

2023

**TE PŪRONGO Ā-TAU**  
**ANNUAL REPORT**

PRESENTED TO THE HOUSE OF REPRESENTATIVES  
UNDER S 150(3) OF THE CROWN ENTITIES ACT 2004

# TE MOEMOEĀ VISION

Freedom in broadcasting without harm.

# TE ARONGA PURPOSE

Our purpose is to prevent harm to New Zealanders, while fairly balancing the broadcasters' right to freedom of expression and reflecting the values of New Zealand's liberal democratic society.

# KO MĀTOU OUR VALUES

In everything we do, we strive to:



## Kia tū motuhake

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

## Be independent

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



## Mahi i runga i te ngākau pono

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

## Act with integrity

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



## Awahi i te rerenga kētanga

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

## Embrace diversity

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



## Ka mahi tahi

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

## Work collaboratively

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



## Kia whakanuia

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

## Earn respect

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



## Kia tū kaha

He pakari, he kakama mātou i mua i te aroaro o tēnei ao hurihuri. He pūkenga, he kaikaha mātou i roto i a mātou mahi.

## Be dynamic

We are resilient and proactive in the face of a changing environment. We are versatile and progressive in our work.

# NGĀ IHIRANGI

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# NGĀ MEMA O TE POARI

## MEMBERS



### **Susie Staley, MNZM – Chair**

Susie Staley is a partner at Staley Cardoza Lawyers in Dunedin and is an experienced director across a broad range of entities. She is currently the Chair of Save the Children NZ, retirement village operator Chatsford Management Ltd and Police Health Plan Ltd and is a Director at Retirement Income Group Limited. Susie has previously been the Chair of Maritime New Zealand and ID Dunedin Fashion Inc and has been a board member of PGG Wrightson, Tower Ltd and Dunedin International Airport.

She was appointed as a Member of the New Zealand Order of Merit in December 2014 for services to governance and business.

*Susie joined the BSA in October 2018.*



### **Tupe Solomon-Tanoa'i**

Tupe Solomon-Tanoa'i is Chief Philanthropic Officer of the Michael and Suzanne Borrin Foundation and a board member of Philanthropy New Zealand. She is a trustee of the Asia New Zealand Foundation and a member of the Trade for All Ministerial Advisory Group. In addition to her professional and governance roles, the Samoan/Fijian Kiwi is the co-founder of Poporazzi Productions – which tells Pacific stories through video content and music.

Tupe was recognised in 2020 as one of the University of Auckland's 40 under 40 and was the winner of the diversity category in the New Zealand Women of Influence Awards. In 2021, she was named as one of New Zealand's most Influential Lawyers by *NZ Lawyer* in the category of Human Rights, Advocacy and Criminal Justice.

*Tupe joined the BSA in December 2021.*



### John Gillespie

John is an Auckland based communications professional. He is the former Head of News and Current Affairs at Television New Zealand. During a long and successful tenure at the state broadcaster he produced a number of award-winning news and current affairs shows. After graduating with a communications degree in Australia he began his career back home in New Zealand as a journalist in regional television.

*John joined the BSA in December 2021.*



### Aroha Beck

Aroha Beck is a Wairarapa-based lawyer and consultant, specialising in public law and regulatory systems. Her career has included senior legal roles at the Ministry for Primary Industries, Department of Internal Affairs, the Real Estate Authority, the Environmental Protection Authority, and Te Ohu Kaimoana. She is also a past member of the New Zealand Press Council (now known as the New Zealand Media Council).

He uri ia nō Tapuika.

*Aroha joined the BSA in May 2022.*

# TE PŪRONGO O TE TIAMANA CHAIR'S REPORT



**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.**

## **A year of change**

This financial year has been one of significant – and positive – change. The year kicked off with our new Code of Broadcasting Standards coming into effect, introducing a streamlined new standards regime which has been positively received over its first year in operation. In September 2022, we welcomed Stacey Wood as our new Chief Executive (bringing a valuable combination of journalism, legal and governance experience to our operations). This year we were also pleased to see significant announcements regarding proposed legislative change which will better respond to the risks in our current environment.

The latter proposals are a sign of transformative change to come. The first proposal would see the BSA administering and monitoring a new fair bargaining framework for news media and digital platforms. The second, the long-awaited Safer Online Services and Media Platforms review, contemplates broader changes to our 30-year-old regulatory regime to better serve the interests of New Zealanders in the modern media environment. Both are necessary responses to changes in the way audiences now consume content if we are to maintain a strong and sustainable New Zealand media sector and appropriately protect New Zealanders from harmful content.

The Authority has focused, and will continue to focus, attention and resource on supporting the progress of such legislative change, offering our expertise to support the development of regulatory regimes best suited to achieving these objectives.



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**While, as forecast, we operated at a deficit, that deficit was approximately 20% of the anticipated level.**

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## Complaints

Complaints numbers have dropped from the highs of recent years to a level more reflective of long-term averages, though many have been highly complex.

COVID-19 related issues ceased to dominate complaints subject matter this year. Instead, the Authority has been called upon to consider issues over a broad range of subject matters. Significant complaints over the year included those addressing the privacy interests of vulnerable individuals; accuracy and balance concerns in reporting regarding particular organisations/events; and allegations of unfair treatment towards those featured in broadcasts.

With gender identity issues assuming greater prominence in media reporting, we also dealt with a range of complaints on this subject. Some involved challenging assessments of whether the value of a broadcast and the right to freedom of expression (including open discourse and expression of views about issues affecting our society) outweighed any potential harm a broadcast may cause to vulnerable groups.

These types of complaints escalated with media coverage of the March 2023 New Zealand visit of Kellie-Jay Keen-Minshull (also known as Posie Parker). In this context, we issued guidance for broadcasters highlighting some of the key matters recognised and determined by the Authority in its decisions on such issues.

## Operations, people and stakeholders

Despite the diversity and complexity of complaints over this period, our team continued to manage complaints efficiently, avoiding the backlog issues of previous years – even through periods when members of our small team were out with COVID-19. I remain grateful for the efforts of the team over the year and committed to ensuring the Authority continues to offer a flexible and supportive workplace where everyone has a voice and is rewarded for good work.

Our financial performance has been stronger than anticipated with levy income remaining higher than budgeted. While, as forecast, we operated at a deficit, that deficit was approximately 20% of the anticipated level. Nevertheless, we have seen signs this year of the challenges broadcasters face in the current environment, such as the closure of MediaWorks' Today FM station and the associated redundancies – demonstrating the ongoing risk to our levy income.

It is also not lost on us that, despite the challenging environment and busy workloads of media organisations today, a number of them have taken time out to work with us on the development of our strategy and the regulatory reform proposals. Working together is the best route to a good outcome and I would like to convey our sincere thanks to those organisations and to our other stakeholders and fellow content regulators that contributed to our work this year.

*Ehara taku toa i te toa takitahi, he toa takitini.*

*My strength is not as an individual, but as a collective.*



**Susie Staley, MNZM**  
Chair



# Ō MĀTOU MAHI HIRAHIRA OUR HIGHLIGHTS

## COMPLAINTS RECEIVED<sup>1</sup>

169

## DECISIONS ISSUED

121

decisions responding to 154 complaints

## UPHELD DECISIONS

7

decisions identifying breaches of standards by broadcasters

## ENQUIRIES ADDRESSED

593

## ORDERS

7

orders made in relation to 4 decisions

## ENGAGEMENT

81

meetings, seminars and workshops with broadcasters and stakeholders engaging on standards and sector issues

## PUBLIC AWARENESS

68%

of people surveyed were aware of the BSA, with 61% aware they can make a formal complaint

## BROADCASTER SATISFACTION

75%

of broadcasters surveyed rated BSA's processes and working relationships as good or very good

## BSA DECISIONS

5 of 5

decisions reviewed by an external expert 'accorded with sound common sense', with none wrongly decided

## BSA PĀNUI

12

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

## MEDIA RELEASES

15

media releases about decisions, insights and research commissioned by the BSA

## WEBSITE

43,000

users visited the BSA website for information on complaints, standards, decisions, news, research and reports

1. 'Complaints received' is the number of complaints referred to the BSA within the year (169). Because of the timeframes under the Broadcasting Act, and the time the BSA takes to make a determination and issue a decision, this figure differs from the number of complaints responded to under 'Decisions issued' (154).

# TŌ MĀTOU HOROPAKI RAUTAKI OUR STRATEGIC CONTEXT

# TŌ MĀTOU HOROPAKI RAUTAKI

## OUR STRATEGIC CONTEXT

**The BSA is an independent Crown entity and quasi-judicial tribunal established by the Broadcasting Act 1989. We provide the public with a free and independent complaints service assessing whether broadcast content has breached standards.**

We are governed by a four-person board, which is supported and advised by our nine staff.

The organisation is committed to reflecting the role Te Tiriti o Waitangi plays in shaping Aotearoa New Zealand. In the past year, we have continued to provide the Board and staff with the opportunity to learn more about issues of racial inequity, New Zealand history, Te Tiriti, te ao Māori and appropriate engagement with Māori, as we worked through the first year of a longer-term plan to increase our cultural capability.

We are also conscious of the changing demographic makeup of our country – and the need to be accessible to, and responsive to the needs of, a much broader diverse community.

Our vision remains freedom of expression without harm. As per our strategic framework in **Figure 1**, we have three main areas of focus to help achieve this: complaints determination, oversight and development of the standards, and engagement and education.

The BSA is independent but operates in a co-regulatory environment, working with broadcasters to ensure the standards are clear and understood.

We continue to operate under a 34-year-old piece of legislation not designed for today's media environment. Audiences, particularly tamariki and rangatahi, access most of their media through new and non-broadcast online platforms to which our regime does not apply. The current environment is challenging for traditional broadcasters – threatening their advertising-based funding models (as well as our levy revenue).

Announcement of the Safer Online Services and Media Platforms review suggests we can look forward to the introduction of a more appropriate modern legislative regime within the next few years. Supporting this outcome will be a top priority in the meantime.

We are also hopeful of seeing progress with the implementation of new legislation which would see the BSA established as the regulator for digital news media bargaining, supporting the sustainability of New Zealand's news media. Supporting development of the new legislation and preparing for its possible implementation will also be key priorities for us over the coming year.

While helping to support and provide advice with regard to both processes, we are also continuing to adapt to fulfil our mandate, operate as effectively and efficiently as possible and reflect New Zealand's diverse broadcasting sector and society.

This is a constant process and involves regular benchmarking and research, ongoing review of our standards and consideration of how we engage with others.

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**While helping to support and provide advice with regard to both processes, we are also continuing to adapt to fulfil our mandate, operate as effectively and efficiently as possible and reflect New Zealand's diverse broadcasting sector and society.**

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# TE ANGA RAUTAKI STRATEGIC FRAMEWORK

Figure 1

Sector vision	Promoting a confident and connected culture	
↑ <b>BSA vision &amp; purpose</b>	<p><b>Our vision</b> is freedom in broadcasting without harm</p> <p><b>Our purpose</b> is to prevent harm to New Zealanders, while fairly balancing the broadcasters' right to freedom of expression and reflecting the values of New Zealand's liberal democratic society</p>	
↑ <b>Overarching outcome/goal</b>	<p><b>What we intend to achieve:</b></p> <p>New Zealanders can confidently engage with broadcast content that does not cause harm</p>	
↑ <b>Impacts over time</b>	<p><b>How we contribute and influence:</b></p> <ul style="list-style-type: none"> <li>• Providing an efficient complaints service which is accessible, agile and modern</li> <li>• Making decisions about complaints that are fair, clear, robust and timely</li> <li>• Ensuring they reflect the culture, attitudes and values of our diverse communities</li> <li>• The standards and decisions are fit for purpose in a changing media environment</li> </ul>	<ul style="list-style-type: none"> <li>• Engaging with and educating broadcasters so that they understand and meet their standards obligations</li> <li>• Engaging with and educating the public so they make informed decisions and safely manage broadcast content in their homes</li> <li>• Work collaboratively on regulatory sector reform which reduces the risk of harm, protects free speech and makes sense to audiences</li> </ul>
↑ <b>Measuring our impact</b>	<p><b>How we measure our influence:</b></p> <ul style="list-style-type: none"> <li>• The public are aware of the broadcasting standards system</li> <li>• Broadcasters and the public understand the standards</li> <li>• Broadcasters and the public have a high level of trust and confidence in the system</li> <li>• The public are aware of and use the tools available to safely manage broadcast content</li> <li>• Broadcaster conduct, practices, policies and/or procedures are improved following the issue of a decision</li> <li>• Our decisions reflect the attitudes and values of our diverse liberal democratic society</li> </ul>	
↑ <b>Activities &amp; services</b>	<p><b>How we deliver:</b></p> <div> <div> <p><b>Oversight and development of the broadcasting standards system</b></p> <p>We oversee the broadcasting standards regime, work with broadcasters and others to set clear broadcasting standards, keep codes under review to reflect the contemporary environment, issue guidance, and undertake research which is relevant to the broadcasting standards regime.</p> </div> <div> <p><b>Complaints determination</b></p> <p>We make determinations on breaches of the Codes of Broadcasting Practice and aim to offer an efficient service and issue robust, soundly reasoned, timely decisions that reflect the boundaries between freedom of expression and harm.</p> </div> <div> <p><b>Engagement and education</b></p> <p>We engage with, and educate, the public and broadcasters so they understand and can use the protections and guidance provided through the broadcasting standards system.</p> </div> </div>	

# TŌ MĀTOU PŪRĀKAU WHATAATURANGA OUR PERFORMANCE STORY

# TŌ MĀTOU PŪRĀKAU WHATAATURANGA OUR PERFORMANCE STORY

In this section we set out our achievements against the objectives in our strategic framework (**Figure 1**) and demonstrate how we have delivered against the impacts we are seeking to achieve through our three core activities: complaints determination, oversight and development of the broadcasting standards system, and engagement and education.

The next section reports on the measures we have set and how we know we are succeeding. The final section sets out our achievements against the performance measures and budget set out in our Statement of Performance Expectations for the period ended 30 June 2023.

# TE WHAKATAUNGA O NGĀ KŌAMUAMU COMPLAINTS DETERMINATION

## Impacts



**An efficient, accessible, fair, agile and modern complaints service**



**Fair, clear, robust and timely decisions on complaints, that reflect the changing media environment, and culture, attitudes and values of our diverse communities**



**Public make informed decisions and safely manage broadcast content in their homes**

Dealing with complaints that broadcasters have breached broadcasting standards is at the heart of our work. Most complaints go to the broadcaster first, and may be referred to the Authority if the complainant is not satisfied with the broadcaster's decision.

We have impact through ensuring our decisions are of a high quality, and are fair, clear, robust and timely, as summarised in our strategic framework (**Figure 1**). Decisions must reflect appropriate boundaries between freedom of expression and harm, in the context of a changing media environment. They serve as a source of guidance to broadcasters and the public about how the standards apply and should reflect the culture, attitudes and values of our diverse communities.

Through our decisions we aim to maintain a high level of trust and confidence in the broadcasting standards system and ensure New Zealanders can safely engage with content.

## Overview

We received 169 formal complaints this year. This represents a drop of 8% as against last year's numbers – bringing us to a level more reflective of long-term averages. Total enquiries, at 593, have dropped more substantially (a 30% drop as against last year's 849). These numbers represent some welcome easing compared to the highs of recent years.

The number of decisions issued (121) was also naturally lower this year. However, the percentage of decisions upheld (at 5.8%) was similar.

With complaints numbers at a more manageable level this year, we have generally operated without a backlog and to target complaints timeframes.

## Complaint themes

News and current affairs remained by far the most complained-about programme genre, with 115 complaints, more than six times the number for second-place radio/talkback.

Complaints about radio/talkback were down slightly on last year (18 versus 25) and complaints about factual programmes were slightly up (13 versus 8). News and current affairs and factual programmes were the only genres for which there were upheld complaints.

Unsurprisingly, given the number of complaints about news, current affairs and factual content, accuracy, balance and fairness were the most-cited standards, reflecting audiences' ongoing focus on reliable and trustworthy content. Consistent with last year, we also saw a relatively large number of discrimination and denigration complaints.

A detailed breakdown is provided in appendices 1 and 2 and the infographics on pages 14-18.



# TIROHANGA WHĀNUI KI NGĀ AMUAMU COMPLAINTS OVERVIEW

## WE DETERMINED

**154** complaints

In 2022, we determined **185 complaints**

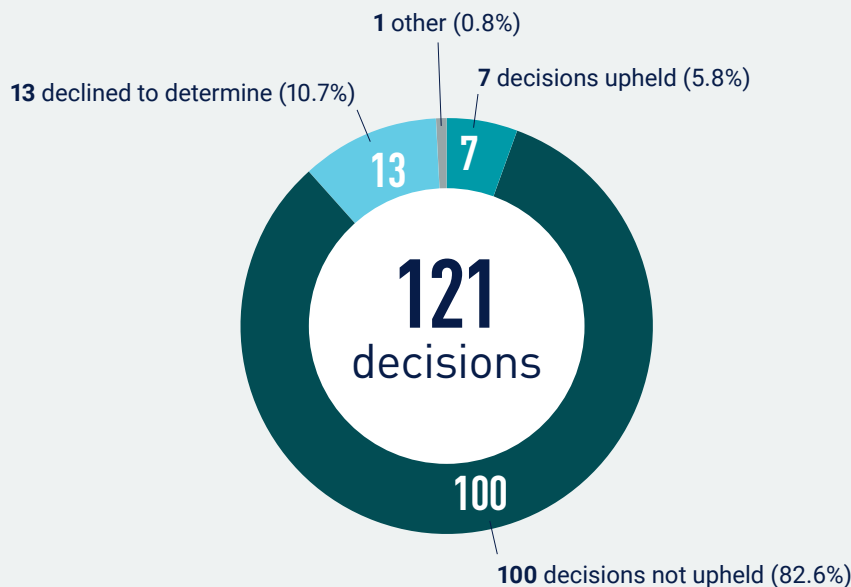
## AND ISSUED

**121** decisions

In 2022, we issued **173 decisions**

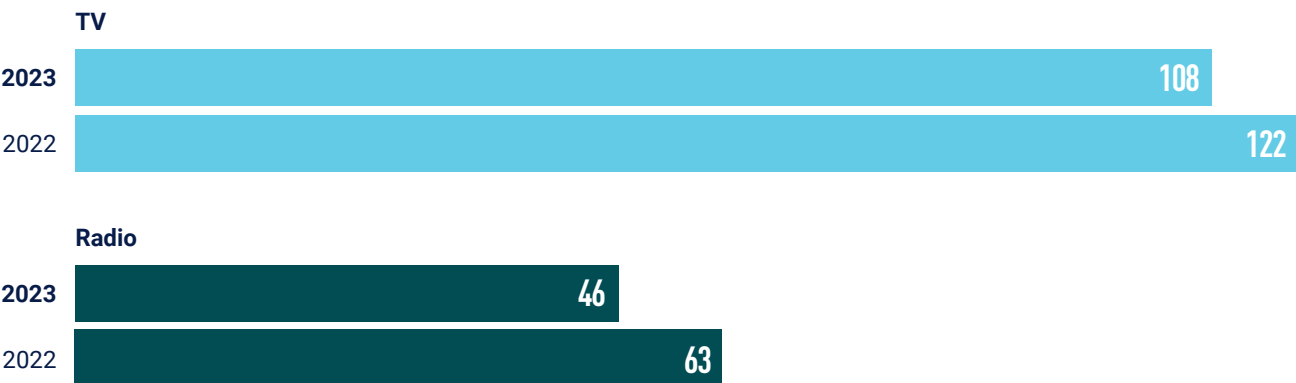
		2023	2022
TOTAL ENQUIRIES	↓ 30%	<b>593</b>	<b>849</b>
FORMAL COMPLAINTS RECEIVED <sup>2</sup>	↓ 9%	<b>169</b>	<b>185</b>
DECISIONS ISSUED	↓ 30%	<b>121</b>	<b>173</b>
COMPLAINTS DETERMINED	↓ 16.8%	<b>154</b>	<b>185</b>

