

# Community Advisory Panel

**T**he Broadcasting Standards Authority is a Crown Entity which oversees programme standards on TV and radio.

We are looking for 6 special members of the public to form our inaugural Community Advisory Panel. The CAP will help the BSA board by providing informed opinion on a range of issues about broadcasting standards which affect the community.

CAP members will be a variety of people from different backgrounds. Media experience is not necessary but a keen interest in what is seen on television and listened to on radio is important. We are especially interested in hearing from people with good links into different communities and with different life experiences – eg regional, Māori, ethnic, youth, seniors, parents, community-based clubs, and professional networks such as teaching or technology. We will provide concise backgrounders on all issues to be discussed – you don't need to be an expert but you will enjoy thinking and debating.

Expenses to attend meetings in Wellington will be met and a small meeting fee will be paid if required. Up to three meetings a year will be scheduled of around half a day each.

More about the BSA and a Terms of Reference for the CAP can be found on [www.bsa.govt.nz](http://www.bsa.govt.nz).

## Goals for the CAP

- to consider issues identified by the BSA as needing community input and to provide considered opinion and advice (these will initially mostly be related to the Broadcasting Codes of Practice and general issues arising from formal complaints but may later develop into wider broadcasting considerations)
- to identify relevant issues relating to broadcasting standards affecting your community which might benefit from CAP consideration

- to provide information and advice on likely attitudes and opinions from various sections of the community about general broadcasting issues

**Write to us highlighting your interests, community linkages and how you could add value to the activities of the BSA. Send to the Chief Executive, BSA, PO Box 9213, Wellington by Friday 10 March 2006, or email it to [info@bsa.govt.nz](mailto:info@bsa.govt.nz).**

## “Guide for Broadcasters”

**T**he BSA's website now includes a short guide for broadcasters on dealing with complaints.

Designed with smaller and newer broadcasters in mind, the guide has information on the Broadcasting Act 1989 requirement for broadcasters to have proper procedures for making decisions about complaints.

The guide explains when broadcasters must deal with formal complaints; the timeframes involved for complainants and broadcasters; and the broadcaster's obligation to tell complainants about their right to refer matters to the BSA.

For a copy of the guide, go online to [www.bsa.govt.nz/complaints-guideforbroadcasters.htm](http://www.bsa.govt.nz/complaints-guideforbroadcasters.htm), or phone/write to the BSA and we will fax or post it to you.

## Directory

The current members of the Broadcasting Standards Authority are:  
Joanne Morris (Chair), Tapu Misa, Diane Musgrave and Paul France.  
Contact us at:

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Editorial enquiries: [info@bsa.govt.nz](mailto:info@bsa.govt.nz)

## 0800 Number

The Broadcasting Standards Authority's 0800 number is

**0800 366 996**

It has a recorded message which explains the complaints process.



# Quarterly

Number 29, February 2006

In this edition of *BSA Quarterly*, we promote an exciting New Zealand media literacy website; advertise for members of a Community Advisory Panel; note that complaints system guidance for broadcasters is now available on the BSA's site; and summarise some of the interesting BSA decisions issued in the quarter October to December 2005.

**T**he BSA is proud to be a foundation sponsor of a new media literacy website: [www.mediascape.ac.nz](http://www.mediascape.ac.nz).

In 2003, our Statement of Intent noted that the need for clear, accessible information about broadcasting standards for broadcasters and the community had never been more acute. We undertook to investigate a 'pilot exercise' in producing relevant media literacy education

materials. The BSA wanted, in particular, to focus on information for parents to assist them in monitoring their children's viewing. A web-based tool was seen as the most likely first step.

Now, with the support of the BSA, a site with helpful information for parents about the media, information about broadcasting standards, and much more, has 'gone live'.

## Launch of Media Savvy Website – [www.mediascape.ac.nz](http://www.mediascape.ac.nz)

**W**orried about how much television your children are watching and what effects it could be having on them? Want to know how much of our media is foreign-owned and whether it matters? Or who to complain to if you don't like the programmes or the ads?

