

BROADCASTING STANDARDS AUTHORITY
ANNUAL REPORT
TE MANA WHANONGA KAIPĀHO
TE PŪRONGO Ā-TAU

2019



VISION **TE MOEMOEĀ**

Fairness and freedom in broadcasting

PURPOSE **TE ARONGA**

Our purpose is to oversee New Zealand's broadcasting standards regime so that it is fair to all New Zealanders, by balancing broadcasters' right to freedom of expression with their obligation to avoid harm to individuals and society¹

¹ In February 2019 the BSA completed a strategic refresh and a new strategic framework and updated vision and purpose statement now appears in our 2019/20 SPE. This Annual Report has been written with reference to our 2018/19 strategic framework.

OUR VALUES KO MĀTOU

In everything we do, we strive to:

Ko a matau whaingā, i roto i a matau mahi katoa:



Be independent

We are impartial and free from influence, both as an organisation and as individuals within the team.

Kia tū motuhake

Tū motuhake ai mātau, a rōpū, a takitahi, noho wātea ai i ngā awenga kē.

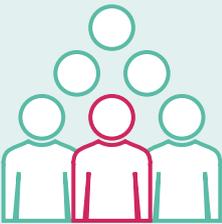


Act with integrity

We are honest and transparent, accountable for our actions, fair and consistent.

Mahi i runga i te ngākau pono

He pono, he mārama mātau, whakapono ai ki te tika me te rite o a mātau mahi.



Embrace diversity

We value creativity, diversity and freedom of expression, and respect different perspectives and experiences.

Awahi i te rerenga kētanga

He mea nui ki a mātau te rerenga kē o te whakaputa whakaaro, ā, ka whakanuia ngā tirohanga me ngā wheako rerekē.

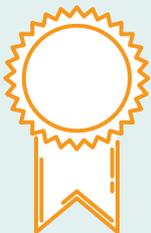


Work collaboratively

We work in partnership with our stakeholders and value the power of teamwork. We are open, accessible, respectful and we listen.

Ka mahi tahi

Mahitahi ai mātau me te hunga whai pānga, ā, piri pono ana ki te wariu o te mahitahi. Noho tuwhera ai mātau, māmā ki te torotoro atu, mōhio ki te whakatau me te whakarongo.



Earn respect

We hold ourselves to high standards both in our work and ethically. We earn trust and credibility through principled action.

Kia whakanuia

Pupuri ai mātau ki ngā pae rewa o a mātau mahi me o mātau mātāpono. Mā te tika o te mahi, ka riro ake te whakapono me te aro tūturu.



Be Dynamic

We are resilient and proactive in the face of a changing environment.

We are versatile and progressive in our work.

Kia tū kaha

He pakari, he kakama mātau i mua i te aroaro o tēnei ao hurihuri.

He pūkenga, he kaikaha mātau i roto i a mātau mahi.

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MEMBERS **NGĀ MEMA O TE POARI**



Judge Bill Hastings – Chair

Currently a District Court Judge, Bill Hastings has considerable experience of quasi-judicial bodies including Crown entities. He was New Zealand's tenth Chief Censor from 1998 to 2010 and chairperson of the Immigration and Protection Tribunal from 2010 until 2013. He has also previously held positions as senior law lecturer, Deputy Dean of Law and member of the governing Council at Victoria University, Wellington. He's been a member of the Video Recordings Authority, the Indecent Publications Tribunal and the Film and Literature Board of Review.

Judge Bill Hastings was appointed as Chair of the BSA in October 2018.



Paula Rose *QSO*

Paula Rose is a Canterbury based director and safety professional. She holds a number of board positions including Deputy Chair WorkSafe NZ, Transport Accident Investigation Commission, Social Workers Registration Board, Brackenridge and is a member of the NZ Parole Board. She was formerly National Manager, Road Policing with NZ Police, Deputy Chair of the Independent Taskforce on Workplace Health and Safety, and Executive Director to the Minister of Social Development on the Children's Action Plan.

In 2013 Paula was awarded a Companion to the Queen's Service Order for her contribution to policing and the community.

Paula joined the BSA in July 2015.



Wendy Palmer

Wendy has a background in broadcasting, with a breadth of experience from operations management of a radio station to serving as the CEO of a large broadcaster in New Zealand. She has served as director and chair of the Auckland New Venture Trust and the Radio Bureau and as a board member of the Radio Broadcasters Association. Wendy has established her own international market research company, for which she still serves as the executive chair.

Wendy is the broadcasting sector representative and joined the BSA in January 2018.



Susie Staley *MNZM*

Susie Staley is a partner at Staley Cardoza Lawyers in Dunedin. She has chaired Maritime New Zealand and is currently chair for Save the Children NZ and retirement village operator Chatsford Management Ltd. Susie has chaired ID Dunedin Fashion Inc and been a board member of PGG Wrightson, Tower Ltd and Dunedin International Airport. She was a panel member of the Enterprise Awards for Industry New Zealand and a member of the Performance and Risk Advisory Board for the Ministry of Transport. Susie was appointed as a Member of the New Zealand Order of Merit in December 2014 for services to governance and business.

Susie Staley joined the BSA in October 2018.

CHAIR'S REPORT

TE PŪRONGO O TE TIAMANA



Tēnā koutou e te hunga e whai pānga ki ngā mahi papaoho, ki a koutou hoki e pānui ana i ēnei kōrero, kā nui te mihi ki a koutou, ki a tātau.

I was honoured to be appointed as the seventh Chair of the Broadcasting Standards Authority (BSA / the Authority) in October 2018. I was fortunate to find that my predecessor as Chair, Peter Radich, had ensured that I came into a well-organized, well-functioning organisation entering its 30th year of operation, and for that I am most grateful. I am also humbled to be following in the footsteps of past Chairs: Iain Gallaway, Judith Potter, Sam Maling, Peter Cartwright, Joanne Morris and Peter Radich. Their stewardship of the BSA has, in no small measure, given the BSA its present reputation for fairness and integrity.

Freedom of expression in broadcasting

The freedom of expression is a fundamental human right. It underpins values we hold dear in a liberal democracy. The freedom of expression is essential to the pursuit of truth. In the marketplace of ideas, the theory is that good ideas will eventually defeat bad ideas. The freedom of expression encourages participation in social and political decision-making. A democracy requires that every citizen is able to contribute to the process of government. The freedom of expression is also essential to individual self-fulfilment. Individuals who are able to express themselves are able to flourish and achieve their full potential as contributing members of society. But no right is absolute. Sometimes the exercise of rights harms others.

The BSA has a long history of promoting and supporting freedom of expression in broadcasting without harm. Our role is to work with broadcasters in a co-regulatory model. Our job is to promote and uphold ethical standards in broadcasting. These standards recognise that the right to freedom of expression is not an absolute right and that it comes with responsibilities. The standards do not seek to unduly restrict the exercise of the right. The standards impose reasonable restrictions on the exercise of the right which are designed to protect New Zealanders from harm.

Broadcasters have an important role in society. They enable the vibrant exchange of information and ideas. They hold the powerful to account. They can express our identity, tell our stories, reflect and stimulate our culture. They can entertain, educate and inform us. As some of the decisions released by the BSA in the 2018/19 year reflect, they also have the potential to cause harm.

Assessing harm

When the Authority considers a complaint it considers the context of the broadcast and assesses in each case, how important the right to freedom of expression is on the one hand, and, on the other, how much harm the broadcast has caused by potentially breaching the broadcasting standards.² The harm may take the form of widespread undue offence or distress, unfair harm to the dignity or reputation of people featured, or misleading information about important issues. Balancing rights and interests against the potential for harm is at the core of decision-making by the Authority.

In its decision-making capacity, the Authority responds to harm. Where it is justified, the Authority may uphold a complaint and enforce the standards and, in appropriate cases, impose orders. We also have an equally important role in preventing harm through our education and engagement programme and in this report we detail the work we have undertaken in this area.

Content regulation in New Zealand

I joined the BSA at a pivotal time in the history of content regulation. We live in the so-called information age, which is characterised by access to a vast supply of information delivered to us by a wide range of evolving and new technologies across a wide range of platforms. In my view, what content is regulated should not be determined by the medium or technology we use to deliver and receive that content, yet that is how the laws we use are presently drafted. It is apparent that these new technologies continue to test our ability to regulate content using existing outdated legislation. This challenge extends beyond traditional forms of broadcasting to all technology platforms.

This was starkly, and tragically, brought to the fore on 15 March 2019 when our country, our people, were subject to the horrific terrorist attack on two mosques in Christchurch. The livestreaming of the attack on social media, as well as the necessary simultaneous and subsequent reporting of a terrorist event in New Zealand, raised new and challenging issues for content regulation.

It is clear that now, in 2019, convergence has happened. New Zealanders are recipients of content from many platforms, from many providers, and from many jurisdictions. Broadcasters distribute content via radio waves, public spectrum satellite and the internet – yet our role has traditionally only extended to only some of those distribution channels. Whether it has broader application needs to be considered and tested. As my

predecessor, Peter Radich said, it is now critical for the content regulatory framework to change if the agencies charged with overseeing community safeguards are to be effective in promoting ethical standards and avoiding harm across the much broader range of content available to us all. I support any proposal to undertake a broad review of content regulation in NZ. As an independent Crown entity, we are committed to providing advice on solutions that are relevant, effective and sustainable. In the meantime, we will continue to work effectively within our mandate and alongside other agencies that also have a role in content regulation and protection of society from harm.

Our work

Balancing the broadcasters' right to freedom of expression against harm is at the heart of what we do. The focus on freedom of expression has been heightened across our country this year and we have seen an increase in complex complaints requiring us to consider carefully how the balance must be struck. Throughout this Annual Report we provide case studies of some of the challenging decisions we have had to make in the 2018/19 year. Examples include our assessment of statements on talkback radio about the Pacific Islands as leeches, the use of a hidden camera in the investigation of gay conversion therapy, and our assessment of the potential harm from violence and nudity on screen in many different contexts. As detailed in our section on complaints, concerns about accuracy, fairness and balance in news and current affairs reporting has attracted the most complaints, and has also resulted in the most upheld complaints. Having said that, only 10% of the decisions released in the 2018/19 year upheld complaints, which indicates that generally, broadcasters are meeting the standards expected of them.

By the time this report is published, we will have released decisions on the media coverage of the March 15 terrorist attacks. I believe these are some of the most significant decisions that the BSA has made in recent history. They required our Authority members to assess the role of the media in reporting on a terrorism event. They required us to assess the extent to which the public interest justifies graphic and detailed reporting, and to assess when the value of such reporting is outweighed by the harm that may be caused by it. As a small Authority of four members, we have been supported in these and other difficult decisions by cultural advisors from the Māori, Pasifika and Muslim communities. We are grateful for their advice and guidance.

In February we refreshed our strategy and updated our vision statement: *freedom in broadcasting without harm*. This is not a signal of an intent to impose new and more stringent restrictions on the right to freedom of expression. The threshold for our intervention remains high. Rather, it expressly recognises that

² *Broadcasting Standards in New Zealand Codebook*, page 6.

balancing the right to freedom of expression against harm is at the heart of what we do, and what we have always done. The refreshed strategy also recognizes the role we have to play in working with broadcasters to prevent harm from content. This includes educating broadcasters (of which there are over 120) about how the standards apply and what they can do to ensure that audiences are able to make informed decisions about what they choose to watch and listen to. It includes ensuring that our work is available and accessible to broadcasters and people in our broad range of ethnic communities. This refreshed strategy frames our work for the year ahead.

The way in which content affects children and young people has also been an important area of focus for the BSA over the past year. We released a range of decisions on nudity on screen in 2018 which recognized the importance of tools such as classifications and warnings that are used to protect children from content that may harm them. We continued our review of whether changes should be made to free-to-air classification labels (to achieve consistency across platforms) and timebands, reflecting changes in technology and the way we now watch content on television. We commissioned The Collaborative Trust to undertake a literature review of research into the effect on children and young people of nudity on television and other media. We also sought an external review of our recent decisions on discrimination and denigration standard to test whether our decisions in this area stood up to scrutiny. We were told that they did.

Understanding and responding to harm means that we need to be connected with our community and aware of changing views and attitudes. We have responsibility for ensuring the public are aware and able to make complaints where they feel broadcasts have breached broadcasting standards. Our 2018/19 public awareness survey indicated that 89% of New Zealanders are aware of the BSA. Despite the increasing range of content platforms, we continue to have an important role to play. We refreshed our website (www.bsa.govt.nz) this year to make the complaints process, our decisions, and research more easily navigable by members of the public and broadcasters.

We have had an active year and I am proud of what we have achieved. I work alongside three very capable and committed Board members, and I thank them for their service this year. The BSA has benefited from the exceptional leadership of our Chief Executive, Belinda Moffat. We are supported by a young and extraordinarily capable staff who work hard to give effect to the wide range of activities that we undertake. Finally, I would like to acknowledge the contribution of two people who died this year, Peter Cartwright, a former Chair, and Karen Scott-Howman, a former Chief Executive. Each contributed significantly to the work of the BSA, and to the ongoing public discourse about how to exercise the right to freedom of expression without causing harm.

Nā reira kia ora anō tātau katoa.



Judge Bill Hastings
Chair

BSA & THE MEDIA ENVIRONMENT

TE MANA WHANONGA KAIPĀHO

ME TE TĀIAO PĀPĀHO

The Broadcasting Standards Authority (BSA) is an independent Crown entity and quasi-judicial tribunal established by the Broadcasting Act 1989 (the Act). We provide the public with a free and independent complaints service about whether broadcast content has breached broadcasting standards. We oversee the broadcasting standards regime in a co-regulatory model, working with broadcasters to set clear broadcasting standards and to determine complaints that the standards have been breached.

We undertake research to ensure that community attitudes are understood and that the standards reflect the modern world in which they operate. We engage with broadcasters and the community to ensure that they are aware of the standards and the complaints process. We are independent, our services are free and we strive to be accessible to all New Zealanders within our diverse communities. We are funded by the government and through broadcaster levies. We are governed by a four-member board and our operations are overseen by a team of six staff

We recognise the importance of the broadcaster's right to freedom of expression, and the audience's right to receive that information and its critical value to democracy. However, we also recognise that the right is not absolute, and it may be limited as defined by the standards where its exercise may cause harm. Our role is to oversee the balance between the broadcasters' right to freedom of expression and their obligation to avoid harm, so that the broadcasting standards regime is fair to all New Zealanders. The strategic framework under which we operated in this financial year appears in [Figure 1](#) below and reflects our vision and purpose and the impact we seek to make.

This year has been marked by the unprecedented act of terrorism on 15 March 2019. Within the extreme circumstances media had a critical role to play in reporting during this crisis event. Broadcasters needed to balance their duty to provide

sufficient detail to the community, whilst also avoiding harm to family and friends of the victims and viewers. The standards served to provide guidance for editors tasked with making challenging decisions about what should be broadcast. It highlighted that while we do not have a specific standard for reporting on terrorism, the standards provided a useful compass to guide broadcasters in their work. The alleged attacker's use of live streamed content also highlighted the serious risks in the evolving content environment, and the role that technology entities have in the dissemination of content to the community.

The diversification of media content across a wide range of digital and linear platforms and devices has continued at pace, with new content services and platforms reaching New Zealand audiences. Online platforms, television and radio are a powerful medium through which New Zealanders are informed, entertained and stimulated. The standards that guide the exercise of freedom of expression on these platforms are critically important if audiences are to be protected from harm. In this evolving environment, we recognise that our young people are particularly vulnerable. In the absence of reform of content regulation, we have focused our research on harms to young people and commenced a review of the extent to which our remit extends to online content channels. This review is ongoing.

The number of television and radio broadcasters within our remit has remained steady (approximately 120) and includes many community and iwi radio stations which provide an important broadcast service to our diverse communities. Working with these broadcasters is a key focus in our engagement and education programme to ensure they understand the standards system and provide accessible complaints services.

In this dynamic fragmented content environment, we value our relationships with other agencies that are focused on supporting freedom of expression and preventing harm. Working with them enables us to collectively support safeguards that are designed to protect New Zealand audiences from harm.



STRATEGIC FRAMEWORK TE ANGA RAUTAKI

Figure 1

SECTOR VISION	New Zealanders' distinctive culture enriches our lives
BSA VISION & PURPOSE	<p style="color: white; font-weight: bold;">OUR VISION IS FOR FAIRNESS AND FREEDOM IN BROADCASTING</p> <p style="text-align: center;">Our purpose is to oversee New Zealand's broadcasting standards regime so that it is fair to all New Zealanders by balancing the broadcasters' right to freedom of expression with their obligation to avoid harm</p>
OVERARCHING OUTCOME/GOAL	<p style="color: white; font-weight: bold;">What we intend to achieve:</p> <p style="text-align: center;">New Zealanders have increased confidence that the broadcasting standards regime fairly balances the broadcasters' right to freedom of expression with their obligation to avoid harm</p>
IMPACTS OVER TIME	<p style="color: white; font-weight: bold;">How we contribute and influence:</p> <p>We will actively engage with and educate all broadcasters and the public about broadcasting standards so that:</p> <ul style="list-style-type: none"> • broadcasters and the public are aware of and understand the broadcasting standards that apply • broadcasters meet their obligations under the broadcasting standards • the public understands how to complain • the system is developed with input from broadcasters and the public • standards are relevant to the media environment to which they apply <p>We will issue decisions on complaints that are fair, clear, robust and timely, and reflect our changing media environment</p>
MEASURE OUR IMPACT	<p style="color: white; font-weight: bold;">How we know we are succeeding:</p> <ul style="list-style-type: none"> • Public awareness of the existence of the broadcasting standards system is maintained • Understanding of standards by broadcasters and the public is improved • A high level of trust and confidence in the system is maintained • There is a reduction in the number of upheld and not upheld complaints
ACTIVITIES & SERVICES	<p style="color: white; font-weight: bold;">How we deliver:</p> <div style="display: flex; justify-content: space-around; align-items: flex-start; padding: 10px;"> <div style="border: 1px solid #00728f; padding: 10px; width: 30%; background-color: #e6f2f8;"> <p style="text-align: center; font-weight: bold; color: #00728f;">OVERSIGHT AND DEVELOPMENT OF THE BROADCASTING STANDARDS SYSTEM</p> <p style="font-size: 0.9em;">We oversee the broadcasting standards regime, work with broadcasters and others to set clear broadcasting standards, and work to improve the complaint handling system at all levels by addressing systemic issues, reviewing codes, issuing guidance, and undertaking research</p> </div> <div style="border: 1px solid #00728f; padding: 10px; width: 30%; background-color: #e6f2f8;"> <p style="text-align: center; font-weight: bold; color: #00728f;">COMPLAINTS DETERMINATION</p> <p style="font-size: 0.9em;">We receive complaints about breaches of the Codes of Broadcasting Practice and aim to issue robust, soundly reasoned, timely decisions that reflect the boundaries between freedom of expression and harm</p> </div> <div style="border: 1px solid #00728f; padding: 10px; width: 30%; background-color: #e6f2f8;"> <p style="text-align: center; font-weight: bold; color: #00728f;">INFORMATION AND COMMUNICATION</p> <p style="font-size: 0.9em;">We provide clear, user-friendly information about the broadcasting standards system and our decisions</p> </div> </div>

OUR HIGHLIGHTS

Ō MĀTOU MAHI HIRAHIRA

COMPLAINTS RECEIVED

121

DECISIONS ISSUED

90

responding to 131 complaints

UPHELD DECISIONS

9

identifying breaches of standards by broadcasters

ENQUIRIES ADDRESSED

867

ORDERS

11

orders made in relation to 5 decisions

ENGAGEMENT WITH BROADCASTERS

33

meetings, seminar and workshops with broadcasters engaging on standards issues

COMPLAINANT SATISFACTION

83%

of complainants were satisfied with their interactions with the BSA

PUBLIC AWARENESS

89%

of New Zealanders are aware of the BSA

BSA DECISIONS

85%

of litmus testing participants agreed with BSA decisions on average

BSA PĀNUI

9

editions of the BSA Pānui issued providing details of BSA decisions, research & news

PRESS RELEASES

14

press releases about 11 BSA decisions and BSA research issued

SERVICE

83%

of Broadcasters surveyed ranked BSA's processes and working relationship as Good or Very Good



OUR PERFORMANCE TE HUA O TĀ MĀTOU MAHI

This has been a significant year. In the reporting period we have addressed a range of complex complaints about programmes that have tested the boundaries of what is acceptable in broadcasting.

