



BROADCASTING STANDARDS AUTHORITY
TE MANA WHANONGA KAIPĀHO

2021 Litmus Test of BSA Decisions on Discrimination and Denigration in Broadcast Content

Public attitudes towards discrimination and
denigration on TV / Radio

Final report

May 2021



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1

The BSA decisions achieved an average rating of 78%. Participants ranked the tested decisions as acceptable, good or very good on a five-point scale, as follows:

Newshub Use of the word 'paddy-wagons'	91%
Hosking breakfast show Item about immigration	85%
Kickoff TV (Sky Sport) Item referring to a person as a Jew	77%
Magic Talk Radio Radio item about iwi roadblocks	74%
1 News Use of the term 'gypsy'	65%

2

Interestingly, audiences are more accepting of decisions pre-dating BSA's adjustment of approach to the Discrimination and Denigration standard.

The Authority's approach to the Discrimination and Denigration standard was adjusted in November 2020. It is the two decisions made after this adjustment (Magic Talk Radio and in particular the 1 News item) which have not met the 75% performance threshold.

People indicate they are less accepting of BSA's decision to uphold the complaint about the item on 1 News referring to 'gypsy day' because it is a relatively commonplace term in the farming sector. Many who disagreed with the decision also don't feel the term is discriminatory.

Additionally, the decision to uphold the complaint may have appeared incongruent with the other decisions respondents were shown (made before November 2020).

3

There is a general sense that BSA's decisions under the Discrimination and Denigration standard are well explained and easy to understand.

The application of the standard to the complaints is perceived to be thorough and logical.

Occasionally, the decision outcome can seem inconsistent with BSA's rationale. For example, when the BSA does not uphold a complaint yet agrees an item is inappropriate (e.g. BSA noting the Kickoff item was ignorant/disrespectful but finding no breaches).

Nearly half of New Zealanders think requiring 'a high level of condemnation, often with an element of malice' for a finding of discrimination or denigration is appropriate, however a quarter do not. Those people often feel the bar is set too high, and often question why an element of maliciousness is needed.

4

For discriminatory or denigrating language on TV / radio, it matters who is saying these things, and how they are saying them.

Tone and manner of the speaker plays an important role in whether an item is considered discriminatory or denigratory. It is less acceptable when the manner of the speaker is bullying, disrespectful and aggressive.

5

Younger people seem to be less tolerant of discriminatory and denigratory content.

In general, younger people are more likely to agree with decisions that were upheld and less likely to agree with decisions that weren't.

01

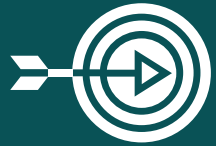
Research approach

- The **Broadcasting Standards Authority (BSA)** oversees the broadcasting standards regime in New Zealand. It provides the public with a free and independent complaints service with respect to broadcasting standards with which broadcasters must comply.

- Every year, members of the public are invited to 'litmus test' up to five BSA decisions on a chosen topic or standard as specified in the BSA's Statement of Performance Expectations.

- For the quantitative survey, the BSA's target for performance is that 75% or more of the participants rate the tested decisions as acceptable, good or very good on a five-point scale.





The overall objective of this research is to determine whether BSA decisions reflect community standards and are understood by members of the public.

SPECIFICALLY, BSA WANTS TO:

- 1 Understand current community attitudes towards the particular issue or standard(s) chosen for testing; and
- 2 Evaluate the BSA's:
 - approach to the relevant standard and/or issue
 - clarity of reasoning; and
 - decision outcome.

The topic for this year's litmus testing focused on decisions related to **discrimination and denigration**. We looked at five BSA decisions relating to this which were broadcast between June 2019 and June 2020. This included one TVNZ One News programme, one Newshub TV programme, one Sky network programme, with two radio clips. The subsequent BSA decisions on complaints made about those programmes provided the basis for discussion.

- ➡ **1 NEWS** – use of the term “gypsy”
- ➡ **Magic Talk Radio** – item about iwi roadblocks
- ➡ **Mike Hosking Breakfast Show** – item about immigration
- ➡ **Newshub TV** – use of the term “Paddy-wagons”
- ➡ **Kickoff TV (Sky network)** – reference to a person as a “Jew” for being frugal

FIVE ZOOM MINI-GROUPS

1. NZ European / Pākehā

2. Māori

3. Pacific Peoples

4. Asian

5. Young people

ACROSS ALL GROUPS

1

Spread of ages and gender

- As well as the 'young people' group, we had a spread across different age groups within the ethnicity groups (youth, adults, older).

2

Spread of life stage and household type

- Sole parents, two-parent households, multi-generational households, empty-nesters.

3

Spread of income

- A good spread of those with a household income less than \$70,000 pa, between \$70,000 to \$90,000 pa, and over \$90,000 pa.

Participants completed a pre-task, which included watching/listening to the five clips and completing a self-completion sheet prior to the group. Within each group, four of the five clips were discussed. These were rotated across the groups.

Fieldwork completed during **April and May 2021**.





We spoke to a total of 582 people online.

The number of interviews with Māori, Pacific peoples and Asian New Zealanders were boosted to ensure we had a sufficient sample to analyse responses by ethnicity. See Appendix for detailed sample breakdown.

Respondents were sourced from Colmar Brunton's online consumer panel.



Fieldwork was conducted from the 30th of April to the 5th of May 2021.



The questionnaire was structured to present a short video clip to each person and then ask for their feedback. We asked for feedback in two ways. First we asked for a gut reaction to the complaint – after viewing the clip each person was immediately asked if they would have upheld the complaint, or not. Second, we outlined the BSA decision and the relevant standards before asking people to rate the decision on a five point scale. It is this latter rating that reflects the KPI requirement for the BSA.



The maximum margin of error on a sample size of $n=582$ is $\pm 4.1\%$.

We post-weighted the data to ensure it is representative of the New Zealand adult population by age, gender, region and ethnicity.

02

Setting the scene – attitudes towards
discriminatory & denigrating content

Less acceptable depictions of discriminatory and denigrating content have a negative emotional impact.

● Power matters

- For discriminatory or denigrating language on TV / radio, it matters **who** is saying these things, and **who** is likely to see or hear these things.
- It is not okay when groups who have more privilege in society (white people, men) say or do things that are offensive to more marginalised groups (ethnic, gender, religious minority groups).

● People experience discrimination and denigration regularly

- Many audiences we spoke to from different ethnic groups remark on the discrimination and denigration they have witnessed or experienced living in NZ.

● Radio and TV show people what is normal

- Audiences express concerns about how TV and Radio normalises certain behaviours and language.
- People are concerned about the impression of normalising offensive language and behaviours for children and future generations.

● Discrimination and denigration in media has real life impacts

- Discrimination and denigration on TV / radio is considered a reflection of society.
- The normalisation of certain language is directly harmful to groups who are already marginalised.
- BSA decisions and outcomes provide an opportunity to say “this is not ok” and people can learn from that.

“

"It makes me feel angry and sad... It's annoying because people can watch it and adopt those same views and attitudes."

(Female, 24, Samoan, Auckland)

"Denigration happens in schools all the time."

(Female, 51, Samoan, Rotorua)

”

Whereas, viewers are more forgiving when...

● No harm or malice is intended

- And, no significant harm is considered to be caused.

● Item is live

- And it is harder to edit out comments that could potentially cause offence.

● Comments are 'off the cuff' and used infrequently

- Often when someone is trying to make a joke.

● The programme is considered more lighthearted

- And it's not to be taken seriously.

“

"In terms of types of programme, if it's something like a comedy show, I guess your threshold for appropriate is a bit higher. But, if it's something like the news where you expect them to be a bit more impartial and just giving you facts rather than having a clear, prejudiced opinion one way or the other."

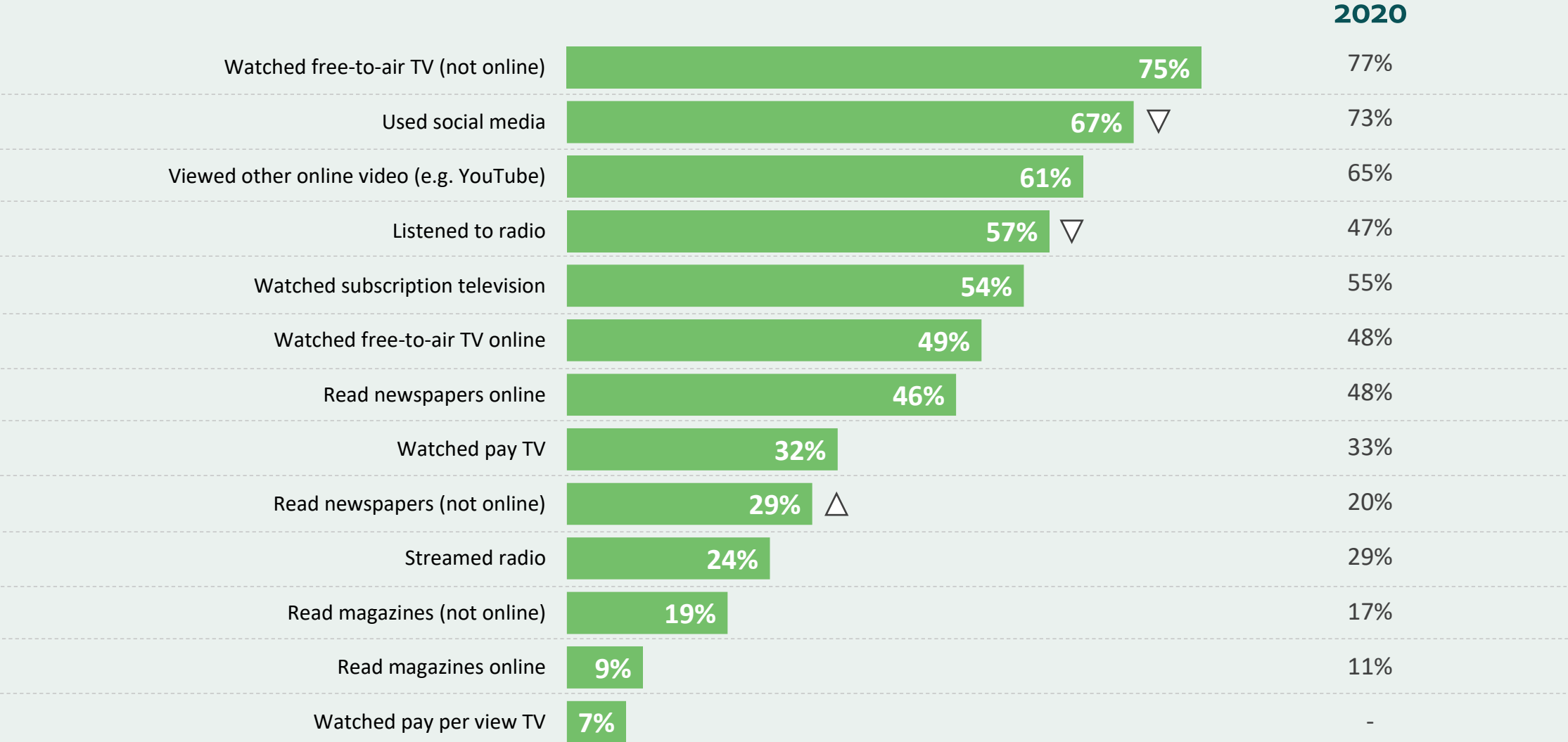
(Female, 24, Young Person, Christchurch)

”

