

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 33/93

Dated the 1st day of April 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

KERRY SHARP

of Palmerston North

Broadcaster

TELEVISION NEW ZEALAND  
LIMITED

I.W. Gallaway Chairperson

J.R. Morris

R.A. Barraclough

L.M. Dawson

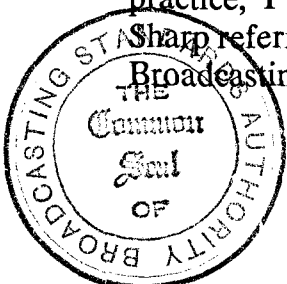
DECISION

Introduction

*Mr and Mr*, a programme providing an insight into the lifestyle of some male homosexuals in New Zealand, and specifically some homosexual couples, was broadcast on TV1 at 8.30pm on 17 November 1992.

Mr Sharp complained to Television New Zealand Ltd that the programme was untruthful, unbalanced, and promoted a dangerous deception. It thus breached three specified broadcasting standards. He argued that TVNZ, by broadcasting the programme, had promoted the "dangerous" homosexual lifestyle as a normal and natural practice.

Maintaining that the item only reported the experiences of those involved in homosexual relationships, TVNZ denied that the broadcast promoted homosexuality. As the programme was accurate and balanced and did not contain any deceptive programme practice, TVNZ declined to uphold the complaint. Dissatisfied with that decision, Mr Sharp 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 the programme 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.

Mr Sharp complained to TVNZ that the programme *Mr and Mr*, broadcast at 8.30pm on 17 November 1992, was untruthful, unbalanced and promoted a dangerous deception and thus contravened standards 1, 6 and 7 of the Television Code of Broadcasting Practice. They require broadcasters:

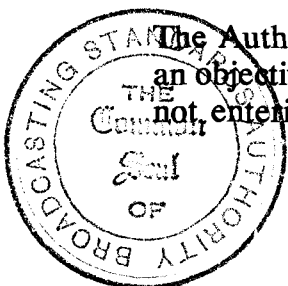
- 1 To be truthful and accurate on points of fact.
- 6 To show balance, impartiality and fairness in dealing with political matters, current affairs and all questions of a controversial nature.
- 7 To avoid the use of any deceptive programme practice which takes advantage of the confidence viewers have in the integrity of broadcasting.

The programme breached the standards, Mr Sharp continued, as it treated homosexuality as normal, as it promoted homosexuality and, by not acknowledging that the promiscuous homosexual life-style was the basic reason for the spread of AIDS, aided the destruction of life in New Zealand.

Explaining that the programme examined the lifestyle of some male homosexuals, including some homosexual couples, TVNZ declined to uphold the complaint. It reported a lifestyle that a considerable number of people now lead, TVNZ added, but it had not promoted homosexuality. As the programme did not contain a deceptive programme practice, TVNZ argued that standard 7 had not been breached.

The Authority began its assessment of the complaint by acknowledging that homosexuality is a fact of life in New Zealand and that it is a valid topic for a documentary. After viewing *Mr and Mr*, the Authority did not agree with Mr Sharp that it promoted homosexuality or that it had been inaccurate or untruthful. In response to the other issues Mr Sharp raised, the Authority noted that the impact of AIDS on the male homosexual community was dealt with to the extent that it was relevant to the programme; that there was no need for comment from former homosexuals who now followed a heterosexual lifestyle as the programme was not a discussion about either the origins of or the advantages and disadvantages of homosexuality; and that the interview with the former wife of a homosexual provided balance on the aspect of the separation of apparent heterosexual couples when one member adopted a homosexual lifestyle. Moreover, the Authority agreed with TVNZ that there was no evidence of any deceptive programme practice in contravention of standard 7.


The Authority concluded that *Mr and Mr* was a factual programme which portrayed in an objective and understated way the lifestyle adopted by some homosexual men. While not entering into the debate about the origins of homosexuality, or whether it was a

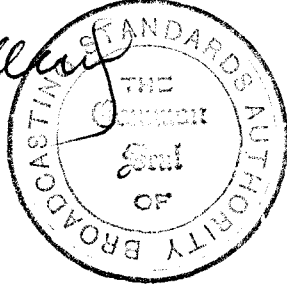


lifestyle of choice or not, the programme had dealt with the issues it covered in an accurate and balanced way.

