



**National Council of
Women of New Zealand**

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Wahine O Aotearoa

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Submission to the Broadcasting Standards Authority on the BSA Code Review

Introduction

The National Council of Women of New Zealand, Te Kaunihera Wahine o Aotearoa (NCWNZ) is an umbrella group representing 288 organisations affiliated at either the national level or to one of our 20 branches. In addition to our organisational membership, about 260 women are individual members of branches. NCWNZ's function is to represent and promote the interests of New Zealand women through research, discussion and action. This submission has been prepared by the NCWNZ Public Issues Standing Committee after consultation with the membership of NCWNZ.

The submission is based on responses from NCWNZ branches, affiliated organisations and members of the NCWNZ Public Issues Standing Committee.

Response to revision of codes and guidelines

Due to the short period available for submissions, members and affiliated organisations were asked to focus on aspects of the codes and guidelines relating to the proposed **Free-to-Air TV code (pages 44 – 71 of the pdf consultation document - Broadcasting Standards in New Zealand Codebook)**, particularly:

- **Children's interests** – proposed code 3a - 3d
- **Violence** – proposed code 4a - 4f
- **Discrimination and denigration** – proposed code 6a – 6d
- **Privacy** – proposed code 10a -10g

Members and affiliated organisations were also asked for any comments they had on other aspects of the code. This submission is a collation of the responses received from NCWNZ branches throughout the country and from one affiliated organisation. These responses were often the outcome of discussion at branch meetings or with members of the affiliated organisations that make up NCWNZ, but sometimes individual members sent their reflections on the revised code and guidelines to NCWNZ Branch Presidents who passed them on to Convenors of the Public Issues Standing Committee who compiled this submission.

General responses:

Limited time for submissions on the BSA Code

Those responding frequently commented on the challenges for community organisations to respond in detail to the revised BSA Code in the six weeks available. They pointed out that reading the pdf document or the material on the website was time consuming and needed significant expertise. Six weeks was too short a time for community organisations that meet monthly to adequately consult with members and develop a submission on the revised BSA Code, especially when those responding needed to check whether there is general support from other members to their responses to the proposed BSA Code. At the same time, those responding to the proposed Code considered that material on Free to Air TV, Pay TV and Radio should be subject to public scrutiny and welcomed the opportunity to state their views on the Code.

Accessibility and clarity

Overall those responding to the revised BSA Code and Guidelines considered that the language used was accessible and user friendly. They appreciated how the pdf document and the website version of the Code was set out, and the way in which the Code and the Guidelines were modified in the light of complaints and use of the Code by broadcasters.

A response from one NCWNZ branch relating to children's access to broadcasting material included the following comment: "We compliment the writers of the BSA Code on the attention to detail and the descriptions in the codes." However they also expressed concerns about limitations on how the BSA Code might protect children from seeing and hearing unsuitable broadcast material. This branch stated that: "We also recognise that these broad recommendations will not be suitable for every child, nor will every parent exercise their discretion in monitoring the television programmes their children watch. It should be recognised that children have access to TVNZ On Demand, programmes via iPads and iPhones, therefore parental control would be hard to monitor."

Gendered representation of women and men, boys and girls

A number of responses were critical of the absence of attention to the gendered ways in which women and men, boys and girls are represented in TV programmes and how there might be greater diversity in these representations. NCWNZ members highlighted the need for codes in particular fields such as violence or law and order to consider the gendered aspects of TV content, particularly the stereotypical ways in which women and men are often represented. These simplified and often exaggerated gendered behaviours and body types were considered problematic for men and boys, and well as women and girls.

Developing guidelines related to gender equality and diversity in the representation of women and men, boys and girls would be a positive addition to the current BSA Code. It would increase awareness among broadcasters about the need to challenge representations of women and men that

perpetuate gender inequalities, limited understandings of work suitable for women and men, and high levels of domestic and sexual violence against women and girls.

The areas highlighted as being most in need of assessment relating to problematic representation of gender were news, current affairs, sport, Reality TV and children's television. There was concern about the limited range of occupations in which women were represented across a range of programme genres. Exposure of children to women and men's involvement in a range of different jobs, positions of power, and general efficacy in society, has the potential to recognize the wide-ranging contributions of people of different genders, ethnicities and ages, and diminish the normalisation of gendered power, especially with respect to physical and sexual violence. Responses from NCWNZ members also commented on the lack of representation of mature age women as broadcasters. This is a combination of gender and age discrimination.

Broadcasting standards have been identified with respect to discrimination, denigration, balance and violence, but there is not specific recognition in the Code of standards with respect to how women and men, boys and girls are represented on television and on radio. This could be addressed if there was a set of standards relating to representations of gender and diverse sexualities.

Specific responses to the Free-to-Air Code and guidelines:

Children's Interests – proposed code 3a – 3d

Major concerns were expressed about the impact on children of images on both Free to Air TV and Pay TV. Most of those responding to the updated BSA Code accepted that it was easier to regulate material on Free to Air TV, but also argued that, while adults may choose what to watch on Pay TV, children did not necessarily choose. Some parents might not put in place strategies to control children's access to material relating to physical and sexual violence that was not appropriate for their age.

