

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 48/91

Dated the 7th day of November 1991

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

BILL ROUT

of Hamilton

Broadcaster

TV3 NETWORK SERVICES  
LIMITED

I.W. Gallaway Chairperson  
J.R. Morris  
R.A. Barraclough  
L. Dawson

DECISION

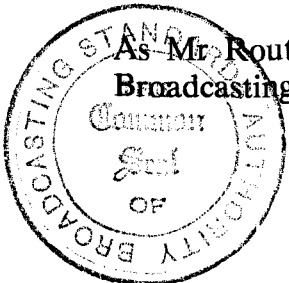
Introduction

TV3's *3 National News* broadcast at 6.00pm on the evening of 16 July 1991 included, first, an item about an Australian television talkshow programme where two men physically attacked each other, and secondly, a sports item which reported that a "hitman" had been selected in the Australian Rugby League team to play the New Zealand team. A sequence of fights in league games was shown in which the selected player had been involved.

Mr Rout complained to TV3 that the items breached the broadcasting standards relating to the portrayal of violence. He said that the talkshow item included minimal introductory comment and that Mr Leighton Smith, TV3's presenter, had trivialised the horror of the violence portrayed by laughing at the item's conclusion. The item about the rugby league player, he wrote, had "glorified" the use of violence in league.

TV3's Complaints Committee declined to uphold the complaint. The first item, it said, was a newsworthy event and Mr Smith's reaction was valid in the context. It stated the second item reported a matter of public interest and could well contribute to the pressure being placed on athletes and sporting bodies to minimise such activity.

As Mr Rout was dissatisfied with TV3's decision, he referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.



## Decision

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

Mr Rout maintained that the broadcast of both items breached standards 21 and 22 of the Television Code of Broadcasting Practice. They read:

- 21 Broadcasters have a responsibility to ensure that when violence forms an integral part of drama or news coverage the context can be justified.
- 22 The gratuitous use of violence for the purposes of heightened impact is to be avoided.

The Authority first considered the sports item which reported the selection of a player for the Australian Rugby League Team which was to play New Zealand. The item showed extracts of some violent incidents in League games in which the player had been involved. The item then broadcast interviews with two New Zealand players who expressed their disapproval of violence on the field.

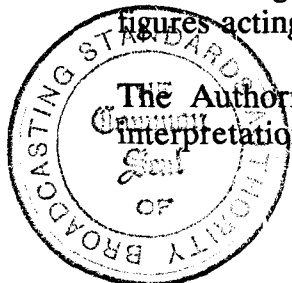
Assessing these facts against the standards, the Authority noted that Mr Rout accepted that a report about the selection of the player concerned was a valid news item. The Authority decided that TV3, by broadcasting interviews with two New Zealand players who stated that the selected player's tactics were not regarded as acceptable, had placed the item in a context which justified the broadcast of the violent incidents. The Authority also believed that there was some validity in TV3's point that exposure on television of sporting violence placed pressure on sports' administrators to minimise violent play. Further, the Authority considered that the portrayal of violence was neither gratuitous nor designed to achieve highlighted impact.

Thus, the Authority concluded that the rugby league item did not breach either standard 21 or 22.

Then the Authority considered the item which had shown the fist fight between two participants on Australian television talkback. The Authority again observed that Mr Rout accepted the validity of the item as a news story. The Authority accepted that the display of violence had not been gratuitously portrayed for the purposes of heightened impact.

The Authority, however, considered at length whether the context of the broadcast was justified in light of the paucity of introductory comment and the reaction of the presenter, Mr Leighton Smith. Mr Rout argued that Mr Smith's humorous reaction was inappropriate as it indicated that he did not take violence seriously. TV3 stated that Mr Smith's laughter was valid in the context as the item showed two well-known media figures acting childishly.

The Authority felt that Mr Smith's reaction was ambiguous and open to various interpretations. His laughter could have been provoked by the sight of men making fools




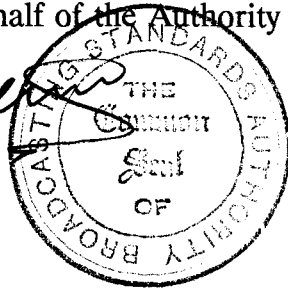
of themselves, as TV3 claimed. But it could also have been an indication he found the violence amusing, rather than deplorable, as Mr Rout alleged. The Authority also noted that the other presenter, Ms Joanna Paul, reacted in a manner which showed her disapproval of either the violence, or Mr Smith's reaction, or both.

