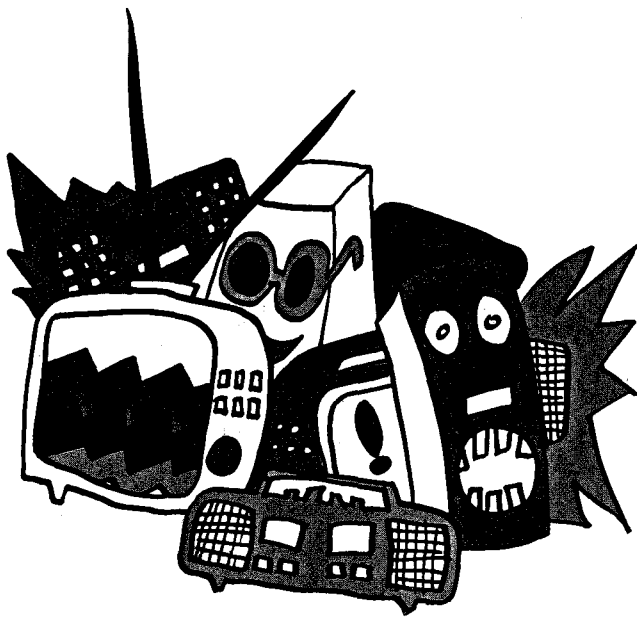


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1992

BROADCASTING
STANDARDS AUTHORITY

TE MANA WHANONGA KAIPĀHO



ANNUAL REPORT
FOR THE YEAR ENDED 30 JUNE 1992

MISSION STATEMENT

To establish and maintain acceptable standards of broadcasting on all New Zealand radio and television, within the context of current social values, research and the principle of self-regulation, in a changing and deregulated industry

Submitted to the Minister of Broadcasting for presentation to the House of Representatives pursuant to clause 14 of the First Schedule of the Broadcasting Act 1989.

Iain Gallaway
Chairperson

The annual financial reports have been published separately and can be obtained, as can the other material mentioned in this document

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CONTENTS

CHAIRPERSON'S FOREWORD 4

MEMBERS 5

A YEAR OF REVIEWS 6

COMPLAINTS 8

 Overview

 Analysis of Decisions

 Procedures

 Parallel jurisdiction

 Privacy

REVIEW OF THE CODES 12

 Alcohol advertising

 Portrayal of violence on television

 Children's television programme standards

 Other codes

RESEARCH PROGRAMME..... 17

 Commissioned research

 In-house research

 Consultations

PUBLICATIONS, EDUCATION AND PROMOTION 19

 Complaints procedures

 General advertising and promotion

 Reference library

 Publications

POLITICAL PARTY ADVERTISING 20

STAFF 21

STATEMENTS OF SERVICE PERFORMANCE 22

APPENDICES 27

 Complaints determined by the Authority

 Advisory opinion on privacy

 List of Publications

CHAIRPERSON'S FOREWORD

*A busy year reflected in
an annual report
doubled in size*

The extension of the Annual Report by sixteen pages provides evidence of an even busier year with more comprehensive activity for the Authority's members and staff.

Its funding has not increased since its establishment in 1989 and whilst this has at times caused frustration, and disappointment that we have not been able to extend our activities further, particularly in the research and publicity areas, it has also provided a strong and positive challenge to increase the efficiency and effectiveness of our operations. I am satisfied that we have succeeded in this respect.

Two members, Mrs Jocelyn Fish of Hamilton and Ms Jan Hardie of Christchurch, whose terms had expired earlier, retired during the year and were replaced by Mrs Lindsey Dawson and Ms Rosemary Barraclough, both from Auckland. Mrs Fish and Ms Hardie made invaluable contributions throughout the testing period which followed the Authority's establishment and I am grateful to them both.

We are fortunate in the calibre of their replacements. Both Mrs Dawson and Ms Barraclough have strong journalistic backgrounds and they have fitted smoothly and effectively into the Authority's activities. Ms Joanne Morris who is serving her second term continues to provide an invaluable contribution.

Our Executive Officer, Gail Powell, and her staff have provided efficient and loyal support throughout a strenuous year and for this I am also most grateful.

All of us are appreciative of the support which we have received from those individuals and groups with whom we are closely associated. Our appreciation of the cooperation which we have received from broadcasters in particular and others is expressed in the Annual Report which follows. We have also enjoyed a close and friendly relationship with the senior executives of the Ministry of Commerce.

Our Minister, the Hon Maurice Williamson has been most supportive and we appreciated this particularly during the public debate following the changes to the Codes of Broadcasting Practice which permitted alcohol advertising. I deeply appreciate the confidence he has shown in me by inviting me to accept a further term as Chairperson of the Authority.

I hope that you will find the extended Annual Report both informative and interesting.



Iain Gallaway
Chairperson

MEMBERS



Chairperson

Mr **Iain Gallaway**, Q.S.O., M.B.E., a Dunedin barrister and solicitor was honoured widely this year on his completion of 40 years of radio sports commentaries, including the Mobil Radio Broadcaster of the Year award and the Toastmaster Communicator of the Year award. He has also had broadcasting experience on television and in broadcasting management, having served on the board of the Broadcasting Corporation of New Zealand for two non-consecutive terms which included a term as Deputy Chairman of Radio New Zealand. Mr Gallaway has been Chancellor of the Anglican Diocese of Dunedin for more than 30 years and has been involved in numerous national and local trusts and charities. He has three grown daughters and a son. Mr Gallaway was reappointed in June for another three-year term as chairperson.

Members

Ms **Rosemary Barraclough**, B.A.(Hons), Dip Journ, was a print journalist - reporter and sub-editor - in Hamilton and Timaru, before leaving the paid work force to begin a family in Auckland. She has a small son.

Mrs **Lindsey Dawson**, Auckland, has 20 years print media experience, and has also worked in private radio, television and public relations. She was founding editor of *More* magazine and now is the founding editor of *Next*. She has older teenage children.

Ms **Joanne Morris**, LL.M (Hons), a university senior law lecturer in Wellington before taking time out to care for two young children, chaired the 1988 Ministerial Committee of Inquiry into Pornography. She is currently also a member of the Waitangi Tribunal.

Extended Authority members

Prior to the Tamaki by-election Messrs **Lloyd Falck** and **David Beatson** were reappointed to the Authority for handling matters related to the allocation of funds and time for party political advertising.

Former members

The terms of office of Mrs **Jocelyn Fish** and Ms **Jan Hardie** expired May 31 1991. However, because the Authority had one of its major events planned for August, the national seminar on television violence, they were asked to continue until September. The Authority very warmly thanks both Mrs Fish and Ms Hardie for the wisdom and commitment they brought to their time on the Authority. As founding members they had a significant influence on the way in which the Authority developed.

A YEAR OF REVIEWS

*The Authority helps
give the public a voice
in shaping what is on
television and radio*

Broadcasting plays an important role in our society, reflecting our lives, providing information and entertainment, while at the same time shaping our thinking. It's a subject almost everyone has an opinion about.

Listening to those views is an important part of the role of the Broadcasting Standards Authority. But the Authority believes it has a responsibility to do more than just listen. It can help the public to have a voice in shaping what we see on our screens and hear on the radio.

This year the Authority's review of the violence code was a good example of that. Its public opinion survey showed a strong public belief that we have too much violence on television. The Authority's research, major seminar on violence and consultation process helped inform the public and interest groups and gave a voice to those with opinions about television violence. The end result will be a violence code the Authority believes should help reduce on-screen violence.

The new alcohol code was launched in February after two years of research, public consultation and negotiation.

The complaints procedure also gives the public the chance to have a say about what they expect from broadcasters. This procedure was once called a "best kept secret" but with complaints up 100 per cent this year, this is no longer the case. Keeping up with the increased volume of complaints has been a challenge the Authority has had to work hard to meet, but it is pleased more people are using the procedure to make their concerns known. While not all complaints are upheld, the procedure at least means broadcasters are made aware of public concerns, consider them carefully and are accountable for their actions. The

Authority records its satisfaction with the way broadcasters give most complaints serious consideration.

Although there are several matters which have not been completely resolved, the Authority appreciates the good working relationship it has with broadcasters and takes this opportunity to thank them. The Authority also worked closely with the advertising industry during the review of alcohol advertising and acknowledges its helpful cooperation.

REVIEW OF THE AUTHORITY

Soon after his appointment, the Minister of Broadcasting, the Hon Maurice Williamson asked the Ministry of Commerce to review the role of the Authority and its performance. The report was supportive of the Authority's role and positive about its performance. Although it did not agree with every recommendation, the Authority believed the review was fair and thorough.

Essentially the role of the Authority was confirmed and only one substantive change to the Broadcasting Act was recommended - removing the Authority's jurisdiction over advertising. Currently a complainant can choose to refer an advertising complaint to either the Broadcasting Standards Authority (BSA) or the industry appointed body, the Advertising Standards Authority (ASA). In the BSA's view, most advertising complaints should be handled by the industry's self-regulating body but there are some advertising standards issues - those mentioned in the Broadcasting Act, such as the protection of children, alcohol advertising, sexism or racism - which the BSA believes are more appropriately handled by an independent statutory body. Another option is for the BSA to have an appeal function.

