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# THE FREE-TO-AIR TELEVISION CODE

The following standards apply to all free-to-air television programmes broadcast in New Zealand. Freedom of expression is the starting point in a consideration of complaints. Complaints can only be upheld where the limitation on the right to freedom of expression is reasonable, prescribed by law and demonstrably justified in a free and democratic society.

The standards in this code should be read and interpreted alongside the commentary at the front of the Codebook.

#### **PART 1** Standards which relate to social responsibilities

- Standard 1** Good Taste and Decency
- Standard 2** Programme Information
- Standard 3** Children's Interests
- Standard 4** Violence
- Standard 5** Law and Order
- Standard 6** Discrimination and Denigration
- Standard 7** Alcohol

#### **PART 2** Standards which relate to information broadcast

- Standard 8** Balance
- Standard 9** Accuracy

#### **PART 3** Standards which relate to people or organisations taking part or referred to in broadcasts

- Standard 10** Privacy
- Standard 11** Fairness

# PART 1

## STANDARDS WHICH RELATE TO SOCIAL RESPONSIBILITIES

## STANDARD 1 – GOOD TASTE AND DECENCY

**Current norms of good taste and decency should be maintained, consistent with the context of the programme and the wider context of the broadcast.**

### Guidelines

- 1a The context in which content occurs and the wider context of the broadcast are relevant to assessing whether a broadcast has breached this standard, including:
- the nature of the programme and the channel
  - the programme’s classification and scheduling
  - whether the broadcast was live or pre-recorded
  - the use of audience advisories, if any
  - the target and likely audience
  - audience expectations of the channel and the programme
  - the availability of filtering technology
  - the level of the broadcaster’s editorial control over the content
  - the public interest in the broadcast.
- 1b Where broadcasters take effective steps to inform their audiences of the nature of their programmes, and enable viewers to regulate their own and their children’s viewing behaviour, they are less likely to breach this standard.
- 1c If content is likely to offend or disturb a significant section of the audience, an appropriate audience advisory should be broadcast prior to the content.

## STANDARD 2 – PROGRAMME INFORMATION

**Broadcasters should ensure that programmes are correctly classified and screened in appropriate timebands, and where appropriate, issue an audience advisory where the content of a broadcast may not be suitable for likely viewers.**

### Guidelines

- 2a The following classifications should be broadcast on all content except news, current affairs, sports and live content:

#### **G – General**

Programmes which exclude material likely to be unsuitable for children. Programmes may not necessarily be designed for child viewers but should not contain material likely to alarm or distress them.

*G programmes may be screened at any time.*

#### **PGR – Parental Guidance Recommended**

Programmes containing material more suited for mature audiences but not necessarily unsuitable for child viewers when subject to the guidance of a parent or an adult.

*PGR programmes may be screened between 9am and 4pm, and after 7pm until 6am.*

#### **AO – Adults Only**

Programmes containing adult themes and directed primarily at mature audiences..

*AO programmes may be screened between midday and 3pm on weekdays (except during school and public holidays, as designated by the Ministry of Education) and after 8.30pm until 5am.*

- 2b Broadcasters should exercise caution when determining the level of AO content to be screened during any transition from G or PGR programming to AO programming, and give careful consideration to children’s interests (Standard 3).
- 2c News, current affairs, sports and live content is not, because of its distinct nature, subject to classification. However, broadcasters must be mindful of children’s interests and other broadcasting standards and include warnings where appropriate.
- 2d If a programme is likely to disturb or offend a significant number of viewers, or programme content is likely to be outside audience expectations, an appropriate audience advisory should be broadcast.
- 2e Promos for programmes should comply with the classification of the programme during which they screen. In the case of unclassified host programmes (including news and current affairs) broadcast in G or PGR time, promos must be classified G or PGR and broadcasters should consider children’s interests (Standard 3).

## STANDARD 3 – CHILDREN'S INTERESTS

**Broadcasters should ensure children can be protected from broadcasts which might adversely affect them.**

### Guidelines

- 3a Material likely to be considered under this standard includes:
- sexual material or themes
  - violent content or themes
  - offensive language
  - social or domestic friction
  - dangerous, antisocial or illegal behaviour
  - material in which children or animals are humiliated or badly treated
  - graphic descriptions of people in extreme pain or distress

which are outside the expectations of the programme's classification.

- 3b Context is an important consideration when assessing complaints under this standard, including the programme's classification, the time of broadcast, the target and likely audience, audience expectations, the public interest in the broadcast and any factors that mitigate the likely harm to children, such as humour or educational benefit.
- 3c When programmes broadcast during children's normally accepted viewing times (see Definitions, page 9) contain material which is outside audience expectations and likely to disturb children, an audience advisory should be broadcast. The advisory should be specific in nature to allow parents or guardians to make an informed choice about their children's exposure to the content, while avoiding detail which itself may disturb or alarm children.
- 3d In news, current affairs and factual programmes, disturbing or alarming material should be justified in the public interest. Broadcasters must use judgement and discretion when deciding the degree of graphic material to be included in news programmes, and should broadcast an audience advisory when appropriate, particularly when children are likely to be viewing.

