

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

2020

Vision Te Moemoeā

Freedom in broadcasting without harm

Purpose Te Aronga

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

Our Values **Ko Mātou**

In everything we do, we strive to:



Be independent

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

Kia tū motuhake

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



Act with integrity

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

Mahi i runga i te ngākau pono

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

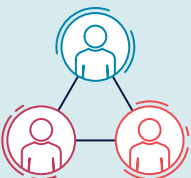


Embrace diversity

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

Awahi i te rerenga kētanga

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



Work collaboratively

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

Ka Mahi tahi

Mahitahi ai 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.



Earn respect

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

Kia whakanuia

Pupuri ai 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.



Be Dynamic

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

Kia tū kaha

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

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Members Ngā Mema O Te Poari



Judge Bill Hastings – Chair

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

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



Paula Rose QSO

Paula Rose is a Canterbury based director and safety professional. She holds a number of board positions including as Deputy Chair WorkSafe NZ, Deputy Chief Commissioner of the Criminal Cases Review Commission, and on the Transport Accident Investigation Commission, and Social Workers Registration Board. She is also a member of the NZ Parole Board. She was formerly National Manager, Road Policing with NZ Police, Deputy Chair of the Independent Taskforce on Workplace Health and Safety, and Executive Director to the Minister of Social Development on the Children's Action Plan. In 2013 Paula was appointed as a Companion to the Queen's Service Order for her contribution to policing and the community.

Paula joined the BSA in July 2015.



Susie Staley MNZM

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

Susie Staley joined the BSA in October 2018.



Leigh Pearson

Leigh Pearson is self-employed, specialising in government relations and communications. She advises the University of Auckland and was recently Acting General Manager Engagement and Partnerships at Waka Kotahi, NZ Transport Agency. Leigh is a former journalist having worked with Radio New Zealand, Television New Zealand and Radio Deutsche Welle. She is a former chair of the Parliamentary Press Gallery and was a member of the BSA from 2009 to 2016.

Leigh rejoined the BSA in June 2020.

Chair's Report

Te Pūrongo o Te Tiamana



■ In the global context, issues of equality, political and social ideologies, have dominated content channels. We are acutely aware of the pressures and responsibilities placed on broadcast media in this environment. ■

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.

An extraordinary year

This past financial year has been an extraordinary year in our local and global community. As a country we commenced the financial year continuing to respond to the consequences of the attacks on two mosques in Christchurch which heightened awareness about the extreme harm that may emanate through content channels. Our country and our visitors experienced the extreme effects of a natural disaster with the eruption of Whakaari in December 2019. New Zealand is now managing the ongoing social, economic and health effects of the COVID-19 pandemic and preparing for a General Election and voting on two referenda. In the global context, issues of equality, political and social ideologies, have dominated content channels. We are acutely aware of the pressures and responsibilities placed on broadcast media in this environment.

These events have showcased the high value placed on broadcast media and the critical role it plays in a democracy to keep diverse communities informed with accurate, fair, and balanced reporting, and to keep them connected and entertained. It has also highlighted the importance of standards safeguards which are designed to ensure children and vulnerable people are kept safe from content that may harm. For many, trust in the media and in the broadcast media has become an overriding concern. This concern has been fuelled by the increasing prevalence of unregulated content on online platforms. This further serves to highlight the importance of an ethical broadcasting standards framework, underpinning safeguards against harm from the exercise of freedom of expression.

Our work this year

This report provides an overview of our work and the impact we have had in this context through the 2019-2020 financial year. This year our focus has been on bringing our refreshed strategic framework to life and taking steps

to modernise the standards system. This has involved an increased focus on our role in supporting a standards framework that does not unduly restrict broadcasters' right to freedom of expression, whilst enabling New Zealand audiences to safely access broadcast content without harm. We have achieved this through modernising the free-to-air television and election programmes codes, undertaking research to understand children's media use and what harms them, and providing resources for parents and caregivers to protect children from harm. We have increased our engagement with broadcasters, and issued guidance on reporting on terrorism and violent extremism, and on broadcaster obligations in the lead up to the 2020 Election.

While the number of decisions issued by the BSA increased by 23% over the year, the nature of the complaints themselves is notable for its complexity. While the number of complaints about news and current affairs increased by 29% this year, the number of upholds in this genre decreased by 3%. This is a positive indicator. It shows audiences accessing the complaints system, and the maintenance of broadcasting standards.

A modern content regulator

Significantly, the BSA turned 30 this year. We are operating in a fluid media environment where the means of distribution of content and the way audiences consume content is continually changing. The age, ethnicity and socio-economic demographics of our community continue to evolve. In our role we must ensure we reflect New Zealand's diversity.

New Zealand urgently needs a refreshed modern regulatory system that removes gaps and overlaps in regulation and reduces the fragmentation of the system. Throughout the year we have provided advice to policy officials on the issues of reform. However, in the absence of reform, our challenge is to be a modern regulator and to give effect to our statutory mandate in a way that is responsive to this environment. As part of this, we must continuously review how the Broadcasting Act 1989 applies to the many modern ways in which programmes are transmitted to New Zealanders. This has required us to robustly reassess previous narrow interpretations. We intend to continue this work and at the same time engage with stakeholders so they are aware of the approach we intend to take.

Our operations and our people


This has been another exceptional year for the BSA and I am proud of the achievements presented in this report. We have delivered a strong and comprehensive regulatory service within a small budget and to a high standard. This year our timelines for delivery of complaint determinations have been challenged, largely due to the complexity raised in certain cases and delays in receipt of submissions from parties. Our focus remains the delivery of well-reasoned, robust, quality decisions that carefully apply the standards. Our financial position remains sound. We anticipate that the COVID-19 pandemic may have an impact on broadcaster revenue, which will in turn impact our levy income. We expect healthy reserves to sustain operations in the short to medium term.

We have had a number of changes to our board and staff this year. I wish to acknowledge and thank all members of our small team who have contributed unswervingly to the year's work.

In particular I would like to thank my board members, who have worked tirelessly throughout the year in demanding circumstances on complex issues. I am grateful to our dedicated team, which has been committed to the delivery of our strategic priorities and to supporting our complaint determinations. I am also grateful for the support of the team at the Porirua District Court who made the chairing of Board meetings by Zoom possible during the COVID-19 alert levels.

Lastly, I would like to thank our out-going Chief Executive Belinda Moffat for her four years of service to the BSA.

Nā reira kia ora anō tātau katoa.



Judge Bill Hastings
Chair

Our Highlights

Ō Mātou Mahi Hirahira

COMPLAINTS RECEIVED¹

135

DECISIONS ISSUED

111

decisions responding to 130 complaints

UPHELD DECISIONS

16

decisions identifying breaches of standards by broadcasters

ENQUIRIES ADDRESSED

928

ORDERS

6

orders made in relation to 6 decisions

ENGAGEMENT WITH BROADCASTERS

58

meetings, seminars and workshops with broadcasters engaging on standards issues

COMPLAINANT SATISFACTION

78.5%

of complainants were satisfied with their interactions with the BSA

CHILDREN'S MEDIA USE

72%

of parents use classifications and warnings at least some of the time to decide whether children should watch a programme

BSA DECISIONS

85%

of litmus testing participants agreed with BSA decisions on average

BSA PĀNUI

9

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

PRESS RELEASES

25

press releases about 14 BSA decisions and research commissioned by the BSA

SERVICE

76%

of Broadcasters surveyed ranked their working relationship with the BSA as good or very good

¹ 'Complaints received' is the number of complaints referred to the BSA within the year (135). 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' (130).

OUR STRATEGIC CONTEXT

TŌ MĀTOU HOROPAKI RAUTAKI

Our role

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

This year the number of complaints received and decisions issued increased by 11% and 23% respectively, with a strong focus on complaints about news and current affairs reflecting the focus on local and global social, political and crisis events.

We undertake research to ensure that community attitudes are understood and that the standards reflect the modern world in which they operate. We engage with broadcasters and the community to ensure that they are aware of the standards and the complaints process. Despite the COVID-19 pandemic, we have delivered our research work programme and provided increased engagement with broadcasters and the community, taking advantage of technology to reach a greater number of stakeholders in our work.

We are independent, our services are free and we strive to be accessible to all New Zealanders within our diverse communities. We are funded by the government and through broadcaster levies. We are governed by a four-member board and our operations are overseen by a small staff team. This year the pressure on our small team was greater with an increase in both complaint numbers and the complexity of issues raised. We have increased our resources to enable us to respond accordingly.

Wellbeing

Given the central role that audio-visual content media plays in our community, we have an important part to play in supporting the wellbeing of New Zealanders. We oversee the standards framework so that New Zealanders can confidently engage with broadcast media that does not cause harm. This means promoting the importance of the standards safeguards that enable audiences to make informed decisions about what they, and children in their

care, choose to watch and listen to. We have a particular focus on supporting children and young people to navigate the complex content environment – our work on refreshing the guidelines on timebands and classifications, the launch of www.safeviewing.co.nz, and our child-centred research on media use, reflect this.

Strategic refresh – Freedom in broadcasting without harm

In February 2019, we refreshed our strategy and updated our vision statement: *Freedom in broadcasting without harm*. It recognises that balancing the right to freedom of expression against harm is at the heart of what we do, and what we have always done. The threshold for our intervention remains high. The refreshed strategy recognises our increased emphasis on proactively engaging with broadcasters and New Zealand's diverse communities to prevent harm from content.

This includes educating broadcasters (of which there are over 120) about how the standards apply and how they can support audiences to make informed choices. It also includes ensuring that our work is available and accessible to broadcasters and people in our broad range of ethnic communities. We also aimed to increase engagement with the public on how to safely manage content in their homes.

Our refreshed strategic framework was published in our Statement of Performance Expectations for the year ended 30 June 2020. This Annual Report reports against that framework. Our Statement of Intent was updated to reflect this framework in June 2020 and best reflects the outcomes and impact we aimed to achieve in the 2019/20 year.

This is our first report under our refreshed strategic framework ([Figure 1](#)).



Attitudes and values of New Zealand's diverse liberal democratic society

We operate our complaints determination function in an ever-changing media environment. The age, ethnicity, and socio-economic demographics of the New Zealand community continue to change. Our challenge is to reflect the values, attitudes and expectations of this diverse community, and to respond appropriately to the current media landscape as we give effect to our statutory mandate. The issues raised in complaints have been complex this year, requiring careful consideration and increased time and resource. Important issues about equality, human rights, democracy, ideologies and community standards across a wide range of communities have been raised. We have also received valuable public feedback on some of our decisions that questions whether some standard settings are right. Listening to this feedback and testing our decisions with focus groups have enabled us to ensure the standards system remains fit for purpose.

Content regulation

The diversification of media content across a wide range of digital and linear platforms and devices has continued at pace, with new content services and platforms reaching New Zealand audiences. We strongly support a thorough review of content regulation in New Zealand, rather than piecemeal change. Throughout the year, we have provided advice and submissions on a range of reform initiatives, from the BSA's perspective as an experienced content regulator. The issues associated with reform are complex. We believe perspectives and expertise from across the public and private sectors will ultimately build a robust framework for the future.

COVID-19 impacts

The COVID-19 pandemic has, and continues to have, a significant impact on New Zealanders. So far, the impact on the BSA has been absorbed through our resilient operations. The BSA successfully transitioned to 100% remote working during lockdown with all services operational. Our online services for complaints and enquiries were effective and we transitioned our in-person research projects to online methodologies. We determined and issued decisions and delivered our timebands and classification change programme during lockdown. We issued our planned guidance for broadcasters on reporting on terrorism. We deferred some projects which put demands on broadcasters, such as the publicity notice audit and escalation of unfiled levy returns. We provided workshops and seminars to broadcasters and the public using audio-visual online technology. We supported Audit New Zealand to complete its interim audit.

We contributed to the Government's work in designing the media response and recovery package and provided guidance to broadcasters as essential service providers. The pandemic environment presents challenges for many broadcasters and may impact broadcaster revenue. This will in turn impact the BSA's levy revenue. We hold healthy reserves to sustain us through reduced revenue in the short to medium term and we have exercised fiscal restraint with some of our core costs.

