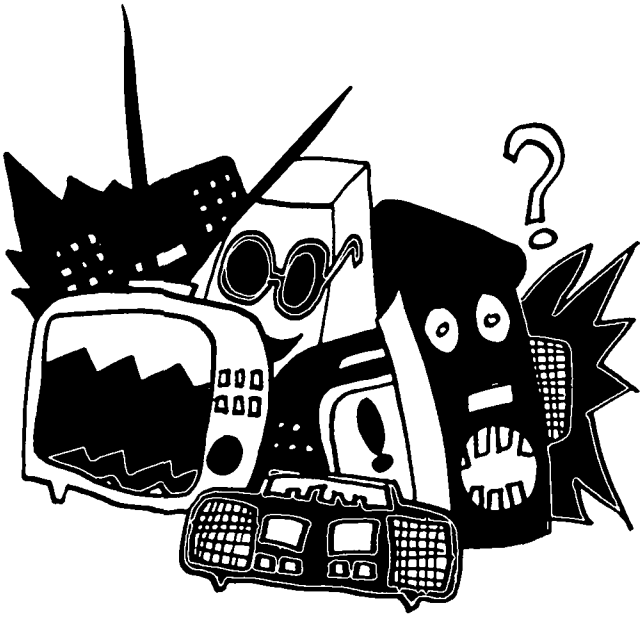
POWER & RESPONSIBILITY

Broadcasters Striking a Balance



Broadcasting Standards Authority
Te Mana Whanonga Kaipāho

POWER & RESPONSIBILITY

Broadcasters Striking a Balance

edited by

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for the

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INTRODUCTION

The issues of balance, fairness and accuracy in news and current affairs have always been topical and many people from different perspectives have expressed dissatisfaction with broadcasters' compliance with the requirements in the Codes of Broadcasting Practice. Two years ago the Broadcasting Standards Authority examined these issues, intending to undertake comprehensive research to obtain a greater understanding of the complexities, first to assist it in determining formal complaints and secondly to assess the adequacy of existing codes of practice. Reluctantly, the Authority was forced to abandon that research but decided instead to hold a seminar which would focus on balance, fairness and accuracy.

The seminar held in May 1994 titled *Power and Responsibility: Broadcasters Striking a Balance,* provided an opportunity for broadcasters, researchers, academics and others interested in media issues to challenge and debate existing concepts and propose new approaches to clarify matters of interpretation and compliance with the codes of practice. The result is the following collection of papers which were presented at the seminar. The book is divided into four sections. After the opening remarks of the Minister of Broadcasting is a section comprising the addresses given by the three distinguished keynote speakers. They were Bob Phillis, Deputy Director General of the BBC and Managing Director of the BBC World Service; Jane Tillman Irving, Assistant Professor of the Graduate School of Journalism at Columbia University, New York and morning anchor and talkback host on New York radio; and Chris Graves, Managing Editor of an English language television service, Asia Business News, based in Singapore.

The third section comprises the addresses delivered by all but two of the workshop presenters. The two presentations which were not available for publication include a workshop given by Paul Cutler, Susan Baldacci and Shaun Brown from TVNZ who gave a video presentation, and a workshop by Jane Tillman Irving which was based on tapes of New York city radio.

The fourth section contains two of the five presentations given in a panel discussion which looked at the relationship between newsmakers and news shapers. Representing the newsmakers were Hon Matiu Rata (whose paper is included), Hon Fran Wilde, Mayor of Wellington and Hon Simon Upton, Minister of Science and Technology. The media were represented by Kim Hill from National Radio and Ian Fraser (whose paper is included).

The Authority welcomed the opportunity which the seminar presented for the interchange of views and the cooperative approach to the examination of these important issues and is very grateful to all those who contributed towards making the seminar such an outstanding success.

Iain Gallaway
Chairperson
September 1994

Chapter 1

OPENING ADDRESS

Hon Maurice Williamson
Minister of Broadcasting

I am pleased to open this seminar on fairness, balance and accuracy in news and current affairs, three qualities without which a news report is incomplete. As I speak to you I shall certainly strive to be fair. I'll try extremely hard to be accurate. But balance - well, I'll leave it to any journalists covering this conference to find balance. This speech is my opinion. That's the view I hold. That's where opinion and news differ. I own my views while journalists just report on them. That's why the third quality is so crucial to the art of news gathering - a balance to reports of contrary views.

Fairness, balance and accuracy are critical issues for the broadcast media. Without them, news is reduced to opinion - the hobby horse or agenda of individuals. Why, because of an accident or career, should a journalist be able to hijack a television or radio station for the duration of their news item and push a personal barrow? What makes their opinion so hallowed that we must run the gauntlet of their prejudice if we hope to state our views on television or radio? The answer, of course, is that journalists' opinions matter no more nor less than anyone else's. The journalist is merely the conduit. That is why the quest for fairness, balance and accuracy is carried on within and without news rooms. Good, working journalists strive for it as much as their critics.

At a recent conference on broadcasting, one speaker picked up on some concerns I'd expressed on fairness and balance. He suggested that any such requirements on broadcasters, even when imposed with good intentions, are a form of censorship. I don't accept that proposition. Broadcasting, and especially television, is a powerful and pervasive medium. It is a constant companion for large numbers of the population.

The public needs to have an effective means of protection and redress on standards issues. And even if the journalist concerned thinks the requirements are censorship, would the imposition on viewers of a journalist's views masquerading as news be any worse? I am sure you will agree that it would be. After you have met some of the journalists I have, I know you would agree.

Standards relating to fairness and balance are, if anything, a safeguard for freedom of speech and the free exchange of ideas. Let me make it quite clear that I accept absolutely the right of opponents to express their views. And I am fully prepared to defend that right by ensuring that we have a fair, responsive and effective standards regime. Issues of fairness and balance are especially relevant to New Zealand at present for two reasons. First, because New Zealand viewers are voracious consumers of news (and we only have to look at the ten highest rating programmes each week to see that). And second, because New Zealand is going through some dramatic political, social, cultural and economic changes right now.

Broadcasters' role in this change is crucial because they stimulate discussion. I may not have Judy Bailey by my side, a four camera studio or the latest digital video effects computers but I would like to do some stimulating of my own today.

To start I want to pose some questions and then offer my answers.

* What is "fairness and balance"?
* Why are fairness and balance important?
* Is the present broadcasting standards regime operating as effectively as it could?
* Do we still need a formal statutory regime?

What is meant by "fairness and balance"?

The Broadcasting Act defines these concepts as making reasonable efforts to present significant points of view within the period of current interest.

I expect that when presenting issues of substantial public concern broadcasters will:

* present differing points of view;
* offer a right of reply where needed;
* report the facts accurately; and
* clearly identify where opinions are being expressed.

Putting these concepts into practice can be difficult and controversial.

Those who feel strongly about a particular issue may not be satisfied with any interpretation of the issue other than their own. They may interpret an opposing view as biased or unfair. There can therefore be considerable subjectivity over defining what is "fair" or "balanced".

One broadcaster has remarked that he knows he has got it right when parties on both sides of a controversial issue complain. That could illustrate the difficulty each side has in being exposed to the views of the other. Of course, it could equally mean that the journalist made such a botch up that both sides were defamed. Surely not - well, perhaps occasionally. Whatever the case, his remark illustrates the finely balanced judgments needed in dealing with controversial issues.

Why are fairness and balance important?

The broadcast media can substantially influence opinion. Television and radio are so much a part of our lives that we tend to take the messages they send us for granted. The print media can be read at our own pace. You can re-read anything you don't understand first time.

Donning my hat with "Minister for Information and Technology" stamped on it for a moment, the difference between electronic and print media is random and serial access. And the concept is simple. A newspaper allows you random access to any page or feature to which you choose to turn. I understand that some of my parliamentary colleagues take advantage of this random access to head straight for the comic pages of the papers.

The Alliance turns to the finance pages to find the latest foreign lending rates. Christian Heritage turns to today's bible reading to ensure its leader hasn't been misquoted. And the Greens weigh it to see how many trees died producing it. That is random access. But with television, access is

serial. That is, if you're one of my comic-reading colleagues, you have to wait for the news to finish before you can catch the games shows. So, radio and television carries us along at its pace. We are therefore much more at risk of simply accepting what we hear or see. Broadcasters argue that they merely reflect events objectively - that broadcasting is simply a mirror to reality. But whose reality? If a television news bulletin leads for three consecutive nights with a story on violent crime, could you blame viewers for thinking violent offending was on the up? Suppose *One Network News* conducted a Heylen Poll on the weekend following successive nights of prominent crime stories. Would a high response to negative feelings about the increased incidence of serious crime become the new reality of our society?

One of my former colleagues built a career on grandstanding in the week leading up to each Heylen poll. Merely by being suckered in to covering the grandstanding, the media ensured him a place, if not in our hearts, then at least in our Heylen. His absence from the screen brought a corresponding reduction in his poll rating. So the media does have the ability to influence news.

At the most basic level this can occur simply by choosing to broadcast some material and exclude other. But it can also influence by the subtle use of language or through the tone of voice or the form of questioning used by a presenter. Sometimes journalists decide on good guys and bad guys to give their stories that little bit of colour. In these stories, the people the journalist has decided are the good guys are described as "saying" this or "saying" that.

The "bad guys" on the other hand, always seem to be "claiming" this or "claiming" that. The difference is in using innocuous language for one side of an argument and assigning pejoratives to the other.

It's subtle and it's difficult to pin down in any formal sense but it's there just the same.

Sometimes, it's a lot blunter.

Let me give you some real-life examples of what I mean. First, selection and editing of material. You may recall a "Frontline" programme that

screened last year on the effects of the government's social and economic policies on the people of Mangere. The programme stated as fact that the government's "trickle-down theory" had failed to work for the people of Mangere. When they prepared the programme, the producers interviewed me for half an hour. In that interview, I had made it clear that the government did not subscribe to a "trickle-down" theory. I said that in fact, the government spent some $27 million a day in welfare on people who needed it. None of that was reflected in the actual broadcast. The broadcaster's decision to exclude this material left viewers with a misleading impression of the government's actual position on economic and social issues. After the programme I talked to people in Mangere. Members of the business community were disappointed that the programme had focused on problems but had not mentioned some of the more positive developments there, developments to which they were contributing and wanted to talk about. These facts had been excluded. The "reality" of Mangere presented to the rest of New Zealand was not the reality of the Mangere these people experienced daily. In their view the choice of material clearly lacked balance.

I'll give you one further example of a significant omission. The current affairs television programme "Bad Blood" informed the public that a number of people had contracted Hepatitis C from contaminated blood products. It said that the drug required to treat the disease was not on the subsidised drugs list. Day after day the story developed and showed on the evening news. It built to a crescendo. The journalists' adjectives buzzed round the living rooms of viewers' homes like hornets around a honey pot. After a week of stories hammering away at the issue, I announced that the government would put interferon, a drug required for the treatment of Hepatitis C, on the subsidised drugs list. Television New Zealand news cameras attended the press conference I had called to announce this. It was a good press conference as press conferences go. I got my information across. The journalists who attended received reasonable copy for their stories. And the hepatitis sufferers had the news that this interferon would now be subsidised and within their reach. I don't know whether it was because the people TVNZ hires to run its news shows have short attention spans or not but Hepatitis C sufferers watching *One Network News* that night would not have learnt much. Help was at hand. They had access to the drug. Great. Except - TVNZ made no mention of it. The climax to the story they had chased for a week was not

screened. They told me later that some more important items had squeezed the interferon story out of the bulletin. That bulletin however, did find room for an item about camel racing in Kuwait. I leave it to you to decide whether the public got fair and balanced news coverage here.

Let me look finally at the role of the presenter, using an example again drawn from the programme on Mangere. Having established that there was considerable unemployment in Mangere, the interviewer asked someone "Does that make you angry?" Giving people the right to have their say on television is very important. But asking leading questions effectively takes that right away. I am not disputing the right of the person being interviewed to say that they were angry. What I am concerned about is an interview technique that leads them to say it, rather than leaving them free to express their own views. In fact, TVNZ did acknowledge that this was not a good interview technique when I raised this matter with them.

Lest it be thought that I have a vendetta on this subject or that I have developed an unnatural and all-consuming hatred of fast camels, let me say that I consider the examples I have cited to be exceptions. Generally our broadcasters get it right. Fairness and balance, however, is one area where they must strive for very few exceptions. It is, after all, one of the few mandatory standards in the Broadcasting Act.

These days we accept that investigative reporting may be undertaken with a social objective in mind, actively questioning and probing issues rather than simply reporting events. There is nothing wrong with this. It can stimulate debate and increase public awareness on important issues. But debate and awareness can only arise if all the relevant information is presented factually and fairly. Some broadcasters have argued that fairness and balance is not a major concern for the New Zealand public.

Only 30 percent of complaints lodged with the BSA last year concerned fairness and balance. We should look at a wider issue beyond this statistic, however. The public has a broad, fundamental right to information that is objective and honest from which they can make informed decisions. It is worth noting that complaints about fairness and balance tend to concern high-profile, controversial issues. These issues can also impact on the reputations and rights of individuals or

organisations. Even if such cases are comparatively rare, they can have a serious impact. Extreme care therefore needs to be exercised.

Is the present broadcasting standards regime operating as effectively as it could?

The broadcasting standards regime relies on self-regulation. This is backed up by a formal statutory body, the BSA. But broadcasters are, in the first instance, responsible for maintaining standards. This gives them a vested interest because there is a risk that they will lose this responsibility if it is not wisely exercised. Broadcasters generally have sound procedures for dealing with complaints. They have policies concerning the rapid correction of errors. And their complaints procedures tend to be handled by senior executives of the company. But correspondence I receive indicates that there are some areas of concern. I'll note the main ones.

The complaints procedure

Some people hold the view that there is little point complaining about programme standards because "nothing will be done". I am not saying that this is actually the case, but I am concerned that this perception exists in the community. Obviously the regime should not encourage frivolous complaints. But people should know how to use the complaints system and be confident it will give serious consideration to their concerns. It has also been suggested to me that the time allowed for determining complaints is a problem. Decisions on a complaint, and the corrective action that follows, sometimes take place months after the original broadcast. This does little to help the complainant feel that justice has been done, especially if the offending broadcast involved some personal harm or distress. I wonder if there is scope for streamlining the process. I would be interested in your views on this.

Finally there is the view that the standards regime could be improved by beefing up the sanctions that the BSA can impose. Instead, I believe a more effective regime will be one where the need to complain in the first place is minimised.

Recognising that nirvana never comes, I might settle for a regime where people could use the regulations to lodge complaints effectively, where

their concerns would be taken seriously and where broadcasters would be seen to be making credible efforts in self-regulation.

Again, I would be interested in your views on penalties (and incentives) to make the regime work well.

Some broadcasters have suggested that a formal statutory regime is no longer necessary. Some say the market should be left to regulate standards of fairness and balance. Others say individual broadcasters should be left completely free to regulate themselves.

The first argument says that since de-regulation, the broadcasting market has expanded and delivers corresponding diversity in programme content across the market. It is argued that individual broadcasters need not aim for balance, as the market itself will provide this. There is some truth in this. In the market today, for example, there are specific views of Maori and access broadcasters as well as the views of strongly opinionated presenters on both radio and television. These types of broadcasting were not common in the past. Nevertheless, there are risks in relying solely on the market to deliver standards. Listeners or viewers may use the services of only one broadcaster or a narrow range of programming, missing out on the balance which diversity is supposed to provide.

More importantly, I spoke earlier of the influence that the broadcast media can exercise. Each broadcaster therefore has to assume some direct responsibility for fair and balanced programming, rather than relying on the abstract concept of "the market" to do this.

Then there is the argument for self-regulation. Responsible self-regulation is the basis of a good regime. But the public also expects that it will be able to seek redress from an independent body should the broadcaster's response to complaints prove unsatisfactory. Of course, if broadcasters are doing their job well, the public will have less need for recourse to the BSA. Nor will the BSA need to exercise its final sanctions.

You will recall that in the days before broadcasting reform, a complex and restrictive warrants system existed. The existing regime contrasts favourably with the protracted formal hearings and restrictions of the tribunal system.

I consider that the existing statutory regulations are a good compromise - simple and flexible and able to be used with the minimum of formality.

To conclude, I believe that a good regime should be simple, responsive and one that gives confidence to the user and where justice is seen to be done.

It should be one where broadcasters:

* take responsibility for self-regulation;
* are pro-active in dealing with complaints; and
* are responsive in delivering those services the audience wants.

Fair and balanced news and current affairs is a fundamental means of ensuring freedom of speech, and allowing issues of public concern to be understood and debated.

As I said at the beginning, I will defend absolutely the right of an opponent to express an opposing view. And I want a broadcasting regime that ensures that right.

Broadcasting does have a profound influence in shaping public opinion. That power needs to be balanced by a willing assumption of responsibility for programme standards.

The seminar's title is well chosen. I look forward to the outcome.

Chapter 2

THE PRINCIPLES OF RESPONSIBLE BROADCASTING: INDEPENDENCE, OBJECTIVITY AND FAIR PLAY

Bob Phillis

It is certainly a pleasure for me to be here today, and I value your invitation to speak to you about a topic that is of considerable concern at the moment, not only within the BBC but also more widely among my broadcasting colleagues in the United Kingdom and around the world.

The theme of this conference is Power and Responsibility. In broadcasting, as in most aspects of life, the more power one has, the more important it is to be aware of and vigilant about the responsibilities that power brings. That is not an easy task. When we think of power in the media, we tend to think about influence and that is largely, though not solely, exercised through factual programmes and news and current affairs in particular. Of course, other kinds of broadcasting can have great impact on social and cultural views and attitudes.

But I want to focus my remarks primarily on one area of broadcasting - news and current affairs. This area has always been the most sensitive and potentially the most powerful. Politicians sometimes regard the media with suspicion and businesses and interest groups recognise the impact that reports about their activities and behaviour can have. And I believe that as broadcasting becomes increasingly fragmented and the number of entertainment channels grows, providers of in-depth, authoritative and trustworthy news and current affairs programmes will become increasingly important and influential.

What I would like to do this morning is first to consider the question of the power of broadcast news and current affairs; then to review recent British experience; to speak specifically about the BBC's approach to the coverage of news and current affairs; and finally to consider the particular

challenges and difficulties facing the BBC as an international television and radio broadcaster.

Power

I am sure that all of you could call to mind many specific cases where the impact of factual broadcasting has been impressive. Let's focus for example over the past 25 years. Perhaps the most frequently cited is the role of television news in America in the ending of the Vietnam War. And we will also recall the impact of the reports, first by Michael Buerk, and then by others, of the famines in Ethiopia - and the subsequent raising of millions of pounds through the Live Aid concert on television that went around the world.

I remember the French Minister of Humanitarian Affairs, Dr Bernard Kouchner, in Bosnia speaking after the discovery of the Serbian prison camps last year. He said: "The enemy of oppression is photography, the camera, the press and information". But this very immediacy and power can also be dangerous. Witness the images of a CNN reporter in a studio in Israel during the Gulf War putting on a gas mask during an interview and suggesting an armageddon that wasn't happening and did not come.

I think most people in the audience here today will be familiar with research that suggests the extent of the power and influence of broadcasting, especially television, in your own country and around the world.

The Power of Broadcast News

In the UK the majority of viewers identify television as their main source of world news -around 71 per cent; (68% say it is their main source for news about Britain). Thirty three million watch television news on the BBC for at least 30 minutes every week.

And it is not just that people watch TV and take in the information. Most importantly - in terms of our theme today - they BELIEVE what they are being told.

According to the 1993 Independent Television Commission annual survey around three quarters of TV viewers believe that television is the most

complete, the most accurate, the most fair and unbiased source of news when it comes to national or international events. Viewers trust broadcasters. And it is the combination of trust and the large numbers reached that gives us power. In this context, the importance of a plurality of broadcasters is clear. In Britain there are only four terrestrial channels available to the public. The responsibility these broadcasters share is massive.

Power of the medium

The power of the medium means it can provide an extraordinary outlet for individual creativity, imagination and persuasion - so much so it can change world events. This is why, as Lord Reith said at the founding of the BBC, broadcasters have an obligation to contribute to a "more intelligent and enlightened electorate". At its best, broadcasting is fundamental to the survival of the democratic process. And broadcasters contribute to this process by making decisions every day that determine what it is people see, how they see it and what they know about it.

Before turning to some of those particular decisions it would be useful to remind ourselves of the main structures of broadcasting and the context in which those decisions are made in British broadcasting.

The British experience

As people will be aware, in Britain the responsibility for broadcasting was until 1954 solely public sector, solely BBC and funded by a licence fee for both radio and television. As a public service broadcaster, the BBC has until recently been relatively protected from competition. Its high reputation has meant that successive governments have maintained the principle of licence fee funding for the BBC. It is a levy fixed by government on every household or business in the UK that has at least one TV set receiving broadcast programme services. At present a licence for a colour television costs £84.50 and a black and white set £24. Nearly 21 million households have licences. The cost per day of the licence - 23 pence - is less than all but one of the 11 national newspapers in Britain, tabloid or broadsheet. (*The Sun* costs 20 pence.) And for that the licence payer gets two television channels, five national radio stations and 38 local radio stations.

It is also a way of funding a public broadcast service which we have to justify in the face of rapidly changing technologies, greater choice, and greater competition for audiences. The level of fee is set by government and in recent years the increases have not been automatic, nor provided full compensation for inflation or rising costs. We have therefore continually reviewed our costs and the efficiency of our working practices to ensure that we get full value for money and that we can maintain the standards licence payers expect. But this has never detracted from the importance of the licence fee in defining our approach to our work.

Opportunities and Obligations

It has been suggested that the licence fee revenue protects us from the pressures in the commercial market place. We are not, so the argument goes, in a competition for ratings so we are free to pursue any agenda we wish. That is to misunderstand the BBC's obligation. We have a responsibility to provide something for all our licence payers across the range of our output. But if that output adds nothing to the range and choice of viewing and listening available from elsewhere, the licence fee will not be sustainable in the long term. We also believe that there should be a full range of programming on offer in prime time - precisely when most audiences are available. Our public service role gives, I believe, a greater opportunity and obligation to experiment, to be original and to be committed to providing a comprehensive range of news and current affairs services of the highest standard with reports from around the world which are independent and impartial. This enables our audiences to understand clearly and fully the issues and stories which are significant to their lives. The bargain is with the viewers, not the shareholders nor indeed the government of the day.

This public responsibility is directly linked to the trust placed by viewers and listeners in the BBC itself. And this principle goes back a long way in our history. For example, Sir Hugh Greene, a distinguished Director General of the BBC, reflecting on its role in the Suez crisis concluded, in 1961:

> The Governors [and the BBC] had acted as trustees in the national interest ... and not in the interest of a particular government. I think it is generally recognised today that the maintenance of the independence of the BBC ... did a great deal for public

enlightenment and, more than that, to keep the Commonwealth together at a moment of crisis. If the BBC had given way, the confidence felt in the BBC at home and abroad - which is a great national asset - would have gone forever.

This may seem a very high minded approach but one which I, and most people within the BBC, would choose to defend. Independence from Government or from commercial interests in our reporting of news and current affairs is at the very heart of the power and responsibility that the BBC has as a broadcaster. But people must want to watch our programmes. To ignore what the public is interested in would mean we had lost contact with the very people who fund the service we provide. But that does not mean that our programme policies, our editorial standards or our scheduling practices should be sacrificed in order to maximise our audience ratings.

The changing face of British broadcasting

I have suggested that public service was the guiding principle of British broadcasting from the day that the BBC was established in 1927. But even after the advent of a vigorous private sector competitor, financed by advertising, the BBC and ITV have shared a similar approach to programming and standards.

The commercial television system had its own obligations to maintain high quality broadcasting, reinforced successively by the Independent Television Authority (ITA); the Independent Broadcasting Authority (IBA); and the Independent Television Commission (ITC). This regulatory framework embraced many of the public service obligations, including the provision of a high quality national and international news service, available in peak time and throughout the day. There were also requirements to schedule other serious programming in peak time including current affairs, documentaries and religion.

For nearly forty years these two systems, further enriched by the creation of Channel 4 in 1982, competed for audiences, but not for funding. I believe that it can be convincingly argued that this form of competition, within similar regulatory frameworks exacted higher standards from both broadcasting systems.

But the situation began to change during the 1980s. The British Government under Margaret (now Baroness) Thatcher decided that the old duopoly between the BBC and the Independent Television sector should be overhauled. With the banner of freedom of choice and the wider provision of services flying high the Thatcher Government brought in legislation which not only opened up new possibilities for cable and satellite technology, but also changed the method of allocation of the terrestrial commercial channels and introduced significant deregulation to the system. This included the relaxation of specific requirements on both scheduling and the range of programmes to be included in those schedules.

The 1990 Broadcasting Act has fundamentally changed the broadcasting system in Britain. Many, including myself, believe this Act to have been seriously flawed and one which may well weaken and impoverish the system rather than the reverse.

The impact on ITV

The immediate impact was on ITV. The Independent Television franchises were auctioned and the winner in each area was the company which bid the largest sum of money (though a simple "quality threshold" was added in response to widespread concern about the "winner-takes-all" proposition.)

The franchise auction on the one hand and the competition from satellite systems on the other has meant that commercial pressures on ITV have intensified. Every programme in prime time has quite literally to earn its place in stark audience terms; as a result, documentaries, current affairs, music, arts, religious programmes have found themselves recently on the margins of schedules. Let me give some examples:

- The scheduling of prime time news.

  Both BBC and ITV have for many years agreed that programmes with a challenging content aimed at an adult audience should run after 9pm. The Watershed, as it is known, is a policy agreed by the broadcasters and NOT imposed by the government although some pressure groups have been campaigning for a later time. But the Watershed exists precisely because broadcasters take their responsibilities seriously.

But in this new era, ITV is looking very hard at the Watershed and how it can use the time after 9pm most effectively in commercial terms. Unfortunately the network's flagship news programme *News at Ten*, which runs for thirty minutes at 10pm, is seen by some in the new ITV as an obstacle to maximising audiences and revenues throughout prime time. There have been pressures to move the major news programme to the outer limits of prime time (6.30pm has been suggested) to allow films, which earn good audiences and high advertising revenue, to run from 9pm, uninterrupted by the news.

- Current Affairs programming is being reduced in volume, being moved from prime time and changing in character. Even Granada Television's distinguished *World in Action* has been charged with increasing its audiences from 6 to over 8 million if it is to survive.

- Breakfast time news. The contractor for the breakfast time service on ITV has recently been permitted to reduce the volume of news in its schedules below the minimum specified in its licence - because of the competition for ratings from Channel 4's *Big Breakfast* and the cable and satellite channels. These are more oriented towards general entertainment and the children's and young people's audiences.

Schedules in the independent sector are being built and will increasingly be designed to minimise spend and maximise appeal and, therefore, revenue. The dramatic increase in the number of satellite and cable channels will result in viewers and listeners being broken up into small groups of consumers and broadcasting becomes narrowcasting. The competition to attract people's attention is intense and can only get stronger.

It would be a paradox, and something greatly to be regretted, if greater choice in the number of channels to view resulted in less choice as minority interests get pushed to the margins, or out of the schedules altogether. I believe all our lives will be impoverished as a result.

Responsibility: BBC news values and approach to coverage

I want to turn now to examine in more detail what responsibility means in the context of news and current affairs and what it means in practice at the BBC. The notion of responsibility is clearly a complex one. To whom is the broadcaster responsible, and for what? In Britain, in the commercial sector the broadcaster is responsible to the shareholders and the regulators. The BBC, on the other hand, is responsible to its viewers and is constrained by its charter.

Three fundamental principles underpin our news and current affairs journalism and provide the basis of our approach to responsible broadcasting: independence, objectivity and fair play.

I have already suggested that it is through our structure, the licence fee and our public service remit that we gain and maintain our independence. We are independent of government, independent of commercial influence and independent of "the proprietor" - influences that might compromise our responsibility to the viewer. It is through that independence that we can maintain our impartiality.

Objectivity and impartiality

What do we mean by objectivity and impartiality? Of course BBC journalists are not neutral as between right and wrong, legality and illegality, fairness and corruption. But our journalism is not judgmental. Our journalism does have - not as its only role but as an important one - a duty to expose faults, flaws and weaknesses in society. But we do that through a forensic process which examines the evidence, presents arguments, and interrogates conflicting claims but which leaves audiences to reach a verdict.

Our concept of impartiality demands that our investigative journalism is wide-ranging; that it's tough and rigorous on all parties; that it does not see the world as simply composed of goodies and baddies; that it recognises shades of grey, not just black and white; that it questions assumptions of all sorts, from left or right with the same objective scepticism.

Fairness

Fair play is often described as being "balanced". But I think that over-simplifies the concept. There are dangers in balance. Balance implies the

existence of a fulcrum around which the forces must be equal and opposite. The truth is not always at the centre. Sometimes extremes are right (by the same token the right is not always extreme!). The concept of balance can become a recipe for inconclusive opposing argument. Balance is too mathematical a formula: it lets journalists apply the stopwatch rather than their powers of analysis. It encourages sterile political debate full of sound and fury, signifying little. That may be good entertainment, but it is not journalism. Our journalism should cast shafts of light through the otherwise opaque, seek to move arguments forward, draw out issues, expose and challenge them. But not just to balance one bland assertion with another.

A couple of weeks ago much of the United Kingdom took part in local government elections, the theme of which in the closing days had little to do with local government and much to do with the state of the Conservative party and the cabinet. For every loyal Tory who would speak on camera there was at least one more waiting in the wings to express an opposite point of view. And for every Tory, loyal or disloyal, there was at least one member of the opposition wanting to put the boot in. Where does the concept of balance take us on such occasions? What do we balance with what? Do we apply a mathematical formula of Tories balanced by non-Tories? Or of government supporters balanced by government opponents? The balance is too crude a piece of laboratory apparatus for weighing arguments such as these.

The key to this approach is fair play: much more demanding on our journalists, much more helpful to our audience. Fair play puts an onus upon us which the stopwatch can't satisfy. Fair play requires lack of spin. Fair play means we do not decide the story then set out to make the facts fit. Fair play means we give all the arguments not the same weight but due weight. No relevant argument should be omitted.

All this calls for journalists of the highest calibre, with powers of judgment and analysis, but also with that most precious journalistic attribute - an open mind. Not all our journalists live up to this aspiration: but many do, the best do, and more must strive to do. If there is one prop which will most surely underpin fair-minded journalism it is open-minded journalists.

The BBC and the Government

Some critics seem to believe that to be independent of government should be synonymous with being hostile to government. The BBC is sometimes accused of lack of independence or political cravenness - but what our critics really mean is that they would like us to take an anti-government line - until, that is, the government changes. Impartiality takes courage, sometimes it takes political courage. It will often mean annoying government - but it takes courage too to annoy the opponents of government. Good journalism doesn't stereotype the powerful or the famous any more than it stereotypes the vulnerable and the insignificant. Open-mindedness entails recognising when governments do things right, when policemen are straight, when big business is ethical, when royalty behaves regally, and - incidentally - when journalists make mistakes.