03

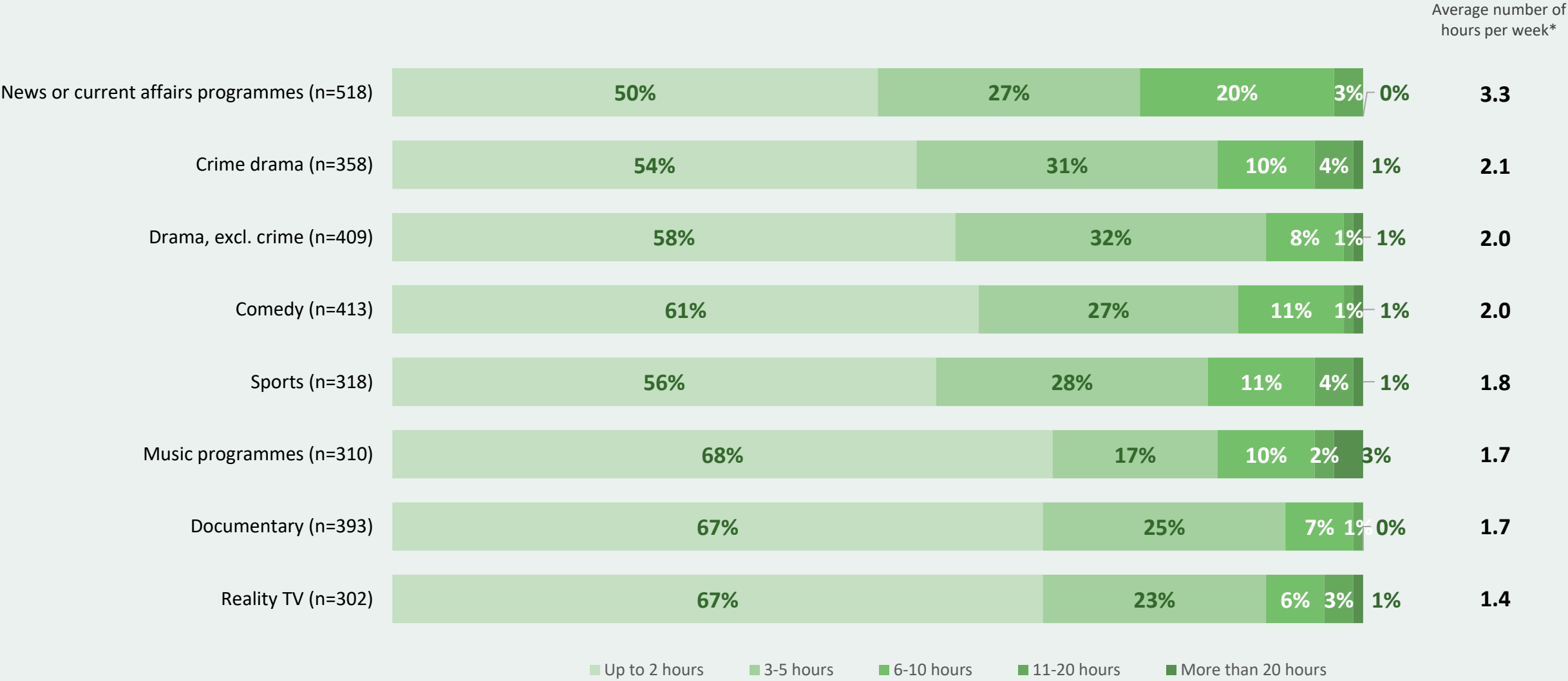
Setting the scene – media use /
consumption

Consistent with 2020, free-to-air TV is the most watched media. The proportion interacting with social media and listening to the radio has declined, while the proportion reading physical newspapers has increased.

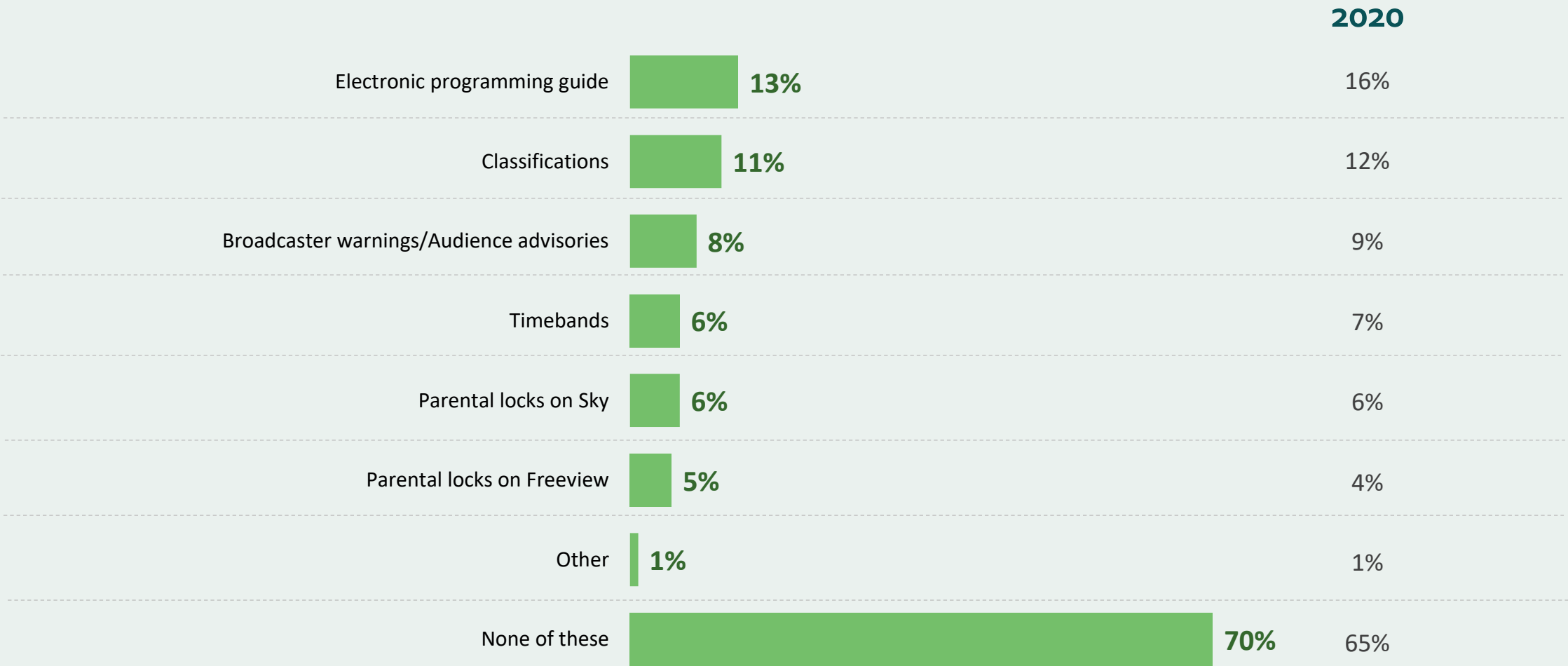


Q1. In the last week which of the following did you do?
Base: All respondents n=582
△ ▽ Significantly higher / lower than 2020

New Zealanders spend the most time watching news or current affairs, and drama shows. They spend the least amount of time watching reality TV.



Seven in ten New Zealanders do not use any of the tools we asked about to manage viewing in their household.



04

BSA and the Standards

Perceptions of BSA and Standards overall

Broadcasters in New Zealand have codes of practice and are responsible for maintaining standards in their programmes.

The Broadcasting Standards Authority (BSA) is an independent crown entity that oversees New Zealand's broadcasting standards and provides the public with a free, independent complaints service.

The way the complaints process works is that, generally, a person must complain to the broadcaster first, and then if they're not happy with the broadcaster's decision they can have it reviewed by the BSA.



Audiences generally have some awareness of the BSA and are familiar with the TV ads about the complaint process. When presented with a definition of BSA, some are surprised by the need to complain to the broadcaster in the first instance, before having the complaint escalated to the BSA.

Overall, most audiences perceive the standards as comprehensive. For the decisions discussed, some audiences who initially had differing views to BSA's decisions, ended up changing their minds once they had heard the BSA reasoning for a decision.

Some participants want to know more about the BSA, who they are (i.e. who makes the decisions), and more detail about what happens after an outcome is decided.

There was spontaneous mention of a number of contextual factors, for example, ratings [classifications], time of broadcast and the intended audience for a broadcast. Participants are especially concerned about protecting children from viewing harmful content and saw the BSA as valuable for their role in preventing that.

Audiences understand the difficult task of weighing up freedom of expression/public interest, and in this case, discrimination and denigration. Many sympathise with the task and note that they feel the BSA is going in the right direction with their decision making.

Perceptions of the discrimination and denigration standard

Broadcasters should not encourage discrimination against, or denigration of, any section of the community on account of sex, sexual orientation, race, age, disability, occupational status or as a consequence of legitimate expression of religion, culture or political belief.

Guidelines

- a) 'Discrimination' is defined as encouraging the different treatment of the members of a particular section of the community, to their detriment. 'Denigration' is defined as devaluing the reputation of a particular section of the community.
- b) The importance of freedom of expression means that a high level of condemnation, often with an element of malice or nastiness, will be necessary to conclude that a broadcast encouraged discrimination or denigration in contravention of the standard.
- c) This standard is not intended to prevent the broadcast of material that is:
 - factual
 - genuine expression of serious comment, analysis or opinion
 - legitimate humour, drama or satire.
- d) Context must always be considered when assessing whether the broadcast 'encouraged' discrimination or denigration.

When prompted to think of recent examples of harmful discriminatory or denigrating content they have seen lately, a few examples came up, especially relating to harmful stereotypes:

"I've got one 'Vegas', the new TV blockbuster programme which is denigrating in one way [because] they're saying it's fictitious. But if you live here [Rotorua], and you live in certain parts of Rotorua, it's a lot more non-fiction than you'd like to believe. Rotorua is known as 'Roto-Vegas'. I just know we're gonna go through another 'Once Were Warriors' crap where everyone thinks, 'Hey, that's New Zealand!', when that's so not like us."

(Female, 51, Samoan, Rotorua)

"A recent example of discrimination in media is 'Jonah from Tonga', which was created by an Australian actor who plays a Tongan kid at school who's kinda disruptive, a bit of a bully... plays on all of the stereotypes. It's been around for ages, but the reason it comes to mind is because it recently got pulled from Netflix for being racially insensitive."

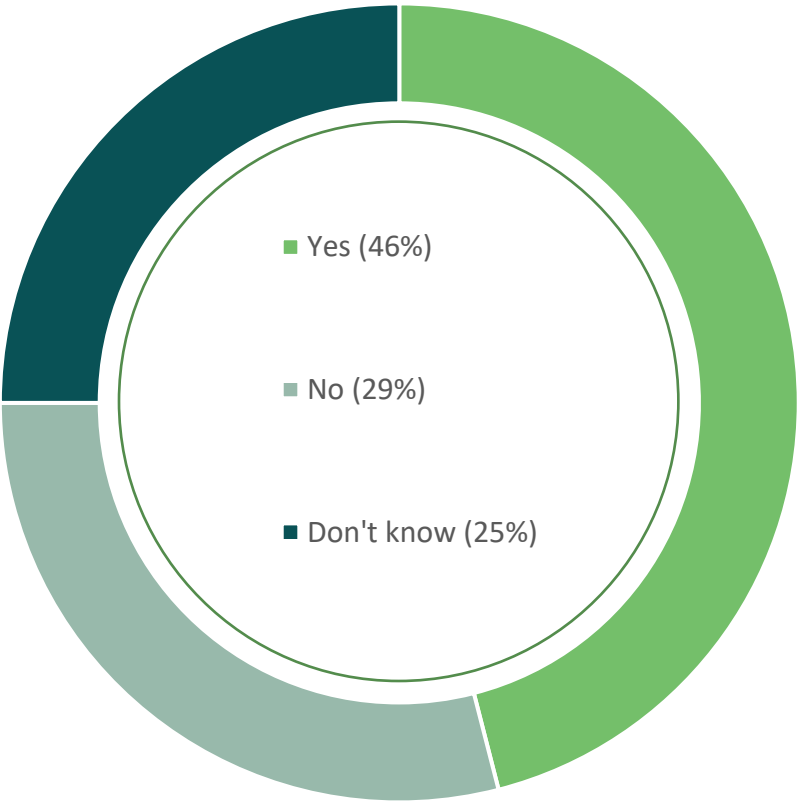
(Female, 24, Samoan, Auckland)

Perceptions of freedom of expression and public interest

HARM	FREEDOM OF EXPRESSION/ PUBLIC INTEREST	
<p>Actual or potential harm to society</p> <p>e.g. harm to child viewers in New Zealand, undermining community standards, undue widespread offence or distress caused to general audience</p>	<p>The Broadcaster's right to offer ideas and information through programmes</p>	<p>There is general agreement that balancing freedom of expression/public interest and potential harm would be a difficult undertaking.</p>
	<p>The public's right to hear ideas and information through programmes and to receive a diverse range of programmes</p>	<p>Participants understand the need for a standard like this. Many note the recent social justice movements (Black Lives Matter, Stop Asian Hate) and how they indicate a more empathetic and aware society. People are viewing with this in mind, and the greater trend of marginalised groups beginning to speak up about injustices and mistreatment around the world.</p>
<p>Actual or potential harm to individuals</p> <p>Actual or potential harm to individuals, e.g. serious distress or harm to individuals, damage to dignity/reputation of programme participants</p>	<p>Public interest, i.e. content is of legitimate value to society or legitimate public concern</p>	<p>There is a good understanding from audiences about why this balance is important. However, participants acknowledge the many factors to consider and challenges with 'drawing the line between the two'.</p>

Nearly half of New Zealanders think requiring 'a high level of condemnation, often with an element of malice' for a finding of discrimination or denigration is appropriate. However others question why an element of maliciousness is needed.