## OVERALL DECISION OUTCOMES



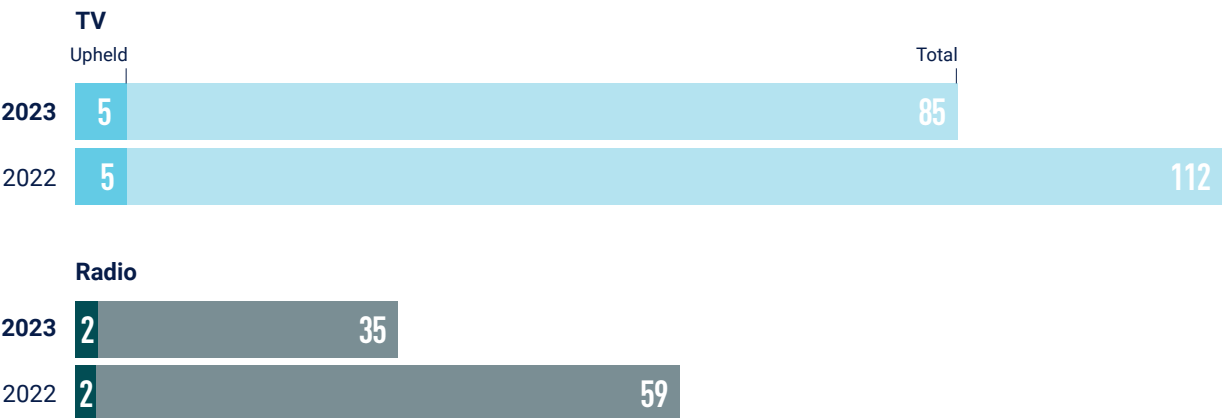
**MOST COMPLAINED ABOUT BROADCASTER TYPE**

*By number of complaints determined in 2022/23*



**COMPLAINT OUTCOME BY BROADCASTER TYPE**

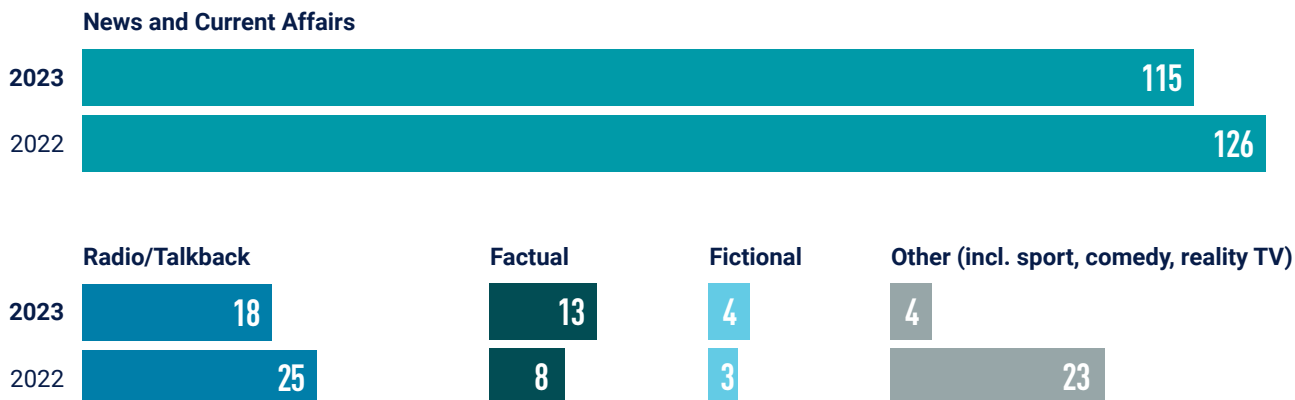
*By number of decisions finding a breach of standards in 2022/23*



2. 'Formal complaints received' is the number of complaints referred to the BSA within the year (169). Because of the timeframes under the Broadcasting Act, and the time the BSA takes to make a determination and issue a decision, this figure differs from the below 'Complaints determined' figure (154)

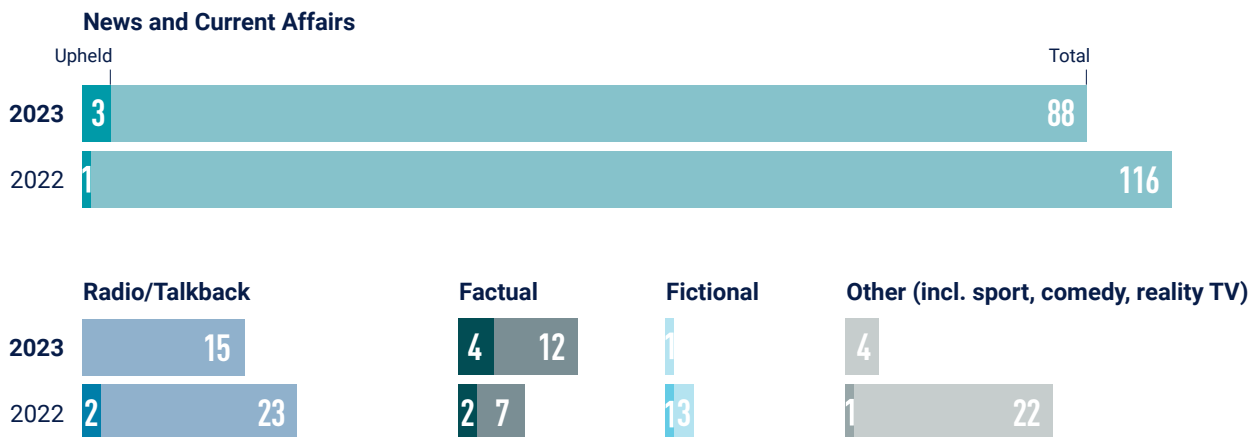
## MOST COMPLAINED ABOUT PROGRAMME GENRE

By number of complaints determined in 2022/23



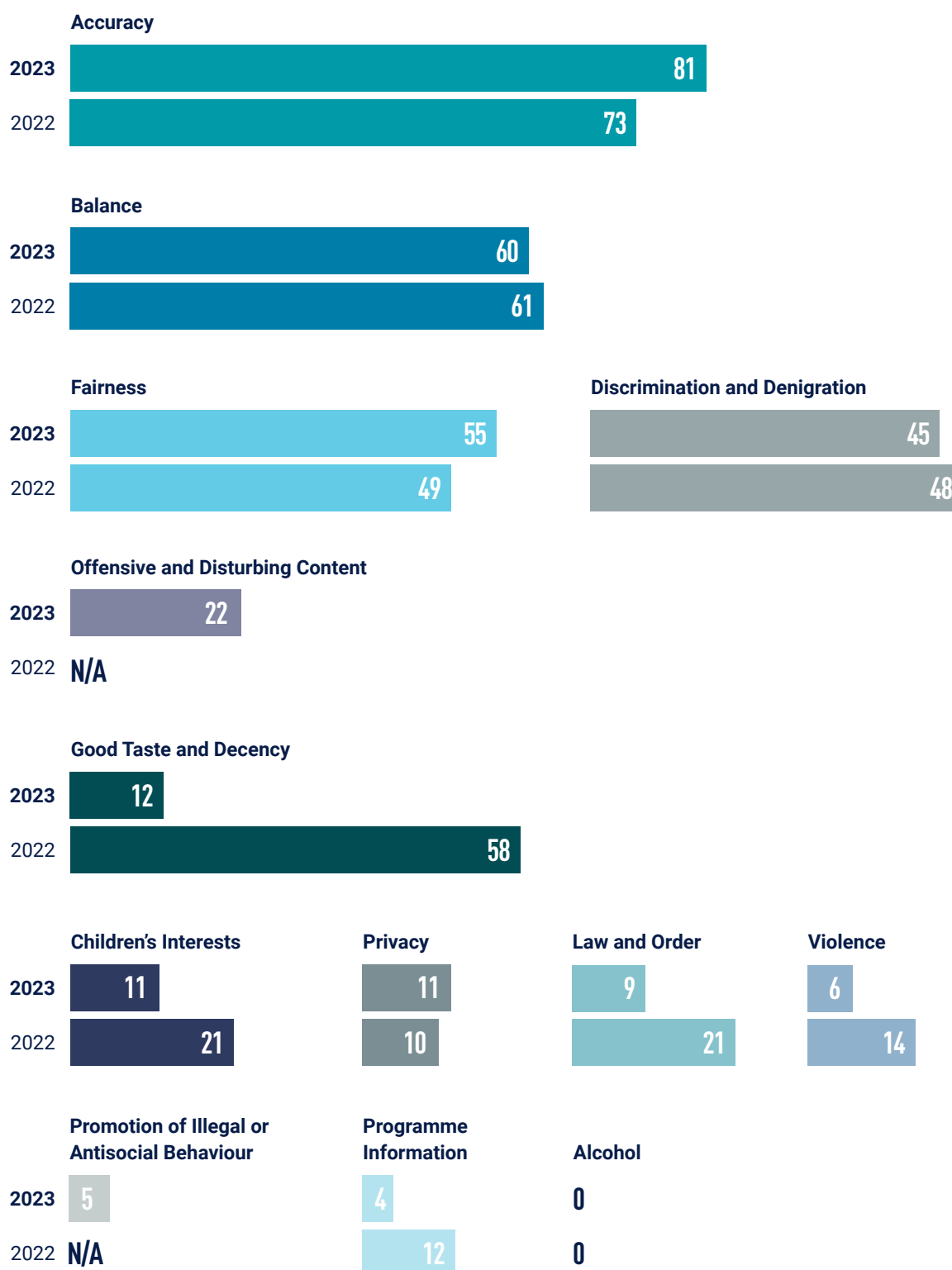
## COMPLAINT OUTCOME BY PROGRAMME GENRE

By number of decisions finding a breach of standards in 2022/23



## MOST COMPLAINED ABOUT STANDARD<sup>3</sup>

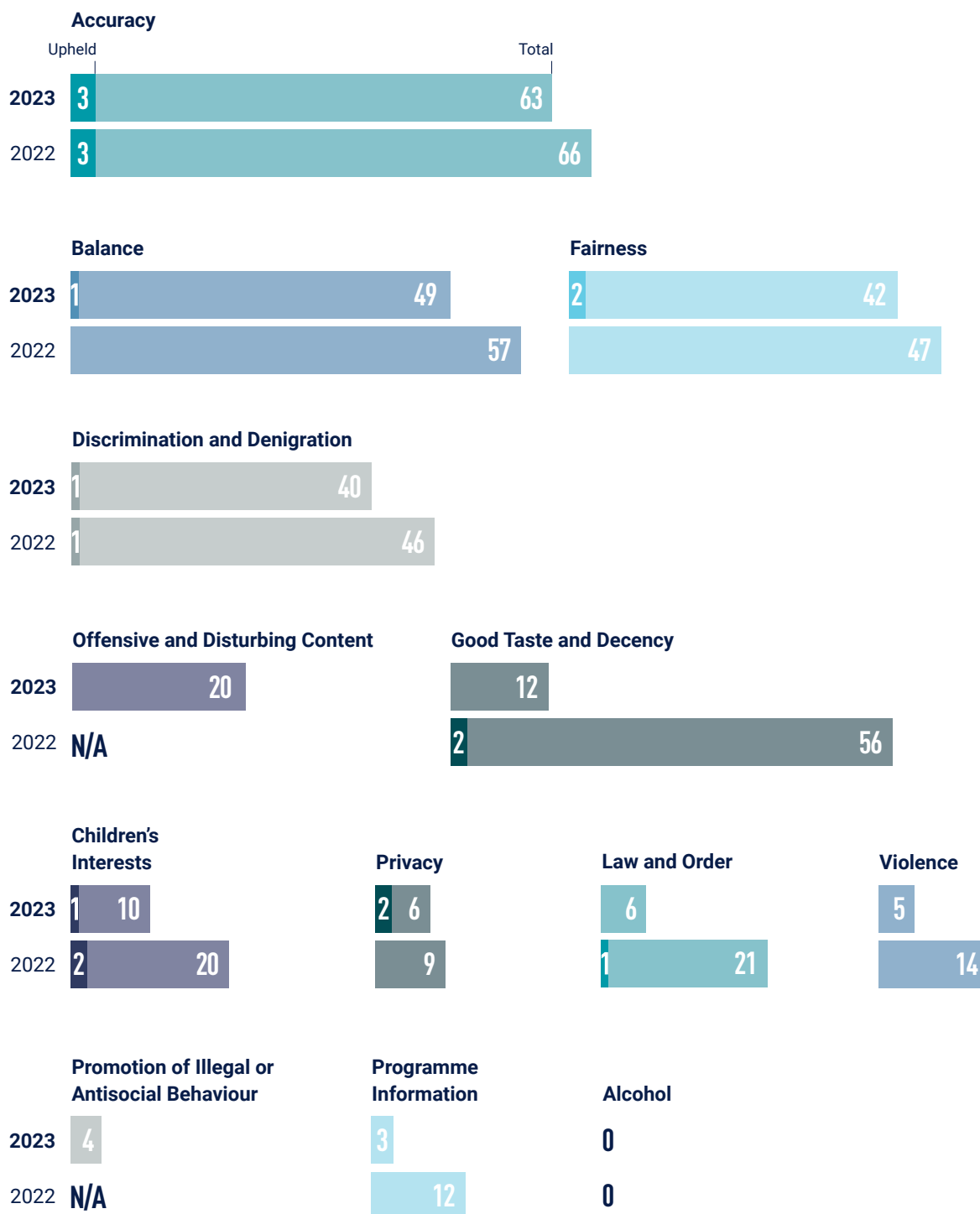
By number of complaints determined in 2022/23



3. Not including election code standards raised. 2022 Codebook came into force on 1 July 2022 with some changes to list of standards. Complaints under standards with the same name in the 2020 and 2022 codebooks have been grouped (eg Accuracy)

## COMPLAINT OUTCOME BY STANDARD<sup>4</sup>

Number of decisions finding a breach of the standard in 2022/23



4. As above

## Decisions reflecting our changing media environment and culture, values and attitudes of diverse communities

In this section we review the complexity of some of the major issues and themes the BSA has tackled this year.

### Gender identity – balancing ‘competing’ rights

In determining complaints, the BSA is tasked with reflecting community standards and balancing the value of the right to freedom of expression against any potential harm. In many cases, the Authority is asked to balance ‘competing rights’. These instances present complexities: any decision will result in a particular group considering their right ‘restricted’. However, rights are not absolute in a free and democratic society, and this is implicitly recognised in section 5 of the Bill of Rights Act 1990.

This year, the Authority encountered this difficulty when determining complaints concerning issues of gender identity. Gender identity refers to a person’s internal sense of their gender. As the Authority noted: ‘A person’s concept of their self may be male, female, a blend of both or neither. Gender identity can be the same as, or different to, the sex assigned at birth.’

Recently increasing media reporting on these issues coincides with several developments, including: 10 years of marriage equality legislation in New Zealand in 2023; a prohibition of conversion practices as of early 2022;<sup>5</sup> implementation of a new self-identification process allowing New Zealanders to amend the gender on their birth certificate more easily (effective from June 2023); and the 2023 census asking about gender, variations of sex characteristics and sexual identity, ensuring that ‘everyone is able to see themselves in – and take part in – the census’.

### Discussions around gender identity can be confronting...

The BSA has encouraged broadcasters to consider the persons affected by comments; harm can be caused regardless of intention. This is particularly the case where the relevant comments may question a person’s right to be recognised as unique and distinguishable from others.

This occurred in one broadcast where the host referred to a non-binary interviewee by their ‘deadname’ (the name given at birth but no longer used upon transitioning) and misgendered them throughout the interview (*Bell and Radio New Zealand Ltd* (2023-016)). While acknowledging the harm in this case, the Authority did not consider it reached the threshold necessary to uphold the complaint. It considered the interviewee handled the interview well, explaining the impact of the comments to the host, who had not been intentionally disrespectful.

In another decision, *Oxley and Radio New Zealand Ltd* (2022-105), the BSA was called upon to consider a challenge to the use of inclusive language. The broadcast reported on trans men and non-binary people missing out on cervical screenings, referring to ‘people with cervixes’. The complainant considered the reference denigrated women and the broadcast was inaccurate as women ‘do not grow to be men’. However, the Authority found the reference was appropriate given the subject of the broadcast, and the complainant’s concerns about the validity of gender identity were peripheral to the story. In any event, the Authority confirmed that some people’s gender identity may differ from their sex assigned at birth, meaning it was accurate to refer to transitions from female to male.

<sup>5</sup> Being practices intended to change or suppress an individual’s sexual orientation, gender identity or gender expression: Conversion Practices Prohibition Legislation Act 2022, s 5

### ...But restriction of the right to freedom of expression requires a high threshold

A significant complaint in this area, challenging the Authority and resulting in a split decision, was *Adam & Crawford and Radio New Zealand Ltd* (2022-067). The subject broadcast was a longform interview between Kim Hill and gender-critical philosopher and academic Dr Kathleen Stock, discussing Dr Stock's perspective on gender identity. It included her views that those who transition from the sexual category they were born into are living 'an immersive fiction' and that self-identification results in exploitation of women.

In determining the complaint (under the discrimination and denigration, balance, and accuracy standards), the BSA outlined the relevant context, noting:

- The importance of freedom of expression and acknowledging, as previous courts have, that the right to freedom of expression may 'best serve its high purpose... when it stirs people to anger'.
- The Authority's role is to reflect community values; it is not a promoter of change to societal values.
- The vulnerability of the trans community, who would potentially be harmed by the broadcast, and the need to recognise them to adhere to both international and cultural obligations (as cultures throughout the Pacific accept gender diversity in ways Western society traditionally does not).

Concerning the discrimination and denigration standard, the BSA set judicial precedent in New Zealand, likely being the first of any New Zealand tribunal or court to find the transgender community a protected section of society for the purposes of applicable discrimination law.

The Authority recognised the broadcast's potential harm, particularly that caused by misgendering of trans people, calls for the different treatment of trans people, and the reliance on (strongly disputed) transphobic stereotypes.

However, by a fine balance, the majority of the Authority found any potential harm did not reach the high threshold justifying restriction of freedom of expression. Hill had challenged the key assumptions and tenor of Dr Stock's comments, and there was benefit in the public knowing about the existence and nature of critical views and perspectives. The public interest was not served by having controversial perspectives aired only in 'echo chambers' to propagate without effective regulation or challenge.

The standard is not intended to prevent the broadcast of genuine expressions of opinion and it is not the Authority's role to stifle debate. Freedom of speech preserves the ability for unpopular ideas and views to be shared and recognises the role of the 'marketplace of ideas' for testing and moderating the debate. The threshold for limitations on that fundamental right is high.

### Fairness – balancing participants' interests with public interest

Balancing competing rights and interests is also a key feature of many decisions under the fairness standard. This year the BSA issued 42 decisions on fairness (on 55 complaints) – making it the third most complained about standard behind accuracy and balance.

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## The challenge is to strike an appropriate balance between individual rights to fair treatment and exercising the right to freedom of expression, to broadcast information in the public interest. The fact only two decisions on fairness (approximately 5%) were upheld shows broadcasters are doing a good job.

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The fairness standard requires broadcasters to deal fairly with any person or organisation taking part or referred to in any broadcast. It ensures participants are dealt with justly and fairly and protected from unwarranted damage.

The challenge is to strike an appropriate balance between individual rights to fair treatment and exercising the right to freedom of expression, to broadcast information in the public interest. The fact only two decisions on fairness (approximately 5%) were upheld shows broadcasters are doing a good job.

However, in a significant decision – one of the most complex considered – the Authority found ‘appropriate balance had not been struck’ (*Seven Complainants and Radio New Zealand Ltd* (2021-090)). It upheld aspects of seven complaints under the fairness and privacy standards about RNZ broadcasts that included material stolen from the former Waikato District Health Board (WDHB) and released by hackers on the dark web. The broadcasts were about a child under the care of Oranga Tamariki, who was effectively ‘living’ in a WDHB hospital because Oranga Tamariki was unable to find them a placement. Oranga Tamariki, WDHB, the Privacy Commissioner and four others made complaints.

BSA decisions consistently recognise the vital role media play in casting light on matters relating to government, public administration, and the conduct of organisations significantly affecting members of the public – in this case, the scrutiny of alleged failures regarding the care of children. However, the broadcast of private information regarding the sensitive circumstances of a vulnerable child, obtained in a manner which clearly indicated its confidential nature, meant the potential harm to the child’s (and their family’s) privacy and right to fair treatment outweighed the public interest and justified

placing a reasonable limit on the broadcaster’s freedom of expression. The BSA also took the unique step of only publishing a summary of the decision, to further protect those involved.

