

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 76/93

Dated the 28th day of June 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

TONY RYALL

Member of Parliament for East Cape

Broadcaster

RADIO NEW ZEALAND
LIMITED

I.W.Gallaway Chairperson

J.R. Morris

R.A. Barraclough

L.M. Dawson

DECISION

Introduction

An item on National Radio's *Morning Report* on 25 February 1993 broadcast between 7.00 - 9.00am was introduced in the following way:

The Royal Australasian College of Surgeons believes junior doctors are about to become the next victims of the health system's new drive to make money.

Mr Ryall and Mr Sowry, Members of Parliament, described the use of the word "victims" as highly emotive and inappropriate and, noting that health reforms were concerned with greater efficiencies, not with making money, complained to Radio New Zealand Ltd that the introduction breached the broadcasting standard requiring the accurate, objective and impartial presentation of news.

Maintaining that the sentence was a fair summary of the College's New Zealand chairperson and that the remarks had been attributed to the College, RNZ declined to uphold the complaint. Dissatisfied with RNZ's explanation, Mr Ryall referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act



Decision

The members of the Authority have listened to an audio tape of the item complained about and have read a transcript. They have also read the correspondence (summarised in the Appendix). As is its practice, the Authority has determined the complaint without a formal hearing.

The correspondence from RNZ, in addition to the material about the broadcast on 25 February to which the complaint related, included transcripts of items on *Morning Report* on 16 and 18 February - both of which were interviews with Cabinet Minister Hon Murray McCully and Labour Party health spokesperson, Helen Clark. That material was enclosed to assist the Authority to deal with the comment in the complaint which alleged a general bias on *Morning Report* in the items on the health reforms. As the decision records below, the Authority declined to consider the general comment to be an aspect of the specific complaint as it did not comply with the requirements and procedures laid down in the Broadcasting Act regarding matters which can be referred to the Authority.

Members of Parliament, Mr Ryall and Mr Sowry, complained to RNZ about the introduction to an item on *Morning Report* on 25 February when the presenter began:

The Royal Australasian College of Surgeons believes junior doctors are about to become the next victims of the health system's new drive to make money. The manager of Auckland and Greenlane Hospitals' surgical services has written to the College of Surgeons informing (sic) it will no longer employ some junior doctors.

The Reporter then summarised the hospital's letter and the College's reaction followed by interviews with the College's New Zealand chairperson and a hospital spokesperson. A further interview with another hospital representative was broadcast later in the programme in which it was suggested that the letter earlier sent to the College might not be the Hospitals' final word on the matter.

The complaint focussed specifically on the word "victims", the preceding word "next", and the phrase "the health system's new drive to make money". Their use, the complainants argued, breached the broadcasting standard requiring the accurate, objective and impartial presentation of news.

RNZ assessed the complaint under standards 5.2(b) and 1.1(i) of the Radio Code of Broadcasting Practice. The former requires radio broadcasters to present news accurately, objectively and impartially while the latter imposes the following obligation on broadcasters:

- (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.

With reference to the standard 5.2(b) complaint about the broadcast on 25 February,



RNZ emphasised the dictionary definition of "victim" as one who suffered hardship and argued that the introduction was a fair summary of the College's chairperson's remarks and that it was attributed to the College. RNZ maintained that the making money comment also was a reasonable summary of the College's position.

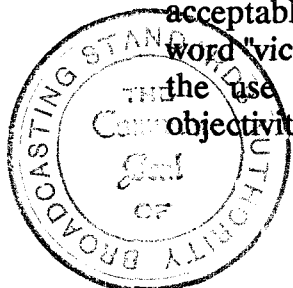
When the complaint was referred to the Authority by Mr Ryall, he disputed RNZ's definition of the word "victim". Referring to a number of dictionary definitions, he stressed that the principal definitions of the word intimated cruel or oppressive treatment by an oppressive agency. Arguing that that definition did not describe the Auckland Hospital Board's actions, he persisted in his complaint that the introduction of the broadcast was unbalanced and partial. Furthermore, he considered RNZ's response to his complaint to be sarcastic and merely justifications for what he described as "a totally unacceptable level of broadcasting professionalism".

RNZ considered the complainants' broader concern that the specific broadcast was another example of what was described as *Morning Report's* bias under standard 1.1(i). As noted above, when it reported on the complaint to the Authority, RNZ provided an audio tape and transcripts of interviews with Cabinet Minister, Hon Murray McCully, from *Morning Report* on 16 and 18 February. Both interviews were introduced as reporting the Government's concern that the health reforms were not being dealt with fairly by the media. Both the 16 and 18 February items included interviews with Mr McCully and Labour Party health spokesperson, Helen Clark.

The Authority noted the complainant's claim that the item broadcast on *Morning Report* on 25 February was a "blatant example" of that programme's bias, but as that aspect of the complaint, which RNZ dealt with under standards 1.1(i), did not comply with the legislative requirements for formal complaints, it was a matter on which the Authority could not rule.

