

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 10/92

Dated the 30th day of March 1992

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

R. ODINOT
of Eastbourne

Broadcaster
RADIO NEW ZEALAND LIMITED

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

DECISION

Introduction

Mr Pik Botha, the South African Minister of Foreign Affairs, was interviewed by Ms Kim Hill on Radio New Zealand Limited's *Morning Report* on 10 October 1991. *Morning Report* is broadcast on National Radio between 7.00am and 9.00am, Monday to Friday.

Mr Odinot complained to RNZ that the interview lacked courtesy, impartiality and fairness and resembled an interrogation.

As RNZ declined to uphold the complaint, Mr Odinot referred it to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Decision

The members of the Authority have listened to a tape of Ms Hill's interview with Mr Pik Botha and have read the correspondence (summarised in the Appendix). The papers include a transcript of the interview.

After some preliminary correspondence, Mr Odinot complained to RNZ that the broadcast breached the standards in the Broadcasting Act 1989 and in the Radio Code of Broadcasting Practice. As his complaint did not specifically list the standards which



he alleged were breached, RNZ referred to his comments and assessed the programme against the following standards. The first was s.4(1)(a) of the Broadcasting Act 1989 which requires that broadcasters maintain standards consistent with the observance of good taste and decency. The other standards, in the Radio Code of Broadcasting Practice, require broadcasters:

- 1.1(e) To deal justly and fairly with any person taking part or referred to in any programme.
- 1.1(h) To respect the principles of equity especially as they relate to the contribution and the views of all women in our society.
- 1.1(i) 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.

Standard 5.2(b), under the heading of News and Current Affairs, reads:

- (b) News must be presented accurately, objectively and impartially.

RNZ excluded standard 1.1(h) from its review on the basis that it was only cited partially by Mr Odinet and its full text disclosed its inapplicability. It also excluded 5.2(b) on the basis that it applied only to "news" while the interview in question fell into the category of current affairs. On the basis that the entire interview was an opportunity for Mr Botha to express his views, RNZ dismissed Mr Odinet's complaint under standard 1.1(i). The Authority accepts RNZ's conclusions on these points except that the final question in the broadcast interview will be assessed against standard 1.1(i). With that question, the listener could assume that Ms Hill terminated the interview without allowing Mr Botha time to respond. The Authority also considers that issue under standard 1.1(e).

In his referral of the complaint to the Authority, Mr Odinet expanded on his original complaint to RNZ by observing that the interview was weighted in favour of history at the expense of the current situation. RNZ questioned whether the Authority could review this point as, it said, it was not covered by the original complaint. The Authority agrees with RNZ that it cannot consider an issue if it is first raised when a complaint is referred to the Authority. However, it considers the point about history as opposed to current events to be an aspect of the original complaint overall and accordingly includes it in its consideration.

In regard to Mr Odinet's complaint about the interview's good taste and decency and, specifically, the manner in which the interview dealt with Mr Botha, RNZ interpreted good taste as good manners. It is an approach which, at least in this case, is accepted by the Authority. This focus corresponds with Mr Odinet's concern about Ms Hill's lack of courtesy. As subsidiary issues he was concerned with the interview's consequent unfairness to Mr Botha and its concentration on past events.

In its extensive comments referring to the nature of a current affairs in-depth interview, RNZ considered Ms Hill's approach to be justified. It found no evidence of factual inaccuracy on her part and said that the forthright and challenging questions did not go beyond the bounds of courtesy and good taste. Mr Botha had not answered the final



question, it recorded, as he indicated in the studio that he did not wish to participate further in the interview.

The Authority considered Ms Hill had been well briefed and that her approach was challenging and, at times, aggressive. Indeed, her tone bordered on the hostile. However, the Authority also decided that Mr Botha, despite his apparent lack of fluency in English, had been given adequate opportunities to put his case. On that basis, it agreed with RNZ that most of the interview had not been unfair within the terms of standard 1.1(i).

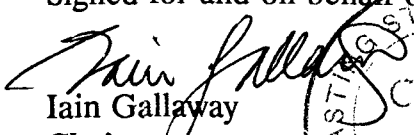
The question the Authority then considered was whether Ms Hill's aggressive approach breached the standard requiring good taste. After careful consideration, the Authority decided the approach, although by no means the only available one, was justified in the circumstances. This was the first official visit to New Zealand for some years by a representative of the South African government. Mr Botha had been involved with the ruling party for many years. He was a politician, not merely a visitor, who could have expected some fairly intense questioning. Further, the doctrine of apartheid has for various reasons been a major concern in New Zealand. Accordingly, the Authority considered Ms Hill's aggressive manner, for the most part, was justified in the circumstances.