Issues have included use of hidden camera in investigative journalism, news reporting on extreme acts of terrorism, the appearance of full frontal nudity on screen, and inflammatory discourse in talkback radio. In our broadcasting oversight role we have explored changes to classifications and timebands and commenced a review of the Election Programmes Code.

Through our research we have provided insights as to how audiences manage content in their homes through the use of classification labels, parental locks and warnings; and what New Zealanders think about nudity on screen, and the harms that sexual media on screen may present to children and young people. This will guide broadcasters and the Authority in the application of standards in the contemporary environment. We have undertaken research into principles for reporting on terrorism and issued decisions on complaints about coverage of the tragic acts of terrorism in Christchurch. We have worked closely with broadcasters and co-regulators to navigate the evolving media environment and possibilities for reform with a focus on preventing harm from the exercise of freedom of expression in broadcasting.



OUR IMPACT

TE WHAKAAWEAWE O TĀ MĀTOU MAHI

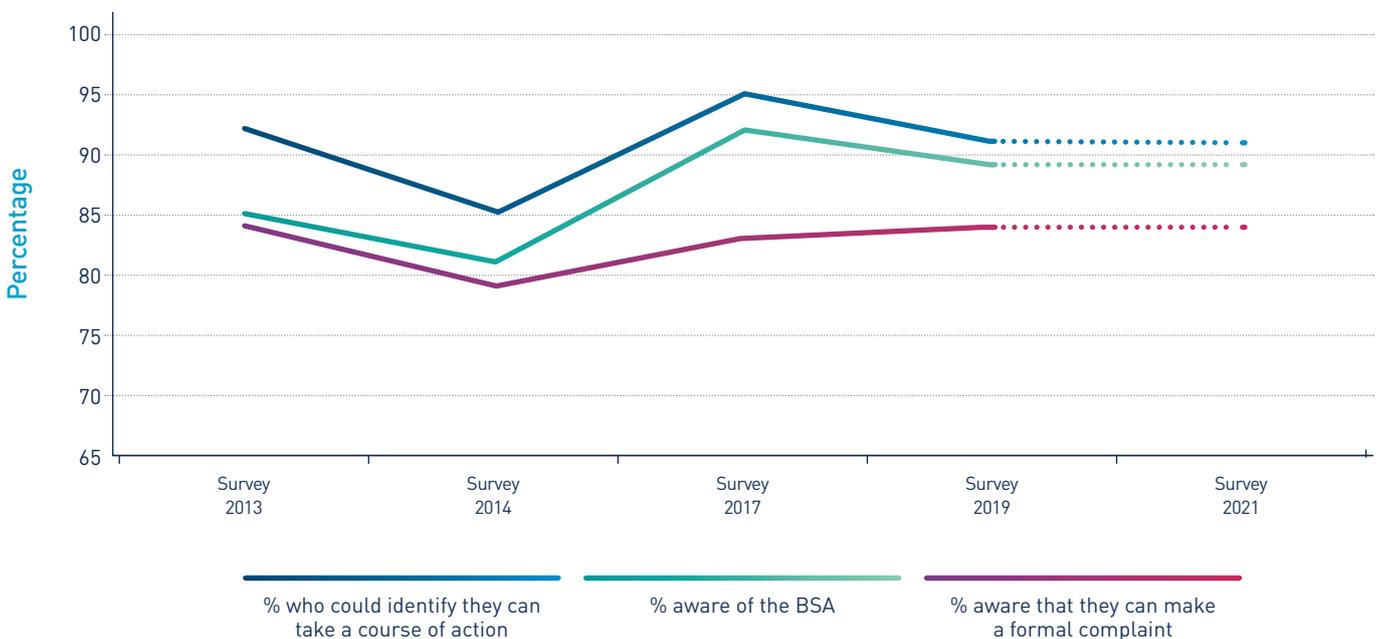
Our aim is that New Zealanders have increased confidence that the broadcasting standards regime fairly balances the broadcasters’ right to freedom of expression with their obligation to avoid harm. The four specific impacts we aim to achieve, are set out in our 2017-2021 Statement of Intent. Below we describe our achievements against the impacts we aimed for.

1. Public awareness of the existence of the broadcasting standards system is maintained at over 75%, which demonstrates that New Zealanders know they have rights in this area.

- Our two yearly public awareness survey confirmed continuing high levels of awareness of the BSA with 89% aware of the BSA and 84% aware that they can make a formal complaint – see [Figure 2](#).
- We received 121 complaints and 867 enquiries which is a positive indicator of public awareness of the broadcasting standards system.
- We issued 14 press releases about our decisions and research, resulting in media coverage which promoted the standards system and access to it.
- We consulted with the public about whether changes should be made to timebands and classifications on free-to-air television resulting in over 500 survey responses and submissions, including through meetings with members of the public.
- We released research on the impact on children and young people of exposure to nudity on screen which attracted wide media coverage and discussion across mainstream and social media channels.

All of these activities have contributed to New Zealanders’ awareness of the standards system and their rights within it.

Figure 2 - Public Awareness



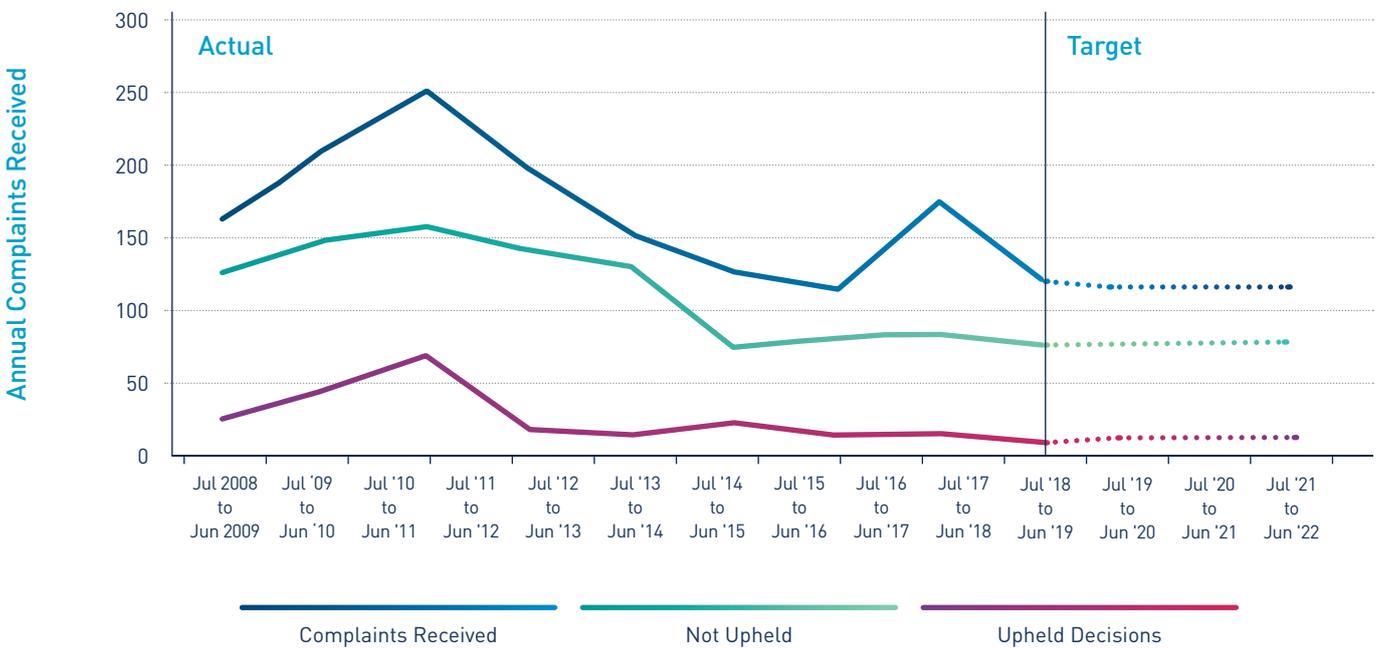


2. Understanding of standards by broadcasters and the public is improved which means that broadcasters are better equipped to meet their obligations and therefore fewer complaints arise. The public refer high quality complaints to the BSA about important issues that are complex and challenging, and the number of upheld and unjustified complaints reduce.

- Complaint numbers reduced by 30% in the 2018/19 year (121 cf 174 in 2017/18) although in the 2017/18 year one series attracted a large number of complaints. The number of upheld decisions has decreased with only 9 of the 90 decisions issued upholding a complaint (10% upheld cf 14% in 2017/18). Together this is a positive indicator that generally broadcasters understanding of the standards is improved.
- The Authority declined to determine 5.5% of complaints which is slightly less than last financial year (5.8%). This indicates that overall complainants understand what the standards relate to, and make good quality complaints.
- In the reporting period we received a large number of complex and challenging complaints raising issues of accuracy, balance and fairness in news and current affairs programmes. This indicates that we are succeeding as the public is referring complaints that are critical to consideration of potential harm from broadcasting.
- Litmus testing of BSA decisions which consider nudity on screen showed that on average 85% of participants agreed with the outcomes and rated the decisions as very good, good or acceptable. High quality well-reasoned decisions, provide guidance to broadcasters as to how the standards apply.
- We issued 9 editions of the *BSA Pānui* which profile BSA decisions and a research resource containing guidance and principles for media reporting on terrorism and crisis events. The impact of this guidance is reflected in the lower complaint numbers and small number of complaints received about coverage of Christchurch, with only 1 upheld.

The complaints results from the 2018/19 year, reflected in **Figure 3**, indicate that public and broadcaster understanding of the standards is improving.

Figure 3 - BSA System Performance Indicators

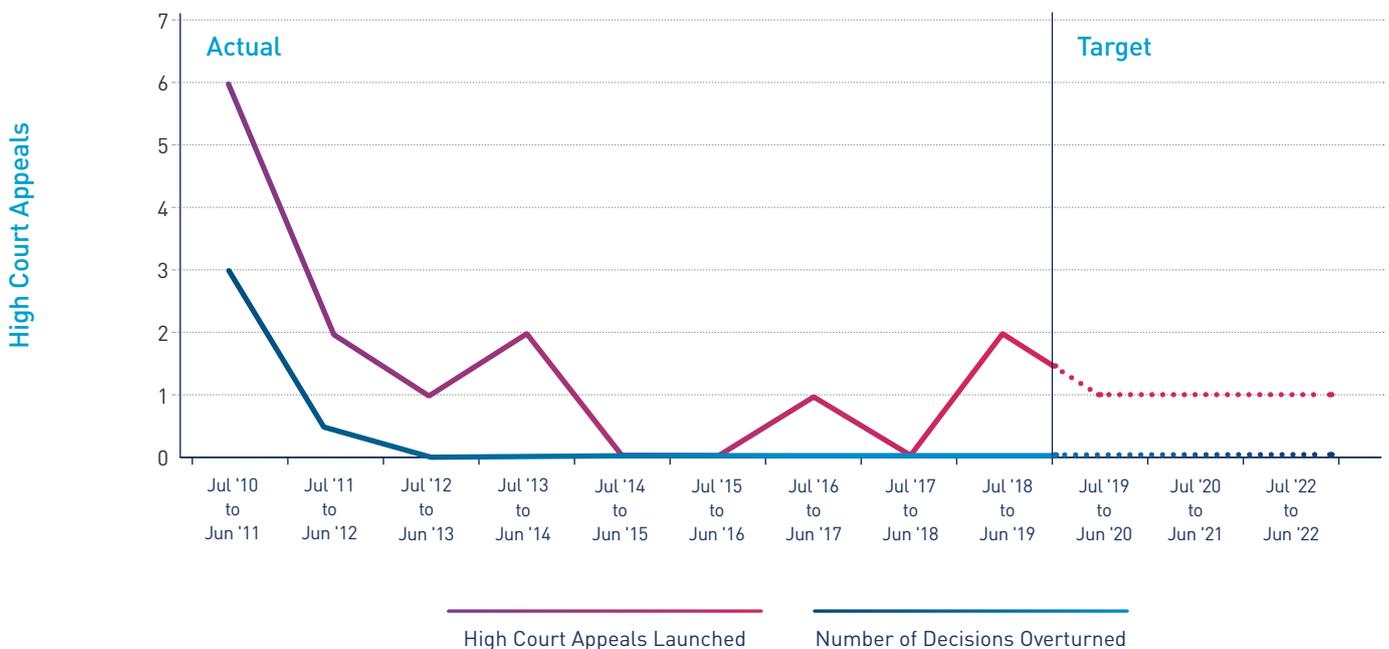


3. A high level of trust and confidence in the standards system is maintained

- Two appeals were filed in the reporting period, see [Figure 4](#). One was dismissed due to a time limitation, with the observation from the Court that there was little or no prospect of the appeal being successful. The other appeal has not yet been heard.
- Complainants and broadcasters continue to rate their interactions with BSA highly with 83% of broadcasters rating their working relationship with the BSA as good or very good and over 90% rating the usefulness of BSA information and resources highly. 100% of complainants agreed that BSA staff made them feel like they were being listened to and 70% were satisfied with amount of contact from the BSA during the process.
- The positive litmus testing results referred to above, indicate confidence in BSA’s decision making, which is a key part of the standards system.
- An external review of BSA decisions under the discrimination and denigration standard found the decisions to apply the standard appropriately, reflected a consistent approach, were well written and were easy to understand.

These are all indicators of trust and confidence in the BSA and the standards system.

Figure 4 - High Court Appeals



4. There is a reduction in the number of upheld and not upheld complaints

- The 3.6% reduction in upheld decisions (2019:9 cf 2018:14) and 30% decrease in complaints (2019:90 cf 2018:103) is a positive indicator that the standards system is working well. A reduction in the number of complaints made and the number of complaints upheld indicates that broadcasters are meeting their standards obligations and that the public understands the system and makes quality complaints about appropriate issues.
- The number of cases in which orders were made also decreased by 21%. The reduction in orders indicates that even where complaints were upheld, the conduct and potential harm was lower compared to previous years

These results indicate a positive impact and that generally the broadcasters are exercising their right to freedom of expression within the limits of the standards.



COMPLAINTS DETERMINATION TE WHAKATAUNGA O NGĀ KŌAMUAMU

We determined
131 COMPLAINTS
and issued
90 DECISIONS

Total Enquiries

867 ▼ 34%³

Decisions Issued

90 ▼ 13%

Formal Complaints Received

121 ▼ 31%⁴

Complaints Determined

131 ▼ 12%

Complaints Determination This Year

Type of broadcaster complained about



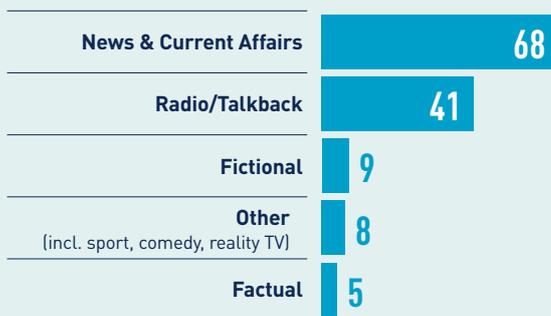
Number of complaints determined

Broadcasters complained about



Number of complaints determined

Programme genres complained about



Number of complaints determined

Most complained about standard



Number of complaints determined

³ In 2017/18 approximately 300 enquiries were received about one series

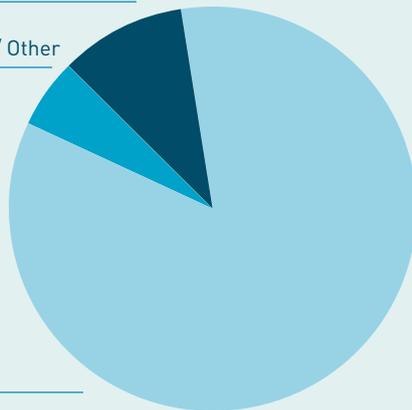
⁴ In 2017/18 multiple complaints were made about the same programme or series

BSA Decision Outcomes this Year

90 DECISIONS relating to 131 COMPLAINTS

9 Decisions Upheld

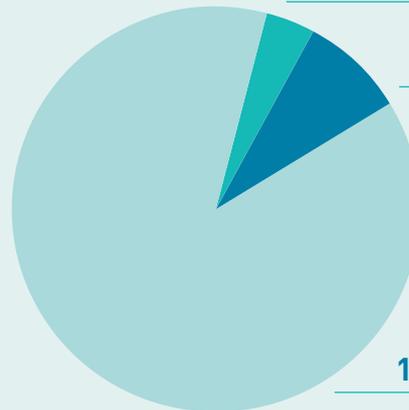
5 Declined to Determine / Other



76 Decisions Not Upheld

5 Declined to Determine / Other

11 Complaints Upheld

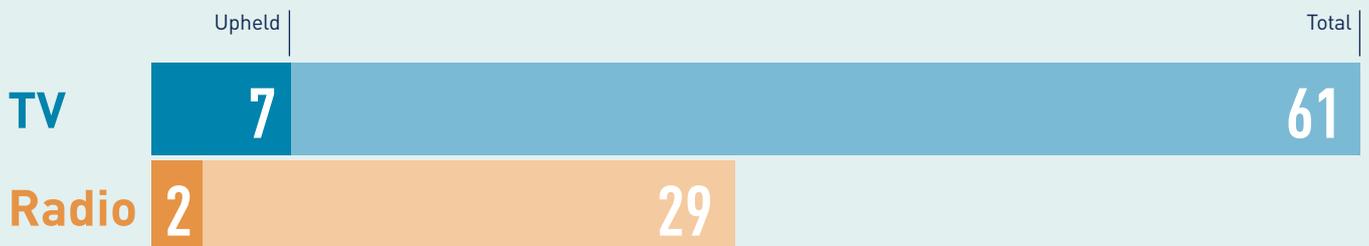


115 Complaints Not Upheld

10% Decisions Upheld ●
84% Decisions Not Upheld ●
6% Declined to Determine / Other ●

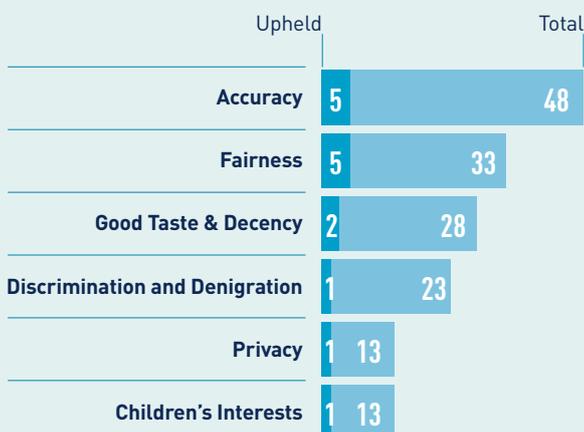
8% Complaints Upheld ●
88% Complaints Not Upheld ●
4% Declined to Determine / Other ●

Breaches of Broadcasting Standards by TV / Radio



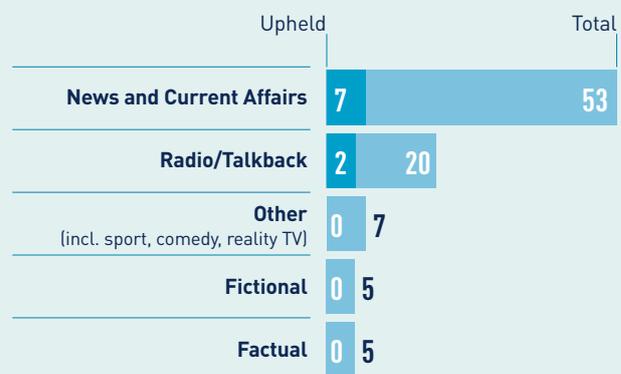
Number of decisions

Breaches of Broadcasting Standards by Standard



Number of decisions finding a breach of the standard

Breaches of Broadcasting Standards by Programme Genre



Number of decisions finding a breach of the standard



Overview

The core way in which the BSA makes an impact is through the issue of robust, clear and reasoned decisions on complaints. BSA's decisions provide guidance to complainants and broadcasters about how the standards apply. We highlight below, some of the important areas on which Authority guidance has been issued in the reporting period, illustrating our impact.

