

## New BSA Thinkpiece - Maori Worldviews and Broadcasting Standards: What Should be the Relationship?

In April the BSA released a new paper entitled *Maori Worldviews and Broadcasting Standards: What should be the Relationship?*

In its 20 years of existence, the Broadcasting Standards Authority (BSA) has dealt with few complaints that have required it to consider tikanga or Maori interests in order to reach a decision.

With the advent of iwi radio and, more recently, Maori Television, an increase in such complaints might have been predicted. That has not happened. Yet there is no doubt that New Zealand broadcasters possess widely varying degrees of knowledge of and respect for Maori values and worldviews.

In 2005 the BSA published *The Portrayal of Maori and Te Ao Maori in Broadcasting: the foreshore and seabed issue*, a largely qualitative study of certain broadcasters' coverage, during a set period, of an issue of particular importance for Maori – the government's proposal to change the law on rights in the foreshore and seabed.

Carried out by the Media Research Team, led by Te Kawa a Maui (the School of Maori Studies) at Victoria University, the report concluded that, for the most part, the relevant broadcasting standards – of balance, accuracy and fairness – were met. The team raised the question, however, whether the standards as currently framed adequately reflect Maori realities, concerns and interests.

The new paper is intended as a follow up to this research. It is the BSA's hope that, by setting out the present context for the BSA's work and outlining the decisions the BSA has made on issues of particular concern to Maori, we will provide a ready resource for everyone who is interested in that discussion.

Although Maori are the focus of this paper, many of the issues highlighted here also apply to the portrayal of other visible minority groups, including Pacific Island and Asian New Zealanders.

The full report is available on the BSA website [www.bsa.govt.nz](http://www.bsa.govt.nz)



Diane Musgrave

Mary Anne Shanahan

**of Arts (BA) in 1989 and a Diploma of Business (Finance) at the University of Auckland 1995.**

Mary Anne has practiced in New Lynn in West Auckland for 28 years and was appointed a Notary Public in 1993. She has also served on the Auckland Law Society Disciplinary committee for the past 10 years which deals with complaints about legal professional and ethical standards.

Mary Anne has been involved in a number of community groups over the years and is currently a trustee of the Odyssey House Trust in Auckland which is concerned with the rehabilitation of drug and alcohol dependants.

Mary Anne is married with two school aged children. Her husband is an airline pilot with Ngati Toa affiliations.

## Changes to BSA Members

### Departing Member – Diane Musgrave

After nearly six years of service Diane Musgrave's term as a BSA board member officially ended in May. Di's experience, knowledge and hard work have been an asset to the BSA and we thank her sincerely for her contribution to all aspects of our work.

One of Di's legacies has been her successful leadership of the Community Advisory Panel (CAP) initiative. As the BSA member appointed after consultation with community interests, it was appropriate that Di assumed the role of facilitating CAP meetings and ensuring effective liaison between CAP and the BSA.

We are particularly proud of the results of CAP's input to the BSA's communications with members of the public. Our educational campaigns about the 8.30pm AO 'watershed',

targeted at caregivers – including grandparents and teenage siblings and babysitters – are the most visible product of CAP's ideas.

Di's links with broadcasting, through her previous work in television and her current academic work at AUT, have been invaluable aids to the BSA's understanding of the wider media environment. We will miss Di's up-to-date knowledge of that environment, just as we will miss her insightful analyses of the complaints before the BSA. We wish Di the very best in her imminent overseas adventures and for the future.

### Incoming Member – Mary Anne Shanahan

Replacing Di is Mary Anne Shanahan. Mary Anne obtained an LLB from Auckland University in 1980. She subsequently completed a Bachelor

## Directory

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

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## 0800 Number

The Broadcasting Standards Authority's free phone number is

# 0800 366 996

A recorded message explains the complaints process, and a connection through to the office is provided.

# QUARTERLY

NUMBER 42, JUNE 2009



## Journalist's Assessment of BSA Decisions Released

On 2 June the BSA released a new report entitled *Principles and Pragmatism*.

The report is an assessment of BSA decisions from a journalist's perspective. Author Colin Peacock, host of Radio New Zealand's Mediawatch programme, consulted more than 40 BSA decisions while completing the assessment.