### What is ‘fair’ depends on the circumstances

The Authority also found in that case, given the impact of the broadcast on the child and family members, RNZ’s efforts to contact family for comment were not sufficient. By contrast, it was satisfied that the WDHB – a public-facing organisation with its own communications department and access to legal advice – was given a reasonable opportunity to comment.

It is a core principle of fairness that programme participants should be given a ‘fair and reasonable opportunity to comment’ prior to a broadcast that may adversely affect them or give an ‘unfairly negative impression’. What is ‘fair’ depends on the nature of the programme and the context, including the public significance.

It also depends on the nature of the individual or organisation featured – it is well-established that the threshold for finding unfairness is higher for an organisation familiar with dealing with the media, than for an ordinary person with little or no media experience.

Applying these considerations, the BSA did not uphold a complaint from Kāinga Ora that it was not given a reasonable opportunity to comment on RNZ items discussing complaints about Kāinga Ora tenants forcing people to leave their homes (*Kāinga Ora and Radio New Zealand Ltd* (2023-007)). Noting the high public interest in the ongoing story (which Kāinga Ora was clearly aware of), that Kāinga Ora is a large government agency with significant media experience, and that it should have been able to provide at least a high-level response, the Authority was satisfied there was no unfairness.

The BSA also found no breach in a radio interview with Sue Grey, lawyer for the parents of a baby whose urgent heart surgery had been delayed because of their concerns regarding COVID-vaccinated blood (*Watkins & Yardley and Radio New Zealand Ltd* (2022-142)). The Authority found it did not go beyond the level of robust scrutiny that could reasonably be expected in an interview with Grey on this subject, especially as Grey was making claims contrary to public health advice.

By contrast, another interviewee's youth and potential vulnerability were key factors contributing to unfairness in *Newton-Wade & Wilson and NZME Radio Ltd* (2022-116). The 16-year-old climate activist admitted during an interview that she had recently flown to Fiji, despite one of her group's demands being a ban on 'unnecessary air travel' – and the host hysterically laughed at and teased the interviewee. The broadcaster accepted the segment breached the fairness standard, and the BSA agreed, noting:

'Despite the interviewee's role as a climate activist, which meant she necessarily put herself in the public eye and sought publicity to an extent, given her youth she was nevertheless likely to be more vulnerable and less experienced with dealing with this type of interview and strong critique...The interview went further than simply critiquing and questioning [the group's] policies and the interviewee's alleged hypocrisy, and instead amounted to ridicule of the interviewee, which was unfair.'

However, the Authority concluded the action taken by the broadcaster – including upholding the complaints, and apologies from the broadcaster and the host – was sufficient.

### A Fair Go – or not?

The second upheld decision this year concerned a *Fair Go* item discussing issues with a house built by the complainant's company (*Morrison & New Homes Direct Ltd and Television New Zealand Ltd* (2021-150)). The BSA found the complainants were portrayed unfairly and their views were not fairly reflected, notwithstanding the public interest, stating:

'We are conscious the *Fair Go* series, and its investigations into various consumer issues, is of public interest and carries high value. However, where a person or organisation referred to in a broadcast might be adversely affected, their comments must be fairly depicted. In this case, we consider that the broadcaster has not met its obligations.'

Factors influencing the decision included:

- A collection of inaccuracies, and the comments selected, contributed to a narrative that was unfairly negative – eg suggesting the complainant deliberately delayed the build to make more money.
- The company's positive contributions to the build (including absorbing significant cost overruns) were not reflected.
- Edited excerpts of conversations did not fairly reflect the tenor of the overall views expressed by the complainant or the events.
- The programme was likely to have caused unwarranted harm to the complainants' reputations – indeed, the company said clients used it as an excuse not to pay.

The BSA ordered TVNZ to broadcast a statement on air and online, and to pay \$2,000 legal costs plus disbursements to the complainant, and \$1,000 costs to the Crown.

### Complaints regarding the reporting of overseas social and political issues

Almost 75% of the complaints determined this year concerned news and current affairs programmes. Many of these evidenced the public's interest in overseas events and concerns about the reporting of those events.

The following international events, in particular, inspired polarised opinions (both internationally and within New Zealand) and multiple broadcasting standards complaints:

- the overturning of *Roe v Wade* in the United States (complaints alleged (i) relevant broadcasts were unbalanced for only containing pro-choice perspectives – *Watkins and Radio New Zealand Ltd* (2022-091); *Right to Life New Zealand Inc & Kavanagh and Television New Zealand Ltd* (2023-001); *Boom and Television New Zealand Ltd* (2022-059); and (ii) it was inaccurate to state that prior to the overturning of *Roe v Wade*, abortion was a constitutional right – *Carter and Television New Zealand Ltd* (2022-089))
- the Russian invasion of Ukraine (complaints alleged broadcasts were unbalanced and unfair toward Russia – *Wakeman and Television New Zealand Ltd* (2022-057); *Johnson and NZME Radio Ltd* (2022-125); *Wakeman and Television New Zealand Ltd* (2023-005); *McArthur and Television New Zealand Ltd* (2023-004))

- conflict in Israel and Palestine (complaints alleged broadcasts (i) were misleading as to whether events occurred in Israel or occupied territories – *Wellington Palestine Group and Television New Zealand Ltd* (2022-083); *Wellington Palestine Group and Discovery NZ Ltd* (2022-082); and (ii) lacked a Palestinian perspective – *Ireland and Radio New Zealand Ltd* (2023-003))
- the Johnny Depp and Amber Heard defamation trial (complaints alleged relevant broadcasts (i) discriminated against men – *Gebbie and Discovery NZ Ltd* (2022-073); and (ii) were unbalanced and inaccurate by not providing Depp's perspective – *Bancilhon and Television New Zealand Ltd* (2022-094))
- gun violence in the US (complaints alleged broadcasts breached multiple standards through (i) coverage of stories on US shootings and their aftermath *Millar and Television New Zealand Ltd* (2022-060); *Chapman and Television New Zealand Ltd* (2022-108); and (ii) depicting hosts shooting a Donald Trump doll with a salt gun designed for flies (eg *Jones, Seale & Daldry and Television New Zealand Ltd* (2023-017)).

Complaints regarding international events tended to focus on concerns of balance and accuracy in reporting, but also touched on other standards including offensive and disturbing content, fairness, and discrimination and denigration.

Complaints under the balance standard raised interesting questions for the Authority regarding how New Zealand audiences are impacted by international issues. This is because the requirement for 'balance' in news, current affairs and factual programmes is only engaged where broadcasts 'discuss' a 'controversial issue of public importance'. An issue of public importance is further defined as 'something that would have a significant potential impact on, or be of concern to, New Zealanders'.

The Authority found the overturning of *Roe v Wade*, the Russian invasion of Ukraine and the Palestine and Israel conflict all amounted to controversial issues of public importance in New Zealand, triggering the balance standard. The Johnny Depp and Amber Heard dispute was considered 'of interest' to some New Zealanders, but unlikely to have a 'significant potential impact on, or be of concern to' New Zealanders and therefore the balance standard did not apply (*Bancilhon and Television New Zealand Ltd* (2022-094)).

Even where the balance standard applied, none of the complaints were upheld. Reasons for this included the broadcasts being brief, straightforward news reports, where the topics in question were not 'discussed' for the purpose of the standard (*Boom and Television New Zealand Ltd* (2022-059); *Ireland and Radio New Zealand Ltd* (2023-003); *Chapman and Television New Zealand Ltd* (2022-108)). In others, the Authority found relevant balancing perspectives were included (*Watkins and Radio New Zealand Ltd* (2022-091); *Wakeman and Television New Zealand Ltd* (2022-057); *McArthur and Television New Zealand Ltd* (2023-004)) or the broadcast approached the topic from a particular perspective so viewers would not have expected to be presented with alternative views (*Right to Life New Zealand Inc & Kavanagh and Television New Zealand Ltd* (2023-001)).

Ultimately, the decisions reflect the fact that complaints under the balance standard are rarely upheld. This is particularly the case with complaints focused on high-profile events. This is because the standard's requirement to present significant points of view is likely to be reduced, or in some cases negated where the audience could reasonably be expected to be aware of views expressed in other media coverage. With events of this nature, coverage is usually extensive, both in traditional media and online. Audiences are therefore likely to be aware of the existence and nature of alternative perspectives and unlikely to be misled by their omission.

## External review of decisions – ‘Section 11’ power to decline to determine

For this year’s external review, the BSA invited media law expert Emeritus Professor John Burrows to independently review five decisions involving the power under section 11 of the Broadcasting Act 1989 to decline to determine a complaint. The objective was to assess whether the Authority’s reasoning process and/or application of this power was appropriate and reasonable.

This would provide feedback to the BSA, so it can consider any areas for improvement in the delivery of its functions, or its application of the power.

Overall, Prof Burrows found the Authority ‘performs a very difficult task very successfully’. He considered each reviewed decision ‘accords with sound common sense’ and none were wrongly decided.

Other general feedback included:

- Different purposes are served by decline-to-determine powers under section 11(a), relating to frivolous, vexatious or trivial complaints, and s11(b), those where ‘in all the circumstances of the complaint, it should not be determined by the Authority’:
  - S11(a) is a necessary power to reject investigation of complaints which would be a waste of the Authority’s time.
  - S11(b) can serve numerous purposes, including to decline to determine complaints:
    - that raise no issues of broadcasting standards
    - whose substance the Authority does not need to determine at the time because the matter can be decided on other grounds
    - involving issues the BSA has already determined in previous cases.
- A ‘decline to determine’ is a decision which is made public and, like other decisions, can be appealed to the High Court. Reasons are expected to be given, though these can be very brief.
- Approval of the Authority’s departure from normal processes of requesting the broadcast or submissions from the broadcaster in certain complaints. The truncation saves resources while ensuring justice is done for all parties.

We will take the review feedback into account in future decisions.

To see the specific deliverables and targets relevant to this activity, refer to ‘Output: Complaints Determination’ on page 45.

# TE WHAKAHAERE ME TE WHANAKETANGA O TE PŪNAHA WHANONGA PĀPĀHO OVERSIGHT AND DEVELOPMENT OF THE BROADCASTING STANDARDS SYSTEM

## Impacts



**Broadcasting standards are fit for purpose in the modern media environment**



**Broadcasters understand and meet their standards obligations**



**Public make informed decisions, safely manage broadcast content at home and can access the complaints system**



**Regulatory sector reform reduces risks of harm, protects free speech and makes sense to audiences**

We oversee the standards regime, work with broadcasters and others to set clear broadcasting standards and review codes so they reflect the modern media environment to which they apply.

We undertake research and, where appropriate, provide resources to support broadcasters to understand their obligations. We work co-operatively and openly with other regulators and provide advice to policy officials on reform issues.

Our research enables us to understand the changing attitudes and expectations of our diverse community, so these can be reflected in our decisions and the standards. Our research also assesses public awareness of the BSA, the standards and complaints system so that we can ensure the public are aware of their rights in this area.

This year was the first year of operation for our new streamlined Code of Broadcasting Standards – a single code for pay TV, free-to-air TV and radio. Monitoring over the year, and through our regular broadcaster satisfaction survey, shows it has been positively received.

With the new Code now in place, we have focused on delivering guidance materials to assist broadcasters and the public to understand the standards regime. Accordingly, in response to an increasing number of complaints concerning gender identity issues, we released guidance bringing together the Authority's various findings on these issues (see case study on page 29).

We also expanded our 'complaints unlikely to succeed' guidance to encompass additional issues surrounding discrimination and denigration complaints and – given the pending general election – topics relevant to election coverage (see case study on page 31).

This year's public awareness survey demonstrated a continuing long-term decline in awareness of the complaints process. We anticipate these results are attributable to the ongoing public shift from TV and radio – which fall within the broadcasting standards regime – towards other platforms such as Netflix and YouTube. This trend highlights the importance of regulatory reform to bring online platforms within an appropriate regulatory regime.

Regulatory reform projects, including the Safer Online Services and Media Platforms review and the proposed introduction of a new fair bargaining framework for news media and digital platforms, have also been a key focus. The year has seen us working with broadcasters, fellow content regulators and officials from the Department of Internal Affairs (DIA) and Ministry for Culture and Heritage (MCH) with a view to ensuring both legislative reform projects are developed in a manner which will best address the needs of the industry and public (see case study on page 26).



### Case study: Playing an active part in the regulatory reform process

One of our goals is to be an agent for change in relation to the regulatory sector. We have always considered this best achieved through working collaboratively with others. We have applied this approach in addressing both key legislative review projects underway over the year (the proposed introduction of a fair bargaining framework for news media and digital platforms and the Safer Online Services and Media Platforms review).

To ensure we were well briefed and could contribute effectively:

- officials leading relevant projects have met with our Board; and
- in October 2022, our Chief Executive Stacey Wood joined Internal Affairs Minister Hon Jan Tinetti, other content regulators and officials in meetings overseas to learn from other government agencies and NGOs about developments in the content regulation and online harm minimisation spheres.

We have provided written advice and submissions in relation to these projects to the DIA and MCH and had regular catch ups with relevant officials. We also delivered a workshop for the DIA team regarding the constraints of the current broadcasting system/legislation.

We established a media working group on which we can test proposals around the proposed fair bargaining framework and were able to ensure initial feedback from this group was reflected as proposed legislation was developed.

Finally, we attended the public launch of the Safer Online Services and Media Platforms review, speaking to the BSA's support for the review and the issues it would address.

We believe our experience and approach has offered valuable contributions as both projects have developed.



Public awareness survey

Every two years, the BSA commissions a survey measuring the percentage of New Zealanders aware of the BSA and aware they can make a formal complaint. We also include questions to measure public awareness of tools available to block content (eg filtering technology).

Key findings from the 2023 survey include:

68%

of those surveyed are aware of the BSA.

61%

are aware they can make a formal complaint.

91%

of New Zealanders either know for sure or assume they can make a formal complaint if concerned about the content of a programme on radio or television.

- Pacific Peoples and Asian people are significantly less likely to be aware of the ability to make a formal complaint, while Māori, Pacific Peoples and Asian people are significantly less aware of the BSA, compared with the wider population.
- However, awareness of the ability to find out about the complaint process is higher among Māori and Pacific Peoples than for the total population.
- Most of those aware of the BSA have a good general understanding of its role.
- Unprompted, 29% are aware of ways to restrict or block access on television.

- Awareness of filtering technologies in particular is higher for online platforms (and pay TV) than for free-to-air TV. Respondents with dependent children are more aware of, and more likely to personally use, these technologies.
- We anticipate the long-term decline in awareness of the complaints process and the BSA is attributable to the continuing public shift from TV and radio towards other platforms (eg Netflix, YouTube).

The Authority will use the findings to inform its ongoing education and engagement work, and work with broadcasters, to ensure audiences are aware of the BSA, can access the complaints system, and know how to use filtering technology if they choose to.



## Broadcaster satisfaction survey

An effective co-regulatory framework calls for professional and constructive relationships with broadcasters. In meeting our responsibility to determine complaints referred to us, while also supporting broadcasters in meeting their obligations, we strive to strike an appropriate balance. Our broadcaster satisfaction survey helps us understand how broadcasters find our processes, services and working relationships.

In this year's survey, ratings of all aspects of interactions with the BSA remained positive albeit there were reductions from previous years.

**Our 2022/23 survey of broadcasters found that:**

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**78%**

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

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**3/5**

who had a complaint determined in the past year rated the process good or the same as last year. One rated it better.

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At least

**80%**

rated general information received from the BSA highly.

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**57%**

of respondents consider the new Broadcasting Code is better or much better than previous codes; only 4% consider it worse.

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Based on feedback, we will focus on communicating well around decision timetabling, consulting over research topics, meeting broadcaster training needs, and encouraging broadcasters to voice any concerns then resolving these quickly.

## Case study: Guidance on gender identity issues

In response to the growing number of complaints concerning gender identity issues, the Authority issued guidance to assist in determining how broadcasting standards apply to these issues.

Drawing upon findings and commentary in relevant BSA decisions, the guidance acknowledges the right to freedom of speech as well as the need to balance this against the right of vulnerable communities such as gender minorities to be free from discrimination.

The guidance covers:

- discrimination and denigration as it relates to trans people
- misgendering and deadnaming
- inclusive language
- complaints relying on transphobic stereotypes.

It acknowledges trans and non-binary people are vulnerable to harm by being referred to with a name or pronoun that does not accurately reflect their gender (and that this is

inconsistent with national, and international, obligations surrounding the right to be recognised).

The guidance encourages broadcasters to stay alert to audiences' changing expectations of language used to reduce the potential for harm. It also comments on the impact of common transphobic stereotypes as well as on the 'strongly disputed' evidential foundation for such views.

Broadcasters are able to use such guidance to succinctly and efficiently deal with complaints raising similar issues. Evidence of the timely and relevant nature of this guidance was apparent in the considerable degree of media and public attention it attracted on release, sparking discussion regarding these increasingly common issues.

It was also evident in the fact that only two weeks after publication, it was relied on by a broadcaster in submissions on a relevant complaint to briefly dismiss arguments relying on harmful transphobic stereotypes and points which had the effect of questioning the existence of our trans and non-binary communities.



Broadcasting standards workshop with the Pacific Media Network

### Case study: Application of the discrimination and denigration standard

One reason the BSA publishes its decisions online is to provide guidance and direction for broadcasters and complainants. This guidance can help broadcasters to resolve complaints efficiently, in the early stages of the complaints process.

Over recent years, we have seen a continued influx of discrimination and denigration complaints (45 this year). As the public are often unaware of how the standard is applied, it is helpful when broadcasters can point complainants to decisions which explain the relevant threshold and approach in similar contexts.

This year, for example, we received a number of complaints alleging discrimination against white males. In the first, *Thomas and Radio New Zealand Ltd* (2022-063), the Authority did not uphold a complaint that the phrase ‘pale, male and stale’ breached the discrimination and denigration standard. It noted comments will not breach the standard simply because

they are critical of another group, offend people, or are rude. In a context where the comments were made in discussing a matter of significant public interest (a lack of diversity in local government), the decision also emphasised the importance of freedom of expression in discrimination and denigration assessments – meaning a high level of condemnation, often with an element of malice or nastiness, will usually be necessary to find a breach.

Later in the year, similar discrimination complaints were made about the statement ‘you can’t have two white guys from Wellington at the top in this day and age’ (*Samson and Discovery NZ Ltd* (2023-010)). This comment was also made in the context of considering diversity in politics (after the appointment of Hon Carmel Sepuloni as Deputy Prime Minister). In its submissions, the broadcaster relied on the precedent set in *Thomas and Radio New Zealand Ltd* (2022-063). This led to one complainant withdrawing their complaint (simplifying the process for the broadcaster).



Team members host a study delegation from the Korea Media Rating Board

### Case study: Complaints unlikely to be upheld

In 2021, we published the *Complaints that are unlikely to succeed* guide on our website (in English, te reo Māori, and several other languages). This year, we made additions to the guide to cover complaints concerning:

- *Balance standard (coverage of politicians)*: Noting the choice by broadcasters to include or exclude particular politicians or election candidates in pre-election debates, interviews, or other coverage is not in itself a breach of broadcasting standards.
- *Discrimination and denigration standard (broad non-homogenous groups)*: Clarifying that complaints under this standard must relate to a particular section of the community defined by reference to the group's shared sex, sexual orientation, race, age, disability, occupational status or legitimate expression of religion, culture or political belief. The standard is not applicable to broad, non-homogenous groups such as people who 'aren't Māori', people who oppose vaccines or other COVID-19 measures, or those participating in particular sports or hobbies.

We also clarified that, while broadcasters are not expected to respond formally to complaints objecting to the use of te reo Māori, a formal response is still required for the other categories covered. This was because we had seen the guidance being mistakenly interpreted on this point.

The *Complaints that are unlikely to succeed* guide was developed at the request of broadcasters, and one of the aims was to provide a resource for broadcasters to facilitate early resolution of complaints. The updates were made to cover additional commonly arising complaints, anticipate issues likely to arise during the pending general election (as we know issues around the engagement with candidates are front of mind for broadcasters), and to ensure broadcasters properly respond to formal complaints, even if they are unlikely to succeed. This guide, which is regularly referenced by broadcasters when dismissing complaints, is accordingly positioned to facilitate further efficiencies for, and observance of proper process by, broadcasters.



