

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 11/92  
Dated the 30th day of March 1992

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

ROSALIE SUGRUE  
of Dunedin

Broadcaster  
TELEVISION NEW ZEALAND  
LIMITED

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

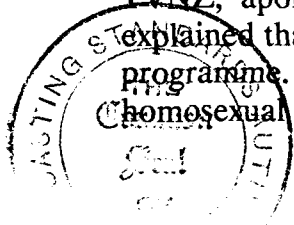
DECISION

Introduction

The role of homosexual clergy within a church's organisation was the issue dealt with by TV1's *Frontline* programme broadcast by Television New Zealand Ltd on Sunday 18 August 1991. The item focused on the Rev. Dr David Bromell who as an acknowledged homosexual was seeking to be confirmed as the Methodist Minister in a Dunedin parish. The Episcopalian Bishop for New Jersey, who was visiting New Zealand and lecturing about the subject, was also featured.

Ms Rosalie Sugrue complained to TVNZ that, whereas the programme presented the views of the opponents to Dr Bromell's confirmation, it lacked balance, impartiality and fairness as it omitted the significant viewpoint of the parishioners who supported him. As no lay person was given the opportunity to speak in support of homosexual clergy and as no woman spoke at all, she described the programme as biased, oppressive and sexist. She added that the programme also breached the requirement that people taking part in a programme be dealt with fairly. She also complained about the omission of her contribution and the contributions from other parishioners, especially women.

TVNZ, apologising for any inconvenience the interview with her had caused her, explained that frequently material was filmed which was not broadcast in the completed programme. With regard to the other aspects of the complaint, TVNZ stated that homosexual clergy, not David Bromell, was the programme's theme. A wide range of



views on the issue was represented and TVNZ declined to uphold the complaints.

As Ms Sugrue was dissatisfied with TVNZ's decision, she 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 programme complained about and have read the correspondence (summarised in the Appendix).

Ms Sugrue has complained that the *Frontline* programme broadcast on 19 August 1991, dealing with the role of homosexual clergy, breached s.4(1)(d) of the Broadcasting Act 1989 and standards 4, 6, 15 and 16 of the Television Code of Broadcasting Practice. Section 4(1)(d) requires broadcasters to maintain standards which are consistent with:

- (d) The principle that when controversial issues of public importance are discussed, reasonable efforts are made, or reasonable opportunities are given, to present significant points of view either in the same programme or in other programmes within the period of current interest.

Standards 4 and 6 require broadcasters:

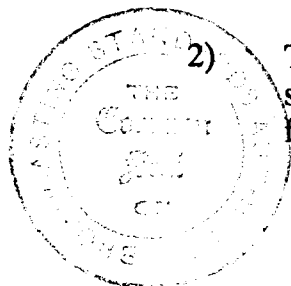
- 4 To deal justly and fairly with any person taking part or referred to in any programme.
- 6 To show balance, impartiality and fairness in dealing with political matters, current affairs and all questions of a controversial nature.

Standards 15 and 16 read:

- 15 Care must be taken in the editing of programme material to ensure that the extracts used are a true reflection and not a distortion of the original event or the overall views expressed.
- 16 No set formula can be advanced for the allocation of time to interested parties on controversial public issues. Broadcasters should aim to present all significant sides in as fair a way as possible, and this can be done only by judging every case on its merits.

Ms Sugrue's specific complaints recorded:

- 1) That the programme failed to present fairly all significant sides of the issue - standard 16.
- 2) That by omitting the significant viewpoint of the parishioners who supported Dr Bromell, the programme lacked balance, impartiality and fairness - standard 6.



- 3) That the omission of Dr Bromell's supporters' views meant that the programme conveyed the erroneous message that the debate pitted the clergy against the lay congregation - standard 15.
- 4) That the omission of any lay people, especially women, to speak in support of homosexual clergy was offensive - s.4(1)(d).
- 5) That while she had reluctantly agreed to participate in the programme and had gathered together a representative sample of the congregation, their contribution was not broadcast. Further, her participation had involved putting her job as a teacher in a Catholic school at risk - standard 4.

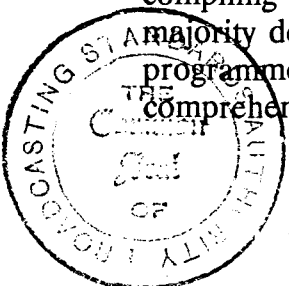
Before addressing the particular points raised by Ms Sugrue, the Authority records that much of her complaint, and TVNZ's rejection of it, is based on differing views about the programme's theme. TVNZ argued that the item examined the role of homosexual clergy within a church's organisation and that it "pegged" the issue on the current debate surrounding the Rev. Dr David Bromell, an acknowledged homosexual who was seeking confirmation as a Methodist Minister in a Dunedin parish.

