

Media Release

28 February 2019

BSA finds *Sunday's* use of a hidden camera justified despite privacy breach

The Broadcasting Standards Authority has found high public interest in a broadcast on *Sunday* investigating gay conversion therapy, which justified the use of hidden camera footage.

While the Authority found the broadcast breached the privacy of three people filmed for the item, it did not uphold complaints about the programme.

The programme explored the harm which may result from gay conversion therapy, showing three individuals who appeared to be offering gay conversion therapy to an undercover reporter. The Authority found that the broadcast breached the individuals' privacy, but the public interest in the programme and the important value of the issues addressed meant that the broadcaster's use of a hidden camera in this case was justified.

"[A]ll three individuals... were filmed discussing a sensitive matter with [the reporter]. They believed that [he] was confiding in them about his sexuality and his conflicting religious beliefs, and believed they were sharing their own religious beliefs, sensitive therapy techniques or information... which they might not otherwise openly share. All three individuals were therefore offering advice and religious support... with the expectation that this conversation would be kept, for the most part, confidential," the Authority said.

In its decision the Authority saw value in the topic and the approach taken by the broadcaster, acknowledging that without a covert camera TVNZ would have been unable to obtain accurate information about the reality of these practices.

"The programme highlighted an issue that might not have otherwise been known to the wider New Zealand public, reporting on an allegedly misleading practice which has been recognised to cause significant harm to vulnerable people. This item contributed to the ongoing public debate about the ethics of gay conversion therapy and whether it should be made illegal."

"The hidden camera footage provided audiences with an unvarnished view of [the] advice to [the reporter], that his same sex attraction could be changed or suppressed and the process by which he could achieve this... We consider it would have been highly unlikely for the individuals who were approached to speak as candidly and openly to a reporter or media about their views..."

In a second decision the Authority dismissed related complaints addressing the fairness and accuracy standards.

ENDS

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FURTHER INFORMATION

The item was broadcast on *Sunday* on 17 June 2018 on TVNZ 1. The full decisions are available at <http://bsa.govt.nz/decisions/latest>. These decisions were made under the Free-to-Air Television Code of Broadcasting Practice which is available at <http://bsa.govt.nz/standards/overview>.

ABOUT THE BROADCASTING STANDARDS AUTHORITY

The BSA is an independent Crown entity that oversees the broadcasting standards regime in New Zealand. The BSA determines complaints that broadcasts have breached standards, undertakes research and oversees the development of broadcasting standards in consultation with broadcasters.

The Authority members are Judge Bill Hastings (Chair), Paula Rose, Wendy Palmer and Susie Staley.

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