

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 22/91

Dated the 14th day of May 1991

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by the

CHRISTIAN HERITAGE PARTY
OF NEW ZEALAND

Broadcaster
TELEVISION NEW ZEALAND
LIMITED

I.W. Gallaway Chairperson
J.B. Fish
J.L. Hardie
J.R. Morris

DECISION

Introduction

The programme, *Decision 90*, broadcast by TV1 on 27 October 1990, covered the results of the general election held on that day.

Christian Heritage Party's Complaint to Television New Zealand Limited

On 7 November 1990, Mr Graham Capill, the Executive Director of the Christian Heritage Party, wrote to TVNZ Limited to lay a formal complaint on the grounds that *Decision 90* was biased and unfair.

Three matters were noted to support this contention.

- 1) The Christian Heritage Party was not given a single mention despite the fact that it polled better than the Democrats and Social Credit in most electorates where the Party contested seats. Providing election night figures to support this, it was said that to be categorised as an "other" political party throughout *Decision*

... was neither fair, nor accurate, at the very least it was misleading.



- 2) Much was made of the size of the Green vote although only averaging approximately 2.5% higher than the Christian Heritage Party's average in the electorates where it contested seats.
- 3) Coverage of Otago and Southland electorates was minimal compared with the results from North Island electorates.

The letter concluded by noting that the media seemed to be trying to ignore the efforts of the Christian Heritage Party.

TVNZ's Response to the Formal Complaint

TVNZ's Complaints Committee dealt with this complaint at its meeting on 28 November and Mr Capill was advised of the decision in a letter dated 5 December 1990.

The complaint about the programme was considered in the context of standard 6 of the Television Codes 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.

Pointing out that *Decision 90* adopted a nationwide perspective, TVNZ said that the news story of the evening was the collapse of the Labour vote and the landslide victory for National. It continued:

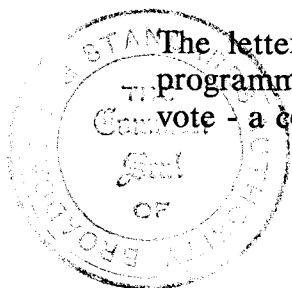
It was considered that had your party been seen, in any way, to have influenced the election result nationally, or in any individual electorate, it would have been mentioned. On the basis of an analysis of the results it did not.

While agreeing that the Christian Heritage Party outpolled both the Democrats and Social Credit in a number of seats, it observed that Christian Heritage nationally polled 9591 votes or 0.53 per cent of the total poll. The Greens, on the other hand, polled 124,898 votes (6.9 per cent) and emerged as the country's third party. The letter continued:

The Committee considered that from a national perspective it was plainly untenable to suggest the electoral achievements of Christian Heritage were of equal or greater significance than those of the Greens.

TVNZ agreed that the programme did not carry all the final results. Explaining that many results were received later than expected and that some were received as the Party leaders were making their speeches, TVNZ stated that no region was discriminated against.

The letter concluded that the programme was not unbalanced because, as a news programme, it focused on National's sweeping victory and the collapse of the Labour vote - a collapse in which the Greens and the New Labour Party were instrumental.



Christian Heritage Party's Complaint to the Broadcasting Standards Authority

As the Party was dissatisfied with TVNZ's decision, it referred the complaint to the Broadcasting Standards Authority under s8(a) of the Broadcasting Act 1989 in a letter dated 20 December 1990.

While accepting that describing the collapse of the Labour vote became an important object of the programme during the broadcast, the Party maintained that this was not the programme's sole objective. Viewers, the Party maintained, would also be interested in the results from their own electorates.

Even accepting a narrow objective on TVNZ's part, then on the basis that Christian Heritage voters previously voted National, the Party said that Christian Heritage should have been mentioned in relation to the Yaldhurst and Palmerston North electorates. In both those electorates the unsuccessful National candidate lost by fewer votes than the number received by the Christian Heritage candidate.

Furthermore, TVNZ in its letter when recording Christian Heritage's nationwide tally of 9591 votes had deliberately ignored the fact that the Party only contested 18 seats and in each of these 18 electorates had gained between two and five percent of the vote. Failure to mention the Party's results in some specific seats, the Party submitted, was a "deliberate manipulation that is unfair and biased".

