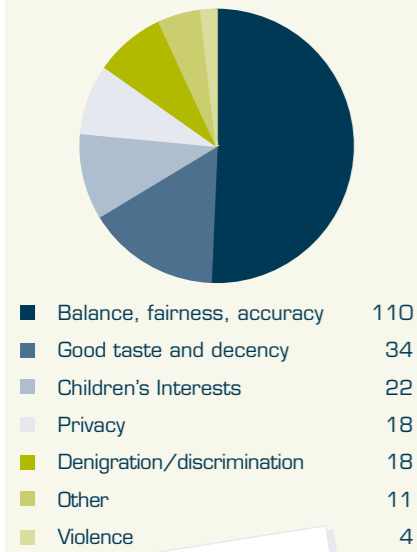


# BSA Annual Report

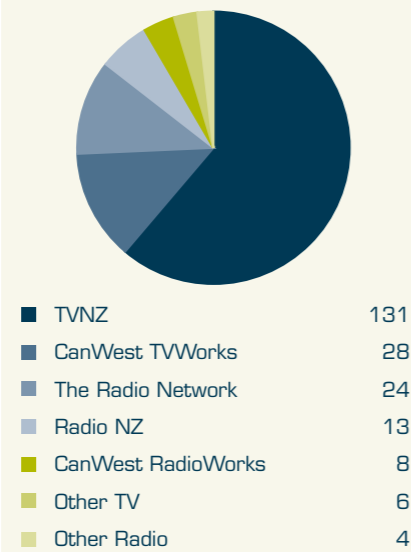
The BSA's Annual Report was tabled in the House on 8 November. Copies are available from the office (see Directory) and on our website. We reported the following.

## Decisions by Standard 2004/05



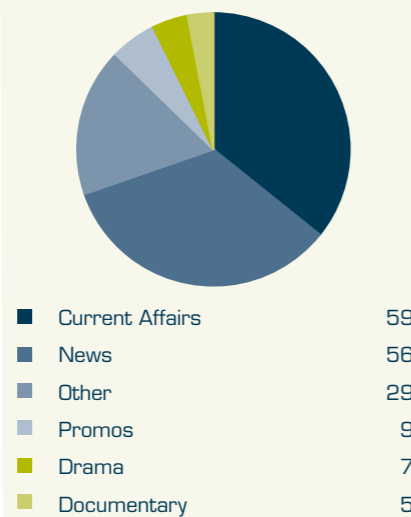
Of the 214 decisions issued in the year ended 30 June 2005, half were about the journalistic standards of balance, fairness and accuracy. By contrast, a relatively small number of complaints, 16%, alleged a breach of good taste and decency. Privacy complaints more than doubled from the previous year, up from 8 to 18 (in number). There was a small increase in alleged breaches of children's interests.

## Decisions by Broadcaster 2004/05

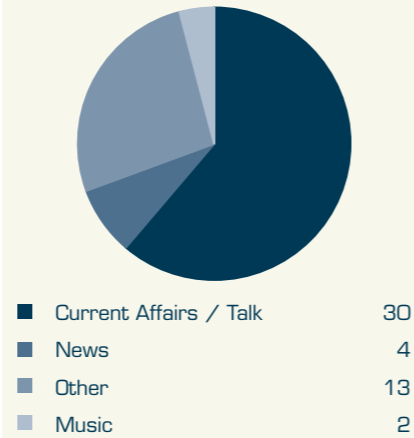


By broadcaster, numbers of decisions are broadly proportionate to channel share and target audience.

## Decisions by Genre (TV)



## Decisions by Genre (Radio)



Complaints are most commonly received about factual programming which correlates to the higher proportion of complaints received citing the balance, fairness and accuracy standards.

## Update on changes to the privacy principles

The BSA received nine submissions from the public on the discussion paper issued in August proposing changes to four of the Privacy Principles which are appended to the codes of broadcasting practice. A further consultation paper will be issued shortly.

## 0800 Number

The Broadcasting Standards Authority's 0800 number is **0800 366 996**

It has a recorded message which explains the complaints process.

## Directory

The current members of the Broadcasting Standards Authority are: Joanne Morris (Chair), Tapu Misa, Diane Musgrave and Paul France.  
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# Quarterly

Number 28, December 2005

We wish readers all the best for the festive season. The BSA office will close on 23 December and reopen on 9 January. Please refer to the infoline 0800 366 996 or website [www.bsa.govt.nz](http://www.bsa.govt.nz) for information about the broadcast programme complaints system during the holiday period.

In this edition of the *Quarterly*, we introduce a new research publication, summarise some of the Authority decisions issued in the quarter July to September 2005, and present a set of statistics from this year's annual report.

## New Research Publication

### Portrayal of Māori and te Ao Māori in Broadcasting: the foreshore and seabed issue

In December the BSA publishes the findings of a substantial research project about the portrayal of Māori and te ao Māori in broadcasting. The report includes a literature review and detailed qualitative and quantitative analysis of some broadcast coverage of the seabed and foreshore issue during the period June to September 2003.

