

2. The portrayal of nudity, in itself, cannot be classed as automatically obscene or indecent. The context in which any such portrayal occurs, the aims and motives of the programmers and the attitudes of participants all have to be taken into account. You will recall that Television Two last April was thanked in writing by your Society for the screening of the Chester Mystery Play on Good Friday. This play contained a full frontal nude scene of Adam and Eve re-enacting the Genesis story.

3. There was no attempt to introduce salacious elements into the programme.

4. The film sequences were used in the correct context of the programme and no shots were considered to have been held long enough to have been deliberately provocative to those who are sensitive about the showing of nudity.

5. In opening the Access programme a representative of the Auckland Nudist Club said:

"Some of our opponents from the Society for the Promotion of Community Standards accepted an invitation to be with us today to debate nudity but unfortunately declined at the last minute."

She added:

"We have in the studio Bunty Finny from the Access programme to put to us questions normally asked by members of the public."

In this way Mrs Finny acted as Devil's Advocate and asked some straightforward questions.

In summary, the Board of the Corporation felt that neither by intention nor in presentation was this programme in breach of section 24 (1) (c) of the Broadcasting Act 1976.

The Corporation did not uphold the complaint.

In submissions made in person through its secretary, Miss Patricia Bartlett, the Society made the following points:

1. If television is to be permitted to screen full frontal male and female nudity and nudist programmes in children's viewing time it follows television commercials and all New Zealand made television programmes may follow suit.

2. The permitting of this programme at this time is inconsistent with the rulings of the New Zealand film censor.

3. It is difficult for parents to supervise every programme and they should not be obliged to turn off the family television set in the daytime or early in the evening because of undesirable scenes of nudity.

4. Nudity in a public place is an offence prosecuted by the police.

5. There have been counter-petitions to oppose the nudist clubs' agitating for public nude bathing on public beaches.

6. The Press Council has upheld complaints against news photographs in *Truth* and one newspaper has decided voluntarily not to publish photographs of nudists.

7. Some public statements and positions taken by public authorities have been contrary to the view put forward in the programme.

Apart from objecting to a discussion of embarrassment which might be experienced by men in a nudist situation, the complaint was confined to the film clips shown in the programme.

The Society made a plea for all New Zealand made programmes to be subject to censorship by the Programme Standards Department of the Corporation.

The Society opposes any full frontal nudity on television except in documentaries of "primitive native people." (These should be permitted because they are an indication of acceptance of the culture of other people. Nudists may have argued for a similar tolerance.)

At the public hearing before the Tribunal, Mr Rod Cornelius, who is an experienced director and producer and is head of the department concerned with the production of the Access programmes informed the Tribunal that the Access programme was considered to be more of an adult programme; it was shown during a period of low audience viewing; no shock tactics had been used in the course of the programme which had lasted 14 minutes of which 2 minutes 58 seconds had contained film clips. Of that period, only 25 seconds could be said to have involved the showing of full frontal nudity.

Mr Cornelius himself had viewed the programme and had made further editing of it to eliminate, in his judgement, any indecent or close-up explicit details.

He submitted that there was a difference between publishing photographs in a newspaper and on television. On television the period during which the viewer could see any scene could be exactly controlled. Many of the scenes were discreet with no detail and all film clips were used purely as illustrations of the discussion. More detail was shown in documentaries

of primitive peoples than in this programme. He submitted that the rules had been complied with and the programme was within the acceptable standards of broadcasting.

Miss Bartlett said that her Society was opposed to the showing on television of bare-breasted females at any time but considered that if, in the opinion of the Tribunal, it was appropriate for this programme to be broadcast then it should not be broadcast before 10 p.m. She said that children could distinguish aboriginals as from a different culture; the film censor made that distinction.

The Tribunal viewed a videotape of the programme. There were 14 minutes of prerecorded studio discussion. Film clips were shown during part of the discussion for nearly 3 minutes but there were no lengthy scenes. The film clips were not shown continuously and the average length was 15 seconds. They were not repetitive. The dominant effect of the programme was the content of the studio discussion. The film clips illustrating the discussion did contain some distant shots of nudists unclad but only the final sequence allowed the viewer to look and find genitalia.

The Decision

Television should illustrate and in the opinion of the Tribunal this programme did so without breaching the standards of good taste and decency in the community. We did not find that the programme offended.

The Society had an opportunity to take part in the programme but did not do so. The opening of the programme was not designed to attract prurient interest; that might have occurred if there had been a warning published that the programme might be offensive to some people. It would also have drawn attention to the content of the programme to have rescheduled it for a period after 10 p.m. at night. We consider that there would have been little interest by young people in the programme; the first film clip did not occur near the beginning of the programme and there was adequate warning to prepare a viewer who did not like the topic or might be offended by nudity to avoid watching further. We do not consider that the content of the programme would have been harmful to children.

The programme heavily emphasised the arguments in favour of the activities available through nudist clubs; film clips shown illustrated the activities engaged in. Their stated argument for wanting areas of their own arose out of an intention not to want to offend members of the public. The intention of the programme was not to titillate and the film clips successfully showed nudists in the surroundings in which they gather. It is quite clear that it is possible to provide more provocative programme material by use of clothing than by the simple nudity displayed on this programme.

We did not consider it particularly helpful to examine decisions under other legislation referred to in some further submissions lodged on behalf of the Society by their solicitors. Although these submissions were headed legal submissions, they largely expanded the same arguments as were put most effectively by Miss Bartlett in person.

It is worth noting however that the Tribunal cannot accept, as a general principle, such statements as "where the criminal law proscribes such activities, the Broadcasting Corporation should not be permitted to televise and promote them." It is quite ridiculous to suggest that television should never portray any activity which is illegal. It is even more ridiculous to suggest that behaviour should not be shown which in private is not illegal but which if carried on in public would be illegal. We certainly do not accept that a programme is in bad taste because it shows something which if done in Queen Street or Lambton Quay would be an offence.

This attitude perhaps illustrates the unimaginative, mechanical approach the Society has adopted in its desire to eliminate any real analysis and its failure to recognise the subtleties involved in drawing the line.

The Tribunal does not consider that the discussion was offensive or that it departed from the norms of decency and good taste in language or behaviour. Though it is accepted that sincerity alone must not be a defence, the Tribunal accepts the submissions made by Mr Cornelius that consideration must be given to the aims of the programme maker and the context in which the activities objected to occur. The Tribunal does not consider that the showing of film of nudists in support of those advocating a change in the law to be a failure on the behalf of the Corporation to have regard to the maintenance of law and order in the community.

The Tribunal notes that the complainant seems to place little weight on the distance at which film is shot and seems attracted to the phrase "full frontal nudity"—repeated on a number of occasions in the course of the submission.

The only part of the film which the Tribunal had any reservations about was the final scene which it considered could have been shortened. However the Tribunal does not