

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 41/93

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
TELEVISION NEW ZEALAND
LIMITED

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

DECISION

Introduction

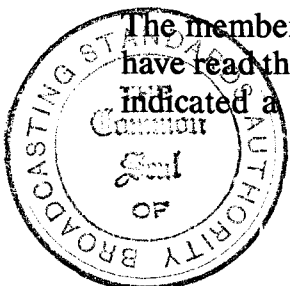
The perpetrator of a crime in Melbourne was referred to as a "gunman" in an item on *One Network News* which was broadcast between 6.00 - 6.30pm on 12 November 1992.

Mr Peter Zohrab of Wainuiomata complained to Television New Zealand Ltd, the broadcaster, that the reference was sexist and in breach of standard 26 because it portrayed men in a manner that encouraged denigration.

Responding that the code did not prevent the broadcast of material which was factual, TVNZ noted that the person who did the shooting did so with a gun and was a man and that therefore the description was entirely accurate. It declined to uphold the complaint. Dissatisfied with TVNZ's decision, Mr Zohrab referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Decision

The members of the Authority have viewed the item 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 a formal hearing.

Mr Zohrab complained to TVNZ that the reference to a gunman in an item on *One Network News* broadcast between 6.00 - 6.30pm on 12 November 1992 breached 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.

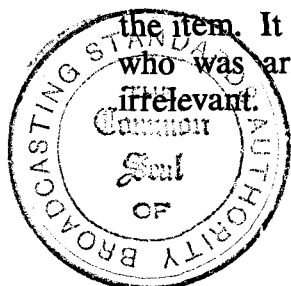
The item breached the standard, Mr Zohrab wrote, because it perpetuated a sexist double standard regarding the use of sexist language and further, it discriminated against men. In his view, a policy about use of sexist language should be applied equitably and convert both words with negative overtones (such as gunman) as well as those with positive overtones (such as chairman) to gender-neutral terms. He maintained that as TVNZ's policy on sexist language was neither consistent nor fair, it was biased against men.

Responding to this argument, TVNZ pointed out that the term "gunman" was both accurate and factual and, as exemption i) in standard 26 provided for the broadcast of factual material, there was no breach of the code. It argued that the elimination of sexist terms such as actress, waitress and hostess was because the gender of the person was not relevant to the occupation. In contrast, the use of the term "gunman" was descriptive because it precisely conveyed that the perpetrator was a male, and armed with a gun.

TVNZ concluded by suggesting that this might be an occasion on which the Authority could exercise its power under section 11(a) of the Broadcasting Act 1989 and decline to determine the complaint on the grounds that it was "frivolous, vexatious, or trivial."

The Authority noted first that a similar complaint was made by Mr Zohrab to TV3 about two different items in which the word "gunman" was used and an item in which the word "chairwoman" was used (Decision No: 44/93).

In its assessment of this complaint, the Authority confined its discussion to the facts of the item. It agreed with TVNZ that no more descriptive term could be given to a male who was armed with a gun than "gunman". It rejected any further argument as



In view of the lack of an issue of substance raised by the complaint, the Authority decided 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
Chairperson



15 April 1993

Appendix

Mr Peter Zohrab's Complaint to Television New Zealand

In a letter dated 28 November 1992, Mr Peter Zohrab of Wainuiomata complained to Television New Zealand Ltd about an item on *One Network News* broadcast between 6.00 - 6.30pm on 12 November 1992.

The item described a random attack on a hospital ward by a man with a gun, the man being referred to by the newsreader as a "gunman". Mr Zohrab accused TVNZ of using a sexist double standard when it came to using non sexist language, suggesting that it discriminated against men to use a word such as gunman which had a negative overtone and that a gender-neutral term should have been used instead.

TVNZ's Response to the Formal Complaint

TVNZ advised Mr Zohrab of its Complaints Committee's decision in a letter dated 17 December 1992. 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. However, as TVNZ noted, under 26(i), this requirement does not prevent the broadcast of material which is factual.

In declining to uphold the complaint, TVNZ observed that the person who carried out the shooting did so with a gun, and was a man, and accordingly the use of the term "gunman" was accurate and factual.

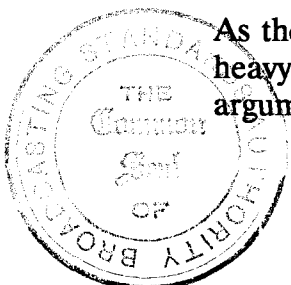
Mr Zohrab's Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's decision, in a letter dated 3 January 1993 Mr Zohrab referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Mr Zohrab argued that to be consistent in its policy to use gender-neutral language, TVNZ in this instance ought not to have referred to the person with the gun as a man but should have used a more general term which was not "sexist and anti-male". He noted that it had become policy of TVNZ to cease referring to women actors as actresses and argued that the sex of the person who used the gun was not so relevant that it should override the code.

Mr Zohrab requested an opportunity to present his arguments orally, writing:

As the BSA (for all I know) is possibly composed largely of feminists, or under heavy feminist pressure, I feel that I must not allow you to dream up further arguments without face-to-face rebuttal by myself.



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's reply, 22 February.

TVNZ's Programme Standards Manager argued that the use of the term "gunman" in this instance was not sexist, noting:

Here the word is descriptive, precisely conveying to the viewer that the offender was a male, and armed with a gun. Let Mr Zohrab be in no doubt that had the offender been a female her gender would have been identified - although (through no fault of Television New Zealand) no single word exists to convey that information.

This paltry complaint has already wasted a considerable amount of time within Television New Zealand Limited, in my office, in the News and Current Affairs area and at the Complaints Committee hearing. We respectfully suggest that this might be an occasion on which the Authority might review its power under Section 11 (a) of the Broadcasting Act and decline to consider the complaint on the basis that it is "frivolous, vexatious or trivial".

Mr Zohrab's Final Comment to the Authority

When asked for a brief comment on TVNZ's reply, Mr Zohrab in a letter dated 6 March 1993, responded that TVNZ should either avoid all terms which identify people by gender (including "gunman") or consistently continue to use them.

He claimed that TVNZ did not explain why the gender of the gunman was relevant, while the gender of a shoplifter, baby-snatcher etc was not. He concluded:

TVNZ should either avoid all terms (such as "gunman" and "chairman") which irrelevantly identify gender --or it should consistently continue to use words like "gunman", "chairman", "actress", "hostess", and so on.