The report did note the dissatisfaction among some complainants about the length of time between a programme's broadcast and the Authority's decision on a formal complaint. The report recommended that the Authority formally review its procedures to ascertain, among other things, whether that time period could be effectively reduced. The Authority quickly acted on that recommendation. The Authority had itself felt frustrated by the delays involved in the formal complaints process which, in part, are due to the time frames set down by the Act.

However the Authority had already taken steps before the outcome of the Review was known to reduce the time it takes to issue a decision and this year 99% of complaints were issued within three months of receiving all the documentation, compared with 83% in the first years of its operations. The independent review of the Authority's procedures, recommended in the Ministry of Commerce report, will be covered in more detail later in this report.

COMPLAINTS

Overview

As the Authority has become better known in the community the number of complaints received has increased - from 43 in the 1989/90 year to 106 in the 1991/92 year. The increase in the number of complaints received is reflected in the number of decisions issued. This year has seen a 70% increase over the previous year.

A full list of the decisions can be found in appendix 1 but the table on the following page summarises the important statistics.

Because of limited financial resources, the Authority has had to deal with the significantly larger number of complaints without increasing the number of meetings or adding to its small staff. The experience built up over the first two years and the standardisation of procedures has helped it to cope with the rising number of complaints and also to publish decisions more promptly than in the previous two years. However, the Authority wishes to record that it has been able to manage the increased complaints load with no increase in resources because members have spent many hours between meetings assessing complaints and draft decisions and because staff have worked very hard to ensure that complaints are dealt with expeditiously and courteously.

Analysis of Decisions

Although Television New Zealand (TVNZ) has been the subject of the most complaints, as in the two previous years, the proportion has declined from 74% to 63% of the total number. The percentage of complaints against TV3, while still small, has doubled from 7% to 15% of the total, whereas the proportion of complaints against radio broadcasters has remained about the same, around 20%.

The proportion of complaints upheld has declined significantly over the past year - one in three complaints (33%) were upheld this year whereas closer to half (44%) were upheld in the previous two years.

Probably of more interest is the analysis of complaints by programme genre and

grounds. The number of complaints about news, current affairs and documentaries has increased from 37% of the total in the first two years to 43% of the total this year. The grounds of complaint appear to be shifting a little also. In the first two years about one quarter of the decisions dealt with alleged breaches of good taste and decency whereas this year nearer to a third refer to this standard. A significant number of complaints currently before the Authority at the end of the reporting year are also about good taste and decency.

Good taste and decency complaints are often the most difficult for the Authority to determine because, in the final instance, the decision must be based on subjective opinion. The Authority has usually decided, when in doubt, to recognise the wide spectrum of opinions of the viewing or listening audience. It has therefore interpreted the standards more liberally than some would like, unless the requirement "to protect children" was also involved. Because of the increasing number of good taste and decency complaints, a significant proportion of the Authority's research programme and its public consultations this year were directed at good taste issues.

The Authority notes with concern the increasing number of good taste and decency complaints relating to news and current affairs programmes, during the television 6.00-7.00pm news hour which is family viewing time. There may be acceptable reasons for including items which offend some viewers on good taste and decency grounds in drama and satire screened after 8.30pm but the rationale for inclusion of such items during the early evening news hour is much more debatable, especially when there is apparently no intent to inform with such an item, but rather a desire to entertain or titillate.

Last December the Authority received an outpouring of complaints concerning an item about Father Christmas which TVNZ included in the *Holmes* programme. This programme is screened during the time band classified as **General**, ie "does not contain material unsuitable for children". Because of the way the item combined the

*The number of
complaints received
has doubled over the
previous year*

ANALYSIS OF DECISIONS

JULY 1991 - JUNE 1992

(1990 - 1991 FIGURES IN BRACKETS)

JULY 1991 - JUNE 1992 - 76 Decisions Issued
(JULY 1990 - JUNE 1991 - 45 Decisions Issued)
[JULY 1989 - JUNE 1990 - 12 Decisions Issued]

BASIS OF COMPLAINT

	Total	Lack of Balance/Fairness	Good Taste & Decency (including language)
Declined	51 (25)	17 (12)	17 (8)
Upheld (all or in part)	25 (19)	10 (13)	5 (2)
Declined Jurisdiction	5 (1)		
Complaint Withdrawn	7 (-)		
Alcohol Advertising		Violence	Sexism
Declined	12 (1)	2 (-)	- (-)
Upheld (all or in part)	3 (1)	3 (-)	1 (-)
Racism		Other	Privacy
Declined	1 (1)	1 (2)	1 (1)
Upheld (all or in part)	- (2)	2 (2)	1 (1)

Four orders were made by the Authority. Three related to complaints about balance, fairness and accuracy and required the broadcast or publication of a correction. One related to privacy and awarded \$1,000 compensation to the complainant.

ADVERTISING DECISIONS

	Total	Alcohol	Other	Political
Declined	15 (3)	12 (1)	3 (1)	- (2)
Upheld (all or in part)	5 (5)	3 (1)	2 (3)	- (1)

BY BROADCASTER AND PROGRAMME

VNZ	TOTAL	NEWS	FRONTLINE	HOLMES	ADVERTISING	TALKBACK	DOCU- MENTARY	OTHER
Declined	36 (20)	4 (1)	6 (6)	7 (2)	9 (2)		- (2)	10 (7)
Upheld (all or in part)	12 (14)	-	1 (3)	2 (4)	3 (3)		1 (2)	5 (2)
V3		60 MINUTES		NIGHTLINE				
Declined	7 (2)	2 (2)	1	1	2 (-)		1	-
Upheld (all or in part)	5 (2)	- (1)	2	1	- (1)		-	2
TV								
Declined	1				1			
Upheld (all or in part)	(-)				1			
NZ								
Declined	4 (1)	3			(1)			1
Upheld (all or in part)	3 (2)	2			(1)	(1)		1
Private and Other Radio								
Declined	3 (2)	1 (1)			1	- (1)		1
Upheld (all or in part)	5 (1)	- (-)			1	2 (1)		2

use of coarse language and sullied the image of a Christmas tradition which is dear to many children's hearts, the item, in the Authority's view, was in such poor taste that it took the unprecedented step of issuing an Advisory Opinion cautioning TVNZ that screening that kind of content during family viewing times was unacceptable.

The proportion of advertising complaints has increased slightly over the past year to 26% of the total number of complaints. Whereas in the 1990/91 year there were very few complaints about alcohol advertising, this year about one in four complaints related to alcohol advertising. The increase in the number of alcohol advertising complaints is not surprising in view of the controversial rule changes, including the introduction of strictly controlled brand advertising, which occurred this year.

Procedures

The Authority is pleased to report that the procedures it devised on establishment are working satisfactorily. Following a recommendation in the Ministry of Commerce's review of its functions last year, the Authority hired a consultant to undertake a thorough review of the complaint procedures. The detailed review was carried out by Mr Ian McLean, former Secretary of the BCNZ, who reported in March this year.

Having looked critically at the Authority's complaint procedures and those of some other similar bodies, Mr McLean concluded that the Authority's procedures were of a high standard and all complaints were dealt with efficiently. As noted earlier, 99% of all decisions were issued within three months of receipt of all the relevant material, except when delayed by court proceedings. However the Authority has resolved to attempt to reduce that time frame to two months in 1992/93, a challenging goal since the Authority only meets at monthly intervals.

Mr McLean made a number of recommendations, almost all of which had already been actioned before receipt of his report or have since been adopted.

As previously mentioned the Authority has been concerned about the length of time taken from the broadcast of an item to the release of its decision on a complaint. For a number of reasons, including the time periods set in the Broadcasting Act, (it can be four months before the complaint reaches the Authority) an elapsed time of six months is not unusual.

One recommendation in Mr McLean's report, which was adopted by the Authority, should prevent that time period increasing and may reduce it. Upon receiving a complaint from a person who is dissatisfied with the broadcaster's decision, the Authority seeks the broadcaster's comment. Unlike many other procedural steps in relation to complaints, there is no statutory time limit within which a broadcaster must respond to the Authority's request. In the past, the Authority has accepted that a period of up to 60 working days is reasonable. However, from 1 June this year, the Authority has advised broadcasters that their comments are expected within 20 working days unless a request for an extension, supported by acceptable reasons, is granted. The Authority believes this is a reasonable length of time as it is seeking broadcasters' comments on decisions already made, not requesting new decisions.

