

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 128/93
Dated the 6th day of October 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

RUSSELL J COLINA
of Timaru

Broadcaster
RADIO NEW ZEALAND
LIMITED

I.W. Gallaway Chairperson
J.R. Morris
R.A. Barraclough
L.M. Dawson

DECISION

Introduction

Progress in the annual Easter weekend rabbit cull in Central Otago, officially entitled the Great Alexandra Easter Bunny Shoot, was reported at various times over the weekend in radio news items.

Mr Colina complained to Radio New Zealand Ltd that the news items, which referred to a "24-hour rampage" and a "massacre marathon", used emotive terms to stir anti-gun and anti-hunting sentiments and, consequently, breached the requirements in the broadcasting standards for balance, fairness and accuracy.

Denying that the items singled out shooters for any special mention and arguing that the terms used were appropriate in the context of the cull, RNZ declined to uphold the complaint. Dissatisfied with RNZ's decision, Mr Colina referred his complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

Decision

The members of the Authority have read a number of transcripts supplied by RNZ of news items broadcast during Easter weekend which referred to the rabbit cull. They



have also read the correspondence (summarised in the Appendix). As is its usual practice, the Authority has determined the complaint without a formal hearing.

An annual rabbit cull in Central Otago is apparently an increasingly well-known event. In 1993 it was promoted as the Great Alexandra Easter Bunny Shoot. The progress of the cull was reported on RNZ's radio news on a number of occasions during the weekend and some of the items included a comment from the organiser.

One of the items reported:

Miserable weather hasn't dampened the spirits of around 250 shooters taking part in the Great Alexandra Easter Bunny Shoot in Central Otago. The hunters who came from Auckland to Bluff to take part, have ended their 24-hour massacre marathon, and organiser Martin McPherson says the weather was good for neither four wheel drives nor bunnies.

Another item stated:

The rabbits were the big losers in this weekend's Great Alexandra Easter Bunny shoot in Central Otago. More than seven-and-a-half thousand rabbits are history, after 250 shooters went on the rampage, in a bid to control Central Otago's rampant rabbit problem.

Mr Colina complained to RNZ about the use of the terms "massacre marathon" and "rampage". Describing them as emotive and observing that they were usually used in news reports involving the tragic loss of human life, he argued that their use during items about a rabbit-culling event was designed to stir anti-gun and anti-hunting sentiments among the general public. When referring his complaint to the Authority, he provided evidence in support of this contention from other organisations involved in the use of firearms. The supporting evidence included references to dictionary definitions of "massacre" and "rampage". The definitions said that the words were associated with cruelty and turbulent behaviour - neither of which had occurred during the rabbit culling weekend.

Mr Colina said that the use of terms breached standards 1.1(i) and 5.2(b) of the Radio Code of Broadcasting Practice. The former requires 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.

The latter reads:

- (b) News must be presented accurately, objectively and impartially:

RNZ raised a jurisdictional point when it questioned the relevance of standard 1.1(i) on the basis that because the items were not current affairs pieces dealing with a



controversial issue, it was not necessary to show balance. The Authority was inclined to accept that contention. Moreover, it believed that Mr Colina's complaint focussed on the requirement for impartiality. However, as standard 5.2(b) states that news must be presented accurately, objectively and impartially, the focus of Mr Colina's complaint is not lost on a technical point. Accordingly, the Authority has declined to determine the complaint which alleged that standard 1.1(i) was breached but notes that Mr Colina's concern has been incorporated under standard 5.2(b).

The Authority was not prepared to accept RNZ's argument that the shooters were not the subject of the item and, therefore, the item could not be biased against them. The Authority regarded the distinction drawn by RNZ between the hunters and their weapons and their prey as pedantic and unhelpful.

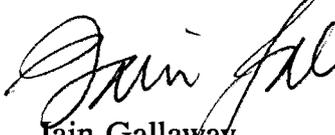
In applying the Radio Code in the past, the Authority has inevitably concluded that the context of a broadcast must be taken into account. This requirement is of particular importance on this occasion as the event organisers themselves set a light "tone" by naming the event the Great Alexandra Easter Bunny Shoot. Reports referred to Alexandra as the "rabbit capital of the Western World" and the shoot was described as a "fun event". Nevertheless, although the "tone" is apparent from these comments, the broadcaster is still required to present news reports accurately, objectively and impartially and the Authority then proceeded to examine whether the terms "massacre marathon" and "rampage" breached these requirements.

On the basis that the rabbit cull had involved the slaughter of a large number of feral animals over a period of 24 hours, the Authority decided that the term "massacre-marathon" complied with all the requirements in standard 5.2(b). It noted from the transcripts supplied by RNZ that it was a term used reasonably frequently in the news items (perhaps because of the alliteration) but, in view of the tone of the cull set by the organisers, it concluded that its use did not breach the standard.

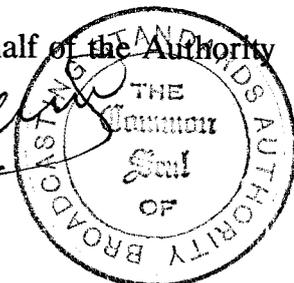
Whether the term "rampage" was acceptable on the other hand, involved a more detailed analysis. As the complainant pointed out, it is a word which means rushing about, perhaps violently, which is not behaviour which is appropriate for hunters. RNZ's use of the word was, perhaps, unfortunate. However, the Authority was of the opinion that it was not sufficiently partial, given the levity of the name of the event and the tone by which it was promoted, to constitute a breach of standard 5.2 (b).