Q. Do you think requiring 'a high level of condemnation, often with an element of malice' for a finding of discrimination or denigration is appropriate?



I think any denigration should be inappropriate, whether it was malicious or not. I totally understand we all make mistakes and can be ignorant until we learn, but the media plays such a role in perpetuating stereotypes and should be held accountable.

- Woman, 25 to 29, NZ European, Manawatū-Whanganui

Who measures what "a high level of condemnation" is? Sometimes, we shouldn't wait until "a high level" before action is taken.

- Woman, 35 to 39, Pacific, Auckland

Even though a high level of malice is definitely appropriate. Continuously using insensitive terms should be addressed appropriately as well.

- Man, 35 to 39, Asian, Taranaki

Because it's a high standard to reach, you don't need malice to be racist, and these expressions or views need to be pulled up particularly when it's by people presenting a TV show.

- Woman, 40 to 44, Pacific, Auckland

I'm a gay man and know how hurtful casual homophobia is. The fact that is almost normalised makes it harder to shrug off and it perpetuates the perceived otherness or wrongness of the person on the receiving end.

- Man, 40 to 44, NZ European, Hawke's Bay

Because too often by setting to higher level and it becomes dismissed, it 'normalises' racist or discriminatory behaviour.

- Woman, 45 to 49, NZ European and Māori, Auckland

Comments can be derogatory without the element of malice and it is often difficult to know if there is malice intended in a racial slur, sometimes supposedly said in a joke, but still hurtful.

- Woman, 75 plus, NZ European, Northland

Men are more likely than average to agree with the requirements for a finding of discrimination, while woman are less likely.

Demographic differences - Do you think requiring 'a high level of condemnation, often with an element of malice' for a finding of discrimination or denigration is appropriate?



D2 - Do you think requiring 'a high level of condemnation, often with an element of malice' for a finding of discrimination or denigration is appropriate?
Base: All respondents n=582, base sizes for subgroups greater than n=30

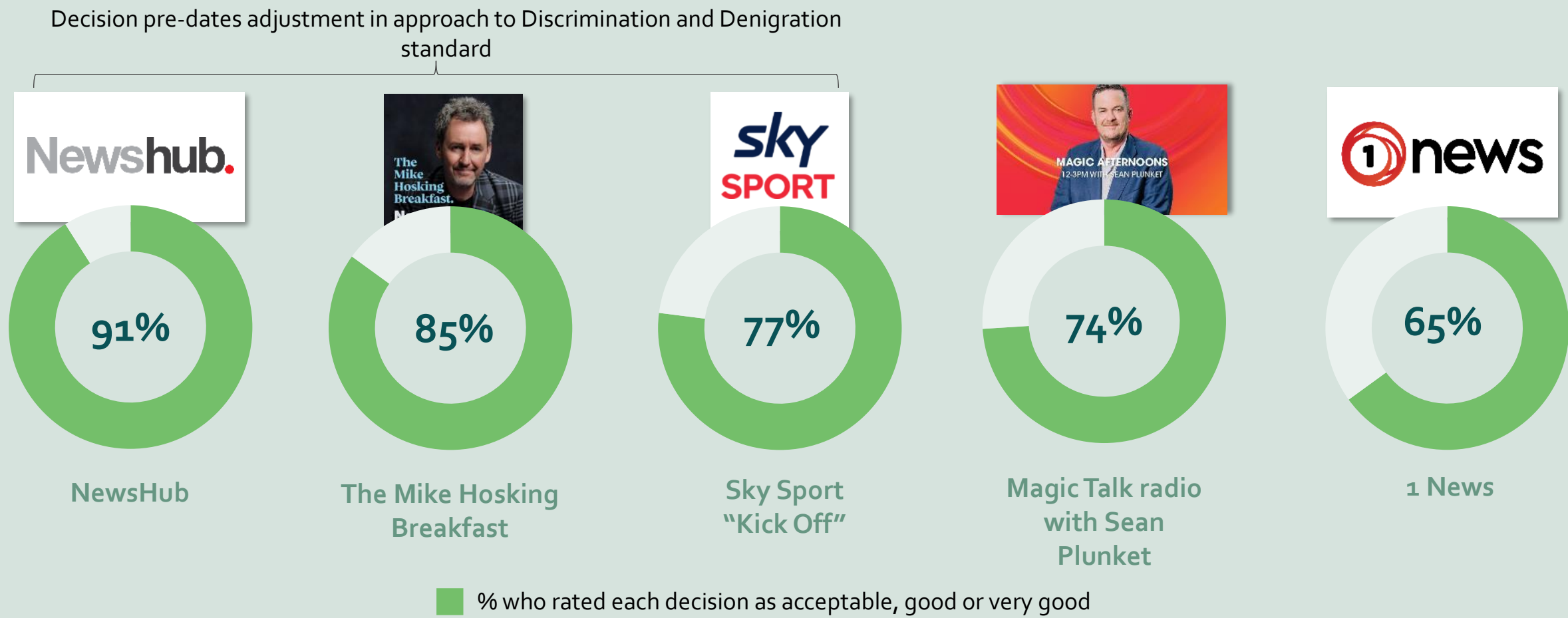
△▽ Significantly higher / lower than the total population

05

Evaluation of BSA's decisions

The BSA decisions achieved an average rating of 78%.

It's worth noting that the Authority's approach to the Discrimination and Denigration standard was adjusted in November 2020. It is the two decisions made after the change which are below the 75% performance threshold.



Newshub – use of the term “Paddy-wagons”

During an episode of Newshub, reporter Emma Cropper referred to police vehicles as ‘paddy-wagons’- the segment aired on channel Three at 6pm 25 July 2019.

This segment was reporting coverage from the Ihumātao land protection protests in July 2019 in Auckland.



Newshub.
New Zealand's **Number One** News Source

Decision summary

The BSA did not uphold the complaint (found no breach) under the discrimination and denigration standard

For the following reasons:

- The term 'paddy-wagon' originated in the United States when Irish immigrants made up a majority of some cities' police forces. 'Paddy' came to mean a policeman and 'paddy-wagon' a police van. Some used the term as a slur, referencing the occupants of the police vans. The Authority acknowledged that this history meant the term may evoke negative connotations.
- Context must always be considered when assessing whether the broadcast encouraged discrimination or denigration. In this case:
 - The segment complained about was a report on the protest at Ihumātao. It reported from the scene about the police presence at the protest and used the term repeatedly when referring to the type of vehicle that was used by the police.
 - The term was used colloquially and it was not expressly directed or targeted at any person of Irish descent.
- The Authority did not find any element of condemnation, malice or nastiness present in the usage of the term in this context. The Authority was therefore unable to conclude it 'encouraged' discrimination or denigration.

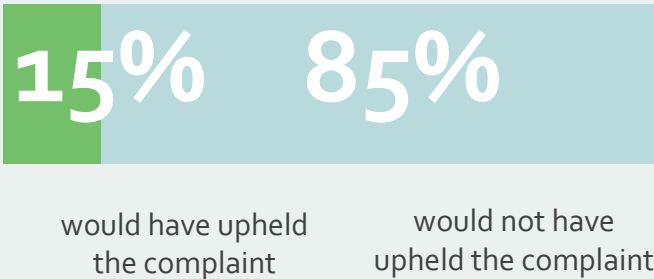
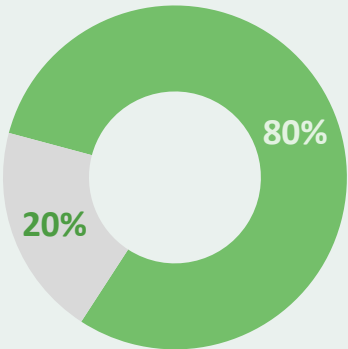
Newshub – use of the term ‘paddy-wagons’

We invited 350 people to view and comment on the Newshub clip...

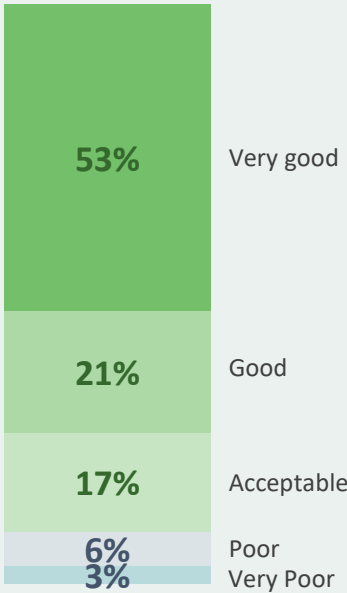
...their immediate reactions...

...after reading the BSA’s decision...

80% agreed to view and comment on the clip, 20% did not*



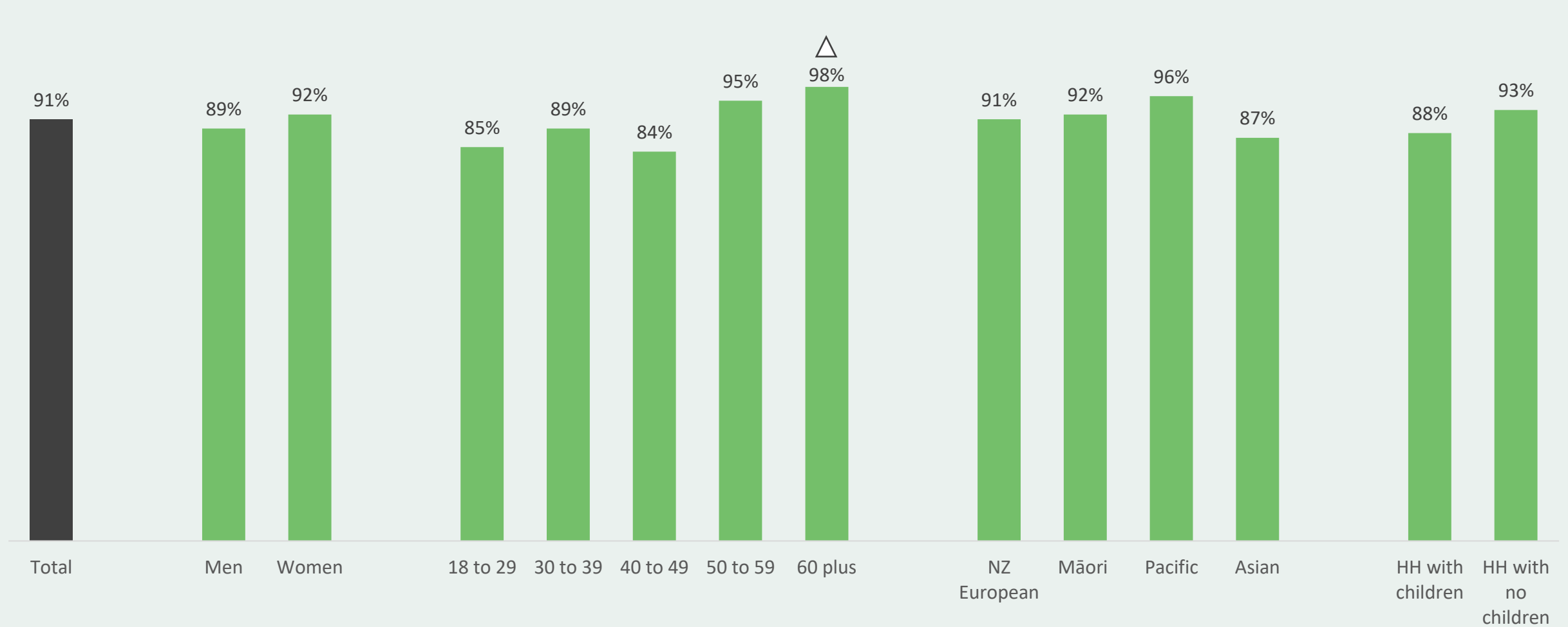
Why do you think the BSA decision is....