## STANDARD 4 – VIOLENCE

**Broadcasters should exercise care and discretion when portraying violence. Violent content should be appropriate to the context of the programme, and classified carefully.**

### Guidelines

- 4a Any depiction of, or reference to, violence should be justified by context.
- 4b Broadcasters should be mindful of the cumulative effect of violence or violent incidents and themes, within programmes, and across programme line-ups.
- 4c Broadcasters should exercise caution with content likely to incite or encourage violence or brutality.
- 4d In news, current affairs and factual programmes, where disturbing or alarming material is often shown to reflect a world in which violence occurs, the material should be justified in the public interest.
- Judgement and discretion must be used in deciding the degree of graphic detail to be included in news programmes, particularly when children are likely to be watching.
  - An audience advisory should be used when appropriate.
- 4e Programmes in which rape or sexual violence feature should be treated with care, and broadcasters should use an audience advisory if the content is likely to disturb.
- 4f Content should not include any combination of violence and sex designed to titillate, beyond current socially acceptable community norms.

## STANDARD 5 – LAW AND ORDER

**Broadcasters should observe standards consistent with the maintenance of law and order, taking into account the context of the programme and the wider context of the broadcast.**

### Guidelines

- 5a Programmes should not actively promote serious antisocial or illegal behaviour, including violence, suicide, serious crime and the abuse of drugs.

- 5b The context of the programme and the wider context of the broadcast are important considerations when assessing complaints under this standard. For example, a distinction will usually be drawn between factual, and fictional or dramatic depictions, and the level of public interest in a programme will also be a significant factor.

- the use of audience advisories, if any
- the target and likely audience
- audience expectations of the channel and the programme
- the level of the broadcaster's editorial control over the content
- the public interest in the broadcast.

## STANDARD 6 – DISCRIMINATION AND DENIGRATION

**Broadcasters should not encourage discrimination against, or denigration of, any section of the community on account of sex, sexual orientation, race, age, disability, occupational status or as a consequence of legitimate expression of religion, culture or political belief.**

### Guidelines

- 6a 'Discrimination' is defined as encouraging the different treatment of the members of a particular section of the community, to their detriment. 'Denigration' is defined as devaluing the reputation of a particular section of the community.
- 6b The importance of freedom of expression means that a high level of condemnation, often with an element of malice or nastiness, will be necessary to conclude that a broadcast encouraged discrimination or denigration in contravention of the standard.
- 6c This standard is not intended to prevent the broadcast of material that is:
- factual
  - a genuine expression of serious comment, analysis or opinion
  - legitimate humour, drama or satire.
- 6d Context must always be considered when assessing whether the broadcast 'encouraged' discrimination or denigration, including:
- the nature of the programme and the channel
  - the programme's classification and scheduling
  - whether the broadcast was live or pre-recorded

## STANDARD 7 – ALCOHOL

**In addition to compliance with laws or regulations relating to the promotion of alcohol, broadcasters should observe restrictions on the promotion of alcohol appropriate to the programme genre being broadcast.**

### Guidelines

- 7a Alcohol promotion should be socially responsible and must not encourage consumption by people who are under the legal age to purchase alcohol.
- 7b Alcohol promotion must not occur in programmes specifically directed at children.
- 7c Alcohol promotion must not dominate a broadcast.
- 7d Programmes must avoid advocacy of excessive alcohol consumption.
- 7e Sponsorship must be confined to the brand, name or logo, and exclude sales messages.
- 7f Promos for alcohol-sponsored programmes must primarily promote the programme, with the sponsorship subordinate.
- 7g Broadcasters are not required to exclude alcohol promotion from coverage of an event or situation being broadcast where such promotion is a normal feature of that event or situation. Other guidelines under this standard should be considered.
- 7h Broadcasters must take into account the requirements of the Advertising Standards Authority's Code for Advertising and Promotion of Alcohol when scheduling promos for alcohol-sponsored programmes.

# PART 2

## STANDARDS WHICH RELATE TO INFORMATION BROADCAST

## STANDARD 8 – BALANCE

**When controversial issues of public importance are discussed in news, current affairs or factual programmes, broadcasters should make reasonable efforts, or give reasonable opportunities, to present significant points of view either in the same programme or in other programmes within the period of current interest.**

### Guidelines

- 8a For the standard to apply, the subject matter must be an issue 'of public importance', it must be 'controversial' and it must be 'discussed' in a news, current affairs or factual programme.
- 8b No set formula can be advanced for the allocation of time to interested parties on controversial issues of public importance.
- 8c The assessment of whether a reasonable range of other perspectives has been presented includes consideration of the following, where relevant:
- the programme's introduction and the way in which the programme was presented, for example:
    - o whether the programme purported to be a balanced examination of an issue
    - o whether the programme was clearly signalled as approaching a topic from a particular perspective (eg, authorial documentaries, public access and advocacy programmes, partial or politically aligned programmes)
    - o whether the programme was narrowly focused on one aspect of a larger, complex debate
  - the nature of the discussion (was it a serious examination of an issue, or was the issue raised in a brief, humorous or peripheral way)
  - the nature of the issue/whether viewers could reasonably be expected to be aware of views expressed in other coverage, including coverage in other media (eg, is it an ongoing topic of debate, such that viewers can reasonably be expected to have a broad understanding of the main perspectives on the issue)

- the likely expectations of the audience as to content
- the level of editorial control of the broadcaster over the programme content.