For the reasons set forth above, the Authority declines to determine the complaint under standard 1.1(i) of the Radio Code of Broadcasting Practice and declines to uphold the complaint under standard 5.2(b) of the Code.

Signed for and on behalf of the Authority


 Iain Gallaway
 Chairperson

6 October 1993



Appendix

Mr Russell J Colina's Complaint to Radio New Zealand Limited

In a letter dated 23 April 1993, Mr Russell Colina of Timaru complained to Radio New Zealand Ltd about a number of news items broadcast on Easter weekend, Saturday and Sunday 10 and 11 April.

The items had referred to the rabbit cull in Central Otago and Mr Colina expressed concern about the use of the phrases a "massacre marathon" and a "rampage" by shooters. He described these terms as emotive and believed that they had been chosen to stir anti-gun and anti-hunting sentiments among the general public. The use of the phrases, he continued, breached standards 1.1(i) and 5.2(b) of the Radio Code of Broadcasting Practice which require that controversial issues be discussed with balance and that news be presented accurately, objectively and impartially.

He concluded by maintaining that RNZ should apologise to the large group of law abiding gun owners.

RNZ's Response to the Formal Complaint

As is its practice, RNZ initially dealt with the complaint informally and, in a letter dated 5 May 1993, the General Manager of News and Current Affairs advised Mr Colina that the annual rabbit cull was well publicised by its organiser as a 24-hour marathon fun shoot. As the items did not criticise gun owners at any time, the General Manager did not believe that there was a need to apologise. Moreover, the organisers of the cull had not criticised the coverage and, he concluded:

We feel our stories at Easter weekend properly and fairly reflected the spirit of the event and the reasons for shooters participating.

Mr Colina was not satisfied with the informal response and RNZ advised him of its Complaints Committee's decision not to uphold the formal complaint in a letter dated 15 July 1993.

Beginning by noting that the news items dealt not with amateur or professional shooters but with a special occasion rabbit culling event, RNZ rejected the allegation that emotive terms had been used to stir any anti-gun sentiment.

The news items, it continued, dealt with an event officially called The Great Alexandra Easter Bunny Shoot and at no time were the shooters singled out for special mention. Expressing additional doubt whether standard 1.1(i) was applicable as the shoot could hardly be described as a "controversial" or "political" event, RNZ nevertheless said that there was nothing in the items about shooters which called for

balance.



As for the use of the terms "massacre marathon" and "rampage", RNZ reported that the word "marathon" was a term used by the organisers. It added that one definition of the word "massacre" referred to a general slaughter of animals and, in view of the number of animals killed in 24 hours, it was appropriate in the context and did not reflect adversely on the shooters. The use of the word "rampage" was also considered acceptable in the circumstances.

As for the complaint about inaccuracy or bias, RNZ maintained that the reports were accurate and not biased and thus did not breach standard 5.2(b).

Mr Colina's Complaint to the Broadcasting Standards Authority

Dissatisfied with RNZ's response, in a letter dated 29 July 1993 Mr Colina referred his complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

In that letter, Mr Colina stated that the basis of his complaint was that the use of the terms "massacre" and "rampage" linked the lawful shooter to the mass murderer. That relationship occurred as the terms used were usually related to the taking of human life. Mr Colina provided as evidence in support of his contention letters from Chas Forsythe, Club Captain of the Bruce Rifle Club in Dunedin and Kerry O'Rourke, President of the South Canterbury Branch of the NZ Deerstalkers' Association.

As additional support he enclosed a copy of a letter to RNZ from the Otago Southland Shooters Rights Association which had also complained about the news items to which he had objected. That complaint, Mr Colina explained, had not been accepted by RNZ as it was outside the statutory period during which a broadcaster must accept complaints.

The Shooters Rights Association's letter to RNZ cited a number of definitions of the terms "massacre" and "rampage". These recorded that the former word was associated with cruelty and the latter with turbulent behaviour - neither of which had occurred during the rabbit culling weekend.

In the Complaint Referral Form completed at the Authority's request, Mr Colina repeated his argument that the terms "massacre" and "rampage", because they referred to large scale destruction of human life, were inappropriate in news items about an organised feral animal cull. He cited dictionary definitions in support of that stance and maintained that their use in the news items reflected badly on shooting sportsmen to whom RNZ should apologise.

RNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 30 August 1993 and RNZ, in its reply dated 3 September reiterated



the arguments made in its Complaints Committee's 5 May report to Mr Colina.

It repeated that none of the items dealt with "shooters" as they were incidental to the central point which was The Great Alexandra Easter Bunny Shoot. As for the use of the terms complained about, RNZ noted that the event organisers provided regular updates on the "progress of the marathon" and that, each year, there were contests between teams to see which could kill the most rabbits.

In the circumstances, RNZ concluded neither standard had been breached.

Mr Colina's Final Comment to the Authority

When asked to reply to RNZ, in a letter dated 13 September 1993 Mr Colina expressed the opinion that items which dealt with weapons could not be dismissed as non-controversial. He was unable to agree with RNZ that it was possible to distinguish between shooters and weapons as an event involving shooting cannot occur without shooters.

Regardless of correct usage and whether they were deliberately chosen or not, the common use of the terms "massacre" and "rampage" related to the loss of human life. Mr Colina wrote:

... the same terms used to describe an organised rabbit/noxious animal cull must create a subconscious link in the listener's mind by natural progression of thought and begins to blur the clear distinction between hunting animals and the taking of human life.

In conclusion, he said that the words used were emotive and provocative and did not comply with the requirement for an impartial, balanced and accurate news report.