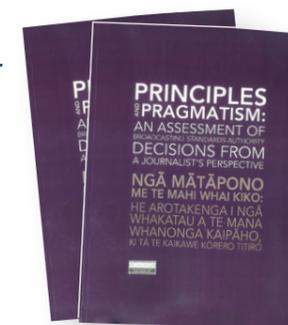
There is, as the report notes, "an inherent conflict between the day-to-day reality that broadcast journalists work with and the requirement to adhere to a set of prescribed principles such as those that make up the codes of broadcasting practice".

The report addresses the following questions:

- Where is the tension between the 'bottom-line standards' for the Authority and the 'bottom-line standards' for journalists?
- What is the Authority getting right from journalists' perspective - and what is it getting wrong?

"We wanted a journalist to review the readability of BSA decisions and assess the extent to which the decisions provide useful guidance to journalists and other programme makers." said Joanne Morris, BSA Chair. "We chose Colin not only because of his experience in journalism but also because he is accustomed to analysing media issues from a critical, objective position."

"This report and its conclusions are not the opinions of the BSA. Our opinions are contained in our decisions. We trust that Colin Peacock's measured assessment of BSA decisions will inspire many other journalists to engage with the vitally important questions that surround the application of broadcasting standards in New Zealand"



Some of the points raised in the report are:

- The way "public interest" is explained in the decisions may be confusing and journalists may believe there are inconsistencies in the way it is applied by the Authority.
- With 'rolling news' and new platforms making stories available around the clock, broadcasters may argue that stories which could balance allegedly unbalanced stories are available elsewhere at any time.
- Journalists may feel the Authority sometimes puts too much responsibility for fairness on broadcasters, possibly encouraging uncooperative interviewees or sources to obstruct their broadcasts.
- Journalists may feel that in some cases the Authority is too sensitive to the feelings of people featured in the broadcasts in question.

The BSA is holding a symposium with journalists on 15 July in Auckland – the symposium will provide a forum for journalists to provide their opinion on arguments made in the report or to raise other related issues they feel need addressing. All broadcast journalists interested in attending should contact the BSA office for more information. The full report can be found on the BSA website [www.bsa.govt.nz](http://www.bsa.govt.nz). A limited number of printed copies are available from the BSA. Contact Trish [tcross@bsa.govt.nz](mailto:tcross@bsa.govt.nz) if you would like one.

In May the Human Rights Commission publicly commended the BSA as one of only 12 public sector organisations to provide information on our website in Samoan. In June we also received another commendation for our positive contribution to race relations – for our paper *Maori Worldviews and Broadcasting Standards: What Should Be the Relationship?*

## Changes to BSA Quarterly

From next month, we will no longer be publishing the BSA Quarterly in its current form. This is the final printed edition, and from July we will be trialling a monthly email newsletter which has the advantage of being more timely, cost effective and friendly on the environment. If you would like to subscribe to the new email newsletter, please email [kateb@bsa.govt.nz](mailto:kateb@bsa.govt.nz). Note that we cannot add you to the subscription list unless we have your permission. If we don't hear from you a postal reminder of the change will follow when the first email newsletter is released.

## Follow us on Twitter!

The BSA is on Twitter. Follow us at [www.twitter.com/NZBSA](http://www.twitter.com/NZBSA) to access BSA news, decisions and updates to our website.

# DECISIONS

The BSA issued 27 decisions between January and March 2009

Decisions of interest included the following:

## Balance, accuracy, fairness

A *Close Up* item on 20 May 2008 reported on a medical researcher's frustration that there had been a lengthy delay by the then Minister of Health, David Cunliffe, in approving a trial for a potential cure for Type 1 Diabetes involving pig cell transplants. Professor Bob Elliott said:

The Ministry of Health have given it approval in all phases, science, manufacturing, the testing of the patients, the testing of the pigs, the housing of the pigs, the ethics. Everything has been done and that's taken us a long time to get there, but we got there and we assumed this was only a formality. Because that's what the law says, the Minister on advice from his advisors will sign-off.

During *Close Up* the following night, the presenter commented that the Minister had "put out a press statement having a crack at us" and that he was welcome to make a formal complaint about the item.

