

Good Taste and Decency as a Broadcasting Standard

BACKGROUND

The Broadcasting Act 1989 requires broadcasters to maintain standards consistent with the observance of good taste and decency (section 4(1)(a)). This requirement is included in the three main broadcasting codes as follows:

Standard 1, Free-to-Air Television Code

In the preparation and presentation of programmes, broadcasters are responsible for maintaining standards which are consistent with the observance of good taste and decency.

Guidelines

- 1a Broadcasters must take into consideration current norms of decency and taste in language and behaviour bearing in mind the context in which any language or behaviour occurs. Examples of context are the time of the broadcast, the type of programme, the target audience, the use of warnings and the programme's classification (see Appendix 1). The examples are not exhaustive.
- 1b Broadcasters should consider – and if appropriate require – the use of on-air visual and verbal warnings when programmes contain violent material, material of a sexual nature, coarse language or other content likely to disturb children or offend a significant number of adult viewers. Warnings should be specific in nature, while avoiding detail which may itself distress or offend viewers.

Principle 1, Radio Code

In programmes and their presentation, broadcasters are required to maintain standards which are consistent with the observance of good taste and decency.

Guidelines

- 1a Broadcasters will take into consideration current norms of decency and good taste in language and behaviour bearing in mind the context in which any language or behaviour occurs and the wider context of the broadcast eg time of day, target audience.

Standard P2, Pay Television Code

Current norms of good taste and decency should be maintained consistent with the context of each programme and its channel.

Guidelines

- (a) Appropriate use of classifications, warnings and filtering technology in accordance with standard P1 above may assist broadcasters to comply with this standard.
- (b) The likely expectations of the audience for a channel, a programme and its scheduling will also be considered.
- (c) Explicit adult sex programmes classified 18 may screen only on premium channels¹.

The guidelines to all the codes refer to the BSA taking into consideration “current norms” of good taste and decency. In light of the diversity of New Zealanders’ views and

¹ Premium channels are those for which a separate and additional fee is payable by subscribers.

attitudes there is no single set of norms that the Authority can mechanically apply to good taste and decency complaints. Instead, informed by its research, the BSA must assess what it considers to be the relevant current norms in the particular circumstances of each complaint.

For the purposes of broadcasting standards, “good taste” and “decency” are not separate concepts; over time the phrase as a whole has come to have its own meaning. Complaints about good taste and decency generally focus on four main concerns – bad language, sexual material, nudity, and violence². The standard is wider than that, however, and the Authority will consider it in relation to any broadcast that portrays or discusses material in a way that is likely to cause offence or distress.

The purpose of this practice note is to provide guidance to complainants and broadcasters about the usual way this standard is interpreted by the BSA.

COMMENT

FREE-TO-AIR TELEVISION

The free-to-air television programme classifications and their corresponding time zones can be found in Appendix 1 to the Free-to-Air Television Code of Practice.

Children’s viewing time

In G time (6am – 9am and 4pm – 7pm) programmes should be appropriate for children and free from swearing, sexualised imagery, nudity or realistic violence. During these times, the Authority will apply a strict standard (see Decision No. 2001-089).

There is more flexibility in PGR-time (which in the evening runs from 7.00 – 8.30pm), when programmes might contain infrequent low level swearing, and material more suited to adults – but not necessarily unsuitable for children when subject to the guidance of a parent or other adult. Nevertheless, the Authority expects that broadcasters will exercise care in PGR time. (see Decision 1999-090).

Broadcasters must also exercise care in showing music videos, which are often classified PGR, but which may contain provocative sexual material (see Decision 2000-192).

While bad language, sexual themes and violence at a low level might be acceptable in PGR time, any overtly sexual material, very coarse or sustained bad language, or explicit violence will likely breach the standard.

News bulletins, although often broadcast during children’s normal viewing times, are unclassified. Broadcasters must still comply with the good taste and decency standard, but there is no expectation that bulletins will be suitable for unsupervised children. The effect of this is that the Authority expects parents to supervise children watching the news

² There is a specific standard relating to violence in the free-to-air code (standard 10) and the pay code (standard p4), as well as a guideline in the radio code (guideline 7c). There may therefore be crossover between the good taste and decency and violence standards.

Adults-only time

While most people accept that children should be protected from bad language, sexual material and violence, there is no common understanding about the limits of acceptability for adults' viewing. People's expectations differ widely; what causes great offence to some will be barely noticed by others.

The BSA has determined that certain extreme material is unacceptable and in breach of the good taste and decency standard (see below). For all other material, the approach developed by the Authority is to require broadcasters to give viewers sufficient information to regulate their own viewing behaviour. This places a degree of responsibility on viewers to inform themselves about the viewing choices they are making. If viewers have available sufficient information to make an informed choice whether or not to watch the programme then, subject to what is said below about the lines that cannot be crossed, the Authority may be less likely to uphold a complaint that the content breached the standard.

