
THE PAY TELEVISION CODE

The following standards apply to all pay television programmes broadcast in New Zealand. ‘Pay’ means television that is for a fee (ie, viewers must pay to view the broadcast signal), whether on a subscription or other transaction basis.

Pay television overall enjoys a less restrictive environment than free-to-air television because of the choice customers make in paying to receive broadcasts. The freedom and capacity of an audience to choose what it views and to be able to prevent children and young people from viewing inappropriate material are significant factors in determining what is, and what is not, acceptable. Violent and potentially offensive material is readily accessible in our society and it follows that some material of this kind will be able to be accessed on television. However, there must be strong protections in place to prevent this material being viewed by children and young people, and strong protections to ensure that it is not inadvertently viewed by those who do not wish to do so. Pay television broadcasters provide these protections through appropriate classifications and warnings, filtering technology, PIN codes and an electronic programme guide.

Additionally, pay television broadcasters may offer channels over which they have no (or little) editorial control (for example, foreign pass-through channels). This limited control of the broadcaster will be an important consideration when assessing whether a programme has breached standards.

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 important when assessing whether a broadcast has breached this standard, including:
- the nature of the programme and the channel
 - the programme’s classification
 - where filtering technology is not available, the programme’s 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 number of viewers because it is outside the expectations of the target audience, an effective audience advisory should be broadcast prior to the content.
- 1d Where effective filtering technology is available to the audience, complaints under this standard are less likely to be upheld.
- 1e Explicit adult sex programmes classified 18 may screen only on premium channels.

STANDARD 2 – PROGRAMME INFORMATION

Viewers should be informed by regular and consistent advice about programme content (including classifications and warnings) and, where available, filtering technology. Broadcasters should ensure that programmes are correctly classified and, if filtering technology is not available, appropriately scheduled.

Guidelines

- 2a These classifications should be broadcast on all content except news, current affairs, sports and live content:
- G** – approved for general viewing
 - PG** – parental guidance recommended for younger viewers
 - M** – suitable for mature audiences 16 years and over
 - 16** – people under 16 years should not view
 - 18** – people under 18 years should not view
- 2b Classifications should screen at the beginning of programmes, be included in electronic programme guides, and accompany printed guides where possible.
- 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 advisories where appropriate.
- 2d Audience advisories should be broadcast immediately prior to content which is likely to disturb, distress or offend a significant number of viewers. Audience advisories include:
- C** – content may offend
 - L** – language may offend
 - V** – contains violence
 - S** – sexual content may offend

- 2e Audience advisories should also be included in electronic programming guides and printed guides where possible.
- 2f Audience advisories are not required for content on foreign pass-through channels with no (or little) local editorial intervention.
- 2g Promos for programmes should comply with the classification of the programme during which they screen.
- 2h If filtering technology is made available to customers free of charge, and regularly promoted by the broadcaster for customer use, content classified 18 may screen at any time, provided other applicable broadcasting standards are adhered to.
- 2i Where filtering technology is not made available, content classified 18 may screen only between 8pm and 6am, or 9am and 3pm (other than weekend days, school holidays and public holidays when it may screen only between 8.30pm and 5am).
- 2j The filtering technology may be made available on the basis that customers elect to use it, provided that a customer is easily able to initiate use at any time through the television remote or similar device.
- 2k Content classified 18 may screen at any time on premium channels, provided other applicable broadcasting standards are adhered to.

STANDARD 3 – CHILDREN'S INTERESTS

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

Guidelines

- 3a On pay television, children are frequently protected through security systems, eg, filtering technology. Where these are available, they should be clearly and regularly promoted to customers.

- 3b 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.

- 3c Context must always be considered, including whether filtering technology is available so that parents can protect children from viewing unsuitable content, the nature of the programme and the channel, and the public significance of the broadcast.
- 3d Channels targeted at children should only contain content appropriate for children.
- 3e Content not intended for children's viewing should not be specifically promoted to children and should be screened in accordance with Standard 2 – Programme Information.
- 3f Content classified M or above, especially that containing sexual or violent material, should not screen adjacent to content aimed at children.
- 3g Themes and scenes in fictional content dealing with matters known to disturb children, such as domestic friction or the humiliation or ill-treatment of children, should be appropriately classified and scheduled.
- 3h Any portrayal of realistic violence in content likely to be viewed by children should be scheduled and classified with care.

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 The level of editorial control of the broadcaster over programme content will be an important consideration when assessing complaints under this standard. For example, broadcasters exercise no (or little) editorial control over content screened on foreign pass-through channels.
- 4b Broadcasters should exercise caution with content likely to incite or encourage violence. It should be classified carefully and carry audience advisories where necessary, in accordance with Standard 2 – Programme Information.
- 4c In news, current affairs and factual programmes, disturbing or alarming material should be justified in the public interest and carry audience advisories where appropriate.
- 4d 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.
- 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. The availability of filtering technology and the level of public interest in a programme will be significant factors.

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. Relevant factors include:
- the nature of the programme and the channel
 - the programme's classification
 - where filtering technology is not available, the programme's 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.

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 In the preparation and presentation of programmes, broadcasters 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 actual event or situation being broadcast where promotion is a normal feature of the 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 News, current affairs and factual programmes broadcast on foreign pass-through channels, over which the broadcaster retains no (or little) editorial control, are not required to be balanced by the broadcaster.
- 8d 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 (eg, in foreign pass-through channels).

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 This standard does not apply to news, current affairs and factual programmes broadcast on foreign pass-through channels, over which the broadcaster retains little or no editorial control.
- 9b The requirement for accuracy does not apply to statements which are clearly distinguishable as analysis, comment or opinion, rather than statements of fact.
- 9c 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.
- 9d In the event that a material error of fact has occurred, broadcasters should correct it at the earliest appropriate opportunity.
- 9e 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.

Broadcasting Standards in New Zealand Codebook

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 This standard will usually only apply where broadcasts have been locally produced by or on behalf of the broadcaster.
- 11b A consideration of what is fair will depend on:
 - the nature of the programme (eg, news and current affairs, factual, dramatic, comedic or satirical)
 - the public interest in the broadcast
 - the target and likely audience
 - audience expectations
 - whether the programme was live or pre-recorded.
- 11c 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.
- 11d 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).
- 11e 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.
- 11f 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.
- 11g Edited excerpts should fairly reflect the tenor of the overall events or views expressed.
- 11h 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.
- 11i Individuals, and particularly children and young people, featured in a programme should not be exploited, humiliated or unfairly identified.
- 11j Where programmes deal with distressing circumstances (eg, grief and bereavement) broadcasters should show discretion and sensitivity.