inadequacies in the item's approach, the Authority understood why the complainants alleged that it breached a large number of standards. However, as noted above, the Authority considered that the breaches alleged which had substance were relatively minor issues and were appropriately subsumed into its conclusion about standard 6.



For the reasons set forth above, the Authority upholds the complaints that the broadcast by Television New Zealand Ltd of an item on the *Holmes* programme on 29 November 1991 breached standard 6 of the Television Code of Broadcasting Practice.

The Authority declines to uphold any other aspects of the complaints.


Having upheld a complaint, the Authority may impose an order under s.13(1) of the Broadcasting Act 1989. The Authority has fully discussed in its decision why it believes that the focus taken by TVNZ on the issue resulted in a programme which breached the important requirement for balance, impartiality and fairness. It would add that it was not surprised, given the apparently single-minded manner in which TVNZ pursued its approach, that the complaints about the item's lack of balance started with aspects of the item's introduction and persisted to the item's conclusion. The Authority considered that there were plenty of opportunities during the programme for balance to be achieved and believes an order to be appropriate.

In reaching that decision, the Authority also took note that TVNZ proclaims the 6.00 - 7.00pm period as a news hour. Six of the 29 standards in the Television Code of Broadcasting Practice (five of which were cited on this occasion) apply specifically, and solely, to news and current affairs, which, the Authority believes, indicates the importance of the standards to news. The question of gun control in New Zealand is important and complex and evokes strongly held emotional reactions. In these circumstances, the Authority considers that broadcasters are placed under a strict responsibility to adhere to the requirements concerning accuracy, balance, impartiality and fairness.

ORDER

The Authority orders TVNZ to broadcast on a weekday between 6.30 - 7.00pm within seven days of this decision, a summary of the decision approved by the Authority.

Signed for and on behalf of the Authority


Iain Gallaway
Chairperson



15 October 1992

Appendix ANew Zealand Shooters Rights Association Inc.'s Complaint to Television New Zealand Limited

In a letter dated 6 December 1991, the Vice President of the New Zealand Shooters Rights Association, Mr Grant Beesley, complained to Television New Zealand Ltd about an item on TV1's *Holmes* programme on Friday 29 November.

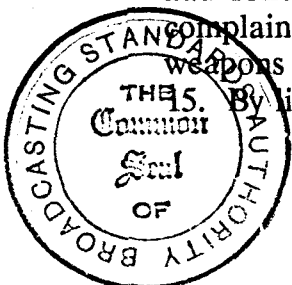
The item dealt with the Arms Amendment Bill which had been introduced into Parliament on 28 November and, stating that TVNZ appeared not to have read the Bill, Mr Beesley said that the item breached 14 standards in the Television Code of Broadcasting Practice. Also by way of introduction he referred to some earlier correspondence in which TVNZ had said it would be careful when reusing a particular tape to avoid misrepresenting the type of firearm portrayed.

The complainant said that the item, after the introduction, consisted of interviews with the Minister of Police (Hon. John Banks MP), the president of the Police Association, the mother of an Aramoana victim and a studio discussion between Mr Holmes, the Opposition Spokesperson on the Police (Hon. Richard Prebble) and Mr Graeme Barber of the New Zealand Firearms Coalition. Mr Barber, it continued, was the only representative of legitimate firearm owners and his contributions amounted to less than 2 of the 12 minutes devoted to the topic. Moreover, he was interrupted when he produced evidence contrary to the views of Mr Holmes.

Dealing with specific aspects of the item, it was alleged that Mr Holmes' introduction in which he derided Mr Banks and did not present all of the Bill's key features, breached the broadcasting standards requiring truth and accuracy, respect for the principles of law, balance, the avoidance of deceptive programming, and objectivity and impartiality (standards 1, 5, 6, 7 and 12).

The next section, which referred to guns and violence in New Zealand but showed film clips from the United States, England and Australia, was inaccurate, involved deceptive programming and was neither objective nor impartial (standards 1, 7 and 12). The superficial depiction of mass killings in California, Hungerford and Melbourne, the complainant added, was likely to cause panic and it explained in what way those aspects of the item, because it omitted aspects of the mass killings overseas, were irrelevant (standards 14 and 15).