The Party questioned the importance that TVNZ gave to the vote for the Greens and its impact on the Labour vote. It suggested that the Christian Heritage's impact on the National Party, although on a smaller scale because of the limited number of seats contested, was similar.

It repeated its earlier claim about geographical bias adding that the programme was slanted towards the North Island. It concluded:

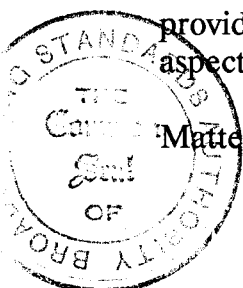
... we believe Television New Zealand has, again, in this programme demonstrated a bias that is oriented towards subjective value-judgements, not supported by impericle data. (sic)

TVNZ's Response to the Authority

The Authority, on 25 January 1991, sought TVNZ's comments on the referral. TVNZ responded in a lengthy letter dated 6 March 1991 which examined some of the election results in detail. It wrote:

Decision 90 was conceived as a programme which was not only designed to provide definitive results in key electorates, but also to highlight newsworthy aspects of those results and voting trends as well as any surprises.

Matters of less substance which might be revealed in the aftermath, following fine



analysis, and which might reflect interesting quirks and speculation as to what "might have been if only" had no place in the tumbling tide of mounting figures and big results which broke forth that night. Participants who made no clearly decisive impact on the final result were virtually submerged in the statistical backwash as the programme came to a close.

TVNZ addressed the points raised by the Christian Heritage Party. The final figures for the Yaldhurst and Palmerston North electorates were presented and TVNZ commented with regard to the latter:

Here again it is submitted that there is nothing in these figures which would suggest to a careful political analyst that National failed to win this seat because of the impact of Christian Heritage. But it can be safely recognised that the combined Greens and New Labour vote may have eaten substantially into Mr Maharey's vote.

In summary, TVNZ recorded:

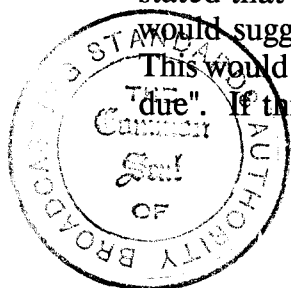
It is somewhat nonsensical, it is submitted, to compare the impact of the Greens vote on Labour, with that of Christian Heritage on National. The Greens (along with New Labour) clearly played a spoiling role in the election. Although the country may still have ended up with a National administration had the two parties not been there, it is possible to point to examples in individual electorates where these parties quite clearly played a "spoiling role". In no sense did Christian Heritage appear to play a "spoiling role" in National's election campaign.

Regarding the complaint about the bias against election results in the South Island, TVNZ maintained that *Decision 90's* approach was to provide an informative and interesting record of the events as they occurred. In retrospect, there were five important and newsworthy trends which the programme highlighted. TVNZ concluded:

To suggest that the programme was unbalanced, biased or in any way in breach of code 6 defies the reality of the situation. TVNZ Ltd on the night acted as a sort of electronic referee wending its way through a colossal logistics and statistical exercise, which amounted to a demonstration of the idiosyncrasies of democracy in full stride. It does not believe it erred insofar as code 6 is concerned or that hindsight insight has found cause for a blowing of the whistle.

Christian Heritage Party's Final Comment to the Authority

At the Authority's invitation, the Party commented on a letter dated 26 March 1991. It stated that as TVNZ did not know the evening's newsworthy events in advance, fairness would suggest that the first four placings in every electorate should have been shown. This would have ensured that the minor parties "received some mention where credit was due". If this methodology had been applied to the Yaldhurst electorate:



... then the Christian Heritage Party and the Independent candidate would have received passing mention. Not only would this satisfy Code 6 but would have given a far more pleasing coverage to many listeners who wanted to know who made up the large "other" category result.

The Party emphasised that nowhere did it argue for a mention of all Christian Heritage candidates, let alone all candidates. Rather, results other than the main trend were required in the interests of fairness.

Decision

The Authority has studied the correspondence and carefully considered the arguments advanced by the Christian Heritage Party in support of its complaint and by TVNZ in response.