As for the complaint about accuracy, objectivity and impartiality under standard 5.2(b), the Authority decided to consider the use of the word "victim" first. In view of the competing definitions proposed of the word, the Authority examined the context in which it was used. The context was an introduction to an interview with the College of Surgeon's New Zealand chairperson after the College had been advised that two of the hospitals in Auckland would no longer employ some junior doctors. The spokesperson did not describe the junior doctors as "victims". He did, however, imply that the restriction could impose considerable hardship on junior doctors, especially if the practice was adopted by hospitals elsewhere.

Was it objective, accurate and impartial, asked the Authority, to introduce the item by using the word "victims" to encapsulate the College's belief about the possible impact of the restriction on the employment of junior doctors? The Authority was divided in its conclusion. The majority stressed the context in which the College's belief was being summarised and, in view of the contents of the interview, considered that it was an acceptable introduction. In the specific context in which it was used, it believed that the word "victims" was acceptable. The minority disagreed with that conclusion and thought the use of the word "victim" represented tabloid journalism where accuracy and objectivity were secondary to impact and where emotional words were used to attract or



retain interest in what was to follow.

When considering the complaint about the use of the word "next" when describing the junior doctors as victims, the Authority decided that it was unable to reach a decision about whether or not it complied with the broadcasting standards merely by studying the interview which was broadcast to see if it was an adequate summary of the views expressed. Instead, it was necessary to consider the social context in which it had been used and again a majority of the Authority concluded the use of the word complied with the standard. It did so on the basis that it was generally accepted there were a variety of groups in society which had suffered as a result of the health reforms and that justified describing the junior doctors as the "next" victims.

The minority also disagreed on this point and argued that importing general knowledge to an introduction which purported to be a specific summary of the beliefs of a College was neither accurate nor objective. On that basis, it contravened the standard 5.2(b) requirement for accurate, objective and impartial news.

The "health system's new drive to make money" was a phrase also specified in the complaint as an inaccurate summary of the health reforms. On this point, the Authority observed that the College spokesperson had been reported as describing the hospitals' move regarding the employment of young doctors as "profit-driven". As its task was not to decide whether that was an accurate description of reforms but to assess whether the broadcast was an accurate summary of the views expressed, the Authority concluded that the use of the "making money" reference was not in breach of the standards.

In summary, the complaint referred to the introduction to an item on *Morning Report* on 25 February 1993 which discussed the employment prospects for young doctors and reported the concern of an interested professional group about some proposed changes which, it believed, were linked to the widespread reforms of the health system. The item was not a discussion about the health reforms generally but concerned a letter from Auckland and Greenlane Hospitals' manager of surgical services and the reaction from the New Zealand chairperson of the Royal Australasian College of Surgeons. The item was introduced in a way which stressed the College's concern that the proposed changes had come about because of the reforms. Taking into account the widespread nature of the reforms, the majority of the Authority concluded that the precis of the debate contained in the introduction did not contravene the requirement that news be presented accurately, objectively and impartially.

The minority did not agree. It believed that the tone set by the use of the word "victims" was emotional and that the tone of the introduction was not substantiated by the interviews which followed. Those interviews revealed that there were, in fact, some doubts over the import of the letter which was the focus of the story and that the College's fears were possibly unfounded. In other words, the minority concluded, the introduction was not an accurate distillation of the subsequent interviews and, consequently, breached the standard.

For the above reasons, a majority of the Authority declines to uphold the complaint that Radio New Zealand Ltd's broadcast of an item on *Morning Report* on 25 February 1993



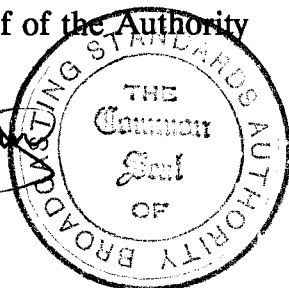
breached standard 5.2(b) of the Radio Codes of Broadcasting Practice.

The Authority declines to consider the complaint that the item breached standard 1.1(i) of the Code.

Signed for and on behalf of the Authority



Iain Gallaway
Chairperson



28 June 1993

Appendix

Mr Ryall's and Mr Sowry's Complaint to Radio New Zealand Limited

In a letter dated 26 February 1993, Members of Parliament Mr Tony Ryall and Mr Roger Sowry complained to Radio New Zealand Ltd about an item broadcast on *Morning Report* between 7:00 - 9:00 am on Thursday 25 February. They maintained that the item, referring to the Royal Australasian College of Surgeons, breached the broadcasting standard (G14) requiring the accurate, objective and impartial presentation of news. Attaching a transcript of the item, the complainants recorded that the presenter introduced it with the following statement:

The Royal Australian College of Surgeons believes junior doctors are about to become the next victims of the health system's new drive to make money. ...

Describing the use of the word "victims" as inappropriate and highly emotive, the complainants said that it was not a term used by the College. Moreover, the item suggested that there had been earlier victims. Finally, they complained that the item was inaccurate as the health reforms were concerned with greater efficiencies to ensure the best use of expenditure rather than the saving of money.