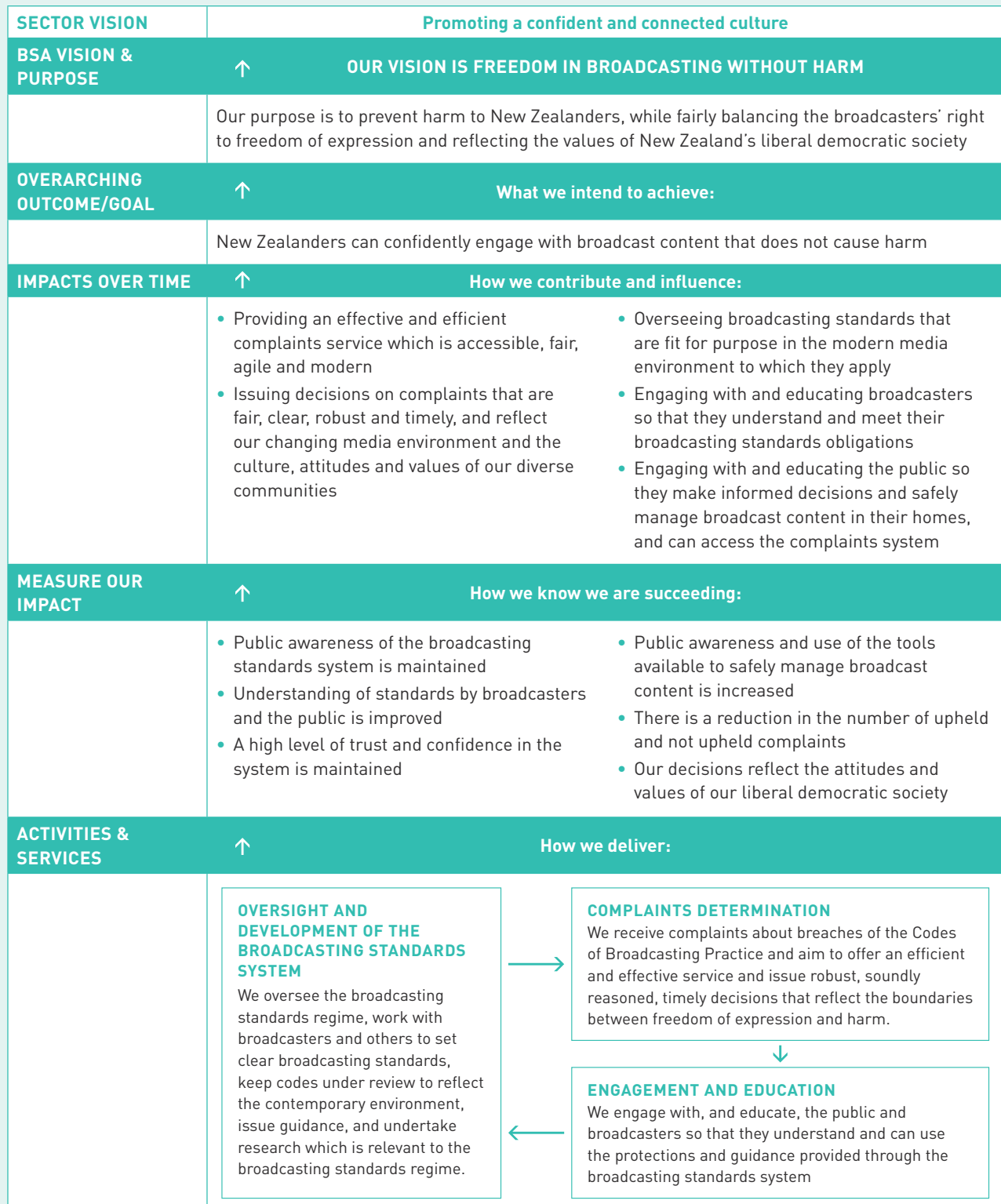
While complaint numbers reduced during the lockdown, in June complaints and inquiries spiked to more than double the number in the previous year. We have increased our permanent and temporary resources to respond to this. We will continue to monitor the ongoing effects of the pandemic on our operations, the community and the sector, to ensure that we are equipped to respond appropriately.



Strategic Framework

Te Anga Rautaki

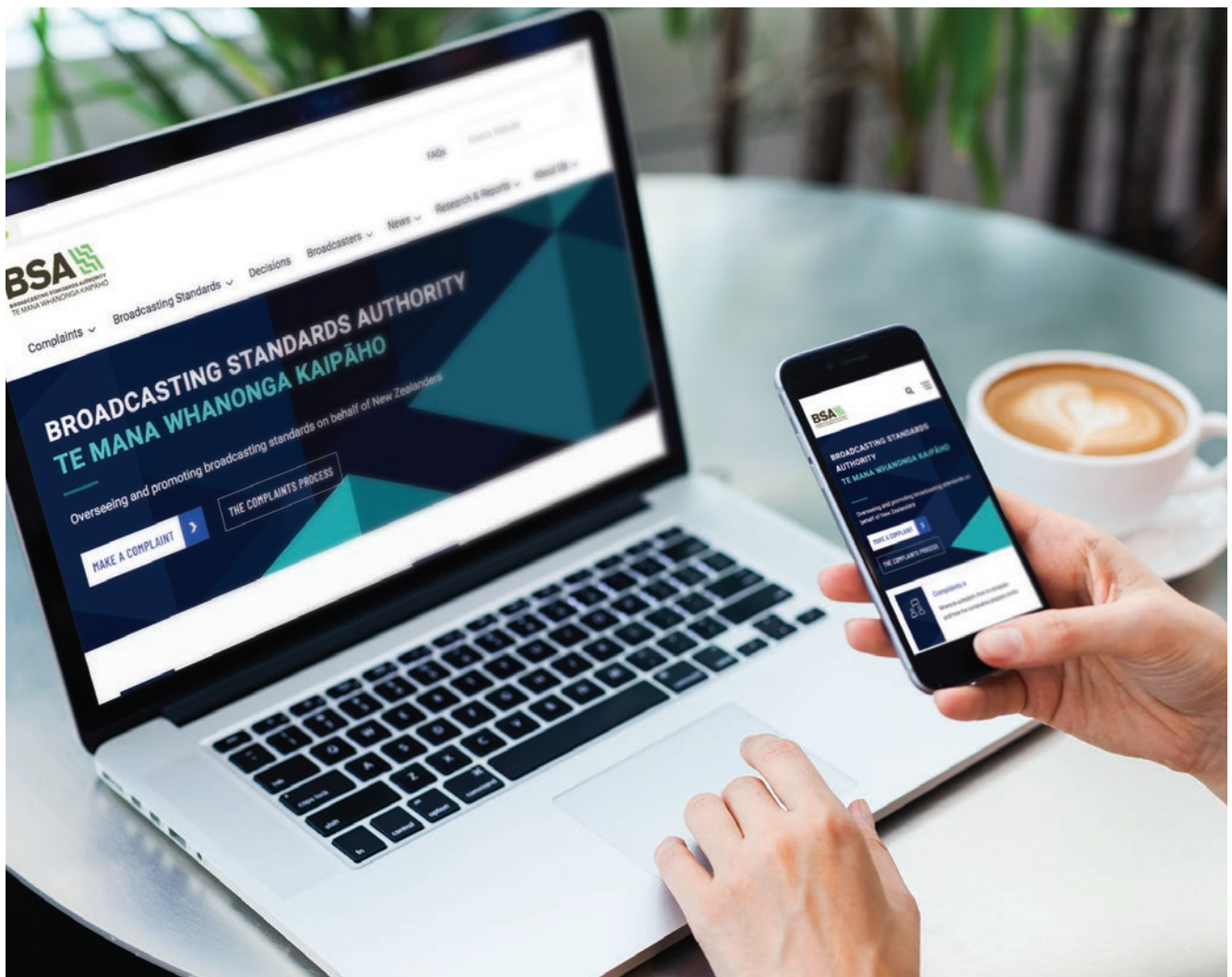
Figure 1





OUR PERFORMANCE STORY TŌ MĀTOU PŪRĀKAU WHATAATURANGA

This section of our report sets out our achievements against the objectives in our refreshed strategic framework ([Figure 1](#)). Through case studies we 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 2020.



Our Impact

Te Whakaaweawe o Tā Mātou Mahi

Our overarching goal is that New Zealanders can confidently engage with broadcast content that does not cause harm.

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. We aim to deliver five impacts over time that contribute to our overarching goal (below). Our impact is achieved through our three core activities in the ways described below. As illustrated in our strategic framework, the three activities and services we deliver are interrelated. Together they deliver the impacts and outcomes we seek to achieve.

Impacts over time

1



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

2



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

3



Broadcasting standards are fit for purpose in the modern media environment

4



Broadcasters understand and meet their broadcasting obligations

5



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



Complaints Determination

Te Whakataunga o ngā Kōamuamu

Impacts



An, effective, 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



Broadcasters understand and meet their broadcasting obligations



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

The core way in which the BSA makes an impact is through the provision of an effective and efficient complaints process that is accessible, fair, agile and modern, and by issuing fair, clear, robust, and timely decisions on complaints. The BSA's decisions provide guidance to the public and broadcasters about how the right to freedom of expression may be exercised and how standards apply to limit that in certain circumstances. It is through this guidance that broadcasters are better able to understand and meet their obligations, and by which complainants can make high quality complaints. Well-reasoned decisions that reflect the modern media environment, and the attitudes and values of our liberal democratic society, maintain a high level of trust in the broadcasting standards system.

Overview

Appendices one and two, and the infographics on page 14, provide a breakdown of the complaints determined this year and the decisions issued. This year we issued 111 decisions, up from 90 decisions last year. We addressed 928 enquiries, compared with 867 in 2019 from the public and broadcasters who sought guidance on the complaints process, standards, and the scope of our jurisdiction regarding online content.

This year we saw an increase in both the volume and the complexity of complaints, requiring some cases to be revisited by the Authority across multiple meetings and/or for determination on orders. A number of complaints

required the Authority to seek translations of broadcasts in languages other than English, and cultural advisors were employed to provide guidance where appropriate.

The Authority declined to determine 11 complaints under section 11 of the Broadcasting Act², compared with 5 last year. This may indicate that the Authority received an increase in vexatious, frivolous and trivial cases, but it may also indicate that, in the context of an increased caseload, the Authority is being more discerning as to the matters on which it spends its time.

Despite some delays, the output on decisions was high, and our focus was to ensure quality decisions that followed a fair and robust process.

Complaint themes

The complaints determined over the last year were marked by their complexity. The Authority considered a number of complaints about news and current affairs (67% of complaints determined), reflecting the public's focus on significant events occurring in New Zealand and globally.

The accuracy, balance and fairness standards were three of the four most frequently raised standards, reflecting the importance audiences place on ethical and reliable reporting. Complaints upheld under these standards remained low with 14% of decisions on accuracy upheld and 9% of decisions on balance upheld. Decisions upholding complaints on the fairness standard increased to 22% this year, from 15% in 2019. These standards are fundamental to the standards system and present challenges in their application to complaints. We discuss this in the themes canvassed below.

Complaints under the good taste and decency standard, the fourth most frequently raised standard, increased by 32% this year, and were often made in relation to news and current affairs and comments made by hosts on both television and radio³. However, only 8% of good taste and decency standard complaints were upheld, indicating that complainants' views as to what is unacceptable did not reach the threshold justifying regulatory intervention in the exercise of the right to freedom of expression. Still,

² Section 11 allows the Authority to decline to determine decisions in certain circumstances (including when the complaint is considered frivolous, vexatious or trivial)

³ See for example Decision 20; Decision 2019-082; Decision 2019-113; Decision 2019-047; Decision 2019-089 and Decision 2019-088.

these complaints required careful consideration by the Authority, which is charged with the task of balancing the right to freedom of expression against the avoidance of harm. These decisions and complaints provide important guidance to broadcasters as to the sensitivities and preferences in their audiences.

This year the Authority issued decisions dealing with complaints about breaches of the violence and law and order standards relating to the March 2019 mosque attacks. The complaints on these issues reflects the heightened concern that the public has about violence in content (see case study below).

We dealt with fewer complaints about fictional content this year (decrease of 55%). No complaints about fictional content were upheld. This indicates that the standards safeguards such as classifications, warnings and timebands, which are designed to enable audiences to exercise choice and control over what they choose to watch and listen to, are working well in this regulated environment, resulting in reduced complaints and evidence that broadcasters are meeting the standards.



Case study: Good taste and decency in news and current affairs

Pask and MediaWorks TV Ltd (2019-057)

An item on *Newshub* Live at 6pm covering US immigration, particularly migrant detention camps and the resulting protests, included images showing the bodies of a toddler and her father, who drowned while trying to enter the US. A complaint that the images were gratuitous and in breach of the good taste and decency standard was not upheld. The Authority found that including the images of dead bodies was justified in the public interest, and the warning preceding them was sufficient to enable viewers to exercise choice and control over their viewing, so there was no breach of good taste and decency.

