

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 89/92

Dated the 12th day of November 1992

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

NORMAN E.N. SMITH
of Wellington

Broadcaster
TELEVISION NEW ZEALAND
LIMITED

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

DECISION

Introduction

In her final comment on 18 June 1992, the presenter of *Tonight* (Ms Anita McNaught) suggested that Queen Elizabeth might spend her recently earned stake, as owner of a winning race horse, on marriage counselling for her children.

Mr Norman Smith complained to Television New Zealand Ltd, as the broadcaster, that the comment lacked good taste and decency and breached the broadcasting standard which required that news be presented accurately, objectively and impartially.

Referring to the recent controversy about some royal marriages, TVNZ described the remark as a "good natured dig" after an accurate report of the Queen's winnings and declined to uphold the complaint. As he was dissatisfied with TVNZ's decision, Mr Smith 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 a tape of the item complained about and have read the correspondence (summarised in the Appendix). As is its practice, the



Authority has determined the complaint without a formal hearing.

In the final item of TVNZ's news programme *Tonight* on 18 June 1992, broadcast on TV1 between 10.30 - 11.00pm, the presenter (Ms Anita McNaught) noted that the Queen had won \$90,000 as the owner of a winning race horse. The presenter added that the Queen should consider spending some of the winnings on marriage counselling for her children. Mr Smith complained to TVNZ that the remark lacked both good taste and decency and objectivity.

In response, TVNZ pointed out that royal marriages were the subject of considerable media comment and described the remark as neither malicious nor snide but as a "good natured dig". After initially failing to understand the reference to the lack of objectivity, TVNZ said that a news presenter's personality was established by an occasional light-hearted comment on an issue of no great substance and that such a remark did not breach the requirement for accuracy, impartiality and objectivity. It continued:

We would not support our presenters making comment on major matters of political or industrial controversy or current public policy, but the Royal Family's success at the races is hardly in the same league. It provided an opportunity for the presenter to convey some interesting information, while at the same time sharing a gentle joke with the viewers.

In his final comment to the Authority, Mr Smith asked:

Does the news presenter's role include the prerogative to make personal comment in any way on the news being presented? I think not.

The Authority considered the item against standards 2 and 12 of the Television Code of Broadcasting Practice which, Mr Smith said, the item breached. The former requires broadcasters:

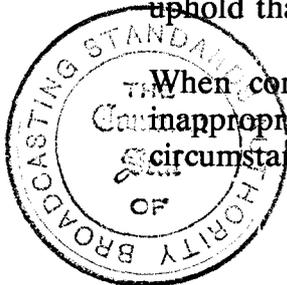
- 2 To take into consideration currently accepted norms of decency and taste in language and behaviour, bearing in mind the context in which any language or behaviour occurs.

Standard 12 reads:

- 12 News must be presented accurately, objectively and impartially.

Addressing the good taste and decency aspect of the complaint first, the Authority believed that the remark at least gave the impression of light-hearted spontaneity and it agreed with TVNZ's description that it was "good natured". The Authority decided that the remark did not in fact raise an issue of good taste and decency and declined to uphold that aspect of the complaint.

When considering the complaint that the remark was a personal aside which was inappropriate to include in the news, the Authority examined the particular circumstances in which it was made. On the one hand, it concurred with TVNZ in its



observation:

We would not support our presenters making comment on major issues of political or industrial controversy or current public policy

On the other, the remark complained about did not deal with an important national or international issue and it was unlikely to affect a viewer's perception of the news. Standard 12 requires news to be presented accurately, objectively and impartially and it is an important standard. However, it does not exclude comments which are not news items and which could not be interpreted as news. In answer to Mr Smith's rhetorical question, the Authority sympathises with his concern but does not think that the standard totally excludes all comments on the news particularly in the case of a light-hearted or trivial item such as the one under consideration.

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

Signed for and on behalf of the Authority


Iain Gallaway
Chairperson



12 November 1992

Appendix

Mr Smith's Complaint to Television New Zealand Limited

Mr Norman E. N. Smith of Wellington complained to Television New Zealand Ltd about the final remark made by the presenter (Ms Anita McNaught) on *Tonight* on Thursday 18 June. It was reported that the Queen had received a stake of \$90,000 as the owner of a winning race horse and Ms McNaught suggested that she use that money for marriage counselling for her children.

Describing the comment as impertinent, Mr Smith said it lacked good taste and decency and breached the broadcasting standard which requires that news be presented objectively and impartially.

TVNZ's Response to the Formal Complaint

TVNZ advised Mr Smith of its Complaints Committee's decision in a letter dated 7 August 1992. It reported that the complaint had been considered against standards 2 and 12 of the Television Code of Broadcasting Practice.

Pointing out that there had been some recent publicity about a number of royal marriages, and taking into account the increasingly open debate about royalty, TVNZ referred to the presenter's delivery and demeanour and said the remark was a "good natured dig". It added that the comment had been neither malicious or snide and did not breach the good taste and decency requirement. As the report about the Queen's race winnings was accurate, TVNZ was unable to understand the complaint that the news was neither objective nor impartial.

Mr Smith's Complaint to the Broadcasting Standards Authority

As he was dissatisfied with TVNZ's response, on 1 September 1992 Mr Smith referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

While he accepted that the item's taste was a matter of opinion, he said that it was the presenter's task to deliver the news impartially. A presenter, he added, who included personal comments breached the requirement for objectivity and impartiality.

TVNZ's Response to the Authority

As is its practice, TVNZ sought the broadcaster's response to the complaint. Its letter is dated 2 September and TVNZ's response, 22 September.



TVNZ reported the concluding comments made by the presenter and added:

Our view, very simply, is that the remark was "a good natured dig" at the Royal family which at the time was in the midst of yet another marital scandal.

It maintained that it did not breach the good taste and decency standard.

In regard to the other aspect of the complaint, TVNZ said that the requirement for accuracy, impartiality and objectivity did not rule out the occasional "light-hearted" comment "on a subject of no great substance". Otherwise, it continued, presenters were without personality. It wrote:

We would not support our presenters making comment on major matters of political or industrial controversy or current public policy, but the Royal Family's success at the races is hardly in the same league. It provided an opportunity for the presenter to convey some interesting information, while at the same time sharing a gentle joke with the viewers.

It concluded by noting that the print media included cartoons and columnists and that the Royal Family were frequently the target of media humour.

Mr Smith's Final Comment to the Authority

When asked to comment on TVNZ's response, in a letter dated 28 September, Mr Smith argued that a printed newspaper story varied dramatically from an "off the cuff" remark by a broadcaster. Mr Smith finished the letter with the following remark:

The question to be answered is quite straight forward. Does the news presenter's role include the prerogative to make personal comment in any way on the news being presented? I think not.

