

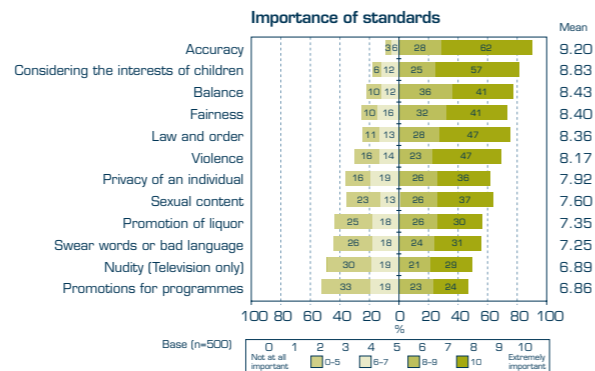
Help us protect children, NZ audiences tell broadcasters *continued*

Accuracy, especially in TV news, topped the list, followed closely by the standard which requires broadcasters to consider the interests of children. After that came balance and fairness.

Interestingly, the "good taste and decency" standard, which attracts so much media attention, was rated as less important than those which demand high journalistic standards and the protection of children.

Concern for children was a major feature of this research. But while 82 per cent of those surveyed believe that broadcasting standards must focus strongly on the protection of children, 90 per cent think that most of the responsibility for children's viewing and listening should lie with parents and caregivers, not broadcasters.

The message from New Zealanders to broadcasters is clear



and simple: keep adult material away from children, and warn us about potentially offensive content so we can make an informed decision about whether or not we want to watch.

*Freedoms and Fetters* can be purchased from the BSA – order form enclosed.

## The Future of Media Regulation in New Zealand: Is There One?

The BSA asked web expert Russell Brown and media lawyer Steven Price to think about how technology developments will affect New Zealand's regulatory framework. Is content regulation viable in the digital world?

Their paper examines various types of new technologies, and what they mean for the future of media regulation – and in particular, broadcasting regulation – in New Zealand. How are these new technologies changing the nature of broadcasting? To what extent is the current regime well-adapted to deal with these new technologies? What pressures are they likely to place on it? Can the regulatory regime be extended to encompass the new formats? Should it be? Would it need to be modified? Should it be scrapped altogether instead?

The full report can be found on the BSA's website: [www.bsa.govt.nz/publications](http://www.bsa.govt.nz/publications)

## Statement of Intent

Our SOI was tabled in Parliament in late June. Copies are available from the BSA, and can be viewed on our website.

## BSA meets the Community

In June, the BSA appointed its inaugural community advisory panel.

"The BSA board is delighted that it can now consult effectively and regularly with a variety of New Zealanders," said BSA Chief Executive, Jane Wrightson. "It will be a two-way process. As well as assisting the board with issues the BSA is facing, panel members will also discuss matters with their own communities and raise them with the Authority".

The panel will not be involved with complaints determination, but will give advice and feedback about wider issues. It will meet up to three times a year. The panel is chaired by BSA board member Diane Musgrave. Members are:

- Tim Cadogan**, solicitor, of Clyde
- Fraser Campbell**, retired principal, of Christchurch
- Anna Carter**, environmental planner, of Waikanae
- Efeso Collins**, public servant, of Auckland
- Liz Hirst**, self-employed, of Nelson
- Huia Lloyd**, communications consultant, of Wellington
- Raj Mundi**, electronics supervisor, of Hamilton
- Jessica Ralph**, student, of Auckland
- Lynda Park**, managing director, of Auckland
- Rob Tuwhare**, carpenter, of Waiheke Island

## Directory

The current members of the Broadcasting Standards Authority are:  
 Joanne Morris (Chair), Tapu Misa, Diane Musgrave and Paul France.  
 Contact us at:  
 2nd Floor, Lotteries Commission Building, 54-56 Cambridge Terrace,  
 PO Box 9213, Wellington, New Zealand.  
 Phone: 64 4 382 9508  
 Fax: 64 4 382 9543  
 Email: [info@bsa.govt.nz](mailto:info@bsa.govt.nz)  
 Website: [www.bsa.govt.nz](http://www.bsa.govt.nz)  
 Editorial enquiries: [info@bsa.govt.nz](mailto:info@bsa.govt.nz)

## 0800 Number

The Broadcasting Standards Authority's 0800 number is **0800 366 996**  
 It has a recorded message which explains the complaints process.



Number 31, August 2006

This edition of *BSA Quarterly* features an article by BSA Chair, Joanne Morris, about the major public attitude survey results which we published recently. We profile a fascinating report on how technology developments may affect New Zealand's media regulatory framework; and introduce you to the members of our new Community Advisory Panel. Two reviews have been concluded.

## New Pay TV Code and new Privacy Principles

The BSA has been reviewing two key documents: the Pay TV Code, and the Privacy Principles (which apply to all broadcasting codes). After the consultation process, the BSA has now approved a new Pay TV Code and revised Privacy Principles. Both took effect from 1 August and can be viewed on our website. Printed copies are also available.