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

Signed for and on behalf of the Authority

  
Iain Gallaway  
Chairperson



1 April 1993

## Appendix

### Mr Sharp's Complaint to Television New Zealand Limited

In a letter dated 22 November 1992, Mr Kerry Sharp of Palmerston North complained to Television New Zealand Ltd about the programme *Mr and Mr* broadcast on TV1 at 8.30pm on Tuesday 17 November.

Mr Sharp complained that the programme was untruthful, unbalanced and promoted a dangerous deception and thus breached standards 1, 6 and 7 of the Television Code of Broadcasting Practice. Furthermore, he said, it had promoted homosexuality as normal and natural which, he said, was like saying  $1 + 1 = 3$ . "It is not true". He also referred to statistics about AIDS from the AIDS Foundation and described the promiscuous homosexual lifestyle as the basic cause of the spread of AIDS. Referring to a number of sources about AIDS and STDs, he argued:

TVNZ in screening unbalanced and deceptive programmes like *Mr and Mr* is aiding and abetting the destruction of our nation.

### TVNZ's Response to the Formal Complaint

TVNZ advised Mr Sharp of its Complaints Committee's decision in a letter dated 17 December 1992. Pointing out that it regarded much of the material in the letter of complaint as irrelevant, TVNZ said:

The programme simply provided an insight into a lifestyle that a large number of people in New Zealand now choose to lead.

At no time did the programme promote homosexuality, as you suggest. It simply reported that it exists and recounted the experiences of those involved in homosexual relationships.

As the programme had not been inaccurate or unbalanced, TVNZ stated that it had not breached standards 1 or 6. Further, as it did not contain any deceptive programme practice, standard 7 was not breached. The complaint was not upheld.

### Mr Sharp's Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's response, in a letter dated 29 December 1992 Mr Sharp referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Repeating his claims that homosexuality was neither natural nor normal, he maintained that the programme had not dealt adequately with the AIDS danger associated with a promiscuous homosexual lifestyle.



He said that TVNZ's attitude which promoted homosexuality was apparent from its comment (quoted above) that people "chose" a homosexual lifestyle. *Mr and Mr*, he wrote, was "in reality pro-homosexual propaganda". He considered that the programme was unbalanced by not including interviews with former homosexuals in order to show that the behaviour can be unlearned.

He cited at great length a number of sources (some biblical) that the homosexual lifestyle was unnatural and that homosexual practices were substantially responsible for the spread of AIDS.

### TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 15 January 1993 and TVNZ, in its dated reply 2 February, repeated that it had advised Mr Sharp that it considered that the programme did not breach standards 1, 6 and 7. To Mr Sharp's allegation that the programme promoted homosexuality, TVNZ responded curtly:

... it did no such thing.

TVNZ stated that the programme had accepted and examined an alternative lifestyle and that it had featured frank interviews with people who had been treated with dignity during the programme. After addressing briefly some of Mr Sharp's comment about families, former homosexuals and his "literal interpretation of the scriptures", TVNZ said that the "sinister and dangerous" programme described by Mr Sharp could not be reconciled with the "sensitive and informative documentary" which had been broadcast.

It concluded:

Frankly the Company finds it difficult to make any further sensible comment concerning Mr Sharp's voluminous complaint. I think it fair to say that we believe his views as outlined in the complaint appear to be so much at odds with what we perceive to be the attitude of fair-minded people in New Zealand that the gulf between his views and ours becomes a chasm impossible to bridge.

### Mr Sharp's Final Comment to the Authority

In a letter dated 6 February 1993, in reply to TVNZ's comment, Mr Sharp maintained that the programme was an exercise in propaganda promoting the homosexual lifestyle while withholding some vital facts. Quoting the Kinsey report's findings about the number of partners many homosexuals had, he described the homosexual lifestyle as "promiscuous, wretched and sad". He repeated his call for a programme focused on the growing ex-homosexual community. *Mr and Mr*, he concluded, was both objectionable and unbalanced.