In determining the complaint, the Authority considered that Mr Smith's reaction could be interpreted in either way. However, Ms Paul's reaction clearly indicated her disapproval of the violence at least. Despite the ambiguity inherent in Mr Smith's reaction, the Authority concluded, on balance, that the context in which the item was broadcast was justified.

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

Signed for and on behalf of the Authority

  
Iain Gallaway  
Chairperson



7 November 1991

## Appendix

### Mr Rout's Complaint to TV3 Network Services Ltd

In a letter dated 19 July 1991, Mr Rout complained to TV3 Network Services Ltd about two items on 3 *National News* broadcast at 6.00pm on 16 July 1991.

The first item, from an Australian television talkshow, showed two of the participants physically attacking each other. Mr Rout said that the item included minimal introductory comment and after the clip the presenter, Mr Leighton Smith, was seen to be laughing. Mr Rout stated that Mr Smith's reaction was inappropriate as violence was never appropriate behaviour when men get angry.

The second item recorded that a "hitman" had been selected for the Australian Rugby League team and a sequence of league game fights, in which he had been involved, was shown. Mr Rout said that the item glorified the use of physical violence in rugby league.

Both items, he stated, breached the standards relating to the portrayal of violence in the Television Code of Broadcasting Practice.

### TV3 Network Services Response to the Formal Complaint

In a letter dated 1 August 1991, TV3 advised Mr Rout of its Complaints Committee's decision.

It said the talkshow incident had been reported extensively in the Australian media and was a newsworthy event. The behaviour of the two men had been distasteful but it was valid to broadcast the item in a news context. It also described Mr Smith's reaction as valid in the context of two well-known media figures acting childishly.

As the league player focused upon had a history of violent behaviour on the field, TV3 said it had difficulty in grasping the point of the complaint as it had been reporting a matter of public record and public interest. It added that such exposure contributed to maintaining pressure on athletes and sporting bodies to minimise such activities.

### Mr Rout's Complaint to the Broadcasting Standards Authority

As Mr Rout was dissatisfied with TV3's reply, on 14 August he referred his complaint to the Broadcasting Standards Authority for investigation and review under s.8(a) of the Broadcasting Act 1989.

Referring to standards 21 and 22 of the Television Code of Broadcasting Practice, Mr Rout emphasised that he objected not so much to the acts of violence but the way



that they were presented. The broadcast of the talkshow violence had trivialised the horror of the violence and Mr Smith, instead of condemning the behaviour as childish, had laughed and joked about it. Mr Rout wrote:

Violence can never be funny and putting the item in that sort of news context is not justified.

In regard to the item about the Australian rugby league player, Mr Rout argued that violence, not rugby league, was the item's focus and that the item had glorified violence in order to increase interest in the coming league test between Australia and New Zealand. He said that the broadcasts breached standards 21 and 22 of the Television Code.

### TV3's Network Services Response to the Authority

As is its practice, the Authority sought the broadcaster's comments about the complaint. The request is dated 4 September and the reply is dated 12 September. TV3 wrote in regard to the talkshow incident:

We felt we had not trivialised the story. Leighton Smith's reaction related to the childishness of the behaviour of those involved, and we felt that was clearly portrayed. We also felt carrying the story was valid, in that the event had caused a major uproar in Australia, featuring on all bulletins and gaining prominence in most newspapers.

Concerning the rugby league item, TV3 recorded:

The Australian player Geyer was selected for the Australian team after their defeat by New Zealand. He had gained notoriety for his violent tactics on the field in the Winfield Cup series, and we felt it would be difficult to argue that this was not a significant factor of news value to New Zealanders.

### Mr Rout's Final Comment to the Authority

Mr Rout was asked for his comments on TV3's letter and in his response, dated 16 September 1991, Mr Rout repeated the point that he did not question the news value of the talkshow item, but continued to question why the item was broadcast in what he described as a "jocular manner". He added that there was no attempt to explain the horrific nature of the violence displayed.

In regard to the league item, he asked why it was not explained to viewers that such violence was not acceptable. Instead, he said, the item glorified violence rather than the game.