*Data is unweighted | **Note: The KPI is calculated by adding the raw numbers together and dividing by the total. The percentages in the chart are rounded to a whole number, which may result in discrepancies between the two numbers of up to 1 percentage point. | *** Caution, small sample size (n=23)

Older New Zealanders are more likely than average to agree with BSA’s decision.

Demographic differences - % who rated the BSA decision as very good / good / acceptable



Base: All respondents who viewed the clip (n=280) | Base sizes for subgroups greater than n=30

△▽ Significantly higher / lower than the total population

Qualitative insights regarding BSA's decision

DECISION OUTCOME

- Though some participants chose to uphold the complaint, after hearing the reasoning, most agree with the BSA's decision not to uphold.
- Some don't understand why a complaint was made in the first place.

"I think a lot of the population wouldn't know that there was anything wrong with the word paddy wagon anyway. I'm stunned that it's actually been brought up. Things are getting out of control. It's ridiculous."
(Female, 54, Māori, Auckland)

APPROACH TO DISCRIMINATION AND DENIGRATION STANDARD

- Participants note that context is very important in this decision. In particular, given the segment was live on air.

"It was live. So it's more difficult for the TV news to have edited that." **(Male, 53, NZ European, Tasman)**

- Some find the frequent use of the term in the report unnecessary, especially given there are several alternatives.

"To use the term vehicle, like police vehicle or a police van, I think people would understand it more. And it's easier and better. There's no reason to use it." **(Male, 27, NZ European, Wellington)**

- Most can see that the intention behind the use of the term was clearly not malicious.

APPROACH TO FREEDOM OF EXPRESSION

- Participants find this story to be a highly important and topical news piece about an important event that was happening.
- Besides the use of the term, they find the story informative and newsworthy.

"The item itself was in the public interest, but the use the phrase isn't." **(Male, 53, NZ European, Tasman)**

CLARITY OF REASONING

- Participants find the BSA reasoning for this decision clear and easy to understand.
- Some note that the BSA could have added more context and research to the background of the term "Paddy wagons" as they didn't think it had the same level of detail as other decisions.

In the context of this news report, most participants don't think the reporter meant offence. Yet, they believe that prime time news is a highly popular programme and broadcasters should know better.

Some express concerns about the fact that families often watch the news together, and children may hear and adopt harmful language if it is allowed on the News.

Most don't know the term is offensive at all and aren't aware of the history, and its negative connotations towards Irish people.

Some think this complaint should have been upheld due to the frequent use of the term and the fact that there are many alternative terms that could have been used.

“

"The child's not going to know what it is either, so they're going to be the ones asking at the dinner table, 'what does that mean?', or 'I'm going to start using that word at school because it's a fun word'." (Female, 22, NZ European, Auckland)

"I don't even know another word for that kind of vehicle." (Female, 54, Māori, Auckland)

"Paddy wagons has always been used. I didn't know that it was offensive in any way. I mean, I would say it tomorrow." (Female, 44, Māori, Tokoroa)

"It did feel like she was trying to say it as many times as she could." (Male, 27, NZ European, Wellington)

”

Mike Hosking Breakfast Show – Item about Immigration

- This clip depicts a “Mike’s Minute” segment on the Mike Hosking Breakfast show aired at 7.25am 8 October 2019 on Newstalk ZB.
- In it, Hosking comments on two recent immigration policy decisions by the Government – particularly the announcement of scrapping the Africa and Middle East family link refugee policy (introduced by the National Party), which had prevented refugees from the Middle East and Africa from coming to New Zealand unless they already had family living here.



Decision summary

The BSA did not uphold the complaint (found no breach) under the discrimination and denigration standard

For the following reasons:

- Context is highly relevant to the BSA's balancing of freedom of expression and potential harm caused by the broadcast. Inflammatory words on their own may not automatically result in a breach of standards.
- In the context of the item, Mr Hosking's comments did not reach the high threshold for encouraging discrimination or denigration:
 - Mr Hosking's tone was not nasty or malicious.
 - He was expressing his views on the immigration policies discussed.
 - The comments complained about were brief and moderated by the remainder of the item.
- Audience expectations of the programme and the Mike's Minute segment are such that audience's expect robust, opinionated and sometimes provocative views in the interests of generating debate.
- The potential harm arising from Mr Hosking's comments, when taken in context, did not warrant limiting the important right to freedom of expression.

Mike Hosking Breakfast - comments about people from Africa and the Middle East

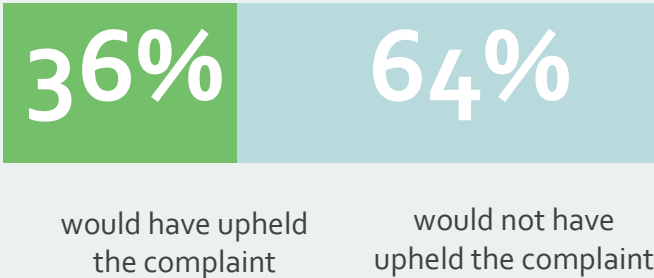
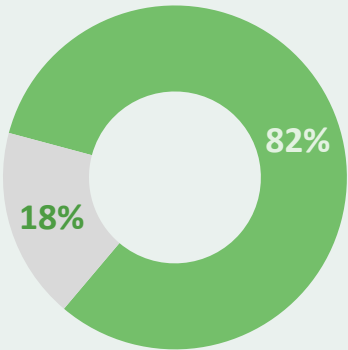


We invited 349 people to view and comment on the Breakfast clip...

...their immediate reactions...

...after reading the BSA's decision...

82% agreed to view and comment on the clip, 18% did not*

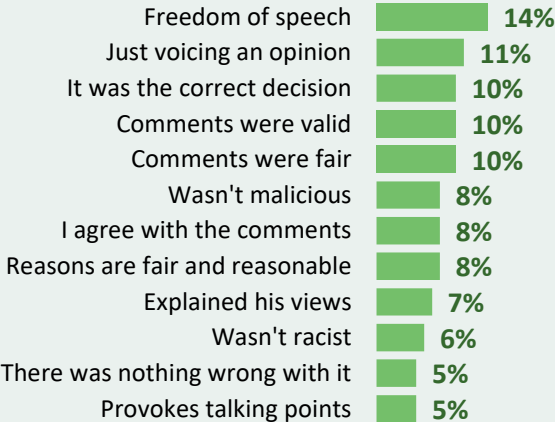


85%

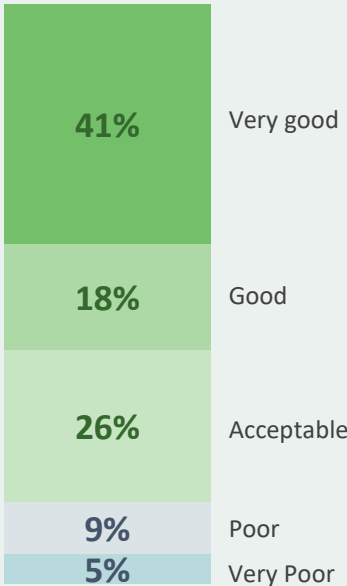
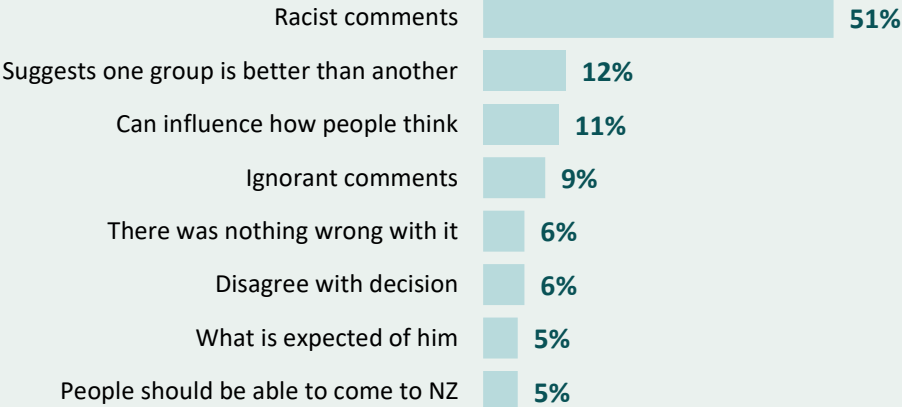
rated the BSA decision as very good, good or acceptable**

Why do you think the BSA decision is....

Very good or good



Very poor or poor

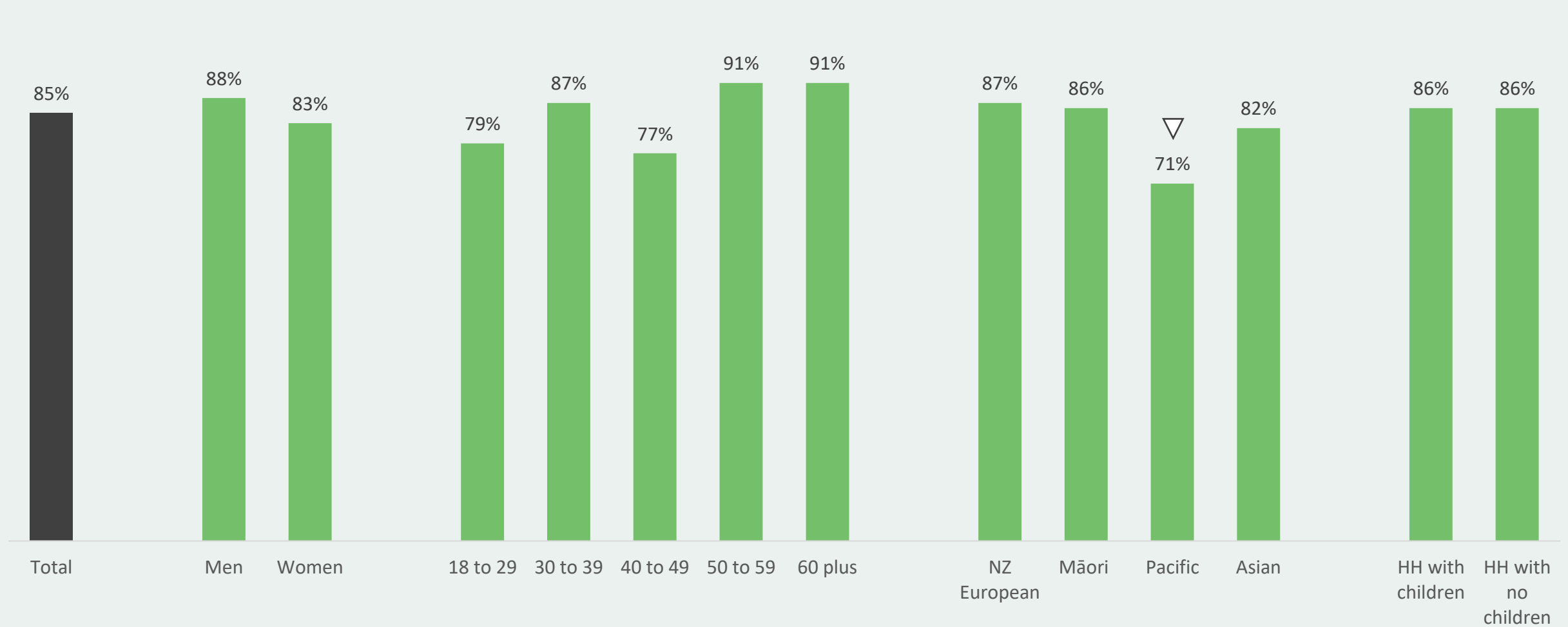


*Data is unweighted
**Note: The KPI is calculated by adding the raw numbers together and dividing by the total. The percentages in the chart are rounded to a whole number, which may result in discrepancies between the two numbers of up to 1 percentage point.