The letter then complained that the reporter's use of the term "shining arsenal" in describing gunshops was an incorrect use of an emotional term which breached standard 12 requiring impartiality and objectivity. As the Minister of Police had not previously promised to ban semi-automatic weapons, the reporter's allegation that he had done so was unfair to him and not balanced (standards 4 and 12). The item, the complainant added, dealt with controls on semi-automatic weapons yet some of the weapons shown were not of that kind. The visuals thus breached standards 7, 12 and 15. By linking the Bill to armed robberies in which semi-automatic weapons were



seldom used, the item used a deceptive editing practice contrary to standard 15. The referral to crime and guns also lacked objectivity as only some of the relevant criminal statistics were reported (standard 12).

The very brief portrayal of a fully automatic weapon being fired, contrary to an earlier undertaking from TVNZ that this visual would only be used correctly, breached the prohibition on subliminal transmissions (standard 11(iv)).

After noting some other incorrect or ill-defined use of gun terminology, the complaint referred to the interview with the Minister of Police which, it said, failed to acknowledge the right of the Minister to express an opinion and also lacked balance, impartiality and fairness (standards 3 and 6).

Mr Holmes then interviewed the Opposition Spokesperson on the Police (Mr Prebble) and the representative from the Firearms Coalition (Mr Barber) and his use of the term "wimpy" in his first question to Mr Barber, the complainant stated, lacked balance, impartiality and fairness and breached standard 6. Some of the later questions from Mr Holmes were factually incorrect and unbalanced and thus breached standards 1 and 6. Moreover, Mr Holmes' final question to Mr Barber was "emotive claptrap" which breached standard 12. However, when Mr Barber attempted to qualify the question to present a significant point the interview was immediately terminated in breach of standard 16.

The complainant concluded:

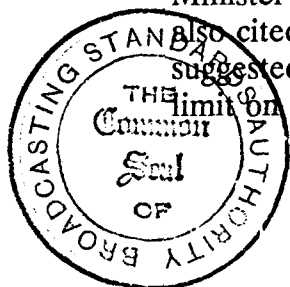
From the start to finish this programme failed to achieve any objectivity and impartiality. It left viewers with erroneous impressions of what the Arms Amendment Bill is aimed at, and may cause unnecessary alarm to viewers.

It argued that the complex issue of controls of firearms needed to be dealt with comprehensively in a programme such as *Frontline* and it nominated an English expert to use as he had earlier been involved in the development of the New Zealand legislation.

TVNZ's Response to the Formal Complaint

TVNZ advised the Shooters Rights Association of its Complaints Committee's decision in a letter dated 20 February 1992.

It began by addressing the point whether the Arms Amendment Bill, introduced into Parliament on 28 November, represented a step back by the Minister of Police from his earlier undertakings about gun control. Quoting the print media, including an editorial from the NZ Herald, TVNZ argued that its approach which accused the Minister of backing down on earlier promises was justified. To confirm that stance, it also cited some of the Minister's earlier statements on television when he had suggested restrictions on the ownership of semi-automatic rifles and shotguns and a limit on the number of rounds which semi-automatics could hold. The Bill, it added,



imposed restrictions on military style semi-automatics but did not mention shotguns nor limits on the number of rounds. Dealing with other proposals which had been discussed publicly but did not appear in the Bill, TVNZ wrote:

As a result the Committee had difficulty in believing that the Company, and the rest of the news media in this country, were not acting responsibly and in the public interest by drawing the watered-down nature of the proposed gun control laws to the public's attention.

TVNZ then dealt with the aspects of the item which had been complained about. The item's introduction, TVNZ wrote, disclosed that the programme's focus was not the contents of the Bill but Mr Banks' backdown and TVNZ believed that the introduction accurately reflected the changed proposals. Moreover, although the word "insane" was incorrectly applied to a firearm, rather than to some users of the particular firearm, the introduction had breached none of the other standards noted.

In regard to the backgrounder discussing the mass killings overseas, TVNZ pointed out that it was introduced with a statement of fact and the references were justified as they were relevant to the slaughter at Aramoana which prompted some of the Minister's comments about the need for stringent legislation. Moreover, TVNZ did not accept the other points raised by the complainant and noted that some of the details raised were not relevant to the item's general theme of gun control.

