

said, i.e. “corksucker” and “fargin.” Both pronunciations are clearly distinguishable on the sound track. And when in one scene Moronie’s club is bombed, he shouts, “This is fargin war!” At this point, a newspaper appears with the banner headline, “Fargin war!” Nevertheless, the references were obviously to the words which the complainant thought he heard.

The language complained of occurred over a short span early in the film and was not typical of dialogue in the rest of the film. Although it recurs, it is much less in evidence throughout the rest of the film. Some warning of this parody of gangster talk would have been appropriate.

The language complained of, even had it been as the complainant thought it was, does not *ipso facto* render the programme obscene or in breach of Programme Rule 1.1 (b). Currently accepted norms are the test. For example, the Tribunal several years ago considered the use of “fuck” was acceptable in a dramatic context in **All the President’s Men**.

The impact of the language is “softened” to some degree by Moronie’s mashing of vowels and diphthongs. Whether the resultant effect is comic and is acceptable in the context is a question of judgment of the scene and of the whole programme. The overall quality of the film is relevant to that judgment. So is the timing of the broadcast. Whether there was an option to cut is also relevant. That would not have been possible without leaving large gaps in the continuity. The Tribunal considers that TVNZ had to run it as it was or not at all.

Having seen the entire film, the Tribunal does not consider it obscene or in breach of programme rule 1.1 (b). TVNZ gave the film an acceptable broadcast time.

The only additional measure it should have taken was to have added a language warning at the beginning, particularly having regard to the time at which it was broadcast, 9.30 p.m., and the incidence of the language soon after which may not have seemed likely from viewing the first minutes. We would not uphold the complaint for this failure alone.

The complaint is not upheld.

#### *Co-opted Members*

Messrs Carter and Stephenson were co-opted as persons whose qualifications and experience were likely to be of assistance to the Tribunal. They took part in the deliberations of the Tribunal but the decision is that of the permanent members.

Signed for the Tribunal:

B. H. SLANE, Chairman.  
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Decision No. 5/90

Reference No.: BRO COM 13/88

### **Before the Broadcasting Tribunal**

In the matter of the Broadcasting Act 1976, and in the matter of a complaint by **Donald Watson** of Titirangi (retired):

*Chairman:* B. H. Slane.

*Member:* Robert Boyd-Bell.

*Co-opted Members:* R. M. Carter and B. W. Stephenson.

#### **Decision**

Dated the 16th day of January 1990.

#### *The Complaint*

Mr Watson wrote to the public relations officer of Television New Zealand on 10 June 1988 stating that he wished to make “a general, and a particular formal, complaint about the material presented on the 6.30 television news.”

His first complaint was that the television news in general

contained tales of disaster, tragedy and upheaval and very rarely anything of a pleasant nature.

His second formal complaint was “. . . your treatment of events in the Republic of Korea. I do not recollect anything of a positive nature: there is nothing on the news which depicts the tremendous advances which the country and its people are making, including a rapidly advancing standard of living . . . In particular, you show the country as consisting solely of rioting students throwing rocks, and police using tear gas, as you did on the 6.30 news this evening.”

On 5 July, Television New Zealand’s public relations manager acknowledged receipt of the formal complaint and advised that it had been forwarded to the BCNZ Complaints Committee.

On 14 July, the secretary of the Corporation wrote pointing out that there was a statutory procedure for formal complaints, enclosed an explanatory pamphlet and requested more specific information.

On 26 July Mr Watson wrote a 2-page letter in reply to the secretary. In it he said “I have not kept a note of the dates, [of news items] but the item immediately before my letter of 10th June was either on that day, or a day or 2 previously.”

He repeated his allegation that news items over a long period had breached the requirement of “impartiality and balance in news and current affairs”, quoting the pamphlet sent to him.

He referred to coverage of flood disasters broadcast more than a year previously and news items concerned solely with clashes between students and other demonstrators and the police. He said all this and press references to security for the Olympics suggested that South Korea was a very dangerous place which was not true—on the whole it was quiet and peaceful.

Mr Watson outlined a number of matters he said had not been reported but could have been covered, based on his opinions and knowledge of the country. These included industrial and educational development and the Children’s Heart Foundation.

For these reasons he said the news reporting had been unbalanced. It should have covered other aspects of life in Korea.

On 2 August the secretary of the Corporation replied that the Broadcasting Act 1976 did not provide for formal complaints relating to programmes which had *not* been broadcast—an interpretation that had been confirmed by the Broadcasting Tribunal.

In the circumstances, the secretary believed Mr Watson’s complaint could not be considered as a *formal* complaint under the statutory procedure. But it was within the province of the Director-General of Television New Zealand and had been forwarded to him for substantive reply.

On 5 August Mr Watson replied that he considered the secretary’s action was improper and reiterated that his complaint regarding television news of the Republic of Korea “clearly falls within the definition of lack of ‘impartiality and balance’ as given in the pamphlet . . .”

#### *Complaint to the Tribunal*

On 14 August 1988 Mr Watson wrote to the registrar claiming the jurisdiction of the Tribunal to deal with the matter on the basis that his formal complaint had not been dealt with. He was critical of the way it had been handled by the secretary who he said appeared to wish to bypass the statutory procedure. The particular complaint on his complaint form which followed was:

“That news telecasts regarding the Republic of Korea are designed to show that country in an unfavourable and prejudiced light. The 6.30 news telecasts suggest that the country consists solely of rioting students and police,