

Dated at Wellington this 15th day of February 1983.

J. S. JOLLIFF, for Director-General of Education.

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*The Standards Act 1965—Draft New Zealand Standard
Specification Available for Comment*

PURSUANT to subsection (3) of section 23 of the Standards Act 1965, notice is hereby given that the following draft New Zealand standard specification is being circulated.

Number and Title of Specification

DZ 4711 Qualification tests for metal-arc welders. Gratis. (Revision of NZS 4711:1973)

This draft standard applies to the qualification testing of welders to establish their competency in manual, semi-automatic or automatic metal-arc welding of weldable structural steel. Tests are specified for welder qualification of plate and pipe (welded from one side without backing).

All persons who may be affected by this publication and who desire to comment thereon, may obtain copies from the Standards Association of New Zealand, Wellington Trade Centre, 15-23 Sturdee Street, (or Private Bag), Wellington.

The closing date for receipt of comment is 30 May 1983.

Dated at Wellington this 18th day of February 1983.

DENYS R. M. PINFOLD,
Director, Standards Association of New Zealand.
(S.A. 114/2/8)

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Decision No. 4/83
Com. 31/82

Before the Broadcasting Tribunal

In the matter of The Broadcasting Act 1976, and in the matter of a complaint by the SOCIETY FOR PROMOTION OF COMMUNITY STANDARDS INC.:

Warrant Holder BCNZ (Television 1)

B. H. Slane, Chairman; Lionel R. Sceats, member; Ann E. Wilson, member; Gordon C. Ell, co-opted member; Robert Boyd-Bell, co-opted member.

DECISION

THE society complained of a segment in the Television 1 Close Up programme broadcast at 8 p.m. on Wednesday, 28 July. The society claimed the programme, in breach of section 24 (1) (e), Broadcasting Act 1976, failed to maintain, in its programmes and their presentation, standards generally acceptable in the community. In particular it failed to have regard to the principle that when controversial issues of public importance are discussed, reasonable efforts are made to present significant points of view either in the same programme or other programmes within the period of current interest.

The society also complained that the same segment of the programme breached Rule 5.1 which provides:

A television news and current affairs service should take account of the following points:

- (e) Children form a significant part of the early evening audience. This should be considered when deciding on the extent to which an item may be treated or illustrated in bulletins before 8.30 p.m.

The programme was trailed as "Gay Pride 10 Years On—What's Really Changed", and was entitled "Pride and Prejudice".

The society complained that the programme was concerned with a controversial issue of public importance, the gay or homosexual scene in New Zealand, and the introduction of a Bill to legalise homosexual acts which are at present illegal. The society said its secretary Miss P. M. Bartlett was the only person interviewed on the programme with an opposing view while a number of people were interviewed who supported the change in the law.

The society also considered that the subject was inappropriate for 8 p.m. when 10- and 11-year-old children were not yet in bed and were watching television. It also objected to the showing in the programme of a scene from an R18 movie called *Making Love* currently screening in the country in which viewers could see two men caressing one another's bodies and kissing.

The item, it was complained, also contained scenes of homosexuals dancing cheek to cheek in an Auckland cabaret frequented by homosexuals. The society considered the programme should not have been broadcast before 9 p.m. but in any event in accordance with the rules should not have been broadcast before 8.30 p.m.

The Corporation did not uphold the complaint. It considered the programme struck a reasonable balance in itself giving, among others, the views of mainstream churches and the legal position. It noted that the topic was one which had been, and would continue to be, controversial. The Corporation considered there would be more opportunities for expression of further points of view as the question of changes in the law was debated.

While some sympathy was expressed with the view that the segment should have been placed later in the programme, it was thought that the way in which the subject was treated was not such as to breach Rule 5.1 (e).

The society referred the complaint to the Broadcasting Tribunal adding that it did not consider that homosexual lovemaking scenes from R18 movies which children were not permitted to see in cinemas should be permitted to be screened on television in family viewing.

The society said no mainstream church leaders were on the programme, nor was there a lawyer voicing a different view from the person on the programme who advocated legalising homosexual acts for 16 and over.

In submissions to the Tribunal, the Broadcasting Corporation said it was only at the very end of the programme, where expected changes in the law were examined, that there was a clear need to attempt a balance of opposing views. Up to that point the programme attempted to reflect what was occurring today, a back-grounder. There was almost an equal balance in the number of words spoken by an advocate for change and Miss Bartlett. There would be scope for further balance in comment of parliamentarians and church leaders.

The Corporation pointed out that there was no prohibition under section 24 (2) from televising any part of an R18 film provided it did not include any portion which the Government Film Censor had required to be excised. That was not at issue in this complaint.

The Corporation also argued that the excerpt, together with other filming of homosexual recreational activities, was portrayed in subdued light. No element of obscene exposure entered the reckoning.

The Corporation claimed that in the dim light it was not possible to determine whether homosexual or heterosexual activities were occurring. The Corporation considered it was reasonable to expect that young children in the age range quoted by the complainant would not be viewing a programme such as *Close Up* at 8 p.m.

The Tribunal viewed a video tape of the programme and examined a transcript.

The Tribunal does not consider that the programme ultimately did provide a balance between the views of those who advocate change in the law and public acceptance of the homosexual way of life and those who oppose it.

This occurred principally by the programme choosing to confine itself to Miss Bartlett's views as representing the views of those who opposed a change in the law. There would obviously be a range of views opposed and it appeared that Miss Bartlett's view had been chosen to support the opinion that the opposition was based on prejudice.

The programme also examined the commercial acceptance of homosexuals and the absence of any legal reform. If it had confined itself to that then we would not have seen the need for balance to occur in the programme or later. But a number of those interviewed went further and advocated reform of the law to which Miss Bartlett was the only respondent.

However, it is one thing to say that the programme was not itself balanced and another to say that the complaint should be upheld. At the time of the preparation of the programme the reporter believed that a Bill was to be introduced to Parliament. It would be reasonable to assume then that there would be some debate on the matter within a reasonable time. The Tribunal takes the view that the programme content was not such that it was imperative that there should be balancing material within the same programme.

But we consider that balancing material should be provided in another programme. Since the expected debate has not taken place, Television New Zealand will no doubt consider the ways in which it can adequately represent the views of those who oppose homosexual law reform in terms other than those put forward in the programme. The period of current interest has not yet concluded and is unlikely to do so immediately but the need for some balance cannot be put aside indefinitely.

In respect of section 24 (1) (e), the complaint is not upheld.

With regard to the time the programme was shown the Tribunal has considered a number of factors. The first is that the programme itself set about dramatically presenting a trailer of its content and it cannot be assumed that younger viewers would not have been attracted to watch. As the homosexual item was the first in the *Close Up* programme, it was broadcast shortly after 8 p.m.

The Tribunal would not consider it improper for excerpts from an R18 film to be shown in the programme but regard must be had