

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 2/90

Dated the 19th day of January 1990

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

PATRICIA M BARTLETT

of Lower Hutt

(on behalf of the Society for Promotion
of Community Standards Inc)

Warrant Holder

TELEVISION NEW ZEALAND

LIMITED

I.W. Gallaway Chairperson

J.B. Fish

J.L. Hardie

J.R. Morris

DECISION

Introduction

This complaint arose from a broadcast on TV1 by Television New Zealand Limited of a programme entitled "The Nightworkers", a documentary produced by The Gibson Group, commissioned by TVNZ Ltd (Credit: "A TVNZ Commissioned Independent Production"). The broadcast took place on 2 August 1989 at 10pm. The programme (47 minutes) is about "night-life" in a section of Vivian Street, Wellington and shows strip clubs and gay coffee bars, as well as prostitutes, transvestites, transsexuals and members of the NZ Police Vice Squad, all of whom work in the area at night.

A major part of the programme focuses on the proprietor and employees of Tiffany's night club. The proprietor explains his work rationale and young "dancers" are shown performing in front of patrons, are interviewed about their work and their attitudes to it, and some aspects of their training are outlined.



Miss Bartlett's Complaint to TVNZ

Miss Bartlett wrote to TVNZ on behalf of the National Executive of the Society for Promotion of Community Standards Inc, on 11 August 1989, laying a formal complaint under section 4(1)(a) of the Broadcasting Act 1989. That provision states:

- 4(1) Every broadcaster is responsible for maintaining in its programmes and their presentation, standards which are consistent with -
- (a) The observance of good taste and decency; and

Miss Bartlett complained that the programme pandered to the lowest standards of good taste and decency by "the flaunting and exploiting of bare top and even naked women and transvestites".

Her complaint noted particularly the way in which women were treated as sex objects and "were fondled and touched during their stages of undress during their so-called stage appearances". She also complained of a male stripper who she contended was also treated as a sex object, exposing his genitals and dancing naked towards the audience; of a man seen crawling on the stage wearing a dog collar and being led as if a dog; of an announcement made during the show that a young girl was a fourth former at Sacred Heart; and of an act which presented a bare topped "nurse", described by Miss Bartlett as "insulting to the nursing profession".

TVNZ's Response

Miss Bartlett's letter of 11 August was acknowledged by TVNZ on 18 August and she was informed that her complaint would be dealt with by the TVNZ Complaints Committee at its September meeting.

In a further letter, dated 13 September, Miss Bartlett was advised that the Committee had considered her complaint at its meeting on 1 September but that the Committee had not upheld the complaint. The basis for the Committee's decision was that the programme complained of was a documentary, that it was screened in late adult viewing time and that its material had been responsibly edited. Hence the Committee had difficulty in finding that there had been a breach of s4(1)(a).

The Committee stated that the purpose of the programme was to investigate after-dark activities in one block of Vivian Street, Wellington to give an insight into all sides of the businesses there and although no editorial stance was taken, the documentary attempted to find out why various people interviewed adopted their particular lifestyles. Further, the Committee stated that the appearance of bare-topped dancers and the treatment of people as sex objects amounted to the essence of the businesses being examined and that the question of whether there had been a failure to meet elements of taste and decency had to be addressed within that framework. It was pointed out that the scenes showing bare tops were brief and in context, particularly in view of the fact that the programme was given an AO (adults only) certificate and was screened at 10 pm.



Additional points mentioned by the Committee were that the strip acts had been carefully edited, that the performances were regarded as standard strip acts, that the proprietor had explained that acts featuring bogus school girls and nurses have been performed since time immemorial and that audience reaction (eg crawling, touching) was filmed as it happened and captured a typical response engendered on such occasions. The programme had been censored before it was shown and electronic shading devices had been used to ensure that the programme met the provisions of the Act, the Committee stated.

Accordingly the complaint was not upheld. The Committee's decision was endorsed by the Chief Executive of TVNZ.

Miss Bartlett's Complaint to the Broadcasting Standards Authority

On 9 October Miss Bartlett, being dissatisfied with TVNZ's decision, referred her complaint to the Broadcasting Standards Authority pursuant to s8(a) of the Broadcasting Act 1989. This was acknowledged on 17 October and a completed Complaint Referral Form sent to her was received by the Authority on 31 October. A copy of that Form was sent to TVNZ by the Authority on 1 November, together with a request for any comment.

