

THE RADIO CODE

The following standards apply to all radio programmes broadcast in New Zealand. Freedom of expression is the starting point in a consideration of complaints. Complaints can only be upheld where the limitation on the right to freedom of expression is reasonable, prescribed by law and demonstrably justified in a free and democratic society.

The standards in this code should be read and interpreted alongside the commentary at the front of the Codebook.

PART 1 STANDARDS WHICH RELATE TO SOCIAL RESPONSIBILITIES

Standard 1	Good Taste and Decency
Standard 2	Programme Information
Standard 3	Children's Interests
Standard 4	Violence
Standard 5	Law and Order
Standard 6	Discrimination and Denigration
Standard 7	Alcohol

PART 2 STANDARDS WHICH RELATE TO INFORMATION BROADCAST

Standard 8	Balance
Standard 9	Accuracy

PART 3 STANDARDS WHICH RELATE TO PEOPLE OR ORGANISATIONS TAKING PART OR REFERRED TO IN BROADCASTS

Standard 10	Privacy
Standard 11	Fairness

PART 1

STANDARDS WHICH RELATE TO SOCIAL RESPONSIBILITIES

STANDARD 1 – GOOD TASTE AND DECENCY

Current norms of good taste and decency should be maintained, consistent with the context of the programme and the wider context of the broadcast.

Guidelines

- 1a The context in which content occurs and the wider context of the broadcast are relevant to assessing whether a broadcast has breached this standard, including:
- the nature of the programme and the station
 - the time of broadcast
 - whether the broadcast was live or pre-recorded
 - the use of audience advisories, if any
 - the target and likely audience
 - audience expectations of the station and the programme
 - the public interest in the broadcast.
- 1b Where broadcasters take effective steps to inform their audiences of the nature of their programmes, and enable listeners to regulate their own and their children's listening behaviour, they are less likely to breach this standard.
- 1c Talkback is an opinionated environment and is granted some latitude to be provocative and edgy in the interests of robust debate.
- 1d If seriously offensive material from a third party is inadvertently broadcast, it is less likely to breach the standard if the host immediately redresses the issue.

STANDARD 2 – PROGRAMME INFORMATION

Broadcasters should, where reasonably possible, issue an audience advisory where the content of a broadcast is outside audience expectations.

Guideline

- 2a While this standard will rarely apply to radio, an appropriate audience advisory should be broadcast if programme content is likely to be outside audience expectations of the radio station or of the particular programme.

STANDARD 3 – CHILDREN’S INTERESTS

Broadcasters should ensure children can be protected from broadcasts which might adversely affect them.

Guidelines

- 3a This standard will only apply during times when children are likely to be listening (usually up until 8.30pm and especially before school and after school – see *Children’s normally accepted listening times* under **Definitions**, page 9).
- 3b Material likely to be considered under this standard includes:
- sexual material or themes
 - violent content or themes
 - offensive language
 - social or domestic friction
 - dangerous, antisocial or illegal behaviour
 - material in which children or animals are humiliated or badly treated
 - graphic descriptions of people in extreme pain or distress
- which are outside audience expectations of the station or programme.
- 3c Context is an important consideration when assessing complaints under this standard, including the public interest in the broadcast, the target and likely audience, audience expectations and any factors that mitigate the likely harm to children, such as humour or educational benefit.

STANDARD 4 – VIOLENCE

Broadcasters should exercise care and discretion when referencing violence.

Guidelines

- 4a This standard will rarely apply to radio (as violent material has more impact visually).
- 4b Any description of, or reference to, violence should be justified by context.
- 4c Broadcasters should exercise caution with content likely to incite or encourage violence or brutality.
- 4d In news, current affairs and factual programmes, where disturbing or alarming material is often reported to reflect a world in which violence occurs, the material should be justified in the public interest.
- Judgement and discretion must be used in deciding the degree of graphic detail to be included in news programmes, particularly when children are likely to be listening.
 - An audience advisory should be used when appropriate.

STANDARD 5 – LAW AND ORDER

Broadcasters should observe standards consistent with the maintenance of law and order, taking into account the context of the programme and the wider context of the broadcast.