Check out [www.mediascape.ac.nz](http://www.mediascape.ac.nz) – New Zealand's first one-stop shop for media information.

This new online resource, aimed at developing a wider knowledge and understanding of the media, was launched by the Minister of Broadcasting Hon Steve Maharey on 14 February.

The website has been developed by the New Zealand Broadcasting School in a unique partnership with three foundation sponsors: the Broadcasting Standards Authority, the Advertising Standards Authority and the Families Commission.

The website provides access to a range of information, research and viewpoints about media and its use. It is intended for parents, students, children and others with an interest in how the media operates in New Zealand.

Tips are provided on media use for families along with information and advice on media content, and discussion on key issues. It also explains the broadcasting and advertising codes of practice and how to protest about content.

Lead researcher for the project, Dr Ruth Zanker, says the site grew out of frustration that there was no one place to find out how our media work. "So we came up with a typically innovative Kiwi solution: useful, accessible and fun – try the quizzes!"

Media literacy has never been more important, says Dr Zanker. "Media today includes television, radio, newspapers, magazines and the internet, all of which have a powerful impact on our lives. People can access more and more media content – it's digital and on lots of different platforms including mobile phones and ipods. Media literacy, now, is about cultural and political confidence – understanding how media work, being able to access and evaluate content and being able to answer back, say what you like and don't like and participate in shaping it."

The foundation sponsors, the BSA, ASA and Families Commission, have supported the project as an innovative way to help inform and empower audiences, parents and students. The agencies believe that, instead of working on different projects with slightly different objectives, such collaboration provides a significantly better and broader-reaching tool.

The researchers stress that the site will constantly evolve. They have ambitious plans for further development, including more media content. "In the future we hope to provide access to a great deal of archive material, be it from radio, television or film," says Dr Zanker. The site will be regularly updated with news and comment on media issues.



# Decisions

The BSA issued 35 decisions between October and December 2005. Decisions of interest included the following:

## Popetown – Fairness and Good Taste and Decency

The BSA received four complaints about three episodes of *Popetown* which screened on C4. *Popetown* is an animated comedy series centered on Father Nicholas, an idealistic young priest who lives in a fictional Vatican City with a group of corrupt cardinals and a pogo-stick riding, infantile Pope.

The BSA determined all four complaints under the standards of good taste and decency, and fairness.

The BSA observed that *Popetown* contained no offensive language, violence, sexual material or nudity. Taking into account contextual factors such as viewer expectations and target audience, the BSA found that the good taste and decency standard was not breached.

Noting that the complainants' main concern was that the programme denigrated the Catholic Church, the BSA addressed the fairness complaint in terms of guideline 6g, which prohibits denigration. As outlined in previous decisions, the BSA maintained "denigration" is defined as a blackening of the reputation of a class of people.

The BSA observed that the prohibition against denigration was not intended to prohibit a broadcast offered "in the legitimate context of a dramatic, humorous or satirical work". The BSA considered that *Popetown* was a satirical comedy which did not go beyond the boundaries of legitimate satire into the realm of vitriol or hate speech. It declined to uphold the complaints.

**Decision refs. 2005-096, 2005-097, 2005-111, 2005-128**

## Fairness and Accuracy

*Holmes*, broadcast on Prime TV, contained an item about a woman who, during a visit to an oral surgeon, suffered fourth degree burns when a machine being used to freeze a nerve malfunctioned. The oral surgeon complained that the item

suggested he was at fault for the incident, when he had in fact had an Occupational Safety and Health prosecution against him dismissed, and had been awarded costs.

The BSA held that it was inaccurate and unfair to present evidence from the OSH prosecution which implied the surgeon was at fault, without also reporting that this evidence had not been accepted by the judge. In the BSA's view, the item should have included the judge's finding that she was satisfied a service or inspection of the machine would not have prevented the incident, and that the surgeon was not at fault. The BSA found that the programme created the inaccurate impression that the surgeon did not test the machine prior to use, when the District Court judge had found that he had carried out proper tests.