# Help us protect children, NZ audiences tell broadcasters

by Joanne Morris, BSA Chair

Recently, the Broadcasting Standards Authority asked more than 500 New Zealanders to tell us what annoyed them about broadcast content.

We weren't interested in the trivial – the hairstyles of TV presenters, for example. We wanted to know what broadcasting standards issues were important to New Zealanders. How did people really feel about what they were seeing and hearing on their televisions and radios?

We've been measuring public attitudes and their shifts since 1993, and we've built up a pretty clear picture of what New Zealanders are thinking. We know, for example, that many swearwords (like "bugger") have become more acceptable over the years.

It's clear, too, from the intense public debate generated by the screening of the "Bloody Mary" episode of *South Park* in February, that some broadcasts can stir strong emotions among many New Zealanders.

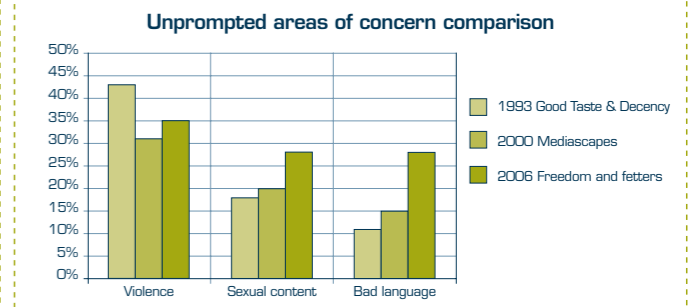
Our latest research is called *Freedoms and Fetters* – the title reflecting the tightrope walked by broadcasters and programme makers when creating and airing programmes. As with our previous research in 1993 and 2000, we see it as an important snapshot of public tolerance, of where the public might draw the line.

What then does our research tell us? Are New Zealanders more or less tolerant of what's being aired? Are people as worried about the amount of violence, sexual content and bad language as they're often made out to be? Do they regard

broadcast news services as credible and trustworthy? How do they view the more robust environment of talkback radio? Do they feel that children are sufficiently protected? And how important to them is freedom of expression?

The answers make interesting reading. Asked about what concerns them on TV, two-thirds of those surveyed spontaneously cited the portrayal of violence, sex and nudity, and bad language. Compared with the results in 2000, there seems to be a higher level of concern about sexual content and bad language on television.

Just one-third had concerns about what they heard on radio, the most common being bad language.



But while "good taste and decency" concerns for TV got the most unprompted mentions, a different picture emerged when we drilled further and asked people to consider the relative importance of the existing standards in the codes that broadcasters must abide by.

Continued on back page

# Decisions

The BSA issued 57 decisions between April and June 2006

## South Park “Bloody Mary” – not upheld

35 complaints were received about the “Bloody Mary” episode of *South Park* which screened on C4 in February – the largest number about a single programme since the BSA was created in 1989. The complainants were mostly individuals, but included three church organisations. They alleged that the episode breached a range of standards in the Free to Air Television Code of Broadcasting Practice. The BSA held that the relevant standards related to good taste and decency and denigration.

The BSA acknowledged the degree of offence taken from this episode. However, it held that the broadcast of the overtly satirical programme, while clearly distasteful to the complainants, was protected by the Bill Of Rights Act 1990.

When considering whether the programme had breached the good taste and decency standard, the BSA took into account a number of contextual factors, including *South Park's* time of screening, its AO classification with visual and verbal warnings, and its limited adult target audience.

Noting that contextual factors alone will not save a programme if it has gone too far, the BSA considered that in this case the material was of such a farcical, absurd and unrealistic nature that it did not breach standards of good taste and decency in the context in which it was offered.

As with its recent decision on *Popetown*, another animated series shown on C4, the BSA concluded that it was effectively being asked to find that a programme breached the requirement for good taste and decency because it showed disrespect towards particular religious beliefs and practices.

The BSA also declined to uphold allegations that “Bloody Mary” denigrated all Christians, in particular Catholics – as well as Muslims, Jews and women.

While aspects of the Catholic religion were treated in a disrespectful and cavalier fashion, in particular a statue representing the Virgin Mary, in the view of the BSA, showing disrespect does not amount to the sort of vicious or vitriolic attack normally associated with the denigration standard.

**Decision ref. 2005-022**

## Good taste and decency – upheld

*Teenage Caveman* was a futuristic movie broadcast on TV2 at 12.35am. Set in a post-apocalyptic world, the film centred on a group of teenagers who fell in with a group of genetically-

altered and indestructible mutants. Lured into a world of drugs and sex, the teenagers became infected with a fatal virus which led to some of the characters exploding.

The complainant objected, among other things, to scenes of group sexual intercourse between teenagers, and a young woman exploding with a “very graphic display of her exposed organs”.

TVNZ upheld the complaint on the grounds that a technical error had led to the warning and AO classification information being omitted. However, the complainant felt that the content of the movie was inappropriate for broadcast on free to air television, regardless of whether the warning and classification information had screened.