Guidelines

- 5a Programmes should not actively promote serious antisocial or illegal behaviour, including violence, suicide, serious crime and substance abuse.
- 5b The context of the programme and the wider context of the broadcast are important considerations when assessing complaints under this standard. For example, a distinction will usually be drawn between factual, and fictional or dramatic depictions, and the level of public interest in a programme will also be a significant factor.

STANDARD 6 – DISCRIMINATION AND DENIGRATION

Broadcasters should not encourage discrimination against, or denigration of, any section of the community on account of sex, sexual orientation, race, age, disability, occupational status or as a consequence of legitimate expression of religion, culture or political belief.

Guidelines

- 6a 'Discrimination' is defined as encouraging the different treatment of the members of a particular section of the community, to their detriment. 'Denigration' is defined as devaluing the reputation of a particular section of the community.
- 6b The importance of freedom of expression means that a high level of condemnation, often with an element of malice or nastiness, will be necessary to conclude that a broadcast encouraged discrimination or denigration in contravention of the standard.
- 6c This standard is not intended to prevent the broadcast of material that is:
- factual
 - a genuine expression of serious comment, analysis or opinion
 - legitimate humour, drama or satire.
- 6d Context must always be considered when assessing whether the broadcast 'encouraged' discrimination or denigration, including:
- the nature of the programme and the station
 - the time of broadcast
 - whether the broadcast was live or pre-recorded
 - the use of audience advisories, if any
 - the target and likely audience
 - audience expectations of the station and the programme
 - the public interest in the broadcast.

STANDARD 7 – ALCOHOL

In addition to compliance with laws or regulations relating to the promotion of alcohol, broadcasters should observe restrictions on the promotion of alcohol appropriate to the programme genre being broadcast.

Guidelines

- 7a Alcohol promotion should be socially responsible and must not encourage consumption by people who are under the legal age to purchase alcohol.
- 7b Alcohol promotion must not occur in programmes specifically directed at children.
- 7c Alcohol promotion must not dominate a broadcast.
- 7d Programmes must avoid advocacy of excessive alcohol consumption.
- 7e Sponsorship must be confined to the brand, name or logo, and exclude sales messages.
- 7f Promos for alcohol-sponsored programmes must primarily promote the programme, with the sponsorship subordinate.
- 7g Broadcasters are not required to exclude alcohol promotion from coverage of an event or situation being broadcast where such promotion is a normal feature of that event or situation. Other guidelines under this standard should be considered.
- 7h Broadcasters must take into account the requirements of the Advertising Standards Authority's Code for Advertising and Promotion of Alcohol when scheduling promos for alcohol-sponsored programmes.

PART 2

STANDARDS WHICH RELATE TO INFORMATION BROADCAST

STANDARD 8 – BALANCE

When controversial issues of public importance are discussed in news, current affairs or factual programmes, broadcasters should make reasonable efforts, or give reasonable opportunities, to present significant points of view either in the same programme or in other programmes within the period of current interest.

Guidelines

- 8a For the standard to apply, the subject matter must be an issue ‘of public importance’, it must be ‘controversial’ and it must be ‘discussed’ in a news, current affairs or factual programme.
- 8b No set formula can be advanced for the allocation of time to interested parties on controversial issues of public importance.
- 8c The assessment of whether a reasonable range of other perspectives has been presented includes consideration of the following, where relevant:
- the programme’s introduction and the way in which the programme was presented, for example:
 - whether the programme purported to be a balanced examination of an issue
 - whether the programme was clearly signalled as approaching a topic from a particular perspective (eg, authorial documentaries, public access and advocacy programmes, partial or politically aligned programmes)
 - whether the programme was narrowly focused on one aspect of a larger, complex debate
 - the nature of the discussion (was it a serious examination of an issue, or was the issue raised in a brief, humorous or peripheral way)
 - the nature of the issue/whether listeners could reasonably be expected to be aware of views expressed in other coverage, including coverage in other media (eg, is it an ongoing topic of debate, such that listeners can reasonably be expected to have a broad understanding of the main perspectives on the issue)
 - the likely expectations of the audience as to content
 - the level of editorial control of the broadcaster over the programme content.