Specialism

To seek to achieve these standards the BBC has developed its reporting skills through specialisation. We used to employ a handful of specialists and a virtual army of generalists. We now have hardly any generalists but a substantial body of specialist correspondents. They work in areas of their expertise grouped in units based on economics and business, foreign affairs, politics and social affairs (including a range from transport and technology to health and the arts).

We believe specialist knowledge and the real depth of understanding that comes with it is essential if our journalism is to go beyond platitudes and the simplistic, beyond the formulaic question-and-answer all too often aimed at making packages rather than discovering truths. The same philosophy has informed our development of foreign bureaux. The World Service and News and Current Affairs together have an international network of correspondents that spans the globe and continues to increase.

It is our aim that, at home or abroad, in every area of national or international debate the BBC will have the journalists whose grasp of the subject rivals that of the policy-makers themselves. Our reporters are expected to know where the strengths and weakness of well-rehearsed arguments lie; this is why they can ask the incisive, sometimes the decisive, question that moves the argument or understanding on.

Responsible Journalism

So at the BBC we strive for "responsible journalism". This encompasses all that I have described so far on accountability, accessibility and comprehensive coverage, serving the needs and interests of all communities in our society. But it is more than that:-

- It does not avoid important issues and stories because they are difficult or complex.

- It produces regular and frequent coverage of these matters and provides programming to inform the public so that they can make their own judgments.

- It deals with what is significant and important in society in the most serious minded sense of the words - not just what is topical or titillating.

- It earns its authority and respect through its fairness, objectivity and sound investigative procedures and judgments.

Now I am sure that many journalists in the commercial world would feel that some of these elements apply to their output. But only some and not all the time. The overlap between commercial and public sector journalism is still large, but I worry that that overlap is getting smaller and smaller because "Responsible Journalism" as I have described it is both costly and requires space in the schedules quite separate from continuous coverage of events as and where they happen. And as public and private sectors pull apart as I fear they are, the needs of viewers and listeners will be less well served, and the overall impact of factual programming will be diminished.

With very few exceptions, news and current affairs programmes, no matter how good, do not bring in top ratings - and they are expensive. And when accountability is primarily to the shareholders rather than to the public overall, then the quality of individual journalists, however able and committed, will not of themselves rescue their programmes from the scheduling peripheries - or, from inadequate financial resourcing.

The Producers' Guidelines

I have been dealing with the positive aspects of responsible journalism - what we can do to inform our audiences and how we can contribute to wider understanding of the stories and issues that are important to them. But of course there must also be some proper constraints on our journalism.

Our own Code of Conduct is embodied in our *Producers' Guidelines* which are provided for all our journalists and made available to the public. We believe that our public commitment to the standards outlined is an essential element of our responsibility to viewers and listeners. John Birt describes the *Guidelines* in his introduction as

> the most comprehensive and coherent code of ethics in broadcasting. They draw on the experience and wisdom of BBC programme-makers over seventy years. They take account of the needs of current legislation and of the various regulatory authorities. And, most importantly, they seek to reflect the standards that BBC audiences expect of their national broadcaster.

The *Guidelines* encompass all of the principles and practices relating to privacy, taste and decency, incitement to crime or disorder, offence to public feeling - including the minorities, viewers' sensibilities and children's viewing habits.

Violence

It is not always easy to interpret these commitments and I thought if might be valuable to illustrate a single example - the treatment of violence in our reporting on television.

The relationship between violence in society and violence shown on television is widely debated and the research available seems to be inconclusive. However, while we might not be certain of a causal relationship, there are some things that we can be more sure of - violence on television does upset some people and it can be accused of sensitising viewers. It is important that we, as powerful and responsible broadcasters, take time to assess the impact the pictures we use may have. A whole range of factors become relevant when reporting stories about or in part about violence:

- is the incident appropriate within its context?

- what will be the cumulative effect of a series of violent scenes?

- should viewers be warned of material about to be shown that might cause distress? and

- what is necessary to show to ensure that the viewer will have a real understanding of the story being reported, as opposed to sensationalism or pandering to the voyeur?

I want to show you a small part of a video we have made to illustrate, in a practical way, the sorts of decisions we have to take and how we try to make them, often under great pressure. I should warn you that you may find some of the pictures very disturbing.

Violence video clip

That small clip, and the complete video from which it was taken, attempt to show in a stark and vivid way the power of the images, the effects of selection and juxtaposition of material, and the need for care, sensitivity and subtlety in making editorial decisions.

It is a good example of the kinds of power and responsibility at the heart of broadcasting. To exercise this power fairly and realise our responsibilities effectively and well is the challenge at the heart of our profession.

Those extracts show how BBC journalists try to exercise their responsibilities in one particularly important area - violence. They demonstrate how the refining process, the careful assessment of each and every issue, is an inbuilt factor in the BBC's broadcasting of news and news-related material.

International Broadcasting

The BBC, then, wants to be balanced. But that issue of balance - in other words the issue of where the responsibilities of the broadcaster lie - becomes more difficult to weigh when looked at in the context of

international developments. Frontiers, as we know, are coming down. As technology makes the world a smaller place, no broadcaster of ambition wishes to be constrained by national or local boundaries.

The BBC is no exception. But for the BBC, plans for globalisation bring into sharp focus the tensions that are bound to exist when a carefully regulated national broadcaster, whose balanced relationship with the society it serves at home has been developed over many years, sets out to participate in the free-for-all of the worldwide market place. Suddenly those responsibilities do not seem so clear. Beyond the United Kingdom, the driving force for the BBC in television is commercial opportunity: can its high ideals survive if they cannot make a profit?

For me personally this is an enormously important question. One of my responsibilities as Deputy Director-General is to oversee the development of the BBC's international activities. Some of you may have heard that last week we announced a major re-organisation of all the BBC's operations in this area, giving them greater strength through more effective co-ordination and thereby enhancing their prospects in the market place.

In television, the flagship service we offer to our partners is World Service Television. It is only about three and a half years old - but it is built on a tradition and on values that go back sixty years to the founding of the BBC's external services on radio. The World Service, the BBC's international radio network based at Bush House in London, today enjoys audiences of 130 million people across the globe. Highly respected for its long traditions of accuracy and impartiality, it has given our new television venture firm roots from which to grow.

There is, however, one crucial difference. Our radio operation is publicly funded. World Service Television is not. The Conservative Government in Britain has made it clear that if the BBC wishes to pursue this particular ambition it must not use public money to do so. It is built on the traditional values of the Corporation - but it has completely different funding.

This approach creates problems. Our partners in Asia - STAR TV, owned by Rupert Murdoch, have taken us off Asiastat's northern beam covering Hong Kong, Taiwan and China. Their reasons are commercial. They want the transponder to deliver a Mandarin movie channel to the

Taiwanese market. But there's no doubt that other considerations are lurking here as well. The BBC is not popular with the Chinese authorities and - even in an age of economic liberalisation - is not perceived as an asset to international trade. A BBC documentary series recently ran a programme about Mao Tse-Tung which suggested he had enjoyed the sexual company of young girls. It was a domestic programme, never transmitted on our international service - but it infuriated the Chinese authorities. So did the report - which did go out internationally - by Sue Lloyd-Roberts. Sue reported in secret from China about the labour camps which she discovered and which, she said, were being used to fuel the economic upsurge of the country.

It is not only in China that the BBC has come up against official displeasure. In Malaysia, World Service Television had to sever its re-broadcasting arrangements with Malaysian Television because we discovered the authorities were editing our material when they felt it was inappropriate for their audience.

That is not something we are prepared to allow. In taking this position we are not being arrogant, nor are we flying in the face of the cultural sensitivities of the different countries we seek to serve. Cultural sensitivity is something the BBC understands very well. The World Service today broadcasts on radio in thirty-nine different languages. Each service is finely attuned to the cultures of the nations to which it transmits. Indeed it is the people of those nations who make up the backbone of the programme services.

What the BBC refuses to accept is censorship - the turning of the blind eye for other, possibly profit-driven reasons. Truth is priceless. Free information - one of the mainstays of the liberal, democratic tradition - cannot be traded for commercial advantage. The power of television is so great - and the opportunities for profit so large - that the responsibility of impartiality and fairness is open to attack. The BBC will resist such pressures.

So to my question: can these high ideals survive and provide the essence of a commercially profitable worldwide service?

I believe they can. As worldwide communications develop, audiences will be bombarded with more and more channels. When it comes to news,

they will want to know which channels they can trust. Now trust is something which takes a long time to build up. People have long memories. They remember who was prepared to tell the truth, and who was prepared to compromise. In the new profit-driven world of international broadcasting, trustworthiness is a commercial asset.

Those principles and practices of the BBC which I have explained to you today have a market value simply because they are held to so firmly. Trade them, trim them, weaken them and you weaken a priceless commercial asset. In this way the values of public service broadcasting and opportunities of the market place are linked. There is a bridge between the two, and the BBC is making its way carefully across it. Samuel Johnson once said that it was neglect of truth, rather than deliberate lying, which caused so many of the world's ills. The BBC will not neglect the truth. I hope the world - and the BBC - will profit as a result.

Chapter 3

FREEDOM OF THE PRESS: THE FIRST IMPERATIVE OF A DEMOCRATIC SOCIETY

Jane Tillman Irving

We have quite a responsibility as journalists, and quite a responsibility as residents of a democratic society and practitioners of journalism in a democratic society; a free press is one of the most important elements that we can foster and maintain because it leads to an informed electorate, which we hope will make the right choices and lead to a better society.

My subject, "Freedom of the Press, the First Imperative of a Democratic Society" correlates with your theme because it all amounts to our responsibility and kinds of things we must do, the kinds of pursuits we must engage in, in order for the delivery of news and information to reach its highest potential.

Someone once described the essence of fairness in television reporting as showing pictures of issue X, followed by the reporter on camera saying, "but not everyone is satisfied with that proposal", followed by issue Y. It is an example of the facile journalistic efforts that we sometimes see, because of time constraints, because the reporter does not understand the issue, or because it is easy. It is our responsibility to go beyond that.

Let me tell you about the broadcasting market in the United States in 1993-94. The United States has 11,318 radio stations, 1509 television stations, and 79% of the nation's homes receive 20 or more cable signals. Not that all the cable stations provide news, but practically everyone gets CNN, CNN headline news, or C-Span, the government service.

In New York City, we have 13 broadcast channels, a number of cable channels, and approximately 50 radio stations; a vast array of media to choose from but again not necessarily all providing news, or the kind of news we think is necessary.

It was encouraging to hear your Minister of Broadcasting refer to you New Zealanders as voracious consumers of news and information. I think Americans are as well, although perhaps not as discerning as we should be. Much of what we consume are gossip or so-called reality based shows --- "Hard Copy", "A Current Affair" --shows that are combinations of soft celebrity features and what we call "Fear and Loathing": horrific crime, dramatic rescues, siblings separated at birth, reunited at age 55, etc. On radio, there is a great deal of talk, immensely popular, cheap to produce, and immediately responsive. Sharon was telling me that you've just begun to receive Rush Limbaugh here in New Zealand ... How interesting for you.

For us as serious journalists, the challenge is to cut through the welter of information and provide viewers and listeners with the information they need to know, not only what they want to hear. There are times when they will want to hear just fluff, because fluff is fun, but there are times when we fail to meet the challenge because it is difficult. For instance, you don't see stories about economics frequently on television because it is difficult to translate economic concepts into pictures, particularly pictures that move. Minister Williamson spoke about broadcasting a story about camel races versus one on interferon. We know why that is ... interferon is a heap of pills on a table. They don't move, don't jump, don't say anything. Camel races move. It makes for a better picture, and frequently, that is the journalistic choice, albeit not to our credit.

The issue of responsibility is a particular challenge to me because I'm not only a journalist. I also teach, at the Graduate School of Journalism at Columbia University. It is journalism, not communications I teach since we are not, we hope, training the next generation of spokespeople for politicians, trade organisations or government agencies. We are training journalists, people who are going to go out and find the facts and report them as fully as possible. The next generation of reporters and anchors and editors and producers and writers ... those are the people we're training. They get a Master's degree, in one year, I might add; they start in September and come up for air at graduation in May, having worked very hard in between. We want to give them a sense of how the media could function in a perfect world, rather than in the infinitely perfectible one that exists now.

Our Dean, Joan Konner, who is an experienced broadcaster, refers to our mission as educators as a sort of "secular religion", and to us the calling

is holy in many respects. Our commandment is pretty much distilled, broadcasting being the medium of distillation and condensation, so instead of ten, we have one commandment, which is our motto, "That the people shall know." But what are the people to know and how shall we tell them?

There are a number of contradictions and questions that we as broadcasters face in trying to be fair and responsible with this awesome power that we have, particularly in the medium of all-news radio 24 hours a day. When a disaster occurs, they turn to us, because there is still nothing that can beat radio for immediacy; not CNN, not television. Radio is still the fastest medium. Its demise has been predicted since the advent of television, but it hasn't died. One reason is that you can't drive and watch television at the same time (I don't want to think about it, but I strongly suspect that some New York cab drivers are doing exactly that.)

People turn to radio in the morning because they want to know that the world is still there, and to check in on all the services, time, traffic, temperature, that radio can provide, and provide quickly, in keeping with that other consumer demand, speed. The newspaper is not dead, but Americans are reading less. They are reading "USA Today" with its short articles; they are reading magazines that reach highly specialised audiences - "narrowcasting" - as the electronic media are doing in cable and on radio. We will see more of it in the future, we are told, when our newspaper will be delivered on computer screen and if we want more information, it will be there at a touch of a button, which means there will not be the slightest obligation even to scan the headlines on the rest of the page. I think we'll become much more fragmented, more separate as a society that we have ever been in the past.

While Americans are reading less and turning on the radio and television more, they are trusting the media less.

Some surveys have shown that journalists rank just above lawyers and politicians as trusted least by the public. That can hurt.

One reason we are held in low esteem, we are told, is that the media are perceived as liberal. I as an individual am, but I don't think it is a hallmark of our coverage, even in a city like New York, which has four morning newspapers. I doubt that most of their publishers could be described as liberal.

And then there are the obvious errors and mistakes that also fail to inspire trust. For instance, there was the Cokie Roberts incident a few months ago, in which the ABC news correspondent appeared, dressed in a trench coat, signing off her piece, "On Capitol Hill," when she was in reality inside a studio, posed in front of a slide of the U.S. Capitol building ... obviously, she and the other news professionals in the newsroom should have known better. That is the kind of thing that puts us in a bad light ... it's lying to the public, and we can't afford it.

Another example: "Dateline NBC," an NBC news magazine, placed explosive charges under the wheels of a truck in order to get a bigger bang and better picture in a story on the safety of certain tyres and trucks. It looked good, but it wasn't true. Accuracy, Accuracy, Accuracy ... The first rule we all learned and the first rule we must follow, because of that enormous responsibility and because people turn to us and expect the truth.

Another reason people don't necessarily trust us is the use of reenactments. ABC news once "reenacted" something that never happened. A neat trick; I think you call it theatre, but nonetheless ABC showed it ... a drawing of an American diplomat allegedly receiving money from a soviet agent, an event that never took place.

Another reason: the use of generic footage that is not labelled as file. If you see a picture today, you have every right to believe that the event it portrays took place today. If not, we are misplacing the public trust, and that trust is the most important thing we have, the reason democracy continues to thrive when there is a free press.

Now, having said all that, when there is controversy, when there is outrage, when people are dissatisfied, disaffected, as the movie "Ghostbusters" philosophically asked, "Who you gonna call?" They call us, they call the press, because of our impact and our immediacy, and frequently the call is made to the electronic brotherhood and sisterhood, because we can get there faster, get the story on the air quickly, particularly if we are radio people, as fast as it takes to make a phone call. Or preferably two calls, one to the responsible opposing viewpoint always being a sound idea.

When we make those calls, we must report the story as completely and fairly as possible.

A number of government mandates are used to give us more than a push in the right direction.

Obviously, the primary one is the first amendment to the constitution, the part we're concerned with here stating simply that "Congress shall make no law ... abridging the freedom of speech or of the press... " Thus, protecting the right of the press to scrutinise the actions of the government, the powerful and also the actions of the voiceless, the disenfranchised, the criminal, and to do so without fear.

But because, unlike the print media, broadcasting is a licensed operation in the United States, there is a certain amount of government intervention by the Federal Communications Commission. In 1949 it established the fairness doctrine which required balanced reporting on radio and television, and it mandated that stations afford "reasonable opportunities for the presentation of opposing views on current controversial issues on public importance." As I told Kim Hill on Radio New Zealand yesterday, broadcast managers hated it because it cut into their commercial time. Remember, we are talking about commercial broadcasting; public broadcasting, publicly funded radio and television is a relatively new concept in the United States, and is only about 20 - 25 years old. They hated surrendering all that time to show as many different viewpoints; nonetheless, it is very important, and I, as a news consumer, always prefer to see a broad spectrum in order to make my own judgments.

So, despite my aversion to racial epithets, for example, I would rather not have them sugar-coated and euphemised as "racial slurs"; I would rather hear what was said. Of course, I am an adult. If there are youngsters present, it is a judgment call. As a reporter, I would rather not be circumspect and filter the news, if at all possible. "That the people shall know." That you shall know, and be able to make your own judgment.

Broadcasters hated the fairness doctrine and, eventually, in the 1970s it was repealed. Unfortunately, I think we lost something, in the same way that we lost a number of things with the deregulation of the broadcast media in the 1980s. Practically every radio station in New York city used to provide news, on the hour, on the half hour --- maybe not every hour,

but the news was an integral part of their programming. When I started out as a reporter at City Hall in the 1970s, there were reporters from every radio station, and every time the Mayor moved, we moved too, and the same with the City Council. City Hall in New York city is a beautiful, 18th century gem of a building completed around 1803 that is really very small to be the seat of government for a city of 7½ million people. It is set in the middle of a park, and the steps of City Hall sometimes serve the same purpose as the steps of medieval cathedrals: whenever anyone wanted to make their case, whether a politician or a protest group, they would come to the steps of City Hall because they knew the press was there. And we were there, because we were required to be, in order to fulfil our news commitments.

Radio broadcasters were also required to present editorials, as well as community affairs and public service broadcasts. Interview programmes with local leaders was another way of providing balance, giving voice to the voiceless, letting people know of events and ideas that affected them.

The Reagan administration, in an effort to practice "Trickle-down Economics," decided to deregulate. Not only did it eliminate an entire layer of jobs for people like my students, who are just coming out of Journalism school and might have been employed as assistants to editorial or community affairs directors and made an impact, but it did away with the public service aspect of broadcasting that broadcasters should have provided, I believe, for a more democratic society and a more informed electorate.

Then, of course, there is the equal time provision, which has changed over the years. It required that in electoral politics, candidates of various stripes and persuasions be allowed to state their views. Broadcast stations were required to give all legally qualified candidates equal access to the airwaves, which broadcasters tended to hate because it can clutter up the airwaves. It also requires a lot of time; and although the time did not have to be free of charge, since it could have been sold as commercials, it frequently became part of the news operation.

The Congress took up the matter and decided to exclude newscasts, news interviews and eventually political debates from the equal time provision. News documentaries were exempt as long as the candidate's appearance was incidental to the subject matter covered by the documentary. In the

mid-1970s, the Federal Communications Commission ruled that all political debates that are carried in their entirety are, by definition, news events and therefore not bound by the equal time provision.

The matter of public service programming was also provided for in the fairness doctrine and included Community Service, Editorials and Public Service. A great deal of this has been wiped out completely; it is now at the discretion of management, and frequently management would rather put in a syndicated broadcast, such as "Hard Copy," or an infomercial. Where we used to have the "Public Service Ghetto" at 3 or 4 am -- we never said that Public Service was aired in prime time, but at least the issues were addressed -- instead, we have infomercials selling can openers and Jane Fonda exercise tapes. The station earns money, but at the expense of presenting a viewpoint from the community it is licensed to serve. Managers applaud, but I think society is poorer for it.

So what are the other ways to maintain our responsibility, or broaden its scope, and to ensure that many viewpoints are heard? One way, often derided as politically correct, is through diversity in the newsroom. It is very, very important on all levels; not only among people who are reporting the stories, but those who decide what stories will be reported. Objectivity is frequently in the eye of the beholder or a synonym for the prevailing majority viewpoint. We are not talking about that; we are discussing the presentation of as wide a variety of views as exist in a society; we are talking about having as many people as possible, as many groups, represented. These are the issues that we as journalists in the United States wrestle with all the time, because if you go into an American newsroom it is likely to look about like this group, except that there might be more men and fewer women, and fewer people who look like me. If you go into the morning meeting at a television station, where the news director, executive producer and the others in charge are determining what will be covered and what will be emphasised that day, you can be very sure most of the time, what the room is going to look like. And if you have people shut out, their viewpoints are shut out. They do not see themselves on television or hear themselves on radio -- or, if they do, they see themselves as criminals, welfare cheats, mafia dons, or whatever stereotype prevails. All people and all societies are more dimensional than that, and everyone is served when many viewpoints are presented.

I wanted to conclude by talking about objectivity as well. We are all making very subjective decisions all the time: if the news show is a half

hour long and you select the stories that will be broadcast, obviously you cannot cover all the significant events of the day. But as H.V. Kaltenborn, the great CBS commentator, said in 1941, "No journalist worth his salt could or would be completely neutral or objective. Every exercise of his editorial judgement constitutes an expression of opinion." What we want to see, what I want to see, and what I think American broadcasting wants to see, is a diversity of opinion. I think that we want to see more people who perhaps look different from us, and perhaps present different viewpoints, but present valid viewpoints for that community. We want to see people making those decisions so that all of us will be in a far better position to foster the democratic ideals that we hold dear, and to make sure that our press continues free and that our society continues to function.

Chapter 4

"LIES, DAMNED LIES AND STATISTICS" A GUIDE TO UNFAIR JOURNALISM

Chris Graves

Mark Twain once proclaimed there are three kinds of lies: "Lies, damned lies and statistics." I thought it appropriate that I steal his line in offering some tips on how to do the best unfair journalism you can. They are ones most anyone can apply and the right combination can assure your work is anything but fair. In fact in many cases we can just keep doing what we already do.

Let's have a quick show of hands... how many of you read newspapers or watch TV news?

And how many believe the journalistic community is basically an honest one, trying to do a fair job?

Now again, a show of hands...how many of you think a complicated issue that cuts across lines of culture, religion, history, politics and economics can be researched in just a few hours, squeezed into a minute and a half video news piece and still do an accurate and fair representation of the complicated situation?

Now with this scientific study in hand I can offer you the following headlines:

Headline 1 ...Vast Majority of Consumers View News Coverage as Fair
Headline 2....Vast Majority of Journalists Confess Coverage is Unfair

Which headline gets picked up? That depends on who bought the study.

Marketers, advertisers and public relations firms are inundating the press with studies. We are by and large avid consumers of proof. Journalists

and shoppers alike want to quantify and rationalise choices, feelings and views. Four out of 5 doctors recommend it ...59% think the President should press China on human rights...We take comfort in the notion that these are not just whims -- these are hard facts derived through scientific process. This is a lie and a great one to foist on journalists because I'll guarantee they'll bite. Newspapers and newscasters know this so well that they themselves sponsor many of the expensive surveys that make news.

Here are some real world examples: (Now I am breaking one of the rules of shoddy journalism by citing the source of these examples, so forgive me for straying).

Cynthia Crossen, a former colleague, journalist, and now fine author of the book "Tainted Truth: the Manipulation of Fact in America" has put together an exhaustive study of studies. It reveals there is surely no such thing as an objective study. Each is paid for with the expectation the results will help the sponsor.

During the diaper wars of the late 80s, makers of disposable diapers battled the cloth diaper industry with a pivotal study. Crossen writes:

> On Earth Day itself, April 22 1990, some 200 million people around the world took place in what was said to be the biggest grassroots celebration of any kind ever.
>
> In that charged atmosphere, a remarkable piece of public-policy research went off with a bang: A study by Arthur D Little Inc showed that disposable diapers were actually no worse for the environment that the reusable cloth kind.
>
> The study all but ended the highly visible campaign against disposable diapers, which had become the symbols of the throwaway society. More than a dozen state legislatures were considering bans, taxes and warning labels on disposable diapers; these initiatives withered away. Many parents, who had become embarrassed to be seen toting a 26-pack around the neighbourhood, raised their heads again. *'People Claiming Cloth Diapers Are Clearly Superior May be All Wet,'* said the Louisville, Kentucky Courier-Journal in a typical headline. By

1992, the largest supplier of cloth diapers in the country said it would close three cloth-weaving operations and lay off 900 workers.

The Arthur D Little study was commissioned, paid for and publicised by Procter & Gamble Co., the nation's biggest manufacturer of disposable diapers.

Crossen points out that the study told no lies--merely presented statistics. But in that and in every study the statistics are products of choice, and altered by formatting and self-censorship. Each supposedly scientific study is built on the black art of assumptions. In Crossen's investigation of the diaper studies, she found that the disposable study assumed each cloth diaper change used not one but 1.9 diapers. It assumed a cloth diaper could last only 90 uses but the cloth diaper manufacturer claimed nearly double the life span. One study included composting or recycling paper diapers--but that doesn't really happen. And as Crossen asks "What value do you put on the water that fed the cotton for the cloth diapers or the trees for the disposable ones? How do you account for pesticides used in the cotton fields? What about the packaging of both types of diapers?" "The answer," Crossen says, "is whatever a researcher can defend."

And it's not just the vague assumptions that are wild cards. Let's look at how we began this liar's guide: much of the results of polling depend on the phraseology and formatting of the questions as well as the sample size.

During the last Presidential election campaigning, I was in Tokyo meeting with broadcasters there for whom my company, Wall Street Journal Television, produced a daily U.S. news report. They had become very frustrated with me and wanted a simple answer. They had seen a poll that said George Bush was leading by a couple of percentage points and wanted my journalists to proclaim Bush the leader and likely winner. They of course, not having read the guide to unfair journalism, refused. That same day, two other polls were publicised with conflicting results. All had bigger margins of error than the percentage gap carried by the leader. When we said we would report all the polls or none, Tokyo was incensed. They were looking for a clear story, they said. Their viewers would not appreciate such vague reporting.

Levi Strauss--the jeans maker, not the philosopher, once publicised a poll wherein 90% of students claimed that Levi's 501 jeans would be the most popular clothes that year. They were the only jeans on the list of questions.

More and more news organisations are using phone-polling as well. Some years back the American newspaper *USA Today* held a phone poll that showed Americans loved billionaire Donald Trump. One month later it was revealed that nearly three quarters of all the calls came from a single office.

So it should be clear by now...report studies, lots of studies without investigation into motives or methodology and you'll be well on your way to unfair journalism.

Another way to stack your broadcast news so that experts give considered opinions while masking their real intent is to never, never disclose their backgrounds. Identify them with their institution whether it be a think tank or university but by leaving out the characterisation of the institution, for example, you can hide the fact this person is on a mission. And whatever you do, do not ask someone of the opposite opinion to appear at the same time. You start telling viewers this person is from a conservative think tank advocating this or that and then put on someone to disagree--first thing you know you'll be slipping into fair journalism. There's probably not a think tank in the world looking for publicity that doesn't have an agenda of some kind.

One clever way of angling your stories so they avoid being completely fair is to do the opposite of what you might think in terms of interview tactics. You'd figure a good way to make someone you personally disagree with look bad is to fire tough questions at them. No...try just the opposite. By asking shallow, easy questions you'll get lightweight responses. Stack these up against the sharp responses of the other guy and the audience will cast him as a dummy.

But don't confuse dummies with victims. Victims can really hammer home your agenda. By putting a little music under the track, letting the subject tell his own woeful story you can get some real sympathy going. I once had a neighbour who was also a news producer. He once asked me at a barbecue he hosted whether I knew much about Medicare--that's a

government health insurance program back in the U.S. I foolishly went on about it being the single biggest cost driver in government spending, and about the fears of university teaching hospitals that their overcharging would lead to cut backs and they'd lose innovative techniques, training and care for indigents...and so on. Clearly I was on the wrong track. He listened and flipped a burger. I could tell he pegged me for one of those deadly business news types. He said "No..no I meant I'm looking for someone in a hospital with tubes, you know. Someone who will talk about how Medicare cuts screwed them and now they're dying."

There's another lesson there. You need to find a victim to embody the story. Take an angle and let the victim drive it home. Otherwise you'll end up with one of those boring, fair stories littered with talking heads and a confusing "on the one hand...on the other hand" duel of ideas. The American president Herbert Hoover once said he wanted a one-armed economist for that reason.

If you still find you're being too fair, then I suggest altering your format a little. I was once faced with a situation where a bitter fight raged over control of one of the world's biggest oil companies. I had scored a coup of having both warriors agree to participate; one the chairman of the company, the other the corporate raider looking to unseat the chairman. I had wanted the two of them to appear together in a discussion format unedited. The raider was game (after all he's a man who is quick with damaging words and doesn't have to play the restrained role of corporate chairman) but the chairman insisted on appearing alone--at no time would he sit on the same set. Furthermore, he would have to get the last word. Amazingly, the corporate raider agreed to do this and since it was not to be live, he suggested we interview him in his office. I had forewarned the chairman's PR man that I would have to explain to the viewers (keep in mind I had not yet read the guide to unfair journalism) why we were putting forth such an artificial format--first a taped interview, then a live one, rather than having the two face to face. The day of the broadcast, the chairman had second thoughts when I said I wanted him to react to the raider's interview directly after seeing it instead of thinking about a response for a long time. This started a two hour holdout. The chairman sequestered himself in the men's bathroom while his PR man shuttled back and forth trying to bargain, turning a bit paler with every trip. Finally the chairman emerged and agreed to watch the tape and do the broadcast without delay. We played the tape on air. It finished with the corporate

raider standing up in his office shouting "I want to know why he (the chairman) is lying to the goddamn shareholders!" The anchor then introduced the man next to her as the chairman and pointed out he had insisted on not appearing at the same time. By dictating format the chairman actually risked looking stupid--so long as we clued the viewers into some of what was happening behind the scenes. Warning: Knowing the context can lead to fairness.

Asia Business News, where I now serve as Managing Editor, broadcasts all day from southern China to Sri Lanka. It is a region of immense diversity exploding in economic growth. The role of the press in many Asian countries has more to do with what's good policy in the view of the present government than what is fair in the minds of the journalists. In the west it is assumed that political leaders will sooner or later do something wrong. It is in part the role of the free press to catch and expose them. In Asia the press wields no such power. Many, seeing the paralysis it can cause in the west, see that as a proper weakness. There is a saying in America that a conservative is a liberal who's been mugged. I'd like to suggest that a corollary is an anti freepress leader is one who's been misquoted.