Information about and facilitation of restrictions on children's access to Pay TV programmes without parental approval should be a key responsibility of the Broadcasting Standards Authority. Filters and Pin numbers can be used effectively to limit children's access to material that is inappropriate for their age.

A number of responses from NCWNZ members were critical of advertising before 8.30 pm of programmes shown in the adult time slot. This included programmes like 'How to Murder Your Wife' which some members thought should not be advertised when children were likely to be viewing TV, regardless of its content.

NCWNZ recommends that the advertising of programmes after 8.30 pm, especially those with high levels of physical and sexual violence, are only advertised after 8.30 pm or in whatever time slot is reserved for adult broadcasting consumers. Responses from members considered that while the BSA Code does not regulate advertising, it should be applied to the advertising of programme content.

One NCWNZ response indicated that many children are watching TV after 8.30 and that 9.00 pm may be a more appropriate time for scheduling programmes with exclusively adult content. They also

recommended the addition of the word 'social' to the statement about the "physical, mental and moral development" of children.

NZCW members considered that the suggested age appropriateness of Free to Air TV programmes should be indicated in any published programme of offerings on particular days and that warnings about excessive violence or explicit sexuality should not only occur immediately before a programme is broadcast.

Violence – proposed code 4a - 4f

Members were broadly supportive of this component of the proposed code. However, one of the affiliated organisations considered that insufficient attention was given to the ways in which denigration of women, even if they are not overtly physically abused in programmes included in Free to Air TV broadcasts, could have negative social effects. Another response was critical of the assertion in the guidelines that issues relating to violence "rarely apply to radio". A number of NCWNZ branches considered that there was too much "gratuitous violence" in Free to Air and Pay TV broadcasts.

Another response was critical of the inclusion of the rider in 4f that representations of violence are problematic when they go "beyond accepted community norms". They considered that it is often media content that is referred to when people define community norms. Increasing representations of physical and sexual violence, including bondage and discipline, in films, TV and online broadcasts are used to define what communities consider acceptable, rather than detailed social research.

In dealing with the issues of rape and sexual violence, NCWNZ is interested in whether checks are in place to assess violent content prior to screening, and also when a complaint has been made about content post-screening. NCWNZ would like to see equal representation of women and men on any panel concerned with the complaints process and assessment of harm associated with any public broadcasts.

Law and Order – proposed code 5a – 5d

The rates of family violence against women and children are much higher than against men and boys. For this reason, the NCWNZ would like to see the gendered aspect of family violence being added specifically into this standard. 5a includes violence but could be expanded to highlight these issues.

Discrimination and Denigration – proposed code 6a – 6d

NCWNZ members considered that assessments of whether a broadcast has gone too far with respect to discrimination should also take into account "the tone **and gender** of the person making the comments", "the length of the program" and "potential to reinforce negative stereotyping".

Privacy – proposed code 10a – 10g

Freedom of information, the public interest, what is of interest to the public and issues of privacy

NCWNZ values freedom of expression, but considers that there is a need to strike a balance between such freedom and the risk of giving offence and potentially harming some people.

A common response from members and the affiliated organisation that responded to the BSA Code was that there is insufficient attention to the distinction between what is ‘in the public interest’ and what is ‘of interest to the public’. NCWNZ individual members, branches and the affiliated organisation that responded to the BSA Code often argued that what is of interest to ‘the public’ is not necessarily information that contributes to “the public interest”.

Members were particularly concerned about vulnerability of people involved in a news story/material when journalists were focused on producing news of immediate interest to the public, but not necessarily attentive to the rights of individuals to privacy and protection in traumatic situations.

Viewers of Free to Air TV may be interested in knowing about the details of other people’s experience of physical and sexual abuse and want access to the emotional responses of individuals hit by disaster, sudden death and excessive risk. But it is not in the public interest that the privacy of individuals and communities in these situations is abrogated when compelling and interesting TV involves broadcasting their trauma and emotional distress. One NCWNZ response to issues of privacy argued that these are not just issues that affect individuals, but also families and communities. The language used in the standards relating to privacy should reflect the needs of both individuals and groups.

NCWNZ considers that it is in the public interest that all citizens are protected when they are most vulnerable from excessive media interest in trauma, death and abuse. NCWNZ members responding to the BSA Code stressed that priority should be given to protection of those in stressful situations, even if this means that members of the public do not always have access to material on TV that is of interest of them. Broadcasting practices that protect the privacy of individuals and do not put pressure on vulnerable people to talk about traumatic events such as sudden death or physical abuse are in the public interest.

Conclusion

NCWNZ is pleased to see an update of these broadcasting guidelines, but would like to see greater consideration given to attention to gender issues across the different standards identified in the updated SA Code. There is also potential to include a standard relating to the need for diversity in the representation of women and men, boys and girls and also attention to sexual diversity in public broadcasting.

One response to the proposed updated BSA Code was that there was a need to explicitly state that broadcasting in New Zealand should be informed by a human rights approach. This would mean that

material that meets the standards of the Code would not include abusive or discriminatory material, nor content that denigrates anyone on the basis of their race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disabilities. NCWNZ responses to the revised BSA Code included positive comments about the content of programming on Maori TV and the way it met many of the standards identified in the Code.



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