Pacific peoples are less likely than average to agree with the BSA’s decision.



Demographic differences - % who rated the BSA decision as very good / good / acceptable



Base: All respondents who viewed the clip (n=287) | Base sizes for subgroups greater than n=30

△▽ Significantly higher / lower than the total population

Qualitative insights regarding BSA's decision



DECISION OUTCOME

- Overall, most participants in the qualitative research find this clip offensive and there is a mixed response to the BSA's decision not to uphold the complaint.
- Some express disappointment that this decision was not upheld, with others stating that Hosking's audience expect these opinions.

"Not surprised. If you choose to listen to Hosking, you're choosing to listen to these views." (Female, 22, NZ European, Auckland)

"I agree with not upholding the complaint. He is for a targeted audience with similar views to his. I choose not to listen." (Female, 34, NZ European, Dunedin)

APPROACH TO DISCRIMINATION AND DENIGRATION STANDARD

- Audiences can feel the reference to "radicalised nutters" targets a group (middle eastern people), and denigrates them.

"The comments about 'radicalised' people being from 'those countries' is scary. Scary in that this way of thinking is what breeds hatred. I am quite disgusted by this clip." (Female, 22, NZ European, Auckland)

- Yet, others believe it is what you would expect from Hosking.

"I don't understand how it would be inappropriate because he's on a certain slot, everybody knows why he's there." (Female, 54, Māori, Auckland)

APPROACH TO FREEDOM OF EXPRESSION

- Parts of the clip were considered useful and informative, specifically the first part and informing his audience about the policy.
- Participants note that the topic itself was 'newsworthy', but that Hosking does a poor job of informing and it's hard to know what is supposed to be opinion and what is fact.
- Overall most participants feel this clip was more harmful than useful.

CLARITY OF REASONING

- Most people find the reasoning and explanation clear and informative.
- Some question the statement that Hosking's comments were not malicious.

"Saying something not in a nasty or malicious tone still doesn't take away from what you're actually saying... to me it's a shit take [from the BSA]." (Male, 24, Young Person, Wellington)

"Personally this clip is not valuable at all. I hated that whole thing, it was hard to listen to." (Female, 24, Young Person, Christchurch)

Discrimination and denigration standard



- Participants agree Hosking took it “too far”, especially with his use of the term “radicalised nutters”.
- Participants note that Hosking is well-known for this type of commentary and his audience are likely to agree with his opinion.
- Participants think Hosking made an attempt to provide “both sides” to this discussion, which makes some parts of it acceptable.
- There is disagreement with the generalisation about terrorism, and with the perceived elements of racism in his statement.

“

“Saying these people are always radicalised nutters, putting that assumption that they’re all like that based on things that have happened with terrorism, I think that is wrong. If I think of the last terrorist attack in New Zealand, that came from somebody from Australia.” (Female, 34, NZ European, Dunedin)

“He’s notorious for being outspoken... and it’s the fact that he starts to highlight from ‘where’ these ‘radical people’ are ‘coming from’... he’s clearly talking about terrorism and the Middle East / Africa. It’s racist, it’s inappropriate, and it doesn’t add anything to the discussion.” (Female, 24, Samoan, Auckland)

“They probably get complaints about Hosking all the time, probably just regurgitating the same thing, probably a copy and paste.” (Female, 54, Māori, Auckland)

“Shockingly... he tried to put both sides of the story across... But typical Mike Hosking, he’s stating that particular peoples that come from regions are terrorists... However, he’s wrong! Our last two acts of terrorism [in NZ] came from France and Australia!” (Female, 24, Samoan, Auckland)

”

Discrimination and denigration standard



Participants note important context to this clip, including that it aired just months after the Christchurch Terror attack 2019.

Audiences think the discussion is in poor taste with this in mind, when many New Zealanders, especially Muslim New Zealanders, were still dealing with the hurt of that event.

“

"Regardless of whatever he does, considering what just happened in the country, this should have been considered a breach..." (Female 31, Asian, Christchurch)

"He unabashedly said he was being discriminatory. He was targeting a group, he identified the group with undesirable traits. Basically, he was trying to say you should discriminate against those people. It is actually encouraging discrimination." (Female, 29, Asian, Wellington)

”

CLICK HERE

Kickoff TV – item referring to a person as a Jew

The programme, Kick Off, is part of a series that reviews the week of rugby and includes a segment where a guest or host gives out a 'red card'. In this particular episode, Bryn Hall explains why he is giving a 'red card' to Jack Goodhue.

The item was broadcast at 8:30pm on 13 June 2019 on SKY Sport 1.



Decision summary

The Authority has not upheld a complaint (found no breach) that a comment referring to a rugby player as a 'Jew' because he was unwilling to pay for his wedding breached the discrimination and denigration standard.

For the following reasons:

While the Authority considered the comment to be ignorant and disrespectful, in the context it did not reach the level where it breached the standards.

The Authority observed that:

- The comment was an example of casual anti-Semitism and such comments can contribute to the normalisation of racism.
- Such comments may be part of people's ordinary speech but that is unacceptable and it is important we all work hard to move away from this type of language.

Overall, however, the Authority did not consider that the comment contained the level of malice or nastiness required, nor did it amount to a sustained attack on a particular group as required, to find a breach of the discrimination and denigration standard. The threshold for the Authority's intervention had not been reached.

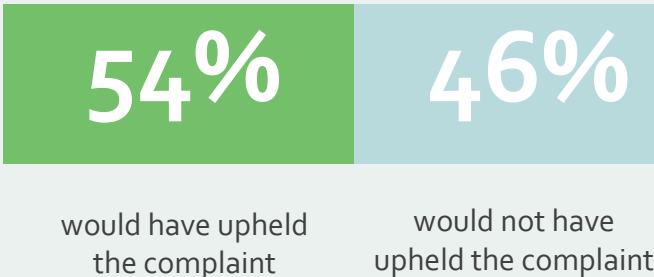
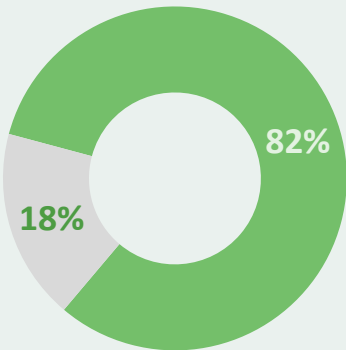
Sky Sports: Kick Off – use of the term 'Jew'

We invited 349 people to view and comment on the Kick Off clip...

...their immediate reactions...

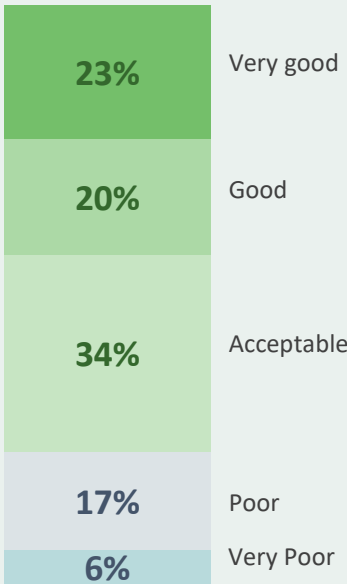
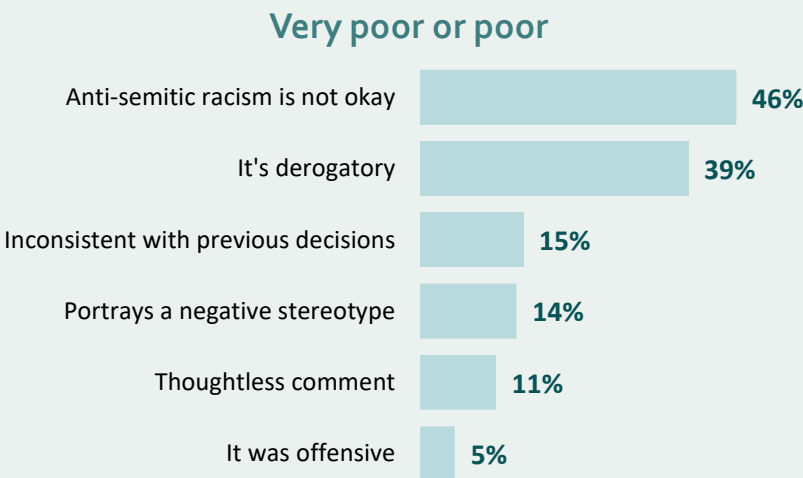
...after reading the BSA's decision...

82% agreed to view and comment on the clip, 18% did not*



77%
rated the BSA decision as very good, good or acceptable**

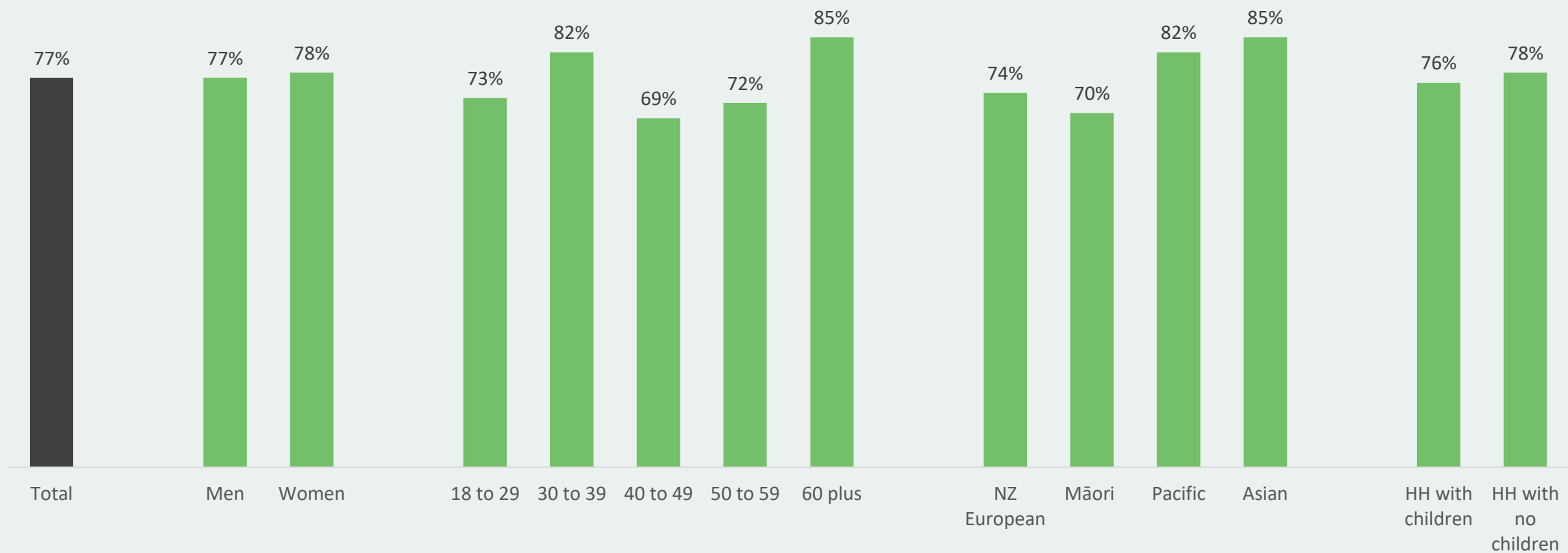
Why do you think the BSA decision is....