# NGĀ MAHI PĀHEKOHEKO

## EDUCATION AND ENGAGEMENT

### Impacts



**An efficient, accessible, agile and modern complaints service**



**Broadcasters understand and meet their standards obligations**



**Public make informed decisions and safely manage broadcast content in their homes**

We work to ensure the broadcasting standards system is effective for all New Zealanders by engaging with and educating broadcasters and the public on the standards and how they apply.

To raise awareness of the Authority, standards and the complaints system we undertake activities using multiple channels, including our website, *BSA Pānui*, social media, media releases, translated materials, research, seminars, our partners and public consultation processes.

Our aim is that people from different cultures and backgrounds can access the broadcasting standards system and benefit from our vision of free speech without harm.

We continue to focus on reaching a wider range of New Zealanders, while acknowledging this is challenging given diverse and changing audience habits and our small scale. We have continued to build on the previous year's work to make our services accessible to diverse communities via closer engagement and the provision of key resources in other languages.

Highlights in the past year include:

- Focusing communication on important BSA guidance on subjects such as gender identity issues, election coverage and discrimination and denigration.

- Collaborating with organisations such as Citizens Advice Bureau, Consumer NZ, Ministry for Ethnic Communities, Pacific Lawyers' Association, Advertising Standards Authority, Save The Children NZ, and Community Access Media Alliance to make the complaints system and our multilingual resources accessible to diverse audiences, including people not online.
- A campaign highlighting public concerns about misinformation and the need for reform of content regulation to address issues with online content.
- Promoting awareness of the free, independent complaints service available in relation to election-related content, and collaborating with other complaints agencies to ensure the service is fair and accessible.
- Communicating with and educating broadcasters and audiences to ensure a smooth transition to the new broadcasting Codebook.
- Sharing and explaining key research, such as our external review of decisions and broadcaster satisfaction survey.
- Continuing to add new and updated resources in te reo Māori.
- Continuing to ensure simple language across our website and adding multilingual translations of key resources, including the new broadcasting Codebook and updated Election Programmes Code.
- Activities to raise awareness of tools parents/caregivers can use to prevent children straying into inappropriate viewing, particularly during holiday periods.
- 12 editions of our *BSA Pānui* and 15 media releases.
- 81 meetings, seminars and workshops with broadcasters, broadcasting students, stakeholders, officials, community groups and others providing information, insights and guidance on the standards system – including dedicated training sessions for the iwi radio network, access media network and Pacific Media Network.
- Engaging with broadcasters/media organisations, other regulators and government officials over the review of media content regulation and the BSA's proposed role in a digital bargaining framework.

### Case study: Communication of decisions/standards guidance

One of our measures of success is that we effectively communicate information that provides guidance on the application of standards. We aim to achieve this by reaching a range of stakeholders, broadcasters and audience groups via targeted communications channels.

This year we communicated a decision in which the Authority made a landmark acknowledgement of transgender rights. This decision (*Adam & Crawford and Radio New Zealand Ltd* (2022-067)), related to a broadcast discussing gender-critical philosopher Dr Kathleen Stock's perspective on gender identity.

The Authority ultimately found the importance of freedom of expression outweighed the potential harm caused to trans people. However, in a first for a BSA decision and likely any New Zealand court, it found transgender people to be a 'section of the community' to which the discrimination and denigration standard can be applied.

We made use of all the BSA's major channels to communicate this decision and its subsequent inclusion in wider BSA guidance on coverage of gender identity issues. These included media releases issued to diverse media, Twitter and LinkedIn posts, Pānui to stakeholders, and an email to all broadcasters. All communications provided links enabling people to see the full decision and guidance on our website.

As a result, the landmark finding/guidance generated wide discussion and coverage in national broadcast, online and print media, including Māori media, and in online forums. The wider guidance attracted supportive comments from representatives of groups such as the Human Rights Commission and the Free Speech Union.



BSA guest lecture to AUT media law students

Refer to the 'Output: Education and Engagement' section on page 50 to see the specific deliverables and targets relevant to this activity.

# TE TĀTARI I TŌ TĀTAU WHAI KIKO

## MEASURING OUR IMPACT

To assess our impact over time we have identified six measures. These give an indication of how effectively and efficiently the broadcasting system is working, and whether we are achieving our aim of preventing harm while fairly balancing broadcasters' right to freedom of expression and reflecting the values of New Zealand's liberal democratic society.

### Impact 1:

#### The public are aware of the broadcasting standards system

- Some 68% of New Zealanders are aware of the BSA, and 61% aware they can make a formal complaint, according to this year's public awareness survey. These figures remain high relative to the proportion of the population consuming traditional broadcast content, with TV's daily reach now at 56%, down from 73% in the five years to 2021, and radio at 47%, down from 59%, according to latest published data from NZ on Air.
- We issued 15 media releases and 12 Pānui newsletters promoting awareness of the standards system and access to it.
- Around 43,000 users visited the BSA website for information on complaints, standards, decisions, news, research and reports – a similar volume to the last two years.

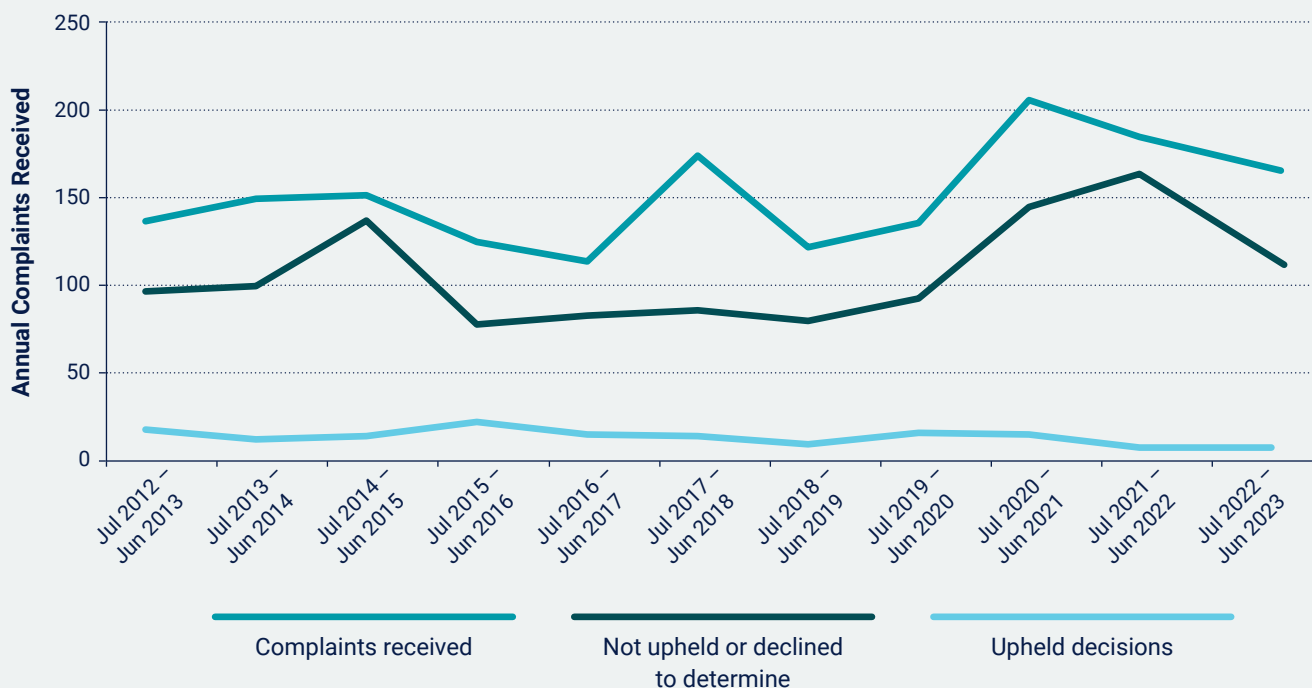
### Impact 2:

#### Broadcasters and the public understand the standards

- Complaints received fell to 169, from 185 and 206 in the previous two years. While this number remains above long-term averages, complaints upheld matched last year's seven, compared with 16 and 15 in 2020 and 2021. This gives a positive indication that broadcasters are maintaining standards in their content.
- We promoted awareness of our new Codebook to broadcasters via a series of online workshops and a video resource for their ongoing reference. Public awareness was promoted via a media release, Pānui newsletter, restructured web content and complaint forms, and collaborations with Citizens Advice Bureau and Consumer NZ.
- Following the introduction of the new Codebook, complaints continued to be received and dealt with at similar rates to previously, with no significant issues raised by complainants or broadcasters.
- We have provided numerous other interactive sessions with broadcasters, broadcasting training providers and interested groups to raise awareness of the standards – including workshops with the iwi radio network, Pacific Media Network and access media network, which are key broadcasters to diverse audiences.
- We promoted our updated guidance on complaints unlikely to succeed to broadcasters and the public, with particular focus on political coverage, along with our updated Election Programmes Code. Our awareness activities sought to improve understanding of how we apply standards so broadcasters can better meet their obligations and fewer unjustified complaints arise, particularly in the lead up to the 2023 general election.



Figure 2 – BSA System performance indicators



### Impact 3:

#### Broadcasters and the public have a high level of trust and confidence in the standards system

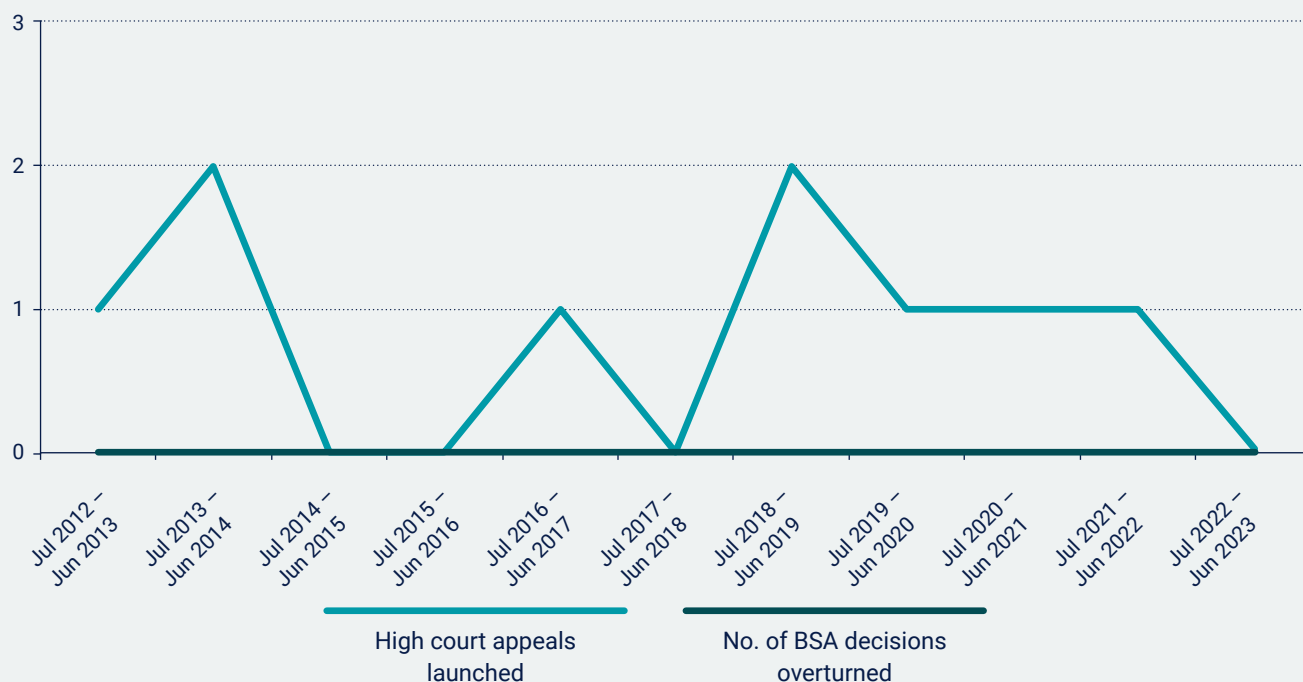
- One appeal filed the previous financial year was upheld. The decision was analysed to enable improvements to our reasoning and process in future similar cases.
- The introduction of our new Codebook went smoothly, with no significant issues raised by complainants or broadcasters. Some 57% of respondents to our broadcaster survey consider the new Broadcasting Code is better than previous codes; only 4% consider it worse.
- An independent external review of BSA decisions involving the power under section 11 of the Broadcasting Act 1989 to decline to determine a complaint found the Authority 'performs a very difficult task very successfully'. It found each reviewed decision 'accords with sound common sense' and none were wrongly decided.
- Participants in our 2023 broadcaster satisfaction survey rate their interactions with the BSA highly. Some 78% rate their working relationships with the BSA as 'good' or 'very good'. Three of the five broadcasters who reported having a complaint determined by BSA in the last 12 months rated the process as 'good' or 'the same' as last year. One rated it 'better'.

### Impact 4:

#### The public are aware of and use the tools available to safely manage broadcast content

- Information on the tools available to help audiences make appropriate viewing choices on free-to-air and pay TV is available on the BSA website and at [safeviewing.co.nz](https://safeviewing.co.nz). This has been promoted via BSA communications channels and through collaborations with organisations such as Citizens Advice and Consumer NZ.
- Unprompted, 29% of New Zealanders are aware of ways to restrict or block access on television, according to our public awareness survey. Respondents with dependent children are more aware of, and more likely to use, these technologies.
- Māori (40%) and Pacific Peoples (34%) are more likely to be aware than the total population. Among those who know how to use filtering technology and personally use it, Māori and Pacific Peoples are more likely to use it than other ethnicities across the majority of platforms tested.

Figure 3 – High Court Appeals



## Impact 5:

### Broadcaster conduct, practices, policies and/or procedures are improved following the issue of a decision

- The percentage of decisions upholding complaints this year was 5.8%, compared with 4%, 9% and 14% in the previous three years. This represents a consolidation of the significant reduction seen last year, indicating a general improvement over recent years in broadcasters' compliance with their standards obligations.
- The case studies included under 'Oversight and development of the broadcasting system' in this report demonstrate our impact on the improvement of broadcaster conduct, practices, policies and/or procedures.
- All of our decisions are publicly available, and we promote awareness of key decisions and any learnings for broadcasters via media releases, Pānui newsletters, social media and direct communications with broadcasters.

## Impact 6:

### Our decisions reflect the attitudes and values of our liberal democratic society

- The case summaries in **Appendix 2** illustrate the broad scope of complaints brought to us this year. This required us to consider issues including reporting on the Russia-

Ukraine war, COVID-19 and climate change, discussion of contentious topics such as abortion and gender identity, alleged bias in political reporting, discrimination and denigration, the privacy of vulnerable people, classification of content that may harm children, and issues of importance to ethnic communities.

- None of the decisions we issued this year were appealed.
- To assist our decision making, we continue to use translations of broadcasts and to seek out expertise and views from cultural advisors when determining complaints concerning relevant communities.
- In line with our 2021 guidance, we continued our policy of not accepting complaints about broadcasters' use of te reo Māori, an official New Zealand language whose use is protected and promoted by law.
- BSA research such as our offensive language report (including Māori and Samoan terms and expressions relating to other cultural groups) continues to help ensure decisions reflect current attitudes. Some 61% of broadcasters have read this report, according to our broadcaster survey.
- We have made further documents such as our new Codebook, and guides to the complaints process and choosing a standard available in several languages to ensure wide access to our resources.

# NGĀ MAHI WHAKAHAERE OPERATIONS

## Operational overview

It has been a stronger than anticipated year operationally – with financial performance above expectations and manageable complaints levels enabling enhanced focus on operations. This has enabled the review and introduction of policies and procedures designed to improve the efficiency and robustness of operations going forward.

## Revenue and resourcing

We continue to anticipate that ongoing audience migration to online platforms will have serious impacts on traditional broadcasters and their revenue – ultimately impacting our levy funding. We undertake quarterly levy monitoring to maintain oversight of this area. However, to date, levy returns have proven difficult to forecast and broadcaster revenue – along with our levy returns – has remained more buoyant than anticipated. Our financial performance this year (as well as our ability to maintain a high level of services, contribute effectively to regulatory reform processes and attract and retain capable staff) was also supported by receipt of \$150,000 in government cost pressures funding (the first time we have seen an increase in Crown funding since 2004). These factors, together with careful cost management, have led to us posting a deficit of just over \$42,000 against a forecast deficit of \$210,665.

Nevertheless, conscious of the ongoing risks to our levy income, we have sought to retain appropriate reserves. This year, we reviewed our reserves policy to ensure robust decision making around reserves levels. Combined with the right level of Crown support and resources, this will ensure our operations and high-quality performance can be sustained throughout any testing times to come.

## Operational services and infrastructure

With complaints at more manageable levels, we have been able to focus efforts on delivering efficiently and cost-effectively. Accordingly, as well as reviewing our policies and processes as required to address legislative requirements and new public service model standards (such as protected disclosures legislation/standards, conflicts of interest model standards and the Kia Toipoto – Public Service Pay Gaps Action Plan), we have developed and implemented additional policies focused on improving efficiency and the complaints management process for our staff and broadcasters.

These have included policy and processes governing the efficient management of cases where parties offer disproportionate or excessive submissions relative to the nature of the complaint. They have also included policies and processes addressing how threatening or abusive complainants are dealt with (in response to the increasingly passionate approach we have seen from some complainants though recent periods of domestic crisis, such as COVID-19 and its aftermath).

We continue to maintain right-sized systems and infrastructure to support our operations and to share offices and other costs with NZ On Air.

We keep our website content up to date and user-friendly. Over the year, this has included updating website complaints forms and other relevant content in readiness for the pending general election.

**Figure 4 – Overall performance and cost analysis**

### Risk management and legislative compliance

Managing risk is an important part of our governance and operational management approach. We have a risk management framework and schedule that is reviewed and updated regularly by our Board and staff. We have robust systems and processes which support our operations and effectiveness.

Key risks continue to include funding decline, uncertainty arising from the reform environment and staff turnover (given the difficulties of recruiting staff to an organisation subject to potential disestablishment through legislative reform). These risks are managed through regular engagement with officials with oversight of the reform agenda and through an ongoing focus on retention, including appropriate salary levels, opportunities for staff development and a positive working environment.

We also undertake regular legislative compliance reviews to manage, monitor and report compliance with key legislation and legislative change to which we are subject. There were no material legislative compliance issues identified for the reporting period.

# TE ORANGA ME TE ĀHEINGA O TE TŌPŪTANGA

## ORGANISATIONAL HEALTH AND CAPABILITY

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

### Workplace profile

Our people, who bring specialist expertise to our operations, are critical to our success. We continue to attract capable staff, but the market is increasingly tight. With a focus on retention, we work hard to provide training and development opportunities and an excellent workplace environment, while also having to ensure pay remains competitive in an environment of rising salaries.

Our culture is collaborative, with the Board and team enjoying a unique relationship. Our staff profile is set out in the table below.

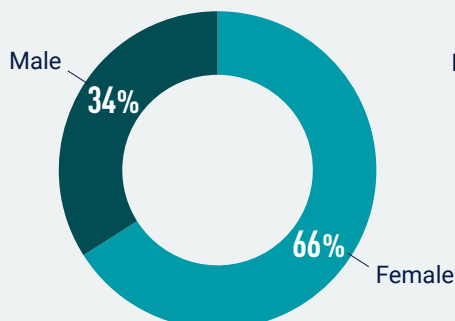
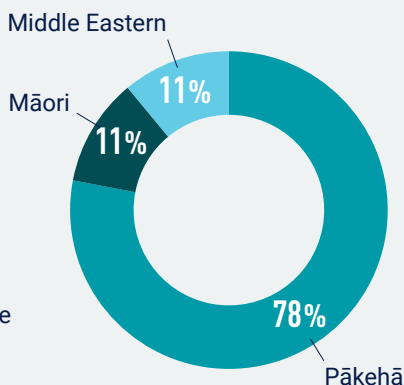
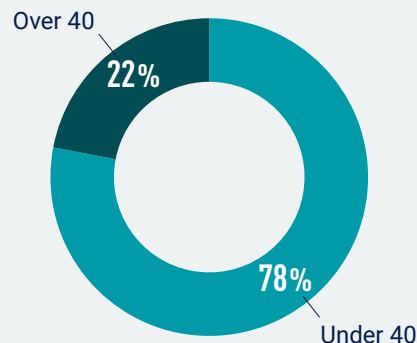
### Pay gap information

Remuneration is based on ability and role size without any bias, including as to gender or ethnicity. Our small size means we do not meet the threshold to produce meaningful gender or ethnic pay gap statistics. Changes in our staffing – even small changes – can impact significantly on our pay gap statistics and make our figures volatile. However, we remain mindful of the effect bias can have on salary decision making.