'...while the image depicted a human tragedy, we consider there was public interest in this item, and in reporting on newsworthy events in the US.

Audiences should not be shielded from violent or tragic events, which unfortunately do take place, and the standards recognise that, in news programmes, disturbing or alarming material is often shown to reflect the world we live in. We have previously found that the use of strong images in news reporting can be impactful rather than gratuitous, and that they can enable viewers to understand the gravity of a situation in a way that verbal descriptions do not. In this case we find the use of the images of the toddler and her father was justified in the public interest and served as a powerful illustration of the plight of those attempting to cross the US border, which was the focus of the item.' (Paragraph 14 of the decision)



Complaints Overview

Tirohanga Whānui ki Ngā Amuamu

WE DETERMINED

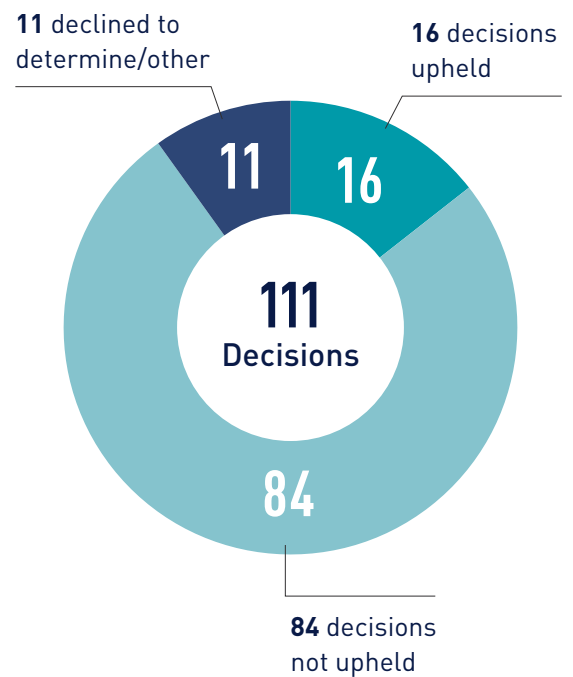
130 COMPLAINTS

AND ISSUED

111 DECISIONS

	2020	2019
Total enquiries	928  7%	867
Formal complaints received	135  11.5%	121
Decisions issued	111  23%	90
Complaints determined	130	131

OVERALL DECISION OUTCOMES



MOST COMPLAINED ABOUT BROADCASTER TYPE

By number of complaints determined in 2019/20

TV



RADIO

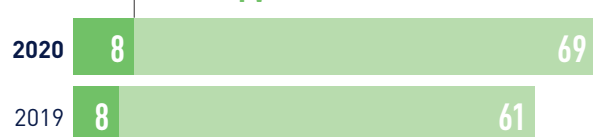


COMPLAINT OUTCOME BY BROADCASTER TYPE

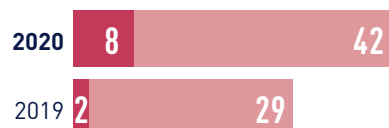
By number of decisions finding a breach of standards in 2019/20

Upheld Total

TV



RADIO





MOST COMPLAINED ABOUT PROGRAMME GENRE

By number of complaints determined in 2019/20

NEWS AND CURRENT AFFAIRS ▲



RADIO/TALKBACK ▼



OTHER (INCL. SPORT, COMEDY, REALITY TV)



FACTUAL



FICTIONAL



COMPLAINT OUTCOME BY PROGRAMME GENRE

By number of decisions finding a breach of standards in 2019/20

Upheld

NEWS AND CURRENT AFFAIRS

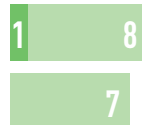
Total



RADIO/TALKBACK



OTHER



FACTUAL



FICTIONAL



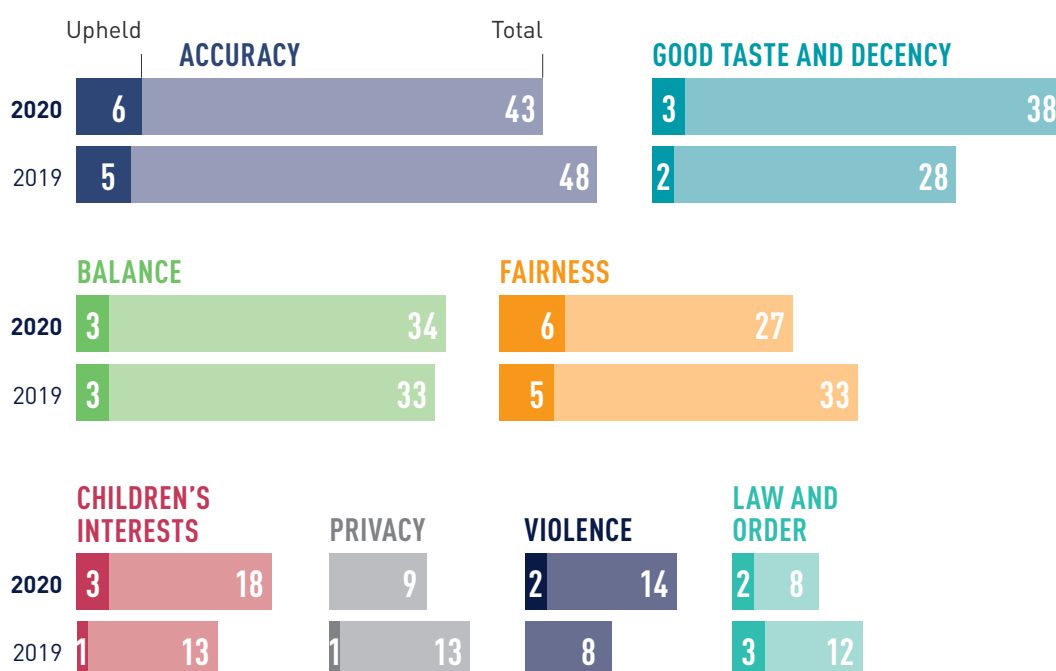
MOST COMPLAINED ABOUT STANDARD

By number of complaints determined in 2019/20



COMPLAINT OUTCOME BY STANDARD

Number of decisions finding a breach of the standard in 2019/20





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

In this section we highlight the complexity of the issues addressed by the Authority this year.

Talkback radio and diverse views

Talkback radio broadcasters are generally granted more latitude to be provocative in the interests of generating robust debate, which contributes to a healthy democracy and vibrant multicultural society, and protects the rights of diverse communities to impart and receive information and ideas. However, the right to broadcast carries with it privileges and responsibilities, and different views and cultures need to co-exist compatibly, such that we must look to the New Zealand community as a whole when determining whether broadcasting standards have been breached⁴.

The Authority had to consider how standards applied to broadcasters reaching diverse communities. This year the Authority considered a number of complaints about radio content broadcast to Indian communities, which required an assessment of the attitudes and values of the relevant audiences, and how these should be accounted for in New Zealand's broadcasting context. The complexity included engaging with parties on the interpretation, approach taken, and application of standards to these different perspectives and philosophies. In determining these complaints, the Authority sought translations and the input of cultural advisors where appropriate.

In *Singh and Radio Virsa (2019-081)*, the Authority upheld a complaint that threatening comments directed at members of a Sikh sect breached the good taste and decency, violence and law and order standards. The comments were made in response to violent incidents in India and were said by the broadcaster to express support for the victims of those incidents, to a specific audience. The Authority recognised the views and expectations of the target audience as important in its consideration, but held it must apply broadcasting standards that reflect the norms of the wider New Zealand community.

In *Taimoori and 5TUNZ Communications Ltd (2019-019)*, the Authority upheld a complaint that the standard of fairness had been breached, where the radio host had used his platform to air personal grievances against another, without giving the other party an opportunity to respond. Similarly, in *Singh & Singh Bassi and Access Community Radio Inc (2019-045)*, the Authority upheld a complaint that

the standard of fairness had been breached for failing to provide individuals with a fair and reasonable opportunity to respond to allegations about a mismanagement of funds raised. The offer of a right of reply on air was considered unreasonable in the circumstances, particularly in the absence of an adequate apology.

A reduction in the number of complaints received about radio broadcasts coupled with an increase in the number of complaints upheld over the last annual period indicates an increase in awareness of the standards on the part of complainants and an improvement in the quality of complaints. It also indicates a continued need for radio broadcasters to take care so as not to cause undue harm.

“...We are conscious that we must apply New Zealand standards, and the expectations and values of the New Zealand community. We also recognise that our New Zealand community comprises a wide range of cultures, ethnicities and beliefs. New Zealand values these different cultures. However, these different views and cultures also need to co-exist compatibly. We must look to the New Zealand community as a whole when determining whether broadcasting standards have been breached.”

[Decision 2019-081]

⁴ Singh and Radio Virsa – 2019-081 [27 May 2020] at [16].

Children's interests

The Authority also dealt with a range of complaints about potential harm to children. While the complaints themselves were not complex, they raised important considerations about protecting tamariki and rangatahi in New Zealand. The Authority values highly its role in supporting the protection of children through the standards regime.

In broadcasting, the children's interests standard requires broadcasters to ensure that children are protected from material that unduly disturbs or harms them or is likely to impair their development, through the proper use of programme classification and timebands. Parents, caregivers and guardians play a key role in monitoring the material to which their children are exposed. While there is increasing visibility of sexual images and harmful material today, there is also an increasing ability to protect children from such material. The BSA's impact in protecting children from harm was demonstrated through the updated timebands and classification information requirements in the free-to-air television code amendments and promotion of the availability of parental locks on television in April-May 2020.

The Authority also highlighted the importance of children's interests in *Burton and Television New Zealand Ltd (2019-026)*, when it upheld a complaint that a promotion for the movie *Shallows*, shown during the screening of a children's animation film *Finding Dory*, was inappropriate for children and breached the children's interests standard. The relevant G classification given to *Finding Dory* indicated that parents, caregivers and guardians should have been able to leave their children watching the programme unsupervised with confidence. However, the promotion of *The Shallows* in an ad break during *Finding Dory* depicted a real threat to human life and was likely to disturb children in the absence of parental guidance and support.

The Authority did, however, have to carefully balance children's interests against freedom of expression in the determination of *Sta. Lucia and Mediaworks TV Ltd (2019-048)*. In that case, the Authority did not uphold a complaint that an episode of *Love Island UK*, aired at 5.00 pm, breached the children's interests standard. The episode had been heavily edited from its on demand version, to meet the G classification. The Authority recognised that the episode contained mature themes that did not necessarily reflect values that all parents, caregivers and guardians would endorse for their children, but found that it did not contain content that would alarm or distress children to the extent justifying intervention. The Authority reiterated that its function is not to drive for different or 'better' values but determine complaints against the existing values of the wider New Zealand community, and ensure that sufficient information has been provided to enable parents, caregivers and guardians to exercise choice and control over their children's viewing.

News and current affairs: accuracy, balance and fairness

News and current affairs broadcasts are at the heart of a healthy democracy, in terms of both the exercise of the right to freedom of expression and the access to information about issues of public importance. In this light, an increase in the number of complaints received about news and current affairs suggests an increasing public concern about the role and reliability of such broadcasts, perhaps influenced by the current global political environment. There, the standards of fairness, balance and accuracy are the guiding principles for broadcasters and critical in the standards system.

This year the Authority grappled with a number of complex complaints raising issues under the accuracy standard. The standard has two key tests, which require broadcasters not to mislead audiences and to take reasonable steps to ensure the accuracy of all material points of fact. This standard aims to protect audiences through the provision of accurate and reliable information, and goes to the heart of ethical news reporting. The most complex cases required the Authority to assess the information provided and engage with the relevant broadcaster to understand what steps were taken to ensure accuracy. They also required a determination of whether certain statements were fact (to which the accuracy standard applies) or comment, analysis, and/or opinion (which are not subject to the standard), an assessment which must be carefully made. These complaints touched on complex social, political and scientific issues such as access to school survey data by platforms, potentially carcinogenic properties in a weedkiller, bomb threats, the approach to approving pharmaceutical products for purchase in the UK and NZ, and criticism about the operations of a community health society. A number of these cases were considered by the Authority across multiple meetings.

In some cases, like *Matthew and Television New Zealand (2019-114)* which related to a report on use of weedkiller by a local authority, and *O'Neill and Radio New Zealand Ltd (2019-086)* which addressed a broadcaster's description of a politician's tweet, the accuracy standard was found to not apply as the relevant statements alleged to be inaccurate were found to be analysis and/or opinion. In *Wilson and NZME Radio Ltd*, the majority of the Authority also found that the allegedly inaccurate statement about the government's surplus in *Mike's Minute* was one of comment and political analysis, whereas the minority Authority member considered that the comment constituted an inaccurate statement of fact on which an opinion was subsequently based, which in his view breached the standard.