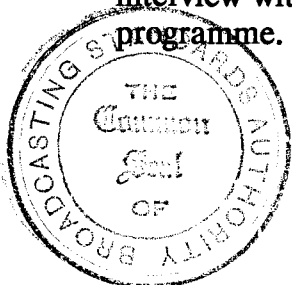
Consequently, the complainants considered that the item breached the broadcasting standard and indeed was a blatant example of *Morning Report's* bias.

RNZ's Response to the Formal Complaint

RNZ advised the complainants of its Board's decision in a letter dated 29 April 1993.

It began by pointing out that the complainants had cited a standard in the Television Code of Broadcasting Practice. RNZ reported that it had considered the complaint under the equivalent standard, 5.2(b) of the Radio Code of Broadcasting Practice and in view of the allegation of bias, under standard 1.1(i) as well as it is the general standard requiring balance.

RNZ discussed at length the background to the events dealt within the item and pointed out that the phrase about junior doctors was a fair summary of the College's New Zealand's Chairperson and that it was attributed to the College. Accordingly, it said, the broadcast did not breach standard 5.2(b). The specific complaint about the reference to "next victims" was also not upheld after consulting the dictionary definition of both words. Furthermore, taking into account the specific dispute to which the item referred, RNZ maintained that the reference to a "new drive to make money" was a reasonable summary of the College's statement. Finally, RNZ maintained that the balance requirement in standard 1.1(i) had been met by an interview with an Auckland Area Health Board spokesperson on the same programme.



As the general complaint about bias on *Morning Report* did not comply within the requirements for formal complaints in the Broadcasting Act 1989, RNZ declined to determine it. Nevertheless, RNZ's directors categorically rejected the allegation.

Mr Ryall's Complaint to the Broadcasting Standards Authority

Dissatisfied with RNZ's decision, in a letter dated 5 May 1993 Mr Ryall referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Maintaining his complaint that the item was not accurate, objective or impartial, Mr Ryall described RNZ's explanation as;

... merely justifications for a totally unacceptable level of broadcasting professionalism

The presenter's comments, he continued, were inflammatory and RNZ's response, in arguing that the word "victim" did not impute ill-will, was "clearly sarcastic".

RNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 7 May 1993 and RNZ, in its response dated 12 May, recorded that it had dealt with the general allegation of bias as that matter had been raised in a number of recent complaints from government Members of Parliament. Each complaint, RNZ continued, had been fully investigated and were not "merely justifications" as alleged. Moreover, the responses to the complainants had explained fully the principles upon which each decision was based and had not contained sarcasm.

RNZ discussed the use of the word "victim", noted the complainant's claim that it implied a deliberate action and argued, noting the first three dictionary definitions, that it did not necessarily impute "ill-will". Referring also to the phrase "next victim", the item's context and the complainant's apparent misunderstanding of the news process, RNZ pointed out that the item's introduction were not editorial comments but a summary report of the statements from the College of Surgeons. After considering the complaint in some detail, RNZ concluded:

The words are an accurate summary of what the College said; the Company, examining the context and the meaning of the words, finds no partiality or lack of objectivity in the 2-sentence introduction. Consequently, that part of the complaint is considered without foundation, as based on a misunderstanding of news processes and a failure to comprehend that the presenter is reporting a public statement, not speaking for himself or for the company.



As for the general allegation about the lack of balance common to a member of Parliamentary complaints, RNZ enclosed for the Authority's information transcripts of some other items which had been complained about.

Mr Ryall's Final Comment to the Authority

When asked to comment on RNZ's response, in a letter dated 28 May 1993 Mr Ryall also forwarded at the Authority's request a completed Complaint Referral Form.

Referring to the use of the word "victim", Mr Ryall argued that it was highly emotive and as such had been quite inappropriate for use by a supposedly impartial presenter. Had one of the more accepted and recognised dictionary definitions of that word been used, he continued, RNZ would have reached a different decision on the complaint. He enclosed a number of definitions from a variety of sources, stating:

Clearly these are more accepted definitions of "victim"; a word more easily associated with motor vehicle accidents, acts of violence and war, and death than with letters from hospital managers.

To suggest that junior doctors would suffer severely in body or property through cruel or oppressive treatment from some destructive agency (namely a hospital manager) is inaccurate and highly emotive.

The use of the word "next", Mr Ryall maintained, suggested that there had been earlier victims and he recorded:

No previous person or group has suffered in body or property through cruel or oppressive treatment from some destructive agency, in this case the Government.

Mr Ryall concluded by describing the introduction as "deliberately provocative and impartial" (sic).

RNZ's Response to Mr Ryall's Complaint Referral Form

In a response dated 1 June 1993 to Mr Ryall's completed Complaint Referral Form, RNZ declined to present again the material discussed at length in its earlier correspondence. Rather, it repeated the points that the introduction to the item which was broadcast was a summary of the material presented in the item and was attributed as such. It was not editorial comment. Further, RNZ argued that the dictionary definitions were introduced to record the accepted contemporary meanings in context.