The most complained about genre was news and current affairs (52% of decisions), reflecting the importance audiences place on accurate, fair and balanced news reporting. Complaints under the fairness and privacy standards increased in the 2018/19 year, with a particular focus on concerns that the subjects of programmes are treated fairly. Complaints under the discrimination and denigration standard increased by 30%, with two complaints upheld. Additional statistics about the complaints received and decisions issued in the reporting period are reported in [Appendix 1](#). [Appendix 2](#) sets out the details of the complaints determined by the Authority this year.

Key broadcasting standards issues



Broadcasting Standards in Crisis Events – extreme violence and terrorism

On 15 March 2019, following the attack on two mosques, media had a critical role to play to inform the community about what was unfolding in Christchurch in an accurate and unbiased way without causing harm. One unprecedented and disturbing aspect of the attacks was the existence of first-person footage created by the shooter, which was distributed on social media and quickly deemed objectionable by the Department of Internal Affairs.

Broadcasting standards provide guidance to assist media to strike a critical balance between reporting the events and informing the public about their scale and seriousness, without causing undue harm. With this in mind, during the weekend of the event, and on Monday 19 March the BSA engaged with the broadcasters highlighting that the standards may guide them and alerted them to advice from the Department of Internal Affairs regarding the objectionable status of the footage.

We provided information to the public through our website about where to complain about coverage of the attacks. We fielded numerous enquiries from concerned members of the public about images shown across various news outlets and directed enquiries to the appropriate agency.

We swiftly undertook research and in April released a resource for broadcasters which provides guidance and principles from local and overseas sources for media reporting on terrorism and crisis events.

We received a small number of complaints about broadcast coverage of the attacks. These raised significant issues with decisions released shortly after the reporting period. The Authority upheld one complaint, finding that the content aired had the potential to cause significant distress to audiences in New Zealand to an extent that was disproportionate to the public interest in the clips shown. The Authority recognised the high public interest and important role of media in reporting on a crisis event. The remaining complaints were not upheld, with the Authority determining that in the circumstances New Zealand broadcasters had met their obligations under the standards.

Following the release of the decisions a workshop was held with broadcasters in September 2019 to discuss with broadcasters whether further specific guidelines for reporting on terrorism and extreme violence are required. At the time of writing these discussions are ongoing.



Denigrating and inflammatory language – reflecting community views

When making a decision on a complaint the Authority seeks to reflect contemporary social requirements and conditions. The good taste and decency, and discrimination and denigration standards in particular must be applied in a way that accurately reflects the views of New Zealand's diverse communities. Attitudes towards taste and decency differ widely and continue to evolve in a diverse society such as ours. Decisions issued in the 2018/19 year have emphasised that the feelings of the particularly sensitive cannot be allowed to dictate what can be broadcast. However, there are limits, and the broad limit is that a broadcast must not seriously violate community norms of taste and decency or denigrate or discriminate against a section of the community. 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 breach of the standard.

While the right to freedom of expression allows broadcasters to voice opinions that might be controversial or unpopular, it does not give licence to make comments with the potential to cause significant harm to our society. In *Day & Moss and NZME Radio Ltd*, the Authority identified that the broadcast had tipped the balance into harm, and through its decision provided important guidance of the matters for talkback radio hosts to consider.

Discrimination and Denigration - Talkback Day & Moss and NZME Radio Ltd

Two complaints about a talkback host's use of the term 'leeches' to describe the Pacific Islands during a radio talkback show were upheld under both the good taste and decency and discrimination and denigration standards. The Authority recognised the important role talkback radio plays in fostering open discourse and debate in society. However, the Authority found the host's comments went beyond what is acceptable in a talkback environment, considering the use of language that was inflammatory, devalued the reputation of Pasifika people within New Zealand and had the potential to cause widespread offence and distress. In making this decision, the BSA noted the public condemnation of the host and acknowledged the Authority's responsibility to reflect the values and attitudes of New Zealand.

We recognise that talkback radio is a robust, opinionated environment designed to cultivate discussion and debate of controversial ideas and opinions. The guidelines to the good taste and decency standard acknowledge that talkback is 'granted some latitude to be provocative and edgy in the interests of robust debate'. We also recognise

the important role open discourse and debate plays in a free and democratic society.

However, the complainants have alleged [the host's] comments had the potential to cause significant harm to our society, and specifically to Pasifika people, through [the host's] high level of condemnation and her use of dehumanising language. The question for the Authority is whether these comments went beyond what is acceptable, taking into account the talkback radio environment.

In our view [the host's] comments were not justified and went beyond what is acceptable in a talkback environment. After extensive discussion amongst the Authority, on this occasion we found the severity of the comments and their significant potential to cause harm, through distress and denigration, justified the upholding of these complaints and the restriction of the broadcaster's right to freedom of expression. We consider that even in the talkback context these statements went too far. (Paragraph 16-18 of the Decision)



Balancing public interest and individual's privacy

In our society we value and respect the privacy of the individual. However, sometimes claims to privacy can be used to shield wrongdoing, and wider exposure may be in the public interest. The privacy standard aims to respect, where reasonable, people's wishes not to have themselves or their affairs broadcast to the public. But it also recognises that there may be circumstances where it is acceptable for broadcasters to gather, record and broadcast material where this is in the public interest.

In decisions issued in the 2018/19 year, the Authority recognised the high value and legitimate public interest contained in investigative journalism pieces. Investigative journalism may require the use of methods which invade privacy, in order to uncover information and highlight issues that would not have otherwise been known to the wider New Zealand public. In one decision, the Authority found that the use of hidden camera in a piece about uncovering gay conversion therapy in New Zealand in an investigative programme was a highly offensive intrusion upon the subject's interest in seclusion, but was justified given the public interest in the subject matter of the programme as a whole.





Social media content in broadcasting

In 2017/18 we undertook research to explore whether it was acceptable for broadcasters to use social media content in broadcasting. Our research and a subsequent workshop with broadcasters led to the publication of a guidance note, which provides broadcasters with a list of factors to consider before broadcasting social media content. The guidance note was

particularly relevant this year when the Authority considered a complaint about whether the use of tweets in reporting on the delayed rocket launch was accurate and fair. Through its decision the Authority highlighted the importance of verification and accuracy when using social media content in news reporting.

Use of social media in broadcasting – accuracy and fairness

Harvey and Lorck and MediaWorks TV Ltd - 2018-036 (24 August 2018)

Over two evenings, on 20 and 21 January 2018, Newshub reported on the delayed launch of a rocket from the Māhia Peninsula, due to a boat being in the exclusion zone around the launch site. The first item strongly implied that a Hastings District Councillor Damon Harvey was responsible for the delayed launch, referring to a tweet, featuring a photo of the launch site, that the reporter said was tweeted by Mr Harvey 'around the same time' as the launch delay. The second item included a short comment from an interview with Mr Harvey.

The Authority found parts of these broadcasts were inaccurate and misleading, and were unfair to Mr Harvey. The broadcaster had relied on social media content as a basis for the story without taking reasonable steps to inform the complainants of their contribution to the programme, or to verify that the content was what the reporter claimed. As a result, viewers were misled about who was responsible for the launch delay. Mr Harvey's interview comments were also edited in a way that was

misleading and unfair, so he was not given a fair and reasonable opportunity to respond to the story.

While social media content may be used to keep up with real-time storytelling on social media platforms, the Authority emphasised that broadcasters have an obligation to ensure that use of such content does not cause harm.

Twitter, by its nature, is a very public social media platform. The content that was sourced by MediaWorks was available in the public domain, and the nature of the platform means that information is intended to be shared with a wide 'imagined audience'. However, in this case the content posted to Twitter was rebroadcast in a way that did not reflect the true series of events and which was likely to be damaging to Mr Harvey, without informing him of the nature of the story or seeking his comment. (paragraph 46 of the Decision)



Nudity on screen – choice and control

In 2017/18 the Authority issued two decisions on the first series of *Naked Attraction* which found that the pre-broadcast warnings did not adequately signpost for viewers the extent of nudity and sexual references in the programme. This meant that viewers did not have all the information they needed to decide whether to watch, or continue watching, and the complaints were upheld.

This financial year the Authority considered complaints about the second series, and found that, while the programme may not be to everybody's taste, it was preceded by an improved clear warning. Given that protections had been provided to viewers in the form of warnings to help them make an informed choice about whether to watch, the complaints were not upheld. This illustrated a change in behaviour by the broadcaster, who applied greater care in signposting for viewers the nature of the content.





Complainants' satisfaction survey

Providing a high quality complaints service is a key measure of our success. It is important that we understand the experience of complainants and seek continuous improvement of the service each year. Our annual 2018/19 complainants' survey reported that:

96%

were satisfied with BSA's telephone contact

89%

were satisfied with BSA's staff professionalism

65%

were satisfied with BSA's written correspondence

The feedback provided by complainants has enabled us to refresh our written communications to ensure that these are clear and easily understood.



Litmus testing – nudity on screen

We are only making an impact if our decisions are robust and understood. This year we asked members of the public to review recent BSA decisions on broadcasts containing nudity on screen. The research considered decisions issued regarding *Shortland Street*, *Naked Attraction*, *Embarrassing Bodies* and *East West East*. The majority of research participants agreed with the BSA's decisions, with an average of 85% of participants rating the BSA's decisions as very good, good or acceptable, when considering the standards and guidelines applied by the BSA, and the BSA's reasoning for its findings.

The research participants provided some additional useful general insights into views about nudity and sexual material on screen including:

- there is a higher tolerance for plain nudity, compared with sex scenes
- nudity is more acceptable when depicted positively (eg educational context).
- parents/caregivers have a responsibility to monitor what their children are exposed to.
- inappropriate nudity on screen may cause younger children to mimic negative actions and older children to gain unrealistic expectations and adopt negative societal norms

The research identified that nearly 75% of the participants do not use the tools available to manage viewing (such electronic programming guides, classifications, warnings, parental locks, timebands). We intend to focus on increasing awareness about these tools so that audiences, particularly parents and caregivers, can use them to manage content and access content that is suitable for them.



External review of decisions – Discrimination and Denigration

Given heightened focus on harmful speech in the community, we commissioned an external review of five decisions issued by the Authority under the discrimination and denigration standard.

The reviewer agreed with the decisions and that the decisions were consistent, well written and easy to understand. The reviewer noted that a station that broadcasts to a small community can have a disparate impact on a relatively isolated group and this should be taken into account in future decisions. This standard is critically important in the current environment in which the regulation of hate speech is subject to review. We intend to keep this standard under review, to ensure that it provides the appropriate guidelines to broadcasters and is consistent with legal principles as these evolve.



OVERSIGHT AND DEVELOPMENT OF THE BROADCASTING STANDARDS SYSTEM

TE WHAKAHAERE ME TE WHANAKETANGA O TE PŪNAHA WHANONGA PĀPĀHO

Alongside complaints determination, we are responsible for overseeing the development of broadcasting standards that are relevant to the current media environment and undertaking research to understand community attitudes and expectations.

Code development

We continued our work with free-to-air (FTA) broadcasters to review timebands (which direct broadcasters about what they can air and when) and to move towards a consistent set of classification labels across all television platforms. To advance this work we undertook a detailed 6 week public consultation programme which resulted in us receiving feedback from over 500 people through an online survey, submissions and at community meetings. This feedback will inform the modernisation of the free-to-air television code. It has also helped us to identify additional work required from BSA and broadcasters to improve visibility of classifications, warnings and programme information and to raise awareness about the tools that are available to audiences to manage content in their home (such as parental locks on content devices and programme guides). Our work on the review of the Code requirements is continuing.

We also commenced the review of the Election Programmes Code ahead of the 2020 General Election. The revised code now includes guidelines, as to how the standards in that code apply, which will assist broadcasters, political parties and candidates to understand what is acceptable election advertising in the lead up to a General Election. The draft revised Code will be released for public consultation later in 2019.

Nudity on screen

Following the issue of 3 decisions on the *Naked Attraction* series (responding to over 40 complaints) we identified that further work was required to understand the extent to which nudity on screen may harm children and young people. We litmus tested decisions (discussed above), and we commissioned research to explore studies into how depictions of nudity in different on screen scenarios may impact or harm children and young people. We wanted to know what potential harms arise, and how broadcasters, the BSA and parents and caregivers can mitigate such harms and support youth as they navigate the pervasive media environment.

The Collaborative for Research and Training in Youth Health and Development (The Collaborative Trust) undertook a literature based study to explore the impact of visual images of nudity on screen in different contexts on children (age 0-14 years) and young people (age 15-17).

The research concluded that there is limited information available about the impact of pure nudity on screen. The researchers also identified that the empirical literature is divided as to whether exposure to sexual media content leads to harmful impacts on children and young people. Some studies found no link between exposure to sexual media and harm in children and young people. However a large number of studies concluded that exposure to such media (including naked images) may impact the attitudes and behaviours of children and young people. Notably the research identified that where such media impacts children and young people, parents and caregivers can help by openly discussing such content and emphasising the positive aspects of sexuality, ensuring they understand their children's experiences with media and using appropriate monitoring and restrictions around use. We have shared this research with other agencies who have an interest in children, young people and content and are considering ways that we can provide further guidance to audiences to help them manage challenging content.

Broadcaster satisfaction survey

In a co-regulatory framework it is important that our relationship with broadcasters is constructive and professional. We must independently determine complaints referred to us, yet we must also support broadcasters to meet their obligations under the standards. The broadcaster satisfaction survey results were positive, indicating that we are getting the balance right between providing a regulatory backstop and promoting compliance. Some feedback expressed concerns about the levy regime. But the issues related primarily to the requirements in the legislation that were set many years ago and which we did not design, but must enforce.

Broadcasters told us:

83%

rate their working relationship with the BSA as good or very good.

An average of

85%

rated contact with the BSA as good or very good.⁵

An average of

95%

rated BSA information and resources highly.⁶



⁵ See page 12 of the 2019 Broadcaster Survey available on www.bsa.govt.nz
⁶ See page 22 of the 2019 Broadcaster Survey available on www.bsa.govt.nz



INFORMATION AND COMMUNICATION

TE PĀRONGO ME WHAKAWHITIWHITI KŌRERO

Education and engagement with broadcasters and the public has been a key focus in 2018/19. It is critical to supporting broadcasters to meet their obligations under the standards and to enabling New Zealanders to understand the standards system and access the complaints system. Transparency in our activities is also key to our effectiveness, it enables our stakeholders to provide feedback and to hold us to account for the services that we offer.

Highlights from our engagement activities include:

- Engaging with complainants and members of the public to address 121 complaints and 867 enquiries on a range of issues relating to broadcasting, standards and related issues.
- A 6 week public consultation programme on whether changes should be made to timebands and classifications on free-to-air television. This resulted in over 500 survey responses, submissions and feedback in community meetings.
- We refreshed our website to make the complaints process, our decisions and research more accessible.
- We issued 9 editions of the *BSA Pānui* providing details of our decisions and research to our stakeholder subscribers.
- We issued 14 press releases on our research and decisions which provide insights and guidance to broadcasters and the community about how the standards apply. We have issued releases in Māori and Punjabi.
- We issued research guidance for broadcasters on reporting on terrorist events.
- BSA staff presented at over 40 meetings, workshops and seminars with broadcasters, broadcasting students and community groups providing insights and guidance on issues relating to broadcasting standards and the complaints system.
- Publishing all of our decisions and research reports on our website.
- Providing advice to the Ministry for Culture and Heritage on the ongoing reform agenda, which we see as critical given the continuing expansion of content onto other platforms.
- Contributing to work undertaken to advance the intended outcomes of the *Christchurch Call* including review of our standards for reporting on terrorism and extreme violence events, and a review of our mandate over online content.
- Engaging with cultural advisors from the Māori, Pasifika and Muslim communities to assist in the determination of complaints.