Two complaints which were upheld under the accuracy standard demonstrate the application of the two key tests under this standard and the complexity that can arise.



In *Davis and Radio New Zealand Ltd (2019-061)*, the Authority upheld one aspect of a complaint that the broadcaster had breached the accuracy standard, for inviting listeners to draw negative comparisons between the National Institute for Health and Care Excellence in the United Kingdom and PHARMAC in New Zealand, without including relevant contextual information about the differences between these entities. In *ANZ Bank of New Zealand Ltd and Television New Zealand Ltd (2019-070)*, the Authority found that the broadcaster had not done enough to ensure the accuracy of the news segment, regarding the complainant's actions in an ANZ branch, especially given the contact it had had with ANZ, which was the subject of the broadcast.

The fairness standard in particular is critical, as journalists and the media have an important role to bring stories to public, expose wrong doing and hold those in power to account, but must do so in a way that is fair to the participants in these broadcasts, if that role is to be reliably fulfilled. This year we considered a range of fairness cases, which involved consideration of third party interests and detailed events.

In *The University of Otago and Television New Zealand Ltd (2019-082)*, the Authority did not uphold a complaint that an item on *Sunday*, covering sexual assault at the University of Otago, breached the fairness, balance and accuracy standards. One key reason for this finding was that *Sunday* included comment from the University, and other statements were clearly signposted as coming from the perspective of the three women whose stories were presented. The fact that the University's comments were not presented in as much detail as it would have liked did not mean there was unfairness or lack of balance.

The Authority did, however, uphold complaints that items on *Breakfast* and *1 News*, concerning treatment of sexual assault allegations by the University of Otago, breached the fairness standard. The item on *Breakfast* also breached the balance standard. The Authority did not uphold complaints that these shows breached the accuracy standard, on the basis that the alleged inaccuracies were either immaterial or presented as opinion. In terms of fairness, the decision illustrated the significance of the focus of the broadcast, and the entitlement of a party to refuse to be interviewed without that refusal becoming the focus of the broadcast. In terms of balance, the decision illustrated the difference between presentation of the opinions of participants, and presentation of allegations as fact. These complaints were determined over multiple meetings, with additional information sought from the parties to assist the Authority's determination. An experienced journalist was also co-opted to the Authority to assist.

In *Brereton & Riches and MediaWorks TV Ltd (2019-097)*, the Authority upheld two complaints that a segment on The Project about a case in which charges against a man who

allegedly shot at a drone were dropped, was in breach of the fairness and accuracy standards. The Authority found the segment was unfair to the man and would have misled audiences as it provided an inaccurate account of events through an interview with the drone's pilot and additional comments from presenters. The drone pilot was allowed to put forward unchallenged his views on the man, and the broadcaster did not do enough to provide the man with an opportunity to respond to the comments.

Reflecting community views

Over the last 2 years, we have seen an increase in complaints under the good taste and decency and discrimination and denigration standards raised in respect of discriminatory or denigrating content. Racial, religious and gender stereo-typing issues were raised this year requiring careful consideration of the standards. There is a high threshold for regulatory intervention and a fine balance to be struck between freedom of expression and what amounts to personal preference or offence as compared to actual or potential harm. While some complaints may not have reached the threshold to justify regulatory intervention, the Authority has cautioned against certain content and the need for care to be taken.

When making a decision on a complaint the Authority seeks to reflect contemporary social requirements and conditions. The discrimination and denigration standard in particular must be applied in a way that accurately reflects the views of New Zealand's diverse communities, yet there are limits in the standard that the Authority must apply. The importance of freedom of expression means that a high level of condemnation, often with an element of malice or nastiness, will be necessary to conclude that a broadcast encouraged discrimination or denigration in breach of the standard. In *Greetham and Sky Network Television Limited (2019-059)*, the Authority did not uphold a complaint that a comment on a sports show describing a sportsperson as a "Jew" was in breach of the discrimination and denigration standard as the comment did not contain the level of nastiness or malice necessary to find a breach of the standard. The Authority did express concern about the casual racism, saying:

"It is an example of casual anti-Semitism and such comments can contribute to the normalisation of racism. ... There is no room in New Zealand for casual racism and it is important that we all work hard to move away from this type of language"

The decision attracted public interest and debate as to whether the Authority ought to have upheld the complaint. The sportsperson in question issued a public apology. Reflecting on the standards and the public response to the decision, the Authority will review this standard and the current threshold in the upcoming review of the Codebook in 2020/21.

Case study: Complaints determination and oversight of broadcasting standards system

Broadcasting standards in crisis events – extreme violence and terrorism

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

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

Following the release of the decisions, the BSA hosted a workshop with broadcasters in September 2019 to consider whether further specific guidelines for reporting on terrorism and extreme violence are required in New Zealand. The discussion concluded that a new standard was not required, as the BSA's decisions had illustrated how existing standards on violence, law and order, good taste and decency and privacy provide effective guidance. However, the BSA and broadcasters agreed that a short guidance note listing the key considerations would assist a fast-paced news room to deal with future events. A guidance note was developed with broadcasters and released during the COVID-19 pandemic level four lockdown and is available on our website: [Considerations for reporting on terrorism, violence extremism and crisis events](#).

Further, in December 2019, the BSA was invited to speak at the international incidence response workshop hosted by Google, to provide a case study in how New Zealand's broadcasting standards had responded to, and guided traditional broadcast media in ethical reporting on a terrorism event.

A number of other cases also dealt with sensitive issues and pushed the boundaries of tolerance and acceptability, but were ultimately not upheld, including *Cooper and Television New Zealand Ltd (2019-116)*, *O'Leary and NZME Radio Ltd (2020-009)* and *Eastman and Television New Zealand Ltd (2019-111)*.

Complainants' satisfaction survey

Providing a high quality complaints service is a key measure of our success. To measure our effectiveness we survey complainants. It is important that we understand the experience of complainants and seek continuous improvement of the service each year. Our annual 2019/20 complainants' survey reported that:

79%

were satisfied with BSA's telephone contact

80.5%

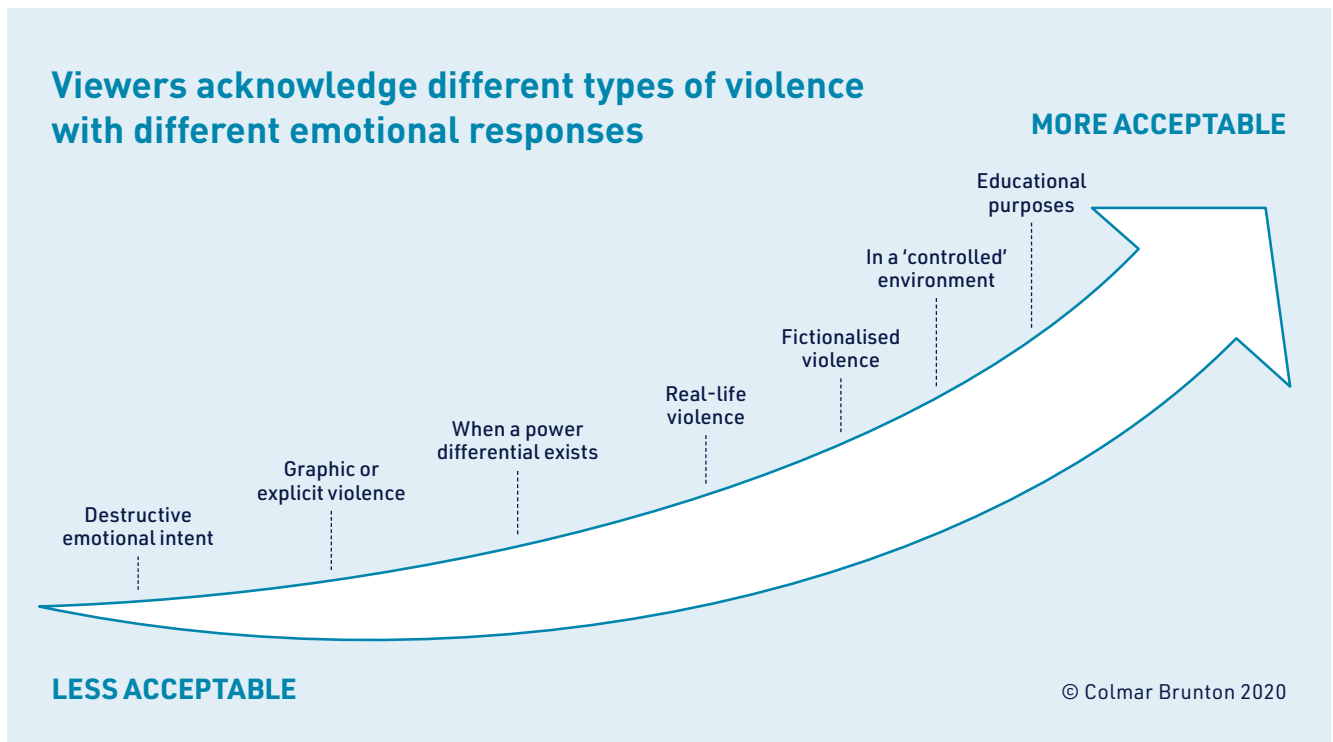
were satisfied with BSA's staff professionalism

76%

were satisfied with BSA's written correspondence

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

Figure 2



Litmus testing – violence

We are only making an impact if our decisions are robust and understood. Following the release of decisions on media coverage of the mosque attacks, we wanted to find out New Zealanders' views on our decisions on the violence standard and their attitude to violence in broadcasting generally. We undertake litmus testing with members of the public to test the effectiveness of our decisions in reflecting community views and attitudes and explaining the decisions we have reached. The violence standard emphasises that broadcasters must take care and discretion when portraying or referencing violence. The research considered decisions issued regarding a *Starboy* music video, *DailyMail TV*, *MMA: One Championship Weekly* and *Checkpoint*. An average of 85% of participants agreed with the Authority's decisions rating the BSA's decisions as very good, good or acceptable, when considering the standards and guidelines applied by the BSA, and the BSA's reasoning for its findings.

The research participants provided some additional useful general insights into views about violence in broadcasting, including that:

- there is lower tolerance for depictions of violence where there is a power differential (eg violence against women and children), where the violence is graphic or explicit, and where it depicts destructive emotional intent (eg racism, sadism, torture);
- there is higher tolerance for violence in fiction, sport or where there is an educational purpose; and
- tolerance of real life violence is mixed, with some finding it confronting and others accepting that it teaches us about the world around us.

The research identified that the percentage of participants that do not use the tools available to manage viewing (such as electronic programming guides, classifications, warnings, parental locks, timebands) has decreased from 75% to 65%, which is a positive indicator that the safeguards are accessible and usable. We intend to focus on increasing awareness about these tools so that audiences, particularly parents and caregivers, can use them to manage and access content that is suitable for them.