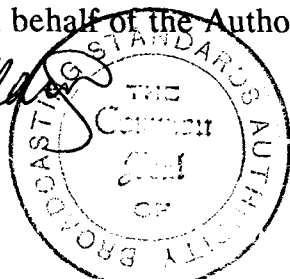
The part which was questionable was Ms Hill's final question when she challenged Mr Botha with the comment: "You flouted the United Nations for years in Namibia". After a sigh, apparently from Mr Botha, Ms Hill thanked him for joining Morning Report and "signed off". RNZ argued that the sigh indicated that Mr Botha was not prepared to respond. The Authority believed that was by no means clear. Listeners could well have assumed that an exasperated Mr Botha was curtly cut-off before being allowed to answer. RNZ itself also noted that the question could be criticised in that it was a statement designed to score debating points rather than to elucidate information.

The Authority examined the question whether Ms Hill, in her final remark, had been unfair to Mr Botha by interrupting him with an accusation rather than asking a question. It could be argued that the final question was only a small part of an acceptable interview and thus should not be elevated as a major point by which the entire interview should be judged. On the other hand, it must be noted that Ms Hill is a professional broadcaster. The Authority also took into account the point, not necessarily apparent to the listener, that Mr Botha had refused to participate further in an increasingly vitriolic discussion. After balancing the requirements in the standards with the listeners' interest in the interview about the dramatic changes in South Africa, the Authority concluded that Ms Hill had deliberately adopted the position of the devil's advocate. While she may have allowed her apparent antagonism towards Mr Botha and the regime to influence her approach, the Authority considered that overall she had not breached the standards requiring good taste, balance and dealing with people fairly.

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

Signed for and on behalf of the Authority


Iain Gallaway
Chairperson
30 March 1992



Appendix

Mr Odinot's Formal Complaint to Radio New Zealand Limited

In a letter dated 16 October 1991, Mr Odinot complained to Radio New Zealand about Ms Kim Hill's interview of the South African Foreign Affairs Minister (Mr Pik Botha) on *Morning Report* on 10 October 1991. He complained about Ms Hill's lack of courtesy, impartiality and fairness. Adding that a deeply felt objection to apartheid did not justify questioning Mr Botha's integrity and veracity, he wrote:

The overall impact of the interview reflected a rather poorly conducted interrogation of an accused person in a Court of Law - surely not the function, purpose or responsibility of the NZB news service.

In a later letter dated 22 October, he said the broadcast breached the good taste and decency standard in the Broadcasting Act 1989 and the standards in the Radio Code of Broadcasting Practice requiring that people taking part in a programme be treated justly and fairly, that broadcasters respect the principles of equity, that news be presented accurately, objectively and impartially, and that broadcasters show balance, impartiality and fairness when dealing with controversial issues. The requirements correspond with s.4(1)(a) of the Broadcasting Act and standards 1.1(e), 1.1(h), 1.1(i) and 5.2(b) of the Radio Code.

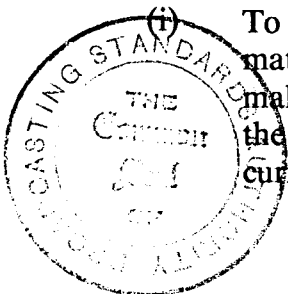
RNZ's Response to the Formal Complaint

RNZ advised Mr Odinot of its Complaints Committee's decision in a letter dated 29 November 1991. It noted that RNZ had received four formal complaints about the interview and, as they were based on similar grounds, one decision encompassed them all.

The complaints had been examined under s.4(1)(a) of the Broadcasting Act 1991 and standards 1.1(a), 1.1(e), 1.1(h), 1.1(i) and 5.2(b) of the Radio Code of Broadcasting Practice. Section 4(1)(a) requires broadcasters to maintain standards consistent with the observance of good taste and decency. The general standards (other than 1.1(a) which was not cited by Mr Odinot) require broadcasters:

- (e) To deal justly and fairly with any person taking part or referred to in any programme.
- (h) To respect the principles of equity especially as they relate to the contribution and the views of all women in our society.