Using a dictionary definition of the word, TVNZ said the use of the word "arsenal" was not inaccurate in the item's context. Neither was the use of the adjective "shining" considered inaccurate as the wood and metal on arms displays in gun shops usually had "a good shine".

TVNZ then considered the complaints about the interview with Mr Banks. It argued, with reference to Mr Banks' comments which had been quoted earlier, that Mr Banks had been dealt with fairly. TVNZ accepted that the visual of weapons which accompanied the reference to a semi-automatic weapon did not include such a weapon. TVNZ stated:

The [Complaints] Committee agreed that specific shots of semiautomatics would have been preferable, but it did not think that the illustrative material depicting firearms amounted to a breach of the Codes. The discussion was about gun control as a method of curbing violent crime. The guns were seen as being relevant in a generic sense, the more so because of the sequence which immediately followed it.

However, there was a view expressed that it would have been preferable to have depicted in vision the types of weapon that were under discussion. This notwithstanding it was not believed that the failure to find such weapons for illustrative purposes amounted to the breach of any Code.

With reference to the complaint about the inaccurate use of the firearms statistics, TVNZ reported that the point was to show that crime statistics had increased but that



overall crime statistics were irrelevant to the debate about firearms control.

The shot of the fully automatic weapon being fired, TVNZ maintained, was not subliminal. It was a shot tagged because of an earlier complaint but was regarded as appropriate on this occasion because it was clearly used "in a general sense and in reference to the graphic preceding it". Although the comment from the Police Association might be regarded as one from a lobby group, the source of the comment had been identified and, indeed, most spokespeople on news programmes represented a "lobby group".

TVNZ reported that the Minister of Police, although invited, had not been available for a studio interview and, during the interview at the airport, he was given a reasonable opportunity to comment on the issues. He had been neither "badgered" nor harassed" in an unacceptable way and he had been asked pertinent questions and, as a Minister of the Crown, had been called to account.

Discussing the interview with the NZ Firearms Coalition representative (Mr Barber), TVNZ said that Mr Holmes was entitled to put the view that the legislation was "wimpy" and although Mr Barber had been cut off when he digressed about the content of the legislation, Mr Holmes said he would return to the subject and did.

In regard to the complaint about Mr Holmes' reference to David Gray, TVNZ maintained that the question was factual and, later, when Mr Holmes asked about a total ban of these types of weapons, TVNZ stated that he was reflecting the attitude taken by many viewers. The final complaint dealt with Mr Holmes' last question to Mr Barber and TVNZ argued that the use of the term "bizarre" did not breach the standards.

TVNZ agreed with the complainant that the programme had finished abruptly but pointed out that Mr Holmes had indicated earlier that he was running out of time. TVNZ declined to uphold the complaint and concluded:

In summary the Committee was unable to accept your view that the programme left viewers with an erroneous impression of what the Arms Amendment Bill was aimed at. However, it did believe that viewers would be left with the clear impression that the Bill did not meet the expectations raised by earlier ministerial comments, and that it stopped short of taking decisive action against weapons such as that used by David Gray at Aramoana. Such interpretation was not seen as being an inaccurate summary of the Bill.

While the Committee did not believe the item could be regarded as a perfect piece of live television, nor the performance of the interviewers be seen as meeting the highest standards of excellence, it did believe the participants were seen as being given reasonable opportunity to have their say on a matter of considerable public debate and importance.



New Zealand Shooters Rights Association Complaint to the Broadcasting Standards Authority

As the Association was dissatisfied with TVNZ's response, in a letter dated 10 March its Vice President referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Pointing out that the media which TVNZ cited in support for its approach had also reported the Bill inaccurately, the complainant said that TVNZ had not addressed the complaint at all. It considered what TVNZ had described in its letter in response to the formal complaint as the four main changes introduced by the Bill and commented that only one was actually presented nearly correctly. Moreover, TVNZ had not mentioned the practical changes which resulted from the Bill.

It observed:

From TVNZ's letter we get the impression that they consider the Holmes Programme to be a not very serious programme and therefore not bound by trifling constraints such as honesty and accuracy. Even today they are promoting the "Complete News Hour" on radio and mentioning the Holmes Programme by name. I can understand how professionals look at the programme with some disdain as they have criteria to judge it by but the general public do not have that advantage and have to rely on the integrity of the TV channel to provide accurate and honest news.