Throughout Asia now there is a strong anti-western sentiment stemming from a new found confidence. From this stance leaders are proclaiming satellite news as "western space trash" and "cultural imperialism." Some use it as a smoke screen to keep out news that might cause trouble at home if residents knew the truth, but others might have a point.

Asians are tired of simplistic, stereotyped news reports about them, coming back by way of satellite TV. Here's a quick test: I'll say the word and see what it conjures up. Islamic fundamentalist. I'll bet you pictured a terrorist. The largest Muslim country in the world is nowhere near the Middle East--it's Indonesia. And among the 190 million Indonesians I'll bet many proudly and peacefully consider themselves "fundamentalists." How about Bangkok? I'll bet you pictured traffic jams. Singapore--no doubt you thought caning. Yet what was the last story you saw on Singapore before the caning?

Recently in Indonesia, riots broke out among those in the unofficial trade union. They were looking to double their daily wages of about a dollar and a half a day (U.S.). Sounds like that's our victim. But then came an

ugly turn of events. The rioters started murdering ethnic Chinese businessmen. The same people who might have been cast as the good guys in a minute and a half news piece were suddenly killers.

Asia often uses the term "sensitivity" when dealing with news. At a recent trade show in Hongkong, a man purporting to be both a magazine publisher and TV programming broker chanted his mantra as he walked booth to booth: "..no sex, no violence, no politics...no sex, no violence, no politics..." With news it's usually the latter that causes problems though I'm sure boosting the sex and violence quotient in business news could grow ratings. Many countries in Asia say news, or at least western style news, is an unfair destabilising force. A Malaysian representative at the same trade show in Hongkong said that despite false news reports by westerners, Malaysians lived in racial harmony. These kinds of false reports, he chided, are irresponsible and "why we keep media out." He later went on to say Malaysia encompassed many races and the melting pot could become a boiling pot with certain news reports firing up the masses. So he presented a form of double think: our country is a harmonious one wrongfully portrayed in news; and certain news reports must be kept out because our country is potentially explosive.

The western press is often portrayed as irresponsible because in its own pursuit of what it calls the truth it cares little if disorder and unrest is the byproduct. A government spokesman in Singapore said recently that the foreign press is irresponsible because it doesn't have to live with the consequences of its reporting. If the foreign press carries a story that leads to unrest, its expat reporters can just pack their bags and return home, while the local press has to live with the rioting. Therefore the local press is always more "sensitive" in its reporting.

This clash over what role the press plays has recently come to a centre stage climax a number of times in Asia. The BBC was dropped from the satellite broadcaster STAR TV in part due to pressure from the Chinese government. China just banned not only satellite dishes but made it illegal for any of its cable systems to carry foreign channels. The BBC just went off the air in Malaysia due to what it portrayed as a sin of omission. The BBC was upset that its broadcasts were not being played in full and that certain stories were deleted. In particular, the stories about rioting in nearby Indonesia that I alluded to earlier. Malaysia said it had to comport itself with certain sensitivity toward its neighbours. The BBC said play

it all or you'll get nothing. The BBC is gone. What if Malaysian TV broadcast Gerry Adams back into Britain? What we do is not religion or missionary work.

As newscasters it leads us to reassess our role. I think it's clear to all that re-editing or changing our original materials so that they appear to say something different is a problem we can't live with. But what about deletions? Do we really feel that it is a case of "the truth, the whole truth or I'll take my toys home with me?" Those who advocate renewed U.S. trading ties with China say our very influence through trade will change China whereas our lecturing and chastising will backfire. Is it the same with news? Can we say that we'd prefer this or that government carry the whole newscast without deletions, or is some news better than none? Those who answer yes will surely be attacked for letting commercial greed kill journalistic creed.

On the heels of the BBC troubles with STAR TV, Hongkong governor Chris Patten criticised CNN founder Ted Turner and STAR owner Rupert Murdoch for "the most seedy of betrayals" for selling out. Is it true that we've determined what we are...now it's just a matter of determining the price? Or are we taking a less strident stance that says we are guests who have no right to expect others to swallow everything we think is "right" in the name of news? After all some of that news about Asia can be pretty shallow and naive. And it's not just Asia. Ask business people what they think of coverage on TV (apart from channels that specialise in business news, of course!) Business is nearly always portrayed as the rapacious, polluting, greedy abuser of people. Granted there are businesses that fit that description well but I'm talking more about naive stereotyping.

I have a motto I use with my journalists in holding issue-related segments or broadcasts. Let's leave the viewer more informed but more confused. It is the packaging of complicated stories into good guy-bad guy sound bites in a minute-thirty that risks gross over-simplification. Let's clue viewers into the background and context as well. Let's identify the motives or agendas of those guests who have them rather than pawning them off as neutral "experts." Let's remind viewers who paid for the survey or study. Let's not pass along PR releases unchallenged. Let's disclose where our video came from if we did not shoot it ourselves. Let's not quote unnamed sources as detractors. Listen rather than preach. And let's turn this information into a kind of gravity that pulls the poles of

dogma closer to a confusing centre. Do this and you have failed your "guide to unfair journalism." Do this and you will no doubt kill your ratings.

Oscar Wilde once said, "The truth is rarely pure and never simple. Modern life would be very tedious if it were either, and modern literature would be impossible." I believe the same should be said of news.

Chapter 5

STRUCTURES OF TELEVISION NEWS

Joe Atkinson

A. Introduction

There is a conventional view that the news media are transmission belts for information, mirrors of external reality and independent watchdogs on government actions. But like many conventional views this is highly misleading, whether used as a description of, or a prescription for journalistic practice. In fact, of course, the media are much more persuaders than transmitters. They play an active role in constructing "reality" and, far from being independently created, their constructions are heavily reliant on official and other institutional sources. Indeed, probably one of the weaker constraints on television news are the events themselves. Rather than fluctuating according to government performance, for instance, the cacophony of media complaints about politicians and bureaucrats is more like a permanent refrain.[1] This is usually supposed to be a symptom of responsible journalism at work; in fact, in my view, it signifies something altogether different: the dominance of structure.

The notion of "structure" refers to regularities stemming from routine production procedures and workplace norms, rather than from the actions of particular individuals. If we think of social actions as decisions made within systems of constraint, then structures result from unusually persistent constraints; outcomes, often unintended, which though related to the mixed up decisions of everyday life do not result from any one of them.

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1 For recent American evidence of this, see Thomas E. Patterson, Out of Order, Knopf, 1993

Journalists like to think of the social world as a place where identifiable actors do things to each other, but from a structural perspective there are no heroes, villains, or victims, just fairly impersonal consequences. In seeking to explain social action, therefore, the structuralist is inclined to be sceptical about practitioners' own accounts of their activities. From this point of view, television news bears a less than faithful resemblance to what newsworkers think they are doing.

The structures of the nightly news bulletin result neither from iron-clad technological determinism (the "ineluctable features" of the medium) nor from untrammelled free choice. Rather, they are produced by a convoluted series of pressures -- historical, political, economic, legal, technological, bureaucratic and cultural -- which evolve out of ongoing attempts to balance opposing forces and exploit the distinctive strengths of an audio-visual and telegraphic medium. This paper examines some of these pressures, not in order to level praise or blame, but to understand as much as one can from a distance something about the nature of television news. Most of the outcomes referred to in the third section of this paper were derived from a content analysis of a random sample of fourteen weekday bulletins broadcast during 1993.[2] Where there are differences between these results and those of comparable content analyses of earlier years, these will also be noted. In the final section, I will look more critically at the general model of television news that has evolved in response to the specified structural constraints, and suggest another possible model which I regard as preferable.

B. Constraints on Content

There are five main clusters of constraint on television news content: journalistic norms, local culture, economics, technology and bureaucracy.

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2 I would like to express my gratitude to my research assistant, Ms Louise Harness, for her careful coding and analysis. The bulletins she examined were those broadcast on Friday 8 January, Monday 8 March, Tuesday 18 May, Wednesday 30 June, Thursday 2 July, Friday 9 July, Friday 30 July, Wednesday 11 August, Monday 30 August, Monday 27 September, Tuesday 14 September.

The first two are less independent or consistent influences than the last three, but all are important.

I Journalistic Norms: The journalistic mission of *One Network News*, as stated by TVNZ's Director of News and Current Affairs, Paul Norris, is to:[3]

- Inform accurately and fairly;
- Provide a wide range of opinion;
- Analyse and place developments in context;
- Probe and scrutinise in all areas of public interest (ie, the watchdog role); and
- Challenge and hold the powerful to account.

But the performance of the bulletin in relation to these goals suggests that their function is at least partly ceremonial. As Pahmi Winter's research on TVNZ newswork norms shows, professionalism is equated as much with ratings-defined popularity as with any notion of journalistic principle.[4] One example of the "professionalism equals popularity" equation within TVNZ is the corporation's response to recent public criticism and the Broadcasting Standards Authority conference which produced this book. Rather than defending its performance in relation to its stated objectives, TVNZ chose to commission two research projects on audience attitudes to television news. A Heylen focus group of "heavy news absorbers"

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3 Transcript of a Speech to the Postgraduate School of Journalism, University of Canterbury, October 1, 1992, p.16

4 See Pahmi Winter, "The Masters of Truth and Justice: Popularity as a Measure of Contemporary TVNZ News-culture", seminar paper, Department of Sociology and Social Anthropology, University of Waikato, June 1992.

(over 35, professionals with high incomes) indicated that the viewers best equipped to judge felt television news was less balanced or fair than radio and newspaper news, but TVNZ chose to stress the companion AGB McNair survey finding that television was the main source of news for all except local happenings and felt to be the most accurate news medium by 43 percent of respondents.[5] Since a good many of those respondents -- particularly the younger ones who were most admiring -- also got the bulk of their news from television, their ability to make such comparative judgments was highly questionable. Even more disturbing than its self-serving interpretation of the results, however, was TVNZ's transparent quest for professional vindication in public opinion, with its implication that news was just like any other consumer product.

Notions of what is news ("news sense") appear to arise from an unstable mixture of reporter preference, editorial imprimatur, and what is sometimes called "the corporate idea of the audience".[6] Much of this is unspoken, of course, since those who get ahead and those who fall by the wayside within any organisation supply mute testimony for the ambitious. In the early days of the *Holmes* programme, for example, Rodney Bryant was tried out as a stand-in for Paul Holmes. Presenting a story on bear-baiting, he referred to it as filling the show's bad-taste slot. Bryant's brief association with the show ended abruptly. "We don't have any bad taste slots on our programme", he was informed.[7] Training also influences news norms. In the case of TVNZ the ideas of an American journalism professor, Fred Shook, of Colorado State University, have recently been influential. Shook highlights craft aspects of audio-visual story-telling, recommending "active-voice" newswriting to make stories sound more interesting and urgent and to make reporters seem closer to the action and to their audience. Among the effects of his advice has been the

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5 Alastair Carthew, "Television as a News Medium: Research Finds TV News 'Highly Accurate' and a Major Source of Information", Networks, 113, May 26, 1994. p.3

6 The main ingredient of the latter is the managerial interpretation of various forms of audience research.

7 Mark Thomas, "Maverick Broadcaster", *Sunday Star-Times*, June 5 1994, C5

morselisation of *One Network News*; that is, the shortening of its key components (sound bites, camera shots and item lengths).[8]

II Local Culture: Television news is also a cultural artifact. All news focuses on the unusual, the non-routine, the unexpected: highlighting events that interest us at least partly because they have no explanation. Typically these puzzles are resolved in personalised ways which reflect the prevailing myths and prejudices of popular culture. Myths -- about such things as motherhood, leadership, and bureaucracy -- reinforce the consciousness of social groups by embodying their ideals. They are also readily accessible, providing a kind of emotional and/or cultural shorthand for easy consumption by mass audiences. "When people hear folks like themselves talking, they listen", advises American broadcaster Larry Hatteberg.[9] But since what constitutes "local" culture is apt to be a matter of conjecture, the sensible strategy is to focus on myths that are universally recognisable.

Familiar myths are unthreatening and unobtrusively persuasive precisely because they say nothing very new. The chief novelty in news genres that exploit such myths, therefore, lies not in their conclusions, but in the way in which they are reached -- the ubiquitous "human interest" story typically reaffirms the already familiar in new ways. Banality makes good commercial sense, too, because "soft" news tends to rate better with mass audiences. It also builds up a picture of social and political reality which is normalised and personalised in ways that are both supportive of established authorities and reassuring to the masses.[10]

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8 For earlier research on this, see Joe Atkinson, "The State, the Media and Thin Democracy", in Andrew Sharp, ed., Leap into the Dark, Auckland University Press, 1994, pp.146-177; and "Hey Martha! The Reconstruction of One Network News", Metro, April 1994, pp.94 -101.

9 Approvingly quoted by Frederick Shook, Television Newswriting: Captivating an Audience, New York, Longman, 1994, p.120.

10 For an elaboration of this argument, see W. Lance Bennett, News: The Politics of Illusion, Second Edition, New York, Longman, 1994, p.120

III Economics: Since the current policy of New Zealand on Air is not to fund television news, *One Network News* operates as a purely commercial programme. There are three main ways in which the primacy of commercial objectives is likely to influence news content:

1. **Attitude to Audience** -- The economic product of commercial television is not the programmes it delivers to viewers, but the viewers it delivers to advertisers. Viewers are treated as private consumers rather than as citizens with civic responsibilities. The mass marketing orientation "streamlines" audiences by means of ratings and focus group research which asks viewers what they, as private individuals, like or want or might find useful. This contrasts with a more public-spirited journalism which tries to order news priorities on the basis of which stories are most useful to citizens in the performance of their civic roles. In a small and inelastic market such as New Zealand's, there is a tendency for commercial broadcasters to cluster together at the centre to compete for the most lucrative part of the audience. In effect, since access to information is restricted by commercial viability, minority and common good interests miss out in favour of lowest-common-denominator programming designed to appeal to the masses. The larger the audience, moreover, the more pressing is felt the need to be ingratiating and to avoid giving offence, which tends to narrow the ideological range of news content. This is usually done by playing up entertainment values at the expense of informational and educational ones and "softening" the news product.[11] This tends, in turn, to promote inside-page frivolities to headline prominence. The need for audience retention beyond each ad-break also licenses the strategic placement of such stories at intervals throughout the bulletin. The pacier and more compressed the bulletin, the less space is

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11 The "serious" news audience is generally thought to be older, male, white, urban, educated and politically attentive, while the "soft" news audience is more likely to be young, poor, female, uneducated, and non-attentive to either newspapers or national politics.

left for coverage of complex or ideologically contentious issues. And the more colloquial and familiar the vocabulary employed, the less likely it is to convey genuinely new information. The size of the "serious" news hole is correspondingly reduced and crammed with highly melodramatic and entertaining story-telling that is both formulaic and conventional.

2. **Competitive Ethos** -- In a commercial marketplace, news is a product whose quality is judged against that of competitors. This often results in a "scoop" mentality which puts a premium on being first and gives "exclusive" stories coverage because they are different rather than because they are intrinsically important. Competition also places an emphasis on glossy presentation and technological dexterity as external signs of superiority. In commercial television, the comparative ability to shoot and edit pictorial coverage of fast-breaking stories is one element of this. If ratings and focus group research show that audiences are more impressed with the external trappings of a bulletin than by other aspects of product quality, then packaging is likely to be given a higher priority. Onscreen presenters are taught to adjust their facial expressions to confirm viewer reactions, and more personalised modes of story-telling are adopted to heighten audience involvement and make it less susceptible to the competition. The basic format, length and scheduling of the bulletin are also geared to competitive and/or self-promotional considerations. Finally, the competitive ethos is often associated with a more aggressive corporate style characterised by high internal *esprit de corps*, commercial secrecy and stereotypes of outgroups. Corporate self-promotion can lead to internal deference, intolerance of dissenters, and misplaced confidence about important facets of corporate performance.[12] At the very least, the

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12 For examples of this "groupthink" syndrome in high-level foreign policy-maker groups working under stress, see Irving L. Janis, Victims of Groupthink?, Boston, Houghton Mifflin, 1972.

more "gung-ho" commercial broadcasters display attitudes that are sharply at odds with the open-minded and self-critical mindset often cited as preconditions for good journalism.

3. **Economies of Scale** -- Compared to its newspaper and radio counterparts, television news is very expensive. The technology is more costly (eg, a single video camera can cost $250,000) and the required number and variety of production personnel is greater. The new satellite and computer-driven technologies need regular updating and are both complex and expensive to use. So while they may progressively enlarge news production possibilities -- with computer graphics, satellite feeds, live-eye news trucks and the like -- they also involve extra expenditure which has to be offset either by higher advertising revenues, or cost-cutting elsewhere in the news operation. With a national news programme to produce in a country the size of Britain and with two channels to service, TVNZ might aspire to employ a larger journalistic staff than some of the bigger local news operations in the United States or Europe, but economies of scale force it to make do with less. One of the first moves of the deregulated company was to cut back the regional news operation and centralise news and current affairs production at the new Auckland headquarters. Again, commercial secrecy forbids a precise figure, but TVNZ's news division currently employs about 25 domestic journalists at six local news centres, plus two foreign correspondents. In Auckland, the largest centre, there are six reporters on assignment each day -- four on the day shift and two at night. Since each reporter can generally cover only about one story per day, opportunities to specialise are strictly limited. Outside of the four main centres, journalists are thin on the ground. In order to justify the expense of sending camera crew or live-eye trucks from Auckland, regional news from small towns now has to satisfy extremely high news values. The result is that the popular view of small-town New Zealand is dominated by stories of violence, conflict and quirkiness -- by religious cults and bikies, by floods, gumboot throwing

and factory lockouts. This bizarre picture bears scant relation to the more benign reality of these places.

Even in Auckland, moreover, *One Network News* has no specialist research staff of its own, though in emergencies or on more complex stories it can co-opt current affairs researchers from *Sixty Minutes, Holmes,* or *Frontline.* These local newsgathering resources, modest in comparison with local metropolitan newspaper competitors or with national television networks elsewhere, are supplemented by the Radio NZ news wire, by contributions from independent "stringers", and by newspaper clipping and unsolicited handouts. For international coverage TVNZ maintains overseas bureaus in London and Sydney, uses the wire services of AAP and Reuters, and takes satellite feeds from BBC, Vis News, ABC and ITN. It also has strong links with Australia's Channel Nine. The result of this distribution of journalistic resources is to emphasise foreign coverage at the expense of regional, and visually spectacular spot news at the expense of more complex research pieces.

IV Technology: Because television (like radio) operates in time rather than space, its bulletin has less room for topic diversity than that of print media and provides serial rather than fully random access. Furthermore, hourly updates are less attractive to television producers because up-to-the-minute visual footage is logistically harder to produce than radio reports. Such factors lead to a narrower and less individualised news menu, and this, together with the less avoidable presence of advertising, makes television news producers more wary of their audience. The latter tendency is reinforced by the disrupted environment of the family home where the bulletin is received and by the fact that, compared with radio listening, television viewing is harder to time-share with other activities. The magazine format of television news is designed accordingly to offer a "something-for-everyone" appeal to an intellectually passive but frequently distracted audience.

Fear of channel-switching puts a heavy premium on action-packed, quick-cutting modes of narration. The quest for constant novelty informs the decision to restrict the bulletin to a commercial half hour, adjacent to the

infotainment magazine, *Holmes*. It helps to explain the use of "Hey Martha" teases and integration devices to keep people watching through the ad-breaks and the emphasis on "wow, look at that!" visuals.[13] Finally, the preoccupation with video coverage has far-reaching implications for news content. Among these is the tendency to pay more attention to "the snags and drawbacks than to the rationale of policies and the complexities they are meant to solve."[14]

V Bureaucracy: Television is the most technically complex and organisationally cumbersome of all media. Being both visual as well as aural and telegraphic, it needs more forward planning that press or radio news, and for that reason (regardless of funding mechanism) tends to support more hierarchical and bureaucratic forms of news production. The State Owned Enterprise model applied to TVNZ in 1989 stressed top-down financial accountability and profitability rather than journalistic requirements. Reporters began to talk about being contracted to produce pre-defined news products, rather than being allowed to follow their own inclinations. The demand for predictability and managerial control favoured the establishment of reliable, relatively riskless operating procedures to avoid technical hitches and to produce a professionally smooth news product. When Paul Norris spoke to budding journalists at the University of Canterbury a few years ago, he emphasised the technical complexities of coverage of major world events such as the Gulf War,, concluding:[15]

> The fact that most of the time our links and hook-ups work smoothly perhaps leads us to underestimate both the value of the achievement and the complexity of the process. I can tell you that many fraught man-hours are spent weaving networks of links together and holding them in place. It is all too easy to take it for granted.

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13 See Atkinson, "Hey Martha," op. cit.

14 Tom Burns, The BBC: Public Institution and Private World, MacMillan, 1977, p.205

15 Paul Norris, op.cit., p.10

Note here that the "achievement" Norris asks us to acknowledge is the access gained via satellite technology to a greater variety of reports and analysis from rival British and American broadcasters. Note also that he specifically equates technical facility with journalistic excellence. Earlier in the speech he had boasted of the increasing "sophistication" of television news in terms of its immediacy and volume and of its ability to add "new dimensions to the images of war." He spoke proudly of "the video pictures of the laser-guided smart bombs chillingly finding their targets, or night-scope pictures of aerial bombardment, or cruise missiles eerily floating into shot behind the correspondents".[16] What he did not know then, however, was that the "smart bombs" would turn out to be not very smart at all, nor the cruise missiles particularly accurate. In fact, the dominating impression our television news so assiduously collected via satellite linkups, from military censors and through the ideological prisms of foreign observers, was a highly misleading one. Its relationship to the political reality of "Desert Storm" was at best marginal. Organisational needs produced something less than critical journalism and something more like a Hollywood re-creation of World War Two battles with Hussein as Hitler and "Stormin Norman" Schwarzkopf as General Patton.

The news production process at TVNZ is thus a conservative, bureaucratic, risk-reducing one. As a general rule, given limited in-house newsgathering resources and bureaucratic inertia, the more preprocessed a news product is before it reaches the newsroom, the more likely it is to get through the early filtering process. Legal and other pressures enforcing attention to "truth" further ensure that official viewpoints are emphasised, as does the focus on "national" rather than local concerns. News "diary" routines reinforce this reliance on "usually reliable" sources. Hence the oft-noted preponderance of official and other powerful and/or well-funded institutional sources over individual ones even when (as is the case with *One Network News*) populist norms are evoked to elevate the opinions of ordinary people.

The foregoing should not be taken to imply that the influence of these constraints is clear and unequivocal. In most instances they combine in complex ways and it is difficult to determine which factor has most influence on any outcome. For example, the visual and technologically

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16 Ibid, p.9

complex character of television also influences spending priorities and, as a corollary, bureaucratic status within the organisation. TVNZ tends to spend its money on equipment rather than on personnel, on production patina rather than on story content, and on frontpeople and bureaucrats rather than on researchers. As celebrities who give the corporation a human face, popular onscreen presenters command six-figure salaries, equal to or better than those of top managers. Unlike presenters, television journalists are no better paid than their radio or print counterparts, but their organisational status is also determined as much by on-screen performance as by the more conventional canons of journalistic excellence. Researchers, whose efforts are not immediately apparent onscreen, are comparatively poorly paid. At this point technological imperatives and commercialism override journalistic norms. The ability to look and sound authoritative onscreen or to identify pictorial opportunities weigh more heavily here than the ability to find and develop new stories or angles. Both skills are routinely sought of course, but (especially in a commercial context) one is essential while the other is merely desirable.

Finally, several factors apart from those already mentioned exert weak or intermittent pressures on news content. History, politics and professional communication practices -- along with the events themselves -- are among these less pressing factors. News norms and local culture exert somewhat stronger and more insistent pressures, but the most powerful and enduring constraints on news content remain economics, technology, and bureaucracy. More than other factors, this trio dominates the system of causal constraints that produces news structures.

C. Some Structural Outcomes

The bulk of *One Network News* is domestic (national rather than local); e.g. an average of 53% of bulletin time in last year's sample. This is a sharp decrease on earlier years (79% of the news was domestic in 1989). The change probably reflects both progress in TVNZ's technological ability to obtain coverage of overseas events, and commercial considerations, since domestic coverage is comparatively unspectacular as well as more expensive to collect. Most domestic items come from government and official institutions; e.g., two thirds of them on average, if police and court stories are included. The remaining 34% comes from non-governmental institutions, including business and organised pressure

groups (25% on average), or from individuals (9%). The "government and official" component has fallen by five percent since 1989, reflecting a deliberate shift to more populist story-telling.[17] The official viewpoint is now more likely to be balanced against the voices of private, unaffiliated individuals relating their experience of public policies. These sound-bite comments are supposed to promote ordinary opinion as a check on the powerful, but their relationship to public policy can be quite tenuous. As noted above, however, they do play a commercial role in making the official news more accessible to, and popular with, mass market viewers.

International news last year accounted, on average, for 37% of the total number of items but 47% of their length. Given the U.S., British, Western European and Australian sources from which foreign news derives, the focus of political coverage is on "Western Power Bloc" politics, such as the war in Bosnia, conflict in the Middle East, or the economic and political plight of Russia. Events in South America, Asia and Northern Africa are rarely covered, and then normally only in relation to natural disaster or famine or if our Prime Minister travels abroad. Apart from the Cook Islands, Fiji, or Australia, the Pacific region is similarly neglected. Besides demonstrating a consistently narrow view of world politics, foreign news is predominantly concerned with disaster, crime, celebrities and sports. Since a similar distribution of interests is also found in coverage of domestic affairs, these categories dominate overall topic priorities, as shown in **Table 1.**

In our sample, an average 61% of bulletin time was devoted to five main topics: Sports (24%), Crime (14%), War (9%), Disaster (7%), and Human Interest (7%). All the war was imported, of course, but so was 68% of the sports, 63% of the disasters, and more than half the human interest material, and even 30% of the crime.[18] Coding for the human interest category is inherently subjective, but we were deliberately conservative in assigning this label. Included here were two items about British royalty, one each on a pop star's birthday, the Notting Hill carnival, a locust plague in Australia, an addition to the Bristol Zoo, plus a couple of obituaries.

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17 See, e.g., Atkinson, "Thin Democracy," op.cit.

18 The "international" subcategory of sports included New Zealand teams and individuals playing overseas.

The locust plague might have qualified as a disaster, but several items in the "other" category could just as easily have been included in the human interest category: stories about an unclaimed American lottery jackpot, a house removal on Dunedin's steepest street, the Apple computers for schools campaign, or Bill Clinton running the Boston marathon, for instance.[19] Finally, as **Table 2** shows, more than half of the crime/prisons subcategory dealt with violent crime; male and overseas activities were overwhelmingly predominant in the sports subcategory; and foreign policy or business activities directly relevant to New Zealand made up less than a third of the foreign affairs subcategory.

Admittedly the figures in **Tables 1-2** are based on a relatively small sample of news content and more research needs to be done to assure their reliability, but if these priorities are characteristic, our analysis calls in question the standard TVNZ characterisation of *One Network News* as "the most important stories of the day, both national and international, presented in a way that is relevant to views and to their needs and concerns".[20] Since so much of the bulletin is taken up with crime, war, disaster, sports and human interest stories, many of them foreign, the amount of news of obvious relevance to citizens is exceedingly small. Unfortunately, even when political and economic items are covered, they are all too often robbed of useful substance by morselisation, or fitted into the straitjacket of active-voice narratives about victims and villains.

The constraints of economics, technology and bureaucracy may help to account for these topic priorities. The five main topics all involve visually interesting, highly dramatic, action-packed stories for which coverage is readily and cheaply available, often in pre-packaged forms. Crime coverage, for example, requires little or no independent research, since that is supplied free to police and court reporters as a matter of bureaucratic routine. Another virtue of crime, particularly violent crime, is that it contains the dramatic ingredients for audience retention, the

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19 The "Apples for Schools" campaign was one of TVNZ's corporate promotions.

20 Paul Norris, quoted in Neil Billington, "All the News One Needs," Insight documentary, Radio New Zealand, National Programme, October 18, 1992.

whole panoply of deviant behaviour - villains, victims and the forces of law and order. Crime is perfect for active-voiced stories about who does what to whom and it provides fertile ground for re-telling cultural myths and pandering to populist prejudices. Crime is also a universal genre with industrial grunt, readily transportable across cultural borders. Moreover, since the local police are the heroes of these stories and their resources can benefit from moral panics about crime, they are all-too-willing accomplices in the crime news industry. Finally, crime satisfied "hard news" definitions of what is important as well as being politically unproblematic, since PR for the police helps to reinforce the status quo.

Sports, war and natural disaster stories satisfy similar criteria, as do human interest stories of heart-warming or bizarre events. All of these are story categories which lend themselves to "wow, look at this!" pictures and simple emotions; all are reassuring and easily comprehensible to viewers. In short, *One Network News* may be a profitable and entertaining programme, but it gives less than five minutes of its nightly news hole to stories that might satisfy Walter Lippmann's definition of news as "a picture of reality on which the citizen can act."

Cheap, highly-personalised, dramatic and politically unproblematic crime and sports stories also share another advantage missing from stories about politics, economics and public policy; they can be told with great concision. Visual communication is generally more economical than prose. Pictures can convey propositions elliptically and with great emotional force without the more prosaic need for elaborate verbal architecture or carefully-constructed logical connections. But pictorial stories generally need to be straightforward and unambiguous to be universally comprehensible. The more complex the proposition, by and large, the less suited are pictures to convey it. For straightforward news about who does what to whom, therefore, pictures are optimally efficient. But much of what is important about politics and economics simply cannot be told in this way. Political stories are less pictorial than stories about recent or current physical events. Politics is about ideas and the future, whereas television pictures tend to focus on physical and emotional aftermaths. The pictures in stories about economics or politics tend to be visual wallpaper -- buildings, cars, telephones, airplanes, people -- rather than essential for audience understanding. Even when graphs and polls

are used in such stories, they often bear a fleeting relationship to the reality they purport to describe.

If pictures help to shorten a story, it follows that non-visual stories may take longer to tell. And so it proved in our sample of *One Network News* for, as **Tables 3-4** show, the more serious the story, or at least the more obviously intellectual its content, the greater its length. As can be seen in **Table 3,** items about politics, foreign policy, education, health and economics were somewhat longer on average than stories about crime, accidents, sports, war and human interest. And yet, as **Table 4** makes clear, these longer non-pictorial stories occurred much less frequently than the shorter pictorial ones. The predominance of topics such as sports, crime, conflict, disaster and human interest in **Table 1** was not because such stories took longer to tell **[Table 3]**, but because they were more frequently chosen **[Table 4]**. The only exceptions were stories about business and industry (other than market reports) which tended to be shorter than expected, and those about disaster, which tended to be longer. But plausible reasons for these exceptions are readily available.

