

No.	Complainant	Broadcaster	Programme	Nature of Complaint	Standards	Finding
2006-078	Penney	CanWest TVWorks	<i>Campbell Live</i>	Item on singles party showed footage of two women taken at unrelated function some years earlier – allegedly breach of privacy	Privacy	Not upheld
2006-078	Sumich	CanWest TVWorks	<i>Campbell Live</i>	Item on singles party showed footage of two women taken at unrelated function some years earlier – allegedly breach of privacy	Privacy	Not upheld
2006-061	Walden	TVNZ	<i>Police College</i>	Item showed complainant being removed from stadium by police while intoxicated; allegedly breach of privacy and unfair	Privacy, fairness	Not upheld
2006-054	Benson	Doubtless Bay Family Radio	Good Vibrations coverage	Coverage of Good Vibrations Festival in Far North allegedly unbalanced, unfair, inaccurate, breach of privacy and encouraged denigration of brothel owners	Radio Code – balance, fairness, accuracy, privacy, social responsibility (denigration)	Not upheld
2006-056	Māori TV	CanWest RadioWorks	<i>Radio Live</i> [27 April]	Comments by host during talkback allegedly denigratory of Māori and inaccurate	Social responsibility (denigration), accuracy	Not upheld
2006-056	Māori TV	CanWest RadioWorks	<i>Radio Live</i> [3 May]	Comments by host during talkback allegedly denigratory of Māori and inaccurate	Social responsibility (denigration), accuracy	Not upheld

'Bloody Mary' Appeal

An appeal by the New Zealand Catholic Bishops Conference of the *South Park* decision [2006-022] is scheduled to be heard in the High Court on 7 February 2007.

Annual Report

The BSA's 2006 annual report will be tabled in Parliament mid-November. Copies will be available from the BSA, and it will be posted on our website.

New publication – findings of a symposium on the balance standard

A balance symposium attended by broadcasters, programme makers, and media academics was convened by the BSA in May. The day's proceedings will soon be available in a publication *Significant Viewpoints: broadcasters discuss balance*.

The book will be launched by chief executive Jane Wrightson at the JEANZ conference in Auckland in December. Copies will be available free of charge from the BSA, and a pdf version will be posted on our site.

Significant Viewpoints: broadcasters discuss balance order form

Please send me _____ copies of *Significant Viewpoints*

Name: _____

Address: _____

Post to: Broadcasting Standards Authority, PO Box 9213, Wellington, New Zealand

Website Update

Shortly, you will notice a new look to the BSA website. For technical reasons, the look of the BSA site has been updated, but the content, including the decisions database and headings that users are familiar with, will be the same.

The rebuilt site will have a new educational resources area with links to the Mediascape media literacy site the BSA co-sponsors with the Families Commission and the Advertising Standards Authority. It will feature a new resource about the BSA's role and functions that has been designed for secondary school media studies students and teachers.

Good taste and decency practice note

Also on the website, there will soon be a new practice note discussing the good taste and decency standard. Look for it under the Codes and Standards Introduction text link. It is the second of a planned series of practice notes designed to help complainants and broadcasters understand the approach the BSA is likely to take in considering issues about standards.

Directory

The current members of the Broadcasting Standards Authority are:
 Joanne Morris (Chair), Tapu Misa, Diane Musgrave and Paul France.
 Contact us at:
 2nd Floor, Lotteries Commission Building, 54-56 Cambridge Terrace,
 PO Box 9213, Wellington, New Zealand.
 Phone: 64 4 382 9508
 Fax: 64 4 382 9543
 Email: info@bsa.govt.nz
 Website: www.bsa.govt.nz
 Editorial enquiries: 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 32, November 2006

This edition of *BSA Quarterly* features the launch of the Community Advisory Panel (CAP) in Christchurch in September. We notify you about the commencement of the radio code review, the reappointments of BSA members, website changes, and a forthcoming publication, *Significant Viewpoints: broadcasters discuss balance*.

