

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 135/93
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Dated the 29th day of October 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of complaints by

DAVID LONG
of Upper Hutt

and

GORDON STANLEY
of Wellington

and

BETTY SINGE
of Lower Hutt

Broadcaster
TELEVISION NEW ZEALAND
LIMITED

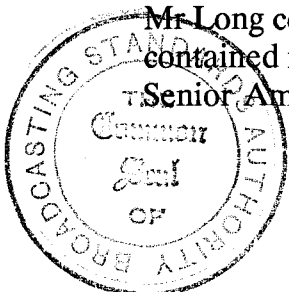
I.W. Gallaway Chairperson
J.R. Morris
R.A. Barraclough
L.M. Dawson

DECISION

Introduction

"Tunnel" was the title of a segment of the programme *Heroes* broadcast by Channel Two at 7.30 - 8.00pm on 7 June. It dealt with the efforts to rescue some youths from a tunnel in Khandallah in 1964 who were unconscious because of escaping gas.

Mr Long complained to Television New Zealand Ltd that, among other matters, the item contained numerous factual inaccuracies and omissions and that it had been unfair to the Senior Ambulance Officer (Sidney Barlow) who had died during the rescue attempt.



Mr Stanley complained that the one reference to the Ambulance Officer who died (Sidney Barlow) was "appalling" and, by almost ignoring the efforts of the Fire and Ambulance Services, the programme was inexcusably inaccurate.

Noting that she was the only stepdaughter of Senior Ambulance Officer Sidney Barlow who died during the rescue, Mrs Singe complained that the poorly researched broadcast was grossly inaccurate by not reporting the major role played by her stepfather.

Accepting that the item did not appropriately acknowledge Mr Barlow's role, TVNZ upheld that aspect of the complaint and arranged for the broadcast of an acknowledgment of his part in the rescue on a later episode of *Heroes*. Pointing out that the series, *Heroes*, focussed on the courage and gallantry of citizens rather than professionals, TVNZ declined to uphold the other aspects of the complaints. Dissatisfied both with the action taken on the aspect of the complaint which was upheld and that the other aspects of the complaint were not upheld, the complainants referred their complaints to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

Decision

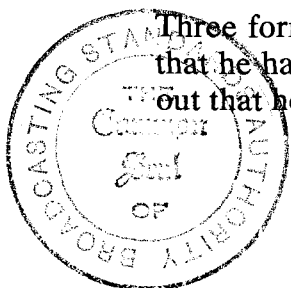
The members of the Authority have viewed both the item complained about broadcast on 7 June and the acknowledgment of the role of professionals such as Sidney Barlow broadcast by TVNZ on an episode of *Heroes* on 9 August 1993. They have also read the correspondence (summarised in the Appendices). Despite Mr Long's request for a formal hearing to decide whether or not the programme was a documentary, in view of the quantity and comprehensiveness of the material received, the Authority is satisfied that a formal hearing would not be of significant benefit to it and has followed its usual practice of determining the complaint without a formal hearing.

The Programme

One segment of the programme *Heroes* broadcast on 7 June dealt with a disaster in Khandallah in June 1964. Three youths who were exploring a tunnel were overcome by what was, subsequent to the tragedy, found to be coal gas fumes. The rescue effort had initially involved parents and neighbours, then the police, ambulance and fire officers. Two of the youths, Wayne Niven and Lance Voss, died because of the fumes as did Senior Ambulance Officer Sidney Barlow. Ten of those involved in the rescue were admitted to hospital and some were awarded medals for bravery. Mr Barlow was awarded a Queen's Commendation for Bravery posthumously, and the funerals for the three victims were described in a newspaper account supplied to the Authority, as some of the biggest seen in Wellington for some time.

The Complaints

Three formal complaints about the programme were made to TVNZ. Mr Long noted that he had worked for the Wellington Free Ambulance Service since 1981 but pointed out that he was not writing as a participant in the rescue as he was only four years of age



at the time. His reason for the complaint was not personal. Because the programme was made with the help of the television licence fee, he stated, he expected the rescue to be portrayed accurately. However, the item's achievement, he stated, was "to misinform viewers and malign the efforts of those involved".

Mr Stanley expressed concern that the "efforts of the Fire and Ambulance Services were almost totally ignored". He was appalled at the brief reference to Senior Ambulance Officer Barlow and considered that the "scant regard ... paid to an ambulance officer who was commended for brave conduct" would have been harrowing for the family. He also referred to the efforts of the fire and ambulance officers involved who had shown a high degree of devotion to duty and whose bravery had been acknowledged in a number of ways but those matters had not been dealt with adequately in the programme.

Reporting that she was the stepdaughter of Mr Barlow, Mrs Singe argued that the broadcast disclosed a lack of research. She recorded in some detail the events which resulted in her stepfather's death but complained that her memories were now discredited because of the way the events had been portrayed. Contrary to the item which was broadcast, she said, her stepfather "was one real life hero who gave up his life trying to save that of another". His memory, she added, "should have been respected with dignity".

The Standards Allegedly Breached and Details of the Complaints

Mr Long listed a number of standards in the Television Code of Broadcasting Practice which, he alleged, were breached by the broadcast. They were standards G1, G3, G4, G7, G11(i), G14, G19 and G21. The first five require broadcasters:

- G1 To be truthful and accurate on points of fact.
- G3 To acknowledge the right of individuals to express their own opinions.
- G4 To deal justly and fairly with any person taking part or referred to in any programme.
- G7 To avoid the use of any deceptive programme practice which takes advantage of the confidence viewers have in the integrity of broadcasting.
- G11 To refrain from broadcasting any programme which, when considered as a whole:
 - (i) Simulates news or events in such a way as to mislead or alarm viewers.

The other three read:

- G14 News must be presented accurately, objectively and impartially.
- G19 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.

G21 Significant errors of fact should be corrected at the earliest opportunity.

He said that the following aspects of the programme breached the standards and he nominated the relevant standards he claimed were contravened by each aspect. (These details are contained in Appendix I). Factual inaccuracies were:

- a) Ambulance staff wearing St John's Ambulance uniforms rather than those of the Wellington Free Ambulance service.
- b) As ambulance officers at the time were not equipped with breathing apparatus, they would not have "donned air tanks" as the item stated.
- c) The air tanks shown were not the equipment used by the Wellington Free Ambulance at the time.
- d) The record of events following the arrival of the fire and ambulance services was an "inaccurate simplification of events".
- e) Ambulance staff would not have been given orders by fire officers as portrayed.
- f) As another tunnel entrance was found through the use of council records, it was incorrect to report that it was located by searching.
- g) The fan was used to "suck air out" not to blow air in as alleged.
- h) An ambulance officer (incorrectly wearing a St John's uniform) was seen coming out of the entrance - which was not historically accurate - and reported to a fire service officer which would not have happened as his own superintendent was present.
- i) The voice over at this stage commented:

An unconscious Ambulance Officer was blocking the main entrance.
Finding another way in became everybody's main hope.

That comment was inaccurate as Mr Barlow collapsed in the tunnel - not at the entrance - and other rescuers were able to move in and out of the tunnel.

- j) An ambulance officer (again wearing the wrong uniform) announced in the item that he had just heard everyone had got out alive which would have been most unlikely as the Ambulance Superintendent at the time knew that service personnel were still in the tunnel.

- k) There was no mention of Mr Barlow's award or the award to Mr Varley of the Fire Service.