The business/industry subcategory included a number of summary items about matters such as the rise and fall of interest rates, wool exports, the stock market, petrol prices, and the profit performances of Telecom. These were potentially longer items whose complexities were left unexplored. Television tends to treat economics as deeply mysterious -- for that is what it is to most journalists -- and heightens the suspense (or its own guise of infallibility?) by means of objectivist jargon. The nightly stock market indices are the standard instance of this, but the non-explanatory stance applies to longer economic items as well. Items in the disaster subcategory, by contrast, were not really single stories at all, but composite, multi-layered accounts of far-reaching events, such as bad weather in Southland which resulted in the loss of countless sheep, and in people being cut off from power, phone and transport routes. In cases of major natural events such as earthquakes and floods, TVNZ's recently acquired technological capacities are shown to their greatest effect. The temptation to show up the competition is almost irresistible.

So the basic rule stands: stories about politics and economics are generally too long-winded for a commercial half-hour bulletin, and if they do appear, producers try to turn them into pictorial versions of past events, or stories of people doing things. Furthermore, the urge for concision is

clearly strengthened by the commercial compulsion for a pacier, more entertainment-oriented bulletin. Average sound bite (interview extract) length has almost halved during the past five years (from 15.5 seconds in 1988, to less than eight seconds in 1993). The average duration of item lengths has shortened by almost forty seconds over the same period, and roughly three seconds has been cropped from camera shots. Responding in his Canterbury University speech to complaints of "morselisation" in *One Network News*, Paul Norris reckoned that length was "not a key dynamic" in the television news. "Surely not even Atkinson judges his students' essays essentially on their length?"[21] I have already criticised this claim with respect to sound bites.[22] I follow both Noam Chomsky of MIT and Dean Kathleen Hall Jamieson of Pennsylvania's Annenberg School of Communication in arguing that interview concision has the practical effect of excluding oppositional or politically problematic voices.[23] Since item concision is evidently relative to topic category, length seems to be a key dynamic here as well. Once again, the ratings-driven push for a pacier bulletin tends to displace the more complex, less pictorial subjects in favour of simple-minded visual moralising tailored to the wants of ordinary viewers.

The kind of populist newswriting underlying these results has ideological implications that need not detain us here, but its overall impact on the structure of *One Network* News is conservative. A shorthand illustration of this is to look at who gets to speak about what in the bulletin. The answer, quite simply, is that white patriarchy rules. We looked at onscreen sources of news in our 1993 sample according to both ethnic origin and gender. As **Table 5** shows, we found that out of a total of 285 onscreen sources (excluding presenters and reporters) 92% were white Europeans (compared to 74% in the population at large); whereas Maori and Pacific Islanders were disproportionately silent, a trait they shared with all other ethnic groups. If that were not bad enough, most of the

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21 Norris, op.cit., p.19

22 See Atkinson, "Thin Democracy", op.cit.

23 See Chomsky in the documentary film, The Manufacture of Consent, and Jamieson in her book, Eloquence in an Electronic Age, Oxford University Press, New York, 1988.

whites were men. Males accounted for nearly 80% of all onscreen appearances. Furthermore, as **Table 6** shows, this preponderance increased when examined in relation to the onscreen roles adopted by the various sources. Not only were white males dominant in every role category, but they became more so when the roles in question were public or institutional ones. The only category in which women rivalled men was that of "private individual." White men were the politicians, celebrities, experts and spokespersons; women and non-whites were the victims of crime, disaster and public policy, mothers or sportspeople. When the latter were spokespeople, moreover, they were confined to women's or minority topics: health, welfare and education, and ethnic issues.

It might be argued that *One Network News* merely reflects the structures of the wider society in these respects, but the fact that in Women's Suffrage Year women were generally permitted to speak only in their private capacity suggests a less sanguine conclusion. For a bulletin which claims to be freeing itself from over-dependence on the structures of dominance in our society by seeking out ordinary opinions, here surely is clear evidence that we still have some way to go. Not only does the bulletin remain in thrall to white male elites, but its view of women is reinforced by the roles given to its own presenters and reporters. For years July Bailey has been promoted, on and offscreen, as the archetypal "modern, young mother" and this remained the case in 1993.[24] In the past, there has also been a tendency for news staff to be allocated gender-appropriate roles. This has shown up in a predominance of male voice-overs and in signs of gender preference in field assignments. We did not measure the former this time, but hints of the latter can be seen in **Table 7**. To give *One Network News* its due, assignment sexism is greatest on imported stories of war and conflict where male reporters outnumber females by three to one, but local crime and disaster stories also indicate a preference for men. Health is the only domestic issue where women reporters outrank men, though this seems to reflect specialisation by one female reporter. Given the small number involved and tendency for such

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24 Bailey's maternal role is discussed by the former Executive Director of *One Network News* Paul Cutler in Gordon Campbell, "Top of the Evening", The Listener, May 6, 1986, pp.18-34. See also Sandra Coney, "To Know Our Old Presenters is to Love Them", Sunday Star-Times, May 29, 1994, p.C9.

assignments to change from year to year, not much reliance can be put on the latter figures. Linda Clark's recent promotion to political correspondent, for example, will probably introduce a female gender bias into the 1994 figures on this topic. Still, the general impression of a conservative bulletin that works to reinforce stereotypes rather than challenging them remains quite robust. No doubt a close reading of gender treatment would lend further support to this thesis.

D. The "Eyewitness" Model

Whatever its producers profess it to be in theory, in practice *One Network News* resembles the standard "eyewitness news" format. Since that is also the format adopted, with minor variations, by several New Zealand television news bulletins, some comment on the general model is in order. Whether occupying a commercial half-hour timeslot, as with *One Network News*, or a commercial hour bulletin, like *3 National News*, the "eyewitness" format consists of a series of highly abbreviated accounts of exceptional and discrete events. *One Network News* fits a fraction more than 15 items into an average 17 minute news hold (excluding weather and stock market indices), permitting not much more than a minute to be spent on each item. Events take place against a social background that is both static and familiar. In a world driven by an ever-changing flux of complex political and economic forces, an on-the-spot news report concentrates on the most tangible manifestations of action, stressing dramatic or violent events and personal conflicts. The focus is likely to be on the concrete rather than the abstract, the particular rather than the general, and on personal experience rather than the big pictures. The range of views aired in soundbites and voice-over commentary is often quite narrow, and the stories routinely omit important elements of context or leave underlying forces unexamined. When oppositional voices are given opportunities to speak in such a bulletin, they are pushed into unargued assertion via sound bites or add little to public debate due to their on-the-spot perspectives and lack of specialist knowledge.

In this news model, sound bites and "active-voice" modes of story-telling are useful substitutes for independent evaluation by "generalist" reporters and producers.[25] These devices transfer pseudo-responsibility to the

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25 See Atkinson "Hey Martha", op.cit., and the subsequent letter by Emeritus Professor John Werry in Metro, June 1994, pp.15-16.

"actors" in stories --making them the authors of their own fates -- while obscuring the real responsibility for such judgments. Having established the "facts" in this way, the authors distance themselves from what has been constructed by appearing onscreen as presenters, commentators, and reporters. Thus the news is made to look like an objective report rather than what it is: a highly coloured and rather simplistic version of reality. The sheer speed and immediacy of the medium are exploited to convince viewers that there has been little time to prepare stories and that events are reported "as they happen." The routine reliance on a lone reporter also helps to mask from public view the complex, intra- and inter-bureaucratic processes of news construction and thus strengthens the bulletin's tendency to act as an apologist for the status quo.

The strongest bias of eyewitness news, however, is not against any particular party or point of view, but what has been termed "a bias against understanding." That phrase was coined almost twenty years ago by a prominent British broadcaster, John Birt. In a compelling series of articles in **The Times** co-written with the distinguished journalist and public servant, Peter Jay, Birt mounted a trenchant critique of the eyewitness model.[26] The "Birt-Jay thesis", as the critique came to be known, speaks so directly to our current concerns about the quality of television news and current affairs that it may be useful to summarise its more telling arguments. What adds special piquancy to our recall of this important episode in television's intellectual history is Birt's recent appointment to the pinnacle of British broadcasting: Director-Generalship of the BBC.

Birt-Jay started by showing that all news was inescapably interpretative. They went on to argue that the pose of journalists as neutral recorders of dramatic and spectacular events was not just false but possibly dangerous:

> The constant emphasis placed on societies' sores by television feature journalists, with little or no attempt to seek out the root causes or discuss the ways by which the sore might be removed ... may contribute to the alienation felt by the victims of societies' inadequacies and imperfections. They can be forgiven for sharing

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26 The articles were subsequently reprinted in the Official Programme of the Edinburgh International Festival, 1980, pp.29-37 and all subsequent quotations are taken from that source.

> in the assumption made by many feature journalists that a sore easily highlighted should be a sore easily removed. Bad feature journalism encourages the victims (and most of us are victims of something or other) not to relate their problems to those of society as a whole and to conceal from ourselves how often one man's grievance is another man's right.

The false dichotomy between fact and interpretation had, according to Birt-Jay, led to a form of "corporate journalism" based on "simplistic, restrictive and highly prejudicial news values". It also created an unnecessarily sharp division between news and current affairs both of which should be recognised as forms of "commentary" rather than as unproblematic collections of "facts". In failing to acknowledge the "unseen apparatus of assumptions and opinions" embodied in their judgments of newsworthiness, journalists made themselves hostage to "the state and the other main repositories of power in our society." The practical result, Birt-Jay warned, was a form of journalism which promoted some voices at the expense of others:

> Much reporting is simply passing on what head offices do, say and feel is important. In consequence, head office value judgments -- eg, the labelling of groups and individuals as 'militant', 'extremist', or 'moderate' -- dominate broadcast journalism; and often the reporters themselves use such labels as if they were clinical terms.

Primitive news values which put a premium on dramatic or unusual happenings -- "a plane crash, a murder, or the growing of an outsize marrow" -- did not matter so much if applied to simple stories of human interest such as celebrity scandals or tales of individual derring do, but they were quite "inadequate, even dangerous, when ...applied, as they are, to the social, political, economic and international forces which most determine our lives." If the symptoms of a society's economic ills -- inflation, overseas debt, unemployment, poverty, crime and so on -- were routinely treated as separate stories, each comprising nuggets of self-contained "fact", then social reality -- which, properly speaking, was more like "a seamless garment of interacting and developing processes" -- would unravel into "an atomised world of a million tiny tales." This disconnected portrait, manufactured "in the name of bringing the abstract down to earth and the complicated home to so-called ordinary simple

people" and sometimes defended as a means of "drip-feeding" understanding of complicated situations over long periods of time, was actually based on a methodological mistake.

That mistake, which economists called "the fallacy of composition", was the assumption that the whole is the sum of its component parts. This fallacy, Birt-Jay explained, supposed that:

> ..if every homeless family finds itself homeless because it cannot find the price of a house, then homelessness is caused by lack of money ..[or] if each soldier in rival armies is fighting out of patriotism, then patriotism is the cause of war.

The spread of this falsehood to television news and current affairs was facilitated by a further error inherited from documentary film-makers who saw news and current affairs as really no different to any other kind of visual story-telling. News stories had become excuses for "making films", whereas video coverage was more properly regarded as a useful but limited adjunct to presenting a story or explaining an issue.

> For the directors' lobby an ideal programme is one which has exciting locations and lively situations with animated talkers in between. Any proposed project is likely to be assessed by how it measures up to these criteria ... the documentary film ethos comes to contaminate not only the choice and the treatment of stories but also those members of the team on whom the directors rely for their journalistic input -- the researchers and reporters.

Furthermore, in the movie-making model of news and current affairs, the reporter became the director's "star":

> The reporter recognises that "concerned" interviews with victims of the system and "grabbing" interviews with the guilty landlord or council official are more likely to establish him as a "personality" interviewer than some painstaking and abstract analysis of housing economics which is outside his experience and capabilities.

This heady concoction of "eyewitness" journalism and movie-making was doubly attractive because it required less sustained thought or research than the abstract analysis of social causes and effects, and it was popular

with mass audiences. But in terms which now, after nearly two decades, seem increasingly prescient, Birt-Jay warned that its popularity might be short-lived. They cited an article in **The Political Quarterly** of April-June 1973 written by Austin Mitchell (then himself a recent migrant from New Zealand television) showing that ratings of the main British current affairs shows had actually fallen off over the previous decade, which was also the period in which "the modern style of programme" came to dominate British television. Birt-Jay reckoned this was due to television's increasing shallowness and trivialisation of major events. They wrote:

> In an age of more and more education, combined with more exciting events and more pressing problems, it would be odd if popular curiosity were becoming shallower. While 80-90 per cent of any viewer's television appetite may well be for entertainment or for programmes about his particular interests, the remaining 10-20 per cent is for knowing what is happening -- and why -- in the world around him. That part of his appetite naturally demands lucid intelligible information and explanation, not more entertainment disguised as "popular" (ie, trivial) stabs at haphazardly chosen stories of the moment.

Disaffection with the eyewitness model now appears to be gaining ground in New Zealand. A few weeks ago at a broadcasting "summit" conference in Auckland, Ruth Harley, Executive Director of NZ On Air, noted an incipient decline in television news ratings which she explicitly associated with the changes in news values evident in *One Network News* since deregulation. She suggested that the New Zealand audience might be starting to tire of a morselised diet of crime, disaster, war and macho sports coverage. If Dr Harley is right, now may be an opportune time to revisit our current model of news and current affairs in order to canvass alternatives which might better satisfy the requirements of journalism as a civic activity.

Intelligent news need not be just news for the intelligentsia, of course, but it should be based on a feel for the big picture and a reasonably sophisticated understanding of the major changes taking place in society. Without an educated grasp of underlying historical forces and the structures of political economy -- something that only comes with formal training and/or long experience -- television news is reduced to retailing messages from authority, or reprocessing information in visual form. The

current imbalance on *One Network News* between style and substance -- the concern with *how* things are said rather than with *what* is said, and with factual accuracy rather than with contextual breadth -- reflect an old but robust anti-intellectualism in New Zealand journalism. The problems of the traditional preference for non-specialist journalists have been compounded recently by the wholesale defection of a core of experienced senior reporters into public relations and the press secretariat, and by the growth of a youth culture fostered, at least partly, by television's emphasis on visual appearance. These factors apparently lie behind TVNZ's hiring of an expensive team of American news consultants to teach reporters how to "write the pictures" while its in-house research resources were being cut back.

Presentation is important in all forms of journalism, of course, not just in television, but it is, or ought to be, of secondary importance: the information, the investigation, the analysis should always come first. Given the radical changes current in our society, TVNZ might have done more to strengthen its much-touted "watchdog" role if it had chosen to hire an economist in 1989 instead of a team of American news consultants, or if it had increased the size and pay of its research staff as a way of attracting more experienced journalists to that task. For if the company's recently-released audience research tells us anything, it suggests that the best-informed citizens are also the most deeply dissatisfied with television news, while the most poorly-informed, though relatively complacent about television news, are by all other measures among the most alienated from the political system. If watching television helps to turn you off politics, while using more varied news sources turns you off television, then television has nothing to celebrate about its journalistic performance. As Birt-Jay stoutly assert:

> The proper job of television journalists is not to try to reach a mass audience by making entertainment programmes nominally pegged to news events or the contemporary scene. The job is to try to achieve what the great popularisers have always achieved: namely to cut through the jargon and the technical details and to reach towards clarity of exposition of the important developments and issues so that the citizen may have the chance to perceive the choices available to the society and to the world in which he or she lives.

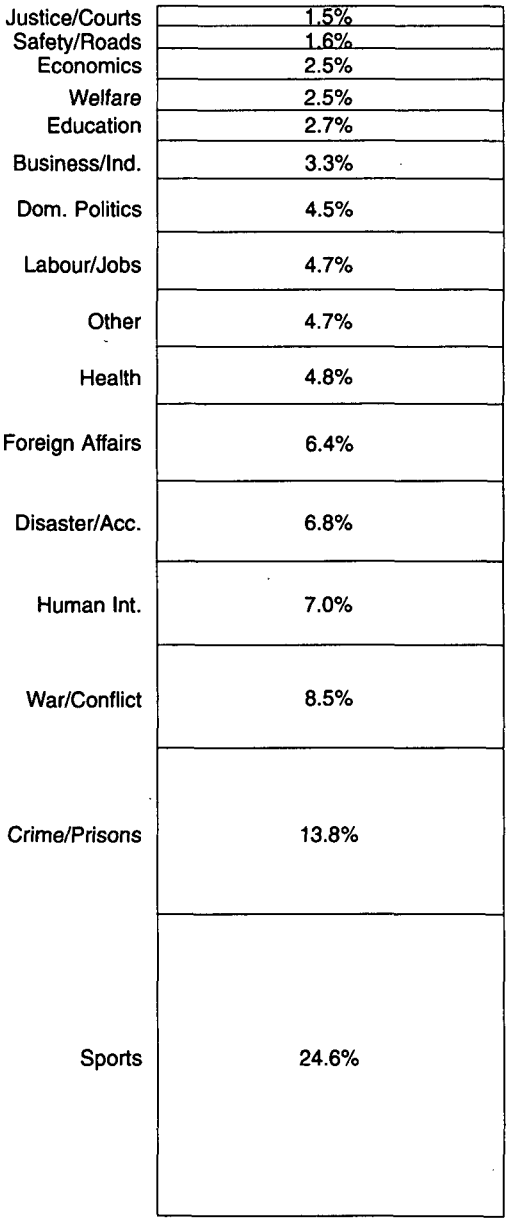
The latter, with the most occasional exceptions, is not what we are getting now. Detailed proposals for the re-design of our news and current affairs television must wait for another occasion, but the Birt-Jay suggestions provide a useful starting point. They advocate re-designing the eyewitness news model to devote more time to the main issues of the day. By reducing the number of items covered, and paring down or doing away with mere entertainment, major stories could be given more context. They envisage a centralisation and integration of journalistic and research resources in order to allow those best-qualified to make judgments about issue priorities (ie properly-trained subject or country specialists) to have regular input into editorial planning. They also see a beefing-up of specialist qualifications and the formation of specialist subject-teams as important pre-conditions for responsible issue journalism. Finally, they suggest radical changes in the overall organisation of news and current affairs in order to integrate all daily or weekly programming elements into a coherent series of treatments of the most important issues, thus maximising use of pooled resources and building up a more comprehensive and understandable picture of reality on which citizens can act.

Perhaps if such a radical programme as this were to be adopted in New Zealand, our television news producers might stop acting as if they were minor Spielbergs and return to their proper role as civic educators. TVNZ's record-breaking profit suggests that the money-men can easily afford to loosen the purse-strings in order to achieve such changes. It remains to be seen whether this will require active political intervention to encourage them to do so.

Table 1

One Network News

Topic Priorities (1993)



Percentage of total bulletin time spent on each topic

(Excluding weather & stock market index)

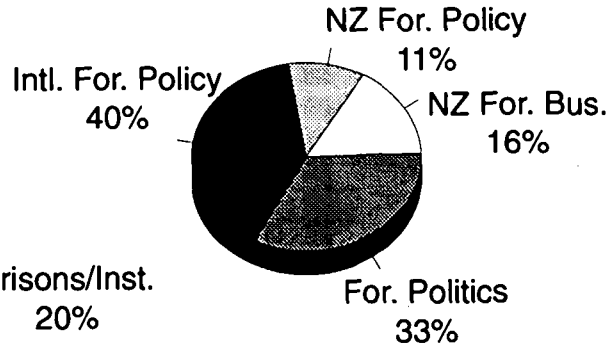
Table 2

Subcategory Breakdown

TVNZ, 1993.

Crime/Prisons

Foreign Affairs



Sports

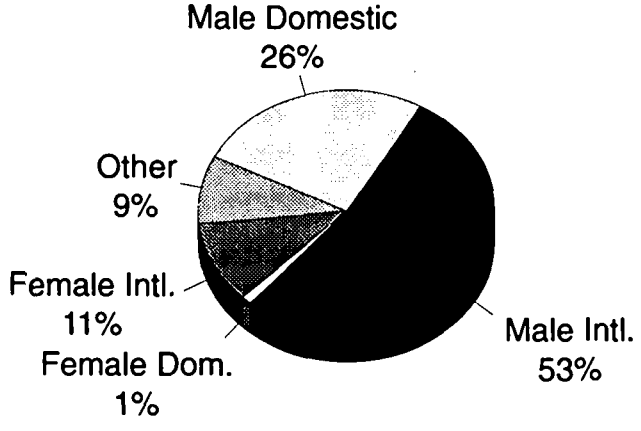


Table 3

Average Item Length

TVNZ, 1993.
(By Sub-category)

Non-V. Crime	45
Business/Ind.	48
Accident	52
Human Int.	56
Violent Crime	58
For. Politics	62
Sports	63
War/Conflict	65
Prisons/Inst.	67
Mean	67
Welfare	72
Justice/Courts	74
Intl. For. Policy	74
Other	77
Dom. Politics	82
NZ For. Policy	82
Health	87
Labour/Jobs	97
Education	98
Disaster	107
Economics	118

Length in Seconds

Table 4

Item Frequency

TVNZ, 1993.
(By Sub-category)

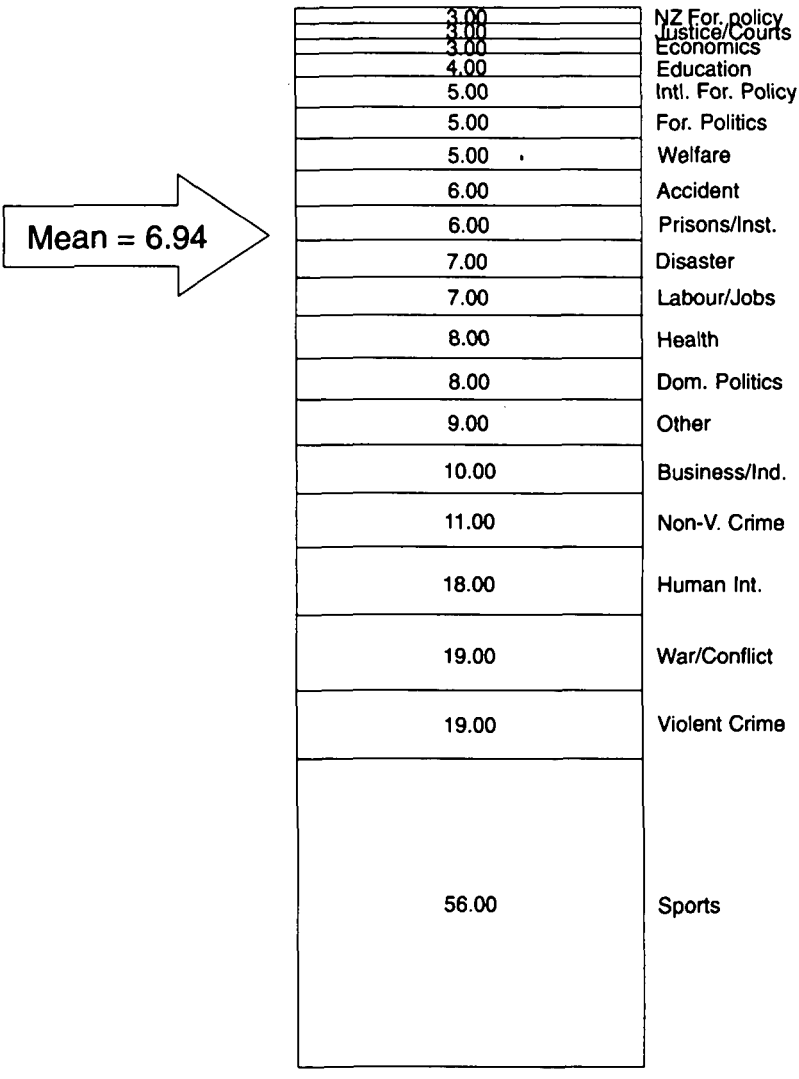


Table 5

Ethnic Origin of Sources

Onscreen Appearances (1993)

Ethnicity of Source	n=	Percent of total
White/ European	263	92.3
Maori	6	2.1
Pacific Islander	9	3.16
Asian	2	0.7
Other	5	1.75
Total	285	100

Table 6

Onscreen Roles

TVNZ, 1993.
(By Gender & Ethnicity)

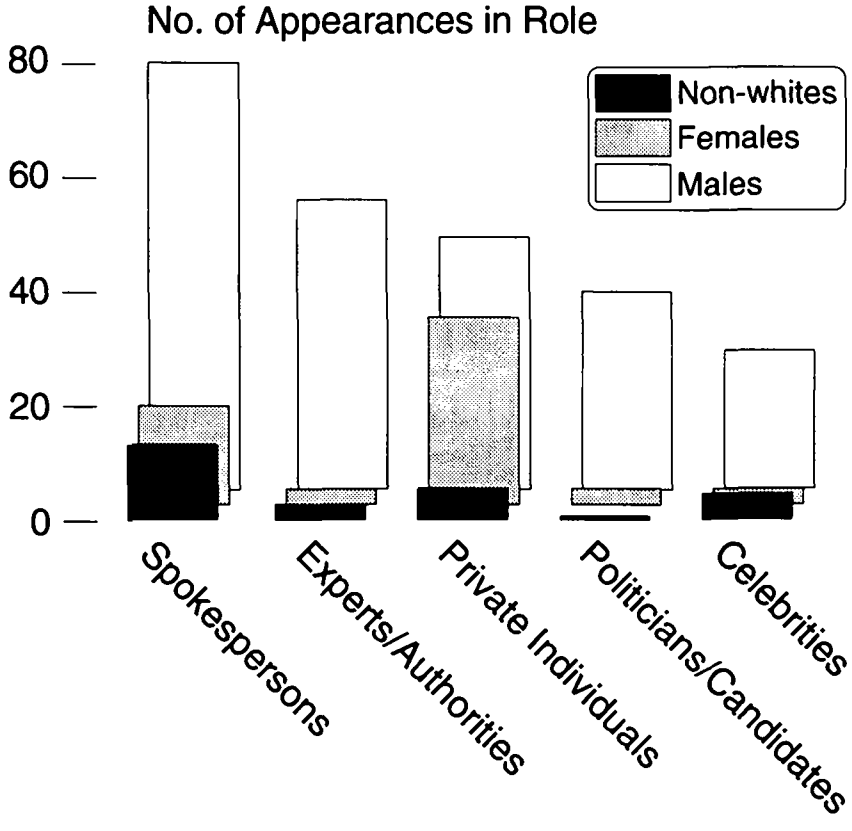
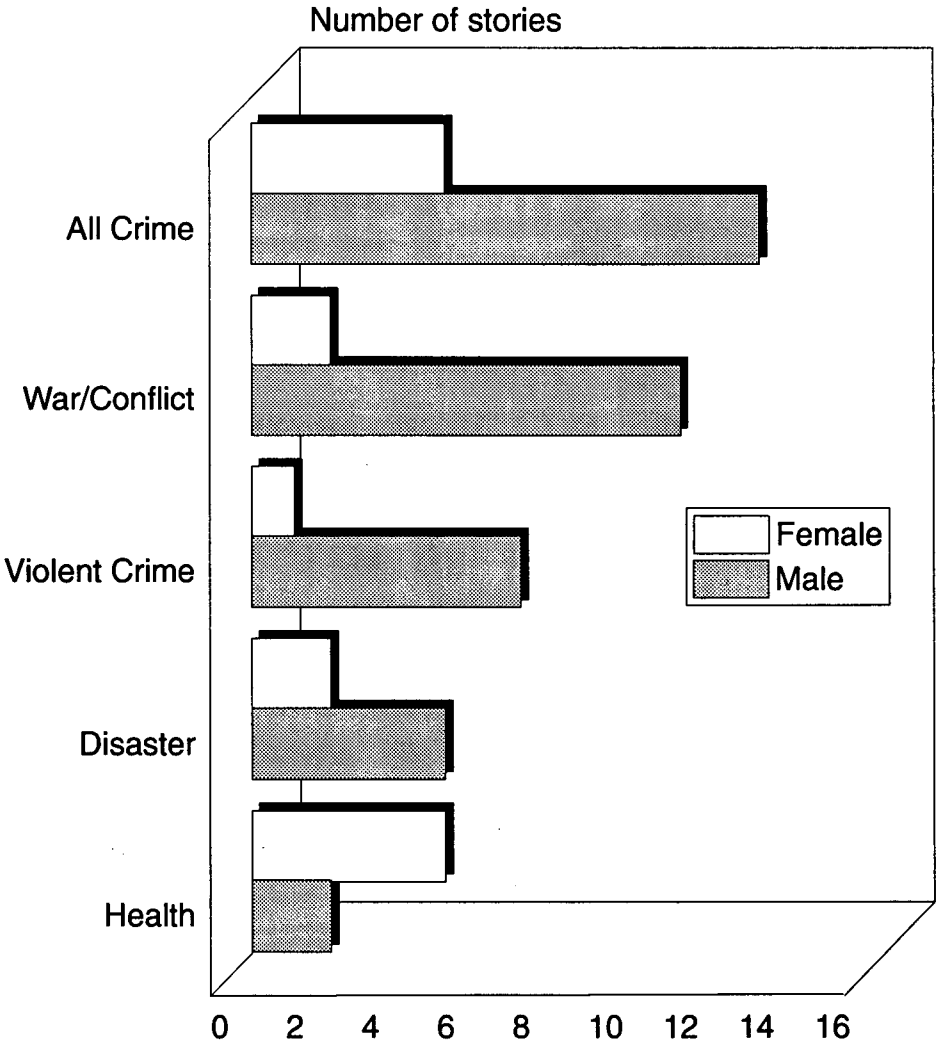


Table 7

Reporter Gender

TVNZ, 1993.
(By Topic)



Chapter 6

PRIVACY FROM A LEGAL PERSPECTIVE

J.R. Burrows

A. The Growing Concern with Privacy

Until recently the legal protection accorded to an individual's privacy was very patchy. It seemed to be treated as lying in the realms of ethics rather than law; it was too hard to define accurately; and the damage one suffered if one's privacy was infringed was too ephemeral for the law to take much of an interest in it.

However, protection was not entirely lacking. Such as it was, it was piece-meal and somewhat random. For example New Zealand has for some time had statutes prohibiting the opening of other people's mail, making it an offence to intercept other people's private conversations by listening devices. Sometimes too, conduct which infringed privacy also infringed other legal prohibitions. If it did, the law might be able to provide some redress. For example, if an infringement of a person's territorial privacy also amounted to a trespass the law could provide a remedy; if a publication infringing privacy affected an individual's reputation, a remedy might be available through the tort of defamation.

But all of this fell very far short of a general protection of privacy. In more recent times there has been pressure for a more general protection. Partly this has been in response to the increasing sophistication of technology. It is now readily possible to film people when they do not know they are being filmed; to intercept communications; and to store material on computer. The increasing boldness of some branches of the media, in particular the English tabloid press, has also caused outrage. When journalists and photographers managed to gain entry to the hospital room in which actor Gorden Kaye was lying seriously injured and attempted to photograph and interview him, the public were alarmed at the court's response that there was no law of privacy which could give Kaye

redress for what they had done.[1] The tribulations of various members of the English Royal family are also well known. It is worth pointing out at this juncture that while these transgressions of good taste in England are well known in this country it is difficult to find examples of equally outrageous conduct by our own media.[2] In other words, such concern as there is in New Zealand is very often in response to overseas examples rather than local ones.