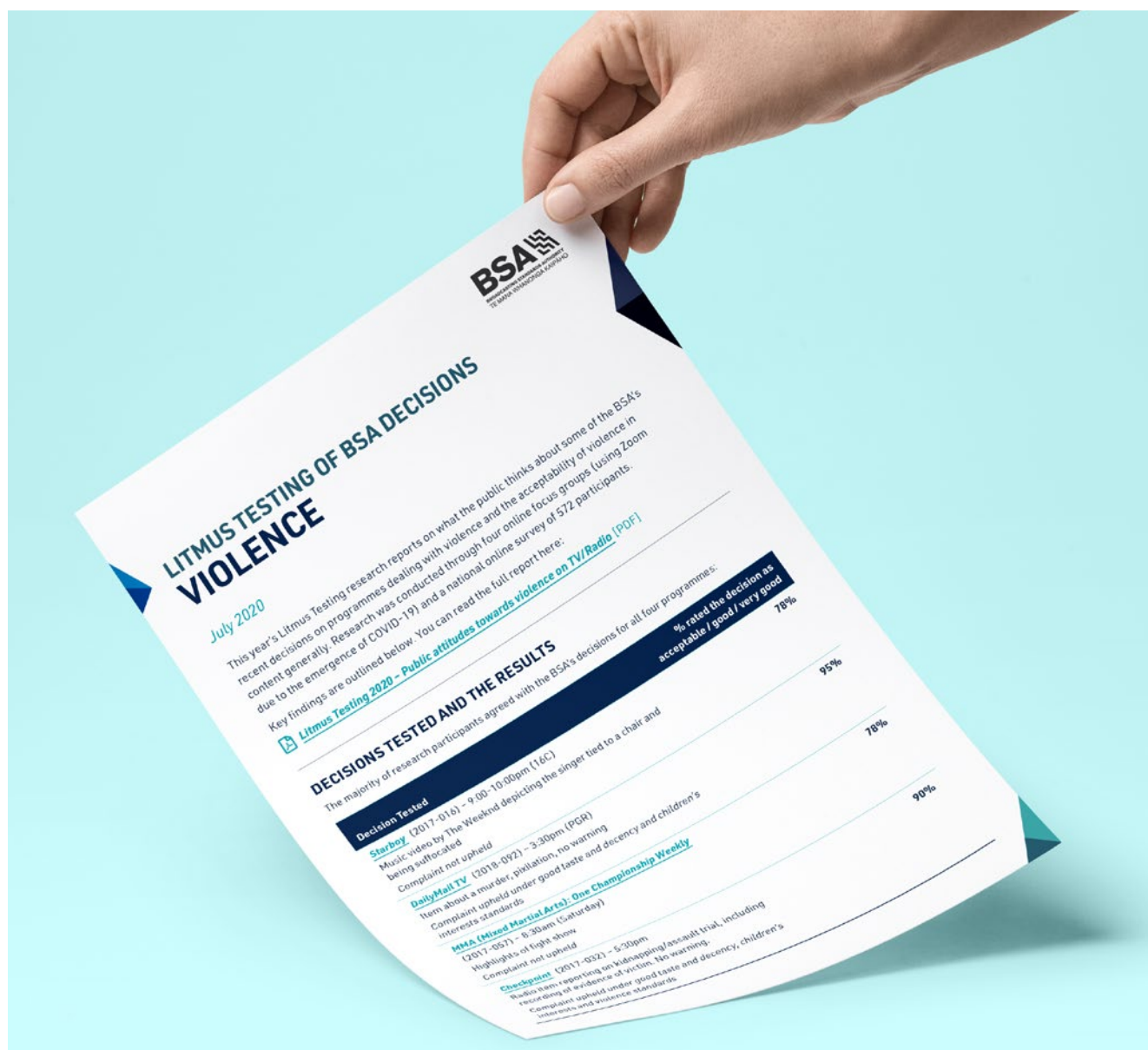
External review of decisions – accuracy

With heightened focus on misinformation, and the important role broadcast media play as a reliable and trusted source of information, the accuracy standard is a critical broadcasting standard. The need for accurate and reliable media information is particularly critical in times of crisis, and as citizens prepare to exercise their democratic voting rights. Accordingly, we wanted to ensure that the Authority's approach to application of the accuracy standard was sound and so we commissioned an independent review of five decisions issued by the Authority under the accuracy standard.

Professor John Burrows was appointed as reviewer and agreed that the reasoning in all decisions was valid and clear, and presented tenable positions. He highlighted

that some decisions could have been addressed under the balance standard, particularly where examples of misleading by omission had focused on the absence of alternative views or opinions. Importantly, Professor Burrows acknowledged that the BSA "has an important job, and it is a difficult one. ... It has to write decisions which will survive judicial scrutiny ... It has to provide guidance for the future for broadcasters.... It also has to communicate effectively with complainants who are neither lawyers nor broadcasters". Professor Burrows concluded that the BSA is doing its job well and reaches decisions which are practical and sensible, and which are reasoned logically.

Refer to the 'Output: Complaints Determination' section on page 41 to see the specific deliverables and targets relevant to this activity.





Oversight and Development of the Broadcasting Standards System

Te Whakahaere me te Whanaketanga o te Pūnaha Whanonga Pāpāho

Impacts



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



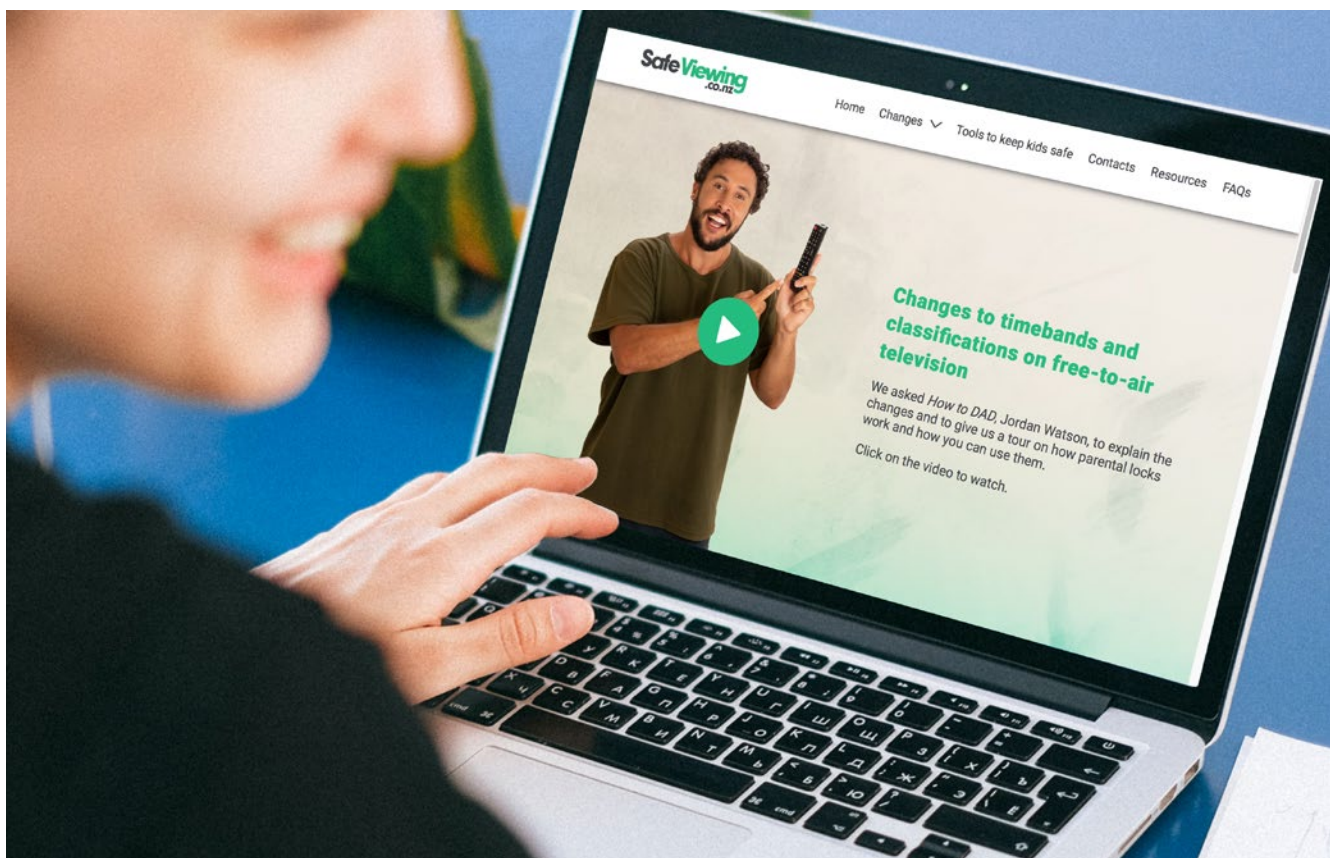
Broadcasters understand and meet their broadcasting obligations



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

We oversee the broadcasting standards system, work with broadcasters to set clear broadcasting standards, keep codes under review to ensure they reflect the modern media environment, issue guidance and undertake research that is relevant to the broadcasting standards regime.

We are operating in a continuously changing media environment. This is reflected in changing patterns of media consumption and the rapid adoption of a wide range of onshore and offshore digital platforms that enables content to be consumed through many devices, anytime, anywhere. Our tamariki and rangatahi access a wide range of content, including content that is not regulated that may harm them.



Case study: Protecting tamariki from harm

A new free-to-air television classification and timebands system

In 2017, the BSA commenced a review of timebands and classifications on free-to-air television. The review explored whether the availability of parental locks on free-to-air (FTA) television justified relaxation of timeband programming restrictions. Following an extensive review process including research and public consultation, the BSA determined that some changes could be made to the PG timeband but the 8.30pm adult programming timeband would remain the same. The review also confirmed broadcaster and public support for FTA television to adopt the five classification labels (G, PG, M, 16 and 18) used on pay TV and other streaming platforms to increase programme information and consistency across platforms and better enable audiences to make appropriate viewing decisions for children. The decision was announced in February 2020.

On 17 April 2020, during the level 4 lockdown the BSA and FTA television broadcasters launched an extensive public awareness raising campaign across television, radio, print and online media to raise awareness about the changes. As part of this, we launched a new website www.safeviewing.co.nz which provides details of the changes and tips for parents and caregivers to protect children from content that may harm them. The campaign had extensive national reach and was supported by Jordan Watson, How to Dad. This change programme was implemented at a critical time when more eyes were on television during the lockdown restrictions. The modernised FTA code took effect on 1 May 2020. The campaign has supported raising awareness of the availability of parental locks with audiences, and has promoted use of classifications and advisories to help audiences safely manage content in New Zealand homes.

CLASSIFICATIONS

- G** APPROVED FOR GENERAL VIEWING
- PG** PARENTAL GUIDANCE RECOMMENDED FOR YOUNGER VIEWERS
- M** SUITABLE FOR MATURE AUDIENCES 16 YEARS AND OVER
- 16** PEOPLE UNDER 16 YEARS SHOULD NOT VIEW
- 18** PEOPLE UNDER 18 YEARS SHOULD NOT VIEW

AUDIENCE ADVISORIES

- C** CONTENT MAY OFFEND
- L** LANGUAGE MAY OFFEND
- V** CONTAINS VIOLENCE
- S** SEXUAL CONTENT MAY OFFEND

In the 2019/20 year we completed important code reviews and implemented changes to the Elections Programme Code (published in March 2020) and the Free-to-Air Television Code (published in April 2020), commissioned research alongside NZ On Air, into [Children's Media Use](#) to assist us and broadcasters to understand the impact that content may have on children. We issued guidance on reporting on terrorism, violent extremism and other crisis events, and launched the www.safeviewing.co.nz website. We worked with co-regulators and provided advice to Parliament and policy officials on a wide range of proposals to reform content regulation in New Zealand.

We strongly believe that reform of the content regulation system in New Zealand is overdue. However, in the absence of reform and in response to the growing range of online content providers, and complaints and enquires received from members of the public, we have undertaken a review of the application of the Broadcasting Act 1989 to online content, excluding on demand content which is expressly excluded from our jurisdiction. We have engaged with a range of stakeholders on our views, so that we can determine the most appropriate harms-based approach for us to take in response to new online broadcast channels.



Broadcaster satisfaction survey

In a co-regulatory framework it is important that our relationship with broadcasters is constructive and professional. We must determine complaints referred to us, yet we must also support broadcasters to meet their obligations under the standards. The broadcaster satisfaction survey was progressed during the COVID-19 alert level restrictions. Despite the challenges facing broadcasters at this time, the results were positive, indicating that we are getting the balance right between providing a regulatory backstop and promoting compliance.

Broadcasters told us:

76%

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

An average of

89%

rated contact with the BSA as good or very good⁴

An average of

86%

rated BSA information and resources highly⁵

Case study: Children's Media Use Research

Understanding children, content and harm

Our vision is freedom in broadcasting without harm. Children are particularly at risk from content that may harm and broadcasting standards provide a framework to protect children from harm. Each year we receive complaints about content that may harm children and it is therefore important that broadcasters and the Authority understand what content may harm and how that harm may be mitigated.

This year the BSA and NZ On Air jointly commissioned research into children's media use. The research found that nine out of ten children have seen or heard content on television, the internet or radio that has upset them.

Most children know what to do when confronted with challenging content, but the research also confirmed that classifications and warnings remain important for keeping children safe. The research found that 72% of parents and caregivers surveyed use these tools at least some of the time but use of parental controls remains low. This highlighted the value in broadcasters applying and promoting classifications and advisories and being cognisant of the types of content that upset children when making programming decisions. Importantly, over 90% of parents have home rules for managing content, showing that to best protect children, standards projects and parental oversight must work together.

⁵ See page 13 of the *2020 Broadcaster Survey* available on www.bsa.govt.nz

⁶ See page 20 of the *2020 Broadcaster Survey* available on www.bsa.govt.nz

COVID-19 response

During the COVID-19 lockdown response, with more eyes and ears on broadcast content, we provided guidance to broadcasters about programming obligations which require care to be taken during children's watching and listening times. We also provided support to policy officials developing guidance for broadcasters as essential service providers, and supported broadcasters to understand the expectations on their operations during the lockdown restrictions. We also supported the development of the media recovery packages through the provision of advice and information to policy officials.