Ms Sugrue agreed that the issue went beyond the Methodist Church and she supported *Frontline's* efforts in bringing the issue before all churches and churchgoers in New Zealand. However, she said, previews for the programme broadcast before 18 August and the programme itself focused on Dr Bromell. Moreover, the item gave considerable coverage to a breakaway group in Dr Bromell's parish - the John Wesley Methodist Fellowship. Furthermore, she had agreed to participate because Mr Ross Stevens, *Frontline's* presenter, had urged her to discuss Dr Bromell's situation comprehensively.

Having viewed the programme, the Authority agreed with TVNZ that the role of homosexual clergy, not one specific homosexual clergyman, was indeed the issue.

A majority of the Authority then examined each aspect of the complaint although, in view of its decision about the programme's theme, its approach to the issues and the relevance of the standards cited did not necessarily correspond with Ms Sugrue's approach. Nevertheless, the majority had some sympathy with Ms Sugrue's criticisms. They thought a comment from a member of the congregation who supported Dr Bromell may have made the programme better balanced and more interesting. A woman's perspective may also have been valuable given that women form the majority of most congregations.

In view of the issues raised by the complainant, the majority decided that the requirements in s.4(1)(d) of the Broadcasting Act were basic. The Authority would note that that section uses the word "reasonable", both when referring to the broadcaster's efforts and the provision of opportunities to present significant points of view. It does not require "perfect" balance and thus allows for editorial judgment and discretion in compiling programmes about controversial issues. Bearing these points in mind, the majority decided that the supporters of homosexual clergy who were featured on the programme, Bishop Spong from New Jersey and Dr Bromell himself, put their case comprehensively and, indeed, with considerably greater lucidity than their opponents.



The majority also considered that those two were given the opportunity to answer the important points and claims made by the opponents of homosexual clergy, so that in this important sense, balance within the requirements of the standard was maintained.

All the members felt sympathy for Ms Sugrue and the dilemmas she had confronted when deciding whether or not to participate in the programme. They also condemned the broadcaster's lack of courtesy and consideration for Ms Sugrue and those she had taken the trouble to contact in failing to advise them of the decision not to include any part of their interview in the programme. As TVNZ did not broadcast any of the interview with Ms Sugrue or the other members of Dr Bromell's congregation who supported him, the arguments raised by Ms Sugrue about the issue were considered by the majority to be encompassed within the terms of s.4(1)(d), rather than the standards nominated by Ms Sugrue.

The Authority acknowledges that filming an individual or group does not mean that the person or people present a significant point of view which justifies, in itself, a reasonable opportunity to have that point of view broadcast. With this complaint, the decision whether or not the group advanced a significant point of view which should be broadcast was a matter of editorial discretion in the circumstances. As the view put by the group, granted the programme's broader theme, may well have not differed from or added to Bishop Spong's and Dr Bromell's views, TVNZ's statement that they did not add anything that was not said elsewhere was accepted.

In view of the Authority's conclusion about the programme's theme - ie that Dr Bromell was not the focus - the majority decided that he had not been treated unfairly contrary to standard 4. Similarly, as Ms Sugrue's allegation that the programme breached standard 6 was based on her opinion about the programme's theme, the majority concluded that it had not breached that standard. The issues raised under standards 15 and 16 have been dealt with by the majority in its assessment of the alleged breaches of s.4(1)(d) and, accordingly, it concluded that the item did not breach those standards.

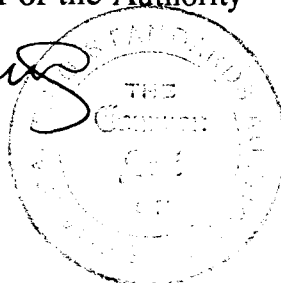
A minority of the Authority, while agreeing with TVNZ that the role of homosexual clergy was the issue, decided, in view of the focus on Dr Bromell and taking particular note of the female majority of most congregations, that the complaint should be upheld. It considered that the failure to present even one woman's viewpoint was a serious omission. Furthermore, while the programme provided a forum for lay persons to express opposition to homosexual clergy, not one person from Dr Bromell's apparently thriving congregation was interviewed in the programme. Both these factors individually and collectively, in the minority's opinion, placed the programme in breach of s.4(1)(d).