The complainant asked for the broadcast of a factual and accurate correction.

Mr Mike Loder of Auckland also complained about the item on the *Holmes* show. Upon receipt of TVNZ's decision, and as he was aware of the Shooters Rights Association's referral, he asked the Authority to consider his comments as being in support of the Association's concerns.

He described the *Holmes* item as biased and unfair, adding:

Juxtaposition of images and emotive language were a few of the dirty tricks used by Mr Holmes to totally cloud the real facts.

TVNZ's response to the complaint, he said, consisted of the following:

Their excuses this time amounted to:

- a) The others did it so we can to.
- b) We are not responsible for any damage caused unless it was exactly what the item was concerning.

We think we were representing public opinion so we are not accountable to standards.



and d) Well, alright we were wrong. But not wrong enough to breach the standards.

TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. The final papers were sent to TVNZ on 18 May and its reply is dated 6 July.

It began by stressing that the item's overall message was that the legislative amendment fell short of public expectations. It denied that this conclusion was based on one Press Association report as the complainant alleged, noting that TVNZ did not have access to PA material. TVNZ reported that the *Holmes* item included library material showing Mr Banks promising changes to the law regarding the ownership of semi-automatic weapons and shotguns. The Bill, however, did not deal with existing weapons but was primarily concerned with new owners of newly acquired weapons. Thus, the *Holmes* item reflected the view that the legislation fell short of public expectations fuelled by earlier undertakings made by the Minister.

While expressing reluctance to deal with the item's minutiae rather than its overall thrust, TVNZ dealt with the complainant's interpretation of the Bill. It added that most of the details raised, when the complainant referred its complaint to the Authority, dealt with matters which were not part of the item which was broadcast.

Upon completing a discussion of the points raised in the referral and reiterating that the referral addressed the Complaints Committee's report - not the item - TVNZ described the complainant's final comment about the role of the *Holmes* programme (quoted above) as "grossly cynical" and one which should be dismissed.

With reference to Mr Loder's letter in support, TVNZ commented that the criticism appeared directed at the imagined image of the programme, rather than its substance, adding:

Once again the messenger seems to be the target for a message which gives the complainant no pleasure. We do not believe any correction is called for.

New Zealand Shooters Rights Association's Final Comment to the Authority

When asked to comment on TVNZ's response, in a letter dated 24 July the Vice President of the Shooters Rights Association (Mr Beesley) disputed TVNZ's claim that TVNZ had prepared its own comments:

To suggest that all the media came to the same incorrect interpretation of the effect of the Bill is fallacious.

Mr Beesley also contested TVNZ's claim that it represented the public perception on the issue, adding that he was considerably more in touch with New Zealanders'



attitudes to firearms than TVNZ. The public's concern, he continued, was to stop criminal offenders using firearms. The public was not concerned about legitimate users but they were the ones affected by the Bill.

Stating that TVNZ's report about the proposals revealed its lack of a full understanding of the legal issues involved, the complainant repeated that the reason for referring its complaint to the Authority was because TVNZ had not addressed the issues raised in the original complaint. It concluded:

The Broadcasting Standards Authority is the public's defense against this quest for ratings sublimating the quest for truth and balance in news programmes. We ask that our request for a balanced programme as detailed in our complaint to TVNZ be complied with.



Appendix B

Otago-Southland Firearm Coalition's Complaint to Television New Zealand Limited

In a letter dated 10 December 1991, the Secretary of the Otago-Southland Firearms Coalition, Mr C.I.H. Forsyth, complained to Television New Zealand Ltd about an item broadcast on TV1's *Holmes* programme on 29 November. The item had dealt with the introduction into Parliament of an Arms Amendment Bill.

The Coalition complained that Mr Holmes expressed personal opinions (e.g. insane automatic weapons, wimpy legislation), used the wrong terminology and displayed insufficient specialised knowledge of the topic. Further, the bulk of the weapons shown on the item were not semi-automatic firearms which were covered in the Bill. The complainant also questioned the relevance of showing the operation of a fully automatic weapon.