Parallel jurisdiction

The Authority's powers, when the subject of a complaint is also before the civil or criminal courts, was a matter dealt with in *TV3 Network Services Ltd v Broadcasting Standards Authority et al* (Wellington H.C., CP No. 527/91, 4 October 1991). Contrary to the broadcaster's submission, Mr Justice McGechan ruled that the parties were required to disclose their argument of the issues to the Authority even though the matter was before the court, but the Authority was not to issue a decision on a complaint until the court had decided whether or not the case would be tried by jury. Mr Justice McGechan argued that a jury, unlike a judge, might be influenced unduly by the publicity given to a decision issued by the

The Authority has taken steps to ensure that decisions are issued as promptly as possible

Five basic principles relevant to privacy in broadcasting have been identified

Authority. In the case of a jury trial the Authority must delay the issue of a decision until after the verdict is known. Fortunately, however, the ruling has only affected the progress of a small number of complaints.

Privacy

Privacy is considered by the Authority to be an area of great importance and s4(1)(c) of the Broadcasting Act requires broadcasters to maintain standards consistent with the privacy of the individual.

Decisions about privacy issued by the Authority have focused on broadcasts where the complainant considers the intrusion was unwarranted and an invasion of the right to be left alone. There are few legislative guidelines or judicially recognised criteria to assist the Authority when determining privacy complaints. Nevertheless, it has identified five relevant privacy principles which it has applied, although these principles will be expanded or amended by the circumstances of a particular complaint,

legal decisions or legislative changes. The Authority issued an Advisory Opinion to all broadcasters in which the privacy principles were explained. The Advisory Opinion is included as appendix 2 of this report.

The Authority is also aware of criticism directed at the media about their intrusion in times of grief. Its research and consultations indicate that a significant number of viewers and listeners are adamantly opposed to being included in the intimacy of highly charged emotional scenes, particularly grief. The media maintain, not unreasonably, that there is a public interest in the events which they report.

Intrusion into private grief is not usually a privacy matter, as defined by legal precedents, but instead is a matter of good taste and decency. The Authority hopes broadcasters will refrain from the increasingly common practice of focusing on grieving and distraught people.

REVIEW OF THE CODES

The Authority does not have a censorship function so it has no direct control over what is screened. However, it can influence programme content to a degree by working with broadcasters to develop the *Codes of Broadcasting Practice*. In fact the Broadcasting Act 1989 stresses the review of the *Codes* as one of the Authority's major functions:

To encourage the development and observance by broadcasters of codes of broadcasting practice... to approve the codes [developed by broadcasters] and to develop and issue codes of its own where the Authority considers it appropriate. (Section 21)

Through its decisions on complaints, the Authority communicates to broadcasters its interpretation of the codes. However these must be adequate in the first place if the Authority is to fulfil its mission of maintaining acceptable standards on television and radio.

The Act lists those areas which must be covered in the Codes. These range from balance in news and current affairs to the protection of privacy. In its first two annual reports the Authority discussed the three areas which were chosen for priority review and the complex and detailed investigation and consultations the Authority has followed in its examination of those three codes: alcohol advertising, the portrayal of violence and the protection of children. Those processes have only been summarised this year.

Alcohol advertising

Alcohol advertising is a sensitive issue, often with polarised views on each side of the issue. Consequently it has not been an easy code to review. The Authority spent eighteen months assessing the international research evidence about the impact alcohol advertising has on general and individual consumption and listening to the views of interested parties and of ordinary viewers and listeners before it made any decisions. Then in August 1991 it released its findings and conclusions. These conclusions do not reflect members' personal preferences but instead their collective judgement, based on a comprehensive and lengthy review of all the facts.

Firstly, it concluded that there was no convincing evidence in the extensive body of

international research that advertising has a direct impact on consumption. However the Authority acknowledged that advertising creates a climate that promotes the acceptance of alcoholic beverages as a normal part of everyday life. It recognised that millions of dollars would not be spent by alcohol companies in advertising if they did not believe that advertising had a significant impact on consumers.

Secondly, it acknowledged that alcohol is unlike other consumer products. It is illegal to sell it to minors and, used incorrectly, it creates enormous social and health problems. Therefore any alcohol advertising must be subject to special conditions.

Thirdly, the Authority believes that radio and television have a different impact from the print media, and rules appropriate to print advertising may not be adequate for broadcasting media.

It looked at the idea of requiring health warnings to be included in all liquor advertisements but decided that the more positive approach of requiring moderation and/or no alcohol messages was preferable.

Finally, the Authority acknowledged that sponsorship advertising by alcohol companies had turned into de facto product advertising, but since sponsorship advertising was not technically considered alcohol advertising, it had not been covered by the strict rules that covered normal brand advertising in the other media. It concluded that straight brand advertising, under tight controls, was preferable to advertising under the subterfuge of sponsorship.

Therefore, the Authority decided that it was prepared to approve a change in the rules to permit alcohol brand advertising under tightly controlled conditions and it invited broadcasters to draft a new code for advertising alcohol on radio and television. Broadcasters chose to work closely with the Advertising Standards Authority (ASA) and Mr Glen Wiggs, the Executive Director of the ASA, was appointed to represent them in negotiations with the Authority. The Authority is grateful for the helpful and decisive approach Mr Wiggs brought to this sensitive role.

After three months of intensive negotiations, the new rules or standards for advertising

*An important influence
of the Authority is its
role in approving the
Codes of
Broadcasting
Practice*

alcohol products were announced jointly by the Broadcasting Standards Authority and the Advertising Standards Authority and came into effect on 1 February 1992. Mr Gallaway, the Authority's chairperson, announced at the launch that the new rules would be tested for two years and the entire question of alcohol advertising would be reassessed based on the research evidence and public opinion at that time. He also said that after six months the new rules would be examined to see if any fine-tuning was required to ensure that the Authority's intentions, as announced in the review report, were being achieved.

In essence, the existing ASA rules for brand advertising, which include restrictions on lifestyle advertising and using heroes of the young, were applied to radio and television, with a schedule of additional rules specific to radio and television. Several new programme standards were also approved.

The changes can be summarised as follows:

- brand advertising is permitted on television after 9.00pm and on radio during any programmes not targeted at young people;
- broadcasters are required to minimise or eliminate, where practical, any incidental advertising which gives brand exposure outside advertising breaks and sponsorship credits, such as the signage which is often placed around sporting events or used as a background in interviews;
- the rules for brand advertising are now applied to sponsorship advertising; and
- the use of macho images and aggressive themes, often associated with the promotion of alcohol, is restricted.

In addition radio and television broadcasters each agreed to provide a million dollars worth of free, professionally produced, quality advertising for moderation and/or the no-alcohol option messages on radio and television each year during the two year trial. Broadcasters also agreed to avoid the impression of saturation of alcohol advertising.

There was considerable concern by sporting bodies that the introduction of brand advertising, coupled with the restrictions on incidental advertising, would adversely affect sport by reducing sponsorship support from liquor companies. The Authority, although sympathetic, reiterated its position that it had

consulted widely about all aspects of alcohol advertising, but in the final instance it had to decide what rules were necessary to maintain acceptable standards, not what was most beneficial to any specific sector.

The Authority was pleased that the advertising and broadcasting industries made a real effort to ensure that everyone involved in making alcohol advertisements understood the new rules and knew of the industry's commitment to observe not only the letter but also the spirit of the new rules. Training packages were put together and training seminars were held in the major cities.

There was considerable public interest when alcohol advertising began on February 1. It was most unfortunate that one of the first advertisements screened appeared to be targeted at young drinkers and associated alcohol with water sports. That advertisement evoked a strong public outcry that a number of the rules had been breached. The Advertising Standards Authority (ASA) acted immediately and the advertisement was withdrawn after 60 screenings. Although the Authority commends the speed and firmness with which the ASA reacted, it was disappointed that television broadcasters made the decision to screen the advertisement in the first instance.

The Authority anticipated that a significant number of complaints would be made as the new rules were interpreted and this has in fact occurred. No complaints have been received about alcohol advertising on radio under the new rules. The Authority is also pleased to note that it has not received any complaints about saturation of alcohol commercials but there have been complaints about incidental advertising during programmes.

At the end of June the Authority sent a working paper to more than eighty organisations and individuals stating the terms of reference for the six months review of the adequacy of the new rules and inviting submissions. A small public opinion survey has also been commissioned. The review is scheduled to begin in August and it is planned that, if any adjustments have to be made to the rules, the changes can be announced by November so that they can become effective by 1 February 1993.

Portrayal of violence on television

The Authority's review of the television violence code has been equally comprehensive. Early in 1990 it began examining the extensive body of research on the impact of prolonged viewing of excessive violence and invited the public to make its views known informally to the Authority. It commissioned a large scale in-depth national public opinion survey which sought the views of ordinary viewers and listeners to television violence.

The results of that poll and the members' own continuing experiences reconfirms the Authority's conclusion that the public of New Zealand is very dissatisfied with the amount of violence portrayed on television and clearly wants it reduced.

The Authority planned a large national two-day seminar for April 1991 but due to budget constraints that seminar was moved to August. However the later date allowed the Authority to organise an even better programme. There were four keynote speakers from overseas and several New Zealand researchers presenting the results of their research. Representatives of a wide range of interests, including many broadcasters attended.

