

However the mixture of hard and soft interviews, chairing discussions and bringing people to the studio for general debate, could lead to some confusion in the viewer's mind as Mr Fraser varies his approach according to the nature of the individual programme.

Co-opted members: Messrs Boyd-Bell and Gardiner were co-opted as persons whose qualifications and experience were likely to be of assistance to the Tribunal in the hearing of the complaint. They took part in the consideration and deliberations of the Tribunal but the decision is that of the permanent members.

Dated the 14th day of October 1981.

For the Tribunal:

B. H. SLANE, Chairman.

Decision No. 20/81

COM 14/80

Before the Broadcasting Tribunal

IN the matter of the Broadcasting Act 1976, and in the matter of a complaint by Kenneth MacKenzie.

WARRANT HOLDER: Broadcasting Corporation of New Zealand—(Network 1):

B. H. Slane Chairman,
Lionel R. Sceats, Member,
Janet C. Somerville, Member,
Gordon C. Ell, Co-opted Member,
S. H. Gardiner, Co-opted Member.

Decision

Mr MacKenzie's complaint is about one of the programmes in the Open Pulpit series broadcast on 27 July 1980 in which Canon Lowe interviewed a Maori activist. On 10 August 1980 Mr MacKenzie complained about the programme to the Chairman of the Corporation and the letter was referred to Television New Zealand who replied to Mr MacKenzie. He had intended however that his letter be treated as a formal complaint and this was subsequently done after he had approached the Registrar of the Tribunal.

The Corporation then considered whether the language used constituted a breach of section 24 (1) (c) Broadcasting Act 1976 relating to the observance of good taste and decency and whether its screening time of 6 p.m. was in contravention of the Television Rule requiring broadcasters to be mindful of the effect any programme may have on children during their generally accepted viewing periods. The Corporation decided that the guests comments on the programme taken in isolation might seem to be contrary to standards of good taste but it was clear that they should be assessed in the context of the discussion and the manner of delivery. It also recognised that Canon Lowe was asking questions and making comment which served as a counter balance during a relaxed and free flowing discussion which resulted in some quite significantly revealing points being made in relation to his guest's outlook and that of some Maori people.

As the activist was well known the programme served to give a penetrating perspective of the man and it was felt had it been edited or certain words "bleeped" the nature and character of the man could have been distorted.

The Corporation said the Television Rules required broadcasters to take into consideration currently accepted norms of decency and taste in language and behaviour, bearing in mind the context in which any language or behaviour occurred, and also to acknowledge the right of individuals to express their own opinion. Therefore in the context of the programme the Board did not consider the complaint could be upheld in relation to the observance of good taste and decency.

As to the other parts, the programme constituted adult viewing and should not have been screened at 6 p.m. The complaint in that respect was upheld.

The Corporation said that to prevent a repetition, the question of religious programme content and scheduling aspects is to be the subject of further examination by the Corporation.

Mr MacKenzie decided to refer his complaint to the Tribunal.

The Tribunal approaches the decision on the basis that Mr MacKenzie's complaint has been upheld as to the showing of the programme at that time.

However it is difficult to divorce a consideration of the appropriate standards of good taste and decency from the

time of showing and the nature of the programme in which the questioned items appear.

We have come to the conclusion the complaint should be upheld in part. We would go a little further than the Corporation and say that there was an unnecessary broadcasting of bad language having regard to the type of audience which the programme sought to serve.

We note that Canon Lowe tended to talk over some of the statements that would be objectionable and some were in fact hard to hear. In considering the language used we cannot consider the programme in isolation from its time of broadcast, its intended audience and the fact that it was recorded.

Mr MacKenzie was concerned that the question of blasphemy had been entirely overlooked. If blasphemy is taken to include impious references then one might expect that if they were to occur on television they could certainly occur in a religious programme of this kind which is discussing and debating religious topics. The question posed by the rules is a different one, whether such references cross the boundary of good taste and decency. The references to Jesus we find do not cross the borderline in the context of the programme and the type of discussion that was being undertaken and the level on which it was being conducted.

We see some value in this type of programme creating awareness of another point of view.

That the views may have been put strongly must be balanced against the fact that they were told in relation to a story and were repeated as a quotation. Canon Lowe's presence balanced those views and indeed he actively countered them, interrupting to do so.

We emphasise in making this decision that the Tribunal is not concerned with exercising its members personal tastes or standards on such questions but endeavours to reflect what it considers to be current community standards.

The Tribunal was not required to consider whether or not the programme should have been broadcast at 6 p.m. as the Corporation has already ruled that the broadcast of the programme was in breach of Rule 1.1 (c) which requires broadcasters to be mindful of the effect any programme might have on children during their generally accepted viewing periods.

The complaint is upheld in relation to the use of bad language. The Tribunal observes that the series was intended for family viewing. If it was not desired to screen it at another time then there appears to be no reason why the programme could not have been edited to delete the offending words.

The complaint is not upheld in respect of the alleged blasphemous references.

Co-opted Members

Messrs Ell and Gardiner were co-opted as persons whose qualifications or experience were likely to be of assistance to the Tribunal in determining the complaint. They took part in the consideration of the complaint and the deliberations of the Tribunal but the decision, in accordance with the Act, is that of the permanent members.

Dated the 14th day of October 1981.

For the Tribunal:

B. H. SLANE, Chairman.

New Zealand-Australia Free Trade Agreement

APPLICATION FOR THE APPROVAL OF GOODS AS DETERMINED IMPORTED MATERIALS—NOTICE 1981/8

NOTICE is hereby given that application has been made to Australia for the approval of the goods, described in the Schedule hereto, as determined imported materials in accordance with Australian legislation relating to the rules governing the origin of goods "wholly manufactured".

Any person wishing to lodge an objection to New Zealand supporting these applications should do so in writing on or before 19 November 1981. Submissions should include a reference to the application number, tariff item, and description of the goods concerned, be addressed to the Comptroller of Customs, Private Bag, Wellington, for the attention of the Director Trade Division, and be supported by information as to the quality, range, supply, etc., of the goods or suitable alternative goods produced in New Zealand.