Be that as it may, our New Zealand law has in recent years been moving closer to a general protection of privacy. Some of the movement has been statutory. The best example is the Privacy Act 1993 which lays down twelve principles which govern those who collect and hold personal information about other people. The media are largely exempt from its provisions while they are engaging in news activities, and rightly so, for the sweeping provisions of this Act could be virtually unworkable if applied to the media. Nevertheless, the Act is certain to have some effect on the media even when it does not directly bind it. Journalists will find it more difficult to get information from their traditional sources; and the Privacy Commissioner in his watch-dog role, has the capacity to observe and comment on media practice and even to make recommendations to Government about it. And, quite apart from this, the fact that most other agencies in both the public and private sector are bound by the Act may lead some to question why the media are as fully exempt as they are.

Then, most importantly to us today, there is the Broadcasting Act 1989 which in section 4(1)(c) requires broadcasters to maintain standards consistent with the privacy of the individual, and set up the Broadcasting Standards Authority to adjudicate on complaints about infringement.

Finally, the courts have also entered the arena and have expressed their view that there is probably a tort of public disclosure of private facts which is redressable by the normal legal remedies of injunction and damages.

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1 *Kaye v. Robertson* [1991] F.S.R. 62

2 A very small proportion of the complaints heard by the Broadcasting Standards Authority and the Press Council are complaints about infringement of privacy.

Since it is these last two developments which affect the media most, I propose to concentrate on them.

B. The New Principles

In the Broadcasting Act the term "privacy" is completely undefined. So the Broadcasting Standards Authority in dealing with the complaints which have come before it has had to develop its own definitions and its own guidelines. It has formulated five privacy principles. They have been reaffirmed in several cases, and were authoritatively stated in an Advisory Opinion issued by the Authority in June 1992.

The principles are as follows:

(i) The protection of privacy includes legal protection against the public disclosure of private facts where the facts disclosed are highly offensive and objectionable to a reasonable person of ordinary sensibilities.

(ii) The protection of privacy also protects against the public disclosure of some kinds of public facts. The "public" facts contemplated concern events (such as criminal behaviour) which have, in effect, become private again, for example through the passage of time. Nevertheless, the public disclosure of public facts will have to be highly offensive to the reasonable person.

(iii) There is a separate ground for a complaint, in addition to a complaint for the public disclosure of private and public facts, in factual situations involving the intentional interference (in the nature of prying) with an individual's interest in solitude or seclusion. The intrusion must be offensive to the ordinary person but an individual's interest in solitude or seclusion does not provide the basis for a privacy action for an individual to complain about being observed or followed or photographed in a public place.

(iv) Discussing the matter in the "public interest", defined as a legitimate concern to the public, is a defence to an individual's claim for privacy.

(v) An individual who consents to the invasion of his or her privacy, cannot later succeed in a claim for a breach of privacy.

A number of these principles deserve discussion.

1 The Public Disclosure of Private Facts

The main principle applied by the Broadcasting Standards Authority is set out as their principle (i) above. It has been echoed in the common law courts in much the same terms. In *Tucker v. New Media Ownership Ltd*[3] in 1986, McGechan J, spoke of a tort "covering invasion of personal privacy at least by public disclosure of private facts". At an earlier stage of the same case Jeffries J. was rather more explicit.[4] He said that a person who lives an ordinary life has a right to be left alone and to live the private aspects of his or her life without being subjected to unwarranted or undesired publicity or public disclosure. In the years since 1986 there has been a series of judgments supporting the view that there is indeed such a common law tort.[5] In the most recent of them, Gallen J. said he was prepared to accept that such a cause of action forms part of the law of the country.[6]

In both the courts and the Broadcasting Standards Authority there have been several clear applications of the principle, for example:

* When the bitter custody case involving the little American girl, Hilary Morgan, was about to be heard in the New Zealand Family Court, television proposed to screen a documentary called *Hilary's in Hiding* giving details of her family life and past history. Holland J. granted an interim injunction on the grounds that

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3 [1986] 2 NZLR 716

4 High Court, Wellington CP 477/86, 22 October, 1986

5 See for example, *v, Attorney-General* (1985) 5 NZFLR 357, *Morgan v. Television New Zealand Ltd* H.C. Christchurch, CP 67/90, 1 March 1990, *C v. Wilson & Horton Ltd* HC Auckland CP 765/92, 27 May 1992.

6 *Bradley v Wingnut Films Ltd* [1993] 1 NZLR 415.

broadcasting of the documentary would arguably involve a breach of privacy.[7]

* When television showed film of the victim of a rape entering court the Broadcasting Standards Authority found that this was a disclosure to the public of her identity and her connection with the case. They concluded that this was the public disclosure of highly sensitive private facts and hence that the broadcast breached Principle (i). They awarded damages of $2,500.[8]

* A radio station played a song called *Let's Talk About Sex* which had been requested by two young girls both of whom had unusual names. The announcer introduced the dedication and with reference to the song's title said: "We know your mothers don't just talk about it". The unusual names of the girls meant that the identity of their mothers was recognisable by those who knew them, and the Authority once again held that this was an infringement of privacy. Compensation in the amount of $750 was paid to the woman who complained.[9]

These three examples are clear enough, and I think that few would dispute the appropriateness of the court's and the Authority's holdings. Nevertheless, the boundaries of this principle are not at all clear. First of all, what exactly are "private facts"? Perhaps the fullest definition appears in the *Australian Law Reform Commission's Report of 1979.* They said that sensitive, private facts were:

> "matters relating to the health, private behaviour, home life or personal or family relationships of the individual".

There are many things about ourselves in these categories which are entirely our business, which other people have no need to know, and

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7 *Morgan v. Television New Zealand Ltd,* HC Christchurch, CP 67/90, 1 March 1990.

8 *Complainant R,* BSA 176/93, 21 December 1993.

9 *Presland,* BSA 69/92, 28 September 1992.

which we would rather they did not know. Facts about our health and sex life are obvious examples. But there are shades of grey here. A too broad interpretation of "private" facts could to some extent limit freedom of speech.

The *second* difficulty is an aspect of the first. There are many personal facts which ordinary reasonable people would not require to be kept private. Few of us, for example, would object to its being published that we are left-handed or that we are married with a family. (Although perhaps this is not quite so clear - there do seem to be some people who object to disclosing their marital status.) Thus, the Broadcasting Standards Authority's first principle states that privacy is only infringed if the facts disclosed (and I might add the disclosure of them) are "highly offensive and objectionable to a reasonable person of ordinary sensibilities". One cannot impose the standards of the hermit or the Greta Garbo. Yet the boundaries will not be easy to draw here either. Different people do differ about what they are prepared to have said about themselves, and the hypothetical reasonable person of ordinary sensibilities, like other legal constructs, may appear in different shape to different people. Would that person, for example, object to publication that he or she had had a previous marriage? Is a teetotaller? Is a vegetarian? Was adopted as a child? Has won Lotto? In respect of at least some of these questions one suspects different people would give different answers.

The *third* difficulty has caused the Broadcasting Standards Authority to formulate its principle (ii) above. "The protection of privacy also protects against the public disclosure of some kinds of public facts". Yet there are some real difficulties here. In the well-known case of *Tucker*[10] referred to earlier, Tucker was a man with a heart complaint who required a heart transplant. He and his family had begun a public appeal for funds to send him to Sydney for the operation. A newspaper discovered that in the past he had had several convictions for indecent assault against boys. The court granted an interim injunction, which it later lifted, prohibiting the publication of that information. One of the grounds for doing so was that it was private information. Yet, why was it private? The convictions had taken place in public court and were therefore a matter of public record.

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10 [1986] 2 NZLR 716.

At what point of time does a person's public past become a matter of that person's private life? Another aspect of this problem is whether it can ever be a breach of privacy to publish something which a person has done in a public place. That difficulty is reflected in the Broadcasting Standards Authority's third principle. On the one hand, it can be said that since everything a person does in public is liable to be observed that person must take the risk of its publication. On that view, something done in a public place is not a private matter at all. That was one ground of the court's decision in the recent case involving the film *Brain Dead.*[11] The court found that no breach of privacy was involved in the showing in a comic horror movie of a gravestone, with part of the deceased's name visible, in a scene in a cemetery. However upset the deceased's living relatives might be, the cemetery was a public place and the gravestone was simply "part of the ambience" of that public place. On the other hand there are things that can happen to us in a public place which are no fault of our own, and which would cause embarrassment were they to be published to the world. Is what is involved here a question of privacy which the law will protect, or rather just a matter of unethical journalism? Take the following examples:

* The Press Complaints Commission in the U.K. received a complaint from a young woman that a newspaper had published a photograph of her smoking a cigarette in a public place. The photograph appeared in an article headlined "The Girls Who are Dying for A Fag". It was held that the article had infringed her privacy, although part of the reason for the adjudication was that the headline implied that she was a heavy smoker and thus put her in a false light. There may, in other words, have been an element of defamation here as well.[12]

* A radio station in its Breakfast programme made a candid phone call to a man whom it named, revealing that on the previous day he had been involved in a verbal altercation in a car which had

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11 *Bradley v. Wingnut Films Ltd* [1993] 1 NZLR 415.

12 Case before the UK PCC March, 1993. (I am indebted for this reference to a report by Mary-Jane Boland of her researches while in England on a Robert Bell Travelling Scholarship.)

resulted in his being pursued home by another driver. All of those actions had taken place in the public streets of Auckland, but the Broadcasting Standards Authority managed to find that a breach of privacy was involved because the man's name had been mentioned on air, and there was no other ready way in which observers could have found out who he was.[13]

* A photograph of a woman is published showing her in a public street with a gust of wind blowing her dress up. A United States court has held that this is a breach of privacy.[14]

* There has been a road accident and cameras zoom in on an injured person being carried away in an ambulance stretcher. The disfigurement and distress of the victim are clearly apparent. An Australian judge has expressed the view that to publish this photograph would likewise be a breach of privacy.[15]

So in what circumstances, then, is public conduct, particularly conduct for which the person concerned is not responsible, a private matter? Are we at this point spilling over the boundaries of privacy into simply unfair reporting of public matters?

2. Interference with Seclusion

The Broadcasting Standards Authority's third principle involves intentional interference in the nature of prying with an individual's interest in solitude or seclusion. So far the common law courts have not gone far in this regard. The nearest they have got to it is in cases where reporters and photographers have entered premises with a view to interviewing the proprietor and have taken film before leaving. The courts have intimated that if camera people go onto property with cameras rolling, knowing that the occupier would not permit this if he or she knew of it, they may well

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13 *Clements*, BSA 19/92, 14 March 1992.

14 *Daily Times Democrat v Graham* 162 So 2d 474 (Ala 1964).

15 *Bathurst City Council v Saban* (1985) 2 nswlr 704 AT 708 Per Young J.

be trespassing from the moment of entry and thus may be liable to a legal remedy.[16] The exact boundaries of this have not been fully tested in either Australia or New Zealand, but the law of trespass could clearly be at least arguable in some such cases. The Australian courts have also held that if film is taken in the course of a trespass, the courts have jurisdiction to issue an injunction to prevent its publication.[17] The theory is that one should not be able to benefit from the fruits of illegality.

However, the Broadcasting Standards Authority has been able to take the matter much further. In one case it was held that television infringed privacy by intruding into a funeral service in a Church and filming the grief of family and friends present.[18] Two things probably contributed to this decision: firstly, the nature of the facts portrayed i.e. the grief, but secondly, and perhaps more importantly, the intrusive nature of the procedure by which the film was taken.

But more importantly the Broadcasting Standards Authority has been able to use the third principle to examine some of the techniques which are used, particularly by television, to obtain material. Thus it has held that the secret recording of a business interview without the knowledge of one party breached Principle (iii) (although in the particular case the public interest in the subject justified it).[19] Likewise the secret filming, with a camera situated on public property nearby, of an interview with a woman at the door of her home was held to be a breach of the principle; damages of $750 were awarded.[20] Had the pictures of Princess Diana in the gymnasium been filmed for television in New Zealand one would

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16 *Lincoln Hunt* case (1986) 4 NSWLR 457, *Marris v TV3* HC Wellington CP 754/91, 14 October 1991.

17 *The Lincoln Hunt* case (1986) 4NSWLR 457; Emcorp Pty Ltd v ABC [1988] 2 Q.R. 169; *Church of Scientology Inc v Transmedia Productions Pty Ltd* [1987] Aust. Torts Rep. 80-101.

18 *Kyrke-Smith*, BSA 27/93, 18 March 1993.

19 *Leckey*, BSA 138/93, 29 October 1993.

20 *Mrs S*, BSA, 1/94, 19 January 1994.

doubtless have had an even stronger case under this head. The surreptitious nature of the filming and the element of unfair surprise are the gravamen of this conduct as much as the actual subject matter of the pictures themselves.

So under this principle the Authority is asserting the right to control not just the content of programmes, but the methods used to obtain the information. The practical importance of this goes without saying. Yet, just as with the other principles, the boundaries are not clear. Thus, in another case involving a camera outside the premises filming a "door-stepping" incident the Authority found the element of prying was less clear than in the earlier one, so they dismissed a privacy complaint.[21] (I shall return to the question of "door-stepping" later.) Likewise, in another case, a woman had been filmed by a television camera while on stage at a night club during an all-male review. The woman maintained she had no notice that any form of recording was taking place. The Authority found that it was apparent to some patrons that parts of the performance were being filmed, although there was no indication of why the filming was taking place or who was responsible for it. In the event the Authority said that it was "hesitant to conclude that the interference had been in the nature of prying".[22]

Here again then the application of this principle will not always lead to a clear answer, and the judgments of different persons may differ as to whether the principle has been broken.

3. Public Interest

The Authority's fourth principle recognises the public interest as a legitimate defence to a broadcaster who has published private information. The common law courts have intimated that in their development of a tort of privacy they would be influenced by similar considerations. In *Tucker*, the first of the important common law cases, Jeffries J. confined the new tort to details of the plaintiff's private life "which are outside the realm of legitimate concern or curiosity". In the first privacy case to come before

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21 *Smedley*, BSA 29/94, 9 May 1994.

22 *Ms H*, BSA 177/93, 21 December 1993.

the Broadcasting Standards Authority[23] the mother of the deceased complained of the way in which television had filmed the funeral of her son. His death had been the subject of substantial public interest, for he had murdered a person in a public square in Christchurch before turning the gun on himself. His funeral was attended by friends, some of whom had been let out of prison for the day for the purpose. At the funeral some of the friends had performed a salute with a Nazi flag at the graveside. One of the grounds for dismissing the privacy complaint, said the Authority, was the public interest in these aspects of the matter.

> News of (at least recent) crimes and those who commit them, of government policy, and of groups within society whose values contrast sharply with traditional norms are, in the Authority's view, matters of genuine public interest or concern. Glenn McAllister's funeral and its aftermath were occasions which brought together those various matters.

Yet again the line is one which is not easy to draw. For instance in the case of *Tucker* the Tucker family had themselves initiated the appeal for funds; why was it not in the public interest to tell the public the full history of the man to whom they were being asked to donate money? The boundary between public and private is hard to draw in this as in other contexts. When, if ever, is it in the public interest to know of the private life of a politician? Some would argue it is only so in the rare case where that person's private conduct impinges on his or her public performance. Others might possibly argue that if one puts one's self in the public arena one creates a public interest in knowing the whole person, and not just that part which the person concerned decides to release to the public. Clearly the rules should be a little different for public and private figures, but how different, and in what circumstances? And does it make a difference if, as in the case of Mr Tucker, the person is thrust into the public limelight not voluntarily, but in McGechan J.'s words "as a reluctant debutante"?

C. Comment

It will be apparent from what has already been said that privacy is a slippery concept. The Broadcasting Standards Authority's principles while

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23 *McAllister*, BSA 5/90, 3 May 1990.

helpful, are far from easy to apply in particular cases. Their margins are not well-defined, as the previous examples show.

Nor, as the Authority itself admits, are the principles necessarily exhaustive. There is a good deal of gut reaction about our concept of privacy, and it may not be able to be neatly contained in rules or principles at all. Indeed one of the Authority's earliest cases does not seem to fall squarely within any of its five principles.[24] The announcers on a radio station apparently disagreed with certain pronouncements from Dr Ranginui Walker. They gave his telephone number over the air and invited listeners to ring him if they disagreed with him. He was as a result inundated with calls. The Authority found that the radio station had indeed behaved inconsistently with his privacy. Yet it is not readily apparent that the case fell within any one of the five principles.

It seems to me that when we are confronted with questions of whether there has been a blameworthy infringement of privacy, we are influenced by a wide range of factors. Obviously, the personal nature of the information is one factor, the public or private status of the person complaining is another. But overlaying these seem to be a whole range of other factors. One is how much hurt or damage has been caused, or potentially could be caused, by the publication. In the case of Mr Tucker, a factor clearly influencing the judge's perception was the state of Mr Tucker's health. There was even concern that if the information about his past convictions had been published his heart condition could have worsened with death as a possible consequence. The extreme inconvenience suffered by Dr Walker as a result of the telephone calls was certainly a factor in the decision in that case. Again, we are probably more protective of children than of adults. The infancy of the complainant in the Hilary Morgan case made us the more ready to accept the decision banning the programme. There have been cases before the Press Complaints Commission in Britain where parents' complaints about unfair exposure given to their children have likewise been upheld. The methods used to obtain the information have an influence too. What was particularly objectionable about the "Diana gymnasium" photographs was the breach of trust used in the acquisition of them. And part of the offence we take to the Gorden Kaye situation was the deception used by the journalists to obtain entry to a private place.

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24 *Walker*, BSA 6/90, 3 May 1990.

It may be that the determination of whether a legal remedy should lie for the infringement of privacy can best be viewed as a matter of balancing the various factors involved. Thus, to determine a complaint, questions such as the following may need to be asked.

- What was the nature of the information published?
- How was the information obtained?
- Who was the complainant - adult or child, public or private figure?
- Is any part of the information based on conduct which took place in public?
- Is the information something the public ought reasonably to know?
- Is the information such that an ordinarily reasonable person would object to it?
- What hurt or damage will be occasioned by the publication?

Since the concept of privacy defies simple definition, there is a danger that any complaints procedures based on privacy may sometimes be used to complain about other types of unethical conduct which are not really to do with privacy at all. In other words, there is a danger that complaints may spill over the boundaries of privacy into other areas. One suspects that the plaintiff in the *"Brain Dead"* case was using privacy as a ground of complaint only because of the absence of any other obvious from of redress. In truth the case had very little to do with privacy at all. It involved a tombstone in a public cemetery and the real complaint was that it had been used in a film in a way which paid too little regard to the feelings of the family. In other words, it was a complaint about unfair conduct rather than privacy as such. In a similar way, the British Press Complaints Commission has had to consider complaints about photographs and descriptions of deceased persons, perhaps after an accident or murder, which were extremely distressing to the next of kin.

Yet one doubts again whether what is really in issue here is privacy. It is rather good taste, respect for the feelings of others, and the unnecessary infliction of distress. It involves a distortion to try to accommodate it within the privacy concept. I am even inclined to doubt whether the *Clements* case (the one involving the traffic altercation in Auckland) was solely or even principally a privacy matter. It was more about the unfair use of embarrassing information. And finally, what about the technique which is known in Britain as door-stepping which involves reporters and television cameras going to a person's door and filming them as they refuse to answer questions and end up slamming the door in the face of the cameras? This technique is sometimes used, normally as a technique of last resort, in investigative television programmes. While there may be privacy issues involved here, I would suspect that the major ground of complaint is rather that surprise is an unfair way to obtain information. Indeed in one case where the Broadcasting Standards Authority had to adjudicate on such a complaint, it based its decision not on intrusion into privacy, but rather on the fact that the element of surprise was such in the particular case that the interviewee did not have a fair chance to present his side of the story and the resulting programme therefore lacked balance.[25]

The point I am trying to make is that if privacy is made a ground of complaint or a cause of legal action, so fluid are its boundaries that one must resist the temptation to bring within it complaints of other sorts of unfairness and other sorts of abuse of privilege which are not properly intrusions into privacy at all. Ill-defined concepts can lead to a lack of clarity in thinking which can conceal the real issues.

Yet, as I shall suggest in the next section, the open-ended approach of the Broadcasting Act may be about the best we can do.

D. Where To From Here

How far should our law go in protecting privacy? Are there any further responses that our legal system should make to redress any problems in the current situation?

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25 *Lane*, BSA, 94/92, 7 December 1992; *Smedley*, BSA 29/94, 9 May 1994.

At one time it might have been a legitimate question whether the law should protect privacy at all. As I have already said the traditional attitude of the English legal system which we have inherited was that privacy was not a legal interest which required general protection. It belonged to the realm of ethics, courtesy and good behaviour rather than law. It is probably too late now to take that view. The law has already begun to move into the privacy area, and these kinds of developments are not readily reversible. Moreover I think most people would say that the law does need to have a weapon to combat the worst examples of infringement of privacy. The excesses of the British tabloids, and the case like the Gorden Kaye case, certainly argue the need for legal redress in some situations.

I suppose that some might contemplate the creation of new criminal offences. Just as one now has an offence of interception of conversations by listening devices (ineffectual though it seems to be) one might argue for a further offence of filming people on private property without their knowledge. Similarly, the Calcutt Committee in Great Britain in its report of June 21 1990, recommended that three types of physical intrusion should be made criminal offences. They were:

* Entering private property without consent to obtain personal information for publication.

* Placing a surveillance device on private property without consent to obtain personal information for publication.

* Taking a photograph or recording the voice of an individual on private property without consent with a view to its publication.

Yet this seems very heavy handed, and would surely run into difficulties of formulation. Should there be any exceptions at all to these offences, and if so what? And if one creates a list of further somewhat narrowly defined offences would it not be found that they leave gaps which people will later want to be filled by further statutes? I would argue that in New Zealand at the moment there is really no evidence that such regulation by the creation of criminal offences is necessary or desirable. Our media have on the whole been much better behaved than their British counterparts.

Another response might be to include the media in the provisions of the Privacy Act 1993. In the original bill the media were to be included like everyone else - at least there was no provision which excluded them. Yet that would be quite inappropriate. The provisions of that sweeping act cannot reasonably be applied to the media. Among other things the privacy principles stop persons disclosing the information to other persons, with only a specifically defined list of expectations. To make the media subject to restraints like that would not only be contrary to the freedom of speech which our Bill of Rights protects, it would contradict the very idea of what the media are about and what they are for. So if there is to be any further legal protection of privacy it should not be done through the medium of all-encompassing legislation like the Privacy Act. It should be specific to the media, so that a proper balance between privacy and freedom of information can be worked out.

I have heard it argued that the kind of tort of which our common law courts are speaking - a tort redressing the public dissemination of private information - should be put into statutory form with appropriate qualifications and exceptions to ensure that a proper balance is maintained with the public interest in freedom of information. That was recommended in 1979 by the Australia Law Reform Commission, but was not taken up by the Australian legislatures. I have certain difficulties with it myself. As I have tried to indicate earlier the difficulties of definition are formidable. It is sometimes better to let the courts do as they are currently doing and work the thing out on a case to case basis. That way the practical difficulties are perceived and dealt with as they arise.

I must say, however, although it may now be too late to make the point effectively, that I have some doubts about this emerging tort and the role the common law courts are playing in it. If rules of law are to be enforceable by the courts there must be remedies, and the remedies in this area are not just damages, they include the injunction as well. I am reluctant to see the development of further grounds for the award of interim injunctions. If this new law of privacy becomes established there is no doubt that it will be used particularly by the rich and famous to suppress publication of information about them, at least until the news value has worn off. Moreover, the courts are a less than satisfactory forum for an ordinary private individual who feels that his or her privacy has been infringed. They are too expensive, and involve the paradox that to protect your privacy you need to take action in the most public forum of

the country. I have always felt a strange contradiction in Mr Tucker's desire for privacy about his past which is now enshrined for all to see in the public law reports of the country.

Supposing we need legal redress at all, I think the Broadcasting Act, despite the manifold difficulties I have described, has got it about as right as we can hope for. It has set up a specialist tribunal which can operate more cheaply, more quickly, and with less publicity than the courts. That tribunal has quickly built up understanding and expertise. I am also inclined to believe that the total lack of definition of the concept of privacy in the Broadcasting Act, exasperating though it may be at times, is better than attempts to spell it out in detail in statutory form. In a matter as complex as this, detailed statutory drafting inevitably leads to unnecessary rigidity, or to a failure to provide for all eventualities, or to entirely unsatisfactory solutions to unforeseen situations. The present lack of definition may lead to uncertainty, but at least the Authority can work out its ramifications on a case by case basis. As this paper has tried to demonstrate that is no easy task, but the common sense and experience of the Authority applied to specific situations as they arise is likely to produce the most common sense decisions.

There remains a question of course as to why it is only the broadcasters who are subjected to this kind of control. That raises the much broader question, often considered, of why broadcasters are regulated in so many ways in which the print media are not. In part I suppose it is because the impact of broadcasting is more immediate and because its accessibility in the home is less easy to control than the print media. But I suspect too that a lot of it has to do with the simple fact that the broadcasting media are of more recent origin, and got tied up from the start with notions of regulatory control which their older relation, the newspaper, had predated. So at the moment the newspapers, so far as privacy is concerned, are regulated by the common law (tentative and underdeveloped though it may be) and by the ethical pronouncements of the Press Council. They do not have an enforcement body equivalent to the Broadcasting Standards Authority. I would have to say of them that I see little evidence, though, that they are abusing that freedom. If they begin to do so, that kind of solution may be a possibility.

Chapter 7

PROVIDING BALANCED NEWS AND CURRENT AFFAIRS

Trevor Henry

The Broadcasting Codes of Practice are an invaluable tool for helping NZ Public Radio maintain high standards in its news and current affairs coverage. They can be used as a measure and as a weapon...a measure against which we test all that we publish and a weapon to answer our critics, particularly those who are concerned enough to write in.

The lynch-pin is undoubtedly Standard R9 of the Radio Code of Broadcasting Practice which requires broadcasters:

> **To show balance, impartiality and fairness in dealing with political matters, current affairs and all questions of a controversial nature, making reasonable efforts to present significant points of view either in the same programme or in other programmes within the period of current interest.**

It is this "period of current interest" which causes our critics the greatest angst. In politically-charged atmospheres there are many who would undoubtedly like to see us prevented from broadcasting controversial material UNTIL we have both or all sides of a particular issue; in other words putting an unacceptable restriction on our editorial freedom...a freedom which I do believe we exercise responsibly. Operating under such a system would put us on a par with Fiji broadcasters and print media from publishing anything critical of the regime without an accompanying comment from the relevant minister. Dozens of stories were put into limbo by that procedure which was in effect a state-imposed gag on an active news gathering operation. Our practice is that where claims are made that are open to question, we seek confirmation from other sources before assessing the story for publication.

I should add here that radio news is not like a newspaper or television. Television and the press work to a daily deadline. For us the next deadline is less than an hour away. So, our procedure must be "go with what you've confirmed fully" provided we are sure it is accurate as far as it goes and you know that someone is following it up for the next deadline. Depending on the significance of the story there are the news and current affairs programmes -- Morning and Midday Reports and Checkpoint in the evening--which enable us to pull a range of viewpoints together. Here again though there will be instances when stories go to air "incomplete" in the eyes of some people. They will, of course, be followed up in subsequent programmes.

Not all stories warrant extended programme treatment, though. Choice is based primarily on the news significance of the particular subject. And the news value of a statement or comment and subsequent response may be entirely different, with one making it on to Morning Report and the other not. Dictating the "newsiness" of one or other of these is our customer, the listener, NOT the newsmaker. News judgment accounts for probably 85 to 90 per cent of what we run plus the question of fair play...Who's going to be affected by the story? Is it warranted? Do we seek a response? Remember, we are here to serve our listeners. It is our task to place before them as many significant viewpoints as we can, allowing them to draw their own conclusions. We avoid putting glosses on stories suggesting we have a position. Our language is neutral and words used must be unemotive unless they are sourced. Let me emphasise this: Radio New Zealand News and Current Affairs has NO editorial position on any issue. That is our primary operating principle.

Not so many months ago...at the beginning of the last election year to be precise...we had a welter of complaints from the Government accusing us of bias for failing to obtain balancing comment from them before publishing stories which they saw as negative, or critical of their administration. I am pleased to say that apart from one minor technicality none of the complaints was upheld. But they served to make us pause and examine what we were doing. We were able to satisfy ourselves that we were operating responsibly. Messages went out to staff to maintain the standards of their work. The downside of these complaints is that they are incredibly time-consuming to deal with...time which we can ill-afford in these resource-stretched times. But it is a process which provides people with rights we jealously protect; rights which question our integrity.

Radio New Zealand News and Current Affairs on National Radio is one of the most highly-targeted news media outlets in this country by the critics. Because we're publicly funded we're seen by some as "fair game". Politicians, and many other pressure groups, believe they have a proprietorial interest in keeping us honest. Fair enough, too. But equally, we, as professional broadcasters, know only too well what is required of us and how we should function as a major media operator. That is where these Broadcasting Codes of Practice come in. All our journalists should know them off by heart. They are easily accessible within our systems. Really, though, they come down to basic fairness and common sense. The balance standard is no different from the normal journalistic ethic under which any print or other news media should operate.

For those of you not familiar with the Codes they set out a range of requirements to which broadcasters have agreed to abide. In their most recent form they were drawn up by the BSA in consultation with broadcasters after the latest (1989) reconstruction of the Broadcasting Act was passed. They are revised from time to time. The most recent revision was only last year.

Many of them state the obvious but it is important that they are written down. For example, standard R1 requires us to be truthful and accurate on points of fact in news and current affairs programmes. We are also required to take into consideration accepted norms of decency and good taste; to consider the effect programmes may have on children (probably more relevant to television than radio); deal justly and fairly with anyone taking part or referred to in any programme; to respect the principles of law; to respect the principles of partnership between Maori and Pakeha; to respect the principles of equity especially regarding women; to respect the privacy of the individual; to correct factual errors speedily and with similar prominence to the offending broadcast; and to act responsibly and speedily in the event of a complaint. One could hope the print media accepted similar and agreed standards -- such as giving similar prominence to corrections and complaint findings.

As I mentioned earlier, standard R9 requires broadcasters to make "reasonable efforts" to present significant points of view when dealing with controversial issues. The Act, not the Codes, also refers to "reasonable opportunity" being given for such views to be presented. Whether intended or not, this particular phrase is just about our only

protection in talk-back programmes. The best producer in the world has no defence against callers' opinions all going one way. Our defence is that those with different ideas could have called in too. In other words they had "reasonable opportunity". Talk-backs are getting further and further into serious current affairs and without that clause in the Act we could find ourselves in difficulty defending a complaint. The "reasonable opportunity" is not in the Codes but, in case of conflict, I would expect the Act would over-ride them.