(i) 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.



Standard 5.2(b), under the heading of News and Current Affairs, reads:

- (b) News must be presented accurately, objectively and impartially.

RNZ ruled that standard 1.1(h), which was cited only partially, was not relevant in view of its full requirements. It also dismissed the complaint under 1.1(i) as it argued that Mr Botha, during the interview, had been given a reasonable opportunity to present his views. As standard 5.2(b) only applied to news, RNZ ruled that it was not relevant to a current affairs interview.

RNZ then assessed the item under s.4(1)(a) (interpreting good taste as good manners) and 1.1(e). As another complainant has also referred to standard 1.1(a), which requires broadcasters to be truthful and accurate on points of fact, the Committee also reported on that aspect of the complaint in its reply to Mr Odinet.

Describing the interview as a "current affairs" one, i.e. an in-depth interview, RNZ stated that the interviewer was required to have a thorough knowledge of the issue and to ask questions on behalf of listeners. RNZ continued:

Politicians or others involved in public affairs cannot expect a serious interview of this type to be only an opportunity to make unchallenged political or personal statements. The interview is intended to be neither a soap-box for the interviewee nor a "short trot with a cultured mind"; and the serious interviewer must be expected to play a serious part in the interview, not merely to fill the role of a verbally nodding head.

In such an interview, neither the interviewer nor the broadcaster is doing the job properly when responses known to be inaccurate, evasive, inconsistent or otherwise unclear are not challenged. The object is not to catch the interviewee out but to elicit for the listener a relevant whole response over the range of a subject, with answers, not evasions.

It is not an interviewer's job to further his or her own point of view, or make statements "pushing a personal barrow". However, in such a wide-ranging historical context as that of the interview under consideration, it is acceptable and indeed necessary that many questions should be prefaced by a brief statement by way of recapitulation. Such statements introducing or clearly implying a question must be factually accurate, concise and relevant, and must not become an interviewer's "monologue".

Quoting a 1981 decision by the Broadcasting Tribunal (the Authority's predecessor) that an interviewer may act as the devil's advocate and noting that Mr Botha was the first South African government member to visit New Zealand for some years, the Committee found no evidence of factual inaccuracy and, although some of the questions were forthright and challenging, they did not go beyond the bounds of courtesy and good taste. Further, Mr Botha had been given every opportunity to answer the questions and he had not responded to the final question as he had indicated in the studio that he refused to participate further in the interview. RNZ

concluded that no standards had been breached.

Mr Odinot's Complaint to the Broadcasting Standards Authority

As he was dissatisfied with RNZ's response, in a letter dated 11 December 1991 Mr Odinot referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

He considered the interview was unbalanced, and therefore lacked fairness and impartiality, as it was weighted in favour of historical events at the expense of current progress in South Africa.

RNZ's Response to the Broadcasting Standards Authority

As is its practice, the Authority sought the broadcaster's comment on the complaint. Its request is dated 12 December 1991 and RNZ responded on 16 December 1991 and 31 January 1992.

In its first letter, RNZ argued that Mr Odinot was confused about the function of a current affairs interview. Further, concern was expressed that Mr Odinot's criticisms appeared to shift from the specific interview into the general area of current affairs programming. RNZ argued that as Mr Odinot had not referred to the history/current events distinction in his initial complaint, it was one which the Authority should not review. Nevertheless, even if it was considered, RNZ maintained that it was an editorial question rather than an issue of balance.

In its second letter, RNZ referred back to the specific points made in Mr Odinot's original complaint and said that it had responded to them. It again argued that a complainant, when referring a complaint to the Authority for review was not entitled to modify the grounds of the complaint and it listed the grounds against which its Complaints Committee had examined the original complaint.

In regard to the specific interview, RNZ noted that the event was the first occasion for some years for RNZ staff to interview a serving South African government minister. Attempts to obtain direct answers were not rudeness, it continued, in view of the interviewer's thorough and accurate grasp of the facts.

Mr Odinot's Final Comment to the Authority

When asked to comment on RNZ's replies, in a letter dated 7 February 1992 Mr Odinot reaffirmed the basis of his complaint as explained in his letters of 16 and 22 October 1991.

