

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 13/92

Dated the 15th day of April 1992

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

H.E. JENSEN

of Wellington

Broadcaster

RADIO NEW ZEALAND LIMITED

I.W. Gallaway Chairperson

J.R. Morris

R.A. Barraclough

L.M. Dawson

DECISION

Introduction

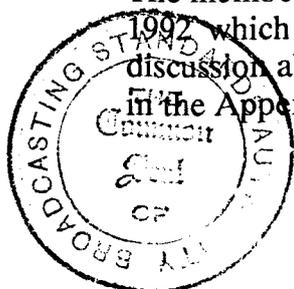
"We'll hear about school trustees - maybe suckers for punishment lining up for re-election?" Those were the words used by Mr Geoff Robinson, a presenter on Radio New Zealand Ltd's *Morning Report*, at 7.59am on 27 January 1992 when previewing the issues to be dealt with in the following hour. *Morning Report* is broadcast on National Radio between 7.00 am and 9.00 am, Monday to Friday.

As Mr Jensen considered the comment to be an adverse reflection on a dedicated group of people, he complained to RNZ that it breached the broadcasting standard requiring the observance of good taste and decency.

RNZ declined to uphold the complaint and Mr Jensen referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Decision

The members of the Authority have listened to a tape from *Morning Report* of 27 January 1992 which included the presenter's remark complained about and the subsequent discussion about school trustees. They have also read the correspondence (summarised in the Appendix). As is its practice, the Authority has determined the complaint without



a formal hearing.

Mr Jensen described the phrase "suckers for punishment", used by a presenter on *Morning Report* when previewing an item about school trustees, as snide, discourteous and unacceptable. The comment, he said, breached s.4(1)(a) of the Broadcasting Act 1989 which requires broadcasters to maintain in their broadcasts standards which are consistent with the observance of good taste and decency.

RNZ rejected the complaint on the grounds that the ad-libbed colloquial phrase was posed as a question and had not referred to any specific trustee.

The Authority acknowledges that the phrase reflects colloquial usage and had it just referred to "suckers", rather than "suckers for punishment", it might have taken a different view about its use. However, it accepts that the expression "suckers for punishment", while perhaps not complying with traditional standards of English, is an acceptable and not infrequently used term when referring to a group which, as a matter of public record, works under considerable pressure. Furthermore, rather than referring to such a group in a snide and discourteous way, the Authority recognises that the phrase can contain overtones of sympathy and, even, possibly admiration.

Having listened to the tape of the phrase complained about, the Authority concluded that the use of the phrase, which was contained in what was something of a "throw away" question, was entirely appropriate on this occasion. Moreover, rather than using the phrase in an abusive manner, the comment was made in a tone which acknowledged the stress and pressures under which school trustees work.

In the circumstances, the Authority did not agree with Mr Jensen's interpretation about the comment and, indeed, was of the opinion that the complaint bordered on the trivial.

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

The correspondence summarised in the Appendix refers to a dispute between Mr Jensen and RNZ about the contents of RNZ's Complaints Procedure brochure. As it does not concern material which was broadcast, it is not a matter which is relevant to the current complaint.

Signed for and on behalf of the Authority


Iain Gallaway
Chairperson



15 April 1992

Appendix

Mr Jensen's Complaint to Radio New Zealand Ltd

In an undated letter to RNZ, Mr Jensen complained about a presenter's comment on *Morning Report* on 27 January 1992. The presenter had referred to school boards of trustees as "suckers for punishment". The comment, Mr Jensen said, was snide, discourteous and unacceptable.

His letter was treated by RNZ as an informal complaint and, upon receiving a response, Mr Jensen referred it to the Broadcasting Standards Authority in a letter dated 1 February 1992. Because the Authority can review a formal complaint only, it referred the 1 February letter back to RNZ which dealt with it as a formal complaint.

In the 1 February letter, Mr Jensen said the presenter commented, when referring to school trustees:

We will hear about school trustees ... they are suckers for punishment.

He described the remark as unacceptable and a reflection on a dedicated group of people and complained that it breached s.4(1)(a) of the Broadcasting Act 1989 which requires broadcasters to maintain standards consistent with:

- (a) The observance of good taste and decency.

