

CASE NO:2330

ADJUDICATION BY THE NEW ZEALAND PRESS COUNCIL ON THE COMPLAINT OF LAURIE CARROLL AGAINST MODEL FLYING WORLD

NOT TO BE PUBLISHED BEFORE 20 JULY 2013

Laurie Carroll complains against an article in *Model Flying World*, the official magazine of the Model Flying New Zealand Club published five times a year.

His complaint is not upheld.

Background

Model Flying New Zealand president Barry Lennox wrote an article about drones and the recent mainstream media attention paid to their use. It was published in the April issue of *Model Flying World*. His article gave the history of drones, an explanation of drones' use in subterfuge and warfare, examined the privacy implications of widespread amateur use, outlined relevant legislation including the (lack of) privacy rights to airspace above people, and concluded that drones might well pose a privacy threat in the future.

The Complaint

The article offended Mr Carroll who found it inappropriate for what he regards as a family magazine intended to promote safe and enjoyable model aircraft flying. He was particularly offended by the speculation that amateur-operated drones could be used in public areas, such as a shopping mall, for purposes of spying. He took exception to the mention of the novel *Lady Chatterley's Lover*.

He argued the article's reference to the court-martial of a naval rating for taking images in a public toilet was misleading as the images were taken with a mobile telephone not a drone. He believed some content was sexual in nature and felt it was designed to encourage readers to think spying on women in public toilets was funny and to conclude that women had no rights to privacy. He argued that the magazine should not be "a forum for consenting adults to pursue sexual fantasies".

He felt that he'd been invited to "take part in this sexual fantasy by the writer, from the perpetrators point of view" and this was extremely repulsive.

Mr Carroll also argued that as the article's author is also the president of Model Flying New Zealand the article ought to have been clearly identified as opinion to differentiate it from Mr Lennox's official report as president.

The Response

The magazine's editor referred to a disclaimer absolving the magazine from responsibility for opinions contained therein and referred the complaint to Mr Lennox for response.

Mr Lennox stated that he is a "professional avionics/RF/electromagnetics engineer" and writes many articles for hobby magazines de-complicating science and technology. He described his style as informational, opinionated and tutorial in manner with an often light style.

In his opinion, his article was balanced. It canvassed "the history, development and uses of drones and the good and bad possible uses they are being, and could possibly be, put to." His intention was to inform, to be interesting, topical and relevant to aero-modelling enthusiasts.

He had no intention of discriminating against women, did not intend to invite sexual fantasy on the part of the reader, disagreed with the perspective taken by the complainant over the relevance of the naval rating's court-martial and found offence taken at the *Lady Chatterley's Lover* reference to be laughable. He claimed his perspective on the legal issues surrounding drone use was correct and quoted specific legislation.

He said Mr Carroll had previously, and in public, expressed dislike for him. He suggested the complainant was motivated by malice and the complaint was a vexatious means of pay-back.

Mr Lennox believed his intention in the article, to canvass the subject and implication of widespread use of drones, was crystal clear to a reasonable person.

The Decision

Mr Carroll cites Press Council Principles 1, 2, 6, and 8 in his complaint claiming the article was unbalanced, factually incorrect, discriminating against women and deceitful. In examining the article against these principles, the Press Council does not agree that it breaches these, or any other, principles. Mr Carroll argues that the article contains inappropriate sexual content. The Press Council does not agree and finds the suggestion that the article sought reader participation in a sexual fantasy to be unfounded.

Mr Carroll argues that the article should have been labelled as 'Opinion'. In mainstream newspapers, this would be a reasonable assumption. However, in a hobbyist magazine in

which the writer had previously contributed articles based on his expertise, it would have been clear to readers that Mr Lennox was expressing an informed view.

The complaint is not upheld.

Press Council members considering this complaint were Barry Paterson, Tim Beaglehole, Liz Brown, Pip Bruce Ferguson, Kate Coughlan, Chris Darlow, Sandy Gill, Penny Harding, Clive Lind, John Roughan and Stephen Stewart.

People with a complaint against a newspaper or magazine should first complain in writing to the editor of the publication and then, if not satisfied with the response, complain to the Press Council. Complaints can be lodged using the online complaint form or addressed to the Executive Director, P O Box 10 879, The Terrace, Wellington. Phone 473 5220 or 0800 969 357. Information on the Press Council is available at www.presscouncil.org.nz