*Data is unweighted
**Note: The KPI is calculated by adding the raw numbers together and dividing by the total. The percentages in the chart are rounded to a whole number, which may result in discrepancies between the two numbers of up to 1 percentage point.

There are no significant differences in perceptions of the decision by demographic subgroup.

Demographic differences - % who rated the BSA decision as very good / good / acceptable



Base: All respondents who viewed the clip (n=287) | Base sizes for subgroups greater than n=30

△▽ Significantly higher / lower than the total population

Qualitative insights regarding BSA's decision

DECISION OUTCOME

- Most participants have mixed responses to the BSA's decision not to uphold this complaint.

"The Authority did consider the comment to be ignorant and disrespectful, so they did kind of take it into account, but they didn't really put anything into action." (Female, 20, Young Person, Auckland)

- Some feel like the broadcaster should have received a warning for allowing this to air. In the clip, they clearly identify a group and make a joke at Jewish people's expense.

APPROACH TO DISCRIMINATION AND DENIGRATION STANDARD

- Most participants view this as a "cheap joke" gone wrong. While potentially harmful, more an ignorant throw away comment.
- This clip does however identify a group and uphold a potentially harmful stereotype of Jewish people being frugal with money.

"You can talk about being cheap in a million other ways without bringing religion into it." (Male, 24, Young Person, Wellington)

APPROACH TO FREEDOM OF EXPRESSION

- Participants believe this item has low value in terms of public interest and freedom of expression.
- Most understand the context for lighthearted and funny entertainment so it does not have the same level of importance for broadcast as other clips.

CLARITY OF REASONING

- Participants find the reasoning detailed and informative.

"It's clearly defined and I believe they've acknowledged that it is an offensive comment and clearly stated why, and why they didn't consider it contained that level of nastiness." (Female, 22, NZ European, Auckland)

- Yet, some disagree and feel more information about why the term is offensive could be beneficial.

"They haven't really explained in detail why exactly it's offensive. For example, say you had no idea about the history of anti-Semitism or what the comment is referring to, maybe they could have added like a link to some kind of information about why it's offensive, or where the term comes from. They just rely on you to already know exactly why it's racist." (Male, 27, NZ European, Wellington)

- Some of the language is difficult for some to understand and could be explained.

"There was one word in the decision that was used - 'Anti-Semitism', that I didn't understand." (Female, 44, Māori, Tokoroa)

- Participants find this clip an example of casual racism in the form of a joke. While some participants feel it is offensive, others feel any potential harm caused isn't as significant as other content.
- They understand the genre of the programme is for entertainment, however, they find the joke is unnecessary to the rest of the item.
- Some participants are confused by the BSA's reasoning to identify the term and its use as harmful, but not uphold the complaint.

“

"The comment had no malice. It was just an off the cuff remark. But the two comments and the observations [in BSA's decision] are fairly good. It's not acceptable. And we should be moving away from casual anti-Semitism." (Male, 53, NZ European, Tasman)

"I think it was just a really stupid comment, but I didn't think it was done with any malice." (Female, 44, Māori, Tokoroa)

"I would agree that it's pretty offensive. Especially because of the history about Jewish people WW2 Holocaust." (Female, 29, Asian, Wellington)

"It's infuriating, it's an example of casual anti-Semitism." (Male, 49, Asian, Matamata)

"I understand the judgement call they have had to make, around nastiness. I understand it, but don't agree with it. They [BSA] knew it was ignorant and disrespectful but they didn't put anything into action." (Male, 22, Young Person, Wellington)

”

Magic Talk Radio – item about iwi roadblocks

- This broadcast concerned a radio interview during Sean Plunket's talk-back radio show "Magic Talk afternoons with Sean Plunket" at 2pm on 6 May 2020.
- Interview was about the legal basis for iwi roadblocks in the eastern Bay of Plenty established under COVID-19 Alert Level 4, and what the iwi intended to do if anyone refused to comply with the travel permit requirement introduced under Alert Level 3.
- A network of COVID-19 community roadblocks in the eastern Bay of Plenty were set up during Alert Level 4. Under Level 3, the iwi Te Whānau ā Apanui required people entering the area to have travel permits it had issued. The system, which was not Government-sanctioned, was established when the Ministry for Primary Industries (MPI) removed a requirement for New Zealanders to have a letter proving they were essential workers. The roadblocks were lifted when the country went into Alert Level 2 on 13 May 2020.



Decision summary

Two complaints about Sean Plunket's interview of Te Whānau ā Apanui spokesperson Louis Rapihana were upheld (found breaches) under the discrimination and denigration standard for the following reasons:

- While there was legitimate public interest in scrutinising and offering critical commentary on community responses to the COVID-19 crisis, this was an inflammatory way to provoke discussion of the issues.
- Mr Plunket ridiculed and dismissed the exercise of Māori rights and interests, promoted negative stereotypes and encouraged hostility towards Māori. Comments/questions regarding child abuse in the community and the receipt of benefits bore no relevance to the subject and could not be justified by the context.
- The BSA considered Mr Plunket's tone, dismissiveness, repeated interruptions of Mr Rapihana and the comments he made following the interview were either intended to encourage harmful stereotypes and views, or reflected ignorance at a level that is offensive and harmful to Māori.
- The Authority found Mr Plunket's comments and approach had the effect of:
 - reflecting and amplifying casual racism towards Māori
 - encouraging a view that Māori rights ought not to be respected
 - encouraging non-compliance with the COVID-19 precautions Māori communities put in place (potentially putting at risk the physical health of such communities).
- The Authority ordered the broadcaster to broadcast a statement (e.g. apology) and to pay costs to the Crown.

Afternoons with Sean Plunket - comments about Māori

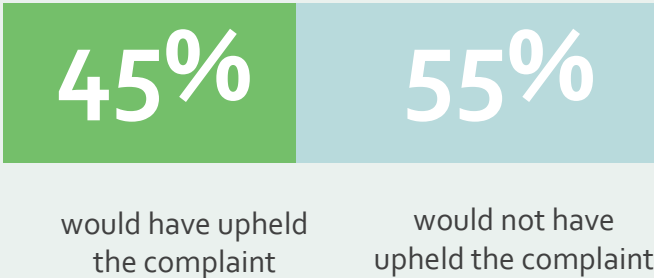
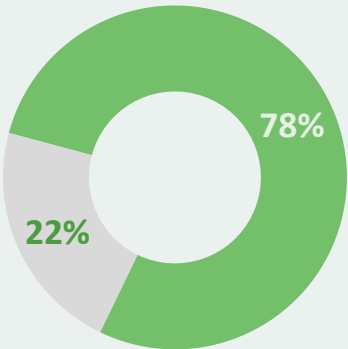


We invited 349 people to view and comment on the Sean Plunket clip...

...their immediate reactions...

...after reading the BSA's decision...

78% agreed to view and comment on the clip, 22% did not*



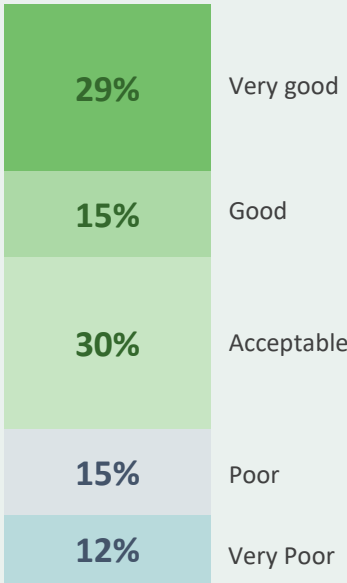
74%
rated the BSA decision as very good, good or acceptable**

Why do you think the BSA decision is....

Very good or good



Very poor or poor

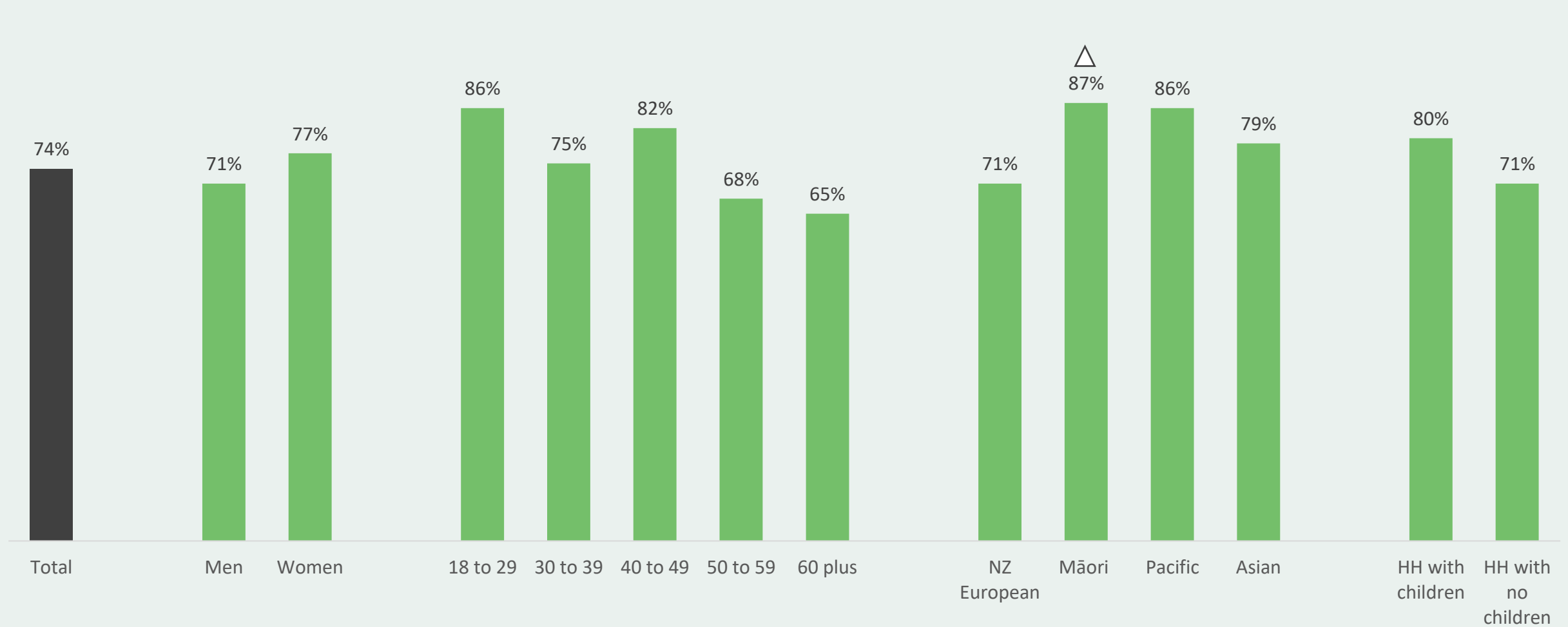


*Data is unweighted
**Note: The KPI is calculated by adding the raw numbers together and dividing by the total. The percentages in the chart are rounded to a whole number, which may result in discrepancies between the two numbers of up to 1 percentage point.

Māori and people aged under 50 are more likely than average to agree with the BSA's decision.



Demographic differences - % who rated the BSA decision as very good / good / acceptable



Base: All respondents who viewed the clip (n=273) | Base sizes for subgroups greater than n=30

△▽ Significantly higher / lower than the total population

Qualitative insights regarding BSA’s decision



DECISION OUTCOME

- Overall, participants are happy with the BSA’s decision to uphold this complaint.

APPROACH TO DISCRIMINATION AND DENIGRATION STANDARD

- Audiences readily acknowledge the contextual elements that come into play – the expectations of the channel, the time of screening, - which make it unacceptable under this standard.

APPROACH TO FREEDOM OF EXPRESSION

- The issue of iwi roadblocks and COVID-19 more generally was an important topic at the time of the broadcast.
- The manner in which this interview was conducted was condescending and rude towards the Māori leader being interviewed, it was not of public interest and Plunket’s comments were not justified under his right to freedom of expression.