The item had also selected a single passage from the surgeon's letter to the woman, which had left viewers with the inaccurate and unfair impression that his settlement offer of \$5,000 was unreasonable. The BSA concluded that this extract was out of context and failed to reflect the explanations made by the surgeon to the woman.

The BSA ordered Prime TV to broadcast a statement and pay \$3000 towards the complainant's legal costs.

**Decision ref. 2005-052**

A *3 News* item reported the court appearance of a man charged with accessing child pornography via the internet. The reporter said that due to a judge's ruling, *3 News* was unable to name the alleged offender. This statement was accompanied by footage of two men standing at a vending machine. One had his back to the camera, and the side profile of the other man's face was visible during a lengthy shot.

The man, whose face was shown in the item, complained that the footage had created the inaccurate impression that he was the man charged with child pornography offences, when in fact he was at court counselling a defendant on an unrelated matter.

The BSA decided that the complainant was clearly identifiable in the item, and it found that a majority of viewers would have assumed that he was the alleged offender.

The BSA considered that wrongly identifying a person as being accused of possessing child pornography was seriously unfair, and it accepted the complainant's submission that the *3 News*' mistake had caused him an extreme degree of embarrassment and prejudice.

The BSA ordered CanWest TVWorks Ltd to pay costs to the Crown of \$3000.

**Decision ref. 2005-049**

An item on *One News* made allegations of gang-related bullying at Taradale High School. It reported that students had presented the Board of Trustees with a petition seeking the removal of allegedly gang-affiliated students.

The Chair of the school's Board of Trustees complained that the item was inaccurate and unfair in that it suggested that the school had taken no action in response to the situation until it was presented with the petition. The complainant wrote that the situation was not one of bullying, but instead a two-sided conflict between competing groups. He argued that it was unfair to the school to suggest that it had a problem with gang-related bullying.

The BSA upheld both the accuracy and fairness complaints. It agreed that the item had stated that the school Board had taken no action until presented with the petition, and accepted the complainant's evidence that the students responsible were already being dealt with by the time the petition was presented. The BSA considered that the item was inaccurate in this respect. The item was also inaccurate in stating that the students' petition requested removal of the gang-affiliated students, as the petition made no such request. The BSA also agreed that it was inaccurate

to refer to the situation as one of bullying when students on both sides of the conflict had been disciplined.

In relation to fairness, the BSA agreed that it was unfair to the reputation of the school to suggest, incorrectly, that gang-related bullying was taking place.

The BSA ordered TVNZ to pay costs to the Crown of \$1500.

**Decision ref. 2005-051**

## Balance

An item on *Sunday* entitled "The Monster of Berhampore" examined the case of a former senior member, now deceased, of the Presbyterian Support Services who ran the Berhampore Children's Home in Wellington. Former residents alleged that the man had sexually abused children while they were in his care in the 1960s and 1970s.

The complainant said that the item breached the law and order standard and was unbalanced. The BSA did not uphold the law and order complaint, noting that the intent behind this standard is to prevent broadcasts that encourage viewers to break the law, or otherwise promote, glamorise or condone criminal activity.

With respect to balance, the BSA found that the programme provided substantial evidence of the man's guilt, but did not actively present the point of view that the man may be innocent. However, the broadcaster had made several attempts to obtain comment from the man's family and his solicitor, and the BSA noted that these were the most obvious – and perhaps only – sources for an alternative perspective.

In these circumstances, the BSA considered that TVNZ made reasonable efforts to present alternative points of view. In the absence of other available information refuting the man's guilt, the BSA declined to uphold the balance complaint.

**Decision ref. 2005-082**



Full decisions can be found on the BSA's website [www.bsa.govt.nz](http://www.bsa.govt.nz)