- l) The comment "Ambulance Officer Sidney Barlow also died" was an inadequate tribute.
- m) In view of the subsequent concern for assigning responsibility, it was later ascertained, contrary to the item's comment, how the coal gas had leaked into the tunnel which contained only a water pipe.
- n) Ten patients were taken to hospital for treatment and the item's mention of seven in total misrepresented the facts.
- o) Whereas the item referred to coal gas in the tunnel on a number of occasions, at the time it was not known why the people in the tunnel had collapsed which explained why a number of service personnel, including the usually cautious Mr Barlow, entered the tunnel.
- p) The tunnel as depicted in the item did not adequately record the difficulties, because of the flanges, experienced by the rescuers in the real tunnel.
- q) The item gave the impression that the total time involved for the rescue was three hours whereas, in fact, it took more like four to five hours.
- r) Inadequate attention was given to the number (30-40) of fire and ambulance officers involved.

Mr Long concluded:

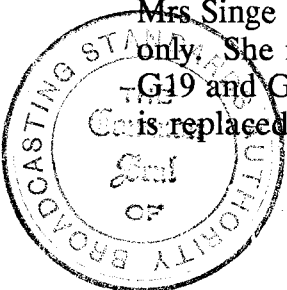
This was a large event of many hours duration that claimed the lives of two children and an ambulance officer. It affected and will affect those involved and the family of Sid Barlow for the rest of their lives. The 29th anniversary of this event was 7 days after the screening of "Heroes". I can only begin to imagine how the inept, unbalanced, unresearched, inaccurate treatment of the event has affected them.

A full remake screened at primetime or a significant advertised public apology reflecting the true historical events is, I believe, the only redress.

Apart from referring to the efforts of one named Ambulance Officer to save Mr Barlow, Mr Stanley's complaint did not include the detail contained in Mr Long's. He accepted the standards nominated by TVNZ under which it assessed his complaint. They were standard G4 (noted above) and standard G6 which requires broadcasters:

G6 To show balance, impartiality and fairness in dealing with political matters, current affairs and all questions of a controversial nature.

Mrs Singe declined TVNZ's suggestion that her complaint raised standards G1 and G4 only. She requested that it be assessed under standards G1, G3, G4, G9, G11(i), G14, G19 and G21. They are all recorded above under Mr Long's complaint except that G7 is replaced by G9 which requires broadcasters:



- G9 To take care in depicting items which explain the technique of crime in a manner which invites imitation.

As noted in the previous section, Mrs Singe in her complaint expressed dismay that her stepfather's heroism was insufficiently acknowledged. Instead of providing the detail which Mr Long had included in his complaint, she attached a number of newspaper clippings which recorded the events. She was particularly disturbed by the comment in the broadcast to the effect that "a dead ambulance officer was slumped over the pipe at the entrance to the tunnel which was hampering the rescue operation".

TVNZ's Response to the Complaints

TVNZ acknowledged to each complainant that both it and the producer of the programme from Communicado agreed that Mr Barlow's heroism had been inadequately reflected in the item. That aspect, for which TVNZ expressed regret, was upheld as a complaint under the standard G4 requirement that people referred to be dealt with fairly. Mr Barlow's gallant actions had been overlooked, TVNZ continued, because of the emphasis in the series on the heroism of civilians who found themselves unexpectedly in dangerous situations.

The programme's producer had advised TVNZ that the action to correct the breach would involve a further reference to the Khandallah tragedy in a later episode of *Heroes* in which Mr Barlow's gallantry and his links to the Wellington Free Ambulance Service would be acknowledged. The matter was summarised in this way by TVNZ in its report to Mr Long:

Because this story similarly highlighted civilian valour at Khandallah the work of the professional emergency services was understated to the point where Mr Barlow's brave actions were not properly recognised. This consequence was entirely unintentional and has caused dismay to the programme makers.

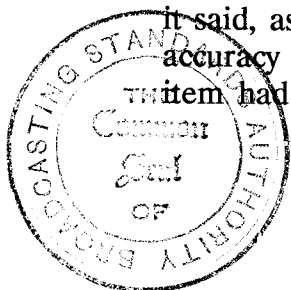
TVNZ proceeded to describe the series:

Heroes is not intended to be a series of historical documentaries. It strives through the use of dramatic reconstructions to capture the spirit of the act of heroism which is depicted.

It made the following analogy:

[The Complaints Committee] was reminded that films showing the sinking of the "Titanic" have sometimes been criticised by those who were there on points of detail. But nobody criticises these films for failing to grasp the spirit of the occasion when the great liner sunk.

TVNZ accepted that what it described as detail could well be inaccurate. Such matters, it said, as incorrect uniforms or wrong equipment did not amount to a breach of the accuracy standard in a dramatic reconstruction. Maintaining that the research for the item had involved reading a large number of press clippings from the time, TVNZ



argued that the programme overall, other than being in breach of the fairness requirement in regard to Mr Barlow, had depicted accurately the tragedy and the heroism of the civilians involved. The accuracy requirement in standard G1, TVNZ maintained, was not contravened.

As part of the accuracy complaint, Mr Long and Mrs Singe had both referred to the reference to the unnamed ambulance officer blocking the entrance. In its reply to Mrs Singe, TVNZ noted the script said:

"An unconscious ambulance officer was blocking the main entrance. Finding another way in became everybody's main hope."

It commented:

While not wishing to exacerbate your dismay the [Complaints] Committee heard that this information was strictly true. Although Mr Barlow was a long way in, the effect was that rescuers using the main entrance were thwarted.

The point had been taken into account when the standard G4 complaint had been upheld on the basis:

The [Complaints] Committee however accepts that by mentioning that Mr Barlow was blocking the tunnel without any reference to his undoubted bravery, an unsatisfactory overall impression of his role was given. This comes back to Code G4, on which the [Complaints] Committee upheld your complaint.

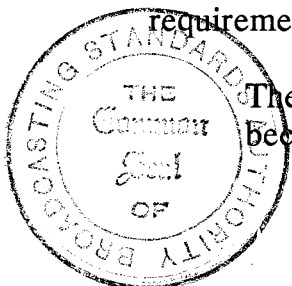
The standard G3 requirement to acknowledge the right of individuals to express their opinion was met in a programme about civilian heroism by speaking to the civilian survivors and participants. TVNZ pointed out that the programme was a short television item - not a feature film - and believed that the appropriate amount of research had been undertaken.

As it was unable to detect any deceptive programme practice, TVNZ declined to uphold the standard G7 complaint. Because no technique of crime was explained, it declined to uphold the standard G9 complaint. Arguing that the programme would not alarm anyone and only would mislead in relation to Mr Barlow's role (dealt with under standard G4), TVNZ decided that standard G11(i) was not contravened.

Finally in relation to the complaints from Mr Long and Mrs Singe, TVNZ observed that because standards G14, G19 and G21 only applied to news, current affairs and documentaries and that the item on *Heroes* did not fall into any of these categories, those standards were not relevant.

Mr Stanley's complaint was assessed under standard G4 and under the balance requirement in standard G6 and, TVNZ recorded:

The [Complaints] Committee did not feel that, overall, the item was unbalanced because it set out with the purpose of showing the heroism of the civilians



involved. The [Complaints] Committee felt sure you agree that their heroism deserved such recognition and that the spirit of the occasion was accurately reflected.

In conclusion, TVNZ advised each complainant that the episode of *Heroes* complained about had dealt with Mr Barlow unfairly in contravention of standard G4 by overlooking his act of heroism. TVNZ approved the action planned by the programme's producer to broadcast an acknowledgement of Mr Barlow's role in a forthcoming episode of *Heroes*.