As part of our commitment to meeting the requirements of Kia Toipoto, the Public Service Pay Gaps Action Plan 2021-24, we have:

- amended our policies to minimise the risk of bias being a factor in starting salaries
- undertaken a review of salaries for the same or similar roles against bias-free criteria to ensure bias is not a factor.

Our Kia Toipoto Action Plan, including plans and targets to improve gender and ethnic representation in our team, is available on our website.

**GENDER****ETHNICITY****AGE PROFILE****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 and 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 has a good seismic rating. We regularly test our evacuation procedures and earthquake drills. We revise our health and safety risk register regularly to include new risks we have discovered. A work resumption team is led by the Chief Executive in the event of a catastrophic emergency.

At a general level, 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 provide Employment Assistance Programme (EAP) counselling sessions on a confidential basis and encourage staff to use this service when needed. As we are a complaints entity, we provide preventative health and safety training to assist staff in dealing with external threats. There were no minor or major incidents to report on for the reporting period.

**Cultural capability**

We are committed to continue building our cultural capability, reflecting our commitment to te ao Māori, the principles of Te Tiriti o Waitangi and the Maihi Karauna.

With advice from Te Arawhiti, we have established a Whāinga Amorangi plan building upon the Te Arawhiti Māori Crown Relations Capability Framework. Pursuant to this, an implementation plan has been developed identifying actions required to achieve agreed capability objectives for staff, the Board and the organisation over a three-year period. This has seen our staff and Board engaged in training and presentation sessions focused on New Zealand history and Te Tiriti o Waitangi, te ao Māori, tikanga/kawa and te reo Māori.

**Being a good employer**

We have a keen focus on being a good employer, enhancing our capability, and providing a high-performing, supportive work environment. Our main aim is to develop and retain talent, integrate work practices that promote or enhance work/life balance among our employees and encourage professional development and a wide range of experiences within the scope of our activities.

## Health and capability performance measures

Goal	Measure	Actual
<b>Our people are skilled and professional</b>	Individual staff training needs are assessed and a range of options developed.	Achieved
	Staff are offered lessons in te reo Māori.	Achieved
	Staff feedback is regularly sought using a range of tools.	Achieved
	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.	Achieved
<b>We maintain, seek and develop ongoing opportunities for collaboration and engagement</b>	Work with agencies which also have a role in the oversight of content standards to increase understanding, share ideas and reduce cost and complication.	Achieved
	Maintain regular contact with broadcasters and stakeholder groups.	Achieved
<b>Our infrastructure is fit for purpose and helps us work efficiently</b>	New ways of working are explored and implemented where appropriate.	Achieved
	We have the right mix of flexible technology to help this happen.	Achieved
	Where possible we share resources, for example through our relationship with NZ On Air.	Achieved

# NGĀ TAUĀKĪ NOHONGA HAEPAPA ACCOUNTABILITY STATEMENTS



## 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 2023 fairly reflect the financial position and operations of the BSA.



**Susie Staley**

*Chair*

30 October 2023



**Tupe Solomon-Tanoa'i**

*Member*

30 October 2023

# TE TAUĀKĪ MŌ TE HUA O TE MAHI TAE ATU KI 30 PIPIRI 2023

## STATEMENT OF PERFORMANCE FOR THE YEAR ENDED 30 JUNE 2023

The statements in this section provide detailed results against targets, budgets and performance measures for the year ended 30 June 2023 as set out in our Statement of Performance Expectations for the year ended 30 June 2023. There are three activities: complaints determination, oversight and development of the broadcasting standards system, and education and engagement.

	Budget Income \$	Actual Income \$	Budget Expenditure \$	Actual Expenditure \$
Complaints determination	749,424	924,249	858,970	948,233
Oversight and development of broadcasting standards system	360,300	308,083	412,966	316,078
Education and engagement	331,476	389,158	379,929	399,256
<b>Total</b>	<b>1,441,200</b>	<b>1,621,490</b>	<b>1,651,865</b>	<b>1,663,567</b>

## OUTPUT: COMPLAINTS DETERMINATION

### Description

One of our core activities is the determination of complaints alleging breach of relevant broadcasting standards. Our complaints service (which is generally only available once complaints have first gone to the broadcaster) is free, independent and accessible to the public. We strive to issue high quality, fair, clear, robust, soundly reasoned, timely decisions that reflect current community attitudes and an appropriate boundary between freedom of expression and harm. Decisions can be appealed to the High Court. Our performance against our measures is reported here.

- Fair, clear, robust and timely decisions on complaints, that reflect the changing media environment, and culture, attitudes and values of our diverse communities
- Public make informed decisions and safely manage broadcast content in their homes

### Impact measures

- Understanding of standards by broadcasters and the public is improved
- Our decisions reflect the attitudes and values of our diverse liberal democratic society
- A high level of trust and confidence in the system is maintained

### Impact over time

- An efficient, accessible, agile and modern complaints service

Cost	Actual 2022/23	Budget 2022/23	Actual 2021/22	Actual 2020/21	Actual 2019/20
Total cost	948,233	858,970	871,689	875,742	771,113
% of total cost	57%	52%	55%	66%	53%

Key deliverables	Performance measures	Target 2022/23	Actual 2022/23	Actual 2021/22	Actual 2020/21
1.1	Number of complaints and enquiries received	An estimated 150-180 formal complaints 800-950 enquiries	Achieved <sup>6</sup> : 169 formal complaints 593 enquiries	Achieved: 185 formal complaints 849 enquiries	N/A (new measure)
1.2	Timeliness	(a) 95% of complaints acknowledged within 3 working days (b) 90% of decisions issued within 20 working days of the board meeting at which the final decision is made	(a) Achieved – 100% (b) Achieved – 99%	(a) Achieved – 100% (b) Achieved – 100%	(a) Achieved – 100% (b) Achieved – 100%

<sup>6</sup> As identified in our Statement of Performance Expectations for the year ending 30 June 2023, as the BSA cannot control the number of complaints and enquiries it receives, this target is being used as a measure to monitor workload and the resourcing needed to match it over time.

Key deliverables	Performance measures	Target 2022/23	Actual 2022/23	Actual 2021/22	Actual 2020/21
<b>1.3 Decisions are soundly reasoned</b>	(a) Quality	External assessor agrees that the BSA's reasoning, process and/or interpretation in up to 5 decisions are appropriate and reasonable	Achieved An external review was undertaken on the BSA's reasoning and interpretation in decline to determine decisions under section 11 of the Broadcasting Act	Achieved An external review was undertaken on the BSA's reasoning and interpretation of the accuracy standard	Achieved An external review was undertaken on the BSA's reasoning and interpretation of the balance standard
	(b) Quality	High Court judgments on appeals taken against BSA decisions are analysed and applied in subsequent decisions to enable improvements to the BSA's reasoning and process	Achieved One appeal upheld – decision analysed to enable improvements to the BSA's reasoning and process in future similar cases	Achieved One appeal determined - dismissed in part with some specific issues referred back to the Authority in light of new evidence (resulting in amended decision) A second appeal (which is ongoing) notified to the BSA in July 2021	Achieved Two appeals (filed in previous financial years) determined in BSA's favour A third appeal was notified to the BSA in June 2021 This appeal is ongoing

## 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 review codes so they reflect the modern media environment to which they apply. We undertake research relevant to broadcasting standards and community attitudes, and issue guidance to support broadcasters to meet their obligations. We work co-operatively with other content standards regulators and provide advice, when required, to policy officials on issues about the content standards system and reform. Our performance against our measures is reported here.

### Impacts over time

- Broadcasting standards are fit for purpose in the modern media environment
- Broadcasters understand and meet their standards obligations

- Public make informed decisions, safely manage broadcast content at home and can access the complaints system
- Regulatory sector reform reduces risks of harm, protects free speech and makes sense to audiences

### Impact measures

- Public awareness of the broadcasting standards system is maintained
- Broadcaster conduct, practices, policies and/or procedures are improved following the issue of a decision
- A high level of trust and confidence in the standards system is maintained

Cost	Actual 2022/23	Budget 2022/23	Actual 2021/22	Actual 2020/21	Actual 2019/20
Total cost	316,078	412,966	396,222	280,447	509,227
% of total cost	19%	25%	25%	21%	35%

Key deliverables	Performance measures	Target 2022/23	Actual 2022/23	Actual 2021/22	Actual 2020/21
<b>2.1</b> Codes remain relevant to the media environment to which they apply	Quality	Newly released Broadcasting Code is monitored. Success will be reflected through responses in biennial survey of broadcasters	Achieved <ul style="list-style-type: none"> <li>• 57% of broadcasters surveyed rated the new Code as better, or much better</li> <li>• Only 4% rated it as worse</li> <li>• The balance considered it 'the same' or ticked 'don't know/not applicable'</li> </ul>	N/A (new measure)	N/A (new measure)
<b>2.2</b> Research is commissioned that is relevant to ensuring the standards are contemporary and community expectations are understood		One research and/or public consultation project is undertaken. It can be in conjunction with another entity and may contribute to the development of standards or a future regulatory system.  Five stakeholders provided feedback that research is valuable	Achieved in part  Research project undertaken in collaboration with Manatū Taonga (Ministry of Culture and Heritage) and Te Puni Kōkiri relating to use of Mātauranga Māori in the media. Report findings inform decisions regarding standards requirements in this area and offer content that will contribute to a future regulatory system.  Work underway to prepare summary material for the guidance of stakeholders (following which feedback will be derived)	Achieved  Language that may offend in broadcasting report published in March 2022  Annual broadcaster survey indicates that 94% of the (18) broadcasters who reported having read the report found it valuable or very valuable.	Achieved  Stakeholder Codebook survey completed to explore participants' views regarding issues subject to Codebook review  We had 33 responses to the survey, with the valuable results then being used by our broadcast consultation group to help recommend changes to the codes – a practical example of the survey's worth
<b>2.3</b> Awareness of BSA and complaint process	Impact	65% of New Zealanders are aware of the BSA and that they can make a formal complaint.	Achieved in part  68% of New Zealanders are aware of the BSA and 61% aware they can make a formal complaint	N/A (every two years)	Achieved in part  75% of New Zealanders are aware of the BSA and 68% aware they can make a formal complaint

Key deliverables	Performance measures	Target 2022/23	Actual 2022/23	Actual 2021/22	Actual 2020/21
<b>2.4</b> Broadcasters are satisfied with the BSA's processes, services and working relationships		80% or more of broadcasters surveyed biennially rank BSA services (including processes) and working relationships as good or very good on a 5-point scale. Issues raised are analysed and addressed.	Not achieved 78% - working relationships rated good or very good (N = 27) 72.4% rank services (including processes) good or very good (N=28) <sup>7</sup> Issues raised were analysed and addressed	Achieved 81% - working relationships rated good or very good (N = 31) 88.9% rank processes good or very good (N=9 broadcasters who had a complaint determined by the BSA in the previous 12 months)	Achieved in part 80% - working relationships rated good or very good (N=56) 77.8% - processes rated good or very good (N=9 broadcasters who had a complaint determined by the BSA in the previous 12 months)
<b>2.5</b> Broadcasters understand the standards and meet their obligations		Broadcaster conduct, practices, and/or procedures are improved following issue of a decision. Assessed via three case studies.	Achieved 3 case studies detailed in Annual Report, section: Oversight and Development of the Broadcasting Standards System	Achieved 3 case studies detailed in Annual Report, section: Oversight and Development of the Broadcasting Standards System	Achieved 3 case studies detailed in Annual Report, section: Oversight and Development of the Broadcasting Standards System
<b>2.6</b> An agent for change in relation to the regulatory sector		Advice on regulatory sector reform is provided to and considered by officials. Evidence of collaborative work with others in the sector. Assessed via case study.	Achieved Case studies detailed in Annual Report, section: Oversight and Development of the Broadcasting Standards System	Achieved Case studies detailed in Annual Report, section: Oversight and Development of the Broadcasting Standards System	N/A (new measure)

<sup>7</sup> Measure adjusted in this financial year to assess the broader 'services (including processes)' rather than simply 'processes' (the ratings for which were only sourced from the limited number of broadcasters who had had complaints determined by the BSA over the period). The expanded scope encompasses ratings for BSA's complaints processes/determination, communications, research and information provided.



## OUTPUT: EDUCATION AND ENGAGEMENT

### Description

We provide clear, user-friendly information about broadcasting standards, the complaints system and processes, and our decisions to broadcasters and the public through a variety of channels. We raise awareness and educate broadcasters and the public about the BSA, broadcasting standards, and the complaints system, with the aim to prevent harm, and to assist broadcasters to meet the standards. Effective engagement and education helps New Zealanders understand their media environment and how the standards apply to the right to freedom of expression. Our performance against our measures is reported here.

### Impact measures

- Public awareness 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
- Public awareness and use of the tools available to safely manage broadcast content is increased

### Impacts over time

- An efficient, accessible, agile and modern complaints service
- Broadcasters understand and meet their standards obligations
- Public make informed decisions and safely manage broadcast content in their homes

Cost	Actual 2022/23	Budget 2022/23	Actual 2021/22	Actual 2020/21	Actual 2019/20
Total cost	399,256	379,929	316,978	165,007	174,592
% of total cost	24%	23%	20%	13%	12%

Key deliverables	Performance measures	Target 2022/23	Actual 2022/23	Actual 2021/22	Actual 2020/21
<b>3.1</b> Success of Communication and Engagement	Impact	Decisions and issues of high public interest or that provide particular guidance on the application of the standards are communicated effectively – whether via feedback to broadcasters; media releases; newsletters or social media. Assessed via a case study.	Achieved Case study detailed in Annual Report, section: Education and Engagement	Achieved Case study detailed in Annual Report, section: Education and Engagement	N/A (new measure)
<b>3.2</b> Broadcasters understand the standards and meet their obligations	Quality	The BSA meets with, provides workshops and/or seminars 15 times annually to broadcasters or training institutions on issues relating to broadcasting standards so they understand them and meet their obligations	Achieved 15 meetings with broadcasters 8 seminars provided to broadcasters 4 seminars provided to training institutions	Achieved 53 meetings with broadcasters 12 seminars provided to broadcasters 4 seminars provided to training institutions	N/A (new measure)

Key deliverables	Performance measures	Target 2022/23	Actual 2022/23	Actual 2021/22	Actual 2020/21
<b>3.3</b> Māori, Asian and Pasifika community awareness of the BSA and the ability to make a complaint is increased		(a) 65% of Māori, Asian and Pasifika communities surveyed are aware of the BSA and the ability to make a complaint.	(a) Not Achieved Aware of the BSA: <ul style="list-style-type: none"> <li>• 49% – Māori</li> <li>• 38% – Pasifika</li> <li>• 42% – Asian</li> </ul> Aware they can make a formal complaint: <ul style="list-style-type: none"> <li>• 58% – Māori</li> <li>• 43% – Pasifika</li> <li>• 42% – Asian</li> </ul>	(a) N/A (every two years)	(a) Not Achieved Aware of the BSA: <ul style="list-style-type: none"> <li>• 70% – Māori</li> <li>• 57% – Pasifika</li> <li>• 40% – Asian</li> </ul> Aware they can make a formal complaint: <ul style="list-style-type: none"> <li>• 72% – Māori</li> <li>• 54% – Pasifika</li> <li>• 44% – Asian</li> </ul>
		(b) BSA provides 10 meetings, workshops or translated written guidance to Māori, Asian, and/or Pasifika groups	(b) Achieved 9 meetings/ workshops with 12 Māori, Asian and/or Pasifika groups  The following guidance released in multiple languages: <ul style="list-style-type: none"> <li>• Broadcasting Standards Codebook</li> <li>• Broadcaster publicity notice template</li> <li>• Guide to Choosing a Standard</li> <li>• Guide to the Complaints Process</li> <li>• 2023 Election Programmes Code</li> </ul>	(b) Achieved 19 meetings/ workshops with Māori, Asian and/or Pasifika groups  Codebook in Te Reo Māori available in June 2022  The following guidance released in multiple languages: <ul style="list-style-type: none"> <li>• Complaints Unlikely to Succeed guidance</li> <li>• Media release on Language that May Offend in Broadcasting Survey</li> <li>• Classifications and Timebands guide</li> </ul>	(b) Achieved 12 meetings and/or presentations with Māori, Asian and/or Pasifika groups  Stakeholder survey (and associated correspondence) made available in Te Reo Māori
<b>3.4</b> Complainants and broadcasters indicate high satisfaction with the usability and clarity of the website		At least 70% of broadcasters or complainants surveyed rate the BSA website as good or very good on a 5-point scale. Broadcasters and complainants will be surveyed in alternate years.	Achieved 84% – Broadcasters	Achieved 84% – Broadcasters 74% – Complainants	Achieved in part 74% – Broadcasters 66% – Complainants

## Disclosure of Judgements

Our performance against most of the above targets is able to be assessed as a matter of fact (eg based on data in our systems, formal survey/research reports and/or matters identified in relevant case studies set out in this report). However, where determining performance information has involved areas of judgement, relevant judgements applied are outlined below. Where possible, we have sought to maintain a consistent approach to calculating achievement against specified objectives.

2022/23 Target	Significant judgements involved in the measurement, aggregation and presentation of results
<b>Output: Complaints Determination</b>	
<b>1.1</b> An estimated 150-180 formal complaints, 800-950 enquiries	'Formal complaint' is a formal complaint as described in s6 of the Broadcasting Act 1989  'Enquiry' is any external enquiry (not constituting a formal complaint or intended for a particular member of staff or role) which is received via our main phone lines or public email addresses <a href="mailto:info@bsa.govt.nz">info@bsa.govt.nz</a> , <a href="mailto:media@bsa.govt.nz">media@bsa.govt.nz</a> or <a href="mailto:complaints@bsa.govt.nz">complaints@bsa.govt.nz</a> and logged in our Compass customer records management system.
<b>1.2</b> (a) 95% of complaints acknowledged within 3 working days (b) 90% of decisions issued within 20 working days of the board meeting at which the final decision is made	'Working days' are calculated based on the definition of that term in the Broadcasting Act 1989
<b>1.3</b> (b) High Court judgements on appeals taken against BSA decisions are analysed and applied in subsequent decisions to enable improvements to the BSA's reasoning and process	Evidence (ie board paper) is available to demonstrate that any High Court appeal judgement issued over the financial year was analysed at an Authority meeting. Where relevant (eg equivalent complaint arises), evidence available of High Court approach being subsequently applied (eg in board report or decision).
<b>Output: Oversight and Development of the Broadcasting Standards System</b>	
<b>2.1</b> Newly released Broadcasting Code is monitored. Success will be reflected through responses in biennial survey of broadcasters	Broadcaster Satisfaction Survey results establish: <ul style="list-style-type: none"> <li>• a majority of those surveyed rated the new Code as better, or much better; and</li> <li>• 5% or less of those surveyed rated the new Code as worse.</li> </ul>

## 2.4

80% or more of broadcasters surveyed biennially rank BSA services (including processes) and working relationships as good or very good on a 5-point scale. Issues raised are analysed and addressed.

Ratings are calculated from Broadcaster Satisfaction Survey results as set out below:

**‘BSA services (including processes)’**: rating calculated as the average of our overall ratings for each of the following areas:

1. Complaints processes/determination
2. Communications
3. BSA Research
4. Information

where:

- The ‘Complaints process/determination’ rating is calculated as the average of our ratings for the following:
  - Satisfaction with complaints process
  - Responding in a timely manner
  - Setting appropriate deadlines to respond by
  - Communication to the timeframe
  - Managing the overall time the process takes
- The ‘Communications’ rating is calculated as the average of our ratings for the following:
  - Staff being professional
  - Staff being courteous and considerate
  - Staff being accessible and responsive
  - Staff being informative and knowledgeable
- The ‘BSA research’ rating is the rating for the question ‘Overall, how would you rate the BSA research programme?’
- The ‘Information’ rating is calculated based on the average ratings for our top 3 sources of information (as identified in the survey report).

**‘Working relationships’** rating is the rating for this area as identified in the survey report.

Evidence (ie board paper) is available to demonstrate key issues from survey being identified, analysed and addressed (with plans for the coming year identified) and evidence is available of steps taken to progress plans.