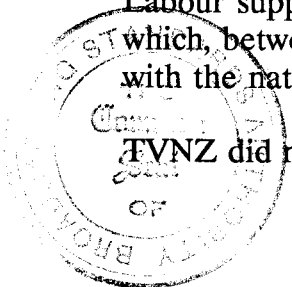
Because of the length of the programme (4 hours), the Authority did not re-view it while considering this complaint. However, all Authority members had watched it at the time it was screened in October last year and accepted, as the complainant alleges, that no mention was made of the Christian Heritage Party during the programme. This point was not contested by TVNZ.

The core of the Christian Heritage Party's concern was that, while not expecting that all its candidates should have been referred to, the programme was unbalanced in not referring to its performance in at least two electorates where the votes received by its candidates might have influenced the outcome. The two seats named were Yaldhurst and Palmerston North where the number of votes received by the candidate for the Christian Heritage Party exceeded the majority achieved by the successful Labour candidate. The Party was of the opinion that its supporters were likely, in the Party's absence, to have voted for the National Party. Thus, it argued, it could well have influenced the outcome in these two electorates and according to the criterion TVNZ expounded in its letter of 5 December 1990, the Party deserved a mention. However, in each electorate the number of votes it received was packaged in the all-encompassing "other" category.

Furthermore, the Party argued, a lack of balance was apparent in that the programme referred to the Democratic and Social Credit Parties when, in 15 of the 18 seats contested by the Christian Heritage Party, the Christian Heritage candidate outvoted the candidates from these parties.

TVNZ emphasised that the programme adopted a nation-wide perspective. It argued that its coverage captured the noteworthy events of the evening which were the collapse of the Labour vote and a landslide victory for the National Party. Many of the former Labour supporters, it continued, voted for either the Green or the New Labour Party which, between them, captured over 12% of the vote nationwide. This was contrasted with the nationwide support for the Christian Heritage Party of 0.53%.

TVNZ did not dispute that the Christian Heritage Party raised valid speculative points



in regard to Yaldhurst and Palmerston North. However, they were points outside the principal trends apparent during the evening. Thus, TVNZ maintained, they were points for consideration during a detailed analysis of the results rather than during the presentation of nationwide results on election night.

TVNZ observed that the final results, contrary to expectations before the broadcast, were not received until after 9.00 pm. The presenters were thus required to maintain the programme for some two hours until the first final result was received.

When the final results started to arrive in quantity, the programme continued with its plan to deliver "live" the concession and victory speeches of the party leaders. When these speeches were concluded, the programme was required to announce many final results while, at the same time, highlighting the performance of a number of senior members of the various parties contesting the election.

The Authority is of the view that TVNZ's explanation shows signs of trying to excuse, after the event, a less than totally satisfactory programme. The Authority acknowledges that external constraints, including the late arrival of the results and the timing of the leaders' speeches, dictated the pace of the second half of the programme and the consequent exclusion of the announcements of the results from all electorates. Nevertheless, the Authority considers that this situation might have been anticipated and better use made of all the time (4 hours) set aside for the programme.

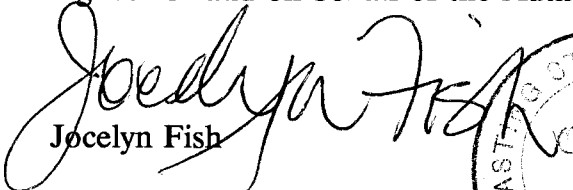
The programme's format, apparently determined in advance of the evening, was seemingly found to be capable of handling the results of the 1990 General Election to only a limited extent. In these circumstances, TVNZ had little option other than to focus on the principal events as they emerged during the evening. The central focus, however, was achieved at the expense of coverage of some electorate results and comment on the performance of some candidates.

Although it seems that the programme's format and planning did not correctly anticipate the events as they occurred and it appeared to lack the flexibility to deal with the unexpected, the Authority considers in the circumstances that the programme did not show imbalance, partiality or unfairness to any reprehensible extent. Thus, the programme did not breach the requirements of standard 6 of the Television Codes of Broadcasting Practice.

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

Nevertheless, the Authority wishes to record that it is sensitive to the frustration suffered by the complainant. It understands the Christian Heritage Party's concerns expressed both on its own account and also on behalf of the people of Otago and Southland. Their grievances about the programme appear to the Authority to be legitimate and based on expectations, which remained unfulfilled, about what the programme would deliver.

Signed for and on behalf of the Authority


Jocelyn Fish

14 May 1991