In addition to these rules we have other "in-house" rules or policies which assist us to do our jobs. For example there are the non-sexist language guidelines, a policy to ensure even-handed coverage of Israeli-Palestinian issues and a policy of impartiality developed by Morning Report for the guidance of those working for the programmes.

Let me detail some of this policy for you:

1. **Editorial**

Morning Report has no views or opinions on any subject. In the coverage of controversial issues we do not promote or belittle any point of view including the views of minorities. Views are covered according to their news value and significance; these views are balanced during the period of current interest of the issue.

2. **Reporting**

Reporting for Morning Report is factual. We do not run "Prescriptive" reporting in which the reporter's personal opinions are given or value judgments made on events or the opinions of others. We make judgments on the NEWS value of events, and the significance of those events, but not on the merits of the events or opinions themselves. Where facts cannot be immediately demonstrated, the source of the facts is stated. Our writing is clear and without ambiguity. A clear separation is maintained between fact and opinion.

3. **Analysis**

Some reporters are able to offer analysis of events or opinions in which the event or opinion is placed in a wider context, predictions are made, and

the listeners given a clearer idea of the significance of the issue. The line between analysis and advocacy may appear to be fine but it is not. We draw the line at the expression of prescriptive comments: ie saying whether things are good or bad or telling the listeners what opinion they should hold. This applies to everything from the weather to tariff reform. There is no exception to this policy. Should the policy be breached, it is entirely appropriate that statements critical of the views given by our own reporter should be run.

4. Neutrality of language

We adhere to RNZ's non-sexist language guidelines not only because they are policy but because they represent an effort to remove from the language words which may be taken by some to denote bias or biased assumptions on the part of those speaking. For example, we do not refer to the sex, age or race of newsmakers unless it is relevant to the story. We also avoid the use of expressions or language which assume our listeners are all of one race or ethnic group or age group or other category. For example we do not use words such as "we Christians" or "we Maori" or refer to "our ancestors from England".

As I mentioned earlier, being publicly funded and subject to an Act of Parliament means plenty of people see us as directly and instantly answerable to them for every perceived blunder. They are encouraged by the existence of the Broadcasting rules which given them a sense of power over us. They probably feel they don't have the same control over the print media which, apart from the normal laws of defamation, have only the Press Council to answer to.

Most of the complaints come from listeners to National Radio bulletins and programmes and come almost entirely from pressure groups or those with a narrow, specialised focus, including politicians. More than half can be expected to involve constantly recurrent confusion between an accurate report of a statement and the editorial endorsement of such. In other words the fact of a statement having been made does not depend on the accuracy, truth, or offensiveness of that statement. The listener with the interest in a subject is inclined to want to shoot the messenger's kneecaps instead of addressing himself or herself to the message.

We are currently engaged in formal complaints about balance in which the complainants are keen to see standards, as they interpret them, maintained. Let me quote some passages from one lengthy submission.

> Those of us who care about Radio New Zealand National as the last bastion of high quality journalism have a public duty to protect it from corruption. The shortcomings I draw attention to in my complaint are matters of what is an acceptable level of journalism that RNZ should strive for, not what others may be doing. RNZ National, (as he insists on calling us) somewhat akin to Radio National across the Tasman was built with my father's and grandfather's generation's money and support, to give them the real news, not what the government wanted us to hear or what the yellow or conservative press was saying. What they expected was the truth and a fair deal and an assumption that many people have an attention span somewhat longer than 15 seconds.

Most of our news clips, and certainly our Morning Report and Checkpoint items are considerably longer than that.

The complainant argues a persuasive case and I await the outcome with interest but he does have great difficulty in differentiating between an accurate report of a statement and any editorial endorsement of such. He acknowledges that there must be a fine balance between censorship and the need to establish veracity and argues that there is no need to rush a story. Rather we should have waited until a balancing viewpoint was available to run simultaneously with the story to which he has taken exception. What he fails to acknowledge is that the bigger or more important a news story, the less likely it is to be true from someone's individual view. Imagine the sinking of the Titanic or the more recent tragedy of the DC10 crash on Erebus. Could we, should we, have waited until there had been positive confirmation that the plane had gone down before we ran a line? I think not.

Radio New Zealand News and Current Affairs is in many ways unique. We are a statutorily independent news-gathering organisation with a nationwide spread (albeit rather thin these days) of reporters. Because of our impartiality, we are able to report the activities of all newsmakers in the community and to subject the Government and all others in positions of authority and influence to scrutiny, allowing our listeners to make up

their own minds about events. We do this by presenting the facts on issues, without fear or favour. It is fundamental to our operations that the public should be left to draw their own conclusions. We must be transparent in all that we do and be able to justify in any subsequent scrutiny the professional reasons which lie behind each of our editorial decisions.

Through our links with the publicly-funded National Radio, RNZ News and Current Affairs supplies large amounts of material across the day. Because of its accessibility and nationwide spread National Radio has developed into the leading information source of our society.

The listener is able to receive our service at minimal cost -- the price of electric power or a set of double A batteries to keep the transistor alive. Public funding through NZ On Air is a separate issue and not for discussion here. But the fact that we are publicly funded ensures we are not under the direct control of interest groups, commercial, political or proprietorial.

It means that we make our decisions, to the best of our ability, on purely professional judgment. The Broadcasting Codes of Practice are a support mechanism against which we are able to test all that we do.

Chapter 8

THE GENDER FACTOR IN NEWS: ACCURACY, OBJECTIVITY AND IMPARTIALITY?

Judy McGregor

Introduction

An enduring sin of omission by New Zealand's news media is the inability to provide fair coverage of women as newsmakers. This sin of omission, referred to by a number of researchers in this country (Webber, 1992; Leitch, 1993; McGregor, 1992; 1994), is not being addressed despite the warning signs that an unresponsive news media which does not reflect the community will lose the backing of society and imperil the democratic notion of the freedom of the press.

The notion that the news media should, as one of its normative standards, offer a representative picture of the constituent groups of society was emphasised by Robert Maynard Hutchins who wrote *A Free and Responsible Press*, the influential book which arose out of the private commission he headed in the United States in the 1940s. It underpins the notion of public service broadcasting and is prominent in the argument over how to make the news media a more effective and participatory force, a debate currently enjoying a renaissance (Keane, 1991; Rosen, 1992).

Prominent black American journalist Betty Anne Williams recently stated that:

> ..this is an age when the news media's franchise is under broad assault from widespread economic, cultural, demographic and technological forces, many beyond our control (p.49).

One of these forces, the need and desire for half the population to be accurately and fairly portrayed in broadcasting news, is, however, within

our control. What is urgently needed to translate promise and expectations into reality, though, is a rethink by journalists about what is news. News, if it is to survive in its traditional form, needs a re-visioning.

A strong commercial rationale for more and better news coverage of women (amongst others) reinforces the equity considerations involved. There are signs of a growing gender gap in media "turnoff" with more women tuning out from the mainstream news media as far as newspapers are concerned (McGrath, 1993). Will broadcasting follow the same pattern?

Of course, not all news is unfair to women. Much "spot" news or "hard" news is not influenced by gender, race or age. The rationale for the presence of the camera, the microphone and/or the reporter's question is not predicated on anything other than the most speedy transmission of events or issues which have been judged newsworthy by professional journalists.

But whole sections of news coverage, such as sports news, consistently marginalises and trivialises women as participants, competitors and achievers. A case can be made, too, that the gender factor which impacts negatively on the coverage of women is alive and well in other areas of broadcasting news reportage such as political news and business news.

Contemporary business news reporting, for example, relies extensively on corporate news and stock market information. The dynamics of entrepreneurship at a lower level are seldom examined and the remarkable explosion of women into self employment in New Zealand (the number grew by 11.3% between 1986 and 1991 compared with 1.8% for men - *Te Wahine Hanga Mahi*, 1993) remains consistently under-reported despite the significant social, cultural and economic implications.

In the current mediascape it is female politicians who most suffer from what Larry Sabato (1991) calls the "feeding frenzy", in his book of the same name. He coins the term "attack journalism" and suggests that when a politician is in any sort of difficulty journalists behave like a pack of piranhas who scent blood. Labour leader Helen Clark, persistently battling a media obsession with her "image", not to mention her future, would doubtless agree with Sabato.

This paper examines the responsibilities of news broadcasters in relation to the gender factor. It analyses some of the difficulties of definition for news broadcasters in their quest for balance and truth and examines several areas of shortfall. In addition, the paper provides an eight point guide for consumers to test broadcast news in relation to media fairness.

The statutory requirements

Several sections of the Broadcasting Act 1989 have implications for news coverage as it relates to women. For example, Section 21(1)(e) of the Act charges the Broadcasting Standards Authority with encouraging the development and observance by broadcasters of codes of broadcasting practice appropriate to the type of broadcasting undertaken by such broadcasters, in relation to, amongst other things, "safeguards against the portrayal of persons in programmes in a manner that encourages denigration of, or discrimination against, sections of the community on account of sex, race, age, disability, or occupational status or as a consequence of legitimate expression of religious, cultural or political beliefs."

The Codes of Broadcasting Practice for both radio and television contain a number of equity considerations. In the radio code broadcasters are told:

> To avoid portraying people in a manner that encourages denigration of or discrimination against any section of the community on account of gender, race, age, disability, occupation status, sexual orientation or as the consequence of legitimate expression of religious, cultural or political beliefs. This requirement is not intended to prevent the broadcast of material which is factual, or the expression of serious opinion, or in the legitimate use of humour or satire.

In the television code broadcasters are told:

> To avoid portraying people in a way which represents as inherently inferior, or *is likely* to encourage discrimination against, any section of the community on account of sex, race, age, disability, occupational status, sexual orientation or the holding of any religious, cultural or political belief. This requirement is not intended to prevent the broadcast of material which is factual, the

> expression of a genuinely-held opinion in a news or current affairs programme, or in the legitimate context of a humorous, satirical or dramatic work (emphasis added).

Whether it was intended that television broadcasters should have a higher standard imposed on them than radio broadcasters, expressed in the words "is likely to encourage", remains unclear.

The other standard in both radio and television codes which is critical to this discussion is that "news must be presented accurately, objectively and impartially."

Problems of definition

Clearly there are problems of definition with both relevant sections of the code which impact on the gender question and the portrayal of women. What, for example, does "encourage" mean, in the context of the radio code? Words such as "denigration" and "inherently inferior" pose difficulties too.

Is the persistent non-portrayal of women, such as the invisibility of women in sports news, excluded by the section which on the face of it suggests that denigration and discrimination can only occur through material which *is* broadcast.

Even more profound is the definitional quagmire posed by the news and current affairs standard that "news must be presented accurately, objectively and impartially." So much has been written by news media researchers debunking the notion of journalistic objectivity that this genre of scholarship has been referred to recently as the "post-modern critique of the notion of objectivity" (Wyatt & Badger, 1993). Practising journalists in New Zealand who have written about the news media (Morrison & Tremewan, 1992; and Harvey, 1992) also acknowledge the myth and impossibility of journalistic objectivity. At its most basic the objection to the concept lies in the notion that all news is a social construction of a perceived reality with far too much subjectivity woven in at all levels of the fabric of news manufacture for objectivity to exist. Altschull (1992) states, for example:

> The beliefs and attitudes of journalists--or any of the rest of us, for that matter--were forged long before they became journalists. After all, they were born babies, not journalists, and all the intellectual and emotional baggage they carry around with them is impossible to deposit in a storage locker on demand (p.8).

And the social conditioning of journalists is just for starters. Add in the commercial imperatives impacting on journalism, the organisational routines and procedures, fuzzy notions like "newsworthiness", selection and editing and, hey presto, the concept of objectivity is in tatters.

Accuracy and impartiality may be easier terms to define although no guidance is provided in the Codes of Broadcasting Practice, and the saying that one person's fact is another's fiction is no less true for being a cliche.

What is news anyway?

On top of problems of definition for broadcasters over what it is that constitutes the presentation of news as accurate, objective and impartial, comes a more fundamental difficulty. The creative convergence (as opposed to technological convergence) of news and entertainment genres and the merging of fact and fiction, and facts and opinion raises the issue of what is news anyway? Altschull poses the dilemma this way:

> If we are going to deal with the question of fairness in the news media, we will have to define the almost undefinable word, "news"...And if news and entertainment are the same thing, is fairness possible? (p.13).

Edwards (1992) coined the term "cootchie coo" news in relation to what he saw as the degradation of news by entertainment factors, Bernstein (1992) complained about the idiot culture and in a popular magazine article recently the new Television Two news programme *Newsnight* was referred to as a "dumbing down" of the news.

Changes to the content and focus of broadcasting news pose new challenges for broadcasters, watchdogs and consumers alike. Are the existing codes of practice designed for traditional journalism outmoded when new forms of journalism are being practised? Is there a need for

new normative standards appropriate in an age of creative convergence ? Are the codes routinely ignored by broadcasters anyway in the absence of serious scrutiny?

News and the gender factor

In a seminal article Gaye Tuchman (1978) accused the mass media of what she called the "symbolic annihilation" of women through representations of condemnation, trivialisation, or absence. These three forms of representation, those that are condemnatory of women, those that trivialise women or those non-representations which render women invisible are factors which have been used by researchers since Tuchman to examine news coverage of women.

Before applying them in the New Zealand context, it is worth debunking the canard that women who complain about representations of women in the news want a quota system imposed on broadcasters. Most of those concerned with gender equity and news are *not* suggesting some sort of gender police with a standards regime where time and space are allocated, where stop watches measure items by gender. It is recognised, especially by those who have practised as journalists, that as Joann Byrd (1992), the ombudsman for the *Washington Post* states:

> News judgment has everything to do with *in*equality. News isn't the usual; its the *un*usual. It's not the safe and routine, but the *un*safe and *un*routine. The old news biscuit is that it's news when a man bites a dog, not when a dog bites a man. Singling out people and events and ideas and programs for attention is the essence of news. News is what's out of the ordinary--more important, more interesting, more illustrative, more threatening, more ironic, more entertaining, more weird. *More. Different.* Not equal.

Those concerned with the gender factor in news recognise unpredictability is the essence of journalism. But we believe, too, that equity demands a new news biscuit, which is that when a woman bites a dog, it becomes news in the same way it becomes news when a man bites a dog.

What is no longer tenable is the systematic exclusion of women from news because old dogs in the newsroom are dogged by patriarchal values which blinker news judgment.

* Why, for example, should Television New Zealand get away with Saturday night sports news coverage (TV One, April 30, 1994) of the Fletcher Marathon, in which thousands of men and women competed, and yet provide coverage of the men's winner only without reference to the women's winner? (Both Television 3 and Radio New Zealand acknowledged that women run marathons too in their news coverage.)

* Why should women accept results such as those shown by a Massey University study of sports news on radio which revealed that women received less than 10 per cent (9.56%) of the total sports news coverage, compared with 80.88% for male sport, and 9.19% of mixed sport in which both genders featured. To compound the omission, female sports which were subject of news items received significantly shorter reports in seconds than male sports. Rugby and rugby league received an average of 57.14 and 56.47 seconds respectively in length compared with 15 seconds for netball.

* Should there not be scrutiny of and challenge to news judgment that persistently suggests to audiences that media sports news is male sports news? Over 37 days chosen randomly in May, June and July 1992 news items were monitored on New Zealand television for the frequency of male, female and mixed sport. Rugby featured 117 times, compared with rugby league's 94 times. Netball featured a paltry eight times. Is television suggesting netball is inherently less newsworthy than rugby? If so, what criteria are being used to make the judgment?

It is suggested here that despite the fuzziness of definition as to what is fairness in news, the old dogs of broadcasting newsrooms need to be taught new tricks. News needs to be redefined to incorporate multiple visions, in relation to gender, to age, and, of course, to race. This re-visioning may be painful but the dominant values which underpin current news judgments are not allowing news to be presented impartially. They are exclusive and not inclusive and the exclusion is systematic. Quotas in news are not the answer, but an acknowledgement of the sin of omission and a commitment to multi perspectives in news will be a start towards acknowledging the gender factor.

A consumer's guide to judging the fairness of broadcast news

In the meantime, however, a guide to help consumers judge the fairness of broadcast news against the yardsticks of accuracy, objectivity and impartially can be devised. This eight point guide is developed against normative operational practices of responsible journalism. I am indebted to Patricia O'Brien (1993), who devised a Consumer's Guide to Media Truth, for many of the points in the following guide for New Zealand broadcast news consumers. Suggestions in relation to gender equity have been added where appropriate.

1. Beware of stories which contain "Television New Zealand understands ..."

Perhaps the most widely sidestepped of the current standards in the Codes of Practice for television in relation to news and current affairs is that of: "The standards of integrity and reliability of news sources should be kept under constant review". The standard pre-supposes there *is* a verifiable source, rather than reliance on the journalist's opinion.

The Codes of Broadcasting Practice for Radio state:

> Listeners should always be able to distinguish clearly and easily between factual reporting on the one hand, and comment, opinion and analysis on the other.

An equivalent guideline for television does not exist in the codes of practice.

O'Brien warns media consumers, "don't swallow any story whole that relies on anonymous quotes or unnamed sources" (p.98). In stories which could offer another perspective, is a woman sought out as a source, is there a Maori perspective which could be sourced?

2. Watch the labels

O'Brien says media consumers need to ask themselves: "Does the story purport to be straight, factual news? Is it billed as news analysis? A

feature piece?...Anytime you think you are reading, listening to or watching a straight, presumably objective news story and realise it has slipped into another category, read, listen or watch extra critically. Stories, like grocery products, should be clearly labelled" (p.99). Is TV Two's *Newsnight* news simply because TVNZ's publicists tell us it is news?

3. Beware the journalist-as-personality in news stories

The increasing demands of real time news means the public sees more of journalists than many media consumers want to. Journalists are also reasserting the significance of their own contributions by the device of vigorous self promotion of the journalist-as-personality. Martin Vander Weyer (1994) has written of "media arrogance" and "the extent to which the media now regard *themselves* as newsworthy"(p.10). He states:

> ...it is one thing to intermediate legitimately in the transmission process in order to add focus, opinion and colour: another thing altogether, a corruption of the power of media technology, to hog the space in order to talk about yourself (p.11).

4. Proceed with caution when you hear "cootchie coo" words loaded with emotion and which promise more than they deliver

Brian Edwards in his perceptive deconstruction of television news, "The Cootchie Coo News", complains about the use of dramatic language which fails to present the news event described in a neutral or disinterested way (p.17). O'Brien states descriptions such as "confirms", "challenges", "alleges", "admits", "denies" all have emotional subtexts attached. "Why can't reporters settle for good old "said"? Dull, perhaps, but serviceable and neutral" (p.98).

5. Beware of the story which advances and reinforces stereotypical representations

Sexism, racism, ageism, and denigration of minority groups abound in stereotypical representations in the news media. Two prominent New Zealand sportswomen have been regularly typecast as the "golden girl" (good, wholesome, innocent, girl-next-door) and, by contrast, the "bleached blonde" (trashy, fallen, sleazy) by Television New Zealand. Lorraine Moller suffered ageist stereotypical media representations

(particularly the innuendo that she was too old to win) when she was selected to compete in the marathon at the Barcelona Olympics. Metaphorically speaking, she poked the media in the camera by coming third in a gutsy and thrilling performance.

6. Beware of "taxi-driver" stories

These are stories which O'Brien describes as "three-facts-make-a-trend" stories. A typical and current example in the New Zealand context involves the journalist talking to a taxi-driver in the car from the airport, someone they met in a parliamentary corridor, and a fellow journalist and, hey presto, there is a trend towards factionalism in the Labour Party, and the disaffected are plotting against Helen Clark, whose leadership may never recover from the self fulfilling prophecy journalism based on three-facts-make-a-trend compiled by our very own authoritative "political correspondent". O'Brien states:

> trend stories need solid research. Often they don't have it. Look for the kind of layered reporting that offers both facts and insight before accepting reports of the existence of a trend (p.98).

7. Trust your nose, if a story smells bad, it probably is

An affirmation of the innate good judgment of media consumers is acknowledged by O'Brien. In the New Zealand broadcasting context post de-regulation, consumers have more choices. If, for example, women are indignant because Television One's sports news ignores the women's winner in the Fletcher Marathon, they can follow their noses and reject bad journalism and tune in to a network with different news judgments. As O'Brien says, "trust your nose."

8. Be assertive, complain, evaluate and demand good news

News is more important than other consumer products, it is part of the cultural capital of society. The standards by which news broadcasters must be judged are too important to be left solely to broadcasters. As O'Brien urges, " Don't tune it out with the excuse that it's all manipulative; if you do, you lose. Take news seriously."

News *does* need to be taken seriously. It needs to be redefined so it is relevant to the society it serves, and it needs to be held accountable by standards which are transparent and which are enforced in a visible and meaningful manner. Maybe then the gender factor in news can be analysed in something other than a problematic scenario.

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Chapter 9

"DID YOU HEAR THIS MORNING . . ." (Contemporary issues in radio news)

Brian Pauling

When was the last time you saw a conference called "Power & Responsibility - Motion pictures striking a balance", or "Power & Responsibility Booksellers and publishers striking a balance"? Is it just broadcasters that have to live with all this?

Working in the hallowed halls of BBC radio training in Euston Road was always a humbling experience for me. The luxury of being able to splice tape, the privilege of always being allocated a technical producer, the challenge of working with the cream of red brick and Oxbridge graduates, right accent, right school, and the indulgence of being part of leisurely discussions in the oak panelled, high vaulted rooms on the ethics of broadcasting or the concept of the listener as citizen, are not easy to forget. Even as the BBC itself faces dismemberment, I have to acknowledge, for me anyway, that the debates guided by the staff at Euston Road demonstrate the values that have sustained the Beeb through three generations of development and change and helped maintain the enigma, or is it the paradox, of public broadcasting in the late twentieth century. Much as many of us would wish it to just go away, lie down and have a decent and timely death or transmogrify into a respectable market driven, product orientated, profit maximising and economically efficient enterprise, it remains, however modified, to haunt our conscience, fuel our guilt and create the demand for talkfests such as this.

It was on one visit to BBC Radio Training that I saw, framed and in a prominent position this quote from a prominent British newspaper editor:

> A newspaper that tells only part of the truth is a million times preferable to one that tells the truth to harm its country.

Is it only academics who see immense problems with the way western democracies disseminate news and information? The literature which is already substantial and growing even more rapidly must be a challenge to any news practitioner. Yet whenever these problems are raised, I sense that the media goes immediately on the defensive.

However the issues will not go away. May I be so bold as to suggest there is sufficient evidence to say that the news media are, to greater and lesser degree, guilty of all the following:

Proprietal interference
Advertiser interference
News suppression
Lacking objectivity
Supporting oppression
Propaganda
Misrepresentation - from downright lying through selectivity and deliberate omission, false balancing, framing and labelling, to inappropriate placement
Bias and prejudice
Racism
Sexism
Conspiring with the dominant culture
Elitism
Popularism
Sensationalism

But in a sense that's OK. After all we're human. We're fallible. We sometimes work to unreasonable deadlines, under unreasonable pressure. We need to protect our jobs and livelihoods. We all have our own biases and prejudices. Likewise our values and beliefs. There are given agendas. We live in an imperfect society. We still believe in enemies. And on occasion it's nice to feel that if you pay the piper you call the tune.

What's not OK is to pretend otherwise. To claim objectivity, balance, fairness and accuracy as a birthright; to refuse to acknowledge error; to use power, privilege and position to deny or avoid responsibility; to take the easy way and assume the truth and not seek it out; to promote myths of objectivity whilst knowingly pushing a position; to protect our patch under the guise of protecting truth, all mitigate against striking a balance.

Whilst these overarching issues apply to news generically and therefore must also impact on radio news, there are other issues which, I suggest, are either peculiar to radio news or have greater significance in that medium at this moment.

Radio is undeniably under-researched. The print media has been around for centuries now and has its own legitimate history of criticism. Television is the medium of fascination at present. It attracts attention for its undoubted glamour. And yet radio is more prominent today than at any time. Indeed it could be said that radio did not realise its full potential until the advent of television. Radio therefore deserves critical attention and the role of news on radio likewise.

There are a number of issues which radio and its critical field could fruitfully address. And for the purposes of today's discussion I would like to nominate a few:

Technology
Ownership
Audience
Economics
Content and style

Technology

Digital Audio Technology will change the nature of radio news delivery. Multiple channels, interactive broadcasting, encryption, personalised news services, voice mail, pay-as-you-use, will all impact on how radio seeks and holds its audience.

Imagine, if my interest was the Employment Court and I tune into my audio news service when in my car, at the top of each hour during the day and for longer periods each morning and evening. I will need in depth previews of the day's events each morning, hourly updates during the day with shorter period updates whilst driving, and reviews each evening. I will also need the ability, by voice identification and interactivity, to seek immediate clarification and expansion; to access sources and record my critical comment; to have hearing schedules provided; brief profiles of key players; and quick and accurate access to a variety of critical and analytic responses.

However, niche "psychographic news" has implications for the concept of the "broad informed citizen" so vital to those who cherish public service media. What will happen to free-to-air in depth news and current affairs? Who will suffer if such programming were to disappear? What social and political consequences will follow from the reduction in freely available, broad based regular newscasts? If information is power then only those who have the money to buy the information can share in the power.

Radio's strengths include the fact that it is still the only medium accessible and comprehensible to people whilst they are engaging in other activity. It is still the cheapest mass medium to disseminate. And, although it is losing its primacy as the fastest and most direct medium as television develops, it will always have that peculiar psychological edge that sound only can provide which is still best called "The Theatre of the Mind".

However, one of radio's strengths could also be its future weakness. Radio has been local in nature, locally owned and locally programmed. Technological development is leading to massive changes in automation and modes of delivery. New Zealand already has a radio station programmed out of Dallas, using New Zealand accents and New Zealand music, yet delivered to a discrete and very local audience. How long before the technology changes the nature of New Zealand radio to the extent that New Zealand radio news is programmed out of the very same Dallas?

In summary then, technology may create diversity and allow the media to respond to consumer needs but with pay-as-you-use delivery, electronic news could be taken out of the public domain. Furthermore, local identity may be lost as global delivery systems emerge.

Ownership

A.J. Liebling once said: "Freedom of the press is for those who own the press."

National and international trends are towards aggregation and concentration. Parenti (1993) notices that in one decade the number of corporations dominating all media dropped from nearly fifty to just twenty-three. Does ownership of the media translate into control over information? Are journalists really free to write what they want?

Rupert Murdoch, once asked about the extent of his influence over the editorial content of his newspapers responded: "Considerable. The buck stops on my desk. My editors have input, but I make the final decision." Parenti quotes one prominent publisher: "I'm the chief executive, I set policy and I'm not going to surround myself with people who disagree with me. ...I surround myself with people who generally see the way I do."

It is not only in private media that ownership has influence. Lord Reith himself wrote in his diary concerning the 1926 General Strike: "They (the government) know that they can trust us not to be really impartial."

In principle I have no problem with this. It is the pretence that it does not happen that worries.

Independent Radio News (IRN) in New Zealand is quite up front about its goals. It provides news using the simple yardstick of selecting stories that have the greatest interest for the greatest number of listeners within its client base. It makes no pretence of covering news stories in depth nor can it be investigative. Its style and content are unashamedly market oriented and dictated by clients. To quote Ed Taylor: "If 38 of his 40 clients wanted a Charles and Di story in every bulletin that's what they'd get!"

It is clear that Radio New Zealand news has different objectives and with a staff of 130 journalists compared to IRN's 21, it would need to. National Radio is New Zealand's national electronic newspaper of the air. In terms of content there is more copy in one twenty-four hour national radio broadcast than in any single edition of a metropolitan newspaper.

It is also clear that the future of Radio New Zealand ownership and, despite politicians' reassurances to the contrary, that of National Radio also, is far from settled. In the final analysis, can radio in New Zealand sustain two different and in their own ways complementary news services? Will ownership changes, private or public, change the nature of Radio news?

It is important therefore when discussing ownership issues to acknowledge the possibility of influence and control, to recognise that the aggregation can lead to reduced diversity and loss of existing services.

Audience

New Zealand's unique and intense involvement with radio is reflected in a number of ways including the large number of radio stations servicing a relatively small population - one radio station for 58,000 Aucklanders compared with one radio station for 368,000 Sydneysiders; the time spent listening to radio - higher than any other comparable market; and the consequent amount of money that advertisers spend in commercial radio - at times edging close to 14% of total ad spend, double the equivalent USA figure.

Furthermore, other than for Britain (reflecting the unique role of the BBC), New Zealand attracts the largest listening audience to non-commercial radio, coming close to 20% at some times and in some regional markets.

Also, the audience is a maturing one and this is reflected in the loss of programmes appealing to the young demograph and a clustering towards the 30+ population. A further reflection is the high percentage of radio that appeals to the mature audience's interest in news and information.

Does radio effectively measure its audience? Are the mass audience and the ratings the only measurements? Niche audiences, specialised markets and elites are all elements that make up a complex network of consumers that call out for diversity in both programming and news.

The recent proliferation of radio outlets has seen a drop in advertising spending, especially by national advertisers. Although the new generic radio sales organisation, New Zealand Radio Sales, claims a resurgence, it is a given that any decline in revenue must affect radio's ability to serve its audience.

I would suggest that any move in radio audience in the immediate future will be downwards and a major issue for radio news is first, the holding of its existing market share, and, secondly, feeding any growth in that market.

The audience impact on news services on radio will therefore centre around maintaining the country's unique audience size, recognising the aging audience and the consequent attracting of news and information programmes and endeavouring to adapt the medium to multiple audience.

Economics

The first issue is the cost of news gathering itself and who pays. If news has to take its place in the competitive arena of the market place then there must be sufficient discretionary dollars out there to support it. As state radio has rationalised, downsizing has literally decimated newsrooms. Radio New Zealand's Christchurch newsroom is down to nine from a high of nearly thirty. This should be compared with a major metropolitan newspaper, say the Christchurch Press, with a staff approaching 100. News gathering is labour intensive. Furthermore as other, more lucrative, positions become available in related sectors, senior staff, attracted by high salaries, move on, leaving radio news bereft on two levels, staff capacity and staff experience.

The second issue put bluntly is, can a nation of only 3.4 million people, about the size of greater Birmingham, sustain a media service that provides a full range of choice and diversity? Do we have to accept limitations because of our size, our relative national wealth, our limits of capital and labour? This is of particular moment with the recent announcement that over 200 radio newsrooms in the United States of America were closed down in 1993.

Of direct relevance to this paper is the question of not only whether New Zealand can sustain two independent radio news services but, more critically, can a single independent radio news service be maintained at all. Will the realities of the economy see either television or newspapers taking over radio news and operating it as a subsidiary service? Radio Pacific gave as one of its reasons for shifting to an RNZ service fears about the long term viability of IRN. However RNZ News has its own brand of shakiness. It is clearly located in the public service and relies upon the largesse of NZ On Air and long term political will to maintain its viability.