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

Signed for and on behalf of the Authority



Iain Gallaway  
Chairperson  
30 March 1992



## Appendix

### Rosalie Sugrue's Complaint to Television New Zealand Limited

In a letter dated 29 August 1991, Ms Sugrue complained to Television New Zealand Ltd about TV1's *Frontline* programme broadcast on 18 August. She said it breached s.4(1)(d) of the Broadcasting Act 1989 and standards 4, 6, 15 and 16 of the Television Code of Broadcasting Practice.

The programme dealing with the role of homosexual clergy had breached the standards, she continued, by not fairly presenting the significant point of view of the parishioners who supported a homosexual minister. Consequently, the programme lacked balance, impartiality and fairness and portrayed the erroneous message that the issue amounted to a clergy versus lay debate.

She listed the people who spoke on the programme and the "voice-over" presentation of biblical views and wrote:

Not one lay person was given the opportunity to speak in support of homosexual clergy and not one woman spoke at all. I view this as biased, oppressive and sexist.

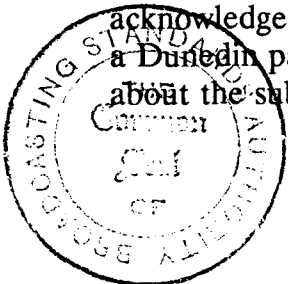
Noting that the Dunedin parish described in the programme was the only one to employ an openly homosexual minister, she complained that the minister's own parishioners were edited out of the programme.

Referring specifically to standard 4, she said that she had been invited to appear on the programme. She had reluctantly agreed to do so as a matter of integrity, truth and justice. It had involved careful and thorough preparation at some expense. Further, discussion of the potential publicity with her pupils involved possible dismissal from her position as a teacher at a Catholic primary school. She complained that the omission of her contribution and the contribution from other parishioners, especially women parishioners who were the majority of lay members, meant that *Frontline* gave the wrong impression about the beliefs of many Methodists.

### TVNZ's Response to the Formal Complaint

TVNZ advised Ms Sugrue of its Complaints Committee's decision in a letter dated 22 October 1991.

It began by explaining that the programme dealt with the issue of homosexual clergy. It was "pegged" on the debate about the Rev. Dr David Bromell, who was an acknowledged homosexual Methodist Minister seeking confirmation as the minister in a Dunedin parish. The visiting Episcopalian Bishop from New Jersey who lectured about the subject was also featured.



TVNZ expressed its sincere regret to Ms Sugrue for any inconvenience the programme makers had caused her but pointed out that material filmed during the preparation of a programme frequently was not broadcast in the completed programme. Moreover, TVNZ recorded its appreciation for the complainant's co-operation during the programme's preparation.

TVNZ continued by explaining that, contrary to the complainant's perspective, the ordination of homosexual men as clergy was the programme's theme. The controversy in Dunedin about Dr Bromell had been used to explore the wider issues. Early in the programme interviews with orators from the Christchurch Cathedral and Cathedral Square had been used to define the issues. The programme had explored the range of opinions but it had not reached a conclusion and thus did not show the partiality which would justify a finding that standard 6 had been breached. As the editing reflected the range of views on the topic, standard 15 had not been breached. And, as significant points of view had been presented, standard 16 had been complied with.

As part of some further observations, TVNZ's Complaints Committee said that it had difficulty in understanding why a woman should have been involved in the programme. Overall, TVNZ concluded:

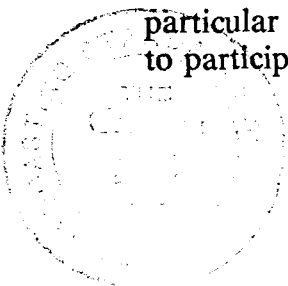
In summary it was about the broad issue of homosexuals in the clergy, the scriptural conflicts, the personal costs, and the powerful emotions unleashed by the debate. Viewers, it was considered, were left with a clear impression of the diverse issues involved.

These factors notwithstanding, there was a view expressed that the programme might have been better rounded had there been a local parish view and that there be a better or clearer definition as to the numbers who had left the church and the nature of the local support for Dr Bromell, bearing in mind his sexual orientation.