Dr David Docherty, former Research Director of the British Standards Council (BSC) but now with the BBC, presented the BSC's research findings regarding television violence and his interpretation of the results. His deep play/shallow play concept - that only realistic story lines which touch their own experiences and view of reality have a significant impact on viewers - was particularly useful.

Mr Michael Ramsden, Acting Chairman of the Australian Broadcasting Tribunal (ABT), discussed the ABT's extensive review of the violence code, including the ABT's research and its conclusions. The ABT rejected calls for more censorship but required the broadcasting industry to develop a uniform, self-regulatory code designed to strengthen internal industry guidelines and to improve the sensitisation of media professionals to television violence. It established procedures, based on licence renewal, for monitoring compliance with the code.

It was helpful to the Authority to hear how two similar organisations are dealing with the issues in their respective countries.

Mrs Barbara Biggins, an internationally known author and advocate for quality children's television programmes from South Australia, gave an impressive paper on her study trip to North America examining television violence. She stressed the community perspective and focused on the community's role in protecting our nation's children.

Dr Stuart Cunningham, an academic from Queensland, reviewed the various approaches to the television violence debate over the past decades and explained why the focus on the *effects* research (the long term effects of viewing of excessive violence) has unfortunately deflected the debate from the community perceptions of violence and what the viewing public wants. His analysis of some of the reasons the New Zealand public is so upset about the amount of violence screened was very helpful. (Among other things he observed that much of our programming comes from the United States which traditionally contains more violent content than that from Britain or Australia.)

One of the highlights of the seminar was the presentation of a comprehensive content analysis of the violence content on the three national television channels during a week in February 1991, commissioned by the Authority from lecturers in media studies at Massey University. Not only was the number of violent incidents recorded but the information was carefully analysed by genre with a subjective rating of the impact of the incident or image. Other research and papers by New Zealand experts were presented in both plenary sessions and workshops and the bound copy of all the papers can be purchased from the Authority. Although organising such a major event placed considerable stress on the small staff and limited financial resources of the Authority, it feels the seminar was an outstanding success and contributed to the public debate about television violence in a very constructive way.

After this extensive consultation the Authority confirmed its views on the issue of television violence. Making the media a scapegoat for violence in our society is neither fair nor constructive and alienates the very decision-

The New Zealand public is clearly dissatisfied with the amount of violence portrayed on television and wants it reduced

*Television viewers
have a responsibility to
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and to use the formal
complaints procedures
if they are dissatisfied*

makers who can reduce the amount of violence screened. The Authority agrees with the view that our society is complex, and we cannot study any institution or social process in isolation. However television is a powerful influence and as such we must be aware of how it carries society's messages and portrays society's values. The entertainment media, including television, is one of the many influences on our values and social mores and as a society we must act to avoid any glamorising or condoning of violence on our screens. To do less abrogates our responsibility as a society. The Authority also concluded that the viewing public has a responsibility to let broadcasters know of their concerns through formal and informal complaints and to be selective about their television viewing.

Shortly after the seminar the Authority issued a working paper to broadcasters which outlined its concerns about the current codes for the portrayal of violence and gave examples of broadcasting codes it found acceptable. It invited broadcasters to develop a new code for the Authority's consideration which dealt with:

- gratuitous violence
- prolonged or repeated real coverage of violence
- glamorisation of violence
- a commitment to reducing the amount of violence
- violence in sport
- intrusion into grief
- the cumulative effect of back-to-back programming or a series of programmes with adequate labelling so that viewers can make informed choices, and,
- the protection of children.

Early this year the broadcasters presented the Authority with a draft which it then circulated to representative interest groups for comment. By the end of June the Authority had incorporated in a new draft its own concerns and that of the groups consulted and was seeking the final comment of broadcasters, with the hope of announcing a new code on the portrayal of violence very soon.

The Authority is not so naive as to believe that a new code in itself will change overnight the amount of violence screened. However it does believe that clear guidelines

and a raised awareness among broadcasters of the public's clear dissatisfaction will begin the process of reducing the violent content of New Zealand television.

Children's television programme standards

This is the third priority area in which the Authority has been working, albeit in a more low-key manner.

An overview of the issues surrounding children's programme standards was published in October 1990 and widely circulated for discussion. A national workshop on standards and classification issues in children's television programmes was held in conjunction with the Authority's national seminar on television violence (July 31, 1991).

Mrs Barbara Biggins was the keynote speaker at the workshop and the Authority presented the research it had done, with the assistance of AGB McNair, on children's television viewing in New Zealand.

The primary intention of the workshop was to bring representatives of interested groups together to debate the issues and to see if some consensus could be achieved. A number of issues were raised:

- the amount of violence and the unsuitability of some programmes shown during the early evening when families with young children are watching
- the need for more programmes designed for young children
- the need for a **C** classification which indicates that a programme is actually designed for young children, as opposed to the **General (G)** classification which indicates that a programme does not contain content which is inappropriate for children to watch
- the lack of New Zealand-made programmes for children
- the amount of advertising in children's programmes
- the unacceptable content in some rock music videos screened during children's viewing times.

However, the issue which dominated the discussion was whether 8.30pm was the appropriate "watershed" time. Broadcasters

attending the workshop argued very convincingly that New Zealanders retire earlier for the night than people in many other countries which have a later watershed time, such as Britain. Therefore, in order to show a feature length film designed for older audiences, 8.30pm had to remain as the time when material classified as **Adult Only (AO)** could start.

Most participants and the Authority accepted that argument, albeit reluctantly, with the understanding that material with "stronger" **AO** content would not be shown at the beginning of the **AO** period. The Authority believes that in an ideal world broadcasters would provide appropriate programming during children's and family viewing times, and parents and caregivers would accept their responsibility to monitor their children's television viewing, especially beyond the watershed time.

Consequently, the Authority welcomed the announcement by both TVNZ and TV3, during the television violence seminar, of their commitment to screen frequent reminders for parents and young children that programmes after 8.30pm were not suitable for children.

Some issues raised, including insufficient programming for children and the lack of New Zealand-made programmes, are not issues over which the Authority has jurisdiction.

The Authority has raised some of the other issues with broadcasters, such as the request that broadcasters be particularly careful of the content of music videos played during children's programmes. The matter of television violence is of course addressed in the proposed new violence codes. It seems to be universally accepted that young children must be protected from excessive violence and many of the standards are designed specifically with that in mind.

However, one of the issues which requires the Authority's attention now is that of advertising during children's programmes - both the amount and type of advertising. Not only has the Authority received letters from ordinary viewers about this matter but also it has been brought to the Authority's attention several times by the Children's

Media Watch and the Children's Television Foundation.

The Authority intended to hold a national workshop on the issue this year but realised it needed more information on which to base a discussion. Consequently it plans to research this area and it will then raise the issue again.

The Authority has informed broadcasters that it will continue to keep a watching brief over all of these issues and if community concern grows, it will take appropriate action.

Other codes

For the first three years the Authority has been preoccupied with these major reviews. However, as needs are identified, small changes are continually being made to the *Codes of Broadcasting Practice*, in consultation with broadcasters, usually following formal complaints.

However two areas in particular have been identified by outside groups as requiring attention: the lack of a code of ethics and a code for the advertising of gambling. Print journalists have a code of ethics but it appears that broadcasting journalists do not view that code as applicable to them and the Authority plans to examine this issue in the future. Representatives of the Authority attended a seminar on privacy organised by the School of Journalism at Canterbury University and were pleased to note the commitment of the broadcasters present to developing a code of ethics for broadcast journalists.

Purchase of lottery tickets and TAB betting is restricted to persons over a certain age but unlike other products with age restrictions, such as tobacco and alcohol, there appear to be no restrictions on the advertising of gambling on radio and television. The Authority's own research indicates that some viewers are troubled by gambling promotion (which is outlawed in some countries) and it will examine this question to see if a code is required.

The Authority continues to maintain a watching brief over children's television programme standards

RESEARCH PROGRAMME

The research programme this year is marked by both successes and disappointments

Commissioned research

This has been both an exciting and disappointing year as far as the Authority's research programme is concerned. The highlight of the year was the national seminar on television violence where the results of local and international research on television violence were presented and vigorously debated.

Benchmark research had been commissioned by the Authority to ascertain the level of violent content on our television. Although the content analysis of all programming on the three national channels during a week in February 1991 provided a traditional count of the average number of violent incidents per hour - 6.3 per hour (or 8.95 if violent images are also included) - it did much more than that. The average violence content of each genre was analysed and a subjective assessment was made of the level or impact of each act or image of violence.

The Authority has commissioned several small follow-up research projects which use the tapes of the programmes for that week. It is postulated that the findings of the original research were not altogether typical because the Gulf War was in progress that week. Consequently the Authority commissioned a content analysis of the violent images found in news programmes in November 1991 to compare the results with the February period. (The results have not been received at the time of publication of this report.) The subjective assessment of the impact or level of each incident or image in the original study was done by research assistants who were all university students. The Authority decided to compare their assessments with the assessments of other groups in the population and those results should soon be available also.