# NGĀ TAUĀKĪ PŪTEA

## FINANCIAL STATEMENTS

### STATEMENT OF FINANCIAL PERFORMANCE

FOR THE YEAR ENDED 30 JUNE 2023

	Note	2023 Actual \$	2023 Budget \$	2022 Actual \$
<b>Revenue</b>				
Revenue from the Crown	2	759,000	759,000	609,000
Other revenue from the Crown		73,139	-	-
Broadcasting levies		715,613	653,200	708,989
Interest income		73,530	29,000	26,368
Other revenue		208	-	5,956
<b>Total Revenue</b>		<b>1,621,490</b>	<b>1,441,200</b>	<b>1,350,313</b>
<b>Less Expenditure</b>				
Personnel costs	3	1,087,428	1,094,239	1,043,806
Other expenses	4	550,749	548,626	518,792
Depreciation and amortisation	8 & 9	25,390	9,000	22,291
<b>Total Expenditure</b>		<b>1,663,567</b>	<b>1,651,865</b>	<b>1,584,889</b>
<b>(DEFICIT)</b>		<b>(42,077)</b>	<b>(210,665)</b>	<b>(234,576)</b>

### STATEMENT OF CHANGES IN EQUITY

FOR THE YEAR ENDED 30 JUNE 2023

	2023 Actual \$	2023 Budget \$	2022 Actual \$
Public equity as at 1 July	2,188,072	2,262,492	2,422,648
Return of equity to the Crown <sup>8</sup>	-	-	-
(Deficit) for the year ended 30 June	(42,077)	(210,665)	(234,576)
<b>PUBLIC EQUITY AS AT 30 JUNE</b>	<b>2,145,995</b>	<b>2,051,827</b>	<b>2,188,072</b>

8 Each year the BSA considers the appropriate amount of surplus that ought to be paid to the Crown pursuant to s165 of the Crown Entities Act.

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



## STATEMENT OF FINANCIAL POSITION

AS AT 30 JUNE 2023

	Note	2023 Actual \$	2023 Budget \$	2022 Actual \$
<b>Assets</b>				
<b>Current assets</b>				
Bank accounts and cash	5	425,628	555,384	208,205
Investments	6	1,850,000	1,500,000	2,055,404
Debtors and prepayments	7	64,603	82,000	40,399
GST		21,492	30,000	11,789
<b>Total current assets</b>		<b>2,361,723</b>	<b>2,167,384</b>	<b>2,315,797</b>
<b>Non-current assets</b>				
Property, plant and equipment	8	24,025	47,000	16,614
Intangible assets	9	22,904	4,000	39,396
<b>Total non-current assets</b>		<b>46,929</b>	<b>51,000</b>	<b>56,010</b>
<b>Total assets</b>		<b>2,408,652</b>	<b>2,218,384</b>	<b>2,371,807</b>
<b>Liabilities</b>				
<b>Current liabilities</b>				
Creditors and accrued expenses	10	198,318	123,761	131,432
Employee entitlements	11	64,339	42,796	52,303
<b>Total liabilities</b>		<b>262,657</b>	<b>166,557</b>	<b>183,735</b>
<b>Total assets less total liabilities</b>		<b>2,145,995</b>	<b>2,051,827</b>	<b>2,188,072</b>
<b>REPRESENTED BY PUBLIC EQUITY</b>		<b>2,145,995</b>	<b>2,051,827</b>	<b>2,188,072</b>

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

## STATEMENT OF CASH FLOWS

FOR THE YEAR ENDED 30 JUNE 2023

	Note	2023 Actual \$	2023 Budget \$	2022 Actual \$
<b>Cash Flows from Operating Activities</b>				
Revenue from the Crown		759,000	759,000	609,000
Other revenue from the Crown		73,139	-	-
Broadcasting levies		715,285	661,200	718,293
Interest received		60,014	21,000	22,841
GST (net)		(9,702)	-	10,682
Payments to employees & board members		(1,075,377)	(1,088,993)	(1,022,067)
Payments to suppliers & other operating expenses		(494,031)	(548,866)	(510,605)
<b>Net Cash Flow from Operating Activities</b>		<b>28,328</b>	<b>(196,659)</b>	<b>(171,856)</b>
<b>Cash Flows from Investing Activities</b>				
Purchase of property, plant and equipment		(16,309)	(6,000)	(10,186)
Purchase of intangible assets		-	-	(46,039)
Proceeds from disposal of intangible assets		-	1,000	-
Acquisition of investments		-	-	(2,988)
Proceeds from investments		205,404	377,000	-
<b>Net Cash Flow from Investing Activities</b>		<b>189,095</b>	<b>372,000</b>	<b>(59,213)</b>
<b>Net Increase/(decrease) in cash held</b>		<b>217,423</b>	<b>175,341</b>	<b>(231,069)</b>
Opening bank accounts and cash		208,205	380,042	439,274
<b>CLOSING BANK ACCOUNTS AND CASH</b>	<b>5</b>	<b>425,628</b>	<b>555,384</b>	<b>208,205</b>

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

## NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2023

### 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 2023, and were approved by the board on 30 October 2023.

#### 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.

Other revenue from the Crown includes revenue received from the Ministry of Culture and Heritage and Te Puni Kōkiri to collaborate on a research project. BSA considers there are no conditions attached to the revenue received to date and it is recognised 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, 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 either a straight-line or diminishing value 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 associated depreciation rates of major classes of assets have been estimated as follows:

	SL	DV
Office equipment	20% – 33%	-
Furniture and fittings	10.5% – 20%	16%
Leasehold improvements	20%	-
Computer equipment	33% – 33.3%	33%

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.

### 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 associated amortisation rates of major classes of intangible assets have been estimated as follows:

Computer software	33% – 33.3%
Copyright	33.3%

### 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 Tier 3 PBE framework, 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 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. (2022: Nil).

## 3. Personnel costs

	2023 Actual \$	2022 Actual \$
Staff salaries	884,443	882,409
Board remuneration	176,624	135,669
KiwiSaver employer contributions	26,361	25,728
<b>TOTAL PERSONNEL COSTS</b>	<b>1,087,428</b>	<b>1,043,806</b>

The increase in salaries is due to increases in accordance with the BSA's reward and remuneration framework.



#### 4. Other expenses

	2023 Actual \$	2022 Actual \$
Audit fees	28,509	27,353
Consultancy	57,913	70,780
Research	162,377	109,500
Travel, accommodation & training	40,902	23,604
Rent	54,708	51,489
IT	58,219	56,728
Office expenses	148,121	179,338
<b>TOTAL OTHER EXPENSES</b>	<b>550,749</b>	<b>518,792</b>

Consultancy costs decreased from the prior year as a result of the nature of projects completed in this financial year (and lower than anticipated need for consultancy arising).

#### 5. Bank accounts and cash

	2023 Actual \$	2022 Actual \$
<b>Bank</b>		
Current accounts	238,690	59,199
Call accounts	186,938	149,006
<b>TOTAL BANK ACCOUNTS AND CASH</b>	<b>425,628</b>	<b>208,205</b>

#### 6. Investments

	2023 Actual \$	2022 Actual \$
Term deposits	1,850,000	2,055,404
<b>TOTAL INVESTMENTS</b>	<b>1,850,000</b>	<b>2,055,404</b>
Average interest rate	5.14%	1.87%

All the term deposits for the year are between 5 and 12 months and interest rates vary between 4.00% and 5.93%.

## 7. Debtors and prepayments

	2023 Actual \$	2022 Actual \$
Trade receivables	1,456	-
Other receivables	-	920
Accrued interest	21,930	8,414
Prepayment	41,217	31,065
<b>TOTAL DEBTORS AND PREPAYMENTS</b>	<b>64,603</b>	<b>40,399</b>

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 and fittings \$	Leasehold improvements \$	Office equipment \$	Totals \$
<b>Cost or valuation</b>						
Balance at 1 July 2021	9,082	143,076	63,795	124,755	20,922	361,630
Additions	-	6,609	3,577	-	-	10,186
Disposals	-	(57,282)	-	-	(6,664)	(63,946)
<b>Balance at 30 June 2022</b>	<b>9,082</b>	<b>92,403</b>	<b>67,372</b>	<b>124,755</b>	<b>14,258</b>	<b>307,870</b>
<b>Accumulated depreciation</b>						
Balance at 1 July 2022	9,082	131,517	59,637	124,755	20,806	345,797
Depreciation expense	-	7,847	1,442	-	116	9,405
Eliminate on disposal / reclassification	-	(57,282)	-	-	(6,664)	(63,946)
<b>Balance at 30 June 2022</b>	<b>9,082</b>	<b>82,082</b>	<b>61,079</b>	<b>124,755</b>	<b>14,258</b>	<b>291,256</b>
<b>CARRYING AMOUNT AT 30 JUNE 2022</b>	<b>-</b>	<b>10,321</b>	<b>6,293</b>	<b>-</b>	<b>-</b>	<b>16,614</b>
<b>Cost or valuation</b>						
Balance at 1 July 2022	9,082	92,403	67,372	124,755	14,258	307,870
Additions	-	10,183	4,352	1,774	-	16,309
Disposals	-	(2,525)	(1,290)	-	-	(3,815)
<b>Balance at 30 June 2023</b>	<b>9,082</b>	<b>100,061</b>	<b>70,434</b>	<b>126,529</b>	<b>14,258</b>	<b>320,364</b>
<b>Accumulated depreciation</b>						
Balance at 1 July 2022	9,082	82,082	61,079	124,755	14,258	291,256
Depreciation expense	-	6,622	2,010	266	-	8,898
Eliminate on disposal / reclassification	-	(2,525)	(1,290)	-	-	(3,815)
<b>Balance at 30 June 2023</b>	<b>9,082</b>	<b>86,179</b>	<b>61,799</b>	<b>125,021</b>	<b>14,258</b>	<b>296,339</b>
<b>CARRYING AMOUNT AT 30 JUNE 2023</b>	<b>-</b>	<b>13,882</b>	<b>8,635</b>	<b>1,508</b>	<b>-</b>	<b>24,025</b>

## 9. Intangible assets

Movements for intangible asset is as follows:

	Copyright and software \$
<b>Cost</b>	
Balance at 1 July 2021	75,618
Additions	46,040
<b>Balance at 30 June 2022</b>	<b>121,658</b>
<b>Accumulated amortisation</b>	
Balance at 1 July 2021	69,376
Amortisation expense	12,886
<b>Balance at 30 June 2022</b>	<b>82,262</b>
<b>CARRYING AMOUNT AT 30 JUNE 2022</b>	<b>39,396</b>
<b>Cost</b>	
Balance at 1 July 2022	121,658
Additions	-
<b>Balance at 30 June 2023</b>	<b>121,658</b>
<b>Accumulated amortisation</b>	
Balance at 1 July 2022	82,262
Amortisation expense	16,492
<b>Balance at 30 June 2023</b>	<b>98,754</b>
<b>CARRYING AMOUNT AT 30 JUNE 2023</b>	<b>22,904</b>

## 10. Creditors and accrued expenses

	2023 Actual \$	2022 Actual \$
Creditors	80,316	42,012
Accrued expenses	109,244	80,678
Kiwisaver employees contribution payable to IRD	700	549
PAYE	8,058	8,193
<b>TOTAL CREDITORS AND ACCRUED EXPENSES</b>	<b>198,318</b>	<b>131,432</b>

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

	2023 Actual \$	2022 Actual \$
Accrued salaries and wages	21,211	20,463
Annual leave	43,128	31,840
<b>TOTAL EMPLOYEE ENTITLEMENTS</b>	<b>64,339</b>	<b>52,303</b>

## 12. Commitments

	2023 Actual \$	2022 Actual \$
<b>Commitments are represented by:</b>		
Not later than one year	48,425	48,732
Later than one year and not later than two years	48,425	48,425
Later than two years and not later than five years	4,035	52,460
<b>TOTAL NON-CANCELLABLE OPERATING LEASE</b>	<b>100,885</b>	<b>149,617</b>

The operating lease is for the rental of premises on Level 2, 119 Ghuznee Street, occupied from 26 July 2013. The lease was renewed in July 2022 for a further three year term.

## 13. Contingent assets and liabilities

### Contingent assets

As at 30 June 2023 the BSA had no contingent assets. (2022:Nil)

### Contingent liabilities

As at 30 June 2023 the BSA had no contingent liabilities. (2022: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

	2023 Actual \$	2022 Actual \$
Salaries and other short-term benefits	341,416	316,779
<b>TOTAL KEY MANAGEMENT PERSONNEL COMPENSATION</b>	<b>341,416</b>	<b>316,779</b>

Key management personnel includes all board members and the Chief Executive.  
The BSA had no related party transactions. (2022: Nil)

### Board member remuneration

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

	2023 Actual \$	2022 Actual \$
A Beck appointed in May 2022	52,445	4,759
J Gillespie appointed in December 2021	33,500	23,794
L Pearson responsibilities concluded in November 2021	-	15,804
P Rose responsibilities concluded in November 2021	-	14,746
T Solomon-Tanoa'i appointed in December 2021	35,704	15,381
S Staley (Chair)	54,975	61,185
<b>TOTAL BOARD MEMBER REMUNERATION</b>	<b>176,624</b>	<b>135,669</b>

## Employee remuneration

	2023 Actual \$	2022 Actual \$
Total employee remuneration paid or payable		
100,000 – 109,999	-	1
120,000 – 129,999	1	1
130,000 – 139,999	-	1
140,000 – 149,999	2	-
170,000 – 179,999	-	1
200,000 – 209,999	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

Revenue was above budget this year due to a higher amount of broadcasting levies received than expected. In addition to this, interest rates were higher than anticipated resulting in increased interest income.

#### Expenditure

Personnel costs are below budget for the year due a decrease in expected variable hours.

Other expenses are higher than budgeted due to additional research costs on one project. However, as this project was co-funded, additional revenue from the Crown was received to offset this.

## Statement of Financial Position

### Bank accounts and cash/investments

Bank accounts and cash are lower than budgeted due to an increase in investments to utilise increased interest rates.

### Debtors and prepayments

Debtors and prepayments are below budget due to increased cash receipts of broadcasting levies during the year than initially anticipated.



# TE PŪRONGO A TE ŌTITA MOTUHAKE

## INDEPENDENT AUDITOR'S REPORT

### To the readers of Broadcasting Standards Authority's financial statements and performance information for the year ended 30 June 2023

The Auditor-General is the auditor of Broadcasting Standards Authority (the Authority). The Auditor-General has appointed me, Grant Taylor, using the staff and resources of Ernst & Young, 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 55 to 68, that comprise the statement of financial position as at 30 June 2023, the statement of comprehensive revenue and expenses, 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 which reports against the Authority's statement of performance expectations for the year ended 30 June 2023 on pages 44 to 54.

In our opinion:

- the financial statements of the Authority:
  - present fairly, in all material respects:
    - its financial position as at 30 June 2023; 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 the Public Benefit Entity Reporting Standards; and
- the Authority's performance information for the year ended 30 June 2023:
  - presents fairly, in all material respects, 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 30 October 2023. 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 it determines is necessary to enable it 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 performance information which reports against the Authority's statement of performance expectations.
- 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 is responsible for the other information. The other information comprises the information included on pages 1 to 43 and 71 to 92, 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: *International Code of Ethics for Assurance Practitioners (including International Independence Standards) (New Zealand) (PES 1)* 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.



**Grant Taylor**  
Ernst & Young  
Chartered Accountants

On behalf of the Auditor-General  
Wellington, New Zealand

# TĀPIRITANGA APPENDICES

# TĀPIRITANGA 1: NGĀ KŌAMUAMU ME NGĀ WHAKATAU

## APPENDIX 1: COMPLAINTS RECEIVED AND DECISIONS ISSUED

Year	Complaints Received	Decisions Issued	Determination				Appealed to High Court	Orders					
			Upheld	Upholds as % of total	Not Upheld	Declined to Determine <sup>9</sup>		Other <sup>10</sup>	Broadcast Statement	Costs to Crown	Legal Costs	Compensation for Breach of Privacy	Other
July 2022 – June 2023	169	121 <sup>11</sup>	7	5.8%	100 (relating to 116 complaints)	13 (relating to 25 complaints)	1 (relating to 1 complaint)	0	3	2	1	1	1 (interlocutory) order accepting jurisdiction of complaint
July 2021 – June 2022	184	173 (relating to 185 complaints)	7 (relating to 8 complaints)	4.1%	145 (relating to 157 complaints)	19 (relating to 20 complaints)	2 (relating to 2 complaints)	1	3	4			1 (interlocutory) order regarding submission of evidence and key facts in issue
July 2020 – June 2021	206	160 (relating to 191 complaints)	15 (relating to 16 complaints)	9.4%	135 (relating to 160 complaints)	9 (relating to 14 complaints)	1 (relating to 1 complaints)	1	2	6	2	2	1 order for provision of broadcast material
July 2019 – June 2020	135	111 (relating to 130 complaints)	16 (relating to 22 complaints)	14.4%	84 (relating to 98 complaints)	8 (relating to 8 complaints)	3 (relating to 4 complaints) <sup>12</sup>		2	2			2 costs to the broadcaster 2 complaints directed back to the broadcaster
July 2018 – June 2019	121	90 (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 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

9 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.

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

11 As at 30 June 2023, 41 complaints were still to be determined. As at 30 June 2022, 41 complaints were still to be determined.

12 2 of the 4 complaints relate to the same matter and were the subject of 1 BSA decision accepting jurisdiction to consider the complaints. The 2 complaints were later upheld in the BSA's substantive decision. Therefore they are recorded under both 'Upheld' and 'Other' in the Determinations section, but counted as 2 complaints (not 4) of the total 130 complaints determined in 111 decisions.

Year	Complaints Received	Decisions Issued	Determination					Appealed to High Court	Orders				
			Upheld	Upholds as % of total	Not Upheld	Declined to Determine <sup>9</sup>	Other <sup>10</sup>		Broadcast Statement	Costs to Crown	Legal Costs	Compensation for Breach of Privacy	Other
July 2016 – June 2017	113	102 (about 113 complaints)	15 (about 15 complaints)	14.7%	82 (about 93 complaints)	1	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	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	-	-
July 2004– June 2005	184	214	40	18.7%	166	7	1	1	11	4	6	-	1 Publication of apology in newspapers
July 2003– June 2004	196	187	42	22.5%	133	5	7	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	10	1	7	2	2	-	-

Year	Complaints Received	Decisions Issued	Determination					Appealed to High Court	Orders				
			Upheld	Upholds as % of total	Not Upheld	Declined to Determine <sup>9</sup>	Other <sup>10</sup>		Broadcast Statement	Costs to Crown	Legal Costs	Compensation for Breach of Privacy	Other
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	10	1	4	8	2	4	-
July 1997–June 1998	174	176	39	22.2%	122	12	3	2	2	10	-	7	1 Broadcast of apology
July 1996–June 1997	206	199	40	20.1%	147	10	2	-	5	-	8	1	2 Broadcasts of apology
July 1995–June 1996	179	171	50	29.2%	110	10	1	1	11	-	-	4	4 Broadcasts of apology
July 1994–June 1995	162	139	48	34.5%	84	4	3	-	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	1	-	3	-	1	2	-
July 1991–June 1992	106	76	25	32.9%	46	4	1	-	3	-	-	1	-
July 1990–June 1991	52	45	19	42.2%	25	-	1	-	7	-	1	-	2 Broadcasts of apology/ Refrain from advertising
July 1989–June 1990	43	14	6	42.9%	6	2	-	-	-	-	-	1	-

## DECISION STATISTICS

In the reporting period we issued 121 decisions in relation to 154 complaints.<sup>13</sup> 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 (121 decisions issued)

	Total number of decisions	Upheld
<b>Television</b>	<b>85 decisions about 108 complaints</b> <b>(112 decisions about 122 complaints)</b>	5 decisions about 5 complaints (5 decisions about 6 complaints)
<b>Radio</b>	<b>35 decisions about 46 complaints</b> <b>(59 decisions about 63 complaints)</b>	2 decisions about 8 complaints (2 decisions about 2 complaints)

Figures in brackets are from the previous year.