### Background

One of the functions of the Authority under the Broadcasting Act 1989 is to conduct research and publish findings on matters relating to standards in broadcasting. In late 2003 the Authority sought proposals from several tertiary institutions for an independent analysis of broadcast media portrayals of Māori from a Māori perspective.

The Authority emphasised that the study would need to be:

*...firmly couched in the context of the existing codes of broadcasting practice for radio and television. In particular, research proposals need to address the broadcasting standards relating to balance, fairness and accuracy. It is important to note that the codes of broadcasting operate in the legal environment of the New Zealand Bill of Rights Act 1990 – the freedom of expression in particular. (BSA Request for Proposal: 2003)*

In late 2003, the BSA commissioned Te Kawa a Māui, the School of Māori Studies, of Victoria University of Wellington to undertake the research. Te Kawa a Māui selected the issue of the foreshore and seabed given its topicality and the range of views being expressed.

### Key Findings

The literature review notes that embedded news values and conventions sit uneasily with a Māori worldview. Journalists and editors are key players, and the positions and low number of Māori working in the media are a concern. Further, non-Māori news workers need education and training about Māori and te ao Māori.

Negative portrayals and stereotyping of Māori are documented and condemned in both academic and popular literature. Alongside the welcome development of Māori media in the forms of *iwi* radio and Māori Television, changes are needed in the mainstream. The literature review also notes that the correct pronunciation of Māori words and names is especially important.

For the qualitative aspect of the study, three groups of broadcast news and current affairs programmes were analysed: mainstream television (2 hours, 2 minutes); television by Māori for Māori eg *Te Karare* and *Marae* (3 hours, 24 minutes); and national public radio (5 hours, 10 minutes). In total, 10 hours, 36 minutes of broadcast items were reviewed. Commercial radio could not be evaluated as copies of recordings are mostly not kept long enough for study.

Key findings in relation to broadcasting

standards are that while balance was not always achieved in individual news stories, broadcasters generally attained balance over a period of time. The programmes analysed were almost all accurate, and mainly considered fair in terms of broadcasting standards.

Considering the material from a Māori worldview, there were few references to *tikanga* in the mainstream broadcasts, but they were generally well-explained when they occurred. *Tikanga* was a more significant part of the broadcasts by Māori for Māori.

Pronunciation of Māori words and names in mainstream broadcasts was found to be generally very good. The use and pronunciation of *te reo* in programmes by Māori for Māori was fluent and generally excellent. Almost all of the broadcasts were judged to be serious and informative in tone.

### Acknowledgements

The study could not have been undertaken without the goodwill and cooperation of Radio NZ, Television New Zealand and CanWest TVWorks, who agreed to be subjects of the research and supplied tapes to the research team. Broadcasters' openness and contribution to research like this serves to strengthen the trust their audiences place in them to provide citizens with a fair, balanced and accurate media.

Following distribution of the report to key stakeholders and reference groups in December, copies will be available by contacting [trishc@bsa.govt.nz](mailto:trishc@bsa.govt.nz), or phoning the BSA on 04 382 9508. A PDF will be available on our website.

# Decisions

The BSA issued 44 decisions between July and September 2005. Decisions of interest included the following:

## Election programmes code complaint

Standard E1 of the Election Programmes Code states: 'Robust debate, advocacy and expression of political opinion are a desirable and essential part of a democratic society...'

'Election programmes' are defined by the Broadcasting Act 1989. They are identifiable advertisements for political parties and/or candidates broadcast during an election period. They are subject to all relevant provisions in the radio and free to air television codes except for the requirement for balance.

In the run up to the 2005 general election, just one election programme complaint was referred to the BSA.

The complaint came from the Māori Party and was about a Labour Party election advertisement broadcast on iwi station Raukawa FM (in Tokoroa). The complainant alleged that the advertisement's assertion that the Māori Party had voted with National 227 times was false, unfair, and deliberately misleading.

A copy of the advertisement was supplied by the Labour Party. That copy used the figure 277, a figure confirmed by statistics compiled by staff at the Parliamentary Library. Accordingly, the BSA found that the advertisement, based on the copy supplied, was accurate.

Following release of the decision, the Labour Party advised that it had mistakenly supplied a version of the advertisement different to that broadcast. The figure broadcast was 227, as first complained of. In light of this, the BSA issued an amended decision reversing its earlier finding. It upheld the accuracy complaint, but not the fairness complaint.

The BSA noted that it is in the nature of political advertising for figures to be used to create negative implications and to discredit opponents. Given that any inferences to be taken from the advertisement were based on figures that under-estimated the number of times the Māori Party voted the same way as National, and in light of the nature and importance of political debate and advocacy, the BSA considered that the programme was not, in this respect, unfair.

No order was imposed.

**Decision ref. 2005-103**

## Good taste and decency – satire

A complainant protested about an episode of the New Zealand-made satirical series *Seven Periods with Mr Gormsby*, shown on TV One at 9.35pm, on Fridays. The series, set in a boys' high school, centred on Gormsby, an eccentric, politically incorrect teacher.