STANDARD 9 – ACCURACY

Broadcasters should make reasonable efforts to ensure that news, current affairs and factual programming:

- **is accurate in relation to all material points of fact**
- **does not mislead.**

Guidelines

- 9a The requirement for accuracy does not apply to statements which are clearly distinguishable as analysis, comment or opinion, rather than statements of fact.
- 9b The standard is concerned only with material inaccuracy. For example, technical or unimportant points unlikely to significantly affect the audience's understanding of the programme as a whole are not material.
- 9c In the event that a material error of fact has occurred, broadcasters should correct it at the earliest appropriate opportunity.
- 9d Talkback programmes will not usually be subject to the accuracy standard.
- 9e The assessment of whether the broadcaster has made reasonable efforts to ensure accuracy includes consideration of the following, where relevant:
- the source of material broadcast (eg, whether the programme is produced by a reputable organisation or relies on an authoritative expert)
 - whether the broadcast was live or pre-recorded
 - whether there was some obvious reason to question the accuracy of the programme content before it was broadcast
 - whether the broadcaster sought and/or presented comment, clarification or input from any relevant person or organisation
 - the extent to which the issue of accuracy was reasonably capable of being determined by the broadcaster.

PART 3

STANDARDS WHICH RELATE TO PEOPLE OR ORGANISATIONS TAKING PART OR REFERRED TO IN BROADCASTS

STANDARD 10 – PRIVACY

Broadcasters should maintain standards consistent with the privacy of the individual.

Guidelines

- 10a The privacy standard applies only to identifiable individuals. In some cases an individual may be identifiable even if they are not named or shown.
- 10b Broadcasters should not disclose private information or material about an individual in a way that is highly offensive to an objective reasonable person in the position of the person affected.
- 10c There must be a reasonable expectation of privacy in relation to the information or material disclosed. Factors to consider include, but are not limited to, whether the information or material is not in the public domain; and/or it is intimate or sensitive in nature; and/or the individual could reasonably expect it would not be disclosed.
- 10d A person will not usually have a reasonable expectation of privacy in relation to matters in the public domain. In some circumstances, there may be a reasonable expectation of privacy in relation to such information or material even though it is in the public domain.
- 10e Broadcasters should not intentionally intrude upon a person's reasonable expectation of solitude or seclusion in a way that is highly offensive to an objective reasonable person in the position of the person affected.
- 10f It is a defence to a privacy complaint to publicly disclose matters of legitimate public interest. The level of public interest must be proportionate to the seriousness of the breach of privacy in order for the defence to apply.
- 10g It is not a breach of privacy where the person concerned has given informed consent to the disclosure or intrusion. A parent or guardian, or other person aged 18 or over in loco parentis (standing in the shoes of the parent or guardian), can consent on behalf of a child under the age of 16 years, but the broadcaster must be satisfied that the broadcast is not contrary to the best interests of the child.

STANDARD 11 – FAIRNESS

Broadcasters should deal fairly with any person or organisation taking part or referred to in any broadcast.

Guidelines

- 11a A consideration of what is fair will depend on the nature of the programme (eg, news and current affairs, factual, dramatic, comedic or satirical). Context should also be considered, for example, the public significance of the broadcast.
- 11b Participants and contributors should be informed, before a broadcast, of the nature of the programme and their proposed contribution, except where justified in the public interest, or where their participation is minor in the context of the programme.
- 11c Whether informed consent was required or has been obtained from a participant or a contributor may be a relevant consideration in determining whether that participant or contributor was treated fairly (guidance on what constitutes ‘informed consent’ is found in the privacy guidance at the back of this Codebook).
- 11d If a person or organisation referred to or portrayed in a broadcast might be adversely affected, that person or organisation should usually be given a fair and reasonable opportunity to comment for the programme, before the broadcast. What is ‘fair and reasonable’ will depend on the circumstances.
- 11e Edited excerpts should fairly reflect the tenor of the overall events or views expressed.
- 11f Broadcasters must not broadcast information obtained by misrepresentation or deception (including by hidden recording device), except where justified by the public interest.
- 11g The use of prank calls as a legitimate expression of humour will usually be acceptable, but caution should be exercised to prevent undue harm to unsuspecting parties.
- 11h Individuals, and particularly children and young people, featured in a programme should not be exploited, humiliated or unfairly identified.
- 11i Where programmes deal with distressing circumstances (eg, grief and bereavement) broadcasters should show discretion and sensitivity.

