

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 97/92

Dated the 17th day of December 1992

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

LAURIE COLLIER

of Upper Hutt

Broadcaster

TV3 NETWORK SERVICES
LIMITED

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

DECISION

Introduction

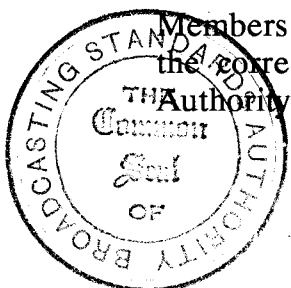
"Our bloody Parliament", "I'm sick of all this crap", "bullshit and bluster", "wanking on", "really pisses me off" and "screwing up" were among the phrases used by panellists on the programme *The Ralston Group* broadcast by TV3 on Wednesday 2 September at 9.00pm.

Mr Collier complained to TV3 Network Services Ltd, as the broadcaster, that the offensiveness of the language used failed to observe decent standards.

Acknowledging that some of the words used were vulgar and would be better not used, TV3 said that the participants were advised to choose their words carefully especially during the programme's heated exchanges. It declined to uphold the complaint. Dissatisfied with TV3's response, Mr Collier referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Decision

Members of the Authority have viewed the programme complained about and have read the correspondence (summarised in the Appendix). As is its normal practice, the Authority has determined the complaint without a formal hearing.



Mr Collier complained to TV3 about some of the language used by panellists on the programme *The Ralston Group* broadcast at 9.00pm on 2 September 1992. He attached to his complaint a review of the programme which appeared in Wellington's *Evening Post* on 4 September. The review repeated some of the words and phrases used and expressed the opinion that their use indicated a lack of television standards. Mr Collier endorsed that opinion.

TV3 acknowledged that some of the words were vulgar but argued that the words, which would have been better not said, were broadcast during heated exchanges on a programme which was broadcast live. Participants, it added, were advised to be prudent in their speech and it did not believe that any further action was necessary.

When he referred his complaint to the Authority, Mr Collier contested TV3's decision not to take further action. To avoid a recurrence of the broadcast of similar language, he suggested that the programme should be pre-recorded and edited before screening.

Although the referral to the Authority was on the basis of dissatisfaction with the action taken by the broadcaster, the Authority first considered the complaint about the language used. Because the correspondence on this point was ambiguous, confirmation was sought from TV3 which advised that the complaint about the language used was not upheld. Acknowledging that printing the terms together in a list accentuates their crassness, nevertheless, after viewing the entire programme the Authority was inclined to the view that, had it been presented with the issue, it would have upheld the complaint that the language used breached the good taste and decency standard.

However, as Mr Collier in his referral confined his dissatisfaction to the issue of the action taken, the Authority was faced with the question of whether TV3's action to avoid a repetition was sufficient.

By way of introduction, the Authority records that under the Broadcasting Act, it is concerned with the maintenance of programme standards. It is not charged with the responsibility for programming as such and s.5(c) of the Act states explicitly that the complaint procedure is not applicable, in general, to deal with the complainant's preferences.

This point is noted by the Authority to explain why it is not prepared to rule or, indeed, to express an opinion on Mr Collier's suggestion that the programme should be recorded and edited before screening. The Authority merely observes that it appears that the live broadcast of *The Ralston Group* is one of its attractions to viewers as, should the unexpected happen, it will not be eliminated during editing. As a corollary, TV3 as the broadcaster is responsible for ensuring that the participants are aware of, and comply with, broadcasting standards. If an aspect of the programme breaches the standards, then, provided a complaint is made according to the legislation, TV3 will bear the responsibility for the breach.

TV3 pointed out that the participants were advised to be prudent in their speech and it would appear that Mr Ralston, as the host, carries some responsibility to maintain standards during the actual broadcast should the debate become unduly heated or



disorder threatens to break out in some form. Putting to one side the question of recording the programme before screening as being out of its jurisdiction, the Authority decided that the action taken by TV3 on Mr Collier's complaint was satisfactory. It indicated that the broadcaster was aware of its responsibilities under the Act and had taken reasonable steps in the circumstances.

For the reasons set forth above, the Authority declines to uphold Mr Collier's complaint that the action taken by TV3, following his complaint about the broadcast of *The Ralston Group* of 2 September, was unsatisfactory.

Signed for and on behalf of the Authority


Iain Gallaway
Chairperson



17 December 1992

Appendix

Mr Collier's Complaint to TV3 Network Services Limited

In a letter dated 4 September 1992, Mr Laurie Collier of Upper Hutt complained to TV3 Network Services Ltd about the language used on the programme *The Ralston Group* broadcast by TV3 at 9.00pm on Wednesday 2 September.

Mr Collier stated that some of the language used by the panellists was coarse and offensive and failed to observe decent standards. In support of his complaint, he enclosed a review of the programme carried in the *Evening Post* in which a number of the words and phrases used were quoted and which asked if there were any appropriate television standards.

TV3's Response to the Formal Complaint

TV3 advised Mr Collier of its Complaints Committee's decision in a letter dated 30 September 1992.

It pointed out that the programme often involved heated argument and vehement exchanges and acknowledged that vulgar words had been used. It continued:

However, the programme is broadcast live and there is no way to ultimately control outbursts short of advising our participants, as we now do, to be prudent in their speech. You may have noticed that coming out of commercial breaks Mr Ralston comments from time to time that "order has once again been restored".

TV3 concluded that no further action was necessary.

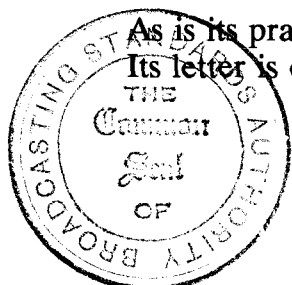
Mr Collier's Complaint to the Broadcasting Standards Authority

Dissatisfied with TV3's response, in a letter dated 7 October 1992 Mr Collier referred his complaint to the Authority under s.8(a) of the Broadcasting Act 1989.

Stronger measures, he argued, were necessary to prevent the broadcast of such language and he suggested pre-recording and editing the programme before its broadcast.

TV3's Response to the Formal Complaint

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 13 October 1992 and TV3's reply 2 November.



TV3 maintained its position advanced in its letter to Mr Collier of 30 September and noted that the language complained about had been repeated verbatim in a newspaper column.

Mr Collier's Final Comment to the Authority

When asked to comment on TV3's reply, in a letter dated 5 November 1992 Mr Collier noted that while the language might be acceptable in army barracks, it was not acceptable in the family living room via broadcast.

Just as parents should create good role models for their families so should the media.

He said that printing the remarks in a newspaper column was irrelevant and he repeated his suggestion that the programme be recorded and edited before screening.

Further Correspondence

In response to Mr Collier's letter, TV3 remarked (26 November):

[T]he pre-recording of this programme is not logistically possible and would totally pre-empt what the programme is all about - live debate!

In response to the Authority's request, in a further letter dated 30 November, TV3 advised:

We declined to uphold the complaint on the grounds that the programme is a live debate (often vociferous) and the fact that the panel will continue to be cautioned as to their language.

Mr Collier responded (3 December) by arguing that the newspaper column reported the words as quotations and they would not have been printed had they not earlier been used on the programme. He argued that penalties needed to be imposed to prevent recurrences of the offending words.