The Authority has also commissioned a content analysis of the original material for explicit sexual content and nudity, to provide data to assist the Authority in dealing with good taste and decency issues.

The major research project which the Authority planned for this financial year was a complex and comprehensive investigation

into truth, balance and accuracy issues in news and current affairs on television and radio. This subject was chosen as a research priority because around 40% of the Authority's decisions deal with alleged breaches of standards relating to truth, balance and accuracy, a far greater percentage than in any other area.

It sent out an exploratory brief and received six proposals for the research. After consultation with an outside referee it selected a team composed of an academic and a freelance researcher in the communications field and worked with them to refine their proposal. The Authority intended that the research should provide information helpful to everyone, including the broadcasters, in understanding how news items are selected and shaped, the pressures on producers and the reactions to the end product by the producers, newsmakers (subjects of the news), and the public. Not only would this information provide background understandings that would be useful in determining complaints but it would also be invaluable in assessing the *Codes of Broadcasting Practice* and in developing a code of ethics for broadcasting journalists. The Authority was also adamant that the research, once agreed upon, be carried out totally independently of the Authority.

The Authority announces with disappointment that it has not been able to continue with the research in the way it was originally intended - in close collaboration with broadcasters. Although broadcasters were willing to discuss the proposal, they have refused to participate in the research. The Authority is continuing to explore how meaningful research can proceed without their cooperation.

In-house research

As noted earlier, the Authority's research officer examined the viewing preferences of New Zealand children and the findings were presented at the workshop on children's programme issues in July 1991.

The Authority also undertook an extensive in-house literature review of the research and writings pertaining to the issue of truth,

balance and accuracy in news and current affairs. This report will soon be available to the public.

The working paper released by the Authority on the codes for the portrayal of violence on television included the violence codes from several other countries and other material about the responsibility of broadcasters in this area.

The other matter about which the Authority collected information is that of gender and race stereotyping in television advertising. This paper was not published but is available to interested parties.

Consultations

The Authority is aware that it must bear in mind not only the views of special interest groups with whom it meets from time to time but also the opinions of ordinary viewers and listeners. Although members are exposed to a variety of perspectives in their private lives the Authority seeks each year to organise at least one formal opportunity to hear the public's views on standards matters. In September and November 1990 the Authority visited Dunedin, Hamilton and the Turangawaewae Marae and invited anyone with an interest in a standards matter to present their views to the Authority. These consultations were in addition to the hearings held on alcohol advertising on radio and television.

Although financial constraints prevented the Authority from holding hearings elsewhere in New Zealand this year, it organised in Wellington a series of discussion groups on the issue of good taste and decency, in addition to the national seminar on television violence and the national workshop on children's television. The first two were held in the Authority's office with people over 55 years of age. The second two were held in the Hutt Valley with parents of young children. In the final two, members and staff met with young adults without children. Clips of television programmes were shown, about which formal complaints citing breaches of good taste and decency had been received, and the participants were asked their opinions as a starting point of discussion.

The findings confirmed many of the existing understandings the Authority had. Although views were varied and the sample size small some tentative conclusions could be drawn. The difference in views between the young and the old is more a matter of degree than a complete divergence of opinion. Young adults found many of the same items offensive that older people did, albeit not to the same extent. Most participants were not as sensitive to nudity as might have been expected but they did object to intrusion into intimate moments which they felt should happen behind closed doors.

Often participants said a certain item should not be shown, not because they were personally offended, but because they knew other people might find it offensive, and they wanted the sensibilities of those people to be respected. This was particularly true of the use of coarse and blasphemous language and material which might offend people with strong religious beliefs. Younger people in general seemed to be more sensitive to issues of denigration and discrimination, eg sexism and racism, than older people.

When asked what things offended them, many participants mentioned "tabloid" journalism which, in their view, focused on sensationalism rather than newsworthy items. Some participants said that they felt that the choice and content of many items presented during the television news hour in the early evening, insulted their intelligence and therefore offended them.

Not unexpectedly, there was strong protest about the amount of violence portrayed in television programmes, especially by parents and older people. The Authority however was a little surprised about the depth of protest against television's intrusion into grief and personal suffering. Many people also reported their distaste for aggressive interviewing and rudeness on air. Participants seemed to feel that the use of an aggressive style by well known media personalities implied that rudeness and lack of respect was "normal" behaviour among New Zealanders.

All age groups agreed that young children should be protected and thus the television programme standards for early evening must be different from those applying during adult viewing time. Rock music videos were discussed, not only in the focus group discussions but with high school students in media studies classes. Although few of the young people and students participating were offended on their own behalf, there

was concern about the exposure of young children to some music videos.

Not surprisingly, other matters which are not standards issues were often raised, particularly the amount of advertising. Disapproval of the advertising of gambling was singled out in particular. It was also interesting to note that the discussions always centred on television programming with few complaints about radio.

PUBLICATIONS, EDUCATION AND PROMOTION

Complaints procedures

The Authority is aware of public concern that the formal complaints procedure is not well known. Although the Act states that it is the broadcasters' role to publicise the formal complaints procedures the Authority has always been as active as financial resources permit in publicising the formal complaints procedures and promoting its role with respect to broadcasting standards. This year it updated its brochure about the complaints procedures and distributed the new brochure to all broadcasters, to assist them in answering public inquiries, and to libraries and numerous other public places.

Although an advertising campaign is very expensive the Authority ran an advertisement in all the major newspapers in the country in June and in the *Listener* and the *TV Guide*. Those two magazines have also carried a brief announcement from time to time free of charge, for which the Authority is grateful.

General advertising and promotion

The Authority believes that the actions of concerned viewers and listeners are vital in ensuring that acceptable standards are

maintained on radio and television. The public's legal right to make formal complaints and the sanctions available to the Authority in the Broadcasting Act are very important in the deregulated, market-driven broadcasting environment, but a well informed public which vigorously debates broadcasting standards issues and which makes formal and informal complaints does more to influence broadcasters than formal decisions and codes of practice issued by the Authority.

Therefore the Authority believes that it is part of its role to raise issues publicly and to stimulate debate. It also believes that it must work with broadcasters, special interest groups and the education system in raising the level of media literacy, not only through the school system but in the public at large. Consequently, whenever practical, members and staff accept invitations to speak about the Authority and broadcasting standards.

In addition to answering all the requests for information expeditiously and in full, the Authority published two pages about its role and the formal complaints procedures in the school resource kit, *Guide to Parliament & the Community*.

*A well informed public
which vigorously
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broadcasting
standards*

Reference library

The Authority's collection of material relating to broadcasting standards matters is growing and has been computerised. This collection is available to anyone who wants to visit the Authority's office and peruse the material.

Publications

In its first year of existence the Authority had supplied all major public libraries in New Zealand with a copy of the *Codes of Broadcasting Practice*. Due to extensive changes made to the codes, albeit it minor

amendments in many instances, the Authority published a new set of codes this year. Those same libraries were supplied with a new copy free of charge and the new version was also distributed widely to broadcasters and other holders of the *Codes*.

The Authority's decisions are distributed to the parties involved and other key organisations free of charge. However it also offers a subscription service for its decisions, \$100 per year, or individual decisions are available at \$5.00 a copy.

The Authority's research is published and appendix 3 lists the available publications.

POLITICAL PARTY ADVERTISING

Part VI of the Broadcasting Act gives the Authority the additional function of allocating to political parties both the funds voted by Parliament for the purchase of time on radio and television for political party advertising and any free time donated by broadcasters. The Authority must hear the submissions of political parties seeking to establish their eligibility for funds and time and then allocate that which is available, according to the criteria set out in the Act.

The Act requires that two additional members be appointed to the Authority for this purpose: a representative of the Prime Minister and a representative of the Leader of the Opposition. Mr David Beatson and Mr Lloyd Falck, who had served on the Extended Authority during the 1990 General Elections, were reappointed in December.

A by-election was held in the Tamaki electorate in February 1992 and as soon as

the date was confirmed the Extended Authority met to establish its procedures for complying with its responsibilities under Part VI. A letter was sent to all Auckland broadcasters inviting them to provide free time for political party advertising and the Authority followed all other procedures necessary to fulfil its statutory obligations. As no broadcaster offered free time and as Parliament declined to appropriate funds for the by-election no further action was required.

The Extended Authority appreciates the invaluable assistance provided by its consultant on its Part VI responsibilities, Mr Ian Mclean. It also appreciates the prompt response of broadcasters and political parties which enabled the Authority to complete its responsibilities well within the brief time available.

STAFF

Executive Officer	Gail Powell, M.A.
Advisory Officer (complaints)	Dr Michael Stace LL.M.,D.Jur.
Research Officer (part time)	Jacque Naismith B.A., Dip.Ed.
Administration Officer	Ann Hensley
Secretary/Office Assistant	Deborah Houston
Receptionist/WP Operator (Shared with NZ On Air)	Madeline Palmer

The Authority regrets the resignation of its part-time research officer Ms Jacque Naismith toward the end of the year to take up a full time position.

Mr Brian Fisher provides the external bureau service for our financial reporting and his efficient and helpful service is much appreciated.