The Referral of the Complaints to the Broadcasting Standards Authority

When Mr Long referred his complaint to the Broadcasting Standards Authority he expressed his concern about the way his complaint was handled, about TVNZ's decisions not to uphold his complaint under the nominated standards and about the proposed remedial action. In regard to the standards against which TVNZ had declined to uphold his complaint, he did not accept that the accurate "reflection" of the spirit of heroism justified the "raft of inaccuracies, deficiencies and fabrications" he had drawn attention to. After pointing to his disagreement with TVNZ on a number of other standards, he asserted that standards G14, G19 and G21 were relevant as the item was a documentary.

Although the promised explanation had not been broadcast at the time of referring the complaint to the Authority, Mr Long expressed doubt that a few comments would suffice to console those affected. Unless a substantial retraction was broadcast, he argued that the appropriate remedy was an accurate broadcast of the total rescue.

Mr Stanley was dissatisfied because of the prominence given to the police officers involved, which he argued, undermined TVNZ's emphasis that the programme was about civilian heroism. He was also dissatisfied at the number of incorrect details in the programme and that neither the survivors in the ambulance and fire services nor their organisations had been contacted before the programme was made.

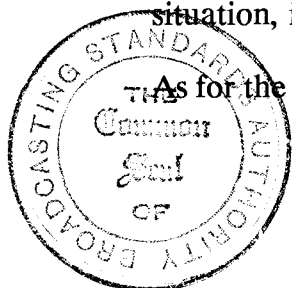
Mrs Singe was also dissatisfied that her complaint had not been upheld on any standard other than G4 and that she had been neither involved in nor told of the explanation which had been broadcast by the time she referred her complaint to the Authority.

TVNZ's Response to the Authority

Dealing first with Mr Long's concern about the process by which his complaint had been dealt with, TVNZ said it had been in contact with the programme's producer (Mr Harris of Communicado) from the time the complaint was first received, not to pre-empt the formal complaints process, but to ensure a prompt response to Mr Long's concerns.

TVNZ expressed its regret that Mr Barlow's role had not been reflected in the original broadcast and felt that while no subsequent reference would completely remedy the situation, it had done its best.

As for the details of the event which had occurred 29 years ago, TVNZ emphasised again



that the programme was principally concerned with reflecting the spirit of the act of bravery being described. Accuracy, it continued, was achieved through reflecting the spirit of the moment.

In regard to Mr Stanley's dissatisfaction that the role of the two police officers had been acknowledged in the item, TVNZ argued:

They were there because they were part of the initial rescue effort and one of them was largely responsible for rescuing the only boy to survive the tragedy. Both the boy and the policeman were available for interview and gave first-hand accounts of what happened (the stuff of which "Heroes" is made). Also, the policeman's actions were inextricably intertwined with the stories of the civilians which the programme concentrated upon.

TVNZ continued to maintain that standards G7, G9 and G11(i), G14, G19 and G21 did not apply. It concluded its letter in reply to Mr Long's complaint:

To conclude we again express our sadness that the role of Ambulanceman Barlow was not properly reflected in the original programme, but point out that everything possible has been done to correct that.

The response to Mr Stanley's complaint recorded:

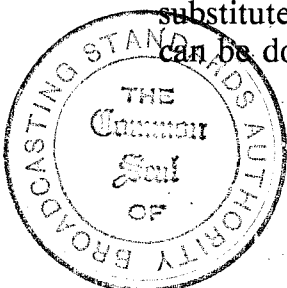
We would just emphasise that we share the concern Mr Stanley has over the failure of the programme initially to recognise and reflect the sacrifice of Ambulanceman Sidney Barlow. We know that the discovery of this omission caused the producer of the programme considerable concern and we believe he acted properly in adding an addendum to the Khandallah story in an Episode of "Heroes" shown earlier this month.

In reaction to Mrs Singe's referral of her complaint to the Authority, TVNZ stated:

With the focus very much on the personal acts of heroism, it is the spirit of the occasion that is so important to capture.

While we are deeply concerned that "Heroes" inaccurately reflected Mr Barlow's role in the Khandallah affair, we have concern too that a finding of inaccuracy, or lack of objectivity in this programme would unfairly reflect on the courage of those whose selfless activities were correctly portrayed.

We are very sorry indeed that the heroic role played by Mrs Singe's late father was overlooked in the production of this item. We recognise that the broadcast has caused pain to Mrs Singe and those close to her - as well as to Mr Barlow's former colleagues. In screening the follow-up - which we acknowledge is a poor substitute for getting it right in the first place - we believe we have done all that can be done to right the situation.



The Authority's Ruling

The Authority first dealt with a number of procedural points raised by the complaints. In regard to Mr Long's concern that TVNZ might have tried to deflect the complaint, the Authority observed that this was not a matter of broadcasting standards but, nevertheless, accepted TVNZ's explanation that its actions had been motivated by a desire to respond promptly to Mr Long.

(i) The appropriate standards

The heading of the section in the Television Code of Broadcasting Practice containing standards G14, G19 and G21 reads "News, Current Affairs and Documentaries". Denying that the programme fell into any of these categories, TVNZ declined to deal with the aspects of the complaints which referred to these standards. Mr Long argued strenuously that the programme was a documentary which dealt with a rescue which occurred in Wellington in 1964.

While acknowledging that the programme contained documentary aspects, the Authority accepted, because substantial parts of the broadcast involved actors re-enacting the events depicted, that a more apt description of the item would be a "dramatic reconstruction". On that basis the Authority decided that the programme did not need to be assessed specifically under standards G14, G19 and G21. The Authority would note, however, that the matters raised by the complaints which refer to these standards were also issues which arose under the standards against which it has assessed the programme.

The Authority also agreed with TVNZ that standards G7, G9 and G11(i) were not relevant but again, it would point out, that the complainants' concerns under standard G11(i) specifically were subsumed into standards G1 and G4.

The standard G6 requirement for balance, impartiality and fairness was nominated by TVNZ only when assessing Mr Stanley's complaint. However, as explained in the standard, it applies only to broadcasts dealing with political matters, current affairs or controversial issues. In view of those limitations, the Authority decided that it did not apply to *Heroes* although it would add that Mr Stanley's concerns were adequately encompassed by standards G1 and G4.

(ii) The unfairness aspect of the complaints upheld by TVNZ

The Authority endorsed TVNZ's decision to uphold the complaint under standard G4. The programme, particularly the comment about the unconscious ambulance officer blocking the entrance to the tunnel, did not deal fairly with Senior Ambulance Officer Sidney Barlow. Even accepting TVNZ's argument that the series focussed on acts of civilian heroism, the Authority decided that the death of a professional in a valorous situation could not be glossed over as had occurred.

The script of the acknowledgment in the programme broadcast some two months after the one complained about referred at first to the police, ambulance and fire officers



whose acts of bravery, because expected, were overlooked. It then mentioned Sidney Barlow, an officer with the Wellington Free Ambulance Service who, during the Khandallah "tunnel disaster" in 1964:

... gave his life trying to save two boys who were overcome by leaking gas. Mr Barlow gave oxygen to the boys and chose to stay with them rather than get out of the tunnel and save his own life.

Mr Barlow, it added, was given the Queen's Commendation for Brave Conduct as was Fire Officer Derek Varley.

Taking into account TVNZ's point that a later reference could never totally repair the damage done by the original broadcast, the Authority was of the opinion that although a substantial effort had been made, the broadcast was insufficiently related to the acknowledged breach of broadcasting standards that had occurred in the "Tunnel" item of *Heroes* broadcast some two months earlier. The later broadcast began by paying a general tribute to the unacknowledged heroism of professionals and then made particular reference to Mr Barlow's (and Mr Varley's) heroism in the tunnel incident which had featured on the programme some weeks earlier.

