

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 111/93

Dated the 2nd day of September 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

RICHARD STEPHENS
of Auckland

Broadcaster
RADIO 95BFM
of Auckland

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

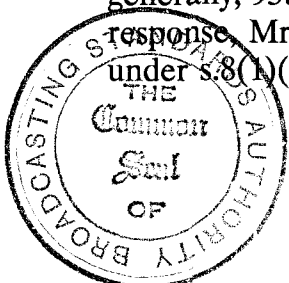
DECISION

Introduction

Referring to a news item about some children in the United States who had been convicted of the attempted murder of their teacher, the breakfast announcer on the Auckland University Student Association's radio station commented in part that "if more people at school started topping the teacher, the standard of teaching might improve". He also questioned the competence of some teachers whom he described as "wimps", particularly those who were Christians.

Mr Stephens complained to 95bFM that the comment was dangerous and breached the broadcasting standards requiring the maintenance of law and order, and good taste and decency.

Describing the comment about "topping" teachers as a second-rate joke and pointing out that the announcer's other remarks had referred to his own teachers, rather than teachers generally, 95bFM declined to uphold the complaint. Dissatisfied with the broadcaster's response, Mr Stephens referred his complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.



Decision

The members of the Authority have listened to a tape of the item complained about and have read a transcript. They have also read the correspondence (summarised in the Appendix). As is its practice, the Authority has determined the complaint without a formal hearing.

Improving teaching standards by "topping" "lame" teachers who were "wimps", "normally Christians", was a suggestion made by the announcer at 8.15 one morning on Auckland University Students Association's radio station, 95bFM. He was commenting on a news report from the United States where some pupils had been convicted of the attempted murder of their teacher.

Nominating some specific broadcasting standards which he alleged were contravened, Mr Stephens complained to the broadcaster that the announcer's entire comment breached the requirements for good taste and decency and the maintenance of law and order.

The broadcaster advised that the announcer's comment was:

If more people at school started topping the teacher the standard of teaching might improve actually. Those lame teachers we had at school - some of them were very, very good, especially the Maths teachers - but some of these wimps that came through ... normally Christians ... that came through didn't know what to do so went teaching and it did no one a favour; horrible, horrible people. Teachers should be strong and motivational.

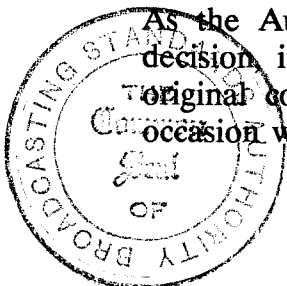
It assessed the complaint against the following standards in the Radio Code of Broadcasting Practice which require broadcasters:

- 1.1(b) To take into consideration currently accepted norms of decency and good taste in language and behaviour, bearing in mind the context in which any language or behaviour occurs:
- 1.1(f) To respect the principles of law which sustain our society:

Appreciating that the "topping" comment could cause annoyance, the broadcaster pointed out that it was not an incitement to violence but "a rather obvious and second-rate" joke and it declined to uphold that aspect of the complaint. Further, as the observation about teachers obviously referred only to the announcer's own teachers and was not a slur on teachers generally, that aspect of the complaint was also not upheld.

When Mr Stephens referred his complaint to the Authority, he claimed that the comment also breached the requirement of standard 1.1(c) that broadcasters must be mindful of the effect of programmes on children during their generally accepted listening periods.

As the Authority's legislative task is to "investigate and review" the broadcaster's decision, it does not assess programmes by standards which were not raised in the original complaint to the broadcaster. On that basis, the Authority's task on this occasion was confined to an examination of the broadcast pursuant to the standards



listed above - 1.1(b) and 1.1(f). It would record, however, that on this occasion the general thrust of Mr Stephen's concern under standard 1.1(c) is in effect captured by the requirements of 1.1(b).

