

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 64/93

Dated the 20th day of May 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

MIKE LODER

of Auckland

Broadcaster

TELEVISION NEW ZEALAND
LIMITED

I.W. Gallaway Chairperson

J.R. Morris

R.A. Barraclough

DECISION

Introduction

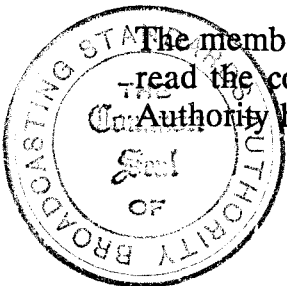
An incident which focused on the misuse of firearms was part of a storyline on *Shortland Street* in the episode broadcast on Channel Two on 25 January 1993 between 7.00 - 7.30pm.

Mr Loder complained to Television New Zealand Ltd, the broadcaster, that the incident encouraged the denigration of shooters in New Zealand and was accordingly in breach of broadcasting standards.

Explaining that *Shortland Street* contained social messages about New Zealand society, TVNZ pointed out that on this occasion the message was about the dangers of leaving loaded guns about and of unsupervised children playing with weapons. It denied that the episode was in breach of broadcasting standards and declined to uphold the complaint. Dissatisfied with TVNZ's decision, Mr Loder 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 programme complained about and have read the correspondence (summarised in the Appendix). As is its usual practice, the Authority has determined the complaint without a formal hearing.



Mr Mike Loder complained to TVNZ that the broadcast of an episode of *Shortland Street* on Channel Two on 25 January 1993 encouraged the denigration of shooters in New Zealand and, accordingly, was in breach of broadcasting standards. He argued that the depicted gun owner's unpleasant character conveyed the impression that all shooters were "violent, child beating, neglectful, careless, irresponsible and dangerous."

TVNZ reported that it had assessed the complaint under standard G13 of the Television Code of Broadcasting Practice, which requires broadcasters:

G13 To avoid portraying 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. 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.

TVNZ explained that one of the features of *Shortland Street* was that it promoted positive social messages about New Zealand society. In this case, the message was about the dangers of leaving loaded guns around for unsupervised children to play with. TVNZ assured Mr Loder that there was no suggestion that the character's unpleasantness had anything to do with him being a gun owner. It wrote:

He was unpleasant because he was a bully and left his son unsupervised.

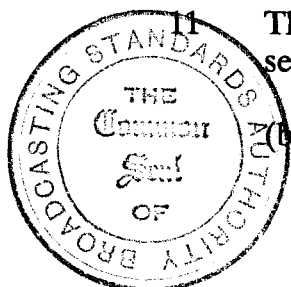
It declined to uphold the complaint.

In its consideration of the complaint, the Authority first examined standard G13 to decide whether or not it applied on the facts. Pursuant to the standard broadcasters are required to avoid portraying people in a way which encourages denigration on account of, among other things, their gender, physical attributes and beliefs. The Authority was unable to conclude that a disparate group of people such as gun owners was a group included under standard G13 but, nevertheless, commended TVNZ for attempting to consider the complaint under that provision.

In view of the fact that the provision did not apply, the Authority exercised its powers under section 11(b) of the Broadcasting Act 1989 which reads:

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

(b) That, in all the circumstances of the complaint, it should not be



determined by the Authority.

Accordingly, the Authority declined to determine the complaint on the grounds that the standard allegedly breached did not apply to the facts.

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

Signed for and on behalf of the Authority


Iain Gallaway
Chairperson
20 May 1993



Appendix

Mr Loder's Complaint to Television New Zealand Limited

In a letter dated 1 February 1993 Mr Mike Loder of Auckland complained to Television New Zealand Ltd about the episode of *Shortland Street* which was broadcast on Channel Two on 25 January 1993.

Mr Loder considered that an incident in the programme portrayed shooters as "violent, child beating, neglectful, careless, irresponsible and dangerous." He argued that it was denigratory to shooters to portray the stereotypical image of the macho male shooter, and chided the producers for missing a good opportunity to promote basic firearm safety. Instead, he wrote, they lectured on "the evils of arms ownership and strengthened the misconceptions lawful shooters must endure."

TVNZ's Response to the Formal Complaint

TVNZ advised Mr Loder of its Complaint Committee's decision in a letter dated 9 March 1993. It reported that the programme had been assessed against standard G13 of the Television Code of Broadcasting Practice which requires that broadcasters avoid portraying people in a way that is likely to encourage denigration against any section of the community.

Explaining that the sequence concerning the accident with the gun was in keeping with *Shortland Street's* role in promoting social messages, TVNZ denied that shooters were denigrated by the incident. It pointed out that nearly every episode contained some kind of social message of relevance to New Zealanders, and this episode (and the ones preceding and following) emphasised the dangers of leaving loaded guns around and of unsupervised children playing with weapons.

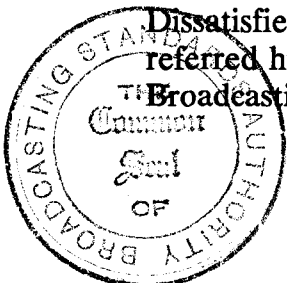
TVNZ denied that the man was portrayed as unpleasant and as a bully because he was a gun owner, commenting:

He was unpleasant because he was a bully and left his son unsupervised.

Mystified by Mr Loder's assertion that the opportunity to reinforce firearm safety was lost, TVNZ explained that in its view, the whole incident emphasised the consequences of ignoring firearm safety. It concluded that there was no breach of the standard and declined to uphold the complaint.

Mr Loder's Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's response, in a letter dated 10 March 1993, Mr Loder referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.



Reiterating his belief that all shooters were denigrated by the portrayal of the gun owner, Mr Loder rejected TVNZ's view that it was simply a coincidence that the man was "a childbeater, thug, lawbreaker, bully, irresponsible, dangerous..." He also disagreed with TVNZ that the episode conveyed positive social messages, arguing that "the mindless stereotyping of the shooting character distracted the emphasis on gun safety."

In his referral to the Authority he described TVNZ's response to his complaint as "a patronising joke".

TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. The letter is dated 7 April 1993, and TVNZ's reply 16 April.

TVNZ reported that it had little to add to its previous letter, and repeated that it did not believe the programme encouraged denigration or discrimination against the owners of firearms. It continued:

The man was revealed as an oaf because of his attitude to his son's well-being, not because he was a gun-owner.

His behaviour towards his son provided a dramatic vehicle for the programme to illustrate the dangers of leaving loaded weapons about, and of children playing with them unsupervised. It was one of the many positive social messages that the programme has carried since it began.

It concluded by observing that in the past the Authority has observed that denigration of an individual or group involves a serious blackening of their reputation. TVNZ was of the view that no suggestion was made in the programme that all gun owners were like the character portrayed.

Mr Loder's Final Comment to the Authority

In a letter dated 21 April 1993, in response to TVNZ, Mr Loder commented that he had nothing further to add to his earlier letters. He repeated that the portrayal of the gun owner was unnecessary and that a positive social message about gun safety could have been expressed without denigration of shooters.