Case Study

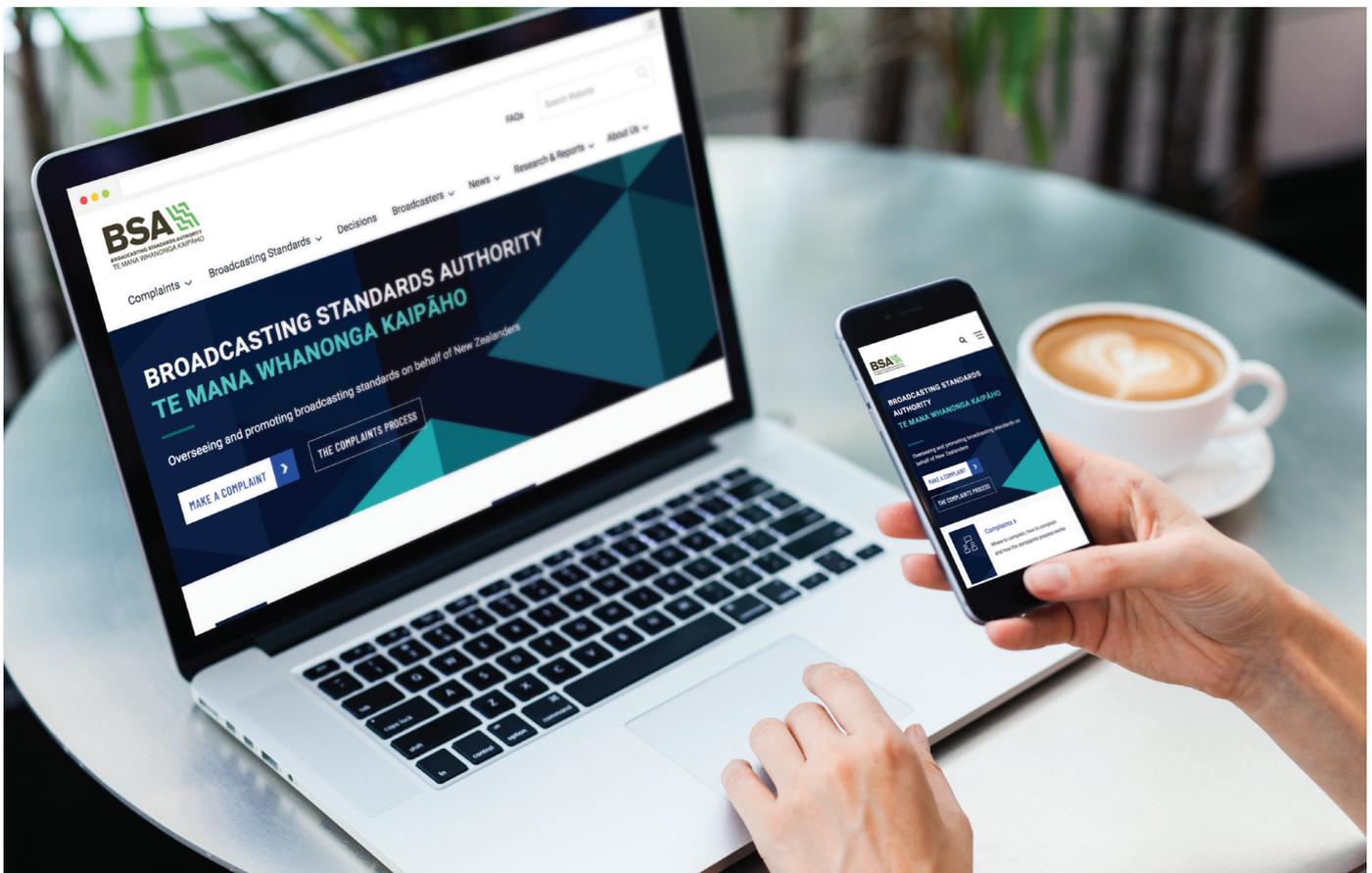
Front door to the BSA - Website Refresh

In May 2019 we launched our new website which is accessible, modern, friendly and facilitative, reflecting who we are as an organisation. The design reflects feedback received from the public and broadcasters. It is intended to be easy to use and to efficiently guide users to the right information.

Our website vision is that the BSA website is:

- The front door to the BSA – friendly, facilitative and reflective of who we are
- Modern, where the process of complaining to the BSA is simple, easy and efficient
- A place where broadcasters can find information to help them meet their obligations under the standards
- A keeper of BSA and NZ taonga – holding over 30 years of decisions reflecting our society and broadcasting

Now users are guided by a sharp logic flow programme and have a wide range of FAQs to enable them to understand and access the broadcasting standards system. The refreshed website makes our services and information we provide more accessible to the public and our stakeholders. It is supported by a recognised Content Management System, with strong security settings and robust back-up and recovery technology.





OPERATIONS NGĀ MAHI WHAKAHAERE

Operational overview

Efficient and cost-effective operations are critical to our overall organisational performance. We are a small agency and must operate within our limited financial and people resources. In the reporting period we had a number of changes within our Board and staff, which was managed effectively due to our effective induction programme, and robust systems and processes. We have again delivered our services within budget and with a surplus. We continue to share offices and reception services with NZ On Air and also enjoy joint staff training initiatives.

There was a slight reduction in levy revenue in 2018/19. Efficient management of costs resulted in the revenue reduction being offset by a reduction in costs. Cost reduction achieved in 2018/19 continues a general trend towards greater cost efficiency, as illustrated in *Figure 5*. Reducing costs and increasing efficiency while carrying out our statutory duties continues to be a key focus. Our costs are not directly correlated with the number of complaints we receive as complex complaints, other core functions relating to oversight of the broadcasting standards system, research and provision of information also consume our resources.

We continue to hold relatively strong reserves compared to our budget as a result of careful cost management across

our operations. This puts us in a healthy financial position and will enable us to sustain our operations and high quality performance, notwithstanding further reductions in levy income, increased complaints, or an extension of our services if required.

Managing risks is an important part of our governance and operational management approach. We have a clearly articulated risk management framework and a risk schedule that is reviewed and updated regularly by all of our board and staff. We have robust systems and processes which support our operations and effectiveness. Key risks facing the BSA continue to include uncertainty arising from the reform environment and changes in personnel at the Board and staff level. These risks are managed by engaging effectively with officials with oversight of the reform agenda, and ensuring that our information management and induction programmes are robust.

Our key focus is to carry out our statutory responsibilities and remain relevant and responsive. We undertake constant improvements to our processes and work with broadcasters and other content regulators to ensure that the current content standards regulatory system works as effectively as it can and that we are ready for any changes to that system that may occur.

Figure 5 - Overall performance and cost analysis



ORGANISATIONAL HEALTH AND CAPABILITY

TE ORANGA ME TE ĀHEINGA O TE TŌPŪTANGA

The BSA is a small entity of six staff based in our Wellington office. We are committed to being a good employer and promote equal employment opportunities (EEO) to ensure that our approach to people capability is in line with these obligations. Our EEO policy underpins the positive and collaborative environment that we foster to ensure that we support fair and flexible policies that enable individual needs and circumstances to be acknowledged. We encourage staff involvement in all EEO matters and we review our policies and procedures annually to look for any enhancements or improvements that can be made.

Workplace profile

Our people, who bring specialist expertise to our operations, are critical to our success. We continue to attract and retain capable staff by providing training and development opportunities and support, and ensuring that the BSA is a great place to work. We foster a collaborative culture that values the input of all of our staff. Our Board and staff work constructively together with a clear appreciation of governance and management distinctions. Our staff profile is set out in the table below. For the 2018/19 year, all staff were surveyed and 100% responded.

GENDER

Female	83%
Male	17%

ETHNICITY

Pakeha / New Zealand European	100%
Māori/Pasifika/Asian	0%

AGE PROFILE

Under 40	67%
Over 40	33%

DISABILITY PROFILE

No staff members reported having a disability

PAY GAP INFORMATION

Remuneration is based on ability and role size without any bias, including as to gender or ethnicity. Due to staff changes in the reporting period, and the potential for any pay gap data to be misleading and/or to give rise to privacy issues, we have not reported gender pay gap data.



Health & Safety

We take a proactive approach to health and safety and are committed to providing a healthy working environment for our staff. Our office building is well maintained and earthquake safety was considered when selecting an office. We regularly test our evacuation procedures and earthquake drills. We revise our health and safety risk register bi-annually to include new risks we have discovered. A work resumption team is led by the Chief Executive in the event of a catastrophic emergency.

We have regular health and safety meetings with our co-tenant NZ On Air and work together to prevent accidents and illnesses. This information is communicated to staff. We encourage staff to take sick leave when they are feeling unwell and offer flexible working arrangements when needed. We provide Employment Assistance Programme (EAP) counselling sessions on a confidential basis for all staff members and encourage them to use this service when needed. We offer health and safety training to all staff. Most of our staff members have been first aid level one accredited. As we are a complaints entity we provide preventative health and safety training to assist staff with dealing with external threats. There were no minor nor major incidents to report on for the reported period.

Maihi Karauna

We are committed to Maihi Karauna and increasing our own internal te ao Māori capability. We have demonstrated this through provision of te reo Māori language learning for staff, embedding use of karakia to open and close our meetings and developing an internal te reo Māori language plan. We acknowledge that these are small steps, but they are an important part of our organisational culture and our commitment to te ao Māori.

Being a good employer policies

We have a keen focus on being a good employer, enhancing our capability, and providing a high performing supportive work environment. Our main focus is to develop and retain talent, integrate work practices that promote or enhance work/life balance amongst our employees and encourage professional development and a wide range of experiences within the scope of our activities. Progress against these goals is found in the following tables. No issues of concern have occurred during the year.

HUMAN RIGHTS COMMISSION GOOD EMPLOYER ELEMENT	BSA POLICY AND PROCEDURE	POSSIBLE ISSUES	ACTIONS (IF ANY)
Leadership, accountability and culture	Senior management lead by example and foster an inclusive working environment. Staff are involved in decision-making, are accountable for outputs relevant to their areas, and are encouraged to devise and manage their own solutions. The Policy and Operations Manual provides guidance for staff on professional and workplace behaviour.	None	Feedback, coaching and mentoring is given to staff in regular meetings.
Recruitment, selection and induction	All permanent staff vacancies are advertised. Focus is on the best range of skills for each position.	Retention of staff and diversity in small specialised organisations can be an issue.	Induction training is robust. The BSA values diversity and inclusiveness.
Employment development, promotion and exit	Annual appraisal reviews, professional development and exit interviews are undertaken. Strong team-based supportive culture is promoted. Employees are encouraged to attend training and development opportunities.	Our size limits promotion options. However, it also means our staff are adaptable and cover a wide range of activities. They are empowered to take ownership of various projects through the year which builds their leadership and professional capabilities.	Regular 1:1 meetings with managers, coaching and mentoring are a key focus. Personal development plans regularly reviewed. All staff are supported to engage in external and internal learning opportunities. Four staff participated in leadership training programmes in the 2018/19 year.

HUMAN RIGHTS COMMISSION GOOD EMPLOYER ELEMENT	BSA POLICY AND PROCEDURE	POSSIBLE ISSUES	ACTIONS (IF ANY)
Flexibility and work design	<p>Flexible work practices and use of annual leave is encouraged – focus is on work/life balance.</p> <p>Work station assessments are conducted on commencement of employment and when required.</p>	None	<p>Remote access on work computers is available and training provided.</p> <p>Focus on supporting parental leave and return.</p>
Remuneration, recognition and conditions	Equitable gender-neutral remuneration is in place with annual salary reviews undertaken. Staff are rewarded and recognised for their contribution, skill and expertise formally and informally.	None	Strategic Pay remuneration and role review undertaken to ensure remuneration at appropriate levels.
Harassment and bullying prevention	Zero tolerance policy with clear reporting and investigation processes and responsibilities identified.	None	Policies regularly reviewed, refreshed and implemented with input from all staff and Board.
Safe and healthy environment	Proactive health and safety approach with particular focus on supporting resilience and wellbeing. Policies regularly reviewed, training and hazard reviews undertaken regularly.	None	Regular earthquake drills undertaken and preparedness processes reviewed. Particular focus on staff wellness and resilience.





Health and capability performance measures

CAPABILITY OBJECTIVES	MEASURES	ACTUAL
1. Staff employment policies focus on retention and development of highly engaged, skilled, knowledgeable, adaptable, efficient team players with the tools, information and training necessary to perform to a high level.	<ul style="list-style-type: none"> Each staff member has an annual assessment of individual training needs and professional development plan Board members undertake an annual self-assessment around the exercise of their quasi-judicial powers and governance Staff engagement surveys are conducted annually; results to be in the top quartile of the cultural sector 	<ul style="list-style-type: none"> Achieved Achieved Achieved
2. Maintain, seek and develop ongoing opportunities for agency collaboration and shared services in the cultural sector.	<ul style="list-style-type: none"> Continue to share facilities and one front-of-house staff member with NZ On Air Explore other options for shared service arrangements Maintain appropriate referral processes and collaboration on issues of common interest with agencies which also have a role in the oversight of content standards (such as the New Zealand Media Council, Advertising Standards Authority and Chief Censor) to avoid duplication of resource and cost 	<ul style="list-style-type: none"> Achieved Achieved – resilience, health and safety, te reo, and integrity policy training undertaken jointly with NZ On Air Achieved
3. Our infrastructure is fit for purpose under existing legislative requirements.	<ul style="list-style-type: none"> Our complaints data management system is reviewed to ensure it provides better reporting and other efficiencies Our hard copy and electronic file structure reflects the current working environment 	<ul style="list-style-type: none"> Achieved Achieved
4. Our office environment and equipment are safe and well maintained.	<ul style="list-style-type: none"> Safety hazards reported are attended to promptly and significant hazards are attended to immediately Zero tolerance of harassment, bullying and discrimination 	<ul style="list-style-type: none"> Achieved Achieved
5. Equal employment opportunity principles are incorporated in staff selection and management, to achieve as diverse a workforce as possible within the limits of our small size.	<ul style="list-style-type: none"> EEO principles are included in all relevant documents and practices 	<ul style="list-style-type: none"> Achieved

NZBN Ministerial direction progress report

As required by section 151(f) of the Crown Entities Act 2004, we report that on 18 October 2018 we received notice of an updated 'Direction to support a whole of government approach to the New Zealand Business Number (NZBN)' from the Ministers of Finance and State Services. This Ministerial Direction (issued under section 107 of the Crown Entities Act 2004) replaced the 30 May 2016 Ministerial Direction on the same topic with effect from 4 December 2018. It sets out requirements for agencies to implement the NZBN (which has been created to enable improved electronic delivery of services). As a Tier 3 entity we

must have regard to four of the requirements and give effect to four requirements.

Since receiving the original Direction, we have updated our core records systems to introduce NZBN details for stakeholders, including broadcasters and suppliers and have developed initiatives where we can use NZBN to enhance our processes and dealings with external parties. As system changes are planned, the requirements of the Direction will be implemented where possible.

ACCOUNTABILITY STATEMENTS NGĀ TAUĀKĪ NOHONGA HAEPAPA

STATEMENT OF RESPONSIBILITY

Pursuant to the Crown Entities Act 2004, the Board accepts responsibility for:

- The preparation of the Financial Statements and the Statement of Performance and for the judgements used therein;
- The establishment and maintenance of a system of internal control designed to provide reasonable assurance as to the integrity and reliability of financial and non-financial reporting.

Pursuant to section 19A of the Public Finance Act 1989, the Board accepts responsibility for any end-of-year performance information provided by the BSA.

In the opinion of the Board, the Financial Statements and Statement of Performance for the year ended 30 June 2019 fairly reflect the financial position and operations of the BSA.



Judge Bill Hastings

Chair

22 October 2019



Paula Rose

Member

22 October 2019



STATEMENT OF PERFORMANCE

for the year ended 30 June 2019

TE TAUĀKĪ MŌ TE HUA O TE MAHI

tae atu ki 30 Pipiri 2019

The statements in this section provide detailed results against targets, budgets and performance measures for the year ending 30 June 2019 as set out in our Statement of Performance Expectations for the year ending 30 June 2019. There are three activities: complaints determination, oversight and development of the broadcasting standards system, and information and communication.

	SPE INCOME \$	ACTUAL INCOME \$	SPE EXPENDITURE \$	ACTUAL EXPENDITURE \$
Complaints determination	683,550	803,076	715,568	727,704
Oversight and development of the broadcasting standards system	531,650	409,114	556,552	370,717
Information and communication	303,800	303,048	318,030	274,606
Total	1,519,000	1,515,238	1,590,150	1,373,027

OUTPUT: COMPLAINTS DETERMINATION

Description

Our primary activity is to receive and determine complaints that broadcasters have breached the Codes of Broadcasting Practice.

In providing this service it is vital that we issue robust, soundly reasoned, timely decisions that reflect the boundaries between freedom of expression and harm and the changing media environment. To maintain trust and confidence in the standards system, our decisions need to be high quality, well-reasoned and reflect community attitudes. They must also be understood by members of the public. Our service is designed to be free, independent and accessible to the public. Efficiency is important. Decisions are made by the Authority with legal and administrative support provided by the staff. Decisions can be appealed to the High Court. We measure our effectiveness in the ways described here.

In the reporting period complaint numbers have stabilised, but the nature of the issues raised has continued to be complex with multiple complaints made about some programmes. In particular, in Q4 we received complaints relating to the Christchurch mosque attacks, which raised significant issues not previously considered by the BSA. Notwithstanding this, we have delivered a high quality service meeting our targets and within budget.

COST	ACTUAL 2018/19	SPE BUDGET 2018/19	ACTUAL 2017/18	ACTUAL 2016/17	ACTUAL 2015/16
Total Cost	727,704	715,568	660,196	552,690	681,266
% of Total Cost	53%	45%	54%	45%	58.9%

KEY DELIVERABLES	PERFORMANCE MEASURES	TARGET 2018/19	ACTUAL 2018/19	ACTUAL 2017/18	ACTUAL 2016/17
1.1 We provide a high quality complaints determination service	Complaints activities are undertaken in accordance with agreed timeframes and standards ⁷	90%	Achieved - 91.4% ⁸	Revised measure	Revised measure
1.2 Decisions are soundly reasoned	a) External assessment conducted to assess whether the BSA's reasoning, processes and/or interpretation of a standard are appropriate and reasonable ⁹	An external assessor agrees that the BSA's reasoning, process and/or interpretation are appropriate and reasonable	Achieved An external review was undertaken on the BSA's reasoning and interpretation of the discrimination and denigration standard and assessor agreed with the BSA's decisions.	Achieved An external review was undertaken on the BSA's reasoning and interpretation of the Election Programmes Code	Achieved An external review was undertaken on the BSA's reasoning and interpretation of the programme information and children's interest standard

⁷ Applicable timeframes and standards are (a) acknowledgement of inquiries within 3 working days; (b) decision on formal complaint made within 90 days of receipt by BSA and 120-180 days since broadcast; and (c) decisions issued within 15-20 working days of board meeting at which final decision is made; and (d) decision published on website within 10 working days of sign off by the Chair.

⁸ Individual outcomes for the timeframes in 1 above are: (a) 94.5%; (b) 71% (due to complexity of complaints, delay in submissions from parties, multiple complainants, matter referred back to Authority to be revisited and/or for orders); (c) 100%; (d) 100%. Average across all measures of 91.4%.

⁹ Wording refreshed but overall the measure is the same as previous years. Our aim is to issue decisions and to offer a process that an external assessor agrees is of high quality.



KEY DELIVERABLES	PERFORMANCE MEASURES	TARGET 2018/19	ACTUAL 2018/19	ACTUAL 2017/18	ACTUAL 2016/17
	(b) High Court judgments on appeals taken against BSA decisions are analysed to enable improvements to the BSA's reasoning and process	Achieved	Two appeals were filed in Q1. In Q3 the Court dismissed the application by one of the complainants to appeal out of time, noting the appeal grounds lacked merit.	No appeals have been filed	One appeal filed and dismissed. Court of Appeal decision in Electoral Commission matter issued. Both analysed and incorporated into guidance and decision making as appropriate
1.3	Complainants are satisfied with the processes, system and quality of service provided by the BSA	70%	Achieved Average of: <ul style="list-style-type: none"> • 96% rated as good or very good BSA's telephone contact¹¹ • 89% rated as good or very good BSA's staff professionalism¹² • 65% rated as good or very good the BSA's written correspondence¹³ 	Achieved 2016-18 Average of: <ul style="list-style-type: none"> • 91% rated as good or very good BSA's telephone contact saying it was timely and clear • 93% rated as good or very good BSA's staff professionalism • 84% rated as good or very good, BSA's written correspondence saying it was timely and clear 	One interim report for the period 2016-2017 provided by survey company to the BSA Average of: <ul style="list-style-type: none"> • 90% rated BSA's telephone contact as good or very good • 88% were satisfied with BSA's staff professionalism • 80% of complainants rated BSA's written correspondence as good or very good
1.4	BSA decisions reflect community standards and are understood by members of the public ¹⁴	75% rank decisions as acceptable, good or very good on a 5-point scale in terms of how well the public understand the reasoning and support the complaint outcome	Achieved – 85% 4 decisions relating to nudity on screen	Achieved – 90% 4 decisions relating to the fairness standard litmus tested	Achieved – 87% 5 decisions on classification and time bands (programme information) litmus tested

¹⁰ Wording refreshed to better capture the purpose of the measure.