"My issue with it is that his tone is patronising, he’s trying to pull down these initiatives of Māori sovereignty by being rude and bringing in other issues... throwing digs at Māori for being Māori." (Female, 24, Samoan, Auckland)

"I felt uncomfortable listening to the clip and felt that the presenter was too aggressive in his style and didn’t allow the caller to make clear points. I felt the Iwi representative was belittled and this could have caused a loss of status within the community." (Male, 53, NZ European, Tasman)

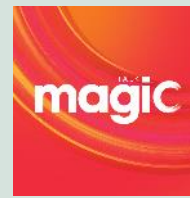
CLARITY OF REASONING

- Participants found the reasoning clear and easy to understand.
- The explanation was in line with the critique and feedback participants had mentioned after watching the clip.
- Some had a few questions about the BSA’s complaints process and the outcome of the decision:

"I’d like to know how much they [they broadcaster] got fined for those comments. Is it appropriately relative to the damage caused to these people?" (Female, 54, Māori, Auckland)

"I’m glad they asked for a broadcasted apology – even though people have their opinion now, it’s good to have him have another say about it. I think that it helped the Authority asked him to do that." (Female, 24, Young Person, Christchurch)

Discrimination and denigration standard



- Overall participants were highly critical and offended by this clip.
- Most participants in the qualitative research feel relieved that this complaint was upheld and commended the BSA's decision making and explanation.
- Participants were especially struck by Plunket's comments about child abuse in Māori communities and felt his comments and tone were malicious and easily met the threshold for this standard.
- Participants are glad that the BSA consults with cultural experts on such complaints.
- One participant comments they didn't have any real concerns with the clip.

“

"He was being sarcastic, and by bringing up child abuse and other issues which had nothing to do with it, took away from the topic of [iwi-lead] roadblocks... It just didn't sit right with me" (Female, 51, Samoan, Rotorua)

"This made me really angry listening into it... Turning to the reputation of child abuse, that's malicious and nasty, it reaches a high threshold " (Male, 24, NZ European, Wellington)

"The interview is racist. Plunket talks about the 'anarchy' of Māori and whether or not local iwi had considered road blocks around child abuse, somehow suggesting that child abuse is a problem for Māori. He perpetuates negative stereotypes while making fun of iwi efforts to keep themselves safe from COVID-19." (Male, 27, NZ European, Wellington)

"It came from the angle not from health and safety, but it started to become more about undermining iwi and racism" (Female, 24, Young Person, Christchurch)

"I didn't have any concerns with the clip cause it didn't affect me." (Male, 26, Asian, Auckland)

”

1 NEWS – use of the term “gypsy day”

- This clip is from a segment of 1 News on 1 June 2020, covering the annual relocation of sharemilkers.

- The segment was broadcast on 1 News – a news programme starting at 6pm on channel 1. It was not preceded by a warning.



Decision summary

The BSA upheld the complaint (found breaches) for the following reasons:

- The term is recognised as a racial slur referencing a long history of persecution and racism towards the Roma or Romani community.
- There is growing recognition of the offensiveness of this term and there was an alternative term ('moving day') which could have been used.
- The use of such terms as part of ordinary speech, even though unintentional, has the potential to cause harm by normalising racism.
- The Authority highlighted the importance of responding to societal change: Terms that may have been acceptable in the past, may not necessarily be acceptable in the future. It acknowledged that it had recently adjusted its approach under this standard to capture underlying prejudices (like casual racism) which may be missed by strictly following the existing guidelines.
- While the term wasn't being used to express malice or hatred, in the context, it was capable of embedding existing negative stereotypes, which has the effect of devaluing the reputation of the this community and encouraging discrimination against it.

1 News – use of the term ‘gypsy day’

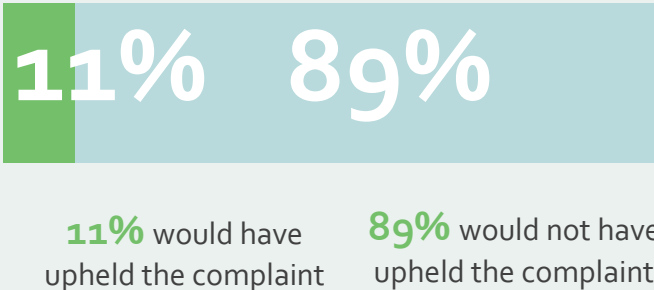
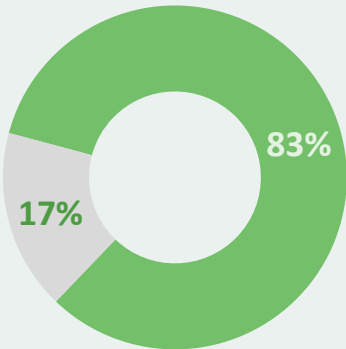


We invited 349 people to view and comment on the 1 News clip...

...their immediate reactions...

...after reading the BSA’s decision...

83% agreed to view and comment on the clip, 17% did not*

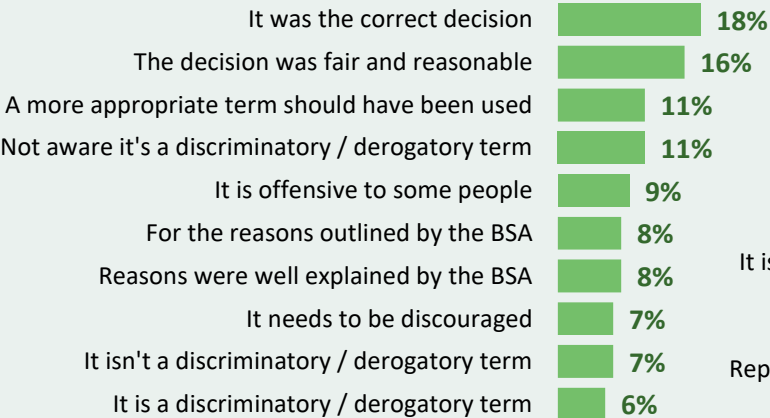


65%

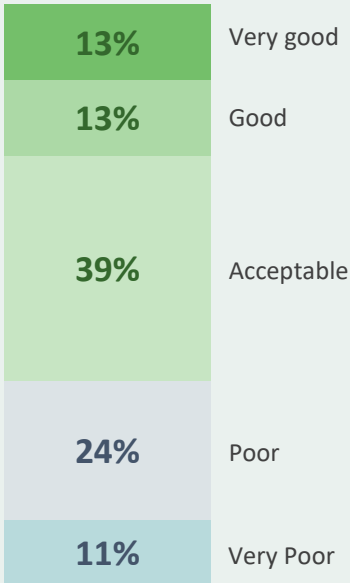
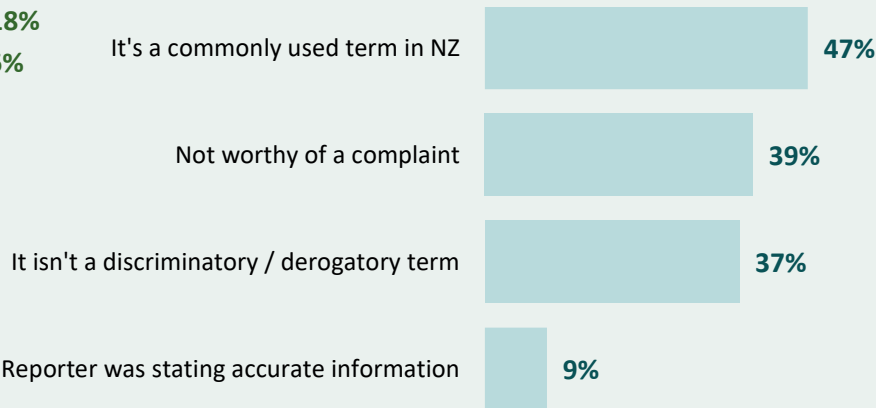
rated the BSA decision as very good, good or acceptable**

Why do you think the BSA decision is....

Very good or good



Very poor or poor

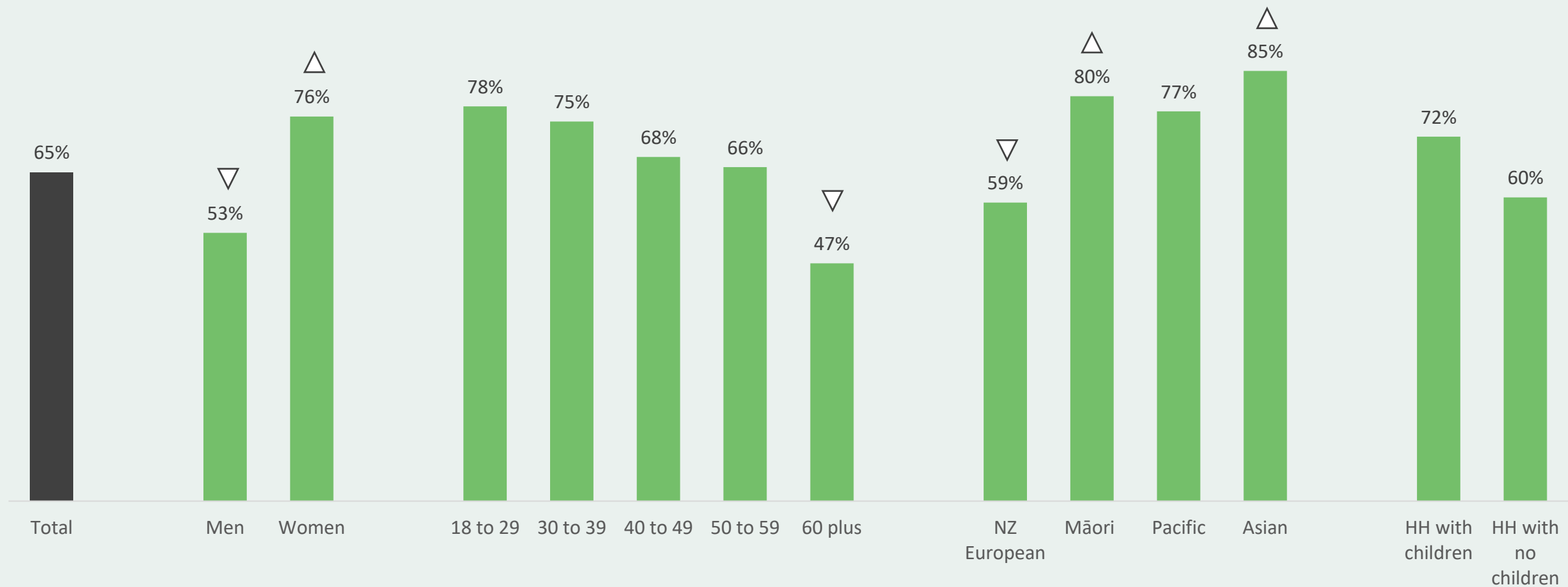


*Data is unweighted
**Note: The KPI is calculated by adding the raw numbers together and dividing by the total. The percentages in the chart are rounded to a whole number, which may result in discrepancies between the two numbers of up to 1 percentage point.

Women, Māori and Asian New Zealanders are more likely than average to think the decision was good. On the other hand, men, older people, and New Zealand Europeans are less likely than average to feel this way.



Demographic differences - % who rated the BSA decision as very good / good / acceptable



Base: All respondents who viewed the clip (n=289) | Base sizes for subgroups greater than n=30

△ ▽ Significantly higher / lower than the total population

Qualitative insights regarding BSA's decision

DECISION OUTCOME

- Audiences mainly accept the BSA's decision to uphold this complaint. They could not justify the use of the term, especially as it was a news item, and there was an alternative term "Moving day" that could and should have been used.

"I commend them for taking an expansive view. What they're doing is what people want. Hopefully they stick to that path they're on." (Male, 49, Asian, Matamata)

"I'm glad it was upheld. They wrote the script and chose to say it." (Female, 20, NZ European, Auckland)

- Some note that the term is common in the farming community and are less offended by its use in this context.

