

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 39/91  
Dated the 30th day of August 1991

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

THAI COMMUNITY  
of Auckland

Broadcaster  
TELEVISION NEW ZEALAND  
LIMITED

I.W. Gallaway Chairperson  
J.B. Fish  
J.L. Hardie  
J.R. Morris

DECISION

Introduction

An item about Mr Rainton Hastie, an Auckland strip club owner, coming under the influence of Buddhism was broadcast on TV1's *Holmes* programme on 15 April 1991.

On 1 May, an Auckland solicitor acting for members of the Thai community complained to Television New Zealand Ltd that community members had been grossly offended by the item. Six grounds of complaint were listed.

The complaint that the item was inaccurate or partial, or encouraged discrimination or denigration was not upheld by TVNZ's Complaints Committee. The complaint was referred to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989 as the complainants considered that TVNZ had broadcast an item that was cynical about the Thai religion and culture and had failed to grasp the nature of the complaint.

Decision

The members of the Authority have studied the correspondence (summarised in the Appendix) and have viewed the item complained about.



In a letter to TVNZ Ltd dated 1 May 1991, the solicitor for members of the Thai community listed six grounds of complaint against an item broadcast on the *Holmes* programme on 15 April about a Mr Rainton Hastie, an Auckland strip club owner, coming under the influence of Buddhism. The crux of the complaint was covered in points 1 and 6 which read:

1. The programme was not accurate, objective or impartial as regards the Thai Buddhist religion.
6. The programme has incited racial disharmony and encouraged denigration and discrimination against the Thai community on account of their race and religion.

The letter also referred to the basic tenets of Buddhism.

TVNZ considered the complaint against standards 12 and 26 of the Television Code of Broadcasting Practice which read:

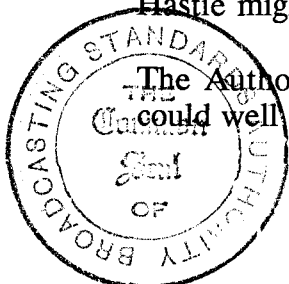
12. News must be presented accurately, objectively and impartially.
26. Except as the legitimate expression in context of satire, dramatic themes and current affairs reporting might legitimately dictate, the portrayal of persons in programmes in a manner that encourages denigration of, or discrimination against, sections of the community on account of sex, race, age, disability, or occupational status or as a consequence of legitimate expression of religious, cultural or political beliefs, may not be encouraged.

TVNZ acknowledged to the complainants that the item contained cynical overtones, but stated that they were directed at Mr Rainton Hastie. It added that Mr Hastie was well-known in the adult entertainment business and was involved in the Auckland strip club and massage parlour industry. In all the circumstances, it rejected the complaint.

When referring the complaint to the Authority, the solicitor for members of the Thai community maintained his clients' view that TVNZ's cynical "dig" at Mr Hastie had been at the expense of Buddhism and Thai culture. TVNZ stated in its response to the Authority that the item's cynicism "was aimed fairly and directly at Mr Hastie". In reply, the complainants insisted that the "cynical shallow" item held up its culture and religion for ridicule.

Having considered these sharply contrasting arguments, and having viewed the item, the Authority decided that Mr Hastie was the object of the item's cynicism. The item featured Mr Hastie's tawdry work environment which was contrasted with the contemplative, indeed uplifting, aspects of Buddhism. The Authority concluded that the item did not in any way degrade or exploit Thai culture and Buddhism, as the complainants alleged. Indeed, the Authority believed that the item suggested that Mr Hastie might be exploiting Thai culture and its religion.

The Authority records its sympathy with the complainants and understands how they could well feel that their values have been denigrated merely by being associated with



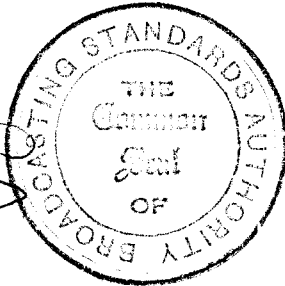
Mr Hastie. Their sensitivities were no doubt offended by the item but, the Authority adds, the innocence of Thai culture and the purity of Buddhism were not questioned in it.

**For the above reasons, the Authority declines to uphold the complaint.**

Signed for and on behalf of the Authority

Iain Gallaway  
Chairperson

*Iain Gallaway*  
30 August 1991



## Appendix

### The Thai's Community Complaint to Television New Zealand Ltd

On 1 May 1991, an Auckland solicitor acting for members of the Thai community complained to TVNZ Ltd that an item broadcast on TV1's *Holmes* programme on 15 April discriminated against the Thai religion and nationality and made a mockery of Thai Buddhism and Thai culture.