## STANDARD 9 – ACCURACY

**Broadcasters should make reasonable efforts to ensure that news, current affairs and factual programming:**

- **is accurate in relation to all material points of fact**
- **does not mislead.**

### Guidelines

- 9a The requirement for accuracy does not apply to statements which are clearly distinguishable as analysis, comment or opinion, rather than statements of fact.
- 9b The standard is concerned only with material inaccuracy. For example, technical or unimportant points unlikely to significantly affect the audience's understanding of the programme as a whole are not material.
- 9c In the event that a material error of fact has occurred, broadcasters should correct it at the earliest appropriate opportunity.
- 9d The assessment of whether the broadcaster has made reasonable efforts to ensure accuracy includes consideration of the following, where relevant:
- the source of material broadcast (eg, whether the programme is produced by a reputable organisation or relies on an authoritative expert)
  - whether the broadcast was live or pre-recorded
  - whether there was some obvious reason to question the accuracy of the programme content before it was broadcast
  - whether the broadcaster sought and/or presented comment, clarification or input from any relevant person or organisation
  - the extent to which the issue of accuracy was reasonably capable of being determined by the broadcaster.

# PART 3

**STANDARDS WHICH  
RELATE TO PEOPLE  
OR ORGANISATIONS  
TAKING PART OR  
REFERRED TO IN  
BROADCASTS**

## STANDARD 10 – PRIVACY

**Broadcasters should maintain standards consistent with the privacy of the individual.**

### Guidelines

- 10a The privacy standard applies only to identifiable individuals. In some cases an individual may be identifiable even if they are not named or shown.
- 10b Broadcasters should not disclose private information or material about an individual in a way that is highly offensive to an objective reasonable person in the position of the person affected.
- 10c There must be a reasonable expectation of privacy in relation to the information or material disclosed. Factors to consider include, but are not limited to, whether the information or material is not in the public domain; and/or it is intimate or sensitive in nature; and/or the individual could reasonably expect it would not be disclosed.
- 10d A person will not usually have a reasonable expectation of privacy in relation to matters in the public domain. In some circumstances, there may be a reasonable expectation of privacy in relation to such information or material even though it is in the public domain.
- 10e Broadcasters should not intentionally intrude upon a person's reasonable expectation of solitude or seclusion in a way that is highly offensive to an objective reasonable person in the position of the person affected.
- 10f It is a defence to a privacy complaint to publicly disclose matters of legitimate public interest. The level of public interest must be proportionate to the seriousness of the breach of privacy in order for the defence to apply.
- 10g It is not a breach of privacy where the person concerned has given informed consent to the disclosure or intrusion. A parent or guardian, or other person aged 18 or over in loco parentis (standing in the shoes of the parent or guardian), can consent on behalf of a child under the age of 16 years, but the broadcaster must be satisfied that the broadcast is not contrary to the best interests of the child.

## STANDARD 11 – FAIRNESS

**Broadcasters should deal fairly with any person or organisation taking part or referred to in any broadcast.**

### Guidelines

- 11a A consideration of what is fair will depend on the nature of the programme (eg, news and current affairs, factual, dramatic, comedic or satirical). Context should also be considered, including the public interest in the broadcast.
- 11b Participants and contributors should be informed, before a broadcast, of the nature of the programme and their proposed contribution, except where justified in the public interest, or where their participation is minor in the context of the programme.
- 11c Whether informed consent was required or has been obtained from a participant or a contributor may be a relevant consideration in determining whether that participant or contributor was treated fairly (guidance on what constitutes 'informed consent' is found in the privacy guidance at the back of this Codebook).
- 11d If a person or organisation referred to or portrayed in a broadcast might be adversely affected, that person or organisation should usually be given a fair and reasonable opportunity to comment for the programme, before a broadcast. What is 'fair and reasonable' will depend on the circumstances.
- 11e Doorstepping an individual or organisation as a means of obtaining comment will normally be unfair, unless all legitimate and reasonable methods of obtaining comment have been exhausted.
- 11f Edited excerpts should fairly reflect the tenor of the overall events or views expressed.
- 11g Broadcasters must not broadcast information obtained by misrepresentation or deception (including by hidden camera or covert recording device), except where justified by the public interest.
- 11h Individuals, and particularly children and young people, featured in a programme should not be exploited, humiliated or unfairly identified.
- 11i Where programmes deal with distressing circumstances (eg, grief and bereavement) broadcasters should show discretion and sensitivity.