Help us protect children, NZ audiences tell broadcasters.

Freedoms and Fetters – the title reflecting the tightrope walked by broadcasters and programme makers when creating and airing programmes. As with our research in 1993 and 2000, we see it as an important snapshot of public tolerance, of where the public might draw the line.

In June, the BSA appointed its inaugural community advisory panel.

"The BSA board is delighted that it can now consult effectively and regularly with a variety of New Zealanders," said BSA Chief Executive, Jane Wrightson. "It will be a two-way process. As well as assisting the board with issues the BSA is facing, panel members will also discuss matters with their own communities and raise issues with the Authority."

The full report can be found on the BSA’s website: www.bsa.govt.nz/publications

The Future of Media Regulation in New Zealand: Is There One?

The BSA asked web expert Russell Brown and media lawyer Steven Price to think about how technology developments will affect New Zealand’s regulatory framework. What are the implications for broadcasters and programme makers when creating and airing programmes?

Both took effect from 1 August and can be viewed on our website. Printed copies are also available.

Statement of Intent

The BSA's Statement of Intent has been updated and is available on our website. The new wording is reproduced below.

BSA meets the Community

In June, the Broadcasting Standards Authority asked more than 500 New Zealanders to tell us what concerns them about broadcast content.

We weren't intended in the initial - the hamstring of TV programmes, for example. We wanted to know what broadcasting standards issues were important to New Zealanders. How do people really feel about what they're seeing and hearing on their televisions and radios?

The answers make interesting reading. Asked about what concerns them on TV, two-thirds of those surveyed spontaneously cited the portrayal of violence, sex and nudity, and bad language.

Accuracy, especially in TV news, topped the list, followed closely by the standard which requires broadcasters to consider the interests of children. Moral issues were ranked less important.

Interestingly, the "good taste and decency" standard, which attracts so much media attention, was rated less important than those which demand high journalistic standards and the protection of children.

Concern for children was a major feature of this research. While 80 per cent of those surveyed believe that broadcasting standards must focus strongly on the protection of children, 80 per cent think that most of the responsibility for children's viewing and listening should be with parents and companies, not broadcasters.

The message from New Zealanders to broadcasters is clear and simple: keep adult material away from children, and warn us about potentially offensive content as we can make an informed decision about whether or not we want to watch.

Help us protect children, NZ audiences tell broadcasters.

Our focus is on ensuring that programmes aimed at adults have reasonable safeguards to prevent children from accessing them, and that broadcasts which may be inappropriate for children are accompanied with warnings.

We are a self-regulatory body, and we take our responsibilities seriously. We try to balance the competing interests of broadcasters, programme makers, and viewers/critics, and we work closely with broadcasters, programme makers, and the media to ensure that broadcast content is appropriate for all audiences.

BSA Quarterly

This edition of BSA Quarterly features an article by BSA Chair, Joanne Morris, about the major public attitude survey results which we published recently. We profile a fascinating report on how technology developments may affect New Zealand’s media regulatory framework; and introduce you to the members of our new Community Advisory Panel. Two reviews have been concluded.

The BSA has been reviewing two key documents: the Pay TV Code, and the Privacy Principles (which apply to all broadcasting codes). After the consultation process, the BSA has now approved a new Pay TV Code and revised Privacy Principles. Both took effect from 1 August and can be viewed on our website.

Unprompted areas of concern comparison

<table>
<thead>
<tr>
<th>Area of Concern</th>
<th>1993</th>
<th>2000</th>
<th>2006</th>
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<tbody>
<tr>
<td>Violence</td>
<td>15%</td>
<td>25%</td>
<td>10%</td>
</tr>
<tr>
<td>Sexual Content</td>
<td>10%</td>
<td>15%</td>
<td>20%</td>
</tr>
<tr>
<td>Bad Language</td>
<td>5%</td>
<td>5%</td>
<td>10%</td>
</tr>
<tr>
<td>Good Taste &amp; Decency</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
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Human rights and freedoms

A statistical comparison of values for 'good taste and decency' (2006) shows a decrease from 25% to 15%.