The item's topic had been about a Mr Rainton Hastie finding Buddhism and the letter recorded that the item had been grossly offensive to members of the Thai community. It was offensive as it was not accurate about Thai Buddhism, as it lacked integrity, as it ridiculed both Thai people and Thai Buddhism, and as it made no effort to put the Thai point of view. Explaining Buddhism briefly, the latter stated:

The programme has incited racial disharmony and encouraged denigration and discrimination against the Thai community on account of their race and religion.

### TVNZ's Response to the Formal Complaint

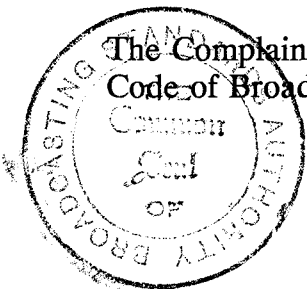
TVNZ considered the complaint against standards 12 and 26 of the Television Code of Broadcasting Practice and advised the complainants of its Complaints Committee's decision in a letter dated 27 May 1991. Standard 12 requires that news be presented accurately, objectively and impartially and standard 26 discourages the broadcast of programmes which portray people in a manner that encourages denigration of, or discrimination against, sections of the community on account of a number of criteria including race or religious or cultural beliefs.

The letter recorded that the Committee believed that the item had been misunderstood by the complainants. It pointed out that Mr Rainton Hastie was well-known in the adult entertainment business and that the item's cynicism, of "can a leopard change its spots" variety, had been directed at Mr Hastie. It said that the item's scepticism about Mr Hastie's conversion was evident in the questions asked by Mr Holmes and by the atmosphere of "sleaze" conveyed and in which Mr Hastie worked.

Emphasising that the item's focus was on Mr Hastie, the letter concluded:

The Committee was advised that Holmes would have adopted the same cynical approach if Mr Hastie had suddenly taken himself off to a monastery - or had launched a campaign to ban alcohol from night clubs. And the Committee could see nothing in the item that carried any derogatory implication about the Auckland Thai community generally, the Thai Buddhist religion, or Thai culture.

The Complaints Committee believed that neither standard 12 nor 26 of the Television Code of Broadcasting Practice had been breached and the complaint was not upheld.



**The Thai Community's Complaint to the Broadcasting Standards Authority**

As the Thai community was dissatisfied with TVNZ's decision, the complaint was referred to the Authority on 19 June 1991 under s.8(a) of the Broadcasting Act 1989.

TVNZ's response was described as quite unsatisfactory and the Complaint Referral Form recorded:

Since the item many members of the Thai community in Auckland have expressed their dismay at the way their religion and culture was the object of such a cynical television item on prime time television. These Thai people are of the opinion the Television New Zealand had a cynical "dig" at Mr Hastie at the expense of the Buddhist religion and That culture.

**TVNZ's Response to the Broadcasting Standards Authority**

As is its practice, the Authority requested TVNZ's response to the complaint. The request is dated 25 June and the reply is dated 15 July.

Noting both that the substance of the complaint was "relatively light" and that TVNZ's reply to the formal complaint had been "imperfectly interpreted", TVNZ noted:

To suggest that the programme encouraged denigration and discrimination with regard to both the religion of Buddhism and the Thai community would appear to be lacking in foundation.

TVNZ agreed that the item contained a strong element of cynicism but that it was directed at Mr Hastie.

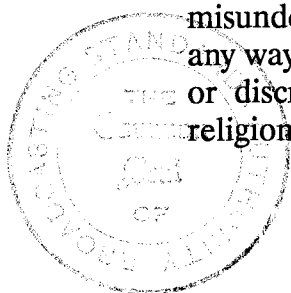
Further, TVNZ found it difficult to understand how the item encouraged denigration or discrimination against the Thai community. It recorded:

It is submitted that it might have persuaded some people to look twice at Mr Hastie - but at no point did it cast any aspersions against the Thai people, or their religion.

Had TVNZ interviewed representatives of Buddhism or the Thai community as the complainants suggested, the letter continued, the issue of Thai visitors' involvement in the adult entertainment industry could well have been raised.

The letter concluded:

The company genuinely believes that the complainant and his clients have misunderstood the nature of the item and are mistaken in their belief that it in any way encouraged denigration of the New Zealand domiciled Thai community or discriminated in any specific way against them on account of their race, religion or cultural beliefs.



**The Thai Community's Final Comment to the Authority**

When asked to comment on TVNZ's reply, the Thai community's solicitor in a letter dated 22 July wrote:

Television New Zealand has failed to grasp the nature of the complaint. ...

Our clients have every objection to cynical shallow inaccurate programmes where their culture and religion is held up for ridicule.

Our clients are of the opinion that a reasonable standard of integrity was lacking.