The BSA upheld the complaint. It considered that the sex scenes and nudity were intended to titillate the audience; and the drug use, excessive drinking, violence, and profanity, were largely gratuitous. Noting that some elements of the film may have been acceptable in isolation, the BSA found that the cumulative effect of the film’s challenging content breached the standard.

In the BSA’s view, irrespective of the time of the broadcast and target audience, associations made in the movie between sexual gratification and pain and death were beyond the limits of what is acceptable on free to air television.

The BSA did not impose an order.

**Decision ref. 2006-037**

## Children’s interests – not upheld

Previously unseen pictures of prisoner abuse at Abu Ghraib prison were screened in an item on *One News* on 16 February 2006. The item reported the way American guards had allegedly tortured and humiliated Iraqi prisoners, events which had taken place in 2003 and been publicly disclosed in 2004.

VoTE complained that the broadcast contravened Standard 9 (children’s interests). The BSA agreed that the broadcast during the 6pm news hour was during children’s normally accepted viewing times, but noted that TVNZ had considered the interests of child viewers as follows:

- the images were broadcast in an unclassified news programme that unsupervised children were unlikely to be watching
- the images were at the centre of a story of international importance and interest and their broadcast was neither gratuitous nor sensationalist

- the broadcast of the images was preceded by an introduction foreshadowing the content of the item, and a warning
- the progression of images was relatively swift, and did not linger on the abuse portrayed.

The BSA observed that the children’s interests standard does not prohibit the broadcast of potentially disturbing material during the 6pm news hour. Genuinely newsworthy issues often deal

with matters that are inherently distasteful and for this reason news programmes are not subject to the classification system. To comply with the interests of child viewers, broadcasters must take appropriate care in the way in which this material is presented. The BSA considered that the care that TVNZ took in this case was appropriate, and did not uphold the complaint.

**Decision ref. 2006-033**

## Upheld

No.	Complainant	Broadcaster	Programme	Nature of Complaint	Standards	Finding	Order
2006-009	Hegarty for the Auckland City Police	CanWest	3 News	Item about positioning of police security camera unbalanced, unfair and inaccurate	Balance, fairness, accuracy	Upheld in part (accuracy)	No order
2006-013	Toomer	TVNZ	Sunday	Item identifying complainant unfair and breached privacy	Privacy, fairness	Upheld in part (fairness)	No order
2006-037	Lilley	TVNZ	Teenage Caveman (movie)	Sexual material and violence in movie breached standards of good taste and decency	Good taste and decency	Upheld	No order

## Not upheld

No.	Complainant	Broadcaster	Programme	Nature of Complaint	Standards	Finding
2006-027	Jones	CanWest TVWorks	60 Minutes	Programme on street prostitution in Christchurch allegedly unbalanced	Balance	Not upheld
2006-029	Ross	CanWest TVWorks	Campbell Live	Item showing picture of “Bloody Mary” cocktail to refer to controversial South Park episode was offensive	Good taste and decency	Not upheld
2005-112	NZ Catholic Bishops Conference	CanWest TVWorks	Popetown (3 episodes)	Cartoon about Catholic Church set in Vatican City breached standards of good taste and decency, fairness and denigration	Good taste and decency, denigration, fairness	Not upheld
2006-022	35 complainants	CanWest TVWorks	South Park “Bloody Mary”	Episode showing statue of Virgin Mary menstruating offensive	Good taste and decency and various other standards	Not upheld
2006-012	Cox & Flinn & McPherson & Walker	TVNZ	Close Up	Clip showing “Jesus” singing and dancing offensive	Good taste and decency, balance, fairness (denigration), programme information, children’s interests	Not upheld
2006-032	VoTE	TVNZ	Coronation Street	Storyline involving self-inflicted death of character “Katy” was contrary to children’s interests	Children’s interests	Not upheld
2006-033	VoTE	TVNZ	One News	Item showing naked Iraqi prisoners contrary to children’s interests and too violent	Children’s interests, violence	Not upheld
2006-036	Orsulich	TVNZ	The Canterbury Tales	Scene with person getting branded on backside with red hot poker breach of good taste and decency and violence standards	Good taste and decency, violence	Not upheld
2006-009	Francis	TVNZ	The Gathering Storm (movie)	Use of swear word in movie	Good taste and decency	Not upheld
2006-015	Parkes	CanWest RadioWorks	The Edge: The Morning Madhouse	Discussion of giving girls herpes breached standards of good taste and decency	Good taste and decency	Not upheld
2006-034	Malone	TRN	Newstalk ZB	Use of name to abuse complainant on-air amounted to breach of privacy	Privacy	Not upheld
2006-038	Sturt	TRN	Radio Sport	Host’s reference to “thieving Arab bastards” breach of good taste and decency and denigratory	Good taste and decency, social responsibility (denigration)	Not upheld
2006-017	Cook	TRN	Radio Sport Breakfast	Use of swear word	Good taste and decency	Not upheld



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