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Complaints against RNZ's *Nine to Noon* upheld by BSA

The Broadcasting Standards Authority has upheld parts of a complaint by former ACT MP David Garrett relating to a discussion on Radio New Zealand's *Nine To Noon* about the 'three strikes' legislation.

The Sentencing and Parole Reform Act 2010, enacted three years ago, was discussed on the programme in May by a Professor of Criminology, who opposed the law and the lawyer of an offender on his second strike.

Mr Garrett said the item was unbalanced because it omitted viewpoints in favour of the 'three strikes' legislation and that it was inaccurate, misleading, unfair and irresponsible.

The broadcaster itself upheld part of the complaint, finding that the presenter's introduction that there was no possibility of parole for offenders on their third strike was inaccurate because the legislation contains an exception where the sentence was found to be 'manifestly unjust'.

However Mr Garrett referred other aspects of his complaint to the BSA some of which were upheld under the accuracy and balance standards.

"We have found that the broadcast did not contain sufficient balancing comment to enable listeners to arrive at an informed and reasoned opinion about the 'three strikes' law and whether it was operating as intended. The programme omitted any alternative voice to counteract the one-sided statements made by the panellists, and the presenter failed to adequately challenge those statements.

"Compounding this, the panellists also made statements which created a misleading impression in the absence of any balancing comment."

The BSA declined to uphold the complaints relating to fairness and responsible programming, finding the complainant's concerns were better addressed as matters of balance and accuracy.

The BSA agreed with Mr Garrett that RNZ's website should contain either a statement or a link to its decision, alongside the audio for as long as it is online.

The full report is available at www.bsa.govt.nz

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