There are a number of implications in having both a small staff and a small budget which precludes the use of outside consultants. The positive side is that members and staff work closely together and a strong spirit of team effort is engendered. However, it also means that members are involved in more routine work than is ideal and each staff person is required to do a multiplicity of jobs. The productivity of the past year is evidence of the efficiency, competence and high degree of commitment of the full team.

OUTPUT 1 DETERMINE FORMAL COMPLAINTS

As a quasi-judicial body and within the provisions of the Broadcasting Act 1989, the Authority will determine all complaints, both those referred after consideration by the broadcaster and those dealing with privacy matters which are sent directly to the Authority, as promptly and as informally as possible while following the principles of natural justice.

OUTCOME Improved compliance with broadcasting standards

RESOURCE COST

Financial

\$ 76,133	Specific expenditure
\$210,526	50% of overheads
\$286,659	Total
49% of TOTAL EXPENDITURE	

Human

65% of Members' time
25% of general staff time plus one advisory officer

PERFORMANCE

	1989/90	1990/91	1991/92
COMPLAINTS RECEIVED	43	52	106
COMPLAINTS DETERMINED			
Decisions Issued:	12	45	76
Upheld (all or in part)	6	19	25
Not upheld	6	26	51
Interlocutory Decisions	-	1	1
Declined Jurisdiction (time bar, etc)	2	-	5
Withdrawn	-	-	7
TIMELINESS	Target 1991/92	Achieved	
Decisions will be issued within 60 working days of receiving final comments from all parties, unless delayed by court proceedings	83%	88%	99%
Decisions will be distributed within 3 working days after signing to the parties concerned and within 2 further working days to subscribers and the media	100%	100%	100%
Complaints on party political advertising will be fast-tracked and Decisions issued within 48 hours	NA	100%	NA
Decisions will be gazetted at least every two months	100%	100%	100%
REVIEW OF COMPLAINT PROCEDURES	x	x	✓

✓ - achieved NA - not applicable x - not an objective

QUALITY

Decisions will aim both to be and be seen to be principled, firm and just by the complainant, public and broadcasters and written in a concise and logical manner. The decisions will explain clearly the Authority's reasons so that broadcasters know and understand the Authority's expectations. Complex decisions will be summarised for the media to ensure accurate reporting. In making its decisions the Authority will recognise community standards and expectations, the production realities which broadcasters face, research findings and international practice when relevant. Sanctions will be fair and effective.

OUTPUT 2 REVIEW CODES OF BROADCASTING PRACTICE

The Authority will assess the adequacy of self-regulatory *Codes* developed by the broadcasters, after consulting widely and after studying local and international practices and research findings. If the *Codes* appear inadequate, the Authority will encourage broadcasters to develop new standards which meet the Authority's concerns. As a last resort, the Authority will impose *Codes*.

OUTCOME Adequate and easily understood *Codes* to ensure acceptable standards on radio and television

RESOURCE COST

Financial

nil	Specific expenditure
\$126,316	30% of overheads
<u>\$126,316</u>	Total
22 % of TOTAL EXPENDITURE	

Human

20% of Members' time
40% of general staff time plus one advisory officer

PERFORMANCE

	Alcohol promotion		Television Violence		Children's Programmes	
	Target	Achieved	Target	Achieved	Target	Achieved
- invite and study submissions	1990/91	✓	1990/91,92	✓,✓	x	-
- review literature	1989/90	✓	1989/90	✓	1990/91	✓
- conduct research	1990/91	✓	1989/90,91,92	✓,✓, in progress	1991/92	✓
- issue discussion/working papers	1990/91,92	✓,✓	1990/91,92	✓,✓	1990/91	✓
- hold a national seminar/workshop	x	-	1991/92	✓	1991/92	✓
- hold hearings	1990/91	✓	x	-	x	-
- invite broadcasters to draft a new code	1990/91	✓	1991/92	✓	1991/92	✓
- invite comment, when appropriate	1991/92	✓	1991/92	✓	x	-
- finalise new code	1991/92	✓	1991/92	in progress	1991/92	in part

x - not an objective ✓ - achieved

QUALITY

A review of a code will be handled in a professional manner including announcing the review publicly and providing detailed information about the parameters of the review and the time frame to all known interested parties. Discussion papers will be clearly written and distributed widely. Public input will be thoroughly assessed and all viewpoints given careful consideration. The Authority will work constructively with broadcasters to ensure that a new code is practical and fair but also reflects the expectations of viewers and listeners and the requirements of a just society. Interested parties will be invited, where appropriate, to comment on draft codes before final approval.

OUTPUT 3 CONDUCT RESEARCH

As finances permit, the Authority will use its own staff, as well as commission appropriate experts, to conduct New Zealand-specific research about broadcasting standards matters and publish the findings. The Authority will conduct public opinion research and visit local communities to find out the opinions of New Zealand viewers and listeners.

OUTCOME Expanded knowledge about issues which will enhance the Authority's ability to improve Codes and determine complaints and will assist broadcasters in maintaining acceptable standards

RESOURCE COST

Financial

\$ 62,203	Specific expenditure
<u>\$ 42,105</u>	10% of overheads
\$107,308	Total
18% of TOTAL EXPENDITURE	

Human

10% of Members' time
18% of general staff time plus one part-time research officer

PERFORMANCE

	Target 1991/92	Achieved
Conduct Research	<ul style="list-style-type: none"> - commission supplementary TV violence content analysis - commission major "good taste and decency" TV content analysis - undertake exploratory research re children's views on television programmes, in house - commission major research on accuracy, fairness and balance in news and current events programmes - commission comparison of subjective TV violence ratings - undertake desk research re accuracy, fairness and balance, in house - publicise results of original TV violence content analysis 	<ul style="list-style-type: none"> in progress in progress in part under discussion in progress ✓ ✓
Publish Research	All original research and working papers	✓
Local Consultations	Hold focus group discussions on "good taste and decency"	6

✓ achieved

QUALITY

Research priorities will be carefully assessed based on the Authority's strategic goals and public concerns. Both internal and commissioned research will meet all the professional criteria for quality research. Local consultations will be advertised through varied media in the local community and handled in a friendly and informal manner.

OUTPUT 4 PUBLICATIONS, EDUCATION AND PROMOTION

The Authority will use all appropriate opportunities to stimulate public debate about standards matters, the role of the Authority and the way individuals and groups can influence broadcasters' decisions about standards issues, including use of the formal complaints process.

OUTCOME Raised public awareness about standards matters

RESOURCE COST

Financial

\$ 19,746	Specific expenditure
\$ 31,579	10% of overheads
\$ 51,235	Total
09% of TOTAL EXPENDITURE	

Human

04% of Members' time
15% of general staff time

PERFORMANCE

		Target	Achieved
Publish and Distribute Codes	- publish new edition when major changes made - advise broadcasters and public when new edition published - distribute free copy to public libraries when new edition published - distribute updates within 2 months to all holders - fill orders within one week	1989/90,92 1989/90,92 1989/90,92 1989/91,92 ongoing	✓,✓ ✓,✓ ✓,✓ ✓,✓ ✓
Seminar/Workshops	- run a National TV Violence Seminar - run a workshop on advertising/sponsorship in children's programmes - run a workshop on children's TV programme standards	1991/92 1991/92 1991/92	✓ x ✓
Brochures & Posters	- update as required - continue distribution to libraries, broadcasters, CAB's and public places	1989/90,92 1989/90,92	✓,✓ ✓,✓
Speaking engagements	- accept all feasible community invitations - address broadcasting/communications students at tertiary level	ongoing ongoing	✓ ✓
Advertise complaint procedures	- run a nationwide radio/TV campaign - run a nationwide press campaign - publish information in the <i>Listener, TV Guide</i> periodically	1990/91 1989/90,92 1991/92	✓ ✓,✓ ✓
Reference Library	- maintain and augment collection for internal and public use	ongoing	✓
Correspondence	- answer within one week of receipt - make replies instructive and full, when appropriate	ongoing ongoing	approx 90% ✓
Community/Lobby Groups	- share information and ideas - seek their views on specific issues, where appropriate	ongoing ongoing	✓ ✓
Media Coverage	- utilise every opportunity for positive publicity - issue press releases when appropriate	ongoing ongoing	✓ ✓

✓ - achieved x - not achieved

QUALITY

Published information shall be easily understood, eye-catching and look professionally produced. Essential material shall be published in Maori and Samoan languages also. The Authority's public statements will be not only informative but also stimulating and thought provoking.

OUTPUT 5 ALLOCATE FUNDS AND FREE TIME FOR POLITICAL ADVERTISING

The Authority will advise all political parties of the proper procedures for seeking allocations of parliamentary appropriations for political party advertising during a general or a by-election, invite submissions, hold formal hearings as appropriate, allocate time and money, monitor the implementation and authorise payments to broadcasters for the approved expenditure according to the principles and requirements of the Act.