The Coalition explained that legitimate shooting was a well-established activity and that 300,000 New Zealanders were now licensed under the Arms Act and the item had "smeared" the collective good name of the lawful owners of firearms.

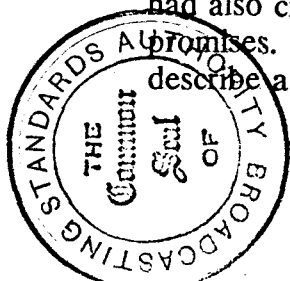
TVNZ's Response to the Formal Complaint

TVNZ advised the Coalition of its Complaints Committee's decision in a letter dated 20 February 1992. The complaint had been assessed under standards 1, 4 and 6 of the Television Code of Broadcasting Practice which require broadcasters:

- 1 To be truthful and accurate on points of fact.
- 4 To deal justly and fairly with any person taking part or referred to in any programme.
- 6 To show balance, impartiality and fairness in dealing with political matters, current affairs and all questions of a controversial nature.

TVNZ dealt with the standard 1 complaint first and, because instances were not quoted, it had difficulty in assessing the assertion that technical terminology had been used incorrectly. TVNZ agreed that as the legislation dealt with semi-automatic weapons and that visuals showing such firearms would have been preferable to the display of weapons screened but, as the item was dealing with gun control generally, the depiction did not breach the standard.

TVNZ noted that the remarks complained about had been assessed in the context of the emotional public debate at the time and it was recorded that some other media had also criticised Mr Banks for the Bill as it seemed to fall short of his previous promises. In regard to one phrase cited, TVNZ agreed that it was incorrect to describe a weapon, not the owner, as insane but, overall, the use of the terms had not



breached the standard.

In regard to the alleged breach of standard 4, TVNZ noted that Mr Barber had appeared as the spokesperson for the legitimate owners and had put the Coalition's point of view. If the Bill was tightened up before enactment, TVNZ continued, that would be a result of the public concern about the proliferation of weapons rather than because of the way the issue was discussed on *Holmes*. Accordingly, standard 4 was not breached.

As to the complaint about the item's lack of balance, TVNZ stated that the overseas extracts and the collection of weapons shown were both relevant to the issue under debate. TVNZ concluded:

While the Committee did not believe the item could be regarded as a perfect piece of live television, nor the performance of the interviewers be seen as meeting the highest standards of excellence, it did believe the participants were seen as being given a reasonable opportunity to have their say on a matter of considerable public debate and importance.

Otago-Southland Firearms Coalition's Complaint to the Broadcasting Standards Authority

As the Coalition was dissatisfied with TVNZ's response, Mr Forsyth on the Coalition's behalf referred the complaint to the Authority in a letter dated 12 March 1992 under s.8(a) of the Broadcasting Act 1989.

The Coalition complained about the portrayal of the irrelevant weapons, the frequency of Mr Holmes' interruptions of the spokesperson for the legitimate firearm users (Mr Barber) and the irrelevancy (because of the different legislative provisions) of showing extracts from the mass killings overseas.

Copycat offending which the item implied, the Coalition said, raised the question of the media's responsibility in reporting the event. On the question of the fully automatic firing sequence displayed, the Coalition said that it was not relevant in the "generic sense", as TVNZ claimed, as such weapons were not available for general sale in New Zealand and had not featured in mass killings overseas.

The Coalition said that an item on an important topic had been inadequately researched and it repeated its complaint that Mr Barber was not given a reasonable opportunity to present his arguments. In the Complaint Referral Form completed at the Authority's request, the complainant remarked that the item's bias against firearm owners and users was apparent throughout the broadcast.

TVNZ's Response to the Authority

As is usual practice, the Authority sought the broadcaster's response to the



complaint. Its request is dated 5 April and TVNZ's response, 26 May.

TVNZ began by explaining the item's theme was that the contents of the Arms Amendment Bill introduced into Parliament at the time fell well short of the public expectations which had been based on earlier comments from the Minister of Police. It continued:

Against this background the complainant's allegations appear to be dealing with the minutiae of the programme's content, whereas we believe the matter should be assessed on the basis of how the average viewer might have perceived it.

Accordingly, the portrayal of weapons might not have been technically correct, as acknowledged, but that was not a major concern as the control of firearms, not their identification, was the issue.