¹¹ Average of ratings across six aspects of telephone contact where respondents were asked the extent to which they agreed (on a 5 point scale) with statements including: *Answered my questions about the complaints process well; and Returned my calls or got in contact with me within an acceptable timeframe.* Percentage reflects number of answers at the top of the scale (ie respondents agreed or strongly agreed).

¹² Average of ratings across two measures where respondents were asked the extent to which they agreed (on a 5 point scale) with the following statements: *BSA's written correspondence (letters and emails) were professional; and BSA phone contact was professional.* Percentage reflects number of answers at the top of the scale (ie respondents agreed or strongly agreed).

¹³ Average of ratings across six aspects of written correspondence where respondents were asked the extent to which they agreed (on a 5 point scale) with statements including: *BSA's written correspondence (letters and emails) were clear and easy to understand; and arrived within an acceptable timeframe.* Percentage reflects number of answers at the top of the scale (ie respondents agreed or strongly agreed).

¹⁴ Old measure 1.6, requiring BSA to reference research in decisions removed as it did not measure performance. Research is referenced in decision where relevant and appropriate.

OUTPUT: OVERSIGHT AND DEVELOPMENT OF THE BROADCASTING STANDARDS SYSTEM

Description

We oversee the broadcasting standards regime, work with broadcasters and others to set clear broadcasting standards and to assist broadcasters to meet their obligations.

We work to improve the complaint handling system at all levels by addressing systemic issues, reviewing codes, undertaking research relevant to broadcasting standards and community attitudes, and issuing guidance. We also provide advice, when required, to policy officials regarding the operation of the content standards system. We work closely with other agencies who also work with and oversee the media sector.

Working with broadcasters to assist them to meet their obligations and undertaking research that ensures we understand changing community attitudes is critical to the successful delivery of our mandate.

In the 2018/19 year we continued our work with free-to-air broadcasters to review the classifications and timebands under the free-to-air television code and consulted with the public on the potential options for change. We also commenced our review of the Election Programmes Code, in anticipation of the 2020 General Election. In response to the number of complaints relating to nudity on screen we undertook research into the potential impacts of nudity on screen for children and young people, which provides useful guidance for the Authority in its decision making, and other entities concerned with mitigating harm to children and young people.

COST	ACTUAL 2018/19	SPE BUDGET 2018/19	ACTUAL 2017/18	ACTUAL 2016/17	ACTUAL 2015/16
Total Cost	370,717	556,552	360,330	405,314	189,042
% of Total Cost	27%	35%	30%	33%	16.34%

KEY DELIVERABLES	PERFORMANCE MEASURES	TARGET 2018/19	ACTUAL 2018/19	ACTUAL 2017/18	ACTUAL 2016/17
2.1 Codes remain relevant to the media environment to which they apply	Codes are reviewed internally every two years against new media developments and, if appropriate, revised in conjunction with broadcasters and after public consultation	N/A	Review of free-to-air television timebands and classification labels has continued through the year. The review of the Election Programmes Code has commenced	Achieved Review of free-to-air television timebands and classification labels is underway	New Codebook gazetted and published on 1 April 2016



KEY DELIVERABLES	PERFORMANCE MEASURES	TARGET 2018/19	ACTUAL 2018/19	ACTUAL 2017/18	ACTUAL 2016/17
2.2 Research is commissioned that is relevant to ensuring that standards are contemporary and community expectations are understood	Commission and publish one research project that analyses or examines the application of a standard, or an aspect of broadcasting, or community attitudes and/or informs any future regulatory system and is assessed as thorough and of value to development of standards and/or future regulatory system ¹⁵	1 research and/or public consultation project undertaken Feedback from 5 stakeholders received that research is valuable	Achieved Research into harms arising from nudity on television undertaken. Feedback provided by stakeholders/ other agencies in a workshop	Achieved Research into use of timebands and parental locks undertaken. Feedback provided by free-to-air television broadcasters in working group meetings and published in public consultation	Achieved
2.3 Broadcasters fulfil obligations to publicise the complaints process	Audit undertaken every two years and non-compliant broadcasters notified and relevant information provided to them to assist them to comply	N/A (every two years)	N/A (every two years)	Achieved Audit completed. Only 59/124 broadcasters responded. Of those who responded 66% were compliant with the requirements. Engagement with broadcasters who failed to respond and who require assistance to meet the requirements is ongoing	N/A (every two years)
2.4 New Zealanders are aware of the BSA and aware they can make a formal complaint	Survey of public awareness undertaken every two years	75% of New Zealanders are aware of the BSA and aware they can make a formal complaint	Achieved 89% of New Zealanders are aware of the BSA and 84% aware they can make a formal complaint.	N/A (every two years)	Achieved 92% are aware of the BSA and 83% are aware they can make a formal complaint
2.5 Broadcasters are satisfied with the quality of BSA processes, services and working relationships	Broadcasters rate BSA processes and working relationships as good or better and identify any issues. Issues are addressed following consideration by BSA Board	80% or more of broadcasters surveyed rank BSA processes and working relationships as good or very good on a 5-point scale. Issues raised are analysed and addressed	Achieved 83% - working relationships rated good or very good (N=59) 100% - processes rated good or very good (N=9 broadcasters who had a complaint determined by the BSA in the previous 12 months)	Achieved ¹⁶ 80% - working relationships rated good or very good (N=63) 100% - processes rated good or very good (N=7 broadcasters who had a complaint determined by the BSA in the previous 12 months)	Achieved 100% - working relationships (N=6) 83% - processes (N=6)

¹⁵ The separate measure requiring the BSA to undertake the acceptable swear words research every three years has been removed as it rolls into this measure 2.2.

¹⁶ From 2017/18 onwards all broadcasters were surveyed, not just those who had had a complaint determined by the BSA. Only those who had a complaint against them referred to the BSA responded to the process questions.

OUTPUT: INFORMATION AND COMMUNICATION

Description

We provide clear, user-friendly information about the broadcasting standards system and processes, and our decisions to broadcasters and the public.

We undertake activities to raise awareness about the BSA, broadcasting standards, and the complaints system. Effective engagement and communication about broadcasting standards processes and issues helps New Zealanders understand their media environment and how the standards apply to the right to freedom of expression. Activities include issuing strategic media releases about decisions, publishing our regular newsletter, the BSA Pānui, tweeting on twitter, and providing seminars and workshops to broadcasters and the public on content standards issues. We also undertook an extensive public consultation exercise to understand community views regarding classifications and timebands on free-to-air television.

It is important that we provide clear and accessible information about the standards system and how to make a quality complaint. Our website is our key interface with the public and during the reporting period we refreshed our website to enhance its usability and accessibility.

COST	ACTUAL 2018/19	SPE BUDGET 2018/19	ACTUAL 2017/18	ACTUAL 2016/17	ACTUAL 2015/16
Total Cost	274,606	318,030	190,375	270,248	286,347
% of Total Cost	20%	20%	16%	22%	24.76%

KEY DELIVERABLES	PERFORMANCE MEASURES	TARGET 2018/19	ACTUAL 2018/19	ACTUAL 2017/18	ACTUAL 2016/17
3.1 Production of newsletter to keep stakeholders informed	Newsletters published regularly throughout the year	9	Achieved - 9	Achieved - 10	Achieved - 10
3.2 Strategic media releases issued	Decisions of high public interest or that provide particular guidance on the application of standards and the standards regime are regarded as strategic and are communicated by way of a media release	Releases for at least 10 decisions issued before 30 June 2019	Achieved - 11	Achieved - 17	Previous target of 15 achieved - 20
3.3 Surveys of complainants and broadcasters indicate high satisfaction with the usability, value and clarity of the website	Complainants and/or broadcasters (as part of any other service surveys) rate the value and clarity of the BSA website as good or very good on a 5-point scale	At least 70% of those surveyed rate the BSA website as good or very good on a 5-point scale	Not assessed in 2018/19 ¹⁷	Achieved 78% - Broadcasters 78% - Complainants <i>Note that in 2017/18 all broadcasters were surveyed, not just those who had complaints referred to the BSA</i>	Achieved 85% - Broadcasters 86% - Complainants <i>Only broadcasters who had complaints referred to the BSA surveyed</i>

¹⁷ We commenced the website refresh project in October 2018 and launched our new website in May 2019. We sought feedback from key stakeholders using a survey monkey tool, with 95.5% reporting that they rated the new website as good or very good on a 5 point scale. We did not survey broadcasters on this measure as the new website build was underway. The complainants' survey reported 55% satisfaction with the old website. As the old website has now been decommissioned the results are not meaningful and are not reported as an outcome here.



FINANCIAL STATEMENTS NGĀ TAUĀKĪ PŪTEA

BROADCASTING STANDARDS AUTHORITY

STATEMENT OF FINANCIAL PERFORMANCE

FOR THE YEAR ENDED 30 JUNE 2019

	NOTE	2019 ACTUAL \$	2019 BUDGET \$	2018 ACTUAL \$
Revenue				
Revenue from the Crown	2	609,000	609,000	609,000
Broadcasting levies		819,953	850,000	866,128
Interest income		81,285	60,000	71,266
Other revenue		5,000	-	-
Total Revenue		1,515,238	1,519,000	1,546,394
Less Expenditure				
Personnel costs	3	707,700	732,650	676,047
Other expenses	4	643,944	807,500	484,753
Depreciation and amortisation	8 & 9	21,383	50,000	50,101
TOTAL EXPENDITURE		1,373,027	1,590,150	1,210,901
SURPLUS/(DEFICIT)		142,211	(71,150)	335,493

Explanations of major variances against budgets are provided in Note 16.

BROADCASTING STANDARDS AUTHORITY

STATEMENT OF CHANGES IN EQUITY

FOR THE YEAR ENDED 30 JUNE 2019

	2019 ACTUAL \$	2019 BUDGET \$	2018 ACTUAL \$
Public equity as at 1 July	2,234,385	1,970,292	2,101,892
Return of Equity to the Crown ¹⁸	-	-	(203,000)
Surplus/(deficit) for the year ended 30 June	142,211	(71,150)	335,493
PUBLIC EQUITY AS AT 30 JUNE	2,376,596	1,899,142	2,234,385

Explanations of major variances against budgets are provided in Note 16
The accompanying notes form part of these financial statements.

¹⁸ Each year the BSA considers whether a portion of its surplus ought to be paid to the Crown pursuant to s165 of the Crown Entities Act. In prior years a payment has been made. In light of significant projects undertaken and forecast, increased personnel expenditure, fluctuating levy revenue and potential for reform, a payment was not made in this financial year.

BROADCASTING STANDARDS AUTHORITY

STATEMENT OF FINANCIAL POSITION

AS AT 30 JUNE 2019

	NOTE	2019 ACTUAL \$	2019 BUDGET \$	2018 ACTUAL \$
Assets				
Current assets				
Bank accounts and cash	5	143,316	103,642	215,817
Investments	6	2,250,000	1,900,000	2,063,414
Debtors and prepayments	7	67,016	7,500	39,930
Net GST		28,728	18,000	22,741
Total current assets		2,489,060	2,029,142	2,341,902
Non-current assets				
Property, plant and equipment	8	10,846	33,000	26,894
Intangible assets	9	2,362	7,000	5,562
Total non-current assets		13,208	40,000	32,456
TOTAL ASSETS		2,502,268	2,069,142	2,374,358
Liabilities				
Current liabilities				
Creditors and accrued expenses	10	94,738	120,000	90,464
Employee entitlements	11	30,934	50,000	49,509
Total liabilities		125,672	170,000	139,973
ASSETS LESS LIABILITIES		2,376,596	1,899,142	2,234,385
REPRESENTED BY PUBLIC EQUITY		2,376,596	1,899,142	2,234,385

Explanations of major variances against budgets are provided in Note 16

The accompanying notes form part of these financial statements.



BROADCASTING STANDARDS AUTHORITY

STATEMENT OF CASH FLOWS

FOR THE YEAR ENDED 30 JUNE 2019

	NOTE	2019 ACTUAL \$	2019 BUDGET \$	2018 ACTUAL \$
Cash Flows from Operating Activities				
Revenue from the Crown		609,000	609,000	609,000
Broadcasting levies		828,025	850,000	895,907
Interest received		60,966	60,000	83,062
GST (net)		(5,986)	-	212
Payments to employees & Board members		(726,275)	(727,650)	(677,673)
Payments to suppliers & other operating expenses		(649,506)	(807,500)	(545,871)
NET CASH FLOW FROM OPERATING ACTIVITIES		116,220	(16,150)	364,637
Cash Flows from Investing Activities				
Purchase of property, plant and equipment		(2,135)	(8,000)	(2,733)
Purchase of intangible assets		-	(2,000)	(2,207)
Acquisition of investments		(186,586)	100,000	(63,414)
NET CASH FLOW FROM INVESTING ACTIVITIES		(188,721)	90,000	(68,354)
Cash Flows from Funding Activities				
Return of equity to the Crown		-	-	(203,000)
NET CASH FLOW FROM FUNDING ACTIVITIES		-	-	(203,000)
Net Increase/(decrease) in cash held		(72,501)	73,850	93,283
Opening bank accounts and cash		215,817	29,762	122,534
CLOSING BANK ACCOUNTS AND CASH	5	143,316	103,642	215,817

Explanations of major variances against budgets are provided in Note 16.

The accompanying notes form part of these financial statements.

BROADCASTING STANDARDS AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2019

1 Statement of accounting policies

Reporting entity

The Broadcasting Standards Authority (BSA) is a Crown Entity as defined by the Crown Entities Act 2004 and is domiciled in New Zealand. As such, the BSA's ultimate parent is the New Zealand Crown.

BSA's primary objective is to provide public services to the New Zealand public, as opposed to that of making a financial return. Accordingly, the BSA has designated itself as a public benefit entity (PBE) for the purposes of financial reporting.

The financial statements for the BSA are for the year ended 30 June 2019, and were approved by the board on 22 October 2019.

Basis of preparation

Statement of Compliance

The financial statements for the BSA have been prepared in accordance with the Crown Entities Act 2004, which includes the requirement to comply with generally accepted accounting practice in New Zealand ("NZ GAAP"). The financial statements have been prepared on the basis that the BSA is a going concern.

The BSA has total expenditure less than \$2 million and is, therefore, eligible to report in accordance with Tier 3 PBE accounting standards. Accordingly, these financial statements have been prepared in accordance with Tier 3 PBE accounting standards, using the criteria set out in *Public Benefit Entity Simple Format Reporting – Accrual (Public Sector) (PBE SFR-A (PS))*.

Measurement base

The financial statements have been prepared on a historical cost basis.

Functional and presentation currency

The financial statements are presented in New Zealand dollars and are rounded to the nearest dollar (\$). The functional currency of the BSA is New Zealand dollars (NZ\$).

Changes in accounting policies

There have been no changes in accounting policies during the financial year.

Significant accounting policies

The accounting policies set out below have been applied consistently to all periods presented in these financial statements.

Revenue

Revenue is measured at the fair value of consideration received or receivable.

Revenue from the Crown

This revenue is restricted in use for the purpose of BSA meeting its objectives specified in the Broadcasting Act 1989 and the scope of the relevant appropriation of the Crown. BSA considers there are no conditions attached to the funding and it is recognised as revenue at the point of entitlement.

Broadcasting levy

Broadcasting levies are recognised on the occurrence of a recognition event, being the earlier of receipt of payment or receipt of levy return. Levies are paid by broadcasters in accordance with the Broadcasting Act 1989 and are based on broadcaster revenue for the qualifying period. The amount of levies collected each year is influenced by timing of receipt of payment or the levy return and changes in broadcaster revenue on which the levy is based. Consequently there may be variances on the total amount collected as revenue each year.

Interest

Interest income is recognised as it accrues on bank account balances, on-call bank deposits and investments.

Other income

Other income is recognised at the time the services are rendered.

Leases

Operating leases

Leases that do not transfer substantially all the risks and rewards incidental to ownership of an asset to the BSA are classified as operating leases. Lease payments under an operating lease are recognised as an expense on a straight-line basis over the term of the lease in the Statement of Financial Performance.



Bank accounts and cash

Bank accounts and cash held by the BSA include bank balances and on-call bank deposits. Bank accounts and cash are measured at the amount held.

Debtors and prepayments

Debtors and prepayments are initially recorded at the amount owed. When it is likely the amount owed (or some portion) will not be collected, a provision for impairment is recorded and the loss is recognised as a bad debt expense. Impairment of a receivable is established when there is objective evidence that the BSA will not be able to collect amounts due according to the original terms of the receivable. Significant financial difficulties of the debtor, probability that the debtor will enter into bankruptcy, and default in payment are all considered indicators that the debtor is impaired.

Investments in bank deposits

Investments comprise investments in term deposits with banks.

Deposits with banks are initially recorded at the amount paid. If it appears that the carrying amount of the investment will not be recovered, it is written down to the expected recoverable amount. Significant financial difficulties of the bank, probability that the bank will enter into bankruptcy, and default in payment are all considered indicators that the deposit is not recoverable.

Property, plant and equipment

Property, plant and equipment asset classes consist of office equipment, furniture and fittings, leasehold improvements, photocopier, computer equipment and artworks.

Property, plant and equipment are shown at cost or valuation, less any accumulated depreciation and impairment losses.

Additions

The cost of an item of property, plant and equipment is recognised as an asset only when it is probable that future economic benefits or service potential associated with the item will flow to the BSA, and the cost of the item can be measured reliably.

Where an asset is acquired at no cost, or for a nominal cost, it is recognised at fair value when control over the asset is obtained.

Disposals

Gains and losses on disposals are determined by comparing the proceeds with the carrying amount of the assets. Gains and losses on disposals are included in the Statement of Financial Performance.

Subsequent costs

Costs incurred subsequent to initial acquisition are capitalised

only when it is probable that future economic benefits or service potential associated with the item will flow to the BSA, and the cost of the item can be measured reliably.

The costs of day-to-day servicing of property, plant and equipment are recognised in the Statement of Financial Performance as they are incurred.

Depreciation

Depreciation is provided on a straight-line basis on all fixed assets at a rate which will write off the cost of the assets to their estimated residual value over their useful lives.

The useful lives and associated depreciation rates of major classes of assets have been estimated as follows:

Office equipment	3-5 years	20%-33% straight line
Furniture and fittings	5 years	20% straight line
Leasehold improvements	5 years	20% straight line
Computer equipment	3 years	33% straight line

Leasehold improvements are depreciated over the unexpired period of the lease or the estimated remaining useful lives of the improvements, whichever is the shorter.

Artworks are fully depreciated in the year of purchase.

Intangible assets

Software acquisition

Computer software licenses of more than one year will be capitalised on the basis of the costs incurred to acquire and use the specific software. Computer software licenses of less than one year will be recognised as an expense when incurred.

Costs that are directly associated with the development of software for internal use by the BSA are recognised as an intangible asset. Direct costs include the software development, employee costs and an appropriate portion of relevant overheads. Staff training costs are recognised as an expense when incurred. Costs associated with maintaining computer software are recognised as an expense when incurred. Costs associated with the development and maintenance of BSA's website are recognised as an expense when incurred.

Amortisation

The carrying value of an intangible asset with a finite life is amortised on a straight-line basis over its useful life. Amortisation begins when the asset is available for use and ceases at the date the asset is either fully amortised or no longer used. The amortisation charge for each period is recognised in the Statement of Financial Performance.

