

**Mr Brian Robinson
Hamilton**

May 26 2005

Mr Ian Fraser
Chief Executive TVNZ
PO Box 3819, Auckland

Dear Mr Fraser

Formal Complaint

This is a formal complaint about a television programme which breached the Free To Air Television Code of Broadcasting Practice.

My complaint relates to:

Programme: *TVNZ "Sunday"*
Date *May 1 2005*
Title *"The Monster of Berhampore"*

I have enclosed a transcript I have prepared of the programme, but the transcript needs to be alongside the programme as screened. The transcript does not adequately convey some of the breaches of the Code of Broadcasting practice that are exacerbated by the selection of background music, and the way pictures were portrayed.

The following standards of the Code of Broadcasting practice were breached in the programme:

Standard 2 - Law and Order: Guideline 2a

Broadcasters must respect the principles of law which sustain our society.

Standard 4 - Balance: Guideline 4a

Programmes which deal with political matters, current affairs, and questions of a controversial nature, must show balance and impartiality.

Standard 2 - Law and Order: Guideline 2a

Broadcasters must respect the principles of law which sustain our society.

The programme treated serious, unsubstantiated criminal allegations as established facts. In the course of the programme, no independent proof of any of the allegations were presented.

Had Mr Lake been alive, there can be no doubt that the shocking allegations, and the savage and sensationalist presentation, when coupled with a total absence of verifiable facts, would have made the programme defamatory.

I am therefore bound to conclude that the programme was screened not out of a concern for the truth, but because the staff at *Sunday* believed they could get away with it. Mr Lake can't sue them. He's dead.

This programme breached the most fundamental tenet of justice: that a man is innocent until proven guilty according to law.

Specific examples

Programme Title:	The Monster of Berhampore
Time 0:03 Announcer:	Walter Lake has been revealed as a sexual monster who terrorised and preyed on the small children in his care.
Time 2:38 Announcer:	[Lake] sexually abused them as young children. Aged between eight and 14 they were his sexual prisoners. Abused in his home, his car and at the Presbyterian Social Services Offices.

Standard 4 - Balance: Guideline 4a

Programmes which deal with political matters, current affairs, and questions of a controversial nature, must show balance and impartiality.

The programme ignored consideration of the strong denials of offending that Lake had made himself prior to his death, and simply stated the position that Lake had committed a crime (as detailed in the previous section).

For a serious crime that is disputed, the lack of coverage of the possibility that Lake may be innocent shows lack of balance and impartiality.

If this programme is deemed to be fair, it will set a sad precedent that the death of an individual permits the media to make comment that would otherwise be defamatory. Most people, including myself value my name highly, both in life and have an expectation that lies about me will not be told publicly in an official manner after my death.

Specific examples

Programme Title: The Monster of Berhampore

Programme Introduction The distorted picture of Walter Lake

The programme made the assumption that Walter Lake was guilty. This was detailed in the previous section

The programme did report (9:07) that Batchelor made a complaint 20 years ago, but that the police believed Lake. This information was discussed no further. Walter lake's own denials were not discussed.. Trevor Roberts is reported as saying "The fact that the police have decided to charge doesn't mean that he's guilty", but Robert's comments in relation to the rest of the programme does not reflect an adequate balance.

The programme consistently refers to those alleging that Walter Lake has abused them, as "victims". Given that there has been no court case, or formal inquiry, such use of language, especially in conjunction with other concerns raised is extremely prejudicial.

Time 0:03 Announcer	Has the Presbyterian Church done enough to help his <i>victims</i> ?
Time 0:50 Announcer	He looks like he couldn't hurt a fly. A frail old man. But that's not how his <i>victims</i> remember him.
Time 3:02 Announcer	Kathleen Batchelor, one of Lake's <i>victims</i> .
Time 3:56 Philip Kitchin	Walter Lake's <i>victims</i> feel betrayed and scorned by their former guardians.
Time 5:22 Announcer	Within weeks of our initial investigation being screened, police had heard from many more <i>victims</i> of Lake's.
Time 7:23 Announcer	Unusually, Walter Lake's <i>victims</i> were from both sexes
Time 8:40 Announcer	This time backed up by another <i>victim</i> .
Time 10:48 Announcer	Frustrated at the response from Presbyterian authorities, many of the <i>victims</i> have hired Palmerston North barrister Gordon Paine.
Time 11:45 Announcer	The church and Presbyterian Support were poles apart in responding to the <i>victims'</i> criticism.
Time 13:41 Announcer	However, the police believed the <i>victims</i>
Time 15:15 Announcer	Finally, for the <i>victims</i> , a major revelation

The programme exacerbated its lack of balance displayed by the report by TVNZ staff and the chosen interviews by the background music chosen. "Spooky", strange, or dirge like music appears to have been deliberately chosen to heighten the effect of presenting the fact that Lake was guilty of the alleged events.

Time ~00:57	music as video of legs of boy ascending stairs
Time ~01:17	following male voice describing Lake
Time ~1:30	Death notice of Lake
Time ~2:59	Announcer
Time ~3:28	Following Kathleen Batchelor
Time ~6:20	Announcer
Time ~14:35	as street sign is displayed
Time ~15:04	view of Berhampore shed where alleged offences took place
Time ~16:16	ending

Yours sincerely

Brian Robinson