The *Holmes* programme, TVNZ recorded, was personality driven and Mr Holmes' mannerisms and blunt phraseology did not amount to breaches of the standards. TVNZ added that this did not excuse factual inaccuracy but the lack of technical precision in gun identification was unnecessary to the item's theme.

TVNZ also argued that it was relevant to quote newspaper accounts to the complainant to illustrate that the approach it had taken to an item was shared by other media. TVNZ agreed that the spokesperson for legitimate firearms users (Mr Barber) was interrupted but that had occurred justifiably when seeking clarification and to remind him either of the main points of the question or when time was running out. On a stop-watch assessment, TVNZ added, Mr Barber contributed in total for a longer period than either Mr Banks or Mr Prebble.

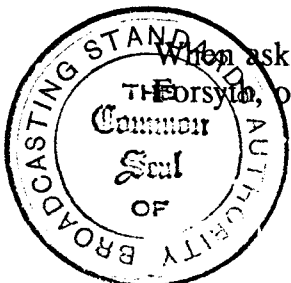
TVNZ argued that it was relevant to show mass killings by firearms from overseas. It added that the copycat aspect of the item dealt with increased controls and it "would seem to reflect a dampening factor if the imitative element is said to have any validity".

After briefly dealing with some other aspects of the complaint and reiterating that it stood by its earlier reply, TVNZ wrote:

In summary the company does not believe that any of the codes 1, 4 and 6 were breached. Furthermore code 26, which we thought could possibly be in question, was not seen as having validity or having realistic relevance in the context of the broadcast. It was not a case of denigration but a question as to whether new gun laws fulfilled public expectations and desires in the matter.

Otago-Southland Firearms Coalition's Final Comment to the Authority

When asked to comment on TVNZ's response, in a letter dated 6 June 1992 Mr Forsyth, on the Coalition's behalf, made nine points.



1. The item misrepresented the expected differing impact of the Arms Amendment Bill on law-abiding owners of firearms and on violent offenders.
2. The item failed to correct the media inspired incorrect impression that it is legal and common practice to convert self-loading firearms to automatic fire.
3. The media did not acknowledge the current obligations on firearm owners in the Arms Act and the extensive police powers it contains.
4. Current legislative weaknesses, if any, resulted from the lack of enforcement - not the lack of legislative power.
5. The Arms Amendment Bill created new offences for non-existing problems.
6. The Aramoana incident occurred because deficiencies in the health and related services enabled David Gray to become insane - not because of deficiencies in firearm controls.
7. The media, by highlighting irrelevant issues, had raised public expectations.
8. Coalition affiliates were unimpressed with journalistic use of so-called facts.
9. The 320,000 licensed firearm owners in New Zealand were not a small minority.

The Coalition concluded by commenting that the media should study proposed legislative changes before commenting on them.



Appendix CDr L.A. Beltowski's Complaint to Television New Zealand Ltd

In a letter dated 11 December 1991, Dr Beltowski complained to Television New Zealand Ltd about an item broadcast on TV1's *Holmes* programme on 29 November 1991. The item discussed the Arms Amendment Bill introduced into Parliament on 28 November and included an interview with the Minister of Police (Mr Banks) and a studio discussion, led by Mr Holmes, with the opposition spokesperson on the Police (Mr Prebble) and a representative from the New Zealand Firearms Coalition (Mr Graeme Barber).

The item's handling of a complex issue, Dr Beltowski began, "descended to new depths of irrationality and disinformation". Specifically, he continued, in view of the experience with controls in the United Kingdom, Mr Holmes proposed solution of an outright ban on firearms was intellectually naive. That approach, combined with Mr Holmes inadequate factual knowledge about the topic, resulted in a programme which was not truthful, fair or balanced.

In addition, Dr Beltowski stated, the visuals portrayed were "clear attempts to deceive the public". As the evidence for that statement, he said, first, that while the item announced it would deal with armed crime in New Zealand, it showed film from massacres overseas. Secondly, of the over ten weapons displayed, only one (possibly two) were the kind which would be covered in the proposed legislation. Thirdly, a short clip had shown an AK47 being fired on fully-automatic and the item distorted the facts by implying that increased controls were necessary to prevent such weapons from becoming generally available in New Zealand. Furthermore, as the item showed a resident from Aramoana stating that the sound of an AK 47 made her children agitated, that aspect of the item breached the standards which require that news does not cause unnecessary alarm, that broadcasters are mindful of any effect of a programme on children and that the gratuitous use of violence is avoided.