The useful lives and associated amortisation rates of major classes of intangible assets have been estimated as follow:

Computer software	3 years	33% straight line
Copyright	3 years	33% straight line

Impairment of property, plant and equipment and intangible assets

Property, plant and equipment and intangible assets that have a finite life are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use. The total impairment loss is recognised in the Statement of Financial Performance, as is any subsequent reversal of an impairment loss.

Value in use is depreciated replacement cost for an asset where the future economic benefits or service potential of an asset are not primarily dependent on the asset's ability to generate net cash inflows and where the BSA would, if deprived of the asset, replace its remaining future economic benefits or service potential.

Creditors and accrued expenses

Creditors and accrued expenses are reflected at the amount owed.

Employee entitlements

These include salaries and wages accrued up to balance date and annual leave earned but not yet taken at balance date. A liability and an expense is recognised for bonuses where there is a contractual obligation or where there is a past practice that has created a constructive obligation or when the employee is notified that the bonus has been granted. No liability is recognised for sick leave.

Provision is made in respect of the BSA's liability for annual leave that is expected to be settled within 12 months of the reporting date. Annual leave is measured at nominal values on an actual entitlement basis at current rates of pay.

Superannuation scheme

Defined contribution scheme

Obligations for contributions to KiwiSaver are accounted for as defined contribution superannuation schemes and are recognised as an expense in the Statement of Financial Performance as incurred.

Goods and services tax (GST)

The BSA is registered for GST. All items in the financial statements are exclusive of GST, with the exception of debtors and creditors, which are stated inclusive of GST.

The net amount of GST recoverable from, or payable to, the Inland Revenue Department (IRD) is included as part of receivables or payables in the Statement of Financial Position.

The net GST paid to or received from the IRD, including the GST relating to investing and financing activities, is classified as an operating cash flow in the Statement of Cash Flows.

Commitments and contingencies are disclosed exclusive of GST.

Income tax

The BSA is a public authority and consequently is exempt from the payment of income tax. Accordingly, no provision has been made for income tax.

Budget figures

The budget figures are derived from the Statement of Performance Expectations as approved by the board at the beginning of the financial year. The budget figures have been prepared in accordance with NZ GAAP, using accounting policies that are consistent with those adopted by the board in preparing these financial statements.

Cost allocation

The BSA has determined the cost of outputs in the Statement of Service Performance using the cost allocation system outlined below.

Direct costs are those costs directly attributed to an output. Indirect costs are those costs that cannot be identified in an economically feasible manner with a specific output.

Direct costs are charged directly to outputs. Indirect costs are charged to outputs based on estimates of related activity or usage information.

There have been no changes to the cost allocation methodology since the date of the last audited financial statements.

Use of judgements, estimates and assumptions

In preparing these financial statements, the BSA has made estimates and assumptions about the future. These estimates and assumptions may differ from subsequent actual results. Estimates and assumptions are regularly evaluated and are based on historical experience and other factors, including expectations of future events that are believed to be reasonable under the circumstances and, in particular, when estimating the useful life and residual value of property, plant and equipment.

2 Revenue from the Crown

The BSA has been provided with funding from the Crown for the specific purposes set out in the Broadcasting Act 1989 and the scope of the relevant Crown appropriations. Apart from these restrictions, there are no unfulfilled conditions or contingencies attached to government funding. (2018: Nil)



3 Personnel costs

	2019 ACTUAL \$	2018 ACTUAL \$
Staff salaries	577,211	513,927
Board remuneration	112,939	147,934
KiwiSaver employer contributions	17,550	14,186
TOTAL PERSONNEL COSTS	707,700	676,047

The increase in salaries is due to hiring more staff in response to a senior staff member going on parental leave, and continuing high workload on complaints and projects. Pursuant to s47 of the Crown Entities Act, the Chair is not entitled to remuneration from BSA in addition to his remuneration as a Judge. This resulted in a reduction in board remuneration

4 Other expenses

	2019 ACTUAL \$	2018 ACTUAL \$
Audit of financial statements	23,831	21,153
Consultancy	151,492	73,758
Research	121,541	136,422
Travel, accommodation & training	45,150	39,973
Rent	46,466	50,715
IT	133,226	60,687
Office expenses	122,238	102,045
TOTAL OTHER EXPENSES	643,944	484,753

5 Bank accounts and cash

	2019 ACTUAL \$	2018 ACTUAL \$
Cash on hand		
Petty cash	4	4
Banks		
Current accounts	114,351	105,647
Call accounts	28,961	110,165
TOTAL BANK ACCOUNTS AND CASH	143,316	215,817

6 Investments

	2019 ACTUAL \$	2018 ACTUAL \$
Term deposits	2,250,000	2,063,414
TOTAL INVESTMENTS	2,250,000	2,063,414
Weighted average effective interest rate	3.44%	3.43%

7 Debtors and prepayments

	2019 ACTUAL \$	2018 ACTUAL \$
Trade receivables	3,374	6,446
Accrued interest	33,932	13,612
Prepayment	29,710	19,872
TOTAL DEBTORS AND PREPAYMENTS	67,016	39,930

The carrying value of debtors approximates their fair value.

8 Property, plant and equipment

Movements for each class of property, plant and equipment are as follows:

	ARTWORKS \$	COMPUTER EQUIPMENT \$	FURNITURE & FITTINGS \$	LEASEHOLD IMPROVEMENTS \$	OFFICE EQUIPMENT \$	TOTALS \$
Cost or valuation						
Balance at 1 July 2017	9,082	122,273	59,567	124,755	40,350	356,027
Additions	-	2,735	-	-	-	2,735
Disposals	-	-	-	-	(20,399)	(20,399)
Balance at 30 June 2018	9,082	125,008	59,567	124,755	19,951	338,363
Accumulated depreciation						
Balance at 1 July 2017	9,082	93,855	51,345	98,961	31,481	284,724
Depreciation expense	-	11,964	6,656	24,951	3,573	47,144
Eliminate on disposal / reclassification	-	-	-	-	(20,399)	(20,399)
Balance at 30 June 2018	9,082	105,819	58,001	123,912	14,655	311,469
CARRYING AMOUNT AT 30 JUNE 2018	0	19,189	1,566	843	5,296	26,894

Cost or valuation

Balance at 1 July 2018	9,082	125,008	59,567	124,755	19,951	338,363
Additions	-	1,163	-	-	971	2,134
Disposals	-	(1,789)	-	-	-	(1,789)
Balance at 30 June 2019	9,082	124,382	59,567	124,755	20,922	338,708

Accumulated depreciation

Balance at 1 July 2018	9,082	105,819	58,001	123,912	14,655	311,469
Depreciation expense	-	12,657	1,566	843	3,116	18,182
Eliminate on disposal / reclassification	-	(1,789)	-	-	-	(1,789)
Balance at 30 June 2019	9,082	116,687	59,567	124,755	17,771	327,862

CARRYING AMOUNT AT 30 JUNE 2019

0	7,695	0	0	3,151	10,846
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9 Intangible assets

Movements for intangible asset are as follows:

	ACQUIRED SOFTWARE \$
Cost	
Balance at 1 July 2017	66,551
Additions	2,207
Balance at 30 June 2018	68,758
Accumulated amortisation	
Balance at 1 July 2017	60,238
Amortisation expense	2,958
Balance at 30 June 2018	63,196
CARRYING AMOUNT AT 30 JUNE 2018	5,562
Cost	
Balance at 1 July 2018	68,758
Additions	-
Balance at 30 June 2019	68,758
Accumulated amortisation	
Balance at 1 July 2018	63,196
Amortisation expense	3,200
Balance at 30 June 2019	66,396
CARRYING AMOUNT AT 30 JUNE 2018	2,362

10 Creditors and accrued expenses

	2019 ACTUAL \$	2018 ACTUAL \$
Creditors	68,599	66,163
Accrued Expenses	8,795	6,000
Kiwisaver employees contribution payable to IRD	1,291	2,211
PAYE	16,053	16,090
TOTAL CREDITORS AND ACCRUED EXPENSES	94,738	90,464

Creditors and accrued expenses are non-interest bearing and are normally settled on 30-day terms; therefore, the carrying value of creditors and accrued expenses approximates their fair value.

11 Employee entitlements

	2019 ACTUAL \$	2018 ACTUAL \$
Accrued salaries and wages	15,696	16,852
Annual leave	15,238	22,657
Salary 'at risk'	-	10,000
TOTAL EMPLOYEE ENTITLEMENTS	30,934	49,509

The salary 'at risk' component has been removed from the CE's employment terms and conditions.

12 Commitments

	2019 ACTUAL \$	2018 ACTUAL \$
Commitments are represented by:		
Not later than one year	52,080	36,794
Later than one year and not later than two years	52,113	2,760
Later than two years and not later than five years	56,456	-
TOTAL NON-CANCELLABLE OPERATING LEASE	160,649	39,554

The operating lease is for the rental of premises on Level 2, 119 Ghuznee Street, occupied from 26 July 2013.

13 Contingent assets and liabilities

Contingent assets

As at 30 June 2019 the BSA had no contingent assets. (2018:Nil)

Contingent liabilities

As at 30 June 2019 the BSA had no contingent liabilities. (2018:Nil)



14 Related party transactions & key management personnel

In conducting its activities, the BSA is required to pay various taxes and levies (such as GST, PAYE and ACC levies) to the Crown and entities related to the Crown. The payment of these taxes and levies, other than income tax, is based on the standard terms and conditions that apply to all tax and levy payers. The BSA is exempt from paying income tax.

The BSA purchases goods and services from entities controlled, significantly influenced or jointly controlled by the Crown. Purchases from these government-related entities are entered into on an arms-length basis.

The BSA receives levy payments pursuant to the Broadcasting Act 1989, from government-related broadcasters.

Key management personnel compensation

	2019 ACTUAL \$	2018 ACTUAL \$
Salaries and other short-term benefits	305,609	331,255
TOTAL KEY MANAGEMENT PERSONNEL COMPENSATION	305,609	331,255

Key management personnel includes all board members and the Chief Executive.
The BSA had no related party transactions. (2018: Nil)

Board member remuneration

The total value of remuneration paid or payable to each board member during the year was:

	2019 ACTUAL \$	2018 ACTUAL \$
P Radich (Chair) responsibilities concluded in October 2018	17,105	66,398
L Pearson responsibilities concluded in September 2017	-	1,018
T Kupenga responsibilities concluded in October 2018	8,190	34,078
P Rose	31,452	29,724
WK Hastings (Chair) appointed in October 2018	-	-
W Palmer	32,191	16,716
S Staley appointed in October 2018	24,001	-
TOTAL BOARD MEMBER REMUNERATION	112,939	147,934

Pursuant to s47 of the Crown Entities Act, the Chair is not entitled to remuneration from BSA in addition to his remuneration as a Judge. This resulted in a reduction in board remuneration.

	2019 ACTUAL \$	2018 ACTUAL \$
Total employee remuneration paid or payable		
110,000 – 119,999	-	1
130,000 – 139,000	-	-
180,000 – 189,000	-	1
190,000 – 199,000	1	-

15 Events after balance date

There were no significant events after the balance date.

16 Explanations of significant variations against budget

Explanations for significant variations from the BSA's budgeted figures in the Statement of Performance Expectations are as follows:

Statement of Financial Performance

Revenue

Lower levy revenue was due in part to a reduction in broadcaster revenue on which the levy is based.

Expenditure

Lower expenditure reflects careful management of costs throughout the year.

Statement of Financial Position

Cash and cash investments

The increase in investments is due to lower expenditure than budgeted.

Debtors and prepayments

The increase in accrued interest reflects the higher investment in term deposits.



INDEPENDENT AUDITOR'S REPORT

AUDIT NEW ZEALAND
Mana Arotake Aotearoa

To the readers of the Broadcasting Standards Authority's financial statements and performance information for the year ended 30 June 2019

The Auditor-General is the auditor of the Broadcasting Standards Authority (the Authority). The Auditor-General has appointed me, Rehan Badar using the staff and resources of Audit New Zealand, to carry out the audit of the financial statements and the performance information, of the Authority on his behalf.

Opinion

We have audited:

- the financial statements of the Authority on pages 36 to 47, that comprise the statement of financial position as at 30 June 2019, the statement financial performance, statement of changes in equity and statement of cash flows for the year ended on that date and the notes to the financial statements including a summary of significant accounting policies and other explanatory information; and
- the performance information of the Authority on pages 11 to 13 and 30 to 35.

In our opinion:

- the financial statements of the Authority on pages 36 to 47:
 - present fairly, in all material respects:
 - its financial position as at 30 June 2019; and
 - its financial performance and cash flows for the year then ended; and
 - comply with generally accepted accounting practice in New Zealand in accordance with Public Benefit Entity Simple Format Reporting – Accrual (Public Sector) Standard; and
- the performance information on pages 11 to 13 and 30 to 35:
 - presents fairly, in all material respects, the Authority's performance for the year ended 30 June 2019, including:
 - for each class of reportable outputs:
 - its standards of delivery performance achieved as compared with forecasts included in the statement of performance expectations for the financial year; and
 - its actual revenue and output expenses as compared with the forecasts included in the statement of performance expectations for the financial year; and
 - complies with generally accepted accounting practice in New Zealand.

Our audit was completed on 22 October 2019. This is the date at which our opinion is expressed.

The basis for our opinion is explained below. In addition, we outline the responsibilities of the Board and our responsibilities relating to the financial statements and the performance information, we comment on other information, and we explain our independence.

Basis for our opinion

We carried out our audit in accordance with the Auditor-General's Auditing Standards, which incorporate the Professional and Ethical Standards and the International Standards on Auditing (New Zealand) issued by the New Zealand Auditing and Assurance Standards Board. Our responsibilities under those standards are further described in the Responsibilities of the auditor section of our report.

We have fulfilled our responsibilities in accordance with the Auditor-General's Auditing Standards.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Responsibilities of the Board for the financial statements and the performance information

The Board is responsible on behalf of the Authority for preparing financial statements and performance information that are fairly presented and comply with generally accepted accounting practice in New Zealand. The Board is responsible for such internal control as they determine is necessary to enable them to prepare financial statements and performance information that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements and the performance information, the Board is responsible on behalf of the Authority for assessing the Authority's ability to continue as a going concern. The Board is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting, unless there is an intention to merge or to terminate the activities of the Authority, or there is no realistic alternative but to do so.

The Board's responsibilities arise from the Crown Entities Act 2004 and the Public Finance Act 1989.

Responsibilities of the auditor for the audit of the financial statements and the performance information

Our objectives are to obtain reasonable assurance about whether the financial statements and the performance information, as a whole, are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit carried out in accordance with the Auditor-General's Auditing Standards will always detect a material misstatement when it exists. Misstatements are differences or omissions of amounts or disclosures, and can arise from fraud or error. Misstatements are considered material if, individually or in the aggregate, they could reasonably be expected to influence the decisions of readers, taken on the basis of these financial statements and the performance information.

For the budget information reported in the financial statements and the performance information, our procedures were limited to checking that the information agreed to the Authority's statement of performance expectations.

We did not evaluate the security and controls over the electronic publication of the financial statements and the performance information.

As part of an audit in accordance with the Auditor-General's Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. Also:

- We identify and assess the risks of material misstatement of the financial statements and the performance information, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- We obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal control.
- We evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Board.
- We evaluate the appropriateness of the reported performance information within the Authority's framework for reporting its performance.
- We conclude on the appropriateness of the use of the going concern basis of accounting by the Board and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Authority's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements and the performance information or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Authority to cease to continue as a going concern.

- We evaluate the overall presentation, structure and content of the financial statements and the performance information, including the disclosures, and whether the financial statements and the performance information represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the Board regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Our responsibilities arise from the Public Audit Act 2001.

Other information

The Board responsible for the other information. The other information comprises the information included on pages 1 to 64, but does not include the financial statements and the performance information, and our auditor's report thereon.

Our opinion on the financial statements and the performance information does not cover the other information and we do not express any form of audit opinion or assurance conclusion thereon.

In connection with our audit of the financial statements and the performance information, our responsibility is to read the other information. In doing so, we consider whether the other information is materially inconsistent with the financial statements and the performance information or our knowledge obtained in the audit, or otherwise appears to be materially misstated. If, based on our work, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Independence

We are independent of the Authority in accordance with the independence requirements of the Auditor-General's Auditing Standards, which incorporate the independence requirements of Professional and Ethical Standard 1 (Revised): Code of Ethics for Assurance Practitioners issued by the New Zealand Auditing and Assurance Standards Board.

Other than in our capacity as auditor, we have no relationship with, or interests in, the Authority.



Rehan Badar

Audit New Zealand

On behalf of the Auditor-General
Wellington, New Zealand



APPENDIX 1: COMPLAINTS RECEIVED AND DECISIONS ISSUED TĀPIRITANGA 1: NGĀ KŌAMUAMU ME NGĀ WHAKATAU

Year	Complaints Received	Decisions Issued	DETERMINATION					ORDERS					
			Upheld	Upholds as % of total	Not Upheld	Declined to Determine ¹⁹	Other ²⁰	Appealed to High Court	Broadcast Statement	Costs to Crown	Legal Costs	Compensation for Breach of Privacy	Other
July 2018 – June 2019	121	90 ²¹ (relating to 131 complaints)	9 (relating to 11 complaints)	10%	76 (relating to 115 complaints)	3 (relating to 3 complaints)	2 (relating to 2 complaints)	2	3	4	1	1	1 Online statement 1 Print statement
July 2017 – June 2018	174	103 (about 148 ²² complaints)	14 (about 52 complaints)	13.6%	83 (about 89 complaints)	2 (about 2 complaints)	4 (about 5 complaints)	-	5 (including one statement published online)	3	1	3	1 Complaint directed back to the broadcaster
July 2016 – June 2017	113	102 (about 113 complaints)	15 (about 15 complaints)	14.7%	82 (about 93 complaints)	1 (about 1 complaint)	4	1	4	4	-	4	1 Complaint directed back to broadcaster to consider
July 2015–June 2016	124	101	23	22.8%	73	4	1	-	2	5	1	4	-
July 2014–June 2015	151	143	14	9.8%	120	9	-	-	1	1	1	6	-
July 2013–June 2014	149	99	12	12.1%	74	13	-	-	2	2	1	1	-
July 2012–June 2013	136	111	18	16.2%	86	5	2	1	1	-	1	2	1 Complaint directed back to broadcaster to consider
July 2011–June 2012	195	162	17	10.4%	131	10	4	-	1	3	4	1	-
July 2010–June 2011	250	236	69	29.2%	146	13	8	5	6	8	4	2	-
July 2009–June 2010	210	193	45	23.3%	141	7	-	4	11	7	7	-	-
July 2008–June 2009	162	151	25	16.6%	124	2	-	-	4	3	3	1	-
July 2007–June 2008	148	139	41	29.5%	94	2	2	4	13	8	3	2	1 Refrain from broadcasting
July 2006–June 2007	131	125	27	21.6%	94	3	1	2	10	9	7	6	-
July 2005–June 2006	153	156	19	12.2%	127	10	-	-	6	5	4	-	-

Year	Complaints Received	Decisions Issued	DETERMINATION					Appealed to High Court	ORDERS				
			Upheld	Upholds as % of total	Not Upheld	Declined to Determine ¹⁶	Other ¹⁷		Broadcast Statement	Costs to Crown	Legal Costs	Compensation for Breach of Privacy	Other
July 2004–June 2005	184	214	40	18.7%	166	7	1	11	4	6	-	1 Publication of apology in newspapers	
July 2003–June 2004	196	187	42	22.5%	133	5	3	10	1	3	2	2 Publication in newspaper/ Referred back to broadcaster to review its policies	
July 2002–June 2003	169	160	26	16.3%	116	8	1	7	2	2	-		
July 2001–June 2002	186	180	44	24.4%	128	8	4	12	8	2	3	1 Broadcast of apology	
July 2000–June 2001	197	189	41	21.7%	135	13	1	13	6	1	2	1 Letter of apology	
July 1999–June 2000	206	239	71	29.7%	152	16	-	12	13	5	2	1 Refrain from advertising	
July 1998–June 1999	204	184	33	17.9%	132	9	1	4	8	2	4	-	
July 1997–June 1998	174	176	39	22.2%	122	12	2	2	10	-	7	1 Broadcast of apology	
July 1996–June 1997	206	199	40	20.1%	147	10	-	5	-	8	1	2 Broadcasts of apology	
July 1995–June 1996	179	171	50	29.2%	110	10	1	11	-	-	4	4 Broadcasts of apology	
July 1994–June 1995	162	139	48	34.5%	84	4	-	7	-	1	-	2 Broadcasts of apology	
July 1993–June 1994	168	151	53	35.1%	92	6	-	6	-	-	2	1 Broadcast of apology	
July 1992–June 1993	159	144	43	29.9%	97	3	-	3	-	1	2	-	
July 1991–June 1992	106	76	25	32.9%	46	4	-	3	-	-	1	-	
July 1990–June 1991	52	45	19	42.2%	25	-	-	7	-	1	-	2 Broadcasts of apology/ Refrain from advertising	
July 1989–June 1990	43	14	6	42.9%	6	2	-	-	-	-	1	-	

¹⁹ From 2010, 'Declined to Determine' encompasses all non-jurisdiction-related 'declined' findings, including that complaints were frivolous, vexatious or trivial or that in any event, the complaint ought not to be determined by the BSA.

