

# Leitch and Television New Zealand Ltd - 2011-118

**Dated:** 20 December 2011

**Number:** 2011-118

**Complainant:**

- Leo Leitch of Hamilton

**Channel:** TV One

**Broadcaster:** Television New Zealand Ltd

**Members**

- Peter Radich (Chair)
- Te Raumawhitu Kupenga
- Leigh Pearson
- Mary Anne Shanahan

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**Complaint under section 8(1B)(b)(i) of the Broadcasting Act 1989**

*One News* – item used the word “gay” in the context of reporting on influx of homosexual couples from Australia getting married in New Zealand as civil unions are not legally recognised in Australia – allegedly in breach of controversial issues, accuracy, fairness and discrimination and denigration standards

**Findings**

Standard 7 (discrimination and denigration), Standard 4 (controversial issues), Standard 5 (accuracy), Standard 6 (fairness) – “gay” is a commonly accepted and widely used term for homosexuals – complaint frivolous and trivial – decline to determine in accordance with section 11(a) of the Broadcasting Act 1989

***This headnote does not form part of the decision.***

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**Introduction**

[1] An item on *One News*, broadcast on TV One at 6pm on 13 August 2011, was introduced by a newsreader who stated, “Our tourism industry is getting an unexpected boost as an influx of gay couples heads across the Tasman to tie the knot. Civil unions still aren’t legally recognised in Australia but pressure’s mounting on politicians to revisit the issue.” A reporter introduced one such couple saying, “They’re gay and in their eyes, very much married.”

[2] Leo Leitch made a formal complaint to Television New Zealand Ltd, the broadcaster, alleging that the item’s use of the word “gay” instead of “homosexual” was not objective or impartial, and breached standards relating to controversial issues,

accuracy, fairness and discrimination and denigration. He considered that it was akin to using the words “fairy”, “poofter” or “faggot”, which “would not be tolerated for a moment”.

[3] The issue is whether the item’s use of the word “gay” breached Standards 4 (controversial issues), 5 (accuracy), 6 (fairness) and 7 (discrimination and denigration) of the Free-to-Air Television Code of Broadcasting Practice.

[4] The members of the Authority have viewed a recording of the broadcast complained about and have read the correspondence listed in the Appendix.

**Did the use of the word “gay” breach broadcasting standards?**

[5] In our view, the term “gay” is commonly accepted and widely used in reference to homosexuals and homosexuality. It is not a derogatory term when used in this manner, and we disagree that it is in the same realm as “poofter” or “faggot”, as alleged by the complainant. On this occasion, the item subject to complaint was a straightforward news report, and the reporter’s use of the term did not carry any invective or make any judgement on the item’s subject matter.

[6] Mr Leitch’s concern about the use of the word in this context does not, in our view, raise any issues of broadcasting standards of a level which warrants our consideration. Section 11(a) of the Broadcasting Act 1989 allows the Authority to decline to determine a complaint which it considers to be frivolous, vexatious, or trivial. Pursuant to this section, we decline to determine Mr Leitch’s complaint on the grounds that it was frivolous and trivial.

**For the above reasons the Authority declines to determine the complaint.**

Signed for and on behalf of the Authority

Peter Radich  
Chair  
20 December 2011

**Appendix**

The following correspondence was received and considered by the Authority when it determined this complaint:

- 1 Leo Leitch’s formal complaint – 13 August 2011
- 2 TVNZ’s response to the complaint – 9 September 2011
- 3 Mr Leitch’s referral to the Authority – 9 September 2011

4 TVNZ's response to the Authority – 21 October 2011

<http://www.bsa.govt.nz/decisions/show/4291>