Dr Beltowski objected to what he described as the Holmes' dictatorial and unreasonable stance towards the 10% of New Zealanders who were law-abiding firearms licence holders. He concluded:

I believe law-abiding firearms owners have the right to have their choice of recreational activity or hobby respected and should not have to put up with such illogical pseudo-intellectual discrimination as emanates from such moral crusaders as Mr Holmes. His performance constituted an abuse of his position, and showed clearly that he did not have any respect either for the legal rights of others, or for the principle of law which sustains our society.

TVNZ's Response to the Formal Complaint

TVNZ advised Mr Beltowski of its Complaints Committee's decision in a letter dated



21 February 1992. It reported that the complaint had been considered under standards 1, 6, 7, 12, 13, 14, 18 and 22 of the Television Code of Broadcasting Practice.

It began by addressing the point whether the Arms Amendment Bill, introduced into Parliament on 28 November, represented a step back by the Minister of Police from his earlier undertakings about gun control. Quoting the print media, including an editorial from the NZ Herald, TVNZ argued that its approach which accused the Minister of backing down on earlier promises was justified. To confirm that stance, it also cited some of the Minister's earlier statements on television when he had suggested restrictions on the ownership of semi-automatic rifles and shotguns and a limit on the number of rounds which semi-automatics could hold. The Bill, it added, imposed restrictions on military-style semi-automatics but did not mention shotguns nor limits on the number of rounds. Dealing with the proposals which had been discussed publicly but did not appear in the Bill, TVNZ wrote:

As a result the Committee had difficulty in believing that the Company, and the rest of the news media in this country, were not acting responsibly and in the public interest by drawing the watered-down nature of the proposed gun control to the public's attention.

TVNZ then dealt with the aspects of the item which had been complained about. In regard to the use of material about massacres from overseas, TVNZ stated that it was relevant as it highlighted to New Zealanders the type of event which the earlier Ministerial undertakings had promised to deal with.

As to the array of weapons displayed, TVNZ acknowledged that it would have been preferable to show weapons more closely aligned to the accompanying script, nevertheless, as the discussion was about weapon control "in a generic sense, shots of weapons of any type were considered relevant".

As for the visual of a fully automatic weapon being fired, TVNZ wrote:

It was accepted by the Committee that the shot was used in a generic sense to close the sequence which included a graphic depicting the increase in the number of crimes involving firearms. It was observed that the public debate on gun control extended beyond the semiautomatics with which you seemed preoccupied. Part of the public disappointment in the content of the Bill (as reflected on the Holmes programme and in newspapers at the time) lay in the fact that the Bill did not cast its net widely enough.

As for the last specific complaint about shots from an AK 47 frightening children, TVNZ found it difficult to accept that the survivors of the Aramoana tragedy - ardent supporters of gun controls - would have been frightened. It did not, TVNZ said, constitute gratuitous violence.

TVNZ recorded that it found unhelpful the complainant's general comments about the Holmes programme and, while there may have been defects in the specific item



complained about, it had not breached the broadcasting standards. The complaint was not upheld.

Dr Beltowski's Complaint to the Broadcasting Standards Authority

As he was dissatisfied with TVNZ's response, in a letter dated 19 March Dr Beltowski referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

The fundamental issue, he said, was whether the average viewer would have been better informed about the proposed changes contained in the Bill after having seen the item. The average viewer, he continued, would certainly have concluded that a fully automatic AK 47 was most commonly used in violent crime in New Zealand - yet, he added, such weapons were virtually totally prohibited.

He maintained that the programme had been built, not on facts, but on emotion and unsubstantiated opinions.

In a letter dated 14 June, he expanded on the reasons for referring the complaint to the Authority. After presenting details of the item which, he alleged, breached the broadcasting standards and describing the programme's tone as emotive and sarcastic, he repeated the question noted above about what was the item's message for the average viewer.