David Cunliffe complained that the items were unbalanced, inaccurate and unfair.

The Authority found that the 20 May item was not balanced. It said that the programme suggested that the pig cell trial had universal approval and, because of this, there were no longer any outstanding issues or valid concerns preventing the Minister of Health approving the research. However, it noted that the proposed trial had far from universal approval; a number of reputable organisations had expressed serious reservations about the risks of the trial. Furthermore, rather than just accepting the advice given to him, the Minister had a separate legal obligation to weigh the benefits of the trial against the risks, to ensure any risks were properly managed, and to consider the trial's acceptability to the wider public.

However, the Authority found that balance was subsequently provided within the period of current interest by a broadcast on 5 September which explained this perspective.

A majority of the Authority found that the broadcaster treated Mr Cunliffe unfairly in the 20 May item by failing to provide a balanced picture of the background and context within which the Minister was making his decision.

The Authority unanimously found that the follow-up item on 21 May was unfair to Mr Cunliffe because it did not adequately represent the views contained in his press release earlier that day.

The Authority did not impose an order. **Decision ref. 2008-097**

## Accuracy

During a round-up of the day's top stories on *One News*, broadcast on TV One at 6.30pm on 31 October 2008, the presenter provided a brief summary on the respective plans being put forward by the National Party and the Labour Party to provide financial assistance to New Zealanders who lost their jobs as a result of the economic crisis. The presenter said:

And John Key's released National's plan to help New Zealanders who lose their jobs due to the economic crisis. It promises extra financial support for low and middle income earners, while Labour's plan offers support to anyone, no matter what their take home pay.

Elizabeth Carroll complained that the headline summary was inaccurate because she had read a newspaper report saying that the Labour Party's relief policy did not apply to everyone.

The Authority read a recent decision by the Press Council which considered whether a *New Zealand Herald* article summarising the Labour Party policy was inaccurate. The Press Council found that, "Without a doubt, the [Labour Party] policy is aimed at families on two incomes". The Authority accepted that Labour's proposed allowance only applied to a person made redundant if his or her partner or spouse also worked. All other people who lost their jobs, such as solo parents or single workers, would receive the same assistance to which they were previously entitled under the existing welfare system.

Accordingly, the Authority found that the presenter's statement, "...while Labour's plan offers support to anyone, no matter what their take-home pay", would have misled viewers and it upheld the accuracy complaint.

The Authority did not impose an order, stating that the publication of the decision was sufficient to remind broadcasters of the need for accurate headline summaries, particularly where they concern matters of public policy. **Decision ref. 2009-007**

## Law and order

During an episode of *Te Hiko Mahanga* on Māori Television, a group of young men got into their car and began performing "burnouts" on a public road. The presenters, who were sitting in their own car, were shown cheering, laughing and waving in support.

Ross Hunt complained that the segment breached Standard 2 (law and order).

The Authority noted that the intent behind the law and order standard is to prevent broadcasts that encourage viewers to break the law, or otherwise promote, glamorise or condone criminal activity. While acknowledging that it could not assume the role of a criminal court and determine whether a crime has been committed, the Authority said it was clear that Parliament intended for complaints such as this to be considered. The Authority said that it took a commonsense approach in determining whether a broadcast has promoted, glamorised, or condoned criminal activity.

The Authority noted that section 22A(3) of the Land Transport (Unauthorised Street and Drag Racing) Amendment Act 2003 states:

A person must not, without reasonable excuse, operate a motor vehicle on a road in a manner that causes the vehicle to undergo a sustained loss of traction unless the operation of the vehicle in that manner is authorised by law.

The Authority considered that, to the reasonable viewer, the ingredients of the above offence would appear to have been met. Because the programme's presenters were shown laughing and cheering the young men on, the Authority found that their actions amounted to promoting and condoning illegal activity in breach of Standard 2.

The Authority did not impose an order. It considered that the action taken by the broadcaster in speaking directly with the programme's producer to ensure that such actions would not be displayed on *Te Hiko Mahanga* again was appropriate and sufficient in the circumstances. It also found that the decision was sufficient to remind broadcasters of their obligations in respect of the law and order standard. **Decision ref. 2009-010**