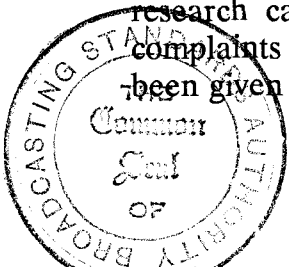
Unlike other viewers, members of the Authority were able to watch on tape the "Tunnel" item and then, immediately, the later broadcast which was designed to remedy the unfairness to Mr Barlow. Even in those circumstances, however, the connection between the two broadcasts was unclear. Specifically the absence of a clear reference to the reason for the later broadcast made it seem disjointed and incongruous. An apology or some acknowledgement of the flaw in the original programme would have assisted. Furthermore, the complainants' correspondence suggested that they had not been advised of the date of the programme during which the correction would be broadcast. Because of the lack of any suitable link between the two items, the Authority upheld the complaints about the unsatisfactoriness of the action taken by the broadcaster in response to the original complaints which were upheld.

(iii) The accuracy aspect of the complaints

Two of the complainants also argued that the programme's treatment of Mr Barlow breached the accuracy requirement in standard G1.

Emphasising again that Mr Barlow died as a result of the disaster and, as the newspaper reports from the time disclosed, his heroic actions formed a substantial part of the tragedy, the Authority, as well as endorsing TVNZ's decision on the unfairness aspect of the complaint, in addition upheld the complaints that the way the programme dealt with Mr Barlow's actions and his death breached both the accuracy requirement in standard G1.

The complaints alleged that those breaches had occurred because of the insufficient research carried out by the programme's producer. Aligned to this aspect of the complaints was the concern that the roles of the ambulance and fire services had not been given sufficient attention.



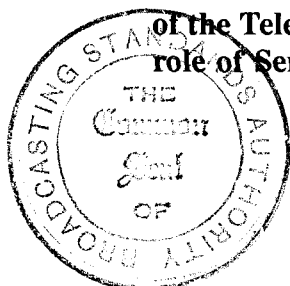
In dealing with those aspects of the complaint, the Authority noted that the item was relatively brief and the programme producer was justified in taking the approach which highlighted the relevant issues. The question about research would appear not to be about its extent but the use to which it was put. The item breached standard G1 because it dealt with Mr Barlow's role both inadequately and insufficiently, but the Authority did not uphold any of the other aspects of the complaints which referred to the item's research or its focus.

A number of points such as uniforms, equipment and chain of command were raised by Mr Long, principally on the basis of a breach of the standard requiring accuracy. In response, TVNZ said that the acknowledged inaccurate details did not amount to a breach of the standard provided the item correctly reflected the heroism of the occasion. In view of the brevity of the item, the Authority was prepared to accept that as the inaccuracies were not central to the story, that as the events occurred almost 30 years ago and because most viewers would have been unaffected by such inaccuracies, they did not amount to breaches. It was prepared to include in the category most of the points (a) to (r) above in Mr Long's complaint. The Authority also agreed with TVNZ that the accuracy requirement imposed an obligation on the programme to reflect the heroism correctly. In view of its conclusion above, that Mr Barlow's heroism was not accurately reflected, the Authority repeats its finding that the item breached the accuracy required in standard G1 of the Code.

Dealing specifically with Mr Stanley's points not covered above, the Authority did not accept that the service personnel generally had been treated with contempt. Its conclusion about the way the item dealt with Mr Barlow specifically is recorded above as is its opinion about the later broadcast. It acknowledged that the seemingly minor role of the service personnel depicted would have been more readily understood if the programme's promotion had referred to its emphasis on civilian heroism. In determining this aspect of the complaint, the Authority was of the view that while the programme makers might have it firmly fixed in their minds that *Heroes'* purpose is to celebrate unsung civilian heroes, that narrow focus might not be apparent to casual viewers who were likely to accept what they saw on-screen as a true portrayal of what happened. However, the Authority decided that a lack of knowledge by some viewers of the programme's stance and the lack of contact with surviving fire and ambulance personnel and their families, while unfortunate and subject to justified criticism, was not overall so serious as to amount to a breach of standard G4.

Mrs Singe expressed her dismay that she was not contacted by the makers of the programme before it was broadcast. As those matters did not raise issues of broadcasting standards, the Authority declined to rule on them. Mrs Singe's specific concern about the comment in the item about "an unconscious ambulance officer blocking the entrance" has been addressed above.

For the reasons set forth above, the Authority upholds the complaints from Mr Long and Mrs Singe that TVNZ's broadcast of *Heroes* on 7 June 1993 breached standard G1 of the Television Code of Broadcasting Practice in that it did not accurately present the role of Senior Ambulance Officer Barlow.




The Authority also upholds the complaints from Mr Long, Mr Stanley and Mrs Singe that the action taken by TVNZ, having upheld the complaints as a breach of the fairness requirement in standard G4, was insufficient.

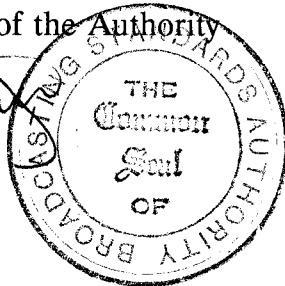
The Authority declines to uphold any other aspects of the complaints.

Having upheld a complaint, the Authority may impose an order under s.13(1) of the Broadcasting Act. It does not intend to do so on this occasion as both TVNZ (the broadcaster) and Communicado (the production house which made the programme) have dealt with the complaints responsibly, have been sincere in their expressions of regret and have broadcast an explanation which, while not wholly satisfactory, nevertheless made an effort to remedy the damage caused by the unfairness of the item as broadcast initially to Senior Ambulance Officer Barlow.

Despite the decision not to impose an order, the Authority would express its concern that the complainants were not advised of the date of the broadcast which tried to alleviate the damage caused by the original broadcast. It is firmly of the view that when a broadcaster decides to broadcast a correction in response to a complaint, the complainant should be advised of the date and time of the intended broadcast.

Signed for and on behalf of the Authority


Iain Gallaway
Chairperson



29 October 1993

Appendix I

Mr Long's Complaint to Television New Zealand Limited

In a letter dated 25 June 1993, Mr David Long of Upper Hutt complained to Television New Zealand Ltd about the segment entitled "Tunnel" of the programme *Heroes* broadcast on Channel 2 from 7.30 - 8.00pm on 7 June 1993. The formal complaint to TVNZ followed a number of telephone conversations between Mr Long and staff at Comunicado, the production company which had made the programme complained about.

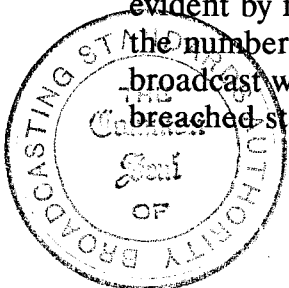
Mr Long's complaint dealt with the programme in some detail and focussed, first, on the accuracy of the re-enactment broadcast in view of the omission of major parts of the rescue, and secondly, on the distress caused by those inaccuracies and omissions. He alleged that different parts of the programme breached standards G1, G3, G4, G7, G11(i), G19 and G21 of the Television Code of Broadcasting Practice. He attached reports prepared at the time from Major Gordon Stanley of the Wellington Free Ambulance Service to his chairman, and from Ambulance Officer Raymond Edwards to the police and to the coroner.