Refer to the 'Output: Oversight and Development' section on page 43 to see the specific deliverables and targets relevant to this activity.





Education and Engagement

Mātauranga me te Hui Tahi

Impacts



Broadcasters understand and meet their broadcasting obligations



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

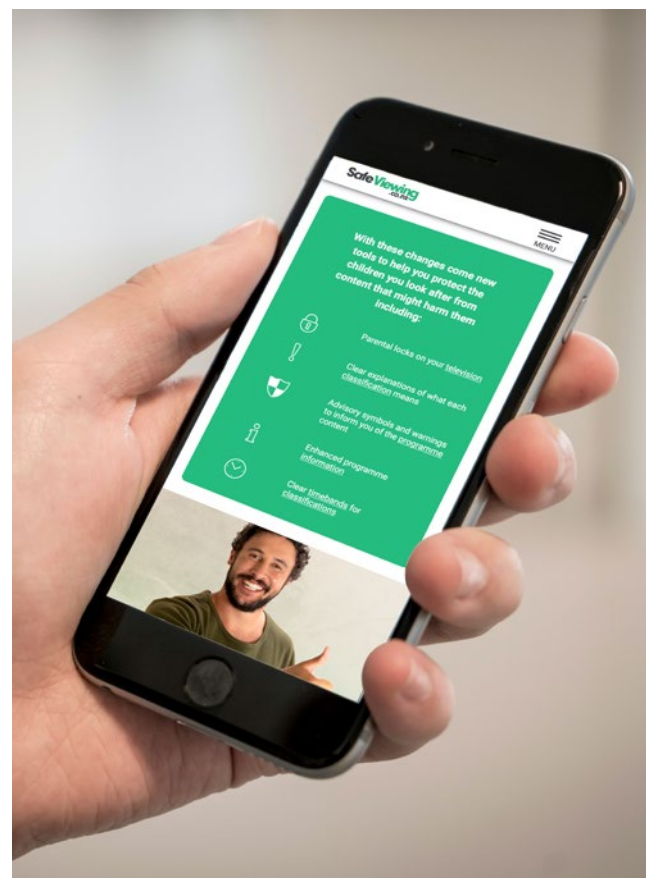
A shift to a more proactive education and engagement strategy was a key part of our strategic refresh this year, designed to enhance our contribution to harm prevention. Through effective engagement and education, we aim to see an improvement in broadcasters meeting standards and in public awareness about the standards system and the tools available to enable them to safely manage content in their homes. Notwithstanding the COVID-19 restrictions, we continued our engagement strategy taking advantage of audio-visual technology to engage directly with broadcasters, media and the public on our work. These activities increase broadcaster capability, public awareness and trust and confidence in the broadcasting standards system.

Highlights from our education and engagement activities this year include:

- Public awareness campaign about changes to classifications and timebands on FTA television across television, radio, print and online media
- Public consultation on changes to the Election Programmes Code
- Public consultation on changes to FTA television code and Codebook commentary
- Issuing 9 editions of the *BSA Pānui*, and 25 press releases highlighting our decisions and research
- Issuing guidance for broadcasters on reporting on terrorism and violent extremism, the election programmes code requirements, and obligations during lockdown

- Facilitating 58 meetings, workshops and seminars (in person or by zoom) with over 300 people including broadcasters, content producers and distributors, broadcasting students and community groups providing insights and guidance on issues relating to broadcasting standards and the complaints system
- Meeting with stakeholders on our review of the application of the Broadcasting Act to online content
- Providing advice to the Ministry for Culture and Heritage and the Department of Internal Affairs and relevant Select Committees, on the ongoing reform agenda
- Wide media engagement across a range of broadcasting issues throughout the year.

Refer to the 'Output: Education and Engagement' section on page 46 to see the specific deliverables and targets relevant to this activity.



Measuring our impact

Te Tātari i Tō Tātau Whai Kiko

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

Impact 1:

Public awareness of the existence of the broadcasting standards system is maintained at over 75%, demonstrating that New Zealanders know they have rights to complain.

- Our public awareness survey is undertaken every two years with the next survey due in 2021. However, indicators of, and contributors to, sustained public awareness of the broadcasting system from this reporting period include:
 - 11.5% increase in complaints (to 135), and 7% increase in enquiries (to 928)
 - 25 press releases about our decisions and BSA activities resulting in media coverage promoting the broadcasting standards system
 - Public consultation on refreshed election programmes code supported by media coverage
 - Litmus testing with 572 New Zealanders on views and attitudes to BSA decisions on violence in broadcast content, with all participants having some awareness of the BSA and the standards system
 - Timebands and classification change programme in April 2020, with an estimated reach of 1,633,650 viewers on television, 3.5 million viewers of print/online media, 3,877,100 listeners on radio, approximately 57,000 impressions on social media, and over 5000 viewers on our website page.



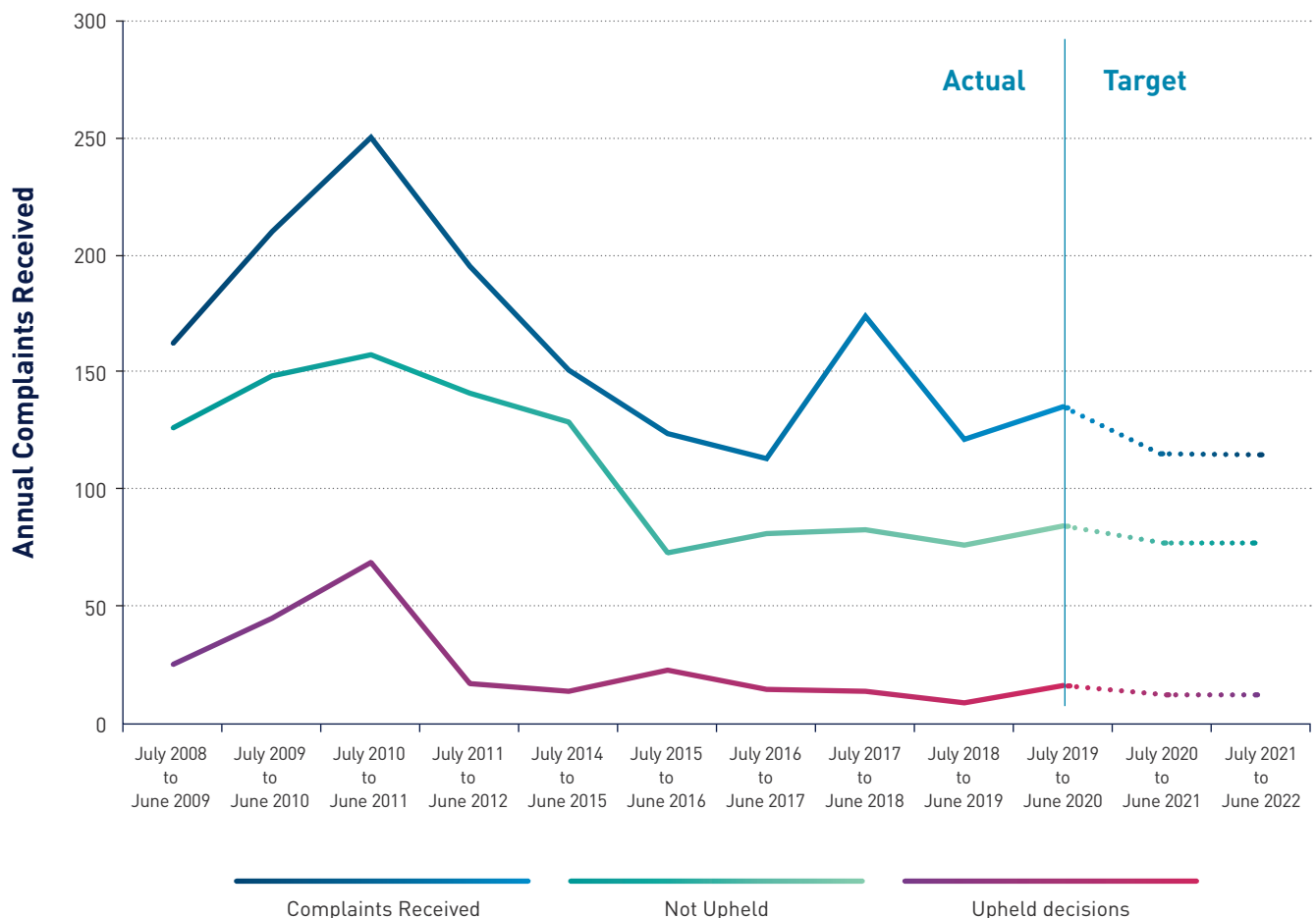


Impact 2:

Understanding of standards by broadcasters and the public is improved meaning broadcasters are better equipped to meet their obligations and fewer complaints arise. Where standards are understood the public refer complex and challenging issues to the BSA and the number of unjustified complaints reduces.

- Complaint numbers increased by 11% this year and the number of upheld complaints also increased by a small margin from 10% to 14%. However, significantly, while there was a 29% increase in the number of complaints about news and current affairs, there was a 3% decrease in the number of decisions upholding such complaints. This is a positive indicator of broadcasters maintaining standards in this genre of content, which was of particular concern to complainants this year.
- In contrast, there was a 43% decrease in complaints about talkback radio, with a 29% increase in the number of decisions upholding such complaints. This indicated that complainants are bringing the right issues to us, and that further work is required to improve standards in the talkback environment.
- The Authority declined to determine 10% of complaints, which is an increase on the last financial year (5.8%). A number of these decisions were from complainants who had previously complained and therefore did not reflect an overall misunderstanding of the standards system.
- Litmus testing research which tested the extent to which the public agreed with and understood BSA decisions on complaints about violence found that 85% agreed with the outcomes and rated the decisions as very good, good, or acceptable. This is a positive indicator that the decisions provide effective guidance to support broadcaster and community understanding of how the standards apply.
- The complaints results from the 2019/20 year, reflected in [Figure 3](#), indicate that public and broadcaster understanding of the standards is improving.

Figure 3 – BSA System performance indicators



Impact 3

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

- One appeal was filed in the reporting period and is ongoing, see [Figure 4](#), and one appeal filed in 2018/19 is ongoing.
- An external review of BSA decisions under the accuracy standard found that the decisions applied the standard appropriately, reflected a consistent approach, were well written and were easy to understand. The reviewer provided helpful guidance for where the Authority's treatment of the overlap between the accuracy and balance standards may be further enhanced.
- Complainants and broadcasters rate their interactions with the BSA highly with 76% of broadcasters rating their working relationship with the BSA as good or very good and over 89% rating BSA information as effective. 77.5%⁷ of complainants were satisfied with BSA staff written and telephone correspondence.
- The positive litmus testing results referred to above indicate confidence in the BSA's decision-making, which is a key part of the standards system.
- These are all indicators of ongoing trust and confidence in the BSA and the standards system.

⁷ This is the average of the 79% satisfaction score in respect of BSA's telephone contact and the 76% satisfaction score in respect of BSA's written correspondence.

Figure 4 – High Court Appeals





Impact 4:

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

- The Children Media Use research told us that:
 - 72% of parents surveyed use programme classifications and warnings to manage content in their home.
 - 51% of children refer to classifications, and 47% consider a programme warning when deciding whether a programme is for them, reflecting a positive improvement since the 2014 Children's Media Use research report.
- Over 68% of children surveyed know that content classified 16, 18 or AO is not for them.
- 96% of parents and caregivers surveyed have rules about watching programmes and shows and 74% have rules about listening to audio content.
- These are positive indicators of community awareness of the tools available to keep children and young people safe from content that may harm them, which is the outcome we are seeking to achieve.

Impact 5:

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

- Compared with last year, the percentage of decisions upholding complaints increased slightly from 10% to 14% this year, and the percentage of decisions not upholding complaints decreased from 84% to 76%.
- This indicates that complainants are bringing the right issues to us and that the standards system is working well.
- This also indicates that generally broadcasters are exercising their right to freedom of expression within the limits of the standards.

Impact 6:

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

- As illustrated in the case summaries in Appendix 2, a wide range of issues have been brought to us this year, requiring consideration of terrorism and extremist ideologies, casual racism, gender stereotypes, sexual assaults and issues of importance to smaller ethnic communities engaged in talkback radio.
- The Authority has drawn on views and expertise offered by members of the Jewish, Sikh and Muslim communities, and translations across a range of languages in reaching decisions made.
- We have translated our election programmes code into a wide selection of languages to ensure greater access to our resources.
- Litmus testing results reflect that an average of 85% of participants agreed with BSA decisions and reasoning.