²⁰ From 2010, 'Other' relates solely to findings of jurisdiction or no jurisdiction that may have been previously treated as 'Declined to Determine'.

²¹ As at 30 June 2019, 41 complaints were still to be determined. As at 30 June 2018, 51 complaints were still to be determined.

²² Of the 148 complaints, 33 were about *Naked Attraction* and 4 other complaints dealt with 3-4 complaints each.



DECISION STATISTICS

In the reporting period we issued 90 decisions which determined 131 complaints. The tables below provide details of the broadcasters and programmes complained about, the standards raised and outcomes of the complaints determined in the decisions issued in the reporting period.

Most complained about medium by number of decisions (90 decisions issued)

	TOTAL NUMBER OF DECISIONS	UPHELD
Television	61 decisions about 80 complaints (55 decisions about 93 complaints)	7 decisions about 9 complaints (7 decisions about 41 complaints)
Radio	29 decisions about 51 complaints (48 decisions about 55 complaints)	2 decisions about 3 complaints (7 decisions about 11 complaints)

Figures in brackets are from the previous year

Most complained about broadcaster by number of decisions (90 decisions issued)

	TOTAL DECISIONS	UPHELD	NOT UPHELD	DECLINED TO DETERMINE	NO JURISDICTION OR ACCEPTED JURISDICTION	ORDERS
Television						
TVNZ	32 (30)	2 (4)	28 (26)	2 (-)	- (-)	- (1)
MediaWorks TV	24 (19)	4 (2)	19 (17)	- (-)	1 (-)	9 (-)
SKY TV	3 (2)	- (-)	3 (2)	- (-)	- (-)	- (-)
Māori TV	2 (3)	1 (-)	1 (3)	- (-)	- (-)	(-)
Radio						
RNZ	14 (27)	- (4)	12 (17)	1 (2)	1 (4)	- (4)
NZME	7 (6)	1 (-)	6 (6)	- (-)	- (-)	2 (-)
MediaWorks Radio	4 (12)	- (2)	4 (10)	- (-)	- (-)	- (5)
Radio Virsa	3 (1)	- (1)	3 (-)	- (-)	- (-)	- (1)
Planet FM	1 (-)	1 (-)	- (-)	- (-)	- (-)	- (-)
TOTAL	90 (103)	9 (14)	76 (83)	3 (2)	2 (4)	11 (13)

Figures in brackets are from the previous year

Most complained about programme by number of complaints (131 complaints determined in 90 decisions)

	NUMBER OF COMPLAINTS	UPHELD	NOT UPHELD/OTHER
Bhakde Masley	20 (-)	- (-)	20 (-)
ONE News / 1 News	15 (14)	2 (-)	13 (14)
Sunday	12 (2)	- (-)	12 (2)
3 News / Newshub	10 (8)	3 (1)	7 (7)
Shortland St	7 (1)	- (-)	7 (1)

Figures in brackets are from the previous year

Most complained about programme genre by number of decisions (90 decisions issued)

	TOTAL DECISIONS	UPHELD	NOT UPHELD	DECLINED TO DETERMINE	NO JURISDICTION OR ACCEPTED JURISDICTION
News/ Current Affairs ²³	53 (60)	7 (6)	45 (50)	1 (1)	- (3)
Radio/ Talkback ²⁴	20 (26)	2 (4)	16 (20)	1 (1)	1 (1)
Fictional Programmes ²⁵	5 (6)	- (1)	5 (5)	- (-)	- (-)
Other ²⁶	7 (4)	- (2)	6 (2)	- (-)	1 (-)
Factual Programmes ²⁷	5 (1)	- (1)	4 (-)	1 (-)	- (-)
TOTAL	90 (103)	10 (14)	75 (83)	3 (2)	2 (4)

²³ **News/Current Affairs:** programmes dedicated to news and current affairs. Eg, *ONE News, Newshub, The AM Show, The Project, Seven Sharp, Morning Report*

²⁴ **Radio/Talkback:** radio shows or talkback programmes that may involve regular phone calls from listeners. Eg, *Mike Hosking Breakfast, Nine to Noon*

²⁵ **Fictional Programmes:** dramas, sitcoms, cartoon comedies, movies. May include dramatic versions of factual events. Eg, *Shortland Street*

²⁶ **Other:** programmes that do not fit the other categories, including comedy, sport, reality TV, songs or music videos. Eg, *The Block*

²⁷ **Factual Programmes:** programmes that are non-fiction, contain factual information, and which could be considered in relation to the accuracy and balance standards. Eg, *Children Who Kill, Mastermind New Zealand*



Most frequently complained about standard by number of complaints (131 complaints determined)²⁸

	Accuracy	Law and Order	Children's Interests	Good Taste and Decency	Discrimination and Denigration	Privacy	Programme Information	Fairness	Violence	Balance	Action Taken (about any standard)	Alcohol
TOTAL	48 (52)	35 (13)	33 (40)	27 (73)	22 (21)	13 (11)	12 (11)	11 (31)	8 (10)	7 (48)	1 (5)	3 (4)
Upheld	6 (3)	3 (-)	6 (3)	2 (38)	2 (-)	1 (3)	- (1)	1 (12)	- (3)	- (2)	- (3)	2 (-)
Not Upheld/ Other	42 (49)	32 (13)	27 (37)	25 (35)	20 (21)	8 (8)	12 (10)	10 (19)	8 (7)	7 (46)	1 (2)	1 (4)

Figures in brackets are from the previous year

Most upheld standard by number of decisions issued

1	Accuracy: 5 upheld decisions about 6 complaints
2	Fairness: 5 upheld decisions about 6 complaints
3	Balance: 3 upheld decisions about 3 complaints
4	Good Taste and Decency: 1 upheld decisions about 1 complaint
5	Discrimination and Denigration: 1 upheld decisions about 2 complaints
6	Children's Interests: 1 upheld decisions about 1 complaint

²⁸ This table reflects the number of times a standard has been raised across the 131 complaints addressed in the 90 decisions issued. *Action Taken* refers to complaints about the action taken by the broadcaster to remedy the breach when a complaint about a standard was upheld in full or in part by the broadcaster.

APPENDIX 2: DECISION DETAILS

TĀPIRITANGA 2: NGĀ TAIPITOPI TO MŌ NGĀ WHAKATAU

The following tables contain a breakdown of the 131 complaints that made up the 90 decisions issued by the BSA in the 2018/19 year, by outcome (upheld with order; upheld with no order; not upheld; declined to determine; and jurisdictional matters).

Upheld with order

When a complaint is upheld (the BSA finds a breach of standards), the BSA may only make the orders set out in sections 13 and 16 of the Broadcasting Act 1989. Orders which may be made include: a broadcast statement; costs to the Crown of up to \$5,000 (may be imposed where the conduct of the broadcaster is serious); and compensation to an individual whose privacy has been breached by a broadcast, of up to \$5,000.

DECISION NUMBER	COMPLAINANT	BROADCASTER	PROGRAMME	NATURE OF COMPLAINT	STANDARDS COMPLAINED UNDER	STANDARDS UPHELD	ORDER
2018-022	South Waikato District Council	MediaWorks TV	The Project	Item discussed Council's involvement in building new gambling venue in Tokoroa; allegedly inaccurate and unfair statement that the Council would 'get a cut of the profits' from the poker machines	Balance (Action Taken), Fairness (Action Taken), Accuracy	Balance (Action Taken), Fairness (Action Taken), Accuracy	Broadcast statement
2018-036A	Harvey and Lorck	MediaWorks TV	Newshub - 20 January 2018	Item strongly implied Hastings District Councillor was responsible for delayed rocket launch; allegedly inaccurate and unfair	Accuracy, Fairness	Accuracy, Fairness	Broadcast statement; statement published online; statement published in print; \$2,000 legal costs to complainant; \$1,000 costs to the Crown
2018-036B	Harvey and Lorck	MediaWorks TV	Newshub - 21 January 2018	Follow-up item included clip of interview with Councillor; allegedly unfairly edited	Accuracy, Fairness	Accuracy, Fairness	Broadcast statement; statement published online; statement published in print; \$2,000 legal costs to complainant; \$1,000 costs to the Crown



DECISION NUMBER	COMPLAINANT	BROADCASTER	PROGRAMME	NATURE OF COMPLAINT	STANDARDS COMPLAINED UNDER	STANDARDS UPHELD	ORDER
2018-032	IY	MediaWorks TV	Newshub	Item reporting on allegations of sexual assault and harassment at a Young Labour camp included photo of camp attendees; allegedly in breach of privacy	Privacy	Privacy	\$3,000 privacy compensation; \$2,000 costs to the Crown
2018-090A	Day	NZME Radio	Wellington Mornings with Heather du Plessis-Allan	Heather du Plessis-Allan's use of the term 'leeches' to describe the Pacific Islands allegedly offensive and discriminatory	Good Taste and Decency, Discrimination and Denigration, Children's Interests, Law and Order, Balance, Accuracy, Fairness	Good Taste and Decency, Discrimination and Denigration	Broadcast statement; \$3,000 costs to the Crown
2018-090B	Moss	NZME Radio	Wellington Mornings with Heather du Plessis-Allan	Heather du Plessis-Allan's use of the term 'leeches' to describe the Pacific Islands allegedly offensive and discriminatory	Discrimination and Denigration	Discrimination and Denigration	Broadcast statement; \$3,000 costs to the Crown
2018-092	Evans	MediaWorks TV	The DailyMail TV	CCTV footage of stabbing victim shown during DailyMail TV allegedly offensive and inappropriate for children	Good Taste and Decency, Children's Interests	Good Taste and Decency, Children's Interests	\$1,000 costs to the Crown

Upheld with no order

In some cases the Authority may uphold a complaint (find a breach of standards) but may decide not to make any order. This may be because the Authority considers that the seriousness of the breach is low; and/or because the publication of the decision, and any resulting media coverage, will adequately censure the conduct; and/or because it considers the decision gives adequate guidance to broadcasters about maintaining standards.

DECISION NUMBER	COMPLAINANT	BROADCASTER	PROGRAMME	NATURE OF COMPLAINTS	STANDARDS COMPLAINED UNDER	STANDARDS UPHELD
2018-025	RK	TVNZ	1 News	News item alleged MFAT paid for complainant's legal bills and waived diplomatic immunity in relation to custody proceedings; allegedly inaccurate, unfair and unbalanced	Accuracy, Fairness, Balance, Privacy, Children's Interests, Programme Information	Accuracy, Fairness, Balance
2018-043	West	TVNZ	1 News	News item reported Auckland Council vote on draft proposal for the Auckland Regional Fuel Tax; references to 'a done deal' and 'green light' allegedly inaccurate as there would be public consultation on the tax	Accuracy, Balance	Accuracy

DECISION NUMBER	COMPLAINANT	BROADCASTER	PROGRAMME	NATURE OF COMPLAINTS	STANDARDS COMPLAINED UNDER	STANDARDS UPHELD
2018-040	3 complainants	Planet FM	Panthic Vichar	Talkback programme about the use of grant money and cheating behaviour at a kabbadi tournament allegedly unfair and in breach of broadcasting standards	Fairness, Good Taste and Decency, Programme Information, Children's Interests, Violence, Law and Order, Discrimination and Denigration, Balance, Accuracy, Privacy	Fairness
2018-100	Housing New Zealand	Māori TV	Te Kāea	Item on sale of land at Puriri Park Road to Housing New Zealand allegedly unfair and unbalanced	Balance, Accuracy, Fairness	Balance, Accuracy, Fairness

Not upheld

DECISION NUMBER	COMPLAINANT	BROADCASTER	PROGRAMME	NATURE OF COMPLAINTS	STANDARDS COMPLAINED UNDER
2018-033	Right to Life New Zealand	MediaWorks TV	The Project	Item about End of Life Choice Bill allegedly unbalanced and inaccurate	Balance, Accuracy
2018-034	Leighton	NZME	Hauraki Breakfast	Hosts discussed marijuana and callers' reasons for not trying it; allegedly promoted drug use and contrary to children's interests	Law and Order, Children's Interests
2018-037	Cloud Ocean Water	MediaWorks TV	Newshub	News item regarding concerns about potential water contamination from a bore drilled by Cloud Ocean Water; allegedly inaccurate and unfair to Cloud Ocean Water	Accuracy, Fairness
2018-038	Council of Licenced Firearm Owners Inc	TVNZ	Breakfast	Host's comment 'here in New Zealand, we think they [the US] should ban all guns' allegedly unbalanced and likely to mislead viewers	Accuracy, Balance
2018-041	Loder	RNZ	Morning Report	Item about increase in reported firearm theft; allegedly unbalanced and unfair to firearm owners	Balance, Fairness
2018-045A	Reekie	MediaWorks TV	The AM Show	Comments about Government's planned Hui with Māori allegedly incited racial hatred; comments about legal action taken by prisoners allegedly trivialised prisoners' 'serious abusive treatment'	Good Taste and Decency, Law and Order, Discrimination and Denigration, Accuracy, Balance
2018-045B	Reekie	MediaWorks TV	Promo for The AM Show	Host's comments in promo about legal action taken by prisoners allegedly inaccurate, unbalanced and discriminatory	Good Taste and Decency, Law and Order, Discrimination and Denigration, Accuracy, Balance
2018-046A	Mclean	TVNZ	Promo for Shortland Street	Promo and episode allegedly contained blasphemous language	Good Taste and Decency, Children's Interests, Discrimination and Denigration
2018-046B	Mclean	TVNZ	Shortland Street	Promo and episode allegedly contained blasphemous language	Good Taste and Decency, Children's Interests, Discrimination and Denigration



DECISION NUMBER	COMPLAINANT	BROADCASTER	PROGRAMME	NATURE OF COMPLAINTS	STANDARDS COMPLAINED UNDER
2018-051	Lowry	TVNZ	1 News	Item about Steven Joyce's valedictory speech in Parliament allegedly breached standards of good taste and decency by referring to 'sex toy' being thrown at Mr Joyce on Waitangi Day, and was unfair to him	Good Taste and Decency, Fairness
2018-002	GL	MediaWorks TV	Newshub	Item about 'cash for job' work scams allegedly inaccurate and unfair to the complainant, who was identified by name and photo	Fairness, Accuracy, Privacy, Balance, Law and Order
2018-042	Shierlaw	TVNZ	Breakfast	Host's discussion and opinions about Israel Folau's controversial comments allegedly unbalanced	Balance
2018-047	Edgington	TVNZ	1 News	Item reported claims from the Department of Conservation that staff had been attacked by anti-1080 protestors; allegedly inaccurate, unbalanced and in breach of other broadcasting standards	Accuracy, Balance, Law and Order, Discrimination and Denigration, Privacy, Fairness
2018-050	Morris	SKY	Prime News	News item about incorrect deductions made from a solo mother's benefits by WINZ allegedly inaccurate and unfair	Accuracy, Fairness
2018-039A	J Singh	Radio Virsa	Bhakde Masley	Talkback host's comments about deceased Sikh religious figure and his wife allegedly unfair, discriminatory and in breach of privacy	Privacy
2018-039B	Kaur	Radio Virsa	Bhakde Masley	Talkback host's comments about deceased Sikh religious figure and his wife allegedly unfair, discriminatory and in breach of privacy	Privacy
2018-039C	D Singh	Radio Virsa	Bhakde Masley	Talkback host's comments about deceased Sikh religious figure and his wife allegedly unfair, discriminatory and in breach of privacy	Privacy
2018-039D	B Singh	Radio Virsa	Bhakde Masley	Talkback host's comments about deceased Sikh religious figure and his wife allegedly unfair, discriminatory and in breach of privacy	Privacy
2018-039E	B Singh	Radio Virsa	Bhakde Masley	Talkback host's comments about deceased Sikh religious figure and his wife allegedly unfair, discriminatory and in breach of privacy	Privacy
2018-039F	G Singh	Radio Virsa	Bhakde Masley	Talkback host's comments about deceased Sikh religious figure and his wife allegedly unfair, discriminatory and in breach of privacy	Privacy
2018-039G	B Singh Kang	Radio Virsa	Bhakde Masley	Talkback host's comments about deceased Sikh religious figure and his wife allegedly unfair, discriminatory and in breach of privacy	Privacy
2018-039H	J Singh	Radio Virsa	Bhakde Masley	Talkback host's comments about deceased Sikh religious figure and his wife allegedly unfair, discriminatory and in breach of privacy	Privacy
2018-039I	Gill	Radio Virsa	Bhakde Masley	Talkback host's comments about deceased Sikh religious figure and his wife allegedly unfair, discriminatory and in breach of privacy	Privacy
2018-039J	H Singh	Radio Virsa	Bhakde Masley	Talkback host's comments about deceased Sikh religious figure and his wife allegedly unfair, discriminatory and in breach of privacy	Privacy
2018-039K	G Singh	Radio Virsa	Bhakde Masley	Talkback host's comments about deceased Sikh religious figure and his wife allegedly unfair, discriminatory and in breach of privacy	Privacy
2018-039L	S Singh	Radio Virsa	Bhakde Masley	Talkback host's comments about deceased Sikh religious figure and his wife allegedly unfair, discriminatory and in breach of privacy	Privacy
2018-039M	B Singh	Radio Virsa	Bhakde Masley	Talkback host's comments about deceased Sikh religious figure and his wife allegedly unfair, discriminatory and in breach of privacy	Privacy
2018-039N	G Singh	Radio Virsa	Bhakde Masley	Talkback host's comments about deceased Sikh religious figure and his wife allegedly unfair, discriminatory and in breach of privacy	Privacy
2018-039O	G Singh	Radio Virsa	Bhakde Masley	Talkback host's comments about deceased Sikh religious figure and his wife allegedly unfair, discriminatory and in breach of privacy	Privacy