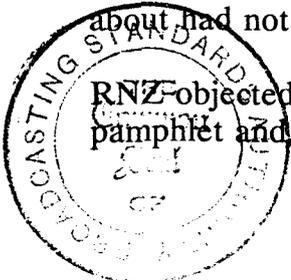
He also complained that RNZ's Complaint Procedure pamphlet was seriously deficient in that it omitted any reference to s.4(1)(e) of the Act.

RNZ's Response to the Formal Complaint

RNZ responded formally to the complaint in a letter dated 5 February 1992. The words complained about, it said, were a part of a broadcast of an ad-libbed list of subjects to be covered in the following hour. It also pointed out that Mr Jensen's description of the words spoken omitted the word "maybe" before the phrase "suckers for punishment". Arguing the addition of that word and the manner in which the remark had been made resulted in a question, rather than a statement, RNZ described the comment as an informal brief announcement. In addition, RNZ observed, the comment had presented, in a colloquial fashion, the two main points made in the interview broadcast during the following hour.

RNZ concluded, as the item did not refer to specific trustees and as the subsequent item dealt with the dedication required of trustees, that the comment complained about had not breached the standard requiring good taste and decency.

RNZ objected strenuously to Mr Jensen's comment about its Complaint Procedure pamphlet and, as it was inaccurate, requested an apology.



Mr Jensen's Complaint to the Broadcasting Standards Authority

As he was dissatisfied with RNZ's decision about his formal complaint, in a letter dated 12 February 1992, Mr Jensen referred it to the Authority under s.8(a) of the Broadcasting Act 1989. He maintained that for many years RNZ had acted as a law unto itself and seemed to believe, contrary to the requirements in the Act, that its presenters were free to make ad-lib comments with impunity even in bad taste.

In his Complaint Referral Form, he described school trustees as a dedicated group who did not deserve sarcastic and belittling comments. He added:

There is a wide line between good taste and down right rudeness and this is a perfect example of bad taste.

He was very critical of the tone and style of RNZ's response to his complaint, observing:

This medium has taken a "holier than thou" stance for many years and never have I heard of an impartial review being upheld.

He also requested the Authority to direct RNZ to incorporate the requirements of s.4(1)(e) of the Broadcasting Act into its pamphlet and said that RNZ's complaints pamphlet should deal with the entire complaints process in the simplest terms.

RNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its request is dated 13 February 1992 and RNZ's reply 19 February 1992.

It reviewed in some detail the correspondence from Mr Jensen and, describing his summary of the comment broadcast on *Morning Report* as inaccurate, said the words used were:

" ... We'll hear about school trustees - maybe suckers for punishment? - lining up for re-election ... "

It repeated the points made in its reply to Mr Jensen dated 5 February, stressing

The words as spoken include the word "maybe" which, together with the rising inflexion and the parenthetic nature of the words objected to, clearly make the headline a question, not a statement, and could not bear the meaning which the complainant sought to give them.

It added that the phrase "sucker for punishment" was a well-known colloquialism and significantly differed from the word "sucker" on its own.



Arguing that Mr Jensen's comments in his Complaint Referral Form were very difficult to understand along with what it believed were indications that he had not understood the company's response to his complaint, RNZ suggested that it might be an appropriate occasion for the Authority to decline to determine the complaint.

Referring to Mr Jensen's comments about its pamphlet, RNZ again expressed the opinion that he had not understood them and proposed that the Authority should order him to withdraw, and apologise for, his accusation that the company used deceptive practices.

Mr Jensen's Final Comment to the Authority

When asked to comment on RNZ's response to the Authority, in a letter received on 5 March Mr Jensen described RNZ's discussion on the word "sucker" as a "sour, sarcastic reflection on a very large loyal conscientious group of people". It was, he added, a comment in bad taste.

In regard to his disagreement with RNZ about its complaint process, he recalled that he had made oral submissions on the process to the Parliamentary Select Committee which had considered the Broadcasting Bill. He had been assured that his concern about the availability of a comprehensive complaints brochure would be incorporated into the Act but, now, few RNZ stations were aware of the brochure. He concluded:

The foregoing, I trust, answers the veiled threats and sensitivity of RNZ involving their shortfalls in their brochures in summarising fully complaints procedures as detailed in Part 1 Programme Standards 4.1