Operations

Ngā Mahi Whakahaere

Operational overview

Efficient and cost-effective operations are critical to our overall organisational performance. We have always been a small agency which has operated well within budget. Over the last 3 years we have experienced a sustained high level of demand across all of our services. We intend to continue to build our capacity to ensure that we remain resilient to change and support the wellbeing of our board and staff. Change in personnel is managed well due to our robust induction programme and effective systems and controls.

COVID-19 implications

This year we forecast a deficit in anticipation of spend on planned projects and increased resource. In March we reforecast an increased deficit in anticipation of reduced levy income due to the impact of COVID-19 (see our Statement of Performance Expectations for the period ended 30 June 2021). However, as a result of cost savings during lockdown, careful cost management and more positive than expected levy revenue, we have delivered our services within budget and with a small surplus. We will continue to monitor the impact that COVID-19 may have on our levy revenue by regular forecasting as levy returns are received.

We continue to hold relatively strong reserves and this puts us in a healthy financial position. It will sustain our operations and high quality performance, notwithstanding the impacts that COVID-19 may have on our income. We are comfortable that with the right level of Crown support and resources, our operations are suitably resilient to withstand any further interruption that may be presented by the COVID-19 pandemic.

Resources and expenditure

We have remained and will remain focussed on carrying out our statutory duties in an efficient and cost effective manner. Our approach is to be flexible and to scale our operations to demand.

Operational services and infrastructure

Our systems and processes responded well to the pandemic restrictions with all of our services 100% operational and all staff working remotely. We continue to share offices and reception services with NZ On Air and also enjoy joint staff training initiatives with them.

Risk

Managing risk is an important part of our governance and operational management approach. We have a clearly articulated risk management framework and a risk schedule that is reviewed and updated regularly by all of our board and staff. Our Pandemic Plan responded well to the COVID-19 pandemic. We have robust systems and processes which support our operations and effectiveness. Key risks facing the BSA continue to include uncertainty arising from the reform environment and changes in personnel at the Board and staff level. These risks are managed by engaging effectively with officials with oversight of the reform agenda, and ensuring that our information management and induction programmes are robust.

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



Figure 5 – Overall performance and cost analysis



Organisational Health and Capability

Te Oranga me te Āheinga o te Tōpūtanga

The BSA is a small entity with seven staff primarily based in our Wellington office. We are committed to being a good employer and promote equal employment opportunities (EEO) to ensure that our approach to people capability is in line with these obligations. Our EEO policy underpins the positive and collaborative environment that we foster, 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 or improvements that can be made.

Workplace profile

Our people, who bring specialist expertise to our operations, are critical to our success. We continue to attract and retain capable staff by providing training and development opportunities and support, and ensuring that the BSA is a great place to work. We foster a collaborative culture that values the input of all of our staff. Our Board and staff work constructively together with a clear appreciation of governance and management distinctions. Our staff profile is set out in the table below. For the 2019/20 year, all staff employed as at 30 June 2020⁸, were surveyed and 100% responded.

Gender	
Female	100%
Male	0%
Ethnicity	
Pakeha / New Zealand European	83%
Maori/Pasifika/Asian	17%
Age profile	
Under 40	67%
Over 40	33%
Disability profile	
No staff members reported having a disability	
Pay gap information	
Remuneration is based on ability and role size without any bias, including as to gender or ethnicity. Due to staff changes in the reporting period, and the potential for any pay gap data to be misleading and/or to give rise to privacy issues, we have not reported gender pay gap data.	

⁸ One male staff member left the BSA in May 2020, and a new male staff member has since joined the team. Neither participated in the survey for these results.



Health & Safety

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

COVID-19 Health and Safety Response

Our Pandemic Plan responded well to the COVID-19 pandemic response and return to work plan. 100% of our team worked from home during alert levels 4-2 and we returned to the office under alert level 1. Prior to the lockdown, appropriate action was taken to mitigate the chance of infection such as sanitising surfaces and requiring staff in contact with overseas returners to work from home. During the lockdown period staff were able to effectively perform their roles remotely with minimal disruption to services. Since returning to the office, we continue to be vigilant and require staff to take leave or work from home when unwell. Our staff pulse survey reported that staff felt informed and supported during this time. We are grateful to our staff for their commitment and productivity during the pandemic response.

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 encourage staff to take sick leave when they are feeling unwell and flexible working arrangements are available when needed. We provide Employment Assistance Programme (EAP) counselling sessions on a confidential basis for all staff members and encourage them to use this service when needed. We offer health and safety training to all staff. All of our staff have been first aid level one accredited. 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 nor major incidents to report on for the reported period.

Maihi Karauna

We are committed to Maihi Karauna and increasing our own internal Te Ao Māori capability. We have demonstrated this through provision of te reo Māori language learning for staff, embedding use of karakia to open and close our meetings and developing an internal te reo Māori language plan. We share waiata with our co-tenants NZ On Air, which embeds our commitment to continuous improvement of our cultural capability. We acknowledge that these are small steps, but they are an important part of our organisational culture and our commitment to Te Ao Māori.

Being a good employer policies

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



Human Rights Commission Good Employer Element	BSA Policy And Procedure	Possible Issues	Actions (If Any)
Leadership, accountability and culture	<p>Senior management lead by example and foster an inclusive working environment</p> <p>Staff are involved in decision-making, are accountable for outputs relevant to their areas, and are encouraged to devise and manage their own solutions</p> <p>The Policy and Operations Manual provides guidance for staff on professional and workplace behaviour</p>	None	<p>Feedback, coaching and mentoring is given to staff in regular meetings.</p> <p>We are trialling a flexible working approach with the support of our leadership team</p>
Recruitment, selection and induction	All permanent staff vacancies are advertised and supported by a rigorous recruitment process. Focus is on the best range of skills for each position	Retention of staff and diversity in small specialised organisations can be an issue	Induction training is robust. The BSA values diversity and inclusiveness
Employment development, promotion and exit	Annual appraisal reviews, professional development and exit interviews are undertaken. Strong team-based supportive culture is promoted. Employees are encouraged to attend training and development opportunities	Our size limits promotion options. However, it also means our staff are adaptable and cover a wide range of activities. They are empowered to take ownership of various projects through the year which builds their leadership and professional capabilities	<p>Regular 1:1 meetings with managers, coaching and mentoring are a key focus</p> <p>Personal development plans regularly reviewed</p> <p>All staff are supported to engage in external and internal learning opportunities</p>
Flexibility and work design	<p>Flexible work practices and use of annual leave is encouraged – focus is on work/life balance</p> <p>Work station assessments are conducted on commencement of employment and when required</p>	<p>We are trialling a flexible working arrangement which enables a hybrid of office and home working</p> <p>Remote working was effective for all staff throughout the pandemic lockdown</p>	<p>The role out of laptops for all staff was completed in March enabling flexible working</p> <p>Focus on supporting parental leave and return</p>
Remuneration, recognition and conditions	Equitable gender-neutral remuneration is in place with annual salary reviews undertaken. Staff are rewarded and recognised for their contribution, skill and expertise formally and informally	Visible fiscal restraint has been demonstrated following guidance from SSC	Further remuneration reviews will be required when economic conditions improve to ensure BSA remuneration remains in line with market
Harassment and bullying prevention	<p>Zero tolerance policy with clear reporting and investigation processes and responsibilities in place</p> <p>Strong leadership from management and Board demonstrated</p>	None	Policies regularly reviewed, refreshed and implemented with input from all staff and Board
Safe and healthy environment	Proactive health and safety approach with particular focus on supporting resilience and wellbeing. Policies regularly reviewed, training and hazard reviews undertaken regularly	Our pandemic and health and safety processes responded well to the pandemic, and work processes are in place should new restrictions be put in place	Regular earthquake drills undertaken and preparedness processes reviewed. Particular focus on staff wellness and resilience and ensuring staff actively minimise risks of virus transmission



Health and Capability performance measures

Capability Objectives	Measures	Actual
1. Staff employment policies focus on retention and development of highly engaged, skilled, knowledgeable, adaptable, efficient team players with the tools, information and training necessary to perform to a high level	• Each staff member has an annual assessment of individual training needs and professional development plan	• Achieved
	• Board members undertake an annual self-assessment around the exercise of their quasi-judicial powers and governance	• Achieved – external assessment undertaken
	• Staff engagement surveys are conducted annually; results to be in the top quartile of the cultural sector	• Positive results received from informal pulse survey undertaken during pandemic restrictions. Full engagement survey deferred until 2020/21
2. Maintain, seek and develop ongoing opportunities for agency collaboration and shared services in the cultural sector	• Continue to share facilities and one front-of-house staff member with NZ On Air	• Achieved
	• Explore other options for shared service arrangements	• Achieved – shared training undertaken with NZ On Air
	• Maintain appropriate referral processes and collaboration on issues of common interest with agencies which also have a role in the oversight of content standards (such as the New Zealand Media Council, Advertising Standards Authority and Chief Censor) to avoid duplication of resource and cost	• Achieved
3. Our infrastructure is fit for purpose under existing legislative requirements	• Our complaints data management system is reviewed to ensure it provides better reporting and other efficiencies	• Achieved
	• Our hard copy and electronic file structure reflects the current working environment	• Achieved
4. Our office environment and equipment are safe and well maintained	• Safety hazards reported are attended to promptly and significant hazards are attended to immediately	• Achieved
	• Zero tolerance of harassment, bullying and discrimination	• Achieved
5. Equal employment opportunity principles are incorporated in staff selection and management, to achieve as diverse a workforce as possible within the limits of our small size	• EEO principles are included in all relevant documents and practices	• Achieved

ACCOUNTABILITY STATEMENTS NGĀ TAUĀKĪ NOHONGA HAEPAPA

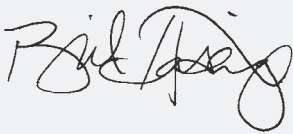
Statement of Responsibility

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

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

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

In the opinion of the Board, the Financial Statements and Statement of Performance for the year ended 30 June 2020 fairly reflect the financial position and operations of the BSA.



Judge Bill Hastings
Chair

20 October 2020



Paula Rose
Member

20 October 2020



Statement of Performance

For The Year Ended 30 June 2020

Te tauākī mō te hua o te mahi

tae atu ki 30 Pipiri 2020

The statements in this section provide detailed results against targets, budgets and performance measures for the year ended 30 June 2020 as set out in our Statement of Performance Expectations for the year ended 30 June 2020. 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	747,000	781,498	777,400	771,113
Oversight and development of broadcasting standards system	373,500	516,084	388,700	509,227
Education and engagement	373,500	176,943	388,700	174,592
Total	1,494,000	1,474,525	1,554,800	1,454,932

OUTPUT: COMPLAINTS DETERMINATION

Description

One of our core activities is the determination of complaints that broadcasters have breached the Codes of Broadcasting Practice.

Our complaints service 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 the boundary between freedom of expression and harm. Decisions can be appealed to the High Court. Our performance against our measures are reported here.

This year our timelines have been challenged, due to delays in receipt of submissions from parties, an increase in the number of decisions to be issued, and increasing complexity in the issues raised requiring careful consideration. While efficiency is important, given the complex nature of the issues raised, which tests where the limits to the right to freedom of expression may lie, our particular focus is on issuing high quality decisions. We intend to increase our resources in the coming year to respond to the increased workload, including complexity of complaints. This will improve the timeliness of our decisions.

Impact over time

- An effective, 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
- Broadcasters understand and meet their broadcasting obligations
- Public make informed decisions and safely manage broadcast content at home and can access the complaints system

Impact measures

- Understanding of standards by broadcasters and the public is improved
- A high level of trust and confidence in the system is maintained
- There is a reduction in the number of upheld and not upheld complaints

Cost	Actual 2019/20	Budget 2019/20	Actual 2018/19	Actual 2017/18	Actual 2016/17
Total cost	771,113	777,400	727,704	660,196	552,690
% of total cost	53%	50%	53%	54%	45%

Key deliverables	Performance measures	Target 2019/20	Actual 2019/20	Actual 2018/19	Actual 2017/18
1.1 We provide a high quality complaints determination service.	Complaints activities are undertaken in accordance with agreed timeframes and standards ⁹	90%	Not achieved – 82.5% ¹⁰	Achieved – 91.4% ¹¹	Revised measure

⁹ Applicable timeframes and standards are (a) acknowledgement of inquiries within 3 working days; (b) decision on formal complaints made within 90 days of receipt by BSA and 120-180 days since broadcast; (c) decisions issued within 15-20 working days of board meeting at which final decision is made; and (d) decision published on website within 10 working days of sign-off by the Chair.