Although not alleging any major inaccuracies, Mr Long said that his enquiries disclosed that few of the ambulance or fire officers involved in the rescue had been contacted, that the uniform worn by the ambulance staff portrayed was not that of the Wellington Free Ambulance Service who attended the scene, but that of St John's, and that ambulance staff were not trained or equipped to wear breathing apparatus as claimed in the item. Furthermore, the statement about fire and ambulance staff "donning air tanks" was an inaccurate simplification of events. Mr Long maintained that these points breached standards G1, G3, G4, G11(i), G14 and G19.

The next aspect of his complaint dealt with his broadcast statement in which a fire officer ordered two ambulance staff to find another entrance to the tunnel. Referring to the events on the night of rescue and the command structures involved, Mr Long said the statement would never have been made and would not have been supported by the research. It contravened standards G1, G3, G4 G11(i) and G14.

As for the part of the item which referred to an unconscious ambulance officer blocking the main entrance, Mr Long pointed to a number of inaccuracies and alleging that it misrepresented events and maligned the ambulance officer concerned (Sidney Barlow), said that it breached standards G1, G3, G4, G7, G11(i), G14, G19 and G21.

The scene in which an officer in a St John's uniform said "everyone's got out alive", also lacked credibility, commonsense and research. Moreover, scant research was evident by not referring to all those involved who had received awards for gallantry or the number of people taken to hospital. These points, along with the comment in the broadcast which claimed that no-one knew why the coal gas leaked into the tunnel, breached standards G1, G3, G4, G11(i), G14 and G19.



Further, as it was not acknowledged that the tunnel contained gas until 10 - 14 days after the accident, the frequent references to the coal gas in the tunnel breached standards G1, G11(i) and G19. The tunnel depicted gave a wrong impression about its size in contravention of standard G11(i). The inaccurate depiction of the time involved in the whole event, Mr Long added, breached standards G19 and G11(i) and the unfair treatment of the many fire and ambulance rescues breached standards G1, G3, G4, G7, G14 and G21 as well as G19 and G11(i).

Mr Long concluded:

This was a large event of many hours duration that claimed the lives of two children and an ambulance officer. It affected and will affect those involved and the family of Sid Barlow for the rest of their lives. The 29th anniversary of this event was 7 days after the screening of "Heroes". I can only begin to imagine how the inept, unbalanced, unresearched, inaccurate treatment of the event has affected them.

I am aware TVNZ did not make the programme. I am aware that it was shown in good faith.

A full remake screened at primetime or a significant advertised public apology reflecting the true historical events is, I believe, the only redress.

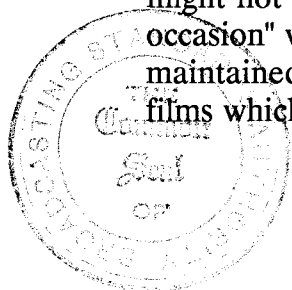
TVNZ's Response to the Formal Complaint

TVNZ advised Mr Long of its Complaints Committee's decision in a letter dated 23 July 1993. It reported that the complaint had been considered under the standards that he had nominated.

Noting that it had received three complaints about the programme, TVNZ said the main issue was whether Mr Barlow had been depicted fairly. It decided that he had not and as a correction, it was planned to refer to the Khandallah tragedy in a later episode of *Heroes*. TVNZ regretted any anguish the oversight might have caused.

The omission had occurred, TVNZ continued, as the heroism of civilians had been emphasised in the series. Because civilian valour had been highlighted at the Khandallah rescue, Mr Barlow's actions were not properly recognised in contravention of standard G4.

As for the accuracy aspects of the complaint, TVNZ said that newspaper files and the recollection of the civilians involved provided sufficient information. The programmes in the series *Heroes* were not historical documentaries but strived to capture the spirit of the act of heroism involved. Accordingly, although the detail might not be strictly accurate, the atmosphere, tension, fear and the "spirit of the occasion" were accurately conveyed. Thus incorrect uniforms or equipment, it maintained, did not amount to a breach of the code. An analogy was drawn with films which reconstructed wartime events which although they might be faulty on



detail, nevertheless accurately reflected the action involved.

Summarising its views about the complaint alleging inaccuracy, TVNZ wrote:

While [TVNZ] believes that overall the depiction of this tragedy and the heroism of the civilians involved was accurate and that therefore Code G1 had not been breached, it has asked the producer of "Heroes" to include in his forthcoming reference to the tragedy an acknowledgment that the Wellington Free Ambulance was involved in the rescue attempt.

Assuming that the G3 contravention was claimed as various officers had not been contacted, TVNZ repeated that the series focussed on civilian heroism and that the research for "Tunnel", a short item, was sufficient. As there was no evidence of any deceptive programme practice, it denied that standard G7 had been breached and as viewers were not misled about Mr Barlow's role, there had been no breach of standard G11(i). Further, as standard G14, G19 and G21 applied to news and current affairs - not dramatic reconstruction - they were irrelevant. TVNZ concluded:

In summary, [TVNZ's] Complaints Committee upheld the complaint as a breach of Code G4 and expressed its sorrow that Mr Barlow's act of heroism had been overlooked.

Mr Long's Complaint to the Broadcasting Standards Authority

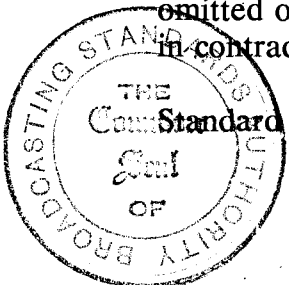
Dissatisfied with TVNZ's decision, in a letter dated 1 August 1993 Mr Long referred his complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989. He divided his complaint into three sections: the way the complaint was handled; TVNZ's decision on his formal complaint; and the promised remedial action.

The first part, the way the complaint was handled, dealt with the actions of the company producing the series and its initiatives which, to Mr Long, seemed to indicate insufficient liaison with TVNZ or TVNZ's use of the production company to avoid having to take responsibility.

As for TVNZ's decision on the formal complaint, Mr Long pointed out that the "raft of inaccuracies deficiencies and fabrications" raised in his complaint had been dismissed as "fine detail" and subservient to the series' theme of heroism. Mr Long, in opposition, concluded that more than "fine detail" was missing and that the rescue's spirit had not been accurately reflected.

As TVNZ had not advertised the programme as a re-enactment of the tragedy from a civilian perspective (although it had included the efforts of two policemen but had omitted other professionals) Mr Long argued that the item had been inaccurate and in contradiction of standard G3.

Standard G7 was breached by the use of trick photography to depict a re-enactment



and thus, he maintained, was relevant as a ground for his complaint. Because viewers were misled about much of the event, standard G11(i) was breached. Mr Long also argued that the standards which applied to news and current affairs were also relevant (G14, G19 and G21) as the programme was described as "actual rescues" and not as "a good story that loosely fits the facts" The item was a documentary, he insisted, but as it had been edited to emphasise the actions of some at the expense of others, it contravened standards G14 and G19.

As for the proposed remedial action, the third aspect of his referral, Mr Long said it appeared to amount to little more than a mention of Mr Barlow and the role of the Ambulance Service which would not compensate for the inaccuracies in the programme about the tragedy. He concluded:

If "Heroes" is deemed to be able to edit factual events as dramatised impressions, then a more substantial retraction and remedial action is required for what was shown. If not able, then the whole rescue must be accurately told.

Cynics will say (and have) you cannot believe anything you see on TV anyway. Several of those involved are of this view and so have not deemed it fruitful to even complain. I would like to believe we can and I await your reply with interest.

In the Authority's Complaint Referral Form dated 18 August and completed after the remedial broadcast on 9 August, Mr Long expressed the view that it did not correct the impression left with the viewers of the original programme. In the Form, he also argued for a formal hearing to decide whether or not *Heroes* was a documentary bound by standards G14 - G21.