A long term issue facing radio news is its viability given the aggression of other news sources. This is particularly so when combined with issues of developing technology, ownership and globalisation. The days of independent radio news (with no capitals) may be numbered.

In summary then, radio news is threatened by the increasingly high costs of news services, the limited size of the population base and the

consequent limits of diversity and choice and the possibility of independent radio news being swallowed up by larger mass media print or television based organisations.

Content and Style

The main focus of attention during these two days will be on what is broadcast and how it is broadcast. In other words, programme content and style. And it is in this arena that many of us will more quickly part our ways.

It is in programming that the list of accusations made at the beginning of this paper hit home. The darling of the intellectual trendies (some would include lefties) Morning Report is the nemesis of Michael Wall and many politicians. Refer to the May edition of *North and South*. World Service Radio, revered by the Business Roundtable, is attacked as the mouthpiece of heartless capitalism and the lackey of the currently dominant ideology but, ironically, subsidised by the UK license fee. Radio Pacific, loved by some as personifying the democracy of radio, is ridiculed by others as an inappropriate opportunity for moaners, whingers, bigots, racists and sexists to vent their spleen and cope in turn with the vindictive invective of prejudiced egocentric talkback hosts. Kim Hill is accused of reducing morning National Radio to sensational, probing, in depth interviews on rape, multiple murder and child molestation, encouraging both victim and perpetrator to reveal all as, in hushed silence, we hover above our transistors and feed our prurient minds - radio's and the intelligent listener's equivalent of *Sixty-Minutes* or *Hard Copy*.

Even other media cannot agree. Take Warren Cooper's somewhat extraordinary outburst against public broadcasting last year and in particular, Morning Report. Editorial comment included:

From the National Business Review:

> State radio news...given its funding base needs to be in tune with mainstream New Zealand....(it) seems obsessed with environmental issues...and cynical towards business. The free market is no fad but a reality that even experienced radio journalists have to accept. (April 16, 1993)

From the Waikato Times:

> State radio journalists are not employed as anyone's PR machine...news media have the right to be dull, to be wrong, to be biased if they choose....listeners have the ultimate weapon...if they don't like your performance they can flick the off/on switch. (April 15, 1993)

From The Dominion:

> The incident highlights the importance of an independent structure for non-commercial radio. Public Service radio serves an important function in social, cultural, artistic, educational and political life. Other media do other jobs so the case for retaining public broadcasting is strong. (April 16, 1993)

Well, we pays our money and we makes our choice, because at least, in radio, we do have some choice.

But is there a way in which a consensus model of what constitutes good radio news can be developed and then used to test performance?

H L Mencken once said:

> What ails the truth is that it is mainly uncomfortable and often dull. The human mind seeks something more amusing and more caressing.

Can therefore news and current affairs be entertaining or must it equate more with what Mencken labels as dull?

Have we two competing and incompatible models? A model which requires popularity, audience ratings, competition and marketing success also requires the emphasis to be high on human interest, have strong emotional and sensational content, be fast paced and use simple structures to tell a "good" story.

Conversely, a news model that emphasises more "worthy" public and social service goals requires high levels of political, social and economic content, strong elements of critiquing, a more dense construction and will

gain its indicators of success more from peer recognition, audience appreciation and a sense of well-being by doing the public good. It is needed, not for the good of the market, but for the good of democracy.

Some commentators equate the difference in the two models by identifying the one with the audience as consumers and the other with the audience as citizens. Others want to use the word quality. Whilst it is a buzz word of the nineties, quality is also one of those things that it is very hard to be against.

Be that as it may. I would like to propose that addressing the question of quality may be one way of coming to a consensus on what makes good broadcast news and thereby assist in a critical analysis of current practice.

Geoff Mulgan (1990) lists three qualities which seem important when critiquing radio news and current affairs. The three are:

Consumer quality and the market
Producer quality and professionalism
Quality as diversity

Consumer quality and the market

The most basic form of this argument is that the consumer knows best and that therefore the programmes that rate the highest are those that have the most quality. With the wide range of alternative outlets forcing broadcasters to address questions of what Mulgan calls "consumer sovereignty", the role of the audience has become much more significant in recent years. This argument is often used in opposition to the arguments of professionalism to establish the "rights" of the majority as opposed to the privileges of that smaller group of people whose ideas dominate the broadcasting production base. It is very much a consumer rights position and appeals to commercial imperatives. He warns however not to go to the extreme. The relationship between broadcaster and audience is not the same as that between the producer and consumer of most products.

Mulgan points out that the closest economic link within broadcasting is between advertisers and broadcasters in the commercial domain and between broadcasters and politicians, who set and collect the licence fee,

in the public domain. Unlike most commercial transactions there is a vast difference between the value of the service the broadcast audience receives and the money that very same audience spends to get the service. And there is also a much more complicated relationship between provider and user. Mulgan gives as an example of this the fact that much of the population that makes up the audience of broadcasting, the old, the very young, the unemployed, are parts of the population the advertisers are least likely to find of value. Furthermore, Mulgan introduces another complexity to the commercial relationship by claiming that "because marginal costs of broadcast reception verge towards zero, treating it as a utility capable of price competition almost becomes meaningless." He says that, "it becomes more like air, something that needs to be free at the point of consumption." These elements place constraints on commercial broadcasters precluding an absolute producer/consumer relationship and leading to the modification of market theories in two ways. First, on the basis that some "worthy" programming needed for cultural, political or social reasons will not necessarily be what the bulk of people will choose to watch, or that consumer driven broadcasting organisations will choose to produce (the rationale for NZ On Air), or secondly that broadcasting is similar to literature and the arts, "the best of broadcasting demanding a high investment of time and attention from the audience which in turn provides a higher level of satisfaction and reward." But the dynamics of the marketplace bias against this kind of broadcasting hence the need for extra measures to support "quality" (the US model of endowment and grants and awards).

Producer Quality and Professionalism

Programme makers have traditionally dominated discourse on broadcasting quality. In news terms this means that quality is seen in terms of production values, defined by a community of journalists, editors and producers. Quality from this perspective has been concerned with technical issues of sound, voice, scripting, traditions of news recognition and news gathering. Research shows that journalists value the recognition of their peers and their superiors above any other form of recognition. Therefore the traditions of the discipline play a strong role in the discourse on quality within the industry.

Mulgan points out that unlike literature and film, broadcasting criticism has had little serious attention and attempts to establish critical

programmes about the newsmakers have not been particularly successful. So ideas of quality tend to have been defined by the community of news broadcasters involved in various aspects of the creative process. Professional standards are important but Mulgan goes on to warn that extreme protagonists of this position believe that "Journalists know best", broadcasting is safe in the hands of practitioners and quality is only at risk when outside influences take away from this creator/producer sovereignty. In this sense broadcasters are portraying themselves as an "interest above an interest". Trusting them with control will guarantee that the other two elements of quality, consumer needs and diversity of content, will be maintained. Shades of the PSA news group at Avalon in the 80s or BBC hubris at its worst! However, if one accepts Mulgan's rather cynical statement that the two groups that have most power over broadcasting at present - politicians and advertisers - two groups that "rely on emotive and irrational modes of argument to achieve their ends and who both broadcast information whose contents are closely bound up with their interest", then perhaps there is value in professionals having some elements of influence or control. Certainly in radio news, complaints concerning this influence have been common for many years.

Quality as diversity

The lack of a consistent and dominant consensus in New Zealand about the world and how it functions is partly explained by the fact that it is a society that contains everything from fundamentalist christians to new-age free thinkers, from radical feminists to maori separatists, from the well-heeled well educated middle class to a growing marginalised underclass and is a country with an adventurous immigration policy. It also gives rise to the arguments that a multi-faceted, multi-cultured society which contains a vast range of varied interests and experiences must have media that is equally diverse. Diversity must be a protected element of the media, particularly when it clashes with the imperatives of the market place, professional standards or political whim. Mulgan says that we "live in a world of multiple truths. In a society where there does not exist a broad consensus about what is right or wrong, good or bad, it is important that the tendency towards centripetal common perspectives and values be resisted." Diversity, this perspective argues, is the essential element in maximising the opportunities for seeking the truth. One of the fundamental factors making for the production of balanced quality news in diverse societies is the expression of diverse viewpoints about events

and behaviours. This is Mulgan's argument against news being just another product.

Conclusion

Perhaps striking a balance requires a recognition of some validity in each of the three positions. Each element speaks to the news provider according to their dominant mode but broadcasters cannot afford to ignore any one.

However, to engage such recognition requires analysis, the putting aside of personal bias, political ideology and taste. It also requires the recognition of the human condition as complex, fallible and diverse. And most importantly, the need to engage in constant dialogue and debate.

And that brings me back to where I began. BBC Radio Training in Euston Road. Radio in New Zealand does not need and cannot afford the luxury of splicing tape. Most broadcasters here are multi-functional and contrary to feeling privileged at having a technical producer, would probably feel very offended. We can recruit from a much wider, social, cultural and educational base than the Oxbridge lot and the challenge of working with such diversity is consequently far greater. But, can we forego the indulgence of continuing those thoughtful, challenging and crucial debates that were so much a feature in Euston Road's classrooms? I think not. Yet perversely the course work in the broadcasting degree programme at the New Zealand Broadcasting School that highlights these issues is the area most criticised by broadcasting professionals as, "unnecessary," "a waste of time," and "putting strange ideas into young people's heads." That's what I mean by being defensive.

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(Chapter 9)

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Chapter 10

"GIVE US A BREAK . . ." Regulations, Complaints and Corrections Policies

Keith Slater

During the course of my day job I spend a not insignificant amount of time dealing with formal complaints - the ones that almost inevitably end up before the Broadcasting Standards Authority. So, that short section - section 4 of the Broadcasting Act - plays a big part in my professional life.

I want to canvass a couple of areas which by merely being mentioned often provoke fear and loathing in the hearts and minds of working journalists. The first is "regulation" which in practical terms means, with all due respect to the convenors of this seminar, the Broadcasting Standards Authority and the Broadcasting Act. The second is "the broadcasting of corrections, apologies and clarifications".

I hear talk about the pros and cons of self-regulation and regulation by government. It seems to me that we already have regulation by government by way of section 4 of the Act and also the Codes of Broadcasting Practice, not to mention the developing area of privacy.

As a hands on editor and producer, I know, as many of you will also know, these laws and regulations are, by virtue of their existence, constantly in the back of the mind when decisions are made as to what should not be broadcast. So, it is more a question of "is there too much or too little government regulation"? And there is good reason to think there is too much.

Just for a moment I invite you to take a look at an example of what government regulations can lead to. On a recent gardening programme it was suggested that an effective way to deal with caterpillar pests was to kill them by squishing them between thumb and forefinger. Now that little

gardening tip has produced a formal complaint involving the programme *Living Earth,* the TV3 Complaints Committee, and the Broadcasting Standards Authority and used up more paper than a whole herd of caterpillars could chew through. As the matter is still being considered by Authority it is not appropriate to go into the merits or otherwise of the complaint.

What it does bring into question though is, as admirable as the objectives of the Act may be, it has the potential to create a culture, if it hasn't done so already, where anybody can complain about anything that appears on screen. Somebody, somewhere will find something to complain about and those complaints have to be taken seriously. So where do you draw the line? Get rid of section 4 of the Act and the Codes of Broadcasting Practice? Well, it would make our jobs a bit easier. But what of viewers who have legitimate concerns and complaints? Well, it could be left up to the market place. Viewers are not going to watch a station that regularly broadcasts offensive, inaccurate or biased material.

There's another thing - I'm not sure about programmers or the ethics that guide them - pure ones I'm certain - but I believe broadcasting journalists make their editorial decisions, from the conception of their story right through to the delivery on air, guided by their own professional ethics and sense of what is fair and/or balanced. It is these imperatives, not the Act or the Codes of Practice, that do and will continue to ensure the quality of our news and current affairs broadcasts. Add to that the fact that there are so many eyes that seek bias, inaccuracy, bad taste and every other fault in every news and current affairs story. It starts with story selection and runs through the recording, scripting and editing of material. Broadcasters are not some sort of evil machine dedicated to bringing down governments, running politicians out of office or intimidating unsuspecting members of the public through the misuse of the medium. We just want to let as many punters out there know what is going on in their country and around the world. We also help our station sell advertising for cash.

Hypothetically, imagine what would happen if there were no regulation. Are our news bulletins suddenly going to be full of breasts, buttocks, blood and gore? Of course not. Viewers would simply turn off or change channels. They'd write in and complain long and loud in letters to the editors of newspapers who would probably be only too happy to print

them. And how would a boss of a television channel react to all that? Well, if I were the editor or producer of the offending bulletins I'd want a pretty good pay out clause in my contract.

As we know, some of us by bitter experience, court action for defamation is a costly business for the broadcaster and the public.

The Act does provide an affordable and accessible avenue for viewers to seek redress for inaccuracies and other sins and does allow (with some compulsion)? the offending broadcaster to make amends and that's a good thing many would say. But again, what would happen if Section 4 of the Act was not there?

Aside from the need to avoid defamation, I believe that any television or radio station in general, and any news and current affairs programme in particular, would go to extraordinary lengths to protect that most vital asset - credibility. As Mr Martin used to say "it's the putting right that counts". It might take a while, there may be some rough journalism and some disgruntled viewers, but I think it would end up with broadcasters imposing a pretty rigorous regime of true self-regulation.

So, there is a scenario to conjure with. Could it happen? Well, it would mean convincing a Government to relinquish a bit of power, so I wouldn't hold my breath. There's another factor. Broadcasters would have to demonstrate that they possess the will and maturity to handle such self-regulation. Have they shown any recent signs of this? Well, perhaps the way they currently handle complaints is an indicator.

What does happen when a viewer complains? The following comments must not be taken as an indication of how TV3's Complaints Committee performs because it is near perfect in every way. But it goes it a bit like this. A viewer is offended by one thing or another. A formal complaint arrives. Occasionally there is a bout of mea culpa and a fulsome apology is forthcoming. More often whoever is responsible for the offending programme goes into full defence mode saying "nah, we got it right - the complainant is way out of order". Nobody likes admitting they were wrong. But, so often the complaint is a subjective one. In the complainant's view the images were too violent, salacious, prurient etc. So who is right? It is a subjective decision. Away goes a letter saying the

complaint is not upheld and inevitably it all ends up with the Broadcasting Standards Authority who, guided by the Act and Codes of Practice, have the unenviable task of making the final decision, sometimes telling the broadcaster to make a correction, apologise or to pay a penalty in some form or other.

What does this achieve? Well, I think the viewer's perception might be "ah well, they're only saying that because they've been made to say it". Do corrections keep the broadcaster honest? Well, yes, of course, aside from being good corporate citizens and not wanting to violate the Act, no broadcaster likes having to retract or apologise. Does screening such apologies build trust with viewers? Frankly, in most cases, not. Probably the contrary is true. The main benefit is that aggrieved viewers may feel that they can take on big, powerful broadcasters.

How best for broadcasters to deal with legitimate complaints - particularly those concerned with factual errors? Well, if you got it wrong 'fess up. The sooner the better and kick the butt of the journalist responsible. But what of those complaints arguing bias and matters of good taste and decency? I am not sure of the answer. On balance, I think it better for true self-regulation to determine them. Every broadcaster would have to put in place whatever structure they felt best for them. A super editor, an internal ombudsman, whatever. Then, I think, leave it up to the viewer to determine whether to watch or not to watch the programme and/or the channel they most trust. At the end of the day it is all driven by ratings and revenue. That need not be a foul concept. It could be the purest form of regulation there is.

Chapter 11

THE PUBLIC FACE OF PRIVACY

Jim Tully

"I think privacy is vital to your peace of mind. Privacy is a basic human right. If you are deprived of it, it is like mental torture. It is like being deprived of sleep or food. It is a basic human need and it really must be protected."[1]

That was the actress Koo Stark discussing the impact on her life of media intrusion when interviewed by Hello magazine last year. She had good reason to speak in such, dare I say it, stark terms. She had been hounded by the media and her apartment reportedly peppered with microphone darts when journalists sought to uncover information about her and her relationship with Prince Andrew.

It is, perhaps, an extreme case, but each of us wishes to keep private certain things about ourselves. Our reasons for wanting to protect, or indeed disclose, information that we regard as off-limits will vary according to the nature of the information, the circumstances in which it is revealed, and what might be termed each individual's privacy threshold.

In the face of technological and other changes which have made it easier to gather, store, access and disseminate information, moves to protect the privacy of individuals, particularly legal protections, inevitably attract wide support.

Most criticism of the media centres on what is perceived to be unwarranted intrusion into the personal privacy of people who cannot be regarded as public figures. People in public life must accept a higher level of media intrusion because of the power, influence, privilege and financial

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1 Interview with Koo Stark in *Hello* magazine, May 1993, No 252, p.58.

rewards they seek, exercise and enjoy. Even then, there are limits. Defining the limits for public figures and the so-called "ordinary person" who has been cast, albeit briefly, into the media spotlight is a challenging task with legal and ethical dimensions.

Professor Burrows noted in his seminar that originally there was no legal protection of privacy. It was an ethical issue. Now, the emphasis appears to be on legal solutions. Professor Burrows outlined privacy from a legal perspective with his usual clarity. I will not revisit that excellent seminar except to say one should at least note that in the New Zealand context we must take cognisance of:

* the Privacy Act
* developments in common law
* decisions of the Broadcasting Standards Authority as it exercises its responsibility to ensure that broadcasters maintain standards consistent with privacy of the individual.

Notwithstanding such legal developments, privacy continues to have an ethical dimension which I will address in terms of:

* self-regulation;
* the efficacy, or otherwise, of codes of practice; and
* a model privacy code.

Self-regulation

I subscribe to the notion that in return for a high degree of freedom of expression, journalists in a liberal democracy have an obligation to practise their profession/craft responsibly and with a concern for standards. As a journalist who believes in full disclosure unless there are compelling reasons not to publish, I find the notion of statutory and other controls hard to accept. The most desirable system for achieving responsible journalism, in my view, is self-regulation.

This implicit bargain - freedom with responsibility - is most evident in the New Zealand newspaper industry. Here, there is self-regulation through

a voluntary industry watchdog, the Press Council. As the British newspaper industry has found, however, self-regulation is not an inalienable right. When journalists are perceived to be practising in an irresponsible or unacceptable manner, calls for regulation are inevitable and legislation providing for some measure of control is proposed.

Our broadcasters have some measure of self-regulation but they also have statutory obligations and a watchdog, the Broadcasting Standards Authority, with rather more powerful incisors than the Press Council.

It was reassuring to hear Professor Burrows caution strongly against statutory intervention regarding privacy and his endorsement of the importance of self-regulation would be welcomed by journalists. We should also welcome a paper prepared by the Privacy Commissioner for the LawAsia conference in Sri Lanka last year. Speaking of the news media he said:

> If there is an adequate system of self-regulation with adequate remedies, at least at the lower end of the scale to ordinary people whose invasion of privacy is manifest, then the law should be slow to regulate.[2]

Bruce Slane warned, however, that if the media are not prepared to accept some self-discipline and choose to ignore the worldwide trend for the protection of the dignity of the individual and for protection of information about individuals, they faced the prospect of "various attempts being made to remedy the situation".

This echoes the comments of members of the select committee which recommended the news media be exempt from the Privacy Act. They had a clear message for the media industry: draw up a stronger voluntary code of practice or the exemption will be reviewed.

There seems little doubt that the news media in New Zealand, both print and broadcast, must review their existing codes and current journalism practice as they relate to privacy so that the desirable option, self-regulation, is acceptable.

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2 Paper prepared by New Zealand Privacy Commissioner Bruce Slane for the LawAsia conference, Colombo, Sri Lanka, September 1993. p.7.

Sadly, I detected from the Minister of Broadcasting's speech, which opened this BSA conference, no desire on his part to see genuine self-regulation for broadcasters. He appears content with the existing system which he described as a "good compromise".

So if this hybrid system of self-regulation with an overlay of a statutory watchdog is to continue, where to from here? I believe broadcasters must develop the codes of practice approved by the BSA.

Codes of Practice

Codes of practice are a principal vehicle for self-regulation. Industry-wide codes have a symbolic value in that they are evidence of a concern for professionalism and ethical standards. They also offer guidelines for responsible journalism and contribute to a climate of practice. Further, they give the public a basis on which to judge the journalism they consume.

Industry-wide codes, however, have limitations. To accommodate a wide range of journalism practice they can become simply a collection of noble sentiments, impossible to apply to specific cases. They may also embody inherent contradictions (as does the code of the print journalists' union, JAGPRO) and offer little help to the journalist seeking to resolve an ethical dilemma.

Of course, one person's weakness is another's strength. Some journalists prefer generalised codes that are not prescriptive or specific and allow for flexibility of interpretation - if there must be codes at all. They emphasise that each case must be treated on its merits, that journalism is about "situational" ethics.

In assessing codes it is also important to recognise the power of unwritten codes - conventions of practice which are absorbed through training and experience in the workplace. The office ethos is a powerful force in shaping a journalist's work and cannot be underestimated.

In this context, internal or in-house codes which reflect the editorial vision and philosophy of a particular news operation can be a very effective

means of maintaining standards. They can be written in more detail than industry-wide codes and enforcement can be direct through office supervision and disciplinary procedures.

I strongly advocate internal codes which develop the general guidelines of industry codes required by statute, as in the case of broadcasters, or by voluntary act as with newspapers.

Perhaps the most comprehensive code of ethics in broadcasting is the BBC's 276-page *Producers' Guidelines*. It is an admirable document available to the public, that takes into account the needs of current legislation and regulatory authorities and draws on the experience and practice of BBC staff acquired over 70 years. It is prescriptive of practice that is acceptable or unacceptable at the BBC, for example, "the BBC will not record surreptitiously on private property on fishing expeditions in search of crime or anti-social behaviour by individuals against whom no prime facie evidence exists".[3] Equally important, in terms of creating a climate of practice, is the commitment to providing a context or frame of reference for journalism. Consider this excerpt from general comment on the privacy of public figures:

> Public figures are in a special position. The public should have facts that bear upon the ability or the suitability of public figures to perform their duties.
>
> When the personal affairs of public figures become the proper subject of enquiry they do not forfeit all rights to privacy. BBC programmes should confine themselves to relevant facts and eschew tittle tattle. The information we publish should be important as well as true. It is not enough to say it is interesting. Having established the relevant facts, programmes should concentrate on any publicly important issues arising. If a person's private life is the proper subject of a running story we should report it when there are significant developments and ignore it when there are not.[4]

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3 *Producers' Guidelines* published by the British Broadcasting Corporation, 1993. p.36.

4 Ibid p.34.

As some will be quick to point out, questions arise over the precise meaning of such words as "proper", "relevant" and "significant" and there is scope for varying interpretations. But can we really expect perfection in written codes? No, distinctions and discernments are inevitable. The strength of such an excerpt, in my view, is that it alerts the journalist to values and editorial considerations deemed important by the employer. The BBC journalist knows that the revelation of private facts about a public figure has to be justified by serving a higher public good, that it is not enough to say the information is merely interesting.

Television New Zealand has its own in-house guidelines, less extensive, but nevertheless incorporating statements on such matters as privacy that go significantly further than the BSA-approved codes of broadcasting practice. When I have mentioned this to non-media friends they almost always ask the obvious question: Why not adopt the in-house guidelines as a "public" code of practice? And if the in-house guidelines contain operational matters why not simply extrapolate the ethical content?

I agree with BBC Deputy Director-General Bob Phillis that it is inherent in responsible journalism for these codes to be available to the public. News media operations should be prepared to openly discuss their editorial values and philosophies. BBC Director-General John Birt recognises this in his preface to *Producers' Guidelines*:

> For the public, the Producers' Guidelines offer more than just an insight into the way the BBC approaches its work. They constitute a measure against which viewers and listeners may judge our programmes. If what they see and hear belies the principles we claim to espouse, they will have a right to call us to account and we must expect them to do so.[5]

New Zealand broadcasters should follow this lead. So should newspaper and magazine publishers for that matter. I have no doubt the public would hold the news media generally in higher regard if there was a more obvious commitment to standards, reflected in more substantial public codes of practice and a less defensive response to criticism. The news industry should be mindful that as media studies expands in our schools,

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5 Ibid - Preface.

the next generation of viewers/listeners/readers will be rather more media aware and critical as an audience.

Newspaper and magazine publishers, who have the privilege of self-regulation, should recognise that they cannot go on indefinitely without a code of practice, particularly in terms of privacy. Inaction will surely result in the initiative being taken by others with a more regulatory perspective. The code formulated by the journalists' union is clearly inadequate. It says simply that members "shall respect private grief and personal privacy and shall have the right to resist compulsion to intrude on them." The print industry must and can do better than that, notwithstanding the limitations of industry-wide codes.

Broadcasters, for their part, should develop a more substantial set of guidelines on privacy than is evident in the current BSA-approved Codes of Broadcasting Practice. The revised code on the portrayal of violence effective from January 1, 1993, set an admirable precedent. The Television New Zealand in-house code shows that our broadcasters can draft guidelines on privacy embodying a genuine concern for the ethical issues that may arise.

In the spirit of self-regulation, it must be left to the broadcasters - and publishers - to draft improved codes that embody ethical concerns and take into account current relevant legislation and developments in the law. However, it seems reasonable to suggest that a comprehensive code would address the following:

* guiding principles of privacy
* a detailed statement outlining what constitutes the public interest
* distinctions between public figures and ordinary people
* the impact of media intrusions on victims
* the coverage of funerals and private grief
* dealings with children
* methods of reporting which are intrusive
* covert reporting
* the use of photographs and film including re-publication or broadcast, and
* trespass.

Chapter 12

NGA PIKI ME NGA HEKE
(The Ups and Downs of Maori Radio)

Na Piripi Whaanga

Kua rere atu te manu, e kauhoetia nga waka e nga iwi.

The bird has flown, the canoes are being paddled by the tribes. Maori radio is born.

The first survey of maori listeners to iwi radio (Quadrant 1994) shows that:

> Iwi stations are most popular with 57% of the potential Maori audience 12 years and over. That's a 115,000 weekly cumulative audience.
>
> Audience makeup is 53% between 12 and 30 ages (cf 54% potential)
>
> The average listening time is 16 hours 31 minutes as compared to RNZ commercial of 11 hours 55 mins and other commercial of 16 hours 12 mins.
>
> Iwi station share is 40% of total time spent listening by maori listeners.

In 1989 I wrote about a print and radio media I was leaving after nearly twenty years and in the title posed a rhetorical question, " Capable of carrying a bi-cultural message? " (Between the Lines).

There weren't too many at that time interested in the question, let alone concerned with puzzling the answer. The good news for me and many listeners is that it matters less now in 1994. We have an alternative.

That alternative is maori radio or, as it's more correctly titled, iwi radio. Currently it comprises 25 maori radio stations, three maori news agency bases and a sophisticated linking system.

It's funded annually at around 7.3 million dollars through the broadcasting fee (NZ On Air Annual Report) and is to be administered by a new government appointed maori constituted body from 1995 (Te Mangai Paho).

Maori radio stations are operated by iwi or tribal authorities who have a maori reserved frequency as licenced by the Ministry of Commerce. These reserved frequencies are the result of court action over Waitangi treaty rights. The frequencies are to enable the iwi to safeguard the taonga of the maori language.

From 1989 another crown agency, NZ On Air, has administered the funding as part of its legislation to promote maori language and culture through broadcasting.

In the past four years, maori have had to grab a hold of the technology of broadcasting, and try and establish their own credibility, primarily amongst themselves. (That's not to say there aren't pakeha listeners. Comparison of the Quadrant survey results and commercial researchers suggests that a large proportion of Auckland's iwi station, Mai FM are pakeha youth.)

Maori have established their radio without the massive development dollars public radio received for over fifty years before user pays became politically expedient. Because of this lack of development, maori radio workers know little of the ethos or theories of Mulgan or the Glasgow Media Research Group or research carried out in NZ universities for Ph.D.s . What maori do have is a view on life, a way of life, a culture. And a commitment to broadcast it.

I'm not putting down the need for research. On the contrary I'm crying out for it. But that research needs to be from a cultural viewpoint that's relevant to this country of Aotearoa. (You see I've even taken to writing maori and pakeha in lower case because it's something we should be getting on with and not spending our time Highlighting.)

As an aside I note that Brian Pauling of the NZ Broadcasting School also bemoans the fact that broadcasting in this country is the worse for wear because of the lack of regular research (unpublished draft on Public Radio News and Current Affairs). However part of that research should look at the cultural relevance of existing New Zealand broadcasting rather than looking overseas for analysis of what is quality broadcasting. I'd suggest the challenge is still here at home and as close as the nearest maori radio frequency.

A monocultural view on life assumes that one way is superior, usually because the wearer doesn't have any other clothes. When you're finally persuaded to check out new threads, you realise what you've been missing.

For a moment let me focus on what pakeha have been missing, or perhaps more helpfully, look at what's been happening to pakeha radio as far as the prime functions - to entertain, inform and educate.

For one thing the spark has gone out of much of it. De-regulating the broadcasting industry has meant a proliferation of stations but less choice. Everyone's playing safe. The live-wire on-air extroverts are still there, mainly in the provinces, but the programmers have moved in with sound-alike station branding. The result, the Breeze, the Heat, ZBNewstalk, are innovations largely driven by the economics of using labour-saving digital technology to produce syndicated programmes that sound the same in Hamilton as they do in Wellington.

It's aimed at easy listening or hard listening depending on your ear tolerance. The result is that at times you can't tell one station from another.

The listeners targeted by advertisers are being more defined by music choice and narrow casting is more the norm in what used to be broadcasting. We are in the age of niche broadcasting where you have to deliver a narrowly defined target audience to the advertisers.

What's been lost is the personal local contact, the link between the listener in the community and the broadcaster, the entertain and inform function of radio. I'm not referring to the more depersonalised national radio which has always sought to provide a national culture.

On the informing side of radio, I've always thought that pakeha radio had a cultural blind spot when it came to informing on maori issues. It was

good that National Radio acknowledged this in taking Mana news. The listeners have been the winners.

But this maori input through Mana news doesn't extend to RNZ's commercial radio service or Independent Radio News, where I was told, when I offered Mana news: "We treat everyone the same and don't need maori journos. It's all the same news." That to me has always presumed that pakeha journalists are not representative of the majority culture which has a poor public record in acknowledging a maori perspective.

Before leaving the informing side of radio a word about talkback radio. I worked as an evening news editor for Radio Pacific in 1980 just after it started. It began with noble ambitions as Radio Manukau to represent the voice of polynesian Auckland but soon took easier pathways. It was a schizophrenic station at time devoting six to ten in the evenings to the polynesian concerns of Auckland and some of the other hours to the most racist of talkback callers.

