

Media Release

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BSA finds *Neighbours at War* breached broadcasting standards

The Broadcasting Standards Authority has upheld a complaint made by a couple shown in an episode of TV2's *Neighbours at War*. The episode centred on a dispute between a group of neighbours over a right of way.

The episode featured interviews with two sets of neighbours, who alleged that a third set of neighbours – the complainants – had been threatening and harassing them. It also included footage of the complainants, who had declined to participate in the episode.

TVNZ initially upheld one aspect of the complaint, that a neighbour's derogatory comment about the complainants was unfair.

The Authority found that the action taken by the broadcaster, to prevent the breach being repeated on television, was insufficient. The Authority considered that it was also necessary to remove the potentially damaging allegation from the online version of the episode.

The Authority also considered that even if the unfair reference had been promptly removed from the On Demand version the unfairness went further than the derogatory comment. The Authority found that the programme created an impression that reflected badly on the complainants.

The Authority found that the complainants were portrayed negatively and that the episode did not present the couple's side of the story. The Authority considered the issues that can arise when one of the parties to a story does not agree to participate in a programme. In particular, the Authority considered what broadcasters ought to do to ensure that party is treated fairly.

'A party's refusal to participate in a programme does not automatically absolve broadcasters of their obligations to treat that party fairly. The broadcast of damaging allegations without any counter or response is likely to be inherently unfair', the Authority said.

The Authority concluded, that the 'right of the complainants to be treated fairly in our view clearly outweighed the limited public interest in this broadcast, and we are therefore satisfied that upholding the complaint would not unreasonably restrict the right to freedom of expression. The programme is less likely to breach standards where both parties to the dispute willingly participate, or when the identity of the non-participating party is effectively masked.'

The Authority also upheld aspects of the couple's privacy complaint. It found the footage of the couple, obtained by the two sets of neighbours without the couple knowing, amounted to an intrusion into the couple's interest in solitude and seclusion.

The Authority awarded the complainants \$500 in compensation for the breach of their privacy.

ENDS

For more information contact Nicole Hickman on 027 313 0179.

FURTHER INFORMATION

The full decision is available at <http://bsa.govt.nz/decisions/latest>.

ABOUT THE BROADCASTING STANDARDS AUTHORITY

The Broadcasting Standards Authority is an independent body that oversees the broadcasting standards regime in New Zealand. We do this by determining complaints that broadcasts have breached standards, by doing research and also by providing information about broadcasting standards.

We are essentially an appeal body, which is why complaints generally go to the broadcaster first (with the exception of privacy issues and election advertisements).

The Authority Board has four members – Peter Radich (chair), Leigh Pearson, Te Rau Kupenga and Paula Rose.

For more information see our website: www.bsa.govt.nz