The requirement for good taste in standard 1.1(b) refers to the context in which the language appears. One aspect of the context which the Authority decided had some relevance was the fact that the broadcaster was a student radio station. While being firmly of the view that the label "student radio" does not justify non-compliance with the Radio Code, the Authority was prepared to accept, when assessing the motivations and context for any broadcast comment, that some small leeway might be justified. On that basis, the Authority decided that the announcer's stupid and immoderate comment could indeed be seen as a second-rate joke. Furthermore, his comments about some teachers, as the broadcaster suggested, were probably a reference to some specific teachers rather than a reflection on teachers generally. In that situation, the standards cited had not been breached.

The Authority also considered that the station manager had handled the complaint sensibly and responsibly and had made an offer to meet with the complainant and the announcer to discuss the complaint.

On the basis that the comments, while of questionable taste, were unlikely to provoke criminal behaviour and did not breach the good taste and decency standard when context was taken into account, the Authority concluded that the broadcast did not breach standards 1.1(b) or 1.1(f) of the Radio Code.

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

Signed for and on behalf of the Authority



Iain Gallaway
Chairperson



2 September 1993

Appendix

Mr Stephens' Complaint to Radio 95bFM

In a letter dated 5 July 1993, Mr Richard Stephens of Auckland complained to the Auckland University Students Association about an item broadcast at about 8.15am that morning on its radio station 95bFM.

The announcer had referred to a news item about some children in the United States who had been convicted of the attempted murder of their teacher and, Mr Stephens said, the announcer had commented:

I think that the standard of teaching in New Zealand would be greatly improved if kids murdered teachers they didn't like.

Describing the comment as dangerous and perhaps an expression of the announcer's unresolved dissatisfactions with his own school experiences, Mr Stephens said it breached the broadcasting standards requiring the maintenance of law and order and public decency.

Radio 95bFM's Response to the Formal Complaint

Radio 95bFM's Station Manager (Ms Harriet Crampton) responded to the complaint in a letter dated 6 July 1993. She included a transcript of the comment complained about which read:

If more people at school started topping the teacher the standard of teaching might improve actually. Those lame teachers we had at school - some of them were very, very good, especially the Maths teachers - but some of these wimps that came through ... normally Christians ... that came through didn't know what to do so went teaching and it did no one a favour; horrible, horrible people. Teachers should be strong and motivational.

Appreciating that the first sentence could cause annoyance, Ms Crampton nevertheless found it hard to accept that it incited violence. It was, she considered, "a rather obvious and second-rate joke".

Pointing out that the other comments referred to the announcer's own teachers, she said that they were not very polite remarks about particular people rather than a general slur on teachers or Christians. She acknowledged that the announcer might have unresolved dissatisfactions about his own schooling and was prepared to discuss the matter further with Mr Stephens and the announcer should Mr Stephens wish to



Mr Stephens' Complaint to the Broadcasting Standards Authority

As he was dissatisfied with the broadcaster's response, in a letter dated 11 July 1993 Mr Stephens referred the complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

He maintained that the announcer's comment about "topping" teachers breached the good taste and decency and respect for the principles of law standards. Moreover, it breached the standard requiring broadcaster's to be mindful of the effect of programmes on children. In addition, he alleged that the comments about Christians and teachers breached the good taste standard.

Radio 95bFM's Response to the Broadcasting Standards Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 16 July 1993 and Ms Crampton, in her reply dated 20 July, repeated her comments in her 6 July letter to Mr Stephens.

She added that the announcer had not described either all Christian teachers as wimps or horrible but had referred only to some teachers who had taught at his school.

She was unable to accept the "topping" comment as other than the announcer's ironic opinion about how teaching standards could be improved. It was not, she persisted, an incitement to violence.

Expressing her sympathy for Mr Stephens' annoyance, Ms Crampton maintained nevertheless, the broadcast did not breach the standards.

Mr Stephens' Final Comment to the Authority

When asked to comment on Mrs Crampton's reply, Mr Stephens did not reply.