### Most complained about broadcaster by number of decisions (121 decisions issued)

	Total decisions	Upheld	Not upheld	Declined to determine	Interlocutory decision	Orders
<b>Television</b>						
TVNZ	50 (52)	2 (-)	43 (46)	5 (6)	- (-)	3 (-)
Discovery NZ T/A Warner Bros. Discovery	32 (51)	1 (3)	25 (41)	6 (7)	- (-)	- (-)
SKY TV	1 (6)	1 (-)	- (6)	- (-)	- (-)	1 (-)
Te Aratuku Whakaata Irirangi Māori   Māori Television	2 (1)	1 (-)	1 (1)	- (-)	- (-)	- (-)
APNA Networks	- (1)	- (1)	- (-)	- (-)	- (-)	- (2)
Daystar Television	- (1 <sup>14</sup> )	- (1)	- (-)	- (-)	- (-)	- (1)
Mainland Television	- (1)	- (1)	- (-)	- (-)	- (-)	- (2)
<b>Radio</b>						
RNZ	20 (32)	2 (-)	17 (25)	- (5)	1 (2)	3 (-)
NZME	15 (22)	- (1)	13 (20)	2 (1)	- (-)	- (-)
MediaWorks Radio	1 (4)	- (1)	1 (3)	- (-)	- (-)	- (2)
95bFM	- (1)	- (-)	- (1)	- (-)	- (-)	- (-)
Access Radio Otago	- (1)	- (-)	- (1)	- (-)	- (-)	- (-)
RDU 98.5FM	- (1)	- (-)	(1)	- (-)	- (-)	- (-)
<b>TOTAL</b>	<b>121 (173)</b>	<b>7 (7)</b>	<b>100 (145)</b>	<b>13 (19)</b>	<b>1 (2)</b>	<b>7 (7)</b>

Figures in brackets are from the previous year.

<sup>13</sup> One of the 121 decisions was an interlocutory decision regarding procedural issues. This decision is not counted where it does not affect the relevant variable

<sup>14</sup> Decision grouped with Mainland Television decision



### Most complained about programme by number of complaints (total 154 complaints determined in 120 decisions)

	Number of complaints	Upheld	Not upheld/other
1 News	33 (29)	- (-)	33 (29)
Newshub Live at 6pm	21 (25)	1 (-)	20 (25)
Morning Report	16 (13)	7 (-)	9 (15)
AM	12 (6)	- (-)	12 (6)
The Project	6 (8)	- (1)	6 (7)
Breakfast	5 (6)	- (-)	5 (6)
Sunday	5 (2)	(-)	5 (2)
Heather du Plessis-Allan Drive	4 (2)	- (1)	4 (1)
Q+A with Jack Tame	3 (-)	(-)	3 (-)

Figures in brackets are from the previous year.

### Most complained about programme genre by number of decisions (121 decisions issued)

	Number of decisions	Upheld	Not upheld	Declined to determine	Interlocutory decision
News/Current Affairs <sup>15</sup>	89 (118)	3 (1)	75 (99)	10 (16)	1 (2)
Radio/Talkback <sup>16</sup>	15 (23)	- (2)	14 (20)	1 (1)	- (-)
Factual Programmes <sup>17</sup>	12 (7)	4 (2)	8 (5)	- (-)	- (-)
Fictional Programmes <sup>18</sup>	1 (3)	- (1)	- (1)	1 (1)	- (-)
Other <sup>19</sup>	4 (22)	- (1)	3 (20)	1 (1)	- (-)
<b>TOTAL</b>	<b>121 (173)</b>	<b>7 (7)</b>	<b>100 (145)</b>	<b>13 (19)</b>	<b>1 (1)</b>

Figures in brackets are from the previous year.

<sup>15</sup> **News/Current Affairs:** programmes dedicated to news and current affairs. Eg, 1 News, Newshub, The AM Show, The Project, Seven Sharp, Morning Report

<sup>16</sup> **Radio/Talkback:** radio shows or talkback programmes that may involve regular phone calls from listeners. Eg, Magic Afternoons with Sean Plunket, Dom, Meg and Randell,

<sup>17</sup> **Factual Programmes:** programmes that are non-fiction, contain factual information, and which could be considered in relation to the accuracy and balance standards. Eg, Fair Go, 20/20

<sup>18</sup> **Fictional Programmes:** dramas, sitcoms, cartoon comedies, movies. May include dramatic versions of factual events. Eg, Shortland Street

<sup>19</sup> **Other:** programmes that do not fit the other categories, including comedy, sport, reality TV, songs or music videos. Eg, The Block

**Most frequently complained about standard by number of complaints (154 complaints determined)<sup>20</sup>**

	Accuracy	Balance	Fairness	Discrimination and Denigration	Offensive and Disturbing Content	Good Taste and Decency	Children's Interests	Privacy	Law and Order	Violence	Promotion of Illegal or Antisocial Behaviour	Programme Information	Alcohol	Action Taken (about any standard)
<b>TOTAL</b>	<b>81 (73)</b>	<b>60 (61)</b>	<b>55 (49)</b>	<b>45 (48)</b>	<b>22 (-)</b>	<b>12 (58)</b>	<b>11 (21)</b>	<b>11 (10)</b>	<b>9 (21)</b>	<b>6 (14)</b>	<b>5 (-)</b>	<b>4 (12)</b>	<b>- (-)</b>	<b>3 (2)</b>
Upheld	3 (4)	1 (-)	3 (-)	1 (1)	- (-)	- (2)	1 (2)	7 (-)	- (1)	- (-)	- (-)	- (-)	- (-)	- (-)
Not Upheld/ Other	78 (69)	59 (61)	52 (49)	44 (47)	22 (-)	12 (56)	10 (19)	4 (10)	9 (20)	6 (14)	5 (-)	4 (12)	- (-)	3 (2)

Figures in brackets are from the previous year.

**Most upheld standard by decisions issued**

1. **Accuracy:** 3 upheld decisions about 3 complaints
2. **Privacy:** 2 upheld decisions about 7 complaints
2. **Fairness:** 2 upheld decisions about 3 complaints
3. **Balance:** 1 upheld decision about 1 complaint
3. **Discrimination and Denigration:** 1 upheld decision about 1 complaint
3. **Children's Interests:** 1 upheld decision about 1 complaint

<sup>20</sup> This table reflects the number of times a standard has been raised across the 154 complaints addressed in the 121 decisions issued. Complaints under standards with the same name in the 2020 and 2022 codebooks have been grouped (eg Accuracy). 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.

# TĀPIRITANGA 2: NGĀ TAIPITOPITO MŌ NGĀ WHAKATAU

## APPENDIX 2: DECISION DETAILS

The following tables contain a breakdown of the 154 complaints that made up the 121 decisions issued by the BSA in the 2022/23 year, by outcome (upheld with order; upheld with no order; not upheld; declined to determine; and jurisdiction considered).

### 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 or publication of statement; costs to the Crown of up to \$5,000 (may be imposed where the conduct of the broadcaster is serious); a contribution to legal costs reasonably incurred by a successful complainant; 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 Complaind Under	Standards Upheld	Order
2021-150	Morrison, New Homes Direct Ltd	Television New Zealand Ltd	Fair Go	Complainant's company was treated unfairly regarding how long it had taken for a house to be built and associated costs	Privacy, Accuracy, Fairness, Balance	Upheld (Accuracy, Fairness)	s13(1)(a) – broadcast statement on air and online; s16(1) \$2,000 legal costs and \$98.70 disbursements to complainant; s16(4) \$1000 costs to Crown
2021-090A	Begg	Radio New Zealand Ltd	Morning Report	Broadcaster accessed information obtained by illegal hack into Waikato DHB and included it in broadcast	Good Taste and Decency, Privacy	Privacy, Fairness	s13(1)(a) – broadcast statement on air; s16(4) –\$1,800 costs to Crown
2021-090B	Aitken	Radio New Zealand Ltd	Morning Report	Broadcaster accessed information obtained by illegal hack into Waikato DHB and included it in broadcast	Privacy	Privacy, Fairness	s13(1)(a) – broadcast statement on air; s16(4) –\$1,800 costs to Crown
2021-090C	Collinson	Radio New Zealand Ltd	Morning Report	Broadcaster accessed information obtained by illegal hack into Waikato DHB and included it in broadcast	Law and Order	Privacy, Fairness	s13(1)(a) – broadcast statement on air; s16(4) –\$1,800 costs to Crown
2021-090D	Privacy Commissioner	Radio New Zealand Ltd	Morning Report	Broadcaster accessed information obtained by illegal hack into Waikato DHB and included it in broadcast	Privacy	Privacy, Fairness	s13(1)(a) – broadcast statement on air; s16(4) –\$1,800 costs to Crown

2021-090E	Children's Rights Alliance	Radio New Zealand Ltd	Morning Report	Broadcaster accessed information obtained by illegal hack into Waikato DHB and included it in broadcast	Privacy	Privacy, Fairness	s13(1)(a) – broadcast statement on air; s16(4) – \$1,800 costs to Crown
2021-090F	Oranga Tamariki	Radio New Zealand Ltd	Morning Report	Broadcaster accessed information obtained by illegal hack into Waikato DHB and included it in broadcast	Law and Order, Privacy, Fairness	Privacy, Fairness	s13(1)(a) – broadcast statement on air; s16(4) – \$1,800 costs to Crown
2021-090G	Waikato District Health Board	Radio New Zealand Ltd	Morning Report	Broadcaster accessed information obtained by illegal hack into Waikato DHB and included it in broadcast	Law and Order, Privacy, Fairness	Privacy, Fairness	s13(1)(a) – broadcast statement on air; s16(4) – \$1,800 costs to Crown
2022-071	Wilberg	Radio New Zealand Ltd	Various news bulletins	Bulletins critical of Government for continuing MIQ (following COVID) were inaccurate and unbalanced as didn't properly reflect advice to govt on which its reports were based	Balance, Accuracy	Accuracy	s13(1)(a) – broadcast statement on air
2022-120	HW	Sky Network Television Ltd	A Question of Justice	Reenactment of violent assault of complainant aired without notifying her injuries	Programme Information, Offensive and Disturbing Content, Accuracy, Fairness (Action taken), Privacy	Privacy	s13(1)(d) – \$1,000 privacy compensation to complainant

## 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 Complaint	Standards Complained Under	Standards Upheld
2022-050	Buxton	Te Aratuku Whakaata Iirangi Māori   Māori Television Service	Intrepid Journeys	Use of the N-word and tone of the broadcast was racist	Discrimination and Denigration	Upheld Discrimination and Denigration
2022-084	Greyhound Racing New Zealand	Discovery NZ Ltd	Newshub Live at 6pm	Item regarding upgrades to a greyhound racing track was unbalanced and inaccurate regarding how this affected dog safety	Accuracy, Balance	Accuracy, Balance
2023-014	Radford	Television New Zealand Ltd	Our Big Blue Backyard	Scene where large number of male dolphins have intercourse with female dolphin likely to unduly disturb children	Children's Interests	Children's Interests

## Not upheld

Decision Number	Complainant	Broadcaster	Programme	Nature of Complaint	Standards Complained Under
2022-002	Keen	Television New Zealand Ltd	Fair Go	Item on Universal Imports used segments of productions by the complainant; and misrepresented facts	Accuracy, Fairness
2022-029	Ong	Radio New Zealand Ltd	Nine to Noon	Interview about plans to remove Children's Commissioner role lacked relevant perspectives	Fairness, Balance
2022-030	New Zealand Republic	Discovery NZ Ltd	Newshub Live at 6pm	Opinion poll conflated NZ leaving the Commonwealth with becoming a republic	Accuracy
2022-032	Grant	NZME Radio Ltd	Mike Hosking Breakfast	Was in bad taste for host to say 'there was a lot more fun to be had' regarding 'the Omicron experience' (COVID-19)	Good Taste and Decency
2022-033	Carapiet	Radio New Zealand Ltd	Crowd Science	Item about genetic modification of crops (particularly cotton) to make them edible or less toxic lacked relevant perspectives and was misleading	Accuracy, Balance
2022-051	Morris	Television New Zealand Ltd	Travel Guides Australia	Use of the term 'wog' was racist and discriminatory	Discrimination and Denigration

Decision Number	Complainant	Broadcaster	Programme	Nature of Complaint	Standards Complained Under
2022-058	Kemp	Television New Zealand Ltd	1 News	Item about violence in Jerusalem inaccurately stated was between Christian and Jewish people (when it was Muslims and Jewish people)	Programme Information, Violence, Discrimination and Denigration, Balance, Accuracy, Fairness
2022-059	Boom	Television New Zealand Ltd	1 News	Coverage of leaked Roe v Wade draft decision was unbalanced	Balance
2022-043	Boulton	NZME Radio Ltd	Tim Roxborough & Tim Beveridge Afternoons	Comment that Vladimir Putin should get a bullet to the back of the head in a discussion about the Ukraine/Russia war was 'calling for an illegal act', could incite violence	Good Taste and Decency, Violence, Law and Order, Fairness
2022-047	Tily	Discovery NZ Ltd	AM	Segment on spiders was inappropriate for those who have a phobia	Good Taste and Decency, Programme Information, Discrimination and Denigration
2022-053	Clough	Television New Zealand Ltd	1 News	Item on spread of COVID-19 misinformation (including reference to vaccine injuries) was overly biased and manipulative	Fairness, Good Taste and Decency, Discrimination and Denigration, Balance, Accuracy
2022-056	Vather	NZME Radio Ltd	Saturday Morning with Jack Tame	Comments on Chinese and Indian climbers, and Nepalese tour companies was discriminatory	Discrimination and Denigration
2022-061	Huriwai	Discovery NZ Ltd	AM	Interview with producer of vegan documentary was unfair as included interview with Dairy NZ spokesperson without informing producer	Fairness
2022-049	Allison	Television New Zealand Ltd	Q + A with Jack Tame	Climate change reporting was unbalanced and inaccurate	Accuracy, Balance
2022-063	Thomas	Radio New Zealand Ltd	Morning Report	Host describing composition of local bodies as 'pale, male and stale' was denigrating to older white males	Discrimination and Denigration
2022-072	Klaassen	Television New Zealand Ltd	Naked Attraction	Nudity on Naked Attraction was distasteful	Good Taste and Decency
2022-073	Gebbie	Discovery NZ Ltd	Newshub Live at 6pm	Report on Johnny Depp and Amber Heard trial was sexist and discriminatory towards males as it portrayed abuse suffered by Depp as unimportant	Discrimination and Denigration
2022-074	Hibbs	Discovery NZ Ltd	The Project	Presenters showed pictures and information about slugs to co-presenter (who has a phobia), leading to her leaving, amounted to bullying and harassment	Good Taste and Decency
2022-057A	Wakeman	Television New Zealand Ltd	1 News	Item on Russia-Ukraine conflict concerning evidence that Russia committed war crimes inaccurate and unbalanced given omission of Russian perspective	Accuracy, Fairness, Discrimination and Denigration, Balance
2022-057B	Wakeman	Television New Zealand Ltd	1 News	Items on Russia-Ukraine conflict concerning NZ decision to provide further financial and military aid to Ukraine unbalanced as did not explain potential resulting negative consequences for NZ	Accuracy, Fairness, Discrimination and Denigration, Balance

Decision Number	Complainant	Broadcaster	Programme	Nature of Complaint	Standards Complained Under
2022-064	O'Neill	Television New Zealand Ltd	1 News	Item on staff shortages showed distressed employee without holding employer to account	Accuracy, Discrimination and Denigration, Balance
2022-069A	Yandall	Discovery NZ Ltd	The Project	Joke about throwing apple at abortion services protesters promoted violence	Good Taste and Decency, Children's Interests, Violence, Law and Order, Discrimination and Denigration
2022-069B	Thomas	Discovery NZ Ltd	The Project	Joke about throwing apple at abortion services protesters promoted violence	Violence, Law and Order, Discrimination and Denigration
2022-078	Findlay	Discovery NZ Ltd	NewsHub Live at 6pm	Reference to 'countless drive by shootings' implies excess of actual number of shootings (23)	Accuracy
2022-062	Short	Television New Zealand Ltd	1 News	Disclosure of allegations about presenter Santamaria breached privacy	Privacy
2022-068	Berry	Television New Zealand Ltd	1 News	Comment that Mitt Romney represents 'the Mormon Central State of Utah, god-fearing and gun-toting' was discriminatory to the Church of Jesus Christ of Latter-Day Saints and people of Utah	Discrimination and Denigration
2022-081	Carapiet	Radio New Zealand Ltd	The Detail	Report on Productivity Commission findings regarding genetic modification was inaccurate and unbalanced	Accuracy, Balance
2022-092	Rohrbeck	Discovery NZ Ltd	The Project	Item regarding COVID-19 unvaccinated nurses going back to work offensive towards people who are not vaccinated	Offensive and Disturbing Content, Promotion of Illegal or Antisocial Behaviour, Discrimination and Denigration, Accuracy, Fairness
2022-060	Millar	Television New Zealand Ltd	1 News	Item on Buffalo mass shooting used footage from terrorist's livestream	Good Taste and Decency, Violence, Law and Order
2022-076	Newton	NZME Radio Ltd	Heather du Plessis-Allan Drive	Comment regarding Johnny Depp's bill at an Indian restaurant was racist	Discrimination and Denigration
2022-077	Udy	Discovery NZ Ltd	AM	Comments by a guest regarding plus sized people were discriminatory	Good Taste and Decency, Discrimination and Denigration
2022-089	Carter	Television New Zealand Ltd	1 News	Statement that abortion was a constitutional right in the US inaccurate as it's not written in the constitution	Accuracy
2022-080	Schon	Television New Zealand Ltd	1 News	Reporting on public opinion regarding co-governance was unbalanced, discriminatory and inaccurate	Accuracy, Discrimination and Denigration, Balance



Decision Number	Complainant	Broadcaster	Programme	Nature of Complaint	Standards Complained Under
2022-083	Wellington Palestine Group	Television New Zealand Ltd	1 News	News item reporting on the funeral of journalist Shireen Abu Akleh was inaccurate as it did not attribute acts of violence to Israeli forces and implied the funeral took place in Israel rather than in occupied East Jerusalem	Accuracy
2022-087	Buchanan	Discovery NZ Ltd	AM	Statement that NZ Dairy herd 'getting bigger' was inaccurate	Accuracy
2022-090	Carstensen	Discovery NZ Ltd	The Project	Trans activist accusing extremist Christians of burning down Rainbow Youth drop in centre and host's comments implying Bethlehem College is homophobic was inaccurate and discriminatory	Accuracy, Fairness, Discrimination and Denigration, Balance
2022-097	Creedy	Television New Zealand Ltd	The Project	Inappropriate discussion of Chris Hemsworth's butt and 'hottest' stars of Thor movie, particularly in light of #MeToo movement	Good Taste and Decency
2022-079	Right to Life NZ Inc.	Television New Zealand Ltd	Sunday	Item on assisted suicide promoted the practice with no balancing comment and use of the term brave was misleading	Accuracy, Balance
2022-082	Wellington Palestine Group	Discovery NZ Ltd	Newshub Live at 6pm	News item reporting on Israeli occupation forces attack on the funeral of journalist Shireen Abu Akleh was inaccurate as the stated location was 'Jerusalem Israel' rather than occupied East Jerusalem	Accuracy
2022-091	Watkin	Radio New Zealand Ltd	Morning Report	Discussion of abortion issues following Roe v Wade was unbalanced, did not provide 'pro-life' perspective	Balance
2022-095	Tamihere	NZME Radio Ltd	Heather du Plessis-Allan Drive	Comments the host would rather get COVID than wear a mask breached multiple standards	Good Taste and Decency, Accuracy, Discrimination and Denigration, Balance
2022-098	Prowse	Radio New Zealand Ltd	The Detail	Item on funding of Film Commission's CEO script omitted details regarding NZQA's role in funding	Accuracy, Balance
2022-099	Mccracken	Radio New Zealand Ltd	Morning Report	It was unfair, unbalanced and discriminatory for a guest expert to suggest that anti-mask groups were involved with hoax bomb threats	Fairness, Discrimination and Denigration
2022-100	Kingston	Television New Zealand Ltd	1 News	Item on sustainability of period products given to schools inappropriate for family viewing time	Offensive and Disturbing Content
2022-103	Brewster	Television New Zealand Ltd	1 News	Broadcast was inaccurate regarding number of people sleeping in cars and Government's performance on issue	Accuracy
2022-104	Steele	Television New Zealand Ltd	Unbreakable	Item about disability which featured Golriz Ghahraman MP was unbalanced and unfair as it did not show other disabled MPs	Balance, Fairness