TVNZ's Response to the Formal Complaint

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 19 August 1993 and TVNZ's reply, 23 August.

TVNZ dealt with some procedural matters initially and said that Mr Long's verbal complaint to TVNZ on the night of the broadcast had been redirected to the programme's makers as, in accordance with TVNZ's policy to do all it could to assist callers, they were most able to deal with his concerns. Secondly, the programme makers had not tried to pre-empt the formal complaint process. The makers had recognised the deficiency and had been trying to take remedial action at the same time as TVNZ was considering the formal complaint. TVNZ added:

It is our belief that the Authority would not wish broadcasters to delay action to remedy detected shortcomings until the formal complaints process is complete.

Turning to the series as a whole, TVNZ argued that it was concentrated on telling



tales of personal bravery. In dealing with the Khandallah tragedy, Senior Ambulance Officer Barlow's sacrifice was overlooked because of the focus on other individuals. Expressing regret for the omission, TVNZ thought that the reference in a later programme had "gone some way to put it right". It repeated its arguments that the dramatised re-creations were made with the intention of reflecting the bravery of those involved.

It continued:

A series like this would be prohibitively expensive were it to employ the amount of research work necessary to ensure absolute historical accuracy in every detail. We believe accuracy is achieved through reflecting the spirit of the moment.

We understand that this is a difficult concept for Mr Long to grasp. He, it is assumed, was linked with emergency services at the time the tragedy occurred. Many of those working on this programme were either not born then, or were still in primary school.

The programme properly spoke to a number of people who were involved in the rescue attempt and, relying on their imperfect memories and the inconsistent newspaper clippings of the day attempted to tell a story of gallantry in the face of extreme danger.

The act of heroism described in the programme is accurate.

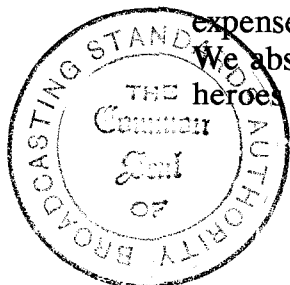
With regard to the G3 complaint, TVNZ said that the item had referred to the two police officers involved as they were involved in the initial rescue effort which had saved the only boy who survived. Further, both the boy and the police officer were available for interview and to give first hand accounts.

As no deceptive practices were involved, TVNZ maintained that G7 was not involved. As Mr Long did not appreciate the nature of the programme, he had complained, incorrectly, under standard G11(i). As the series was not a documentary "in the accepted sense of that word", standards G14, G19 and G21 did not apply. TVNZ added:

On page 3 of Mr Long's letter to the Authority he makes an observation to which we would like to respond. He says "this programme was blatantly and deliberately edited (at their admission) to emphasise and depict particular individuals at the expense of others".

Yes, we did focus on particular individuals - that is what "Heroes" is all about.

But Mr Long's choice of words "blatantly and deliberately edited ... at the expense of others" suggest some malice on the part of the programme makers. We absolutely deny such a motive. The programme was simply celebrating heroes and although we deeply regret not mentioning Mr Barlow's sacrifice,



there were many other brave and willing workers that night who were not mentioned either. To mention everyone - even just the main characters in this event - would have made the story hopelessly confusing for viewers 29 years on and more importantly it would have made it impersonal. The emphasis was mainly on unpaid, unprepared civilians and on those instrumental in saving the only survivor.

Expressing again its regret that Mr Barlow's role was not properly reflected in the original programme, TVNZ said that "everything possible has been done to correct that". It stated:

With respect to Mr Long, viewers knew there were professional fire and ambulance officers there. There was no need to show them in greater numbers than we did and we submit that failing to show the full extent of the broader activities of the rescue services did not make the personal story being told inaccurate or unbalanced. It is similar to telling one person's story during a war; it is not necessary in such circumstances to say what everybody else was doing.

Mr Long's Final Comment to the Authority

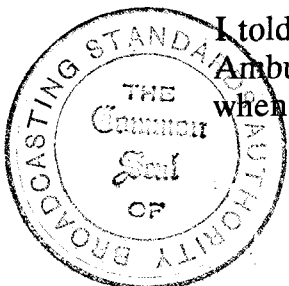
When asked to respond to TVNZ's comment, in a letter dated 1 September 1993, Mr Long made four points:

- i) He continued to argue that TVNZ's response seemed to suggest that the action by the programme maker was designed to pre-empt TVNZ's action on the formal complaint.
- ii) He continued to dismiss TVNZ's comment about the inaccuracies, stating:

Productions showing actual people and actual events must have a responsibility to be accurate.
- iii) Blatant editing, he maintained, occurred at the expense of some of the people involved.
- iv) How could viewers, he asked, know that other professionals were involved when the ambulance officers shown were wearing St John's uniforms - the uniform of a service which was not a professional one.

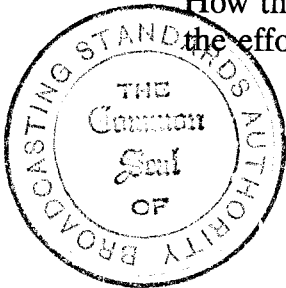
TVNZ, he said, suggested that he was linked with the emergency services at the time of the tragedy. That, he explained, was another example of inadequate research as, he said:

I told them in my formal complaint (page 2) I work for the Wellington Free Ambulance Service. I joined in 1981 at 21 years of age and was nearly FIVE when the Khandallah rescue occurred. My motivation is not personal, I was



not involved, I never knew Sidney Barlow. My motivation is that I want people to be able to believe what they see and hear in informative programmes made at OUR expense. If funding is insufficient to properly cover a rescue as involved and large at the Mt Misery disaster - then don't try. All that has been achieved is to misinform viewers and malign the efforts of those involved.

How that is redressed will be difficult but has certainly not been achieved by the efforts of 9 August.



Appendix II**Mr Stanley's Complaint to Television New Zealand Limited**

In a letter dated 27 June 1993, Mr Gordon Stanley of Wellington complained to Television New Zealand Ltd about an aspect of the programme *Heroes* broadcast at 7.30pm on Channel 2 on 7 June. He recorded that he had been the Superintendent-Secretary of the Wellington Free Ambulance from 1964 to 1979.

The programme about the loss of life in a tunnel in Khandallah in 1964, he said, was inaccurate and had almost totally ignored the efforts of the Fire and Ambulance Services. He described as "appalling" the brief reference to Senior Ambulance Officer Sidney Barlow who had died at the site. Furthermore, there had been no mention of the fire officers who had to be treated at the scene. Not only were fire service personnel angered by the programme, he continued, former and present staff of the Wellington Free Ambulance were treated almost with contempt.

Because of the programme's deficiencies, he argued that a public apology and correction would be appropriate.

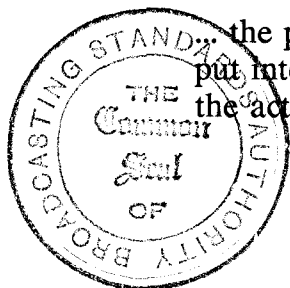
TVNZ's Response to the Formal Complaint

TVNZ advised Mr Stanley of its Complaints Committee's decision in a letter dated 23 July 1993. It reported that the complaint had been considered under standards G4 and G6 of the Television Code of Broadcasting Practice which require that people referred to be dealt with fairly and that a programme be balanced.

