



31 March 2008

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By Email: dominics@bsa.govt.nz

Dear Dominic

SPADA's Submission: Draft Revised Free-to-Air Television Code of Broadcasting Practice

SPADA would like to thank the New Zealand Television Broadcasters' Council (NZ TBC) and Broadcasting Standards Authority (BSA) for the opportunity to comment on the revised Free-to-Air Television Code of Broadcasting Practice.

SPADA appreciates the work that has gone into this draft and acknowledges the intent for revising the current Code of Practice to reflect current community expectations to keep them relevant to broadcasting practice.

Background on SPADA

This submission is on behalf of the Screen Production and Development Association (SPADA). SPADA represents the interests of producers and production companies on all issues that affect the commercial and creative aspects of independent screen production in New Zealand. More can be found on SPADA's work at www.spada.co.nz.

SPADA's Responses

Standard 1 Good Taste and Decency

- 1b** **The use of visual and verbal warnings should be considered when content is likely to disturb or offend a significant number of viewers except in the case of news bulletins and current affairs, where verbal warnings only will be considered. Warnings should be specific in nature, while avoiding detail which may itself distress or offend viewers.**

SPADA believes the wording suggested for 1b is significantly watered down from the original text. For example, from broadcasters in some cases 'require' warnings, to just 'consider' them; as well as removing the reference to the interests of children. SPADA believes the introduction of the all inclusive phrase "viewers" amalgamates a very broad range of age groups, that all have different criteria that needs to be applied when defining "good taste" and "decency". For example, "*when content is likely to disturb or offend a significant number of viewers*": the nature of the content that disturbs or offends a **viewer** is going to vary drastically if the viewer is a 10 year old child rather than a 45 year old male.

RECOMMENDATION

SPADA recommends Clause 1.1b remain unchanged.

Standard 4 Controversial Issues – Viewpoints [Previously Standard 4 – Balance]

SPADA believes the reference to the genre "authorial documentary" in the earlier version of the Code is integral to distinguish the subtle nuances this genre represents. One could argue that an authorial documentary is a *particular approach* or *perspective* and is therefore covered in the new Code. However, SPADA believes the new revisions to Standard 4 attempts to standardise a complex section of the Code which needs careful articulation to ensure accurate interpretation of the Code's intent.

RECOMMENDATION

SPADA's recommendation is to re-insert the reference to authorial documentaries in the guidelines as per below.

[New] Guidelines

- 4a. No set formula can be advanced for the allocation of time to interested parties on controversial issues of public importance. Significant viewpoints should be presented fairly in the context of the programme. This can only be done by judging each case on its merits.

- 4b The assessment of whether a reasonable range of views has been presented takes account of some or all of the following:
- the programme introduction;
 - the approach of the programme (e.g. **authorial documentaries**, where a programme takes a particular perspective, public access and advocacy programmes);
 - whether viewers could reasonably be expected to be aware of views expressed in other coverage.

General Comments

SPADA's final comment is in regards to the Code's lack of reference to standards for material that is re-broadcast over the internet or on blocked channels. Given the proliferation of the internet in homes and at schools etc., it is difficult to police or impose standards, however, SPADA believes it is important to note in this submission that material which may be deemed inappropriate for a young audience on Free-to-Air could be easily accessed over the internet.

Conclusion

SPADA would once again like to thank the New Zealand Television Broadcasters' Council (NZ TBC) and Broadcasting Standards Authority (BSA) for this opportunity to comment on its revised Free-to-Air Television Code of Broadcasting Practice. If you would like to discuss any aspects of this submission please contact us on +64 4 939 6934.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Penelope Borland', written in a cursive style.

Penelope Borland
Chief Executive Officer
SPADA