OUTCOME Fair and open allocation of public funds for party political advertising during elections

RESOURCE COST

Financial

\$1,523	Specific expenditure
<u>\$10,526</u>	2.5% of overheads
\$12,049	Total
02% of TOTAL EXPENDITURE	

Human

01% of Members' time
02% of general staff time plus consultant

PERFORMANCE

	Target	Achieved
Consultations	<ul style="list-style-type: none"> - announce procedure and time frame in <i>Gazette</i> - advise political parties and broadcasters of procedural requirements - hold formal hearings for broadcasters, if necessary - hold formal hearings for political parties, if necessary 	<ul style="list-style-type: none"> ✓ ✓ not necessary not necessary
Allocations	<ul style="list-style-type: none"> - allocate time and money 	NA
Implementation	<ul style="list-style-type: none"> - monitor expenditure - authorise payment within two weeks of receipt of documentation - keep Minister informed - notify Secretary of Commerce of any problems with compliance 	<ul style="list-style-type: none"> NA NA ✓ not necessary

✓ achieved NA not applicable

QUALITY

The procedures will be followed within the time frames specified in the Broadcasting Act and in a manner that is fair, open and helpful to both broadcasters and political parties. Procedures for by-elections will be adapted to *simplify and streamline requirements as appropriate in the time frame.*

Appendix I

COMPLAINTS DETERMINED BY THE AUTHORITY

JULY 1991 - JUNE 1992

Complainant	Programme	Nature of Complaint	Decision
Mr L.J. McKay	Item on <i>One Network News</i> about New Year Honours TVNZ	Dissatisfied with TVNZ's action having upheld good taste and decency complaint	Not upheld No: 28/91
Mr Alan Dewar	Items on <i>One Network News</i> about gulf war, TVNZ	Factually inaccurate and unfair	Not upheld No: 29/91
JOAL	Liquor advertisement Radio Pacific, Waikato	Breach of liquor advertising rules	Not upheld No: 30/91
Mr Robert Terry	Election item on <i>One Network News</i> , TVNZ	Lack of balance	Not upheld No: 31/91
Ms Barbara Holt	Southern Cross advertisement, TVNZ	Misleading	Upheld No: 32/91
Mr J.G. Rutherford	<i>Fair Go</i> item about land development in Christchurch and Banks Peninsula, TVNZ	Lack of balance, failure to maintain law and order, invasion of privacy	Upheld in part, Broadcast of correction ordered, No: 33/91
Ms Jean Creighton	Galaxy Cheese advertisements (3) TVNZ	Inaccurate and outdated stereotypes, using sex appeal to sell unrelated product	Upheld in part, No: 34/91
JOAL	Guest on <i>Sport on One</i> wore clothing with liquor company logos, TVNZ	Deceptive programming practice	Not upheld No: 35/91
JOAL	DB Ironman Triathlon, TV3	Liquor brand names referred to in sponsorship advertisement	Upheld No: 36/91
Mr George Ngaei	National and Community news item about a hospital inquiry, RNZ	Lack of balance and unfair treatment of Dr Ngaei	Upheld in part, No: 37/91
Mr F.H. Sims	<i>Frontline</i> programme "Medical Misadventure", TVNZ	Lack of balance	Not Upheld No: 38/91
Thai Community	Item on <i>Holmes</i> about an Auckland strip club owner, TVNZ	Inaccurate, unbalanced and denigrates Thai community and its religion	Not Upheld No: 39/91
JOAL	Item on <i>Holmes</i> in which cricketers wore clothing which bore liquor company logo, TVNZ	Advertisement not clearly distinguishable from other programme material	Not Upheld No: 40/91
Children's Media Watch	"Defenders of the Earth", TVNZ	Violence both gratuitous and unacceptable and broadcaster not mindful of effect of programme on children	Not Upheld No: 41/91
JOAL	Item on <i>Holmes</i> reviewing rugby match in which liquor advertising sign shown, TVNZ	Not impartial	Not Upheld No: 42/91
Mr C.G. Costello	Final hour of Pirate 99 FM, Wellington	Lack of good taste and decency	Upheld No: 43/91
Wellington Palestine Group	Two items on <i>One Network News</i> and one on <i>Holmes</i> dealing with Middle East incidents, TVNZ	Inaccurate and neither objective nor impartial	Upheld in part No: 44/91
Mr Patrick Millen	Items featuring Mrs Jacqueline Stallone on <i>Holmes</i> , TVNZ	Lack of balance, unfair to the Queen and dissatisfied with TVNZ's action	Upheld in part, No: 45/91
Mr Robert Wardlaw	"Waiting for God", TVNZ	Blasphemy, lacked taste and denigrated Christians	Not Upheld No: 46/91
Mr P.G. Curran	Items dealing with the IRA on <i>Holmes</i> and <i>Foreign Correspondent</i> , TVNZ	Lack of balance	Not Upheld No: 47/91
Mr Bill Rout	Items on 3 <i>National News</i> about rugby league and a fight on an Australian talkback show, TV3	Broadcast of gratuitous violence	Not Upheld No: 48/91
Mr Charles Rosa	Orthoiccol advertisement, TVNZ	Lacked taste and used sex appeal to sell unrelated product	Not Upheld No: 49/91
Mr Robert Wardlaw	"One Foot in the Grave", TVNZ	Blasphemy, lacked taste and denigrated Christians	Not Upheld No: 50/91

B R O A D C A S T I N G S T A N D A R D S A U T H O R I T Y

Mrs P.G. Greer	Item about educational standards on Radio 4ZA, RNZ	Lack of balance	Upheld in part, No: 51/91
Mrs Gay Collins	Childhood reminiscences on "Catching Up", TVNZ	The references to the other child mentioned were inaccurate, unfair and invaded privacy	Upheld in part, No: 52/91
GOAL	Rugby World Cup advertisement TVNZ	Breach of liquor advertising rules	Upheld No: 53/91
Ms Lucille Young	<i>Funny Business</i> sketch called "Ron the Devil", TVNZ	Lacked good taste and denigrated Christians	Upheld in part, No: 54/91
Dr Jane Ritchie	"For the Love of Mike", TVNZ	Lacked good taste and denigrated psychologists	Not Upheld No: 55/91
GOAL	DB Steeplechase on <i>One World of Sport</i> , TVNZ	Breach of liquor advertising rules	Not Upheld No: 56/91
Dr Jane Ritchie	So Good advertisement, TVNZ	Misleading	Not Upheld No: 57/91
Mr B.F. Shepherd	Item on <i>Holmes</i> about World War II veterans in Crete, TVNZ	Dissatisfied with TVNZ's actions having upheld balance and accuracy complaint	Not Upheld No: 58/91
One New Zealand Foundation	<i>Frontline</i> item about electoral reform, TVNZ	Discussion on citizen initiated referenda lacked balance	Not Upheld No: 59/91
Mr Bill Rout	Promo for <i>The Ralston Group</i> , TV3	Used violence gratuitously	Upheld in part, No: 60/91
Ms Airini McClure	Item on <i>Holmes</i> showing US baby buggy advertisement, TVNZ	Denigrated women	Dismissed as trivial, No: 61/92
GOAL	"Boys in Black" Rugby World Cup advertisement, TVNZ	Breach of liquor advertising rules	Dismissed as trivial, No: 62/91
Ms Janne Wilcox-Clarke	Big Serve liquor advertisement, TVNZ	Linked sporting success to liquor consumption	Not Upheld No: 63/91
GOAL	Bladderburst liquor promotion Kiwi FM, Hamilton	Breach of liquor advertising rules	Upheld No: 64/91
Dr J.E. Effron	<i>Fair Go</i> item on paintings sold door to door, TVNZ	Denigrated New Zealanders born in Asia	Not Upheld No: 65/91
Mrs L.J. Cowan	"69 Positions in 60 Seconds" <i>Nightline</i> , TV3	Lacked good taste and decency	Upheld No: 1/92
Mr John Connell	Item on <i>Nightline</i> reviewed the film "Drop Dead Fred" and imitated some of the film's behaviour, TV3	Lacked good taste and decency	Not Upheld No: 2/92
Ms Kathleen Lyons	Talkback discussing alternatives to condoms, 2XS Palmerston North	Lacked good taste and decency	Upheld No: 3/92
Credo Society Inc	Talkback on <i>In the Pink</i> about homosexual law reform, 95 BFM Auckland	Inaccurate and unbalanced	Not Upheld No: 4/92
Auckland District Law Society	<i>Fair Go</i> item on a family's dealings with a law firm, TVNZ	Inaccurate, unbalanced and unfair to Law Society	Upheld in part, No: 5/92
Society for Promotion of Community Standards	Male and female homosexual behaviour dealt with on <i>Inside New Zealand</i> , TV3	Inaccurate, unbalanced and deceptive programming	Not Upheld No: 6/92
Gisborne BHS Board of Trustees	News item about behaviour of school pupils, 89FM Gisborne	Invaded privacy of school's senior staff	Not Upheld No: 7/92
Cook Islands Pearls Ltd	Item on <i>60 Minutes</i> called "Black Pearls", TV3	Inaccurate, unfair to company, unbalanced, distorted editing and denigrated race of company's owner	Upheld in part, ordered to publish correction No: 8/92
Solicitor-General	Comment about judicial process, More FM	Dissatisfied with action taken	Upheld No: 9/92
Mr R. Odinet	Interview of Mr Pik Botha on <i>Morning Report</i> , RNZ	Lacked balance and dealt with Mr Botha unfairly	Not Upheld No: 10/92
Ms Rosalie Sugrue	Item about homosexual clergy on <i>Frontline</i> , TVNZ	Unbalanced and unfair to people interviewed	Not Upheld No: 11/92
The Treasury	Item about housing on <i>Frontline</i> , TVNZ	Inaccurate and unfair to the consultants mentioned	Upheld in part, No: 12/92
Mr H.E. Jensen	Reference to School Trustees on <i>Morning Report</i> , RNZ	Lacked good taste and decency	Not Upheld No: 13/92
Mr Robert Wardlaw	"Birds of a Feather", TVNZ	Blasphemy, lacked taste and denigrated Christians	Not Upheld No: 14/92
New Zealand Police	Item on <i>60 Minutes</i> called "Secret Witness", TV3	Lacked balance, failed to maintain law and order and dealt with police spokesperson unfairly	Upheld in part, Broadcast of correction ordered, No: 15/92