Decision Number	Complainant	Broadcaster	Programme	Nature of Complaint	Standards Complained Under
2022-105	Oxley	Radio New Zealand Ltd	Morning Report	Reference to people with cervixes instead of women was inaccurate and discriminatory	Accuracy, Discrimination and Denigration
2022-066	Coney	Television New Zealand Ltd	Sunday	Misrepresentation of the harm from using HRT for menopause	Accuracy, Balance
2022-094	Bancilhon	Television New Zealand Ltd	1 News	Item summarising the Johnny Depp vs Amber Heard defamation trial and verdict in the USA was unbalanced, inaccurate and misleading	Accuracy, Balance
2022-102	Gibb	Television New Zealand Ltd	Breakfast	Item overreported export of waste plastic (20 million tonnes v 35,000 tonnes) and was not corrected	Accuracy
2022-106	Vercoe	Māori Television Service	Artefact	New Zealand history programme was inaccurate and unbalanced	Accuracy, Balance
2022-107A	Dobson	Discovery NZ Ltd	AM	Description of potential GST tax on KiwiSaver providers as 'tax on retirement savings' inaccurate	Accuracy, Balance
2022-107B	Tocker	Discovery NZ Ltd	AM	Description of potential GST tax on KiwiSaver providers as 'tax on retirement savings' inaccurate	Accuracy
2022-107C	Takitimu	Discovery NZ Ltd	AM	Description of potential GST tax on KiwiSaver providers as 'tax on retirement savings' inaccurate	Balance, Accuracy, Fairness
2022-107D	Bate	Discovery NZ Ltd	AM	Description of potential GST tax on KiwiSaver providers as 'tax on retirement savings' inaccurate	Accuracy
2022-110	Smith-West	Discovery NZ Ltd	NewsHub Live at 6pm	Presenter saying 'fair enough' following news item on Tame Iti correcting his name on painting justified vandalism	Promotion of Illegal or Antisocial Behaviour
2022-112	Robinson	Radio New Zealand Ltd	Morning Report	Interview with NZNO union representative was unfair due to pressure on interviewee	Accuracy, Fairness, Balance
2022-113	Franklin	Discovery NZ Ltd	NewsHub Live at 6pm	Phrase 'holy shit' was offensive	Offensive and Disturbing Content
2022-117	Marston	MediaWorks Radio Ltd	The Morning Rumble	Playing 'Another one bites the dust' song on same day of Queen Elizabeth II's funeral was insensitive	Offensive and Disturbing Content
2022-123	Singh	Discovery NZ Ltd	NewsHub Live at 6pm	Discriminatory to refer to alleged kidnapper as 'possibly Indian'	Discrimination and Denigration, Fairness
2022-109	Kellett	Television New Zealand Ltd	Seven Sharp	Segment stating new electric tugboat in Auckland is the first full-sized tugboat was inaccurate	Accuracy
2022-115	Kern	NZME Radio Ltd	Days with Lorna Subritzky	Host playing unintelligible clip of Sylvester Stallone speaking was discriminatory to people with disabilities	Discrimination and Denigration
2022-108	Chapman	Television New Zealand Ltd	1 News	Item on Kyle Rittenhouse acquittal was inaccurate and unbalanced	Accuracy, Fairness, Discrimination and Denigration, Balance

Decision Number	Complainant	Broadcaster	Programme	Nature of Complaint	Standards Complained Under
2022-118	Dobson	Television New Zealand Ltd	1 News	It was unbalanced, unfair and inaccurate to show vox-pops where the majority of people supported the National party. One particular comment concerning 'living in a gulag' was discriminatory	Discrimination and Denigration, Balance, Accuracy, Fairness
2022-119	Middleton	Discovery NZ Ltd	Comedy Gala promo	Promo for comedy show stating 'prepare your pelvic floor' was disrespectful to women and trivialised female anatomy	Discrimination and Denigration, Children's Interests, Offensive and Disturbing Content
2022-122	Porter	Television New Zealand Ltd	1 News	Inaccurate and unbalanced to discuss Hillsborough in relation to other stadium disasters	Balance, Accuracy
2022-125	Johnson	NZME Radio Ltd	Overnight Talk	Talkback discussion about Russian invasion of Ukraine ridiculed caller for political beliefs	Offensive and Disturbing Content, Discrimination and Denigration
2022-067A	Adam	Radio New Zealand Ltd	Saturday Morning	Interview with Dr Kathleen Stock on their philosophy behind gender transition was transphobic	Violence, Discrimination and Denigration, Balance, Accuracy
2022-067B	Crawford	Radio New Zealand Ltd	Saturday Morning	Interview with Dr Kathleen Stock on their philosophy behind gender transition was transphobic	Discrimination and Denigration, Accuracy
2022-116A	Wilson	NZME Radio Ltd	Heather du Plessis-Allan Drive	Host bullied 16-year-old climate activist interviewee	Fairness (action taken)
2022-116B	Newton-Wade	NZME Radio Ltd	Heather du Plessis-Allan Drive	Host bullied 16-year-old climate activist interviewee	Fairness (action taken)
2022-121A	Dobson	Television New Zealand Ltd	1 News	Positioning of Prime Minister's comments in segment on global economy and tax cuts policy was misleading	Balance, Accuracy, Fairness
2022-121B	Erickson	Television New Zealand Ltd	1 News	Positioning of Prime Minister's comments in segment on global economy and tax cuts policy was misleading	Accuracy, Fairness, Balance
2022-126	Winchcombe	Television New Zealand Ltd	Swipe with Caution	Documentary on risk of dating apps portrayed complainant in misleading manner and was unfair	Accuracy, Fairness
2022-124	Dobson	Television New Zealand Ltd	1 News	Statement during news item on Government budget that a bigger tax take has meant a saving of more than \$9 billion was inaccurate as almost a third of the saving came from lower than forecast government expenditure	Accuracy
2022-128A	Smith	Television New Zealand Ltd	1 News	News item on ANZ mortgage interest rate hike edited Hon Grant Robertson's response to question in Parliament to make him seem unsympathetic and evasive	Accuracy, Fairness

Decision Number	Complainant	Broadcaster	Programme	Nature of Complaint	Standards Complained Under
2022-128B	Erickson	Television New Zealand Ltd	1 News	News item on ANZ mortgage interest rate hike edited Hon Grant Robertson's response to question in Parliament to make him seem unsympathetic and evasive	Accuracy, Fairness
2022-129	Erickson	Television New Zealand Ltd	1 News	Was inaccurate to say PM hitched ride on Canadian PM's plane, due to NZ Air Force plane being inadequate	Accuracy
2022-130	Newman	Discovery NZ Ltd	Newshub Live at 6pm	Report on fluoridation and tooth decay was unbalanced as the three waters proposal was the only solution to the problem discussed	Balance, Accuracy, Fairness
2022-131	Dent	Discovery NZ Ltd	Newshub Live at 6pm	Unbalanced and inaccurate description of small unattended aerodromes as uncompliant	Balance, Accuracy
2022-134A	Chilton	Discovery NZ Ltd	AM	Item on banning greyhound racing was one sided and misleading, omitting views of industry and experts	Balance, Accuracy, Fairness
2022-134B	Whelan	Discovery NZ Ltd	AM	Item on banning greyhound racing was one sided and misleading, omitting views of industry and experts	Balance, Accuracy, Fairness
2022-143	Johnson	NZME Radio Ltd	Overnight Talk	Reference to not including Ku Klux Klan and Nazi interests on CV was offensive	Offensive and Disturbing Content
2022-135	Watkins	Radio New Zealand Ltd	Morning Report	Breach of privacy of the family of a murdered dairy worker due to speculation about who died and naming the family	Privacy
2022-137	Hines	Television New Zealand Ltd	Seven Sharp	Apron worn by presenter depicting a naked man's torso with pixelated genitals inappropriate at family viewing time	Offensive and Disturbing Content
2022-138	O'Sullivan	Television New Zealand Ltd	Seven Sharp	Host welcomed guest (Chili from TLC) on behalf of Māori, but not all of NZ	Discrimination and Denigration
2022-139	Hailstone	Television New Zealand Ltd	1 News	It was offensive to use the term 'tough to swallow' regarding the reaction of parents of a child who died from a throat infection	Offensive and Disturbing Content
2022-142A	Watkins	Radio New Zealand Ltd	Morning Report	Interview with Sue Grey, lawyer for child whose parents delayed heart surgery due to concerns with blood transfusion, was unbalanced and unfair to Grey	Fairness, Balance
2022-142B	Yardley	Radio New Zealand Ltd	Morning Report	Interview with Sue Grey, lawyer for child whose parents delayed heart surgery due to concerns with blood transfusion, was unbalanced and unfair to Grey	Accuracy, Fairness, Children's Interests, Balance
2023-002	Higgins	Television New Zealand Ltd	1 News	Item on health wait times being longer for Māori was inaccurate and unfair as portraying unfair treatment	Discrimination and Denigration, Accuracy, Fairness
2023-003	Ireland	Radio New Zealand Ltd	Checkpoint	Report on bombings in Jerusalem unbalanced as favoured Israeli perspective	Balance

Decision Number	Complainant	Broadcaster	Programme	Nature of Complaint	Standards Complained Under
2023-010	Samson	Discovery NZ Ltd	Newshub Live at 6pm	Statement 'we can't have two white guys in these positions' was discriminatory	Discrimination and Denigration, Fairness
2022-141	McKenzie	Television New Zealand Ltd	Web of Chaos	Discussion of online crafts communities as being a gateway for white nationalism was offensive and discriminatory to craft communities and people of Nordic/Celtic origin	Offensive and Disturbing Content, Discrimination and Denigration, Balance, Accuracy, Fairness
2023-001A	Right to Life NZ Inc.	Television New Zealand Ltd	Sunday	Segment on abortion access in the US lacked balance, was inaccurate, was discriminatory, and unfair	Accuracy, Fairness, Discrimination and Denigration, Balance
2023-001B	Kavanagh	Television New Zealand Ltd	Sunday	Segment on abortion access in the US lacked balance	Balance
2023-007	Kāinga Ora	Radio New Zealand Ltd	Morning Report	Report regarding problems faced by Kāinga Ora tenants did not include adequate comment from KO, and they were not informed of key details before broadcast.	Fairness, Balance
2023-004	McArthur	Radio New Zealand Ltd	Multiple news reports	Russian missile(s) crossed into Poland killing 2 people' headline breached multiple standards for a variety of reasons concerning risk of nuclear war, Anglosphere geopolitics and type of missiles used	Accuracy, Fairness, Discrimination and Denigration, Children's Interests, Balance, Offensive and Disturbing Content
2023-008	Williamson	NZME Radio Ltd	Sunday Mornings with the Resident Builder	Host's description of making a makeshift pistol as a young child was dangerous as children could replicate this	Children's Interests
2023-011	YS	NZME Radio Ltd	Mike Hosking Breakfast	Host's comments regarding Dr Gaurav Sharma being a 'nobody' and BSA being 'ineffective' breached multiple standards	Privacy, Accuracy, Fairness, Discrimination and Denigration, Balance, Offensive and Disturbing Content
2023-013	Livingstone	Discovery NZ Ltd	Newshub Live at 6pm	Use of description 'aboriginal' was discriminatory	Discrimination and Denigration
2023-015	Harold	NZME Radio Ltd	Weekend Collective	Host's correction of complainant's statement re COVID-19 vaccine safety was inaccurate, when Cominaty is still in the long term safety trials phase	Accuracy, Fairness, Balance
2023-018	Claus	Radio New Zealand Ltd	The Panel	Statement 97% of New Zealanders vaccinated was inaccurate	Accuracy
2022-133	Rae	Television New Zealand Ltd	Sunday	Item on 2,4,5-T (Agent Orange component) manufacture in Paritūtū being harmful was inaccurate	Accuracy, Balance
2023-012	Slater	Television New Zealand Ltd	1 News	Showing a woman with certain personal characteristics eating donuts was a racial stereotype and discriminatory	Discrimination and Denigration
2023-016	Bell	Radio New Zealand Ltd	Saturday Morning	Dead-naming and incorrect use of pronouns with non-binary guest was discriminatory	Fairness, Discrimination and Denigration

Decision Number	Complainant	Broadcaster	Programme	Nature of Complaint	Standards Complained Under
2023-009	Sharifi	Discovery NZ Ltd	Newshub Live at 6pm	Inaccurate representation of protesters' demands at protest for Iran	Accuracy
2023-017A	Jones	Television New Zealand Ltd	Breakfast	Presenters shooting Trump doll with a salt gun was offensive and inappropriate	Offensive and Disturbing Content
2023-017B	Seale	Television New Zealand Ltd	Breakfast	Hosts shooting President Trump doll with salt gun was offensive and incited violence	Offensive and Disturbing Content, Promotion of Illegal or Antisocial Behaviour
2023-017D	Daldry	Television New Zealand Ltd	Breakfast	Hosts shooting President Trump doll with salt gun was offensive and incited violence	Offensive and Disturbing Content, Promotion of Illegal or Antisocial Behaviour
2023-019	Jennings	Discovery NZ Ltd	Newshub Live at 6pm	Item on rodeos was unbalanced and unfair, ignoring the positive side of rodeos where animal welfare is of utmost concern	Balance, Fairness
2023-021	Judge	Discovery NZ Ltd	Newshub Live at 6pm	Interviewer unbalanced when interviewing Prime Minister Chris Hipkins	Balance
2023-026	Ryan	Television New Zealand Ltd	Promo for Love Triangle	Promo was for a 16L show during a PG show, contained sexual material and poorly bleeped bad language	Children's Interests, Offensive and Disturbing Content
2023-035	Cross	Television New Zealand Ltd	1 News	Was unfair to describe Posie Parker as anti-trans or that she is linked to Neo Nazis	Balance, Fairness
2023-023A	Cobham	NZME Radio Ltd	Early Edition with Kate Hawkesby	Reporting and discussion of Cyclone Gabrielle was inaccurate and dangerous, contradicting the scientist interviewed	Accuracy, Fairness, Offensive and Disturbing Content
2023-023C	Findlay	NZME Radio Ltd	Early Edition with Kate Hawkesby	Reporting and discussion of Cyclone Gabrielle was inaccurate and dangerous, contradicting the scientist interviewed	Accuracy
2023-023D	Cox	NZME Radio Ltd	Early Edition with Kate Hawkesby	Reporting and discussion of Cyclone Gabrielle was inaccurate and dangerous, contradicting the scientist interviewed	Promotion of Illegal or Antisocial Behaviour, 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 be determined. If the Authority declines to determine a complaint under section 11(a), the Authority may make an order of costs against the complainant in accordance with the order provisions in section 16(2)(a) of the Act.

Decision Number	Complainant	Broadcaster	Programme	Nature of Complaint	Standards Complained Under	Reason
2022-065A	McDonald	Discovery NZ Ltd	Newshub Live at 6pm	Item on Olivia Podmore's death was insensitive	Good Taste and Decency, Discrimination and Denigration, Children's Interests	s11(a) – trivial
2022-065B	McDonald	Discovery NZ Ltd	Newshub Live at 6pm	Description of 2500 public servants receiving pay rise incorrect. Should have been 2670	Accuracy	s11(a) – trivial
2022-065C	McDonald	Discovery NZ Ltd	Newshub Live at 6pm	Incorrect use of the word 'crepuscular'	Accuracy, Children's Interests, Programme Information	s11(a) – trivial
2022-065D	McDonald	Discovery NZ Ltd	Newshub Live at 6pm	Was inaccurate to use phrase 'two, one-in-100-year floods'	Accuracy	s11(a) – trivial and vexatious
2022-065E	McDonald	Discovery NZ Ltd	Newshub Live at 4pm	Discussion about Tauranga by-election mistakenly referred to general election	Law and Order, Accuracy, Programme Information	s11(b) – in all the circumstances
2022-070	Gregg	NZME Radio Ltd	Weekend Collective	Host referred to COVID-19 Parliament occupation protestors as 'vermin'	Discrimination and Denigration	s11(b) – in all the circumstances
2022-085	O'Neill	Discovery NZ Ltd	Newshub Live at 6pm	Disagreed with choice of panel guest who was described as a 'political commentator'	Law and Order, Balance	s11(b) – in all the circumstances
2022-088A	Mather	Television New Zealand Ltd	Shortland Street	Use of te reo Māori in broadcast and 'disgusting' treatment of COVID-19 'anti-vaxxers'	Offensive and Disturbing Content, Discrimination and Denigration	s11(b) – in all the circumstances
2022-088B	Mather	Television New Zealand Ltd	Everybody Hates Chris	Broadcast was racist and unfair towards white people	Discrimination and Denigration, Fairness	s11(b) – in all the circumstances
2022-088C	Mather	Television New Zealand Ltd	The Simpsons	Programme with sexual references inappropriate for children	Children's Interests	s11(b) – in all the circumstances
2022-088D	Mather	Television New Zealand Ltd	Everybody Hates Chris	Broadcast was racist and unfair towards white people	Fairness, Discrimination and Denigration	s11(b) – in all the circumstances
2022-096	Tyrrell	Television New Zealand Ltd	Breakfast	Calling New Zealand 'Aotearoa' unbalanced and unfair as Māori a minority	Balance, Fairness	s11(b) – in all the circumstances
2022-101	Klaassen	Discovery NZ Ltd	Naked and Afraid of Love	Inappropriate to air Naked and Afraid due to nudity	Offensive and Disturbing Content, Denigration	s11(b) – in all the circumstances
2022-114	Erickson	Television New Zealand Ltd	1 News	Item 'should have been about GDP Growth at 1.7%' but was framed as being about wealth inequality	Accuracy, Fairness, Balance	s11(b) – in all the circumstances



Decision Number	Complainant	Broadcaster	Programme	Nature of Complaint	Standards Complained Under	Reason
2022-140	Dobson	Discovery NZ Ltd	AM	Unbalanced and inaccurate statement on what words viewers associated with PM Jacinda Ardern	Balance, Accuracy	s11(a) – trivial
2023-006	Jones	Discovery NZ Ltd	AM	Offensive phrase 'get the bloody hell out of here' used on the news	Children's Interests, Offensive and Disturbing Content	s11(b) – in all the circumstances
2023-005A	Wakeman	Television New Zealand Ltd	Q + A with Jack Tame	Item on Hamilton West by-election did not include or refer to candidates from minority parties	Accuracy, Fairness, Balance	s11(b) – in all the circumstances
2023-005B	Wakeman	Television New Zealand Ltd	1 News	Item on Hamilton West by-election did not include candidates from minority parties and was inaccurate	Accuracy, Fairness, Balance	s11(a) – trivial; s11(b) – in all the circumstances
2023-005C	Wakeman	Television New Zealand Ltd	Wasted	Documentary on war on drugs was inaccurate	Accuracy, Fairness, Balance	s11(b) – in all the circumstances
2023-005D	Wakeman	Television New Zealand Ltd	Q + A with Jack Tame	Interview with Finland Prime Minister unbalanced	Accuracy, Fairness, Balance	s11(b) – in all the circumstances
2023-005E	Wakeman	Television New Zealand Ltd	1 News	Item reporting on phone line to surrender Russian Prisoners of War in Ukraine was inaccurate to note unknown what happens upon surrender	Accuracy, Fairness, Balance	s11(b) – in all the circumstances
2023-005F	Wakeman	Television New Zealand Ltd	1 News	Referral to Aotearoa Legalise Cannabis Party as the 'Cannabis Party' inaccurate and offensive	Accuracy, Fairness, Balance, Offensive and Disturbing Content	s11(a) – trivial; s11(b) – in all the circumstances
2023-032	Pemberton	NZME Radio Ltd	News bulletin	Reference to Cyclone Gabrielle incorrect as at the time it was a subtropical low	Accuracy	s11(a) – trivial
2023-033	Pemberton	Television New Zealand Ltd	1 News	Reference to Cyclone Gabrielle incorrect as at the time it was a subtropical low	Accuracy	s11(a) – trivial
2023-034	Pemberton	Discovery NZ Ltd	Newshub Live at 6pm	Reference to Cyclone Gabrielle incorrect as at the time it was a subtropical low	Accuracy	s11(a) – trivial

Other interlocutory decisions

Other decisions recorded on interlocutory matters.

Decision Number	Complainant	Broadcaster	Programme	Nature of Complaint	Finding
ID2022-071	Wilberg	Radio New Zealand Ltd	Various news bulletins	Interlocutory decision on process issues	Jurisdiction accepted





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