

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 53/93

Dated the 26th 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

TV3 NETWORK SERVICES

LIMITED

I.W. Gallaway Chairperson

J.R. Morris

R.A. Barraclough

L.M. Dawson

DECISION

Introduction

Michael Parmenter, an HIV positive homosexual choreographer, was featured in an item entitled "Absolutely Positive" on TV3's *60 Minutes* on Sunday 13 December between 7.30 - 8.30pm

Mr Sharp complained to TV3 Network Services Ltd that the programme, in promoting homosexuality as a normal and acceptable lifestyle, was untruthful, unbalanced and deceptive.

Arguing that the item featured the bravery and ambitions of an HIV positive person, TV3 declined to uphold the complaint. Dissatisfied with TV3's decision, Mr Sharp 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 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 TV3 about an item broadcast on *60 Minutes* on 13 December 1992. Entitled "Absolutely Positive", it profiled Michael Parmenter who, despite being HIV positive, continued to pursue his career as a choreographer. The programme recorded that Mr Parmenter was a homosexual and included interviews with and film of his partner.

Describing the item as an exercise in propaganda for the homosexual lifestyle while not dealing adequately with the threats to life that such a lifestyle entailed, Mr Sharp denounced the programme as unbalanced, inaccurate and deceptive. He alleged that it breached standards 1, 6 and 7 of the Television Code of Broadcasting Practice which 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.

On the basis that the item explored the hopes, ambitions and bravery of a person who was HIV positive, and not the reasons for the spread of AIDS, TV3 declined to uphold the complaint.

The Authority began its consideration of the complaint by assessing the item's theme. It decided that the item presented one man's story having been diagnosed as HIV positive. It was a personal profile - not a news documentary about the reasons for AIDS nor a discussion about its impact in different sections of the community.

As an aspect of his complaint, Mr Sharp alleged that the item glamorised homosexuality. Whereas the Authority acknowledged that Mr Parmenter's career and achievements could be described as glamorous, the Authority did not concur with the complainant that homosexuality as such was glamorised. The Authority had some sympathy with Mr Sharp's concern that it is important for the public to be fully informed on the horror of full-blown AIDS, but believed that such an emphasis would have been inappropriate in a documentary which focused on a man who was demonstrably fit and strong despite his HIV positive status. One member of the Authority expressed his concern that the item at times tended to suggest that sufferers from AIDS were heroes whereas that was an appellation seldom bestowed on those afflicted with other terminal diseases.

Bearing in mind that the item was a personal profile about Mr Parmenter's courage in his fight with AIDS, the Authority concluded that the item was both balanced and accurate as required by standards 1 and 6. In previous decisions, the Authority has ruled that standard 7 is applicable only when the broadcaster makes use of a deceptive programme practice and as there was no evidence of deceptive practice in this instance, ~~declined~~ to uphold that aspect of the complaint.

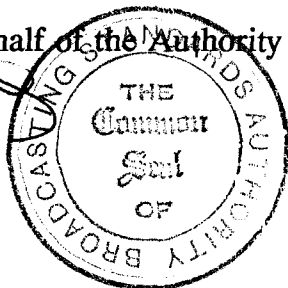


**For the above reasons, the Authority declines to uphold the complaint.**

Signed for and on behalf of the Authority

*Iain Gallaway*

Iain Gallaway  
Chairperson



26 April 1993

## Appendix

### Mr Sharp's Complaint to TV3 Network Services Limited

In a letter dated 17 December 1992, Mr Kerry Sharp of Palmerston North complained to TV3 Network Services Ltd about the item entitled "Absolutely Positive" broadcast on *60 Minutes* between 7.30 - 8.30pm on Sunday 13 December. As the item was untruthful, unbalanced and deceptive, he said, it breached standards 1, 6 and 7 of the Television Code of Broadcasting Practice.

Describing the item as an exercise in propaganda which promoted the homosexual lifestyle, he said that it was unbalanced as it did not give the entire truth about the threat to health which that lifestyle entailed. Furthermore, he continued, it was untruthful when the featured person's partner stated that there was little chance of contracting the HIV virus provided they practised safe sex. Referring to anal sex, Mr Sharp wrote:

"Protected sex" for homosexual men is a fallacy and a deceptive lie.

Mr Sharp maintained that the item was unbalanced, inaccurate and deceptive as it did not deal with the incidence of AIDS among homosexual men and because it promoted and supported the homosexual lifestyle. In his lengthy letter, he quoted various sources in support of his concerns.

### TV3's Response to the Formal Complaint

TV3 advised Mr Sharp of its Complaints Committee's decision in a letter dated 9 February 1993. Disputing Mr Sharp's interpretation of the item, TV3 stated that the programme recognised the bravery of a dancer with AIDS and had explored his hopes and ambitions. It declined to uphold the complaint.

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

Dissatisfied with TV3's reply, in a 10 page letter dated 27 February 1993 Mr Sharp referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

The item, Mr Sharp wrote, was an exercise in propaganda and it was unbalanced in not providing the total truth about the homosexual lifestyle and in down-playing the seriousness of AIDS. Moreover, it was untruthful about safe anal sex and he continued:

The acceptance and promotion of homosexuality as normal and natural, as just another alternative life-style, as just a personal preference is objectionable.



Homosexuality is not natural or normal no matter how much TV3 promotes it. It is like saying  $1 + 1 = 3!$  It is not true. Physiologically, homosexual lifestyle is unnatural. The very act of anal intercourse has the effect of overloading the human body's immune system, which causes a deterioration in the operation of the immune system, and makes a homosexual person more susceptible to any sickness or disease the most lethal of which is AIDS.

While acknowledging that the item had focused on bravery, Mr Sharp stated that the featured person, by having AIDS, was an illustration of the irreversible consequences of the unhealthy and dangerous homosexual lifestyle.

Mr Sharp quoted a number of sources, including biblical ones, to support his view that TV3, by broadcasting the programme was aiding the destruction of New Zealand. He also quoted sources which supported his views that safe sex did not result from the use of condoms.

#### TV3's Response to the Authority

As is its usual practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 2 March 1993 and TV3, in its reply dated 4 March, only commented:

We had no idea the London Rubber Company's profits and turnover had increased considerably due to AIDS, and that of many other condom and latex glove manufacturers.

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

When asked to comment on TV3's reply, in a letter dated 13 March 1993 Mr Sharp expressed disappointment with what he described as TV3's sarcastic comment.

Explaining that female and male homosexuality, and abortion, had increased as a result of sexual emancipation, he averred that AIDS and promiscuity was one of the outcomes of the change in morals. He described biblical laws as a blessing in disguise, writing:

AIDS is thus a direct physiological and pathological consequence of the changed sex morality in today's society. The fact remains that the practice of homosexuality is biologically and physiologically abnormally, is morally wrong and can only be regarded as a destructive habit-system reaping fatal consequences, as Absolutely Positive tragically showed.

#### Further Correspondence

TV3, in a letter dated 18 March 1993, commented in reply that no personal disrespect was intended but, it added, television in New Zealand could not influence world-wide trends.