Community Advisory Panel Launch

The Community Advisory Panel (CAP) was 'launched' at a small function in Christchurch on 28 September. The panel, formed in July, met to discuss plans for the forthcoming year.

Christchurch Mayor Garry Moore and BSA chair Joanne Morris welcomed representatives from Christchurch-based broadcasters, along with invitees from a variety of community service, advocacy and educational groups. Former BSA member Rodney Bryant and former BSA chair Sam Maling were also able to attend.



CAP Chair Diane Musgrave, Christchurch Mayor Garry Moore, Christchurch CAP member Fraser Campbell at the launch.

The CAP was established following a national advertising campaign to recruit a cross-section of New Zealanders to advise the BSA of their views on broadcasting standards matters.

Establishment of the panel means that the BSA can have ongoing feedback from a group of New Zealanders who are informed about, and interested in, the issues that the BSA grapples with.

The Christchurch meeting, chaired by BSA member Diane Musgrave, produced ideas for a workplan for 2007. Suggestions include raising understanding of the classification and timeband system, and the 8.30pm watershed – explaining when it is and why it is there. CAP members are concerned that community understanding of these protections is still limited.

CAP members also see that they can play a key role in their own communities, helping to make the formal complaints system and broadcasting standards better understood.

The panel will meet again in February 2007.



CAP with BSA board members. Absent: Lynda Park and Liz Hirst.

The BSA board also records its gratitude for the hospitality and constructive discussions shared with Canterbury TV, The Radio Network, Whitebait TV Productions, and Tahu Communications, whom they visited while in Christchurch.

Radio Code Review

The BSA has begun the review of the Radio Code with a preliminary meeting with representatives of the Radio Broadcasters Association and Radio NZ. We hope to issue a consultation paper on any proposed changes early in 2007.

Member re-appointments

Authority chair Joanne Morris was re-appointed for a second three-year term in July. Authority member Diane Musgrave has been reappointed until October 2008, and member Paul France's reappointment is for three years to October 2009.

Decisions

The BSA issued 28 decisions between July and September 2006

Decisions of particular interest include the following:

Denigration – John Banks

Broadcasting on Radio Pacific, host John Banks described Māori Television as 'useless' and 'one of the most disgusting apartheid TV stations in the history of the world', and he suggested that it was a waste of taxpayer funds to support the station.

Māori Television complained that the comments breached the prohibition against denigration contained in guideline 7(a) of the *Radio Code of Broadcasting Practice*.

The BSA acknowledged that the host's comments were ill-informed and calculated to offend. It noted, however, that the protection of the denigration guideline extends only to a 'section of the community'. In the present case, the host's comments were directed primarily at the policy decision to create and fund Māori Television, and incidentally at Māori Television as a corporate entity. In the view of the BSA, Māori Television was not a 'section of the community', and thus the guideline did not apply. Accordingly, it did not uphold the complaint.

Decision ref. 2006-056

Fairness in relation to 'doorstepping'

One News reported that the Ministry of Health was investigating the illegal marketing of 'Goji juice' to the Tongan community in Auckland. The item described how marketers of the product made a number of claims about its therapeutic benefits; however, a number of people with serious health problems, such as diabetes, had fallen ill after drinking it.

Freelife, the manufacturer of the product, complained that the item was unbalanced, inaccurate, and unfair. Freelife said that the marketing campaign referred to was the result of individuals placing their own ads in local Tongan newspapers.

Freelife alleged that one of those responsible for the marketing campaign had been treated unfairly by a *One News* reporter. The woman had been approached for her response to allegations about the campaign after the reporter had first posed as a person wanting to buy Goji juice. The BSA upheld the fairness complaint. The reporter had posed as a purchaser, and when the woman arrived to deliver the product, filmed her and asked her questions.

Previous BSA decisions on the practice of 'doorstepping' have emphasised that reporters must exhaust every legitimate way of contacting a person to seek comment before they can be approached without warning.