Beginning by describing the programme as a series of dramatic reconstructions of events in which civilians, unexpectedly, performed acts of heroism, TVNZ nevertheless had no hesitation in acknowledging that the item about the Khandallah rescue, by not noting the bravery of Mr Barlow, had breached the standard (G4) requiring fairness. TVNZ said that it had been advised by the maker of the programme that the omission had occurred because the incident had been approached from the perspective of the surviving civilians and that the producer, on his own initiative, had decided to refer to Mr Barlow's gallantry and his links with the Wellington Free Ambulance in a later episode. TVNZ believed that action to be correct.

However, as the series focussed on civilian heroism, TVNZ did not believe that the programme was otherwise unbalanced. It acknowledged that some other complainants had drawn attention to some factual inaccuracies in the details depicted but that was not considered to be a breach of the standard as:

the programme is a dramatised version of what occurred where the effort is put into reflecting the atmosphere, the tension and the fear that surrounded the acts of heroism being described.



Furthermore, although it was a series with neither a big budget nor a large research staff, TVNZ maintained that it properly recognised the valour of the civilian heroes portrayed.

Mr Stanley's Complaint to the Broadcasting Standards Authority

Dissatisfied with the substance of TVNZ's response, in a letter dated 10 August 1993 Mr Stanley referred his complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

Mr Stanley expressed the hope that the further reference to the actions of Mr Barlow would help redress the anguish felt by the family. However, he listed three reasons for his dissatisfaction.

First, he was not aware from the published programme notes that the series *Heroes* focussed on civilians and, furthermore, he was unable to reconcile that comment with the emphasis given to the police both in the programme complained about and in others. He continued:

Whilst the programme applauded the efforts made by civilians and police during the emergency the total dismissal of the efforts of fire and ambulance personnel resulted in a lack of balance and impartiality in the television presentation and re-enactment of the event.

As the second reason, Mr Stanley said the item was biased by contacting surviving civilians and by not contacting surviving ambulance and fire officers.

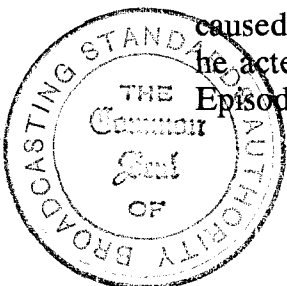
Thirdly, he did not accept that budget restraints excused the many matters of incorrect detail. He ended by observing:

The conclusion reached by those who were present at this emergency was that the item on "Heroes" was not dealt with justly or accurately.

TVNZ's Response to the Formal Complaint

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 17 August 1993 and TVNZ's reply 23 August. TVNZ said that its reply to the Authority about the complaint referred by Mr Long dealt with the arguments raised by Mr Stanley. It added:

We would just emphasise that we share the concern Mr Stanley has over the failure of the programme initially to recognise and reflect the sacrifice of Ambulanceman Sidney Barlow. We know that the discovery of this omission caused the producer of the programme considerable concern and we believe he acted properly in adding an addendum to the Khandallah story in an Episode of "Heroes" shown earlier this month.



In its letter to the Authority in response to Mr Long's complaint, TVNZ wrote:

Turning to the series as a whole, TVNZ argued that it was concentrated on telling tales of personal bravery. In dealing with the Khandallah tragedy, Senior Ambulance Officer Barlow's sacrifice was overlooked because of the focus on other individuals. Expressing regret for the omission, TVNZ thought that the reference in a later programme had "gone some way to put it right". It repeated its arguments that the dramatised re-creations were made with the intention of reflecting the bravery of those involved.

It continued:

A series like this would be prohibitively expensive were it to employ the amount of research work necessary to ensure absolute historical accuracy in every detail. We believe accuracy is achieved through reflecting the spirit of the moment.

We understand that this is a difficult concept for Mr Long to grasp. He, it is assumed, was linked with emergency services at the time the tragedy occurred. Many of those working on this programme were either not born then, or were still in primary school.

The programme properly spoke to a number of people who were involved in the rescue attempt and, relying on their imperfect memories and the inconsistent newspaper clippings of the day attempted to tell a story of gallantry in the face of extreme danger.

The act of heroism described in the programme is accurate.

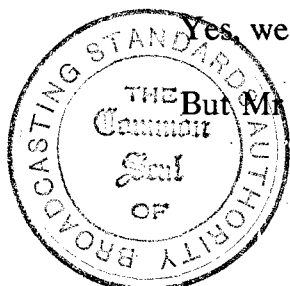
With regard to the G3 complaint, TVNZ said that the item had referred to the two police officers involved as they were involved in the initial rescue effort which had saved the only boy who survived. Further, both the boy and the police officer were available for interview and to give first hand accounts.

As no deceptive practices were involved, TVNZ maintained that G7 was not involved. As Mr Long did not appreciate the nature of the programme, he had complained, incorrectly, under standard G11(i). As the series was not a documentary "in the accepted sense of that word", standards G14, G19 and G21 did not apply. TVNZ added:

On page 3 of Mr Long's letter to the Authority he makes an observation to which we would like to respond. He says "this programme was blatantly and deliberately edited (at their admission) to emphasise and depict particular individuals at the expense of others".

Yes, we did focus on particular individuals - that is what "Heroes" is all about.

But Mr Long's choice of words "blatantly and deliberately edited ... at the



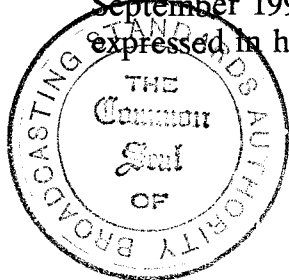
expense of others" suggest some malice on the part of the programme makers. We absolutely deny such a motive. The programme was simply celebrating heroes and although we deeply regret not mentioning Mr Barlow's sacrifice, there were many other brave and willing workers that night who were not mentioned either. To mention everyone - even just the main characters in this event - would have made the story hopelessly confusing for viewers 29 years on and more importantly it would have made it impersonal. The emphasis was mainly on unpaid, unprepared civilians and on those instrumental in saving the only survivor.

Expressing again its regret that Mr Barlow's role was not properly reflected in the original programme, TVNZ said that "everything possible has been done to correct that". It stated;

With respect to Mr Long, viewers knew there were professional fire and ambulance officers there. There was no need to show them in greater numbers than we did and we submit that failing to show the full extent of the broader activities of the rescue services did not make the personal story being told inaccurate or unbalanced. It is similar to telling one person's story during a war; it is not necessary in such circumstances to say what everybody else was doing.

Mr Stanley's Final Comment to the Authority

When asked whether he wished to comment on TVNZ's response, in a letter dated 7 September 1993 Mr Stanley advised that the reply in no way appeased his views as expressed in his letters of complaint.



Appendix IIIMrs Singe's Complaint to Television New Zealand Limited

In a letter dated 14 June 1993, Mrs Betty Singe of Lower Hutt complained to Television New Zealand Ltd about the item called "Tunnel" in *Heroes* broadcast on Channel 2 at 7.30pm on Monday 7 June.

She began by recording that she was the only stepdaughter of Senior Ambulance Officer Sidney Barlow who died in the tunnel in Khandallah to which the incident on *Heroes* referred. She supplied newspaper reports of the incident of the time in view of "the very obvious lack of research" carried out for the programme. Until the broadcast, she said, she had been unaware that the incident was to be dealt with as she had not been consulted. Although she would not have objected to the broadcast had she been asked, she stated that it was absolutely essential that the correct facts be reported.