"I don't think this meant harm. I think this has been used by dairy farmers for many years – not actual gypsy's. I personally don't think there was anything derogatory to it. Just a term they used for moving. I don't think there were bad intentions." (Female, 31, Asian, Christchurch)

APPROACH TO DISCRIMINATION AND DENIGRATION STANDARD

- Audiences readily acknowledge the contextual elements that come into play – the expectations of the channel and programme, the time of screening, and that it was scripted - which make it unacceptable under this standard.

"She read that. Someone wrote that script." (Female, 22, NZ European, Auckland)

APPROACH TO FREEDOM OF EXPRESSION

- Most participants do not view this as important under freedom of expression.
- Most think an alternative term (besides "gypsy") could have been used without restricting the broadcaster's freedom of expression.

CLARITY OF REASONING

- Some audiences struggle with the reasoning especially when considered alongside the other decisions.

"If they can be so strict with the term gypsy, then I don't get why Mike Hosking's wasn't upheld! It feels like a huge inconsistency." (Male, 49, Asian, Matamata)

- At first, participants tended to feel they would **not** uphold this complaint. After hearing the reasoning, there was a mixture of opinions, with many generally approving.
- There is agreement that the reporter probably did not intend to offend and did not know the origins of the word.
- Participants believe it is important for the news to be informative and factual.
- The use of the word seems unnecessary, and another term (“moving day”) should have been used.
- Some compared it to other terms that used to be ‘commonplace’ but are now considered harmful – like “eskimo” for Inuit people.

“

“In terms of the broadcast, it sounded like it had been a term used to name this day for a long time. The reporter probably didn’t know what that term meant either or the historical significance/ negative connotations.” (Male, 26, Asian, Auckland)

“Agree, it’s not a term used anymore. I wouldn’t associate Gypsy Day with Moving Day. Could cause harm.” (Male, 27, NZ European, Wellington)

“I didn’t see anything wrong with it at first. I actually had to Google what the term meant so I could understand the historical context of it. Even then, I guess it wasn’t that big of a deal to me. I don’t know... might be different to someone of Romani descent.” (Female, 24, Samoan, Auckland)

”

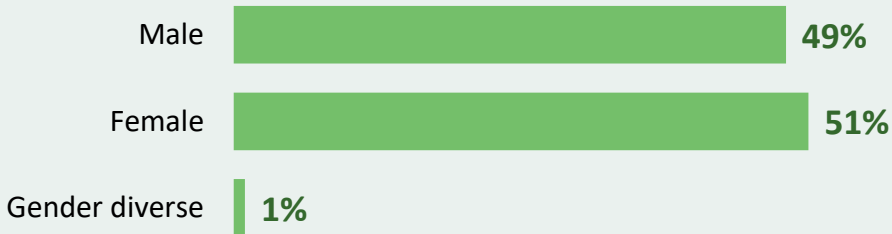
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Appendix

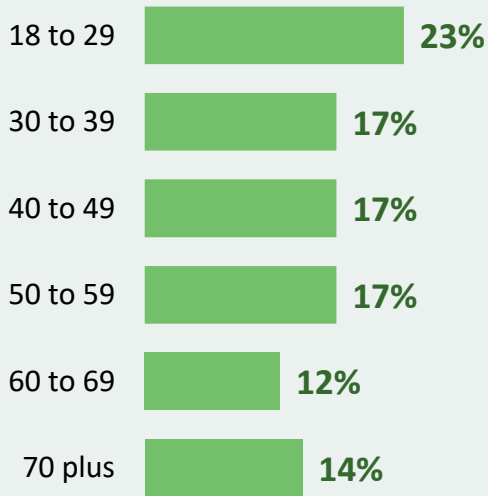
Demographics*



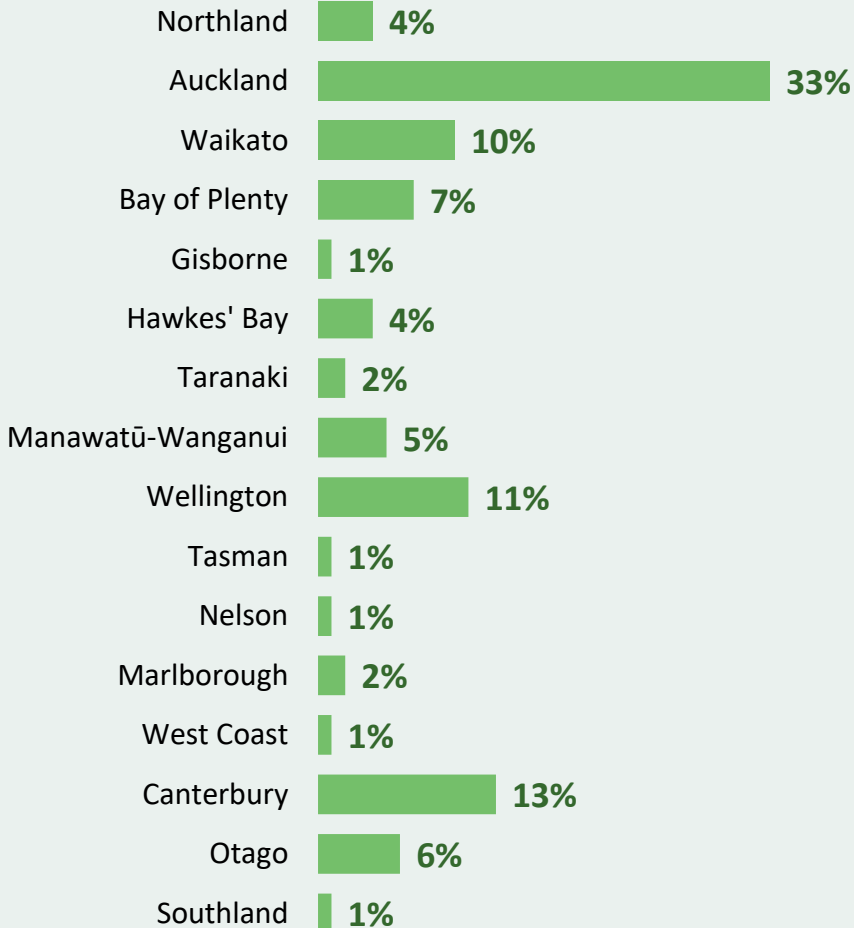
GENDER



AGE



LOCATION

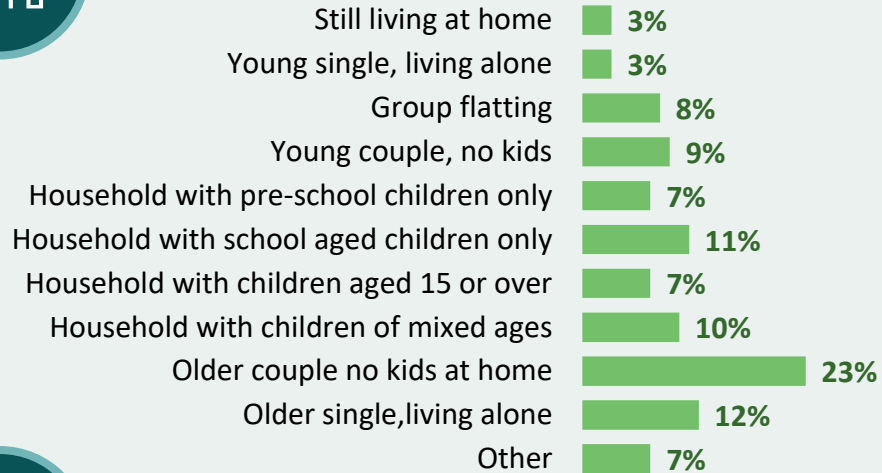


*Please note demographic data is unweighted

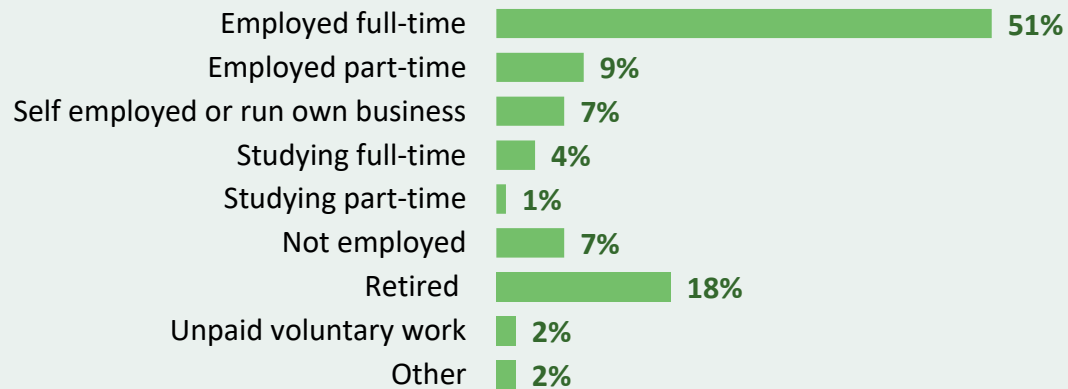
Demographics continued*



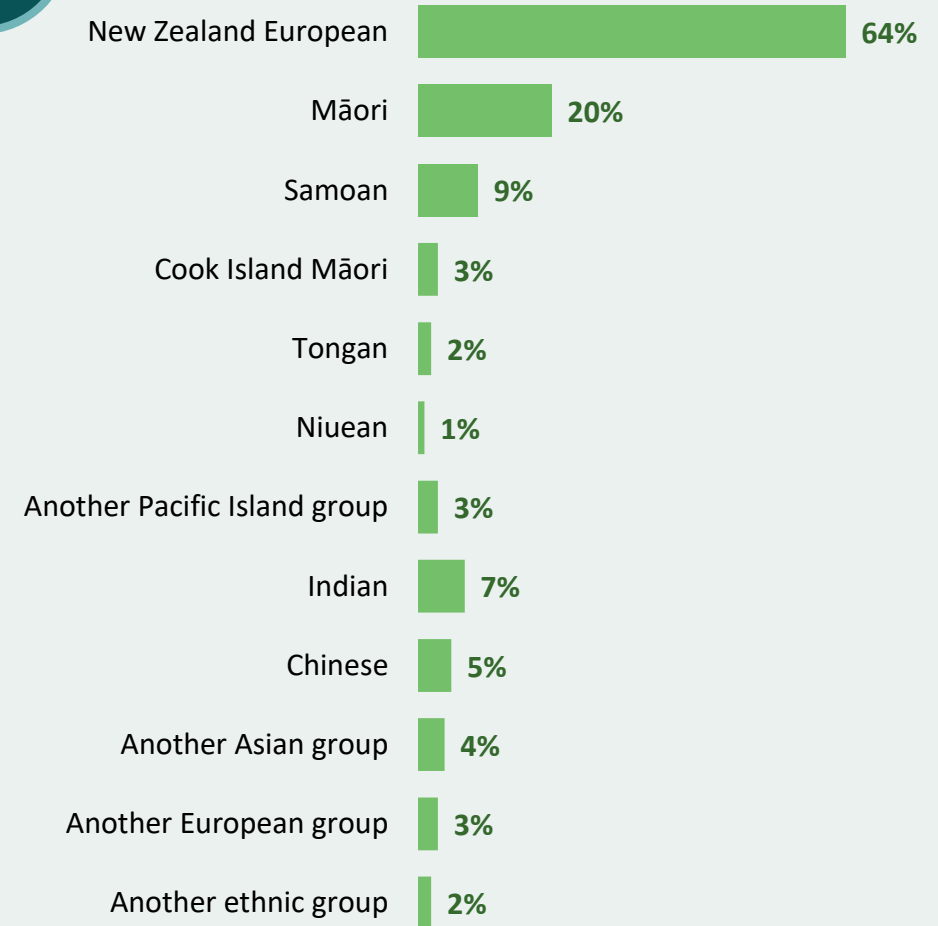
HOUSEHOLD



EMPLOYMENT



ETHNICITY



*Please note demographic data is unweighted



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