Accuracy, especially in TV news, topped the list, followed closely by the standard which requires broadcasters to consider the interests of children. Moral issues were ranked less important.
Decisions

The BSA issued 57 decisions between April and June 2006

South Park: "Bloody Mary", not upheld

23 complaints were received about the "Bloody Mary" episode of South Park which screened on C4 in February — the largest number about a single programme since the BSA was created in 1988.

The complainants were mostly individuals, but included three church organisations. They alleged that the episode breached a range of standards in the Free to Air Television Code of Broadcasting Practice. The BSA held that the relevant standards related to good taste and decency and denigration.

The BSA acknowledged the degree of offence taken from the episode. However, it held that the broadcast of the overtly satirical programme, while clearly distasteful to the complainants, was protected by the Bill of Rights Act 1990.

When considering whether the programme had breached the good taste and decency standard, the BSA took into account a number of contextual factors, including South Park's time of screening, its AO classification with visual and verbal warnings, and its limited adult target audience.

Noting that contextual factors alone will not save a programme if it has gone too far, the BSA considered that in this case the material was of such a tawdry, absurd and unrealistic nature that it did not breach standards of good taste and decency in the context in which it was offered.

As with its recent decision on Ripleyean, another animated series shown on C4, the BSA concluded that it was effectively being selected to find that a programme breached the requirement for good taste and decency because it showed disrespect towards particular religious beliefs and practices.

The BSA also declined to uphold allegations that "Bloody Mary" denigrated all Christians, in particular Catholics — as well as Muslims, Jews and women.

While aspects of the Catholic religion were treated in a disrespectful and cavalier fashion, in particular a statue representing the Virgin Mary, in the view of the BSA, showing disrespect does not amount to the sort of vicious or vitriolic attack normally associated with the denigration standard.

Decisions ref. 2005-022

Good taste and decency — upheld

Teenage Caveman was a futurolic movie broadcast on TV3 at 12.35am. Set in a post-apocalyptic world, the film centred on a group of teenagers who fell in with a group of genetically-altered and indestructible mutants. Lured into a world of drugs and sex, the teenagers became afflicted with a fatal virus which led to some of the characters exploding.

The complainant objected, among other things, to scenes of group sexual intercourse between teenagers, and young women exploding with a “very graphic display of her exposed genitalia.”

TVNZ upheld the complaint on the grounds that a technical error had led to the warning and AO classification information being omitted. However, the complainant felt that the content of the movie was inappropriate for broadcast on free to air television, regardless of whether the warning and classification information had screened.

The BSA upheld the complaint. It considered that the sex scenes and nudity were intended to titillate the audience, and the drug use, excessive drinking, violence, and protests were largely gratuitous. Noting that some elements of the film may have been acceptable in isolation, the BSA found that the cumulative effects of the film's challenging content breached the standard.

In the BSA's view, irrespective of the time of the broadcast and target audience, associations made in the movie between sexual gratification and pain and death were beyond the limits of what is acceptable on free to air television.

The BSA did not impose an order.

Decisions ref. 2006-027

Children’s interests — not upheld

Previously unseen pictures of prisoner abuse at Abu Ghraib prison were screened in an item on One News on 16 February 2006. The item reported the way American guards had allegedly tortured and humiliated Iraqi prisoners, events which had taken place in 2003 and been publicly disclosed in 2004.

It was complained that the broadcast contravened Standard 9 (children’s interests). The BSA agreed that the broadcast during the 6pm news hour was during children’s normally accepted viewing times, but noted that TVNZ had considered the interests of child viewers as follows:

- the broadcast of the images was preceded by an introduction forewarning the content of the item, and a warning
- the progression of images was relatively swift, and did not linger on the abuses portrayed

The BSA observed that the children’s interests standard does not prohibit the broadcast of potentially disturbing material during the 6pm news hour. Seriously newsworthy issues often deal with matters that are inherently disturbing and for the reason news programmes are not subject to the classification system.

To comply with the interests of child viewers, broadcasters must take appropriate care in the way in which this material is presented. The BSA considered that the care that TVNZ took in the case was appropriate, and did not uphold the complaint.

Decisions ref. 2006-033

Not upheld

Te Mana Whanonga Kaipaho

BSA

Full decisions can be found on the BSA's website www.bsa.govt.nz

Decisions