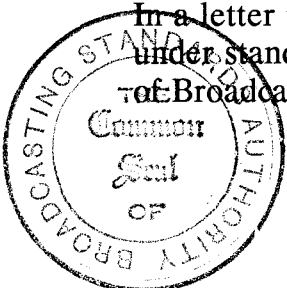
However, the factual discrepancies had been numerous and, most importantly, the programme had not acknowledged, as had the papers at the time, her father's heroism. Contrary to the item's account, her father was not blocking the tunnel's entrance. Rather, he had collapsed well inside the tunnel while trying to rescue one of the boys in the company of a fire officer and had slipped off the pipe while unconscious. Moreover, and again contrary to the item's report, boys had often played in the tunnel.

She described her father as a wonderful and modest person who had died, not to be a hero, but because he went beyond the call of duty in his "devotion to save a life". His death was the first of an officer with the Wellington Free Ambulance Service in 35 years. He was given a hero's funeral and posthumously awarded the Queen's Service medal. She added:

Sadly, now these memories have been discarded and all because of an episode on HEROES that which failed to research the facts properly and present an accurate and true depiction of what transpired that day. That particular episode of HEROES only served to vividly bring back to us the nightmarish tragedy of it all, without any warning or preparation but, far worse than that it was suppressed the true facts and spoilt the memory of my father that was so precious and personal to our family.

Arguing that the item seemed to be based on the vague memories of a few service members and selected members of the public, she said that the situation should be put right by a broadcast which recounted the event accurately.

In a letter to TVNZ dated 1 July 1993, Mrs Singe said that the complaint was made under standards G1, G3, G4, G9, G11(i), G14, G19 and G21 of the Television Code of Broadcasting Practice. The bases of the complaint were that she:



- (a) objected to the material screened in the episode that was not true and correct.

That the item did not tell:

- (b) the correct story as the newspaper clippings verified.
- (c) That the broadcast had caused the family emotional trauma.

She wrote:

Point (c), I feel is by far the most important, as it highlights how we have been emotionally scarred by these inaccuracies and now the question I must ask is; how does one restore my father's 'heroic memory' to that prior to the re-enactment?

TVNZ's Response to the Formal Complaint

TVNZ advised Mrs Singe of its Complaints Committee's decision in a letter dated 22 July 1993 and it reported that the complaint had been assessed under the nominated standards.

TVNZ described as the crux of the complaint that Mr Barlow's courageous actions had not been recognised in the programme and it agreed with that aspect. It continued:

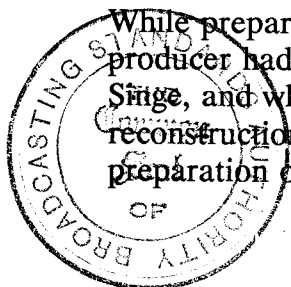
That this misrepresentation occurred is regretted by both the producer and the [Complaints] Committee and the company's apologies are extended to you for any pain or anguish the broadcast may have caused.

Mr Barlow's role had been overlooked as the series highlighted the role of civilians and had breached the standard requiring that people referred to be dealt with fairly (G4).

Proceeding to the other aspects of the complaint, TVNZ said that the programme's producer, focussing on civilian heroism, consulted key survivors and participants. However, it was not always possible to trace next-of-kin in stories going back many years and, TVNZ observed:

The Committee was sorry that despite the passage of the years the memories of this event remain so painful you but felt that "Heroes" was quite within its rights to reconstruct what is a matter of historical fact without seeking your approval to do so.

While preparing the item about an incident which happened 29 years ago, the producer had read many newspaper accounts, including the ones supplied by Mrs Singe, and while dealing with the different recollections, had attempted dramatic reconstruction which focussed on the spirit of the occasion rather than the preparation of the historical record.



As for the comment about the unconscious Mr Barlow blocking the main entrance, TVNZ said that it was true in that, although some way in, the use of the main entrance was thwarted. However, by only referring to his blocking the tunnel and not to his undoubted bravery, an unsatisfactory overall impression was conveyed which fell into the standard G4 aspect which had been upheld.

After responding briefly to the other points raised by Mrs Singe, TVNZ wrote:

The [Complaints] Committee felt that, in conscience, it could not find a breach of Code 1 (truth and accuracy) because there are so many conflicting reports of what actually happened in the tunnel tragedy 29 years ago. Besides this was a dramatic reconstruction of events in which the emphasis was on capturing the spirit of the occasion. The Committee noted that there are many, many dramatic reconstructions of famous events in the film and television worlds which probably contain certain inaccuracies recognised only by those intimately involved but which are nonetheless accurate in the sense of recalling the atmosphere and substance of the occasion. There is no evidence of deliberate distortion.

TVNZ said that the other nominated standards had not been contravened and concluded:

In summary then, the Committee found that the episode of "Heroes" which is the subject of your complaint breached Code G4 in that it dealt unfairly with your late father. The Committee approved of the remedial action planned by the producer.

The Committee did not find that any other codes quoted by you were breached.

Mrs Singe's Complaint to the Broadcasting Standards Authority

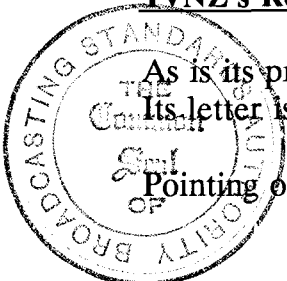
Dissatisfied with TVNZ's decision to uphold the complaint only under standard G4 and dissatisfied that she had not been notified that the correction would be run or consulted about its content, Mrs Singe referred her complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

Specifically, Mrs Singe stated that the programme's repeated inaccuracies breached the standard requiring accuracy while also maintaining that the other nominated standards had been contravened. She asked the Authority to hold a formal hearing at which her daughter would attend on her behalf.

TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response in the complaint. Its letter is dated 30 August 1989 and TVNZ's response, 1 September.

Pointing out that Mrs Singe's original complaint was clearly motivated by her



justifiable concern that her late father's valour in the Khandallah incident had been overlooked by the programme's maker, TVNZ said that this matter had been acknowledged by upholding the standard G4 aspect of the complaint. The damage done had been repaired to the extent possible by a follow-up piece which clearly referred to Mr Barlow.

Beyond that concern however, and taking into account the programme's purpose to highlight the bravery of those depicted, TVNZ said that it was not necessary to reflect every detail of reconstructed events. It continued:

Indeed they may not wish to - because stories to do with heroism are to do with the human spirit and when told in dramatic form (as opposed to news coverage) licence is allowed to accentuate those parts of the tale which reflect that spirit.

TVNZ concluded:

While we are deeply concerned that "Heroes" inaccurately reflected Mr Barlow's role in the Khandallah affair, we have concern too that a finding of inaccuracy, or lack of objectivity in this programme would unfairly reflect on the courage of those whose selfless activities were correctly portrayed.

We are very sorry indeed that the heroic role played by Mrs Singe's late father was overlooked in the production of this item. We recognise that the broadcast has caused pain to Mrs Singe and those close to her - as well as to Mr Barlow's former colleagues. In screening the follow-up - which we acknowledge is a poor substitute for getting it right in the first place - we believe we have done all that can be done to right the situation.

Mrs Singe's Final Comment to the Authority

When asked to comment on TVNZ's reply, in a letter dated 6 September Mrs Singe said she wished to respond to TVNZ's impertinence.

First, she said that she had not seen the follow-up piece and objected to the rushed manner in which it had been broadcast.

Secondly, she did not have a "blurred" viewpoint of the whole incident as suggested by TVNZ and she found it difficult to compare the reconstruction as broadcast with the actual event.

Thirdly, she remembered the incident in 1964 with total clarity and, furthermore, her recollection was supported by the newspaper accounts at the time.

She concluded by suggesting that TVNZ refrain from psychoanalysis.