Then, as is still the problem, there was no link between the pakeha and polynesian communities. It's as much a head link as a radio programming link. In lieu of that, we now have separate maori and pacific island radio stations. More choice but a split listenership.

This gets us on the educative side of radio. For any talkback to work, there must be informed callers. Talkback producers don't mind where that information comes from, no news is copyright. But listeners are creatures of habit and are encouraged to be loyal. I suspect it's only a hard core of listeners that travels the news and current affairs frequencies looking for the latest fix. Listen up.

In my time with National Radio's current affairs programme *Checkpoint*, I became aware of a following for my coverage of maori issues. I wondered at that time why they didn't just tune into Wellington's maori station, Te Upoko o te Ika to get the information firsthand, but figured it was because they lived out of Wellington. I can see now that the packaging was as important as the contents.

I think pakeha radio has got the packaging but lost the contents.

So what has maori radio? Has it too gone the mono-cultural way, but this time in a maori set of clothing?

Well not completely. The purist within may have preferred that but maori culture has once again showed much adaptability. There's been so much free borrowing that at times maori radio is indistinguishable from the real thing. The deep jock voice, the breathy delivery of the latest overseas rap song or NZ sound-alike and the slick fast-paced ads. Auckland's maori radio station, Mai FM has led, rapturing young listeners with around seven percent station shares. (Research International) This is maori radio packaging at its slickest.

And the contents? Well in a fairly publicised affair, less than two percent maori language. But here's the rub. The broadcaster says the government funding is for promotion of language and tikanga. And urban dance is contemporary maori youth tikanga.

Mai's example and rationale typifies what some of the twenty five iwi stations have felt they should be able to do in a de-regulated environment where they balance commercial return on the wings of tikanga.

Others have been more conservative in their selection of packaging and much stauncher in their contents. If percentage of maori language on air is a measure of staunch, then the upper limit is around 50 percent. In a nod to radio's music format and a dominantly youthful maori population, that 50 percent maori language includes music as well as spoken.

However broadcasting is more than percentages and ratings. It's the stuff of dreams and a way of life cultural commitment. For many of us working in maori radio that's the kaupapa, the business. Maori radio was born through neglect of maori language and tikanga in New Zealand, Aotearoa. Mainstream broadcasting contributed to that neglect, it's academic and tedious to debate blame and much wiser to paddle on.

Maori radio attempts to practice its tikanga (which includes maori language), its way of doing things, on air. As with all radio, broadcasters cannot communicate something they don't possess, so they first of all need to be comfortable with themselves, to earth themselves. Perhaps that's the biggest advantage maori have and the most revealing, once the hands-on broadcasting skills are learned. That is putting the packaging together around the contents.

I'm not talking about some airy fairy mystical feeling of earthiness. If you know you're maori and are willing to identify with it, you'll be reminded

in a thousand ways what that means. From the expectation that you're naturally rhythmical and can play a guitar, to your understanding of why your tupuna agreed to sign the treaty, to the internal balancing act that's second nature to your pakeha and maori genes. It's no Big Deal.

For some maori, commitment means boning up on their maori language skills. It means digging deep inside for strength ... that's culture whatever your ethnicity. For all maori it means upskilling or training.

Is this training for maori radio the same as for mainstream radio? That's never been an issue for the New Zealand education system which has always assumed the pakeha way is the mainstream. In the training field of journalism, maori had to establish their own training course at Waiariki Polytechnic in order to teach from a tikanga maori perspective. This course was founded following several fruitless years of trying to introduce a maori perspective into the three national journalism courses existing at that time.

The same road is being travelled by maori radio. Despite a revamp of the education system, educational institutions are no more welcoming to maori perspectives and maori initiatives sit outside mainstream funding and industry support. They exist proudly in a maori world largely unknown by pakeha.

So what is this maori perspective that's so pakeha user unfriendly?

These are my observations from being involved in maori radio from the beginning in the early 1980s. They're also tempered by twenty three years of general media experience.

Maori people crossing over into radio work tend to bring with them a formality that appears to be born of tradition... what is expected in ritual situations. Commonly this shows itself in interaction with others, the introductions, the formal talk and the outroductions. A lot of time is taken up establishing one's credentials, then making the links to the manuhiri (guest or guests) for the listeners and then examining the kaupapa, the reason for the guest being on air and them saying goodbyes.

This interaction also extends to the listeners who are treated as if radio was a marae on air. That can be true at times but radio industry tikanga

must be first be examined to see how it can be adapted to satisfy tikanga maori. That's what must happen for the maori broadcasters, or for that matter, any broadcaster to succeed on air, they must be comfortable within themselves.

The teaching of this maori perspective is not so much teaching but more understanding its tikanga hold on the person and how it can be adapted for a different environment. At times you find yourself assuring the trainee that their tikanga will survive if they ask a direct question of a kaumatua. Of course it helps enormously for the trainer to also understand the tikanga of that different environment, in this case, radio broadcasting.

The tikanga of maori and radio agree on the prime importance of one to one contact between broadcaster and listener. This is the central building block.

Some maori find it hard on their own in the studio, talking to listeners who can't nod back or show their feelings with body language. It's even harder making the links with whakapapa without the common reference of carvings, tuktuku, kowhaiwhai or even the features of the elements between Ranginui and Papatuanuku. But it introduces an interesting on-air tension at times and usually makes for different radio.

But it's even more illuminating at times when there's a guest in the studio being interviewed live rather than pre-recorded. That's the way untrained people usually prefer because it's seen to be more natural and unrehearsed. But it only takes some unguarded words, and community reaction for would-be interviewers to be wary of further on-air work. So far the learning has been without legal threats over possible defamation.

At the time of writing (June 1994), maori radio training has been patchy, with mainly basic skills Maccess-type courses. The only national course has been the NZ Qualifications Authority accredited "Te Whakapakari Reo Irirangi Maori" course run twice in 93/94 through Tu Tangata Maori Productions Ltd. The future lies in developing a curriculum that can change with the upskilling of maori radio staff. Within that curriculum, will also lie the seeds for the regeneration of the purpose of mainstream radio in Aotearoa.

The unpretentious nature of maori radio and community accessibility has meant that many maori have got to air. They and the listeners have liked the sound. It's been my pleasure at NZ On Air to acknowledge the progress and encourage its growth. Like all broadcasters, they don't get enough praise.

This accessibility and unpretentiousness is a key part of the success of iwi radio and makes it distinctive in an ocean of soundwaves. As long as iwi remain relevant as rallying points for maori, they'll continue to tug on the loyalties of maori and so local radio will continue.

There have been moves before to establish a national maori broadcaster, partly because of economics and partly to forge tribal unity. It'll be tried again, but will go against the flow of niche marketing or narrowcasting listeners, but not against the national branding moves. Any national broadcaster will need to maximise listeners and balance objectives such as maori language promotion and even race relations with paying the rent.

After four years of maori radio, the local iwi flavour still survives and remains the base. However listeners expect their local station to bring them other iwi flavours along with their own. What's more revealing from a survey of maori radio listeners undertaken in 1983 is that they also expect to be more informed about the pakeha world through their maori station's news service. A final challenge to maori radio is that maori listeners surveyed felt the primary purpose of maori radio was to have their heritage more widely understood by all New Zealanders.

In 1989 I posed a question to a pakeha print and radio media. Now it faces maori radio....."capable of carrying a bi-cultural message.....????"

Chapter 13

TVNZ NEWS: POPULIST NEWS-VALUES AND POPULAR REPRESENTATION

Pahmi Winter

In Orwell's *Animal Farm* (1945), Boxer's political maxim of "four legs good, two legs bad" acquired its power by virtue of uncritical repetition. Similarly, critiques of TVNZ's news and current affairs programming have thus far amounted to little more than a reiteration of "public broadcaster good, commercial broadcaster bad". As it currently stands, the debate over journalistic standards at TVNZ is little more than a battle of grand theologies between TVNZ news executives and their critics. It has generated more heat than light and is currently at something of a stalemate.

Most complaints about TVNZ news programmes question the accuracy, fairness and balance of individual news or current affairs items. Criticism tends to be directed at TVNZ journalists, who are called to account for having a lack of standards. This focus, however, presupposes that TVNZ's news programmes are the products of journalists operating collegially as autonomous professionals. By implication then, the failure of TVNZ news programmes to satisfy the requirements of accuracy, balance and fairness is a failure on the part of individual journalists.

I would like to see the debate over standards of journalism at TVNZ extended to take into account the implications of the organisational and statutory framework for the journalists. In particular, I wish to indicate significant ways in which journalism at TVNZ is affected by the managerial priorities of financial performance and efficiency gains now that the Department of News and Current Affairs is a profit-centre.

TVNZ's news executives claim that market forces have improved the performance of the department's journalists, that they have become more professional as a consequence of being exposed to competition and the

discipline of the market. I argue that the market-pressures mitigate against an equitable balance of public service and commercial objectives.

When TVNZ journalists are asked to explain the nature and purpose of their work, they do so in terms of a democratic rhetoric of empowerment and social responsibility:

> I think we have a duty to either explain, or make them aware of what is happening, and the dangers or advantages or whatever that may incur. I think we have the role of showing them what their elected officials are doing, right or wrong. (Home Editor)
>
> Journalists have "a duty to tell [the people] what they need to know". (Executive Producer *One Network News*)
>
> We are working in the interests of people who "are too busy, looking after the kids or at work, to find out things for themselves". (Home Desk Assistant Editor)
>
> We are "gathering and disseminating information about significant public affairs and events". (Reporter)

The journalistic spirit of public service is articulated in the departmental mission statement made by TVNZ's Director of News and Current Affairs:

> We aim to: inform accurately and fairly, provide a wide range of opinion; analyse and place developments in context; probe and scrutinise all areas of the public interest; and challenge and hold to account those who wield power... to provide the public with quality information so that they can contribute to informed decision-making in an evolving democracy. (Norris,1992:3)

The journalists at TVNZ describe what they do as popular representation. But what are the criteria by which we can judge how effectively they realise their objective? If a news organisation is to serve as an agency of representation, it should be organised in a way that enables diverse social groups and organisations to express alternative viewpoints. This goes beyond, however, simply disseminating diverse opinion in the public domain. It should:

* ensure all citizens have access to relevant information about public affairs and issues;

* encourage citizens to engage in the processes of government policy-making;

* foster the processes of dialogue and rational argument and dialogue as to the way in which citizens want to see society develop;

* reflect the plurality of understandings and interpretations of social reality that exist within society;

* give subordinate classes increased access to ideas and arguments opposing ideological representations that legitimate their subordination;

* enable individuals to reinterpret their social experience, and question the assumptions and ideas of the dominant culture;

* ensure that all those participating in public debate do so on an equal basis; and

* enable everyone, on the basis of diverse perspectives and sources, to decide for themselves how best to safeguard and advance their welfare in collective as well as individual terms, and to set in the balance rival definitions of the public interest and claims on equity. (Curran,1991)

In essence, realising a representational role involves "giving people the right to define their normative vision of the world and their place in it through access to alternative perspectives of society." (*Ibid*)

TVNZ journalists claim that their practice is guided by the ideals of popular representation. They believe the populist ethos which currently guides news production at TVNZ is more democratic than the previous public service ethos because programmes are shaped by, and reflect, the common-sense thinking and interests of ordinary people. In particular, the journalists construe the present emphasis on relevance as reflecting a

greater editorial commitment to the professional obligation to inform citizens about the things they need to know.

While the introduction of a populist ethos has required some changes in the way the journalists go about their work, conventional newsroom wisdom holds that the reorienting of journalism to accommodate a populist ethos involves only superficial or cosmetic changes to their practice. But the editorial emphasis on a populist interpretation of relevance has greater consequences than merely "trimming off some of the worthier and duller material", "dressing topics differently" or angling a story to reflect a "popular" rather than "official" point of view (TVNZ journalists). The populist newsroom epithet, worthy but dull, used by TVNZ journalists to refer to material considered to be of public significance but with little entertainment value, signals a radical shift in the conceptual basis on which newsworthiness and relevance are currently decided. I shall return to this in a moment.

TVNZ's news executives assert that they are able to balance commercial imperatives and journalists' professional responsibilities or objectives in their management of news production. I wish to challenge their assertion by demonstrating ways in which commercial imperatives compromise, and marginalise, journalistic values in TVNZ news-culture. To do this, I adopt an organisational perspective of journalism which sees it as:

> the outcome of organisationally determined interests and practical constraints such as budgets, schedules and availability of labour and equipment. [In other words], the level of journalism in network news is more or less fixed by the time, money and manpower that can be allocated to it... these resources are ultimately determined not by "mean" or public-spirited broadcasters, but by the requisites which the news divisions must meet in order to maintain their operations. (Epstein,1973)

In the contemporary situation, the effectiveness of TVNZ's news executives is judged according to how well they meet the requirements of the State-Owned Enterprises Act 1986. The Act is the key document guiding TVNZ Ltd. As a state-owned enterprise, TVNZ receives no direct funding from the Crown and is required to operate as a successful business, paying an annual dividend and tax to the Crown. According to

the Act, a SOE is to attend to the "interests of the community in which it operates ... when able to do so." (SOE Act 1986 s.4(1)(c).) But as its primary objective is to make a profit, the public interest is marginalised as a secondary objective. The Act's setting out of managerial priorities has significant implications for TVNZ journalists who are seeking to tell people what they need to know. As a consequence of making TVNZ into a SOE, its news operation has been reorganised as a profit-centre, and has been centralised and rationalised.

For TVNZ Journalists

* Managerial accountability is defined in terms of the SOE Act = Management concern for reducing costs in relation to revenue generated... staff numbers, budgets and resources reduced to an operating minimum.

* Loss of senior journalistic expertise, experience and inside knowledge of political and administrative processes in New Zealand

* Managerial emphasis on "efficiency gains" pressures journalists to produce "more stories, more quickly" (Deputy Director).

  As a consequence:

  * There is less time to do research, investigate leads and develop contacts and sources;
  * the likelihood of mistakes being made is increased; and
  * there is increased susceptibility to sophisticated manipulation by public relations consultants.

* A centralised electronic news-gathering system may produce a steady flow of news more cheaply than having journalists spread around the country. But the lack of reporters who live outside Auckland, Wellington and Christchurch is reflected in the absence of stories in TVNZ news programmes which reflect the interests and concerns of many New Zealand communities.

* Typically, it is only scandals, tragedies, and visiting VIPs who currently induce TVNZ to commit resources for regional coverage.

* Cheaper options which do not affect many people but provide compelling material, e.g. a bus crash, become more attractive to producers than regional or issue-based stories that are more expensive to produce because they require more research or resources.

* Potential stories which are in the public interest but lack visual or emotional appeal will tend to be ignored on the grounds that they are worthy but dull.

* Commercial imperatives of maximising audiences and financial returns encourages the practice of:

    * increased use of stock images / visual wall-paper);

    * forcing verbal information to compete with vivid, dramatic pictures which have only a loose connection to the point of the story; and

    * increasingly competitive global broadcasting environment - emphasis on speed to meet growing demands for immediacy in news programming - which mitigates against journalists properly researching their stories. Under circumstances where time and resources for research and reflection are considered by managers to be expensive luxuries, the potential for journalistic inaccuracies, errors and biases is increased.

Consequences of Exposing Journalists to Commercial Imperatives

* Emphasis on beating the competition increases with the greater fragmentation of the television advertising market.

* As competitive pressure on the organisation increases, so does the marginalisation of public service goals within the managerial agenda.

* Populist ethos may give voice to the previously voiceless in its news and current affairs programmes, but the right to comment on and influence the political process remains the privilege of those

speaking as authoritative representatives of powerful institutions. Ordinary people can speak only for themselves. They are not entitled to opinions on public affairs but may speak *only of their experiences*.

* Creativity, innovation, and experimentation are marginalised by the essentially conservative requirements of the advertising agencies, who demand the safety of last year's successes to satisfy their clients.

* Organisational interest in targeting and capturing demographic groups sought by advertisers conflicts with the journalistic obligation to represent the public interest.

* Competitive requirement of broad appeal mitigates against producing items which may be of interest only to a minority of viewers. Management say they cannot afford to narrow-cast - if the ratings fall, the advertising rates fall too.

* Management assume ratings reflect audience satisfaction. But audience size is a reflection of the absence of alternatives.

* Transformation of public into privatised space.

Constraints on Professional Autonomy of Journalists

* Media management strategies by institutions and agencies seeking to direct the flow of information;

* Statutory regulations;

* Economic realities and financial commitments of networks;

* Uniform procedures for filtering and evaluating information and reaching decisions; and

* Selective recruitment of journalists who hold, or accept, values that are consistent with organisational needs.

Constraints on Professional Autonomy of TVNZ journalists

* TVNZ executives believe that "ratings cannot be sustained for an hour of intelligent probing of complex issues". (Director, News and Current Affairs)

* Managerial emphasis on product consistency, i.e. compositional coherence in the programme's narrative flow and its packaging and consistency in on-air presentation from night to night. Shift in emphasis from reporting to production.

* Product consistency requires requires journalists to be responsive to a centralised editorial authority.

* Journalists reduced to technicians "constructing a story to general specifications drawn elsewhere." (Baker,1986:178).

In the contemporary situation, journalistic professionalism is now defined in terms of how competent the journalists are in applying the news values and compositional techniques required by the news executives. The newsroom axiom that it is the editor who has the final say ensures the journalist's compliance because her/his task, as s/he sees it, consists of writing the best story within a given framework. That framework is determined by managers concerned with maximising audiences and profits first, and only then, with delivering a news service which provides a fair and balanced representation of the views and concerns of all significant communities of interest in our society.

Institutional Construction of the Audience in TVNZ Culture

News executives assert judgments of relevance are grounded in knowledge of the realities of the viewing context and the viewers' lives produced from extensive audience surveys and focus- or cluster-group research. But TVNZ's news audience research is market research, and is shaped by the discourse of ratings and the marketing system of Target Audience Groups (TAGS). The research methodology ignores the viewer's embeddedness in the social world because it is fashioned only to produce information about consumers' tastes and preferences in order to target them more effectively for marketing purposes. It is viewed as an isolated consumer

with a preference for items which provide a vicarious emotional experience from entertaining curiosities or other people's tragedies.

The rule of relevance, cited by TVNZ journalists as a guarantee their practice reflects the concerns and interests of ordinary people, fails to recognise the utility of the concept for management. Within the organisational culture of the SOE, the audience is reduced to ciphers - they are not considered as citizens and members of politically and culturally defined constituencies but as standardised consumption units in a corporate world.

The utility of the rule of relevance to news executives operating within the wider corporate culture of TVNZ is that it conflates the broadly inclusive social category of citizen, imagined in journalistic norms, with the TAGS of market discourse. In doing so, it successfully co-opts journalists' discourse into the market-oriented discourse of the organisation. As a consequence, the fact that the realisation of journalists' professional norms is not a priority in a corporate culture oriented to seeking opportunities to exploit in the market-place, is effectively concealed. By disguising the way in which commercial imperatives underpin the editorial determination of good journalism, the equanimity of reporters who distance themselves from the commercial aspects of news-making is maintained, and the potential for disruption and conflict minimized.

Conclusion

To conclude, in a news operation which is required to operate as a profit-centre, market-pressures preclude an equitable *balance* between commercial and journalistic objectives being achieved. Thus there are considerable risks associated with relying on the market to ensure the provision of balance in news-reporting.

Through turning TVNZ into a SOE, the state has failed in its democratic obligation to ensure New Zealand citizens have access to a range of television news services which provide a real choice of alternative services and a diversity of viewpoints. If we, as a society, are to genuinely aspire to the ideals of equal representation and justice, which legitimate our social institutions, then it is profoundly important that the issues of journalistic standards at TVNZ and the underpinning concerns regarding "the balance of social power and the nature and future of the polity"

(Collins *et al*,1986:1) are debated in an effective and inclusive manner so policies which serve the wider public interest may be formulated and enacted.

At present, TVNZ news executives are publicly criticised for allowing commercial imperatives to dominate news production. I believe that TVNZ's critics should redirect their attention to call to account the politicians who have determined that TVNZ function, not as a public good, but as a cash cow for the state.

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(This paper draws on five years of research conducted into the culture of news production at TVNZ immediately subsequent to the company being reorganised as a state-owned enterprise.)

Chapter 14

THE PITFALLS OF FAME: NEWSMAKERS AND THE MEDIA

Hon Matiu Rata

May I thank the Broadcasting Standards Authority for the invitation to participate in this seminar.

In being asked to speak on the Pitfalls of Fame - Newsmakers and the Media, may I say that fame is simply not possible without the media. No one knows that better than the darlings of the media - politicians and the political industry.

To my knowledge there are no pitfalls to fame. Those in high office merely become more famous or infamous, depending on one's view. The facts are that although many hundreds seek office, relatively few ever become famous or well known for what they do or achieve.

Our history is strewn with the skeletons of vast numbers who are rejected, retired, abused or have simply failed. This, however, has had little or no effect upon their desires and aspirations to seek office and in turn become part of the passing parade.

However harsh or critical the observation of the media upon their efforts - and properly so, they both need each other. On the one hand politicians will make decisions that will affect all our lives, and the media is duty bound to report, to probe and to seek the full meaning of those decisions, while on the other hand, many politicians will of course wish to have their endeavours portrayed in the best light or in a manner that highlights their beliefs.

Again, however much the decision-maker is criticised or exposed, they must not be deterred in their belief of what they do. Indeed, they may

learn and even be persuaded as a result of the publicity. For if they fear criticism then they are in the wrong business. For they are aware that praise also follows their endeavours.

In all circumstances the relationship between those in public office and the media should always be at arm's length. That does not mean that they should not have a social relationship or even know each other reasonably well. What it does mean is that unless there is recognition of a professional in the case of the journalist and similarly the duties of the office-holder, their respective effectiveness could ultimately be at risk.

While politicians are decision-makers, they should not decide what is news, even on their own decisions. My personal preference is to have been a successful politician rather than simply being famous.

In some cases, excessive publicity does not help. For example, when I introduced the Treaty of Waitangi Bill, creating the Waitangi Tribunal, in 1972, excessive publicity with a slant against the interest of the minority may have obliterated any chance of the Act being finally passed in 1975.

At the time only 17 persons appeared before the Maori Affairs select committee considering the Bill, with Syd Jackson of Ngatamatoa being its arch critic. With the late Rob Muldoon describing the Bill as a "toothless tiger" and Jackson stating that it was woefully inadequate, it appears that may have persuaded both the media and the public that there was little to fear from the new Tribunal.

Events since have suggested otherwise. I believe that had public opinion known then what they now know the Bill would not have been enacted. This was not an attempt to deny or withhold any information from the public, but rather to do the right thing for those whose needs are the greatest.

The point I make is what or where does the responsibility lie, when on the one hand a substantial number of the Maori supported the Bill while the majority of non-Maori would be totally opposed to the measure. I believe that the issue here was the need to do the right thing. The 150 year negligence had to stop.

The Treaty of Waitangi is not a gravy-train. Rather it is about matters of honour. The Tribunal has the task of advising Government and legislators about how to provide an economic, social and cultural level playing field. We still have quite some way to go.

This raises the question of reporting on minority issues in New Zealand. In fact all too often Maori has been the subject of excessive and adverse publicity, and never, it seems, being regarded as people to whom being informed, entertained or influenced by the media as a consumer. Instead, no effort is spared to make them share or feel the guilt of adverse publicity.

No one is suggesting that wrongs or misdeeds of Maori society should not be exposed. They should be, along with all the other happenings with the Maori world. They all cannot be bad news. What is needed is greater recognition by the media about their role and cultural sensitivity. Western society should not kid itself into believing that they alone understand the truth or the right to know. Major improvements in this area are long overdue.

I return to the original topic of this panel. To have the chance of succeeding politically, one must have a sound and understanding relationship with the media, always at arm's length. They are not asked to love each other. Respect for each other would be more than sufficient.

Chapter 15

THE PITFALLS OF FAME: NEWSMAKERS AND THE MEDIA

Ian Fraser

Before I was consigned forever to the prime ministerial blacklist in 1978, but shortly before I had aroused Muldoon's ire by describing him on the front page of the Sunday Times as "really a very sweet little person", I provoked him to a public paroxysm in a speech I gave on the Politics of Broadcasting (printed in full in The Dominion).

In it I quoted H.L. Mencken's observation that the only way for a journalist to look on a politician was down. And I quoted I.F. Stone who summed it up with his customary delicacy when he stated that "Every government is run by liars and nothing they say should be believed." A more recent version of that same sentiment is Bill Ralston's "Politicians are Scumbags."

The point I was on my way to making then was that politicians and journalists are natural enemies and that the correct relationship between a broadcasting organisation that is doing its job properly and the government of the day should be one of steady friction punctuated by occasional bursts of machine gun fire.

The nature of tension, I suggested, had a lot to do with a more or less irreconcilable difference of outlook. Politicians are activists. Some of them are hypothyroids on legs. They are dedicated as a class, in some degree, to changing the world. With few exceptions they have shining before them some ideal (or hobbyhorse) which is so clearly superior to what actually exists that it comes to seem to them to <u>be</u> the reality.

Journalists, on the other hand, have a duty to present the world as it is. There is an obvious incompatability of view here. You could characterise it in terms of polar opposites - on the one hand journalists, on our good days, subscribing to the doctrine which Tom Stoppard puts into the mouth

of one of the characters Night and Day - "information is light." On the other hand, newsmakers, decision-makers are driven by the practical conviction that knowledge is power.

I have not moved in the intervening 15 years from this simplified view of how the tension in the relationship between political commentators and the media comes about.

Politicians are in the business of moving opinion.

Radio, television and the newspapers are potent tools for moving opinion. Little wonder, therefore, that politicians should be concerned that journalists should share their judgment about what is right and what is important. Politicians do not want journalists to maintain a critical distance. They want cooperation in this business of moving and moulding public opinion.

What fascinates politicians about broadcasting, and television in particular, is the power it is presumed to have. The heart of broadcasting is the mass audience. Other branches of the media do not have this unique ability broadcasting has of being able to talk simultaneously and often "live" to the great mass of the people in their homes. This immediacy, and the ability to communicate with large numbers of people at the same time, is bound to appear like some magical power. Naturally enough, the politicians want a piece of the magic.

I have not changed my mind about all of that but I do feel a fleeting remorse at the prominence I gave in a lot of speeches to those remarks of Mencken and I.F. Stone. Mencken, for all his entertainment value, was from the curmudgeonly wing of the crypto-fascist tendency and it is interesting that at the very end of his life Stone produced an admiring book on Socrates who, whatever his virtues might have been, was no democrat.

More seriously, I think those remarks reflect a cynicism which can corrode the democratic process as effectively as a corrupt politician. The business of politics is more than a knocking shop in which harlots and pimps ply their trade.

So the right stance for broadcasters wanting to strike a balance is not cynical but robustly sceptical. That's sceptical both about the interests of

the powerful and about our own prejudices and inadequacies. The luxury we enjoy is not the ability to promote dogma but the opportunity to ask questions.

There is an interesting thing in a book of manuscripts of big interviews which Robin Day did - going back as far as the late '50s - But, With Respect. There is a transcript of an interview Bernard Levin did with Day. Levin said to him: "What is your role *vis-a-vis* the politician when you think, "Here is the man who is really doing the job; who am I to tell him off for not doing it properly?" And Day answered:

> I quite agree; I do feel that responsibility very acutely, and whenever I go before a politician or a politician comes into the studio, I have that feeling in my stomach, in my guts. But I have not to let it unnerve me, because I have to remember not only that he or she has enormous responsibilities and burdens, but I have also to remember that history shows that politicians make mistakes. Also there are people out there who are angry, or bewildered, or disturbed about some matter. And I like to remember some words of Montaigne, which translated say, "Sit he on never so high a throne, a man still sits on his own bottom."

This sense of journalistic mission is especially important now because I hear an awful lot of people say they are sick of bad news. The American Vice-President Spiro Agnew once described journalists as "nattering nabobs of negativity" and I suspect if you took a vote on it now a lot of people would agree with that sentiment.

In the UK, Martyn Lewis, anchorman of BBC1's Nine O'Clock News has been conducting a campaign for more good news. He says that the hunger for a different type of news is very strong indeed. People are fed up with shocking and disturbing pictures of massacre, famine and gunshots. They are sick of a force-fed diet of Bad News.

Lewis suspects that declining television news audiences may be a result of our failure to report positive stories. Already, a lot of newspapers suffering from a relentless circulation decline over more than ten years, are examining editorial content. They are carrying out market research, looking at writing styles, taking account of ageing readership, and in many cases recognising that the news agenda has to change. A lot of readers and

viewers are turned off by graphic accounts of smut and violence. Lifestyle sections which focus on things like cooking, gardening, driving and Do It Yourself in many cases attract more readers than the hard news sections.

Martyn Lewis claims that he does not want to change the news diet to one of soft, lifestyle pap, to ignore the great and tragic events and issues that can be found all over the globe. What he says he is after is balance. Without this balance, compassion fatigue becomes horror fatigue and nobody is shocked or moved.

I have a concern that in going for better balance we could end up with engineering the news to portray a happy, smiling face, along the lines of some American news programmes.

The other related concern is that the yearning for balance, if we are not careful, will play into the hands of politicians who are not themselves looking for balance but want instead the rosiest, most positive, most persuasive projection of their works and days. This is how you find yourself in a situation where politicians, who in many cases see very little television - (like Noel Coward they see television as a medium not for looking at but for being on) - mount angry attacks on television and radio for - in the words of one of them - "being infected with the contemporary viral infection of whingeing and complaint."

Most politicians would like the news to float above the real world like some vast Panglossian balloon - everything for the best in the best of all possible worlds. I am scared that a concentration on the so-called good news and a lurching turn from the bad - from division and confrontation - will bring comfort to those who are already powerful. Their interests will prevail and the powerless or the disempowered, for whose interests journalists should have intense concern, will end up with no voice at all. This is the world where the bland lead the blind.

Could I make one final comment on the issue of privacy. I am out of sympathy with the view that because people are in public life, they sign away any right to a private life and anything they do is fair game for the media.

Politics is the indecent act permitted between consenting adults in the privacy of parliament. We do not also need to know that a cabinet

minister who carries out his official tasks punctiliously may be having an unusually tender and caring relationship with his prize sheep.

Parliamentary sessions are all-night affairs stimulated by Whips - I do not think we need to know that a competent MP occasionally has recourse to the services of a dominatrix -Mistress Jenny or Mistress Ruth.

There is one exception. When MPs presume to dictate to the rest of us in matters of morality they had better be purer than Caesar's wife. At that moment their private conduct does become relevant. I believe the media have a duty to dwell on the humbug of people who preach one set of standards while practising another. *Private Eye* many years ago had a charming little poem on this issue -it was about the self-canonisation of Malcolm Muggeridge.

The moral of all this is that if, as a newsmaker, you presume to tub thump and legislate for family values, I, as a journalist, am going to take a close interest in your relationship with your livestock.

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