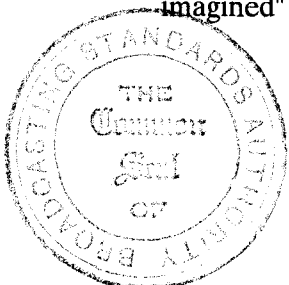
On that Form Miss Bartlett set out the specifics of her complaint, referring to her letter to TVNZ, of 11 August, which she summarised. She complained of the gratuitous exploiting of bare-tops and naked women, the drooling of the audiences, her suspicion that the filming crew were all male, that the programme amounted to free advertising for Tiffany's strip club and that it concentrated in an unhealthy exploitive way on performances which could have been conveyed in a few seconds. She described the exposing of the male stripper's genitals as gratuitous and in "the worst possible taste".

Miss Bartlett also stated that TVNZ had not specifically referred to her complaint concerning the exposure of male genitals, that the mentioning of Sacred Heart College had cheapened and belittled the school by that name in Lower Hutt and she alleged that this part of the programme could have incited the sexual molestation of school girls, in view of the recent Carla Cardno case.

TVNZ's Response to the Authority

All relevant documents were forwarded by the Broadcasting Standards Authority to TVNZ on 1 November and further comments on the complaint were invited. In its reply dated 4 December, TVNZ stated that the portrayals complained of were neither gratuitous nor exploitive, that they were kept to a minimum and that bare-topped and near naked women were not shown at great length but took up less than half a minute out of the 47 minute programme.

TVNZ submitted that whether the film crew were all male or not and whether the programme had any free advertising element had no bearing on whether s4(1)(a) of the Act had been breached. With regard to the complaint concerning exposure of the male stripper's genitals, TVNZ stated that the area was initially covered by some brief article of fabric and later by an electronic dot so that the "complaint referred to something which appeared to have been imagined" and hence no separate explanation appeared to have been required.



In reference to the naming of a school, the company submitted that there could have been a question of taste had the reference occurred in anything other than a news or documentary type programme. However, in a programme designed to give an insight into established entertainment houses such as nightclubs, "a glimpse of the licence that proprietors may take is implicit in conveying an accurate outline of what may well be to many an unseemly, unsavoury and tasteless business". The letter stated that the reference to the Carla Cardno abduction was inaccurate and not relevant to the complaint; the abduction took place more than 2 months before the programme was screened.

In summary, TVNZ submitted that given the nature and late screening of the programme together with editing considerations, s4(1)(a) of the Act "is not seriously being jeopardised".

Broadcasting Standards Authority Response

On 5 December, the Authority sent a copy of TVNZ's letter of 4 December to Miss Bartlett together with an invitation for further comment. No further comment was received.

Decision

The Authority considered the complaint of Miss Bartlett, for the Society for Promotion of Community Standards, at its Meetings on 11-12 December 1989 and 18-19 January 1990, all Members having previously viewed "The Nightworkers" documentary.

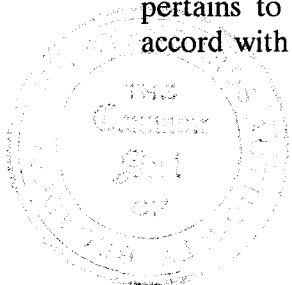
The Authority finds that "The Nightworkers" is a balanced and informative documentary, screened at an appropriate time and with appropriate censorship classification ("AO").

While accepting that the programme contains scenes of bare-topped and near naked people, both young women and a young man, we consider that these scenes are intrinsic to the dominant purpose of the programme as a whole and are dealt with sufficiently sensitively by being very brief, being filmed from a distance or by using partial obscuring techniques.

We also accept that acts featuring bogus school girls and nurses are "stock-in-trade" in the strip club business, but regret the mention of the name of a school. We consider that Miss Bartlett's references to the Carla Cardno case and to an all male film crew are irrelevant to s4(1)(a) of the Act.

The Authority notes the point suggested by TVNZ that the programme was designed to give an insight into what many people may well consider to be unseemly, unsavoury and tasteless businesses and that consequently questions of taste and decency, together with questions of veracity and censorship, have to be carefully assessed. We agree that within its context, this documentary is not inconsistent with the broadcaster's responsibility under s4(1)(a) to maintain in its programmes and their presentation, standards consistent with the observance of good taste and decency.

In the Authority's view the concept of good taste and decency in a given situation or context pertains to conformity with such standards of propriety as the Authority considers to be in accord with generally accepted attitudes, values and expectations in New Zealand society.



Much depends on the viewer's expectations surrounding a particular programme and the time when that particular programme is screened. In the Authority's view, this documentary is of such a nature that viewers who chose to watch this late evening programme would expect that it might contain material that would be controversial and, in another context, possibly inconsistent with standards of good taste and decency.

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

Signed for the Authority



Iain Gallaway
Chairperson
19 January 1990