In the present case, TVNZ said that the reporter had left only one message with the woman ten days earlier (which the woman denied receiving) before arranging the interview by deception, and seeking her response without warning. The BSA found that even if the earlier message had been left with the woman, this did not amount to exhausting all legitimate ways of obtaining her comment. In combination with the fact that the meeting had been arranged by deception the ambush interview on the street was unfair.

The BSA declined to uphold the balance and accuracy complaints. An order was not imposed, as the part of the complaint that was upheld was largely incidental to the primary thrust of the complainant's concerns.

Decision ref. 2006-073

Programme classification & children's interests

Arts programme *Frontseat* contained a brief clip from the film *A Clockwork Orange*, showing a man being beaten by a group of thugs. The programme had been given a G classification, and was broadcast at 7.55am, in the G timeband.

The complainant was concerned that the programme was incorrectly classified, and displayed insufficient regard for the interests of children.

A majority of the BSA concluded that the scene was unsuitable for children, as it clearly showed the victim being beaten, and thus the programme should not have been classified G. Accordingly, it found a breach of Standard 7 (programme classification) which requires that all programmes be appropriately classified.

As TVNZ had failed to exclude from a G-rated programme material that was unsuitable for children, the BSA also concluded that the programme breached the children's interests standard.

One member considered children were unlikely to be viewing a brief and surreal clip in a programme targeted at adults, and thus did not uphold either aspect of the complaint.

The BSA did not impose an order as it agreed with the broadcaster's submission that children were unlikely to have been watching the programme.

Decision ref. 2006-055

Privacy – reality series

The complainant's forcible ejection by police from the Westpac Stadium in Wellington was captured by a camera crew filming a reality series about the work of police recruits, *Police College*. The complainant was shown resisting and being abusive towards the police. He alleged that the broadcast of these pictures, 13 months after the incident in question, breached his privacy and was unfair.

In respect of the privacy complaint, the BSA decided that the complainant's removal from the stadium was a public fact, and there had been an insufficient lapse of time between the event and the broadcast for the fact to have become private again. For this reason, the privacy complaint was not upheld.

In respect of fairness, the complainant alleged that he was not informed of the reason for his proposed contribution to the programme (guideline 6b) and was unnecessarily identified (guideline 6f).

The BSA found that the requirement to inform participants of the reason for their proposed contribution was intended to apply only to those situations where an individual's contribution was planned. The guideline therefore did not apply to a reality programme such as *Police College*, which filmed unexpected and unplanned incidents.

In response to the allegation that the complainant was unnecessarily identified, the BSA noted that as the guideline came under the fairness standard, the overriding question was whether he had been treated unfairly. In the present case, the BSA concluded that the complainant exposed his behaviour to public scrutiny when he chose to be intoxicated and behave as he did in a public place, and TVNZ simply portrayed the reality of his actions. In these circumstances, while it may have been strictly unnecessary to identify him, the BSA found that he was not treated unfairly.

Decision ref. 2006-061

Decisions issued summary:

No.	Complainant	Broadcaster	Programme	Nature of Complaint	Standards	Finding	Order
2006-063	Dewar	CanWest TVWorks	<i>3 News</i>	Item on Chernobyl made allegedly inaccurate statement about death toll	Accuracy	Upheld	No order
2006-030	Mental Health Commission	CanWest RadioWorks	<i>Radio Live</i>	Host's criticisms of Mental Health Commission inaccurate, unfair, and denigratory of mental health consumers	Accuracy, fairness, social responsibility (denigration)	Upheld (accuracy, fairness)	No order
2006-073	Cooper	TVNZ	<i>One News</i>	Item on marketing of Goji juice product allegedly unbalanced, inaccurate and unfair	Balance, fairness, accuracy	Upheld (fairness)	No order
2006-055	Owen	TVNZ	<i>Frontseat</i>	Clip from film <i>Clockwork Orange</i> shown on G-rated arts programme – allegedly breach of programme classification and children's interests	Programme classification, children's interests	Upheld	No order