DECISION NUMBER	COMPLAINANT	BROADCASTER	PROGRAMME	NATURE OF COMPLAINTS	STANDARDS COMPLAINED UNDER
2018-039P	T Singh	Radio Virsa	Bhakde Masley	Talkback host's comments about deceased Sikh religious figure and his wife allegedly unfair, discriminatory and in breach of privacy	Privacy
2018-039Q	H Singh	Radio Virsa	Bhakde Masley	Talkback host's comments about deceased Sikh religious figure and his wife allegedly unfair, discriminatory and in breach of privacy	Privacy
2018-039R	B Singh	Radio Virsa	Bhakde Masley	Talkback host's comments about deceased Sikh religious figure and his wife allegedly unfair, discriminatory and in breach of privacy	Privacy
2018-039S	M Singh	Radio Virsa	Bhakde Masley	Talkback host's comments about deceased Sikh religious figure and his wife allegedly unfair, discriminatory and in breach of privacy	Privacy
2018-048	P Singh	Radio Virsa	Bhakde Masley	Talkback host's comments about deceased Sikh religious figure and his wife allegedly unfair, discriminatory and in breach of privacy	Privacy, Balance, Accuracy, Fairness, Discrimination and Denigration
2018-052	Beynon	NZME	Sarah, Sam and Toni	Host's use of the word 'gypped' allegedly denigrating and discriminatory against people of Romany descent	Discrimination and Denigration
2018-053	Wellington Palestine Group	MediaWorks TV	Newshub	Item referred to US Embassy in Jerusalem being on 'disputed' land; allegedly inaccurate	Accuracy
2018-056	Kelleher	MediaWorks Radio	The Long Lunch	Host Wendy Nissen commented in relation to a book review of political thriller novel 'The President is Missing': 'Wouldn't that be great if [US President Donald] Trump just went missing? Like we just never heard from him again because someone killed him and put him at the bottom of the ocean?'	Violence, Law and Order
2018-054	Seafood New Zealand Ltd	RNZ	Morning Report	Interview with Greenpeace executive director about his view that MPI had been 'captured' by the fishing industry allegedly inaccurate, unbalanced and unfair as the industry was not informed or given an opportunity to comment	Accuracy, Balance, Fairness, Discrimination and Denigration
2018-061A	Hall	TVNZ	Shortland Street	Character's comment about 'puffed up, privileged Pakeha men' allegedly offensive, sexist, and racist	Discrimination and Denigration
2018-061B	Large	TVNZ	Shortland Street	Character's comment about 'puffed up, privileged Pakeha men' allegedly offensive, sexist, and racist	Discrimination and Denigration, Good Taste and Decency, Balance, Accuracy, Fairness
2018-055	Barnett	TVNZ	1 News	Newsreader used the term 'rogue state' in item's introduction, referring to North Korea in relation to its peace talks with the United States; allegedly biased and unbalanced	Balance, Programme Information, Fairness
2018-057	Amery	TVNZ	Breakfast	Hosts discussed people stealing at supermarket self-service checkouts; allegedly actively promoted theft	Law and Order, Good Taste and Decency
2018-067	Goodchild	SKY	Shimmer and Shine	Children's cartoon featuring arcade games allegedly promoted gambling to children	Children's Interests, Fairness
2018-059	WR	MediaWorks TV	The Project	Segment discussed bystander intervention, using incident between complainant and his child as an example; allegedly inaccurate, unbalanced and unfair	Accuracy, Balance, Fairness
2018-060	Wakelin	TVNZ	1 News	References to separation of families in the US as 'Trump policy' allegedly inaccurate, unbalanced and unfair to Trump administration	Accuracy, Balance, Fairness
2018-058A	Vincent	TVNZ	1 News	News items inaccurately reported number of casualties following protests in Gaza Strip	Accuracy (Action Taken)



DECISION NUMBER	COMPLAINANT	BROADCASTER	PROGRAMME	NATURE OF COMPLAINTS	STANDARDS COMPLAINED UNDER
2018-058B	Vincent	TVNZ	1 News	News items inaccurately reported number of casualties following protests in Gaza Strip	Accuracy (Action Taken)
2018-058C	Vincent	TVNZ	1 News	News items inaccurately reported number of casualties following protests in Gaza Strip	Accuracy (Action Taken)
2018-062	Smith	MediaWorks TV	Promo for Newshub	Promo's claim that 'over 3 million Kiwis [get their news from Newshub]' allegedly inaccurate and misleading	Accuracy
2018-065	Maasland	RNZ	Saturday Morning	Comments by Palestinian writer Dr Ramzy Baroud about Israel-Palestine conflict allegedly unbalanced	Balance
2018-073A	McElroy	TVNZ	Naked Attraction	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Privacy
2018-073B	Hyslop	TVNZ	Naked Attraction	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Discrimination and Denigration
2018-071	Byrne	TVNZ	Promo for Children Who Kill	Promo allegedly disturbing for children and inappropriate for broadcast at 5.30pm	Children's Interests, Violence
2018-070	Haverland	MediaWorks TV	Promo for Body Fixers	Promo allegedly showed man's pubic hair which was rude and unexpected	Good Taste and Decency
2018-077	Hummelstad	MediaWorks TV	Newshub	Presenter's comment about Aussie Rules players and 'short shorts' allegedly offensive and sexist	Good Taste and Decency, Discrimination and Denigration, Balance, Fairness
2018-075	Parlane	MediaWorks Radio	Drive	Discussion about property managers or landlords requesting to see bank statements of prospective tenants, and suggestion that tenants should 'photoshop' bank statements, allegedly encouraged listeners to break the law and discriminatory towards landlords	Balance, Accuracy, Law and Order, Discrimination and Denigration, Good Taste and Decency, Programme Information, Privacy, Fairness
2018-072	Parlane	RNZ	Checkpoint	Checkpoint interview with Matt Lauer allegedly inaccurate and unfairly emphasised alleged misconduct	Accuracy, Fairness, Balance, Good Taste and Decency
2018-069	Walker	MediaWorks Radio	Song, 'Talk Dirty'	Song lyrics allegedly inappropriate for broadcast on The Edge at 4pm when children likely to be listening	Good Taste and Decency, Children's Interests
2018-078	Rose	TVNZ	1 News	Item about proposed removal of benefit reduction sanction allegedly unbalanced and misleading	Accuracy, Balance, Fairness
2018-079	Sarah	TVNZ	Shortland Street	Portrayal of gay characters and depiction of sexuality on Shortland Street allegedly offensive and unethical	Good Taste and Decency, Programme Information, Violence, Law and Order, Discrimination and Denigration, Alcohol, Balance, Accuracy, Fairness
2018-084	Hendry	MediaWorks TV	The Block	Female contestants' reference to new tradie as 'fresh meat' allegedly sexist and discriminatory	Good Taste and Decency, Discrimination and Denigration
2018-086	Paterson	TVNZ	1 News	Reference to 'holiday highway' allegedly politically biased and denigrated people of Northland	Discrimination and Denigration
2018-088	Scott	TVNZ	1 News	Item discussed a rise in threats to DOC and Forest and Bird staff in the wake of anti-1080 protests; allegedly unbalanced	Balance

DECISION NUMBER	COMPLAINANT	BROADCASTER	PROGRAMME	NATURE OF COMPLAINTS	STANDARDS COMPLAINED UNDER
2018-089	Clapham	MediaWorks TV	The Project	Host's joke about wearing headphones while driving so he could not hear the seatbelt warning allegedly trivialised an important road safety issue	Law and Order
2018-076	Avery	NZME Radio	Coast FM	Use of 'the n-word' in Bob Dylan's song 'Hurricane' allegedly offensive and discriminatory	Good Taste and Decency, Discrimination and Denigration
2018-080A	Robinson	NZME Radio	The Leighton Smith Show	Comments implying climate change not 'man made' allegedly inaccurate and required balancing perspective	Balance
2018-080B	Marr	NZME Radio	The Leighton Smith Show	Comments implying climate change not 'man made' allegedly inaccurate and required balancing perspective	Balance, Accuracy, Fairness
2018-082	Roberts	NZME Radio	The Leighton Smith Show	Presenter's comments about reputable news sources such as CNN and BBC allegedly biased	Balance, Accuracy, Fairness
2018-044	FG	Radio Yirsa	Sikh Patshahi	Host made comments about complainant's divorce and personal life, allegedly in breach of privacy	Privacy
2018-081	Friends of the Earth	RNZ	Saturday Morning	Comments by Sir Peter Gluckman about genetic modification allegedly inaccurate and unbalanced	Balance, Accuracy, Fairness
2018-085A	Shierlaw	TVNZ	Sunday	Misleading editing of Sunday interview with Stefan Molyneux	Balance
2018-085B	Grieve	TVNZ	Sunday	Misleading editing of Sunday interview with Stefan Molyneux	Accuracy, Fairness
2018-085C	Chapple	TVNZ	Sunday	Misleading editing of Sunday interview with Stefan Molyneux	Accuracy, Fairness
2018-087	Anson	MediaWorks TV	The Project	Host's criticism of tweet by Judith Collins 'disseminating fake news' allegedly inaccurate	Accuracy
2018-091	Anderson	RNZ	Morning Report	Kim Hill interview with Winston Peters allegedly unbalanced and unfair	Balance, Fairness
2018-093	Bartlett	TVNZ	Breakfast	Minister of Conservation allegedly referred to hunters as 'cunters' during interview about Tahr control	Good Taste and Decency, Discrimination and Denigration
2018-094	Keeley	TVNZ	Seven Sharp	Presenter's use of term 'bloody' inappropriate and unnecessary	Good Taste and Decency
2018-096	Elliott	TVNZ	1 News	1 News item incorrectly reported number of attendees at Black Ferns game	Accuracy
2018-066	Durie and Hall	Māori TV	Te Kāea	Item allegedly created false impression that complainants opposed to public interest defence and lost appeal	Accuracy, Fairness
2018-083	Golden	RNZ	Nine to Noon	Comment made by interviewee as to effectiveness of former Chair of seed business allegedly inaccurate	Accuracy
2018-049A	Libert	TVNZ	Sunday	Hidden camera footage during item about gay conversion therapy breached individuals' privacy	Privacy
2018-049B	Hathaway	TVNZ	Sunday	Hidden camera footage during item about gay conversion therapy breached individuals' privacy	Privacy
2018-049C	McKessar	TVNZ	Sunday	Hidden camera footage during item about gay conversion therapy breached individuals' privacy	Privacy
2018-049D	Jenkins	TVNZ	Sunday	Hidden camera footage during item about gay conversion therapy breached individuals' privacy	Privacy
2018-049E	White	TVNZ	Sunday	Hidden camera footage during item about gay conversion therapy breached individuals' privacy	Privacy



DECISION NUMBER	COMPLAINANT	BROADCASTER	PROGRAMME	NATURE OF COMPLAINTS	STANDARDS COMPLAINED UNDER
2018-049F	Shierlaw	TVNZ	Sunday	Hidden camera footage during item about gay conversion therapy breached individuals' privacy	Privacy
2018-049G	Copeland	TVNZ	Sunday	Hidden camera footage during item about gay conversion therapy breached individuals' privacy	Privacy
2018-064	Chapple	TVNZ	Sunday	Item about gay conversion therapy allegedly unbalanced and inaccurate	Balance, Accuracy
2018-074	Two Complainants	TVNZ	Sunday	Hidden camera footage during item about gay conversion therapy allegedly breached director's privacy, was misleading and unfair	Privacy, Fairness, Accuracy
2018-106	Taylor	TVNZ	Breakfast	Jack Tame's use of term 'rooted' allegedly crude and in poor taste	Good Taste and Decency
2018-095	Ungermuth	SKY	Uncharted with Sam Neill	Statements by host and interviewee about the purpose of missionaries in New Zealand allegedly inaccurate	Accuracy
2018-099A	Tolungamaka	TVNZ	Shortland Street	References to a threesome and same sex encounters allegedly inappropriate for families and young children	Good Taste and Decency, Law and Order
2018-099B	Ngapo	TVNZ	Shortland Street	References to a threesome and same sex encounters allegedly inappropriate for families and young children	Good Taste and Decency
2018-099C	Ngapo	TVNZ	Shortland Street	References to a threesome and same sex encounters allegedly inappropriate for families and young children	Good Taste and Decency
2018-102A	Flutey	MediaWorks TV	The AM Show	Comments by Duncan Garner about 1080 protesters allegedly violent, discriminatory and unfair	Good Taste and Decency, Children's Interests, Violence, Discrimination and Denigration, Accuracy, Fairness
2018-102B	Rzesniowiecki	MediaWorks TV	The AM Show	Comments by Duncan Garner about 1080 protesters allegedly violent, discriminatory and unfair	Good Taste and Decency, Children's Interests, Violence, Law and Order, Discrimination and Denigration, Balance, Accuracy, Privacy, Fairness
2018-102C	XD	MediaWorks TV	The AM Show	Comments by Duncan Garner about 1080 protesters allegedly violent, discriminatory and unfair	Programme Information, Violence, Discrimination and Denigration, Accuracy, Fairness
2018-102D	XD	MediaWorks TV	Newshub	Footage of 1080 protest featuring complainant allegedly unfair	Fairness
2019-001	Kavanagh	MediaWorks Radio	The AM Show	Comparison between testicle examination booth and confessional allegedly offensive and denigrating to Catholics	Good Taste and Decency, Discrimination and Denigration
2019-002	Barnao	MediaWorks TV	7 Days	Panelist's use of phrase 'g'day c***s' allegedly offensive and unacceptable for broadcast	Good Taste and Decency
2018-103	WAVESnz	RNZ	Checkpoint	Interview allegedly contained factually incorrect statements about safety of, and ingredients in, vaccines	Accuracy
2018-104	Singh Bains	Radio Virsa	Dasam Granth Da Sach	Complainant named and religious views discussed during talkshow programme; allegedly in breach of privacy	Privacy
2019-004	Abel	MediaWorks TV	Newshub	Item reporting on Australian commercial featuring depiction of crucifixion allegedly discriminatory	Discrimination and Denigration
2019-007A	Rama	RNZ	Checkpoint	Reference to Leader of Opposition being 'booted' out of Parliament allegedly inaccurate	Accuracy
2019-007B	Rama	RNZ	Morning Report	Reference to Leader of Opposition being 'booted' out of Parliament allegedly inaccurate	Accuracy

DECISION NUMBER	COMPLAINANT	BROADCASTER	PROGRAMME	NATURE OF COMPLAINTS	STANDARDS COMPLAINED UNDER
2019-008	Harvey	MediaWorks TV	The AM Show	Duncan Garner's comment that Don Brash would not come away from Waitangi 'in one piece', allegedly offensive and incited violence	Good Taste and Decency, Violence, Balance, Fairness
2019-011	Tempero	MediaWorks TV	Newshub	Reporters showed disrespect to vulnerable child of 'rowdy tourists' filmed outside court	Children's Interests
2019-012	Truijens	RNZ	The Weekend	Interview with Canadian author featured allegedly offensive and discriminatory language	Good Taste and Decency, Discrimination and Denigration
2019-003	Barclay	RNZ	Morning Report	Interviewee's use of machine gun analogy to describe empty tennis courts allegedly poorly edited and offensive	Good Taste and Decency, Programme Information, Children's Interests, Violence
2019-005	Palmer	TVNZ	1 News	Reference to political process and cost of US border wall with Mexico allegedly inaccurate	Accuracy
2019-006	Loder	NZME Radio	Mike Hosking Breakfast	Interview with Kevin Clements on seizure of semi-automatic weapons allegedly inaccurate and unbalanced	Balance, Accuracy
2019-009	Golden	RNZ	Nights	Host's comments regarding US manned moon landings allegedly inaccurate	Accuracy
2019-014	Hales	TVNZ	Family Guy promo	Montage promo for TVNZ showed Family Guy character exposing pixelated genitals, allegedly offensive and confronting	Good Taste and Decency
2019-016	Finau	TVNZ	Mastermind New Zealand	Two quiz questions regarding NZ's first Labour Day and flag allegedly unbalanced and inaccurate	Accuracy, Balance
2019-015	van der Merwe	MediaWorks TV	Harnas Wildlife Rescue Camp	Wildlife programme described as 'paradise' allegedly featured animals in poor conditions and malnourished, which was misleading	Accuracy

Declined to determine

Under section 11 of the Broadcasting Act 1989, the BSA may decline to determine a complaint if it considers that, a) the complaint is frivolous, vexatious or trivial, or b) in all the circumstances of the complaint, it should not to be determined.

DECISION NUMBER	COMPLAINANT	BROADCASTER	PROGRAMME	NATURE OF COMPLAINT	STANDARDS COMPLAINED UNDER	REASON
2018-035	Golden	TVNZ	1 News	Coverage of criminal trial allegedly misleading as reference to DNA evidence did not take into account the possibility the accused had an identical twin	Accuracy	Section 11(a) frivolous and trivial
2018-063	Lowes	TVNZ	Waka Huia	Interviewee's reference to 'Queen of England' allegedly inaccurate and discriminatory	Accuracy, Discrimination and Denigration	Section 11(a) trivial and vexatious
ID2018-097	Golden	RNZ	The Panel	Panelist should not have been interviewed due to allegedly 'corrupt practices'	Accuracy	Section 11(b) in all the circumstances of the complaint, it should not be determined



BSA jurisdiction considered

Jurisdiction decisions record whether the BSA is able to accept a complaint.

DECISION NUMBER	COMPLAINANT	BROADCASTER	PROGRAMME	NATURE OF COMPLAINT	FINDING	ORDER
ID2018-068	Hurley	MediaWorks TV	YouTube video	Jurisdictional matter considering whether the Authority could accept a complaint concerning a YouTube video which contained clips from a broadcast of The Project	Declined Jurisdiction	No order
ID2018-098	Golden	RNZ	Your Money with Mary Holm	Interlocutory decision considering whether Authority had jurisdiction to accept and consider a complaint about financial advice provided to a listener; complaint did not explicitly or implicitly identify standard breached	Declined Jurisdiction	No order

DIRECTORY

MEMBERS

Judge Bill Hastings (Chair)

Wendy Palmer

Paula Rose *QSO*

Susie Staley *MNZM*

Staff

Belinda Moffat

Chief Executive

Patricia Windle

Legal Manager

Parental leave from November 2018

Helen Cruse

Legal Manager

From November 2018

Catie Murray

Senior Legal Advisor

Jordan Hamel

Legal Advisor

Grace Tong

Graduate Legal Advisor

From November 2018

Hayley Kinsey

Executive Office Manager

Robyn McAllister

Receptionist/Administrator (shared with NZ On Air)

Broadcasting Standards Authority

Te Mana Whanonga Kaipāho

Level 2 | 119 Ghuznee Street
PO Box 9213 | Wellington 6011 | New Zealand

T: (04) 382 9508 | **FREEPHONE:** 0800 366 996

F: (04) 382 9543 | **E:** info@bsa.govt.nz

www.bsa.govt.nz



Broadcasting Standards Authority Te Mana Whanonga Kaipāho

Level 2 | 119 Ghuznee Street
Wellington 6011 | New Zealand

T: (04) 382 9508 | **FREEPHONE:** 0800 366 996
F: (04) 382 9543 | **E:** info@bsa.govt.nz

www.bsa.govt.nz