#### Rosalie Sugrue's Complaint to the Broadcasting Standards Authority

As Ms Sugrue was dissatisfied with TVNZ's decision, in a letter dated 4 November 1991, she referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989. She said that TVNZ had not addressed all the issues in the complaint and that the reasons given for its decision were inadequate.

Overall, she stated, the programme lacked balance, impartiality and fairness. It gave the major time slots to the opponents of homosexual clergy to the exclusion of Dr Bromell's parishioners. In particular, a Mr Noel Mosen who opposed the ordination of homosexuals as clergy spoke for the longest time but he "appeared to lack both credentials and credibility, thus debasing the whole programme". She expressed particular concern about the possible impact on her employment which her decision to participate had involved.



On the issue of her participation, she said that the Complaints Committee had assumed "a condescending, patriarchal attitude". She had agreed to participate when told that the item would focus on Dr Bromell and the deletion of that material was the basis of her complaint about the editing of the item.

Further, she wrote:

No lay people spoke in favour of homosexual clergy. I see this as deliberately misrepresenting the issue, making it appear to be a clergy versus the people debate. The committee do not address this point in any way.

She took strong exception to the Committee questioning the right of women to participate in the debate, describing that attitude as patriarchal sexism.

She argued that the Methodist Mission Statement accepted the ordination of homosexuals and observed:

It is noteworthy that the Methodist Church leads others with its inclusive stance and that Dunedin employs the first openly homosexual presbyter. I agree that the issue goes beyond the Methodist Church and FRONTLINE did well to mention this. I do not agree that the viewers were left with a clear impression of the diverse issues involved. The viewers were left with a lingering impression of the John Wesley Methodist Fellowship and Salvation Army people praying, apparently for the downfall of homosexual clergy.

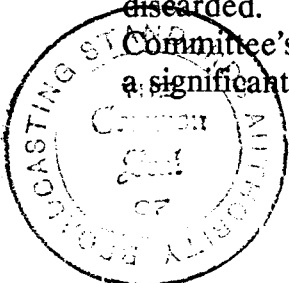
#### TVNZ's Responses to the Broadcasting Standards Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. The request to TVNZ is dated 11 November 1991 and the reply 11 December.

TVNZ repeated the point it had made to Ms Sugrue that the programme had been concerned with homosexual clergy. Because of the "complainant's preoccupation with the local Dunedin scene", TVNZ continued, she had not appreciated that point sufficiently. TVNZ argued that the programme had achieved a reasonable balance between those who put the case in favour of homosexual clergy and those who put the case against it.

It was not believed that the views of lay members of the congregation, as recorded but not used, added anything of significance to the debate on the main issues which were canvassed by those whose contributions were used.

TVNZ explained that the process of preparing a programme could result in "new strands of thought or information" which would mean that entire interviews were discarded. TVNZ refuted the complainant's allegation that the Complaints Committee's attitude reflected a patriarchal sexism, adding that if a woman had made a significant contribution to the issue, it would have been included.



TVNZ cited extracts from the decisions of the Broadcasting Tribunal, the Authority's predecessor, which accepted that programme makers were entitled to examine aspects only of a topic, provided the standards were not breached. One extract noted:

A programme is entitled to limit, or even refrain from, controversial aspects of a topic, unless that results in unfairness or partiality or, in the case of a news programme, a lack of objectivity. There is no obligation to widen the topic or investigate subsidiary or peripheral byways.

TVNZ concluded by commenting:

Finally the company would submit that while it fully understands the complainant's concerns in this matter, it believes that it has not breached any of the statutory provisions in its examination of the broader perspective of a controversial subject without specifically investigating "subsidiary or peripheral byways".

#### Rosalie Sugrue's Final Comment to the Authority

When asked to comment on TVNZ's reply, in a letter dated 2 January 1992 Ms Sugrue said she supported *Frontline's* examination of the issue of homosexual clergy. She added that the advertisements for the programme's referred to the Rev. Dr David Bromell and thus his position deserved fair coverage. However, only the opinions of lay people opposing his appointment were broadcast. Further, the credentials of the opponents were not given.

She persisted with her complaint that *Frontline* gave an unbalanced view by featuring the Dunedin breakaway group while ignoring the continuing and active Methodist congregation. The non-inclusion of the interview with her and fellow parishioners, she also complained, had violated her personal privacy and put her job at risk.

She accepted that editing was a common practice but complained about the deletion of an entire interview of the group she put together, specifically at the programme maker's request. She described some of Dr Bromell's contributions to the Methodist Church and said that he brought many valuable skills to his work.