The package of information that guides viewers as to the likely nature of upcoming programmes is part of what the Authority refers to as "contextual factors". These factors include:

- The programme's classification. AO programmes will contain more challenging material than G or PGR-classified programmes.
- The time of broadcast. It is well-established that programmes broadcast later at night may contain more challenging material.
- Any pre-broadcast warning, advising viewers of the presence of challenging material
- Readily available information from pre-publicity, newspaper listings, or promos – a drama described as a "tale of adultery, betrayal and revenge" is clearly more likely to contain sex and violence than a science documentary.
- The well-established reputation of a series. Some programmes (especially satirical programmes) have forged a reputation by provoking their audiences and challenging their sensibilities.

As well as information provided by the broadcaster about the likely content of the programme, other contextual factors the Authority may consider include:

- Whether the material complained of was gratuitous, or whether it forms a valid part of the story being told or issue under discussion (see [Decision 2005-013](#))
- The expectations of the target audience. Some programmes, especially those aimed specifically at the young adult market, may contain more challenging material than a programme targeting an older demographic (see [Decision 2005-102](#))
- Whether the imagery was overtly unrealistic (see again [Decision 2005-102](#))
- Whether the programme was satirical (see [Decision 2005-015-018](#)).

In each case the Authority must assess the content complained of in light of these contextual factors.

Lines that cannot be crossed

Some material, regardless of the context in which it is offered, may go too far. In some cases the Authority has upheld complaints even when the broadcaster has taken care to advise viewers that the material is likely to cause offence.

The sort of material that may test the limits of the free-to-air television standards includes:

- Explicit sexual material (see [Decisions 2003-047, 2005-137, 2006-037](#))
- Unnecessarily graphic or real-life violence (see [Decisions 2002-008, 2003-018/019](#))
- Repetitive and gratuitous use of high-level swear-words (see [Decision 2001-211](#))
- Gratuitous portrayal or discussion of matters considered by most people to be in extreme bad taste (see [Decision 2002-029](#), concerning necrophilia).

PAY TELEVISION

Pay television does not have time bands, and the considerations in determining complaints are accordingly different. Pay television viewers elect to receive a range of mainly niche channels. Special interest programmes – such as children’s content – are likely to be carried on specific channels rather than at certain times on general-audience channels as in the free-to-air model. For this reason, the factors the Authority will take into account in assessing whether a pay-television programme breaches standards of good taste and decency include:

- The target audience of the channel on which the programme screened
- The programme’s classification (see [Decision 2004-094](#))
- Whether the programme was scheduled adjacent to programmes likely to attract a younger audience (see [Decision 2004-094](#))
- Whether the programme was at a time when children were likely to be watching (see [Decision 2004-094](#))
- The target audience’s expectations of the content usually seen on that channel (e.g. sexual material on a home and lifestyle channel would likely be more problematic than on a movie channel)
- Whether blocking technology is automatically in place enabling adults to prevent children from seeing certain material.

As with free-to-air television, there are still lines that cannot be crossed even if all the relevant contextual factors operate in the programme’s favour (see [Decision 2004-007](#) in which a movie on Sky 1, broadcast at 12:30am with an “18” classification was found to have breached the standard because of the combination of sex and violence in one scene).

However, because of the small number of complaints received about pay television, the Authority has not yet had adequate opportunity to determine the similarities or differences in the good taste and decency boundaries in the free-to-air and pay environments.

RADIO

Radio does not have a classification or time band system, and thus different criteria must be used to assess complaints. The Authority uses two key principles to determine radio complaints alleging a breach of good taste and decency – children’s interests, and target audience expectations.

Children’s interests

All radio stations should moderate their content at times when children are most likely to be listening – in the morning before school, and immediately after school (see [Decisions 2004-217, 2001-071-084](#)). The time of the broadcast will accordingly be an influential contextual factor for the Authority.

Target audience

Every radio station has a target audience, and the programming on the station is intended to be attractive to that audience. The Authority will accordingly assess the material complained of in light of the station's target audience; a station whose target audience includes children might encounter trouble with overtly sexualised material (see [Decision 2004-217](#)) while a station with an adult target audience may be able to discuss sexual matters more openly (see [Decisions 1999-028, 2005-015](#)).

However, even a station with an adult target audience should exercise care when children are likely to be listening.

The Authority has also previously noted that the liberal expectations of a station's target audience will not excuse material that falls below a certain standard; this is discussed further below.

Lines that cannot be crossed

As with television, there are lines that cannot be crossed. Things that will threaten these bottom lines include:

- Sexually explicit song lyrics (see [Decision 2000-154](#))
- The use of high-level swear-words (see [Decision 2001-131](#))
- Sexually explicit jokes or comments (see [Decision 2001-138-204](#))
- Racist language or jokes (see [Decisions 1999-193, 2000-077-078](#))
- The gratuitously explicit description of highly offensive illegal behaviour (see [Decisions 2001-071-084](#) (violence against women, necrophilia), [2002-052](#) (sexual assault))

Recommended further reading:

Freedoms and Fetters: Broadcasting Standards in New Zealand, Broadcasting Standards Authority, Dunmore Publishing Ltd, 2006. Available from the Broadcasting Standards Authority for \$19.95. To order, call 0800 366 996, or email info@bsa.govt.nz.