No.	Complainant	Broadcaster	Programme	Nature of Complaint	Standards	Finding
2006-064	Li	CanWest TVWorks	<i>3 News</i>	Item on organ transplants in China allegedly critical of China and Chinese people as a whole	Accuracy, fairness, programme information	Not upheld
2006-074	Dowler	CanWest TVWorks	<i>Campbell Live</i>	Item presented as being live when it was actually pre-recorded	Accuracy, programme information	Not upheld
2006-077	Thorpe	CanWest TVWorks	<i>3 News</i>	Graphics in <i>3 News</i> item regarding 9/11 crash into the Pentagon allegedly inaccurate and using subliminal perception	Accuracy, programme information	Not upheld
2006-060	Bunkley	Radio NZ	<i>Morning Report</i>	Item on tax cuts in Australia and consequent possibility of increased migration from NZ allegedly unbalanced	Balance	Not upheld
2006-059	Hide	TVNZ	<i>Agenda</i>	Reporter allegedly told complainant he had an affidavit about him that did not in fact exist	Fairness	Not upheld
2006-069	Davies	TVNZ	<i>Top of the Class</i>	Reference to recorders being 'gay' allegedly denigratory of homosexuals	Fairness (denigration)	Not upheld
2006-052	Maybury	TVNZ	<i>One News</i>	Comment about searcher taking body bag to look for missing man breach of good taste and decency	Good taste and decency	Not upheld
2006-057	Harvey	TVNZ	<i>Orange Roughies</i> promo	Promo used phrase 'for Christ's sake': allegedly breach of good taste and decency	Good taste and decency	Not upheld
2006-057	Parkinson	TVNZ	<i>Orange Roughies</i> promo	Promo used phrase 'for Christ's sake': allegedly breach of good taste and decency	Good taste and decency	Not upheld
2006-067	Taylor	TVNZ	<i>Bodies</i>	Explicit shot of woman's genitals during birth scenes allegedly offensive	Good taste and decency	Not upheld
2006-035	Advantage Advocacy	TVNZ	<i>Fair Go</i>	Item querying complainant's actions as advocate unfair, inaccurate, and unbalanced	Good taste and decency, balance, fairness, accuracy	Not upheld
2006-035	Nottingham	TVNZ	<i>Fair Go</i>	Item querying complainant's actions as advocate unfair, inaccurate, and unbalanced	Good taste and decency, balance, fairness, accuracy	Not upheld
2006-071	Denham	CanWest TVWorks	C4	Music video showing dog in drier allegedly offensive	Good taste and decency, children's interests, violence	Not upheld
2006-048	McGeechan	CanWest RadioWorks	<i>Solid Gold</i>	Joke about Indian taxi drivers allegedly breach of good taste and decency and denigratory	Good taste and decency, social responsibility (denigration)	Not upheld
2006-066	Savill	The Radio Network	<i>Newstalk ZB</i>	Comments about square dancers allegedly breach of good taste and decency and denigratory	Good taste and decency, social responsibility (denigration)	Not upheld
2006-051	Byles	TVNZ	<i>One News</i> promo	Depiction of Ahmed Zaoui breach of law and order	Law and order	Not upheld
2006-072	Morgan	TVNZ	<i>One News</i>	Footage of Minister of Finance taken before formal interview commenced allegedly unfair to him	Law and order, privacy, fairness, programme information	Not upheld
2006-054	Benson	Far North Cable TV	Good Vibrations coverage	Coverage of Good Vibrations festival in Far North allegedly unbalanced, inaccurate, unfair to complainants (owners of new brothel at Cooper's Beach), showed disrespect for the law, used deceptive programme practices, encouraged denigration, breach of privacy	Pay TV Code – accuracy, fairness, respect for principles of law, balance, deceptive programme practices, denigration, privacy	Not upheld

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