r Nick Cooper	Item on <i>60 Minutes</i> called "Dr Knows Best", TV3	Inaccurate and lacked balance	Not Upheld No: 16/92
r Michael Buck	"Never Come Back" on <i>Sunday Theatre</i> , TVNZ	Gratuitous use of violence and broadcast of unfamiliar method of inflicting pain	Upheld in part, No: 17/92
r Murray Shaw	Item about homosexual clergy on <i>Frontline</i> , TVNZ	Lack of balance and people mentioned not dealt with fairly	Not Upheld No: 18/92
r Bruce Clements	Candid phone call on 89FM Auckland, focussing on driving behaviour, RNZ	Invasion of privacy	Upheld, Broadcaster ordered to pay compensation of \$1,000, No: 19/92
rs Jocelyn Fish	<i>New Zealand Today</i> , TVNZ	Advertisement not clearly distinguishable from other programme material	Not Upheld No: 20/92
r Miles Wislang	Item on <i>Holmes</i> on professional photographer of babies, TVNZ	Lacked taste, not mindful of effect on children and denigrated children	Not Upheld No: 21/92
r Roger Cole	Final broadcast for 1991 of <i>One Network News</i> at 10.00pm, TVNZ	Lacked good taste and decency	Not Upheld No: 22/92
society for the protection of the Unborn Child	Item on <i>Frontline</i> called "Abortion Alternatives", TVNZ	Inaccurate and unbalanced	Not Upheld No: 23/92
r Kerry Sharp	Item on <i>Frontline</i> called "Abortion Alternatives", TVNZ	Lack of balance	Not Upheld No: 24/92
r Kerry Sharp	The mini-series "Love and Hate", TVNZ	Lack of good taste and violence not integral to drama	Upheld No: 25/92
r R.W. Smith	Talkback about hot-air balloonist on Aotearoa Radio, Auckland	Invaded privacy and tape not retained for 28 working days	Upheld in part, No: 26/92
r Charles Noble	Interview of Mr Pik Botha on <i>Morning Report</i> , RNZ	Lack of good taste and decency	Declined to determine No: 27/92
r Sgt M.B. Meyrick	Item about deaths in prison cells on <i>3 National News</i> , TV3	Inaccurate, lacked good taste and failed to maintain law and order	Not Upheld No: 28/92
r Charles Rosa	Vaseline Intensive Care Lotion advertisement, TV3	Lacked good taste as sexual appeal used to draw attention to unrelated product and demeaning to women	Not Upheld No: 29/92
s Carol McIntosh	Lion Red Big Time sponsorship advertisement, TVNZ	Breach of liquor advertising rules	Not Upheld No: 30/92
OAL	"Steinlager" beer advertisement, TVNZ	Causes offence to women	Not Upheld No: 31/92
r Bruce Clements	Candid phone call on 89FM Auckland, RNZ	Lack of good taste and dissatisfaction with RNZ's actions on aspects of complaint upheld	Not Upheld No: 32/92
OAL	DB Export Lager advertisement,	Breach of various liquor advertising rules	Declined to determine as advertisement earlier withdrawn, No: 33/91
rs Lindsay Brock	Music Video of "Give it Away" sung by the Red Hot Chili Peppers on <i>Pepsi RTR Top 40</i> , TVNZ	Lacked good taste and decency and broadcaster not mindful of effect of programming on children	Not Upheld No: 34/92
OAL	DB Young Guns sponsorship advertisement, TVNZ	Aggressive theme	Not Upheld No: 35/92
OAL	DB South Island Brewery Ltd advertisement, Canterbury TV	Misleading and deceptive	Not Upheld No: 36/92
OAL	No-alcohol option message, TVNZ	Message not included in advertisements	Referral declined No: 37/92
r Cliff Turner	An advertisement presented by a sports announcer during coverage of one-day cricket	Advertisement not clearly distinguishable from other programme material	Not Upheld No: 38/92

OTHER DECISIONS

licitor-General	Comment about judicial process, More FM	Whether broadcaster accepted complaint	Referral accepted No: 1D1/91
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In addition to the above, seven formal complaints were withdrawn before a decision was issued and the Authority declined to accept five on the basis that the referral failed to comply with the time periods set in the Broadcasting Act 1989.

APPENDIX II**SOME PRINCIPLES RELATED TO
PRIVACY IN BROADCASTING****Advisory Opinion****To: The Chief Executive of all television and radio broadcasters**

Under s4(1)(c) of the Broadcasting Act 1989, each broadcaster is responsible for maintaining its programmes and their presentation, standards which are consistent with the privacy of the individual. In a number of decisions the Authority has developed its approach to the question of privacy and it considers that it is now appropriate to issue an advisory opinion on privacy as a broadcasting standard. The Authority, under s21(1)(d) of the Act, may issue to broadcasters "advisory opinions relating to broadcasting standards and ethical conduct on broadcasting".

By way of introduction to this Advisory Opinion, the Authority wants to stress that, although it records five relevant privacy principles:

- these principles are not necessarily the only privacy principles that the Authority will apply
- the principles may well require elaboration and refinement when applied to a complaint; and
- the specific facts of each complaint are especially important when privacy is an issue.

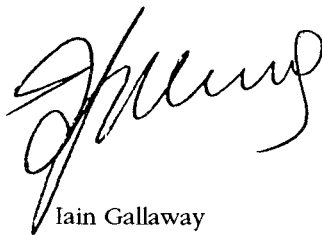
Relevant Privacy Principles

Although the right to be left alone is a common sense definition of privacy, as the Authority's decisions may be appealed to the High Court it is necessary for the Authority to follow what it considers to be appropriate legal precedents. Because of the paucity of reported cases and the lack of a clear legal definition of privacy in New Zealand, the Authority has relied upon precedents from the United States in developing the following five principles which have been applied to privacy complaints so far by the Authority when determining them under the Broadcasting Act 1989.

- i) The protection of privacy includes legal protection against the public disclosure of private facts where the facts disclosed are highly offensive and objectionable to a reasonable person of ordinary sensibilities.
- ii) The protection of privacy also protects against the public disclosure of some kinds of public facts. The "public" facts contemplated concern events (such as criminal behaviour) which have, in effect, become private again, for example through the passage of time. Nevertheless, the public disclosure of public facts will have to be highly offensive to the reasonable person.
- iii) There is a separate ground for a complaint, in addition to a complaint for the public disclosure of private and public facts, in factual situations involving the intentional interference (in the nature of prying) with an individual's interest in solitude or seclusion. The intrusion must be offensive to the ordinary person but an individual's interest in solitude or seclusion does not provide the basis for a privacy action for an individual to complain about being observed or followed or photographed in a public place.

- iv) Discussing the matter in the "public interest", defined as a legitimate concern to the public, is a defence to an individual's claim for privacy.
- v) An individual who consents to the invasion of his or her privacy, cannot later succeed in a claim for breach of privacy.

Signed for and on behalf of the Authority



Iain Gallaway
Chairperson
 25 June 1992

NOTE

As well as being one of the grounds of a complaint among others raised on a number of occasions, individual privacy has been the dominant concern in the following decisions:

Complainant	Broadcaster	No:
Mrs Fay McAllister	TVNZ (News)	5/90
Dr Ranginui Walker	89FM (Auckland)	6/90
Mr Graeme Cook	TVNZ (Fair Go)	1/91
Gisborne BHS	89FM (Gisborne)	7/92
Mr Bruce Clements	RNZ (Candid Call)	19/92

Appendix III

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New Zealand Broadcasting Codes: Violence on Television	\$5.00
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Codes of Practice for Radio & Television	\$15.00
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To order any of the above write to the Broadcasting Standards Authority, PO Box 9213, Wellington