

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 40/93

Dated the 15th day of April 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

PETER ZOHRAB
of Wainuiomata

Broadcaster
TV3 NETWORK SERVICES
LIMITED

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

DECISION

Introduction

An incident in Melbourne in which one person was killed and another wounded was described in a report on *3 National News* on 12 November 1992 broadcast between 6.00 - 7.00pm and an item on the same programme on 26 November described a hostage drama in which two people were killed.

Mr Zohrab complained to TV3 Network Services Ltd, the broadcaster, that the use of the word "gunman" to describe the person who used the gun in each of the incidents and the use of the word "chairwoman" in an item on *3 National News* on 26 November was sexist and denigratory of men and in breach of a broadcasting standard.

In declining to uphold the complaint, TV3 stated that it did not believe that a significant portion of the New Zealand male population was denigrated by the broadcast of the word "gunman". Dissatisfied with that decision, Mr Zohrab referred his complaint about the use of the word "gunman" in the 12 November broadcast to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.



Decision

The members of the Authority have viewed the items to which the complaint relates and have read the correspondence (summarised in the Appendix). Although the complainant indicated a preference for a formal hearing, in view of the information available, the Authority followed its usual practice and determined the complaint without one.

Mr Zohrab complained to TV3 that the use of the word "gunman" in an item on 3 *National News*, broadcast on 12 November 1993 between 6.00 and 7.00pm and the use of the words "gunman" and "chairwoman" in items on 3 *National News* broadcast on 26 November in the same time band, discriminated against men and thus were in breach of standard 26 of the Television Code of Broadcasting Practice. That standard states:

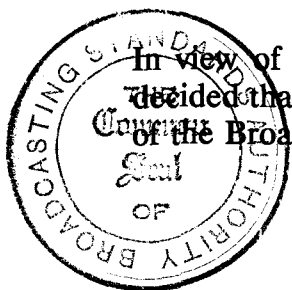
- 26 The portrayal of people in a way which is likely to encourage denigration of or discrimination against any section of the community on account of sex, race, age, disability, occupation status, sexual orientation or the holding of any religious, cultural or political belief shall be avoided. This requirement is not intended to prevent the broadcast of material which is:
- i) factual, or
 - ii) the expression of genuinely-held opinion in a news or current affairs programme, or
 - iii) in the legitimate context of a humorous, satirical or dramatic work.

According to Mr Zohrab, the items breached the standard because in each case they described a person who was responsible for shooting others as a gunman. He claimed that it was sexist and denigratory to men to use a gender specific term, particularly as TV3 claimed it was committed to a policy of using non-sexist language. With regard to the use of "chairwoman" he said TV3 should have used a gender-neutral term.

TV3 questioned whether a significant proportion of the male population of New Zealand would have been denigrated by the items and, concluding that they would not, suggested that the basis for the complaint was not a genuine desire to rectify a grievance but an attempt to put forward an academic argument.

Mr Zohrab referred only the complaint about the 12 November item to the Authority for investigation and review. The Authority noted first that a similar complaint was made by Mr Zohrab to TVNZ about the use of the word "gunman" (Decision No: 45/93). In the Authority's view, the appropriateness of the term "gunman" to describe a man armed with a gun could not be challenged. It did not accept the argument that it was inconsistent with the policy to use non-sexist language.

In view of the lack of an issue of substance raised by the complaint, the Authority decided that this was an appropriate occasion to exercise its powers under section 11(a) of the Broadcasting Act 1989 which reads:



11 The Authority may decline to determine a complaint referred to it under section 8 of this Act if it considers -

(a) That the complaint is frivolous, vexatious, or trivial;

Accordingly, the Authority declined to determine the complaint on the grounds that it considered it to be trivial.

For the reasons set forth above, the Authority declines to determine the complaint under s.11(a) of the Broadcasting Act 1989.

Signed for and on behalf of the Authority

Iain Gallaway
Iain Gallaway
Chairperson



15 April 1993

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Appendix

Mr Peter Zohrab's Complaint to TV3 Network Services Ltd

In a letter dated 28 November 1992, Mr Peter Zohrab of Wainuiomata complained to TV3 Network Services Ltd about an item on 3 *National News* broadcast between 6.00 - 7.00pm on 12 November 1992 and two items in the same programme on 28 November.

The newsreader used the word "gunman" to refer in the first broadcast to a man who shot two people in a Melbourne hospital, and in the second broadcast to a man responsible for taking hostages at gun point before murdering his de facto wife and committing suicide. The word "chairwoman" was used in another item which was not identified by Mr Zohrab. Mr Zohrab suggested it was discriminatory to men to use terms such as "gunman" and "chairwoman" and to be consistent with its policy to use non-sexist language, it should have used gender-neutral terms.

TV3's Response to the Formal Complaint

TV3 advised Mr Zohrab of its Complaints Committee's decision in a letter dated 7 January 1993. It reported that the complaint had been considered under standard 26 of the Television Code of Broadcasting Practice which requires broadcasters to avoid portraying people in a way which was likely to encourage denigration of or discrimination against them.

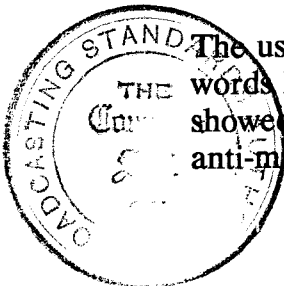
In declining to uphold the complaint, TV3 queried the motive behind making it, suggesting that the matter had been raised from the academic viewpoint, rather than as a substantial grievance on behalf of NZ men. It asked whether a significant portion of the male population of New Zealand was denigrated or discriminated against by the use of the word "gunman" and concluded that it was not.

Mr Zohrab's Complaint to the Broadcasting Standards Authority

Dissatisfied with TV3's decision, in a letter dated 16 January 1993, Mr Zohrab referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Mr Zohrab referred to the Authority his complaint about the 12 November shooting incident and the use of the word "gunman". He wrote:

The use of the word "gunman", in conjunction with systematic avoidance of words like "actress", "chairman", "spokesman" etc (especially in the plural) showed that TV3's policy on "gender-neutral language" was and is sexist and anti-male, and is likely to encourage denigration of or discrimination against



men, by acting as if only women have feelings, sensitivities or rights.

In concluding, Mr Zohrab accused TV3 of being prejudiced against intellectual argument, suggesting it had an inferiority complex in this area. He challenged the Broadcasting Standards Authority to look at the ethics of the issue and to decide what was fair and just.

TV3's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 9 February 1993 and TV3's reply, 12 February 1993.

TV3 argued that the use of the word gunman was factual and therefore not in breach of standard 26. It again questioned the complainant's motive in lodging the complaint, asking whether he was genuinely interested in gender neutral language or whether his view of politically active women was such that he felt the question of balance must be addressed.

It concluded by repeating that it did not believe men had been denigrated by the use of the word.

Mr Zohrab's Final Comment to the Authority

When asked for a brief comment on TV3's reply, Mr Zohrab, in a letter dated 21 February 1993, accused TV3 of operating under a sexist double standard. He argued that the remark was only considered an insignificant one because the people who suffered the slight were men.

He maintained that his purpose in lodging the complaint was to address the question of balance between the sexes.