In the episode complained of, Gormsby threatens to sodomise a student for not revealing the name of a troublemaker. The complainant argued that the graphic portrayal of sexual bullying in a classroom was unacceptable and outside the bounds of legitimate satire.

The BSA did not uphold the complaint due to the following contextual factors: the time of broadcast, the adult target audience, the AO classification, the warning before the programme, and the satirical nature of the programme.

The BSA considered that the programme contained challenging material and agreed with TVNZ that the style of humour may not have been to everyone's liking. However, taking

the contextual factors into account, the BSA considered that standards of good taste and decency were not breached on this occasion.

The BSA acknowledged the complainant's concern that, in the current climate of anxiety about the sexual abuse of children, satirising such behaviour by a teacher was inappropriate. However, it is not the role of the BSA to limit those topics to which satire may be applied, as this would run the risk of unjustifiably infringing the right to freedom of expression.

**Decision ref. 2005-074**

## Balance – 60 Minutes

An item on *60 Minutes*, broadcast on TV3, explored a possible link between the high rate of Māori offending and the way in which male aggression may be related to Māori identity, particularly through the haka. The complainant alleged that the item was unbalanced, inaccurate and unfair, as it made no effort to look at the positive effects of Māori culture. No efforts were made, he argued, to present an alternative view on the issues under discussion.

The BSA did not uphold the complaint. Regarding balance, it noted that the programme made it clear that it was advancing controversial views about an important social issue. The programme did not purport to be an overview of the debate about Māori offending, and it was clear that a range of other perspectives existed. The programme had commenced by acknowledging positive aspects of Māori culture. Furthermore, the BSA noted that the period of current interest in relation to this issue remained open for further discussion and debate.

Nor did the BSA agree that the item was unfair in that it denigrated Māori. In the view of the BSA the item raised a controversial but important social issue in a constructive way.

On the issue of accuracy, the BSA concluded that the complainant had identified no specific inaccuracies in the programme, and that aspect was not upheld.

**Decision ref. 2005-057**

## Accuracy – Chernobyl disaster

An item on *One News* discussed the need to improve safety at the site of the nuclear disaster at Chernobyl. The item stated: "thousands of people died during and after the disaster".

The complainant alleged that the item was inaccurate as, contrary to popular belief, only 31 deaths had been identified as a result of the disaster. The complainant produced sources to back up his claim, including reports from the United Nations, the British Medical Journal, and the World Health Organisation. TVNZ responded to his complaint noting that the figure cited included those who had died subsequently as a result of exposure to radiation. The complainant pointed out that TVNZ's figures came from those cited by the Ukrainian Foreign Minister who, he said, was seeking international aid.

The BSA acknowledged the conventional wisdom that Chernobyl was a major human tragedy resulting in a large loss of life at the time. It agreed that the dislocation of hundreds

of thousands in the Ukraine and Belarus had been dramatic and the environmental damage enormous. It concluded, however, on the basis of the complainant's information, that total deaths appeared to be below 100, and thus the item was inaccurate.

**Decision ref: 2005-085**

## Children's Interests – promos in the news

The rules in respect of promos in the news hour were changed from 1 July 2005 in amendments to Standard 7 (Programme Classification) and Appendix 1 of the Free-to-Air Television Code of Broadcasting Practice.

The present case concerned a broadcast prior to 1 July, and thus the earlier standards applied.

TV3 broadcast two PGR rated promos for the movie *The Mummy Returns*. The first was shown between 6 and 7pm during *3 News*. The second was shown after 7pm, during *60 Minutes*. The second broadcast was found not to be in breach. The PGR timeband commences at 7pm and, taking into account the mature target audience of *60 Minutes*, the BSA found that the broadcaster had adequately considered the interests of child viewers in broadcasting the PGR promo at 7.36pm.

The BSA concluded differently about the promo shown during the news. In light of an earlier decision (2003-138/140), the BSA

concluded that by broadcasting a PGR-rated promo during the underlying G-time of the 6pm news hour, CanWest showed insufficient consideration of children's interests and breached Standard 9. News programmes themselves are unclassified.

**Decision ref: 2005-077**

**Different criteria for Programme Classification now apply. As of 1 July 2005, PGR-rated promos in the news hour that take sufficient account of children's interests will not breach Standard 9 (Children's Interests).**

**Importantly, Guideline 7c of the Code states: "Where a promo screens in an unclassified host programme outside AO time (including news and current affairs), the promo must be classified G or PGR and broadcasters must pay particular regard to Standard 9 (Children's Interests)".**

## Appeal

The appeal by Radio NZ of an order in the Ellis decision (2004-115) was heard in the High Court on 7 September. The Court found against Radio NZ and awarded costs to Mr Ellis and the BSA.



Full decisions can be found on the BSA's website [www.bsa.govt.nz](http://www.bsa.govt.nz)