

*The BCNZ Response*

On 10 October 1988, the Corporation advised Mr Jensen that his complaint had not been upheld. It had been considered against section 95B (1) (a), (i), (ii) and (iii) of the Broadcasting Act 1976 which is concerned with the Corporation's obligation to maintain, in its programmes and their presentation, standards which will be generally acceptable in the community; with the obligation to have regard to the observance of standards of good taste and decency; and the obligation to have regard to the accurate and impartial gathering and presentation of news according to recognised standards of objective journalism.

The Corporation said that the nature of the programme and the item in question was clearly satirical and that it was in the nature of satire to exaggerate reality by presenting incidents or people in a way which highlighted irony.

“The Week Link” does not personally attack people being satirised, although it does use quotes placed out of context or, as in the case in question, slightly altered. The spokespersons is quoted in newspapers as saying: ‘Some of the boys get a bit hit up now and then’.

“The programme blatantly signalled the fact that it was satirical and the item clearly indicated it should not be taken as being factual or serious.”

The Corporation said the “recognised standards” aspect was a qualification in the Act with reference to “objective journalism”, therefore it could not be part of a complaint when the programme concerned made no pretence whatever to being a news programme.

Regarding “standards” and “good taste”, it was considered that only a very narrow interpretation of the script and an acceptance that it was not satire could bring into question the standard of good taste of the programme. The specific comment, if taken out of context of the script, might be deemed to breach standards and good taste in the narrow sense but it was considered to be fully redeemed when seen in the context of a satirical piece and the evidence of fact on which the script was based.

*Reference to the Tribunal*

Referring the complaint to the Tribunal on 25 October 1988, Mr Jensen said that it was not humour, satire or the like. It was bad taste, “totally out of tilt, and objectionable”. The Corporation had given a “pathetic, infantile response”. He alleged incompetence and added that humour and good taste were the basic of satire. He also said that the Corporation should be made aware of that.

*Radio New Zealand Submissions*

In response to the Tribunal, Radio New Zealand referred again to the inapplicability of the “recognised standards” provision to a non-news programme.

“The Week Link”, it was submitted, was a satirical programme based on recent news events.

“It makes no claim to be other than satirical, and indeed signals its nature beyond doubt, clearly indicating that its thrust is neither factual or serious reporting. Mr Jensen's letter of 29 June confirms that he has correctly assessed the programmes as satire, which he describes as ‘weak’. Whether it be weak or effective is a matter of opinion, but does not affect its basic intent.”

The Corporation also made the points that the factual basis of the item had not been distorted; it was the nature of satire to exaggerate reality by presenting incidents or people in a way which highlighted irony; and “The Week Link” did not make attacks on people personally.

The Corporation reiterated its view earlier expressed to Mr Jensen, that the comment complained of should be considered in its full context, both of the item and its factual background.

It maintained there was no justification for upholding the complaint on the grounds stated by Mr Jensen.

*Consideration*

The Tribunal invited Mr Jensen to attend a formal hearing of this and another complaint lodged by him (Com 15/88), but he declined repeated invitations to do so.

This Tribunal has had previous experience of considering complaints arising from satirical commentary on radio following “bruising” sporting encounters—see decision 37/88.

The circumstances in this case were clearly different. “The Week Link” was in 1988 (and has continued to be) a regular feature of Saturday morning National Radio broadcasts.

It had a clearly established identity as a weekly, topical, satirical commentary on life in New Zealand—not readily confused with other styles of commentary.

The effectiveness of all humour and satire depends to some extent on the identification which such programmes achieve with their audience(s). Topical satire is often a “hit and miss” affair, with different items gaining greater or lesser acceptance from different members of the audience. Mr Jensen obviously did not appreciate the closing line of the item he complained of. He also appeared to consider the programme series as “infantile”.

Mr Jensen is fully entitled to his view—an individual's sense of humour is obviously an intensely personal characteristic.

But the Tribunal considers it is a substantial leap from individual disapproval to declaring such comment a breach of the Act. In the terms of section 95B (1) of the Broadcasting Act, the Tribunal considers that the “recognised standards of objective journalism” provision does not apply to a programme such as “The Week Link”, clearly identified as not a news programme.

The complaint had clearly to be considered in the terms of section 95B (1) (i) and (ii)—the maintenance of standards generally acceptable in the community and regard to the observance of standards of good taste and decency.

As for standards generally acceptable in the community, the Tribunal is aware of the general popularity with audiences worldwide of topical satirical programmes on both radio and television.

We have no reason to believe New Zealanders are unique in this regard.

To uphold Mr Jensen's complaint as a breach of standards generally acceptable in the community would be to accept his personal opinion, somewhat intemperately expressed, as representing the standards of the community. On the basis of one complaint relating to one specific aspect of the programme, there is little ground for such a conclusion.

With regard to section 95B (1) (ii), having regard to the observance of standards of good taste and decency, the Tribunal has a similar difficulty.

In the previous decision referred to earlier (decision 37/88) the Tribunal considered, after extensive deliberation, that particular remarks derogatory of national and racial groups not directly related to the factual circumstances being commented on, did transgress the boundaries of good taste.

In this instance the Tribunal is not so convinced. The factual basis of the item in question was clearly based on news reports of the time and relatively accurately related.

The “moral of the story” in the final lines and the conclusion specifically complied of by Mr Jensen was provocative, but not an isolated reaction.

There has been wide public comment in recent years regarding many parents' concern about the violence implicit in some aspects of rugby and the extent of injuries sustained.

It is an aspect of public reaction which the Rugby Union itself