

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 50/93

Dated the 26th day of April 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

CHRISTIAN HERITAGE PARTY
of Christchurch

Broadcaster
TELEVISION NEW ZEALAND
LIMITED

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

DECISION

Introduction

The debate in Australia and some other countries about the admission of homosexuals to the armed forces was dealt with in an item screened on *One Network News* on TV One at 6.00pm on 24 November 1992.

The leader of the Christian Heritage Party (Rev Graham Capill) complained to Television New Zealand Ltd that the report was in breach of broadcasting standards because it made statements that were inaccurate and because it did not present all significant sides of the debate.

Responding that it could find no inaccuracy or bias in the report, TVNZ concluded that the item did not breach broadcasting standards and declined to uphold the complaint. As it was dissatisfied with TVNZ's decision, the Christian Heritage Party 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 item 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.

The Christian Heritage Party complained to TVNZ that an item on *One Network News* broadcast at 6.00pm on 24 November 1992 about the debate in Australia and elsewhere about the admission of homosexuals into the armed forces and the possible implications for New Zealand, was in breach of standards 12 and 16 of the Television Code of Broadcasting Practice. Those standards state:

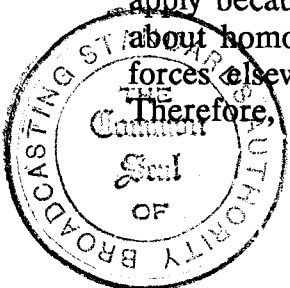
12. News must be presented accurately, objectively and impartially.
16. No set formula can be advanced for the allocation of time to interested parties on controversial public issues. Broadcasters should aim to present all significant sides in as fair a way as possible, and this can be done only by judging every case on its merits.

The Christian Heritage Party submitted that the item breached the standards because it gave the impression that New Zealand was lagging behind the rest of the world in changes to the law regarding the admission of homosexuals to the armed forces. This, it contended, was inaccurate because legislation was before Parliament to ban discrimination against homosexuals. It also claimed the item lacked balance because it failed to give those who opposed the liberalisation of these laws the opportunity to develop their side of the argument. It argued that since this was a controversial subject, both sides should have been aired.

TVNZ responded that the item was not about the debate on homosexuality, nor about the moral arguments. It was simply a report on a proposed law change in Australia and included reaction from a Returned Services League member in Australia and a comment on the fact that the New Zealand government was under pressure to make a similar law change.

The Authority noted that the news item referred to events occurring in Australia and focused then on the possible implications of a law change in New Zealand. It noted that the item canvassed a number of viewpoints: it gave information about what was happening in Australia and then presented an interview with an AIDS Foundation spokesperson and with New Zealand's Minister of Defence who was somewhat equivocal about when and whether homosexuals would be admitted to the armed forces in New Zealand. Although it was an item involving the controversial issue of homosexuality, it was not about homosexuality as such. The Authority recognised that the issue of homosexuality was a topic which generated strongly-held and passionate views. However, in a news item such as this it was not necessary to debate that issue. Assessing the complaint under standard 12, the Authority was unable to find any inaccuracy or impartiality in the report.

With reference to standard 16, the Authority was of the view that the standard did not apply because it was not an item in which it was relevant to present opposing views about homosexuality; it was a report on the admission of homosexuals to the armed forces elsewhere and the possible implications of this innovation for New Zealand. Therefore, in the Authority's view, the presentation of different views about



homosexuality was neither necessary nor appropriate in this case.

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

Signed for and on behalf of the Authority

Iain Gallaway
Iain Gallaway
Chairperson



26 April 1993

Appendix

The Christian Heritage Party's Complaint to Television New Zealand Limited

In a letter dated 26 November 1992, the leader of the Christian Heritage Party (Rev Graham Capill) complained to Television New Zealand Ltd about an item on *One Network News* broadcast at 6.00pm on TV One on 24 November 1992.

The Party argued that the report about admission of homosexuals to the armed forces in Australia and some other countries was neither fair nor impartial, that it contained inaccurate information and did not present all significant sides of the debate. The party submitted that TVNZ was being less than objective because it chose to focus on only one side of the debate.

Accordingly, the Christian Heritage Party argued, the item breached standards 12 and 16 of the Television Code of Broadcasting Practice.

TVNZ's Response to the Formal Complaint

TVNZ advised the Christian Heritage Party of its Complaints Committee's decision in a letter dated 21 December 1992.

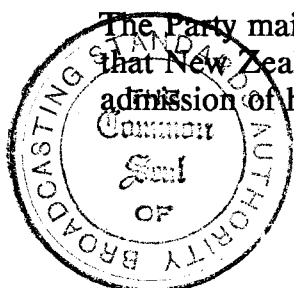
It reported that it had assessed the Party's complaint under the standards cited (12 and 16) and had concluded that no breach had occurred. TVNZ observed that the item was a report of a law change in Australia which allowed homosexuals into the armed forces. The item included the reaction to the proposed change of an RSL member in Australia and a comment on the fact that the New Zealand government was under pressure to make a similar law change. A report of a recent public opinion poll in New Zealand indicated that 75% of respondents favoured allowing homosexuals into the armed forces.

According to TVNZ, the item was not about the debate on homosexuality, nor about the moral arguments. It was a report of developments in Australia and their possible implication for New Zealand presented "in an unbiased, non-judgemental and accurate fashion."

Christian Heritage Party's Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's decision, in the Complaints Referral Form dated 27 January 1993, Rev Capill on the Christian Heritage Party's behalf referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

The Party maintained that the item was inaccurate because it gave the impression that New Zealand was lagging behind the world in changes in the law regarding the admission of homosexuals to the armed forces and in its opinion this was not so. The



Party also argued that the item lacked balance because it failed to give the opposing view. It commented that since this was a controversial subject, both sides should have been put and it was not enough for TVNZ to claim that it was just reporting on the events of the day. Further, in the Party's view, what happened in Australia was irrelevant to what we did in New Zealand. It concluded by stating that the item was factually wrong to portray New Zealand as lagging behind the rest of the world.

TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 29 January 1993 and TVNZ's reply, 11 February.

TVNZ noted that the item mentioned that Australia was following the example of Canada and that Britain and the new administration in the United States had indicated that they would consider admitting homosexuals to the military. It denied that the item suggested that New Zealand was lagging behind the rest of the world and maintained that there was no inaccuracy in the portrayal of New Zealand as the odd one out.

With reference to the question of balance, TVNZ observed that this was a brief news item which reported on a change in Australian policy. It was not an occasion to discuss the "complex and passionate debate". It pointed out that a comment from an Australian ex-serviceman who was clearly opposed to the move was sufficient to acknowledge that this was a controversial issue.

Christian Heritage Party's Final Comment to the Authority

When asked to comment on TVNZ's reply, in a letter dated 22 February 1993, the Christian Heritage Party maintained that it was inaccurate to suggest that New Zealand was the odd one out in not considering a policy change, pointing out that since neither Britain or the US had adopted the policy Australia had, it would have been more accurate to say that we were in step with these allies in looking at change. Further, it was not correct to say that New Zealand had not indicated whether or not a change was likely, observing that debate was already raging over homosexuals in the police and armed forces.

With regard to the question of balance, the Party's view was that TVNZ's failure to present a balanced discussion of the debate could not be justified on the grounds that the item was simply a brief one. It pointed out that on 27 January 1993 in a news story about President Clinton's initiatives to allow homosexuals into the armed forces, a balanced discussion had ensued and that the item did not attempt to look at the relevance of the move to New Zealand but simply stuck to the news of the day. The Party found that item to be balanced and fair and in marked contrast to the item which was the subject of its complaint.

