

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 144/93

Dated the 15th day of November 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

JOHN CHILD

of Auckland

Broadcaster

AOTEAROA NATIONAL MAORI
RADIO

of Auckland

I.W. Gallaway Chairperson

J.R. Morris

R.A. Barraclough

L.M. Dawson

DECISION

Summary

During the broadcast of a rugby league match on Friday 25 June 1993, the Aotearoa National Maori Radio commentator described the ball as going "as high as an IRA bomb".

Mr Child complained to Aotearoa National Maori Radio, the broadcaster, that the use of such a phrase was in breach of broadcasting standards because it undermined the principles of law in our society and encouraged violence and crime. He accused Aotearoa National Maori Radio of supporting terrorist organisations.

The Station Manager of Aotearoa National Maori Radio responded that the phrase was used figuratively, explaining that the "bomb" was a rugby league term to describe a particular play. He denied that there was any connection with the IRA or any other terrorist organisation and declined to uphold the complaint. Dissatisfied with that decision, Mr Child referred the complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

For the reasons given below, the Authority declined to uphold the complaint.



Decision

Although asked to provide a tape of the broadcast for the Authority, the broadcaster advised that the station did not have a copy. Because the complaint was related to a type of programme for which radio broadcasters are not required to retain tapes for complaint purposes, the Authority accepted that the complainant's recollection of the words spoken, not disputed by Aotearoa National Maori Radio, was accurate. The members of the Authority have read the correspondence and as its usual practice, the Authority has determined the complaint without a formal hearing.


During the broadcast of a rugby league match on Aotearoa National Maori Radio on 25 June 1993, the commentator said that the ball went "as high as an IRA bomb". Mr Child accused the station of using terrorist propaganda and supporting a terrorist organisation. He alleged that Access radio was repeatedly used for IRA publicity purposes and asked for the station to refrain from promoting terrorism and to provide proper training for its personnel.

In response, the Station Manager of Aotearoa National Maori Radio denied that the use of the phrase "as high as an IRA bomb" when used in the context of a rugby league match implied support for or promotion of any terrorist organisation. He explained that in rugby league parlance, a bomb is the term used to describe a high kick, usually in front of the goal posts and that the play often results in scoring a try. He rejected the complaint as frivolous and stated that Aotearoa National Maori Radio has never been used for IRA publicity purposes, nor for any other terrorist organisation and that he could not foresee any occasion when this would occur.

The Authority considered that in the context of a rugby league match, colourful language was often used, and although it points out to the broadcaster that the descriptive phrase was not a well-considered comment, it did not believe that it was possible to interpret it as a pro-terrorist remark likely to undermine the principles of law and encourage violence and crime. It rejected the complainant's arguments that the station had previously broadcast IRA publicity material, concluding that Mr Child was confused about the distinction between Aotearoa National Maori Radio and the Access Radio network, which does carry programmes provided by special interest groups.

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

Signed for and on behalf of the Authority


 Iain Gallaway
Chairperson
 15 November 1993



Appendix

Mr Child's Complaint to Aotearoa National Maori Radio

In a letter dated 26 June 1993, Mr John Child of Auckland complained to Aotearoa National Maori Radio about a comment made during a Rugby League match broadcast the previous day. He incorrectly addressed the letter to NZ on Air, and the complaint was referred to the Authority. The Authority advised Mr Child that he was required to complain direct to the broadcaster. Mr Child clearly assumed he had done so and referred his complaint back to the Authority, complaining that he had had no response from the broadcaster. The original letter was then referred to the broadcaster on 30 August 1993.

Mr Child objected to the commentator's remark that the ball was "as high as an IRA bomb", describing that as terrorist propaganda which was in breach of the broadcasting standards.

Aotearoa National Maori Radio's Response to the Formal Complaint

Mr Kevin Rangi, Station Manager of Aotearoa National Maori Radio, responded that the sportscaster used the phrase figuratively and not in the context of support for a terrorist organisation.

He explained:

"The bomb" is a rugby league term used to describe a movement which entails the kicking of the ball high into the air usually in front of the opposing team's goal post.

The attacking team's players are expected to run forward and time their arrival at the point where the ball is expected to come back to earth, to catch the ball and score a try.

Mr Child's Complaint to the Broadcasting Standards Authority

Dissatisfied with Aotearoa National Maori Radio's response, in the Complaint Referral Form dated 1 September 1993, Mr Child referred his complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

He repeated that he objected to the use of the phrase "as high as an IRA bomb" which he described as a plug for a terrorist organisation. He also claimed that Access radio was repeatedly being used for IRA publicity purposes.

Mr Child objected to the fatuous reply from the broadcaster and sought an assurance that the terrorist plugs would not be repeated, and that an adequate training programme existed for Access radio/ Radio Aotearoa broadcasters.



He alleged that the broadcast breached standards 1.1(f) and 2.1 of the Radio Code of Broadcasting Practice because the broadcast breached the principles of law and incited violence and crime.

Aotearoa National Maori Radio's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 23 September 1993 and Station Manager, Mr Rangi's reply, 28 September.

Expressing his view that the complaint was frivolous, Mr Rangi denied that the phrase "as high as an IRA bomb" when used in the context of a sports event was promoting a terrorist organisation. He denied that Aotearoa Maori radio had been used for IRA publicity purposes or for any other terrorist organisation and could not foresee any occasion when this would ever occur.

Mr Rangi apologised for being unable to provide a tape of the broadcast.

Mr Child's Final Comment to the Authority

When asked to comment on Aotearoa National Maori Radio's response, in a letter dated 5 October 1993, Mr Child advised that he could not accept the explanation of frivolity.

He maintained that previously there has been concern over the content of the "Irish Hour" broadcasts. He added that he was concerned over broadcasting standards and naïve management.