Responding to TVNZ's Complaints Committee's decision, he made the following points:

- i) Individual research, not accepting the findings of others, was required for a programme about a complex issue such as gun control.
- ii) TVNZ's answer showed that, even now, it did not understand the Bill fully and its understanding had been insufficient for an item last November.
- iii) TVNZ's justification that the portrayal of inaccurate and misleading material could be described as "generic", he said, did not make something "correct" if it was "incorrect".
- iv) He was not, as TVNZ claimed, preoccupied with semi-automatics but with accuracy and was disturbed that TVNZ did not share that preoccupation.
- v) He welcomed public debate on gun control, but:

What I do demand from TVNZ however is that any such discussion is factual, accurate and balanced. Since the consequence of badly thought out firearms legislation is a large



rise in armed crime I do not believe it is too much to expect TVNZ to be equally responsible in fulfilling its obligations towards the New Zealand public.

TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. It sent the complainant's comments on 18 June and TVNZ's reply is dated 8 July 1992.

TVNZ pointed out that Dr Beltowski's complaint had been assessed under eight standards of the Television Code of Broadcasting Practice as they matched the issues raised in his original letter of complaint. Now, TVNZ added, Dr Beltowski identified a further seven standards and it submitted that the Authority should not consider them during the review.

TVNZ began:

At the outset we would make the general comment that no television news organisation can hope to cover every aspect of a complex piece of legislation as appears to be the expectation of the complainant. It is the most newsworthy and significant changes in prospect which will inevitably receive attention. This is not only the news medium's role but also the public expectation. In the case in question the main issue was whether the legislation went as far as had been promised earlier.

It then dealt with a number of the specific points raised in the referral and expressed the opinion that the average viewer, after watching the programme, would have concluded that the legislative proposals did not match the Minister's earlier undertakings. It continued:

That was the main issue - not the fine detail of the clauses or what firearm depicted was capable of doing what or being used for what purpose.

After responding to Dr Beltowski's comments about its Complaints Committee's decision and maintaining that the item did not breach the standards, TVNZ responded to the five points noted above which had been raised by Dr Beltowski when referring his complaint to the Authority.

- i) Arguing that the print medium resist being identified with electronic journalism, TVNZ said that similar conclusions, rather than the herd instinct, reflected the independent meeting of minds working from similar evidence.
- ii) As the alleged "gross" errors were not identified, TVNZ argued that it was a matter of interpretations and the item's focus which were disputed.



- iii) While not disagreeing that the weapons shown did not totally correspond with the weapons with which the legislative proposal dealt, TVNZ maintained that the voice over correctly described the issue.
- iv) TVNZ expressed its belief that accuracy was not compromised by the item.
- v) The item, TVNZ argued, contributed to Dr Beltowski's desire for well thought-out firearms legislation.

TVNZ concluded:

Finally, we would comment that this complaint, like so many other news oriented complaints, has the appearance of dissatisfaction with the messenger whereas it is the message that upsets. In this case it is the weakness of the legislation when measured against what had been promised. We would submit that no standards provisions were breached in bringing such factors to the public's attention through the joint vehicle of reporter outline and probing interview.

Dr Beltowski's Final Comment to the Authority

When asked to comment on TVNZ's reply, in a letter received on 4 August 1992, Dr Beltowski noted that TVNZ was attempting to limit the number of standards that the item had breached by distilling incorrectly the issues raised in the complaint. He maintained that all the breaches which he had alleged should be reviewed by the Authority.

He took issue with TVNZ's argument that it could not be expected to cover every aspect of a complex piece of legislation. He believed that it was the responsibility of the media to analyse accurately and present clearly complex information to the public. Dr Beltowski expressed the view that TVNZ's poor understanding of the proposed legislation meant that "uninformed opinion" was being passed as fact.

Dr Beltowski claimed that the interview with the Minister (Hon. John Banks) lacked balance and objectivity because of the adversarial style of the interviewer and, further, that Mr Barber (the licence holders' representative) was denied the opportunity to present his case because of the number of interruptions by Mr Holmes.

The complainant also took issue with the fact that the semi-automatic military style rifle was not accurately depicted on the programme. A fully-automatic was fired and he described that as both deceptive and misleading.

He concluded by commenting that TVNZ should be offering objective and well researched factual reporting of the issues.