¹⁰ Individual outcomes for the timeframes in 6 above are: (a) 98%; (b) 32% [due to increased volume and complexity of complaints, delay in submissions from parties, multiple complainants, matter referred back to Authority to be considered across multiple meetings and/or for orders], with some complaints only just outside service level targets; (c) 100%; and (d) 100%. Average across all measures: 82.5%.

¹¹ Individual outcomes for the timeframes in 6 above are: (a) 94.5%; (b) 71% [due to complexity of complaints, delay in submissions from parties, multiple complainants, matter referred back to Authority to be revisited and/or for orders]; (c) 100%; and (d) 100%. Average across all measures: 91.4%



Key deliverables	Performance measures	Target 2019/20	Actual 2019/20	Actual 2018/19	Actual 2017/18
1.2 Decisions are soundly reasoned	(a) External assessment of up to 5 decisions conducted to assess whether the BSA's reasoning, processes and/or interpretation of a standard are appropriate and reasonable	An 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 of the accuracy standard	Achieved An external review was undertaken on the BSA's reasoning and interpretation of the discrimination and denigration standard and assessor agreed with the BSA's decisions	Achieved An external review was undertaken on the BSA's reasoning and interpretation of the Election Programmes Code
	(b) 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	Achieved One appeal filed in Q1 2018/19 is ongoing A second appeal was notified to the BSA in June 2020 Both appeals are ongoing	Two appeals were filed in Q1 In Q3 the Court dismissed the application by one of the complainants to appeal out of time, noting the appeal grounds lacked merit	No appeals filed
1.3 BSA delivers high quality complaints service	Complainants are satisfied with the processes, system and quality of service provided by the BSA in an annual survey	70%	Achieved Average of: <ul style="list-style-type: none">• 79% rated BSA's telephone contact as good or very good¹²• 80.5% rated BSA's staff professionalism as good or very good¹³• 76% rated BSA's written correspondence as good or very good¹⁴	Achieved Average of: <ul style="list-style-type: none">• 96% rated BSA's telephone contact as good or very good• 89% rated BSA's staff professionalism as good or very good• 65% rated BSA's written correspondence as good or very good	Achieved 2016-2018 Average of <ul style="list-style-type: none">• 91% rated BSA's telephone contact as good or very good• 93% rated BSA's staff professionalism as good or very good• 84% rated BSA's written correspondence as good or very good
1.4 BSA decisions reflect community standards and are understood by members of the public	Litmus test up to 5 decisions with groups of mixed ethnicity, age and gender, as to BSA approach to a standard, clarity of reasoning and decision outcome and identify current community attitudes on issues addressed by standards	75% rank decisions as acceptable, good or very good on a 5-point scale in terms of how well the public understand the reasoning and support the complaint outcome	Achieved – 85% 4 decisions relating to violence litmus tested	Achieved – 85% 4 decisions relating to nudity on screen litmus tested	Achieved – 90% 4 decisions relating to the fairness standard litmus tested

¹² Average of ratings across five aspects of telephone contact where respondents were asked the extent to which they agreed (on a 5-point scale) with statements including: *Answered my questions about the complaints process well*; and *Returned my calls or got in contact with me within an acceptable timeframe*. Percentage reflects number of answers at the top of the scale (ie respondents agreed or strongly agreed).

¹³ Average of ratings across two measures where respondents were asked the extent to which they agreed (on a 5-point scale) with the following statements: *BSA's written correspondence (letters and emails) were professional*; and *BSA phone contact was professional*. Percentage reflects number of answers at the top of the scale (ie respondents agreed or strongly agreed).

¹⁴ Average of ratings across six aspects of written correspondence where respondents were asked the extent to which they agreed (on a 5-point scale) with statements including: *BSA's written correspondence (letters and emails) were clear and easy to understand*; and *BSA's written correspondence (letters and emails) arrived within an acceptable timeframe*. Percentage reflects number of answers at the top of the scale (ie respondents agreed or strongly agreed).

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 that 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 are reported here. Our direct costs were greater than budgeted this year in light of work undertaken to implement changes to timebands and classifications and to raise awareness about the changes. We also incurred expense in promoting the public consultation on the Election Programmes Code.

Impacts over time:

- Broadcasting standards are fit for purpose in the modern media environment
- Broadcasters understand and meet their broadcasting obligations
- Public make informed decisions and safely manage broadcast content at home and can access the complaints system

Impact measures:

- Understanding of standards by broadcasters and the public is improved
- A high level of trust and confidence in the system is maintained
- There is a reduction in the number of upheld and not upheld complaints

Cost	Actual 2019/20	Budget 2019/20	Actual 2018/19	Actual 2017/18	Actual 2016/17
Total cost	509,227	388,700	370,717	360,330	405,314
% of total cost	35%	25%	27%	30%	33%

Key deliverables	Performance measures	Target 2019/20	Actual 2019/20	Actual 2018/19	Actual 2017/18
2.1 Codes remain relevant to the media environment to which they apply	Codes are reviewed internally every two years against new media developments and, if appropriate, revised in conjunction with broadcasters and after public consultation	Achieved Review of Election Code planned.	Achieved Refreshed Election Programmes Code was published in March 2020 Refreshed Free-to-Air Television Code and Commentary was published in May 2020	Review of free-to-air television timebands and classification labels has continued throughout the year. The review of the Election Programmes Code has commenced	Achieved Review of free-to-air television timebands and classifications undertaken



Key deliverables	Performance measures	Target 2019/20	Actual 2019/20	Actual 2018/19	Actual 2017/18
2.2 Research is commissioned that is relevant to ensuring that standards are contemporary and community expectations are understood	Commission and publish one research project that analyses or examines the application of a standard, or an aspect of broadcasting, or community attitudes and/or informs any future regulatory system and is assessed as thorough and of value to development of standards and/or future regulatory system	1 research and/or public consultation project undertaken Feedback from 5 stakeholders received that the research is valuable	Achieved Children's Media Use research commissioned jointly with NZ On Air published in June. Feedback that research is valuable provided by stakeholders, media and other agencies following publication and in an online workshop hosted by the BSA and NZ On Air	Achieved Research into harms arising from nudity on television undertaken. Feedback provided by stakeholders/ other agencies in a workshop	Achieved Research into use of timebands, parental locks and social media in broadcasting completed and guidance issued. Feedback provided by free-to-air television broadcasters in working group meetings and published in public consultation.
2.3 Broadcasters fulfil obligations to publicise the complaints process	Audit undertaken every two years and non-compliant broadcasters notified and relevant information provided to them to assist them to comply	Achieved	Achieved Audit completed. Review delayed due to reprioritisation of work during COVID-19 lockdown. Response to broadcasters scheduled to be issued in September 2020	N/A (every two years)	Achieved Audit completed. Only 59/124 broadcasters responded. Of those who responded 66% were compliant with the requirements. Engagement with broadcasters who failed to respond and who required assistance to meet the requirements was ongoing.
2.4 New Zealanders are aware of the BSA and aware they can make a formal complaint	Survey of public awareness undertaken every two years	75% of New Zealanders are aware of the BSA and aware they can make a formal complaint	N/A (every two years)	Achieved 89% of New Zealanders are aware of the BSA and 84% aware they can make a formal complaint.	N/A (every two years)

Key deliverables	Performance measures	Target 2019/20	Actual 2019/20	Actual 2018/19	Actual 2017/18
2.5 Broadcasters are satisfied with the quality of BSA processes, services and working relationships	Broadcasters rate BSA processes and working relationships as good or better and identify any issues. Issues are addressed following consideration by BSA Board	80% or more of broadcasters surveyed rank BSA processes and working relationships as good or very good on a 5-point scale. Issues raised are analysed and addressed	Achieved in part ¹⁵ 76% – working relationships rated good or very good (N=58) 62.5% – processes rated good or very good (N=8 broadcasters who had a complaint determined by the BSA in the previous 12 months) Other results 96% – staff professionalism 88% – emails 85% – staff responsiveness	Achieved 83% – working relationships rated good or very good (N=59) 100% – processes rated good or very good (N=9 broadcasters who had a complaint determined by the BSA in the previous 12 months)	Achieved 80% – working relationships rated good or very good (N=63) 100% – processes rated good or very good (N=7 broadcasters who had a complaint determined by the BSA in the previous 12 months)
2.6 Broadcasters understand the standards and meet their obligations	BSA provides workshops and/or seminars to broadcasters on issues relating to broadcasting standards	Workshops, presentations or meetings are held with 15 broadcasters by BSA staff annually	Achieved – 58 meetings, workshops and presentations were attended by 317 attendees	New Measure	New Measure

¹⁵ This year's survey was undertaken during the COVID-19 lockdown, which may have impacted some responses. The measured findings contrast with very high outcomes for other services surveyed. Staff professionalism, courtesy, accessibility, responsiveness, knowledge, emails were rated as good or very good by over 80% of broadcasters surveyed.



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 help New Zealanders understand their media environment and how the standards apply to the right to freedom of expression. Our performance against our measures are reported here.

In light of increased focus on our oversight role, there was a reduction in allocation of resource and cost to some of our engagement activities. In particular, costs for this output were reduced during the COVID-19 lockdown restrictions, as some of our usual engagement activities were deferred.

Impacts over time:

- An effective, efficient, accessible, fair, agile and modern complaints service
- Broadcasters understand and meet their broadcasting obligations
- Public make informed decisions and safely manage broadcast content at home and can access the complaints system

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
- There is a reduction in the number of upheld and not upheld complaints
- Our decisions reflect the attitudes and values of our liberal democratic society

Cost	Actual 2019/20	Budget 2019/20	Actual 2018/19	Actual 2017/18	Actual 2016/17
Total cost	174,592	388,700	274,606	190,375	270,248
% of total cost	12%	25%	20%	16%	22%

Key deliverables	Performance measures	Target 2019/20	Actual 2019/20	Actual 2018/19	Actual 2017/18
3.1 Production of newsletter to keep stakeholders informed	Newsletters published regularly throughout the year	9	Achieved – 9	Achieved – 9	Achieved – 10

Key deliverables	Performance measures	Target 2019/20	Actual 2019/20	Actual 2018/19	Actual 2017/18
3.2 Strategic media releases are issued on matters of strategic importance	Decisions of high public interest or that provide particular guidance on the application of standards and the standards regime are regarded as strategic and are communicated by way of a media release	Releases for at least 10 decisions issued before 30 June annually	Achieved – 25 releases about 14 decisions and other BSA matters	Achieved – 14 releases issued about 11 decisions and other BSA matters	Achieved – 17
3.3 Complainants and broadcasters indicate high satisfaction with the usability, value and clarity of the website	Complainants and/or broadcasters (as part of any other service surveys) rate the value and clarity of the BSA website as good or very good on a 5-point scale	At least 70% of those surveyed rate the BSA website as good or very good on a 5-point scale	Achieved 92% – Broadcasters 71% – Complainants	Not assessed in 2018/19 as website refresh was pending	Achieved 78% – Broadcasters 78% – Complainants <i>Note that in 2017/18 all broadcasters were surveyed, not just those who had complaints referred to the BSA</i>
3.4 Māori, Asian, and Pasifika community awareness of the BSA and the ability to make a complaint is increased	(a) Survey of public awareness undertaken every two years	75% of Māori, Asian and Pasifika are aware of the BSA and aware they can make a formal complaint	N/A (every two years)	New Measure Baseline from 2019 Public Awareness Survey: Aware of the BSA: <ul style="list-style-type: none"> • 82% – Māori • 62% – Pasifika • 72% – Asian Aware they can make a formal complaint: <ul style="list-style-type: none"> • 82% – Maori • 74% – Pasifika • 66% – Asian 	New Measure
	(b) Māori, Asian and Pasifika communities engage with BSA services	BSA provides 5 meetings, workshops or translated written guidance to Asian, Māori and/or Pasifika groups	Achieved in part Election Programmes Code translated into Te Reo Māori, Mandarin, Hindi, Punjabi and Samoan and printed copies produced and distributed. Refreshed Codebook translated into Te Reo Māori Publicity Notices Guidance translated and issued in Te Reo Māori Remaining actions deferred due to lockdown restrictions in 2020	New Measure	New Measure



Financial Statements

Ngā Tauākī Pūtea

BROADCASTING STANDARDS AUTHORITY STATEMENT OF FINANCIAL PERFORMANCE For The Year Ended 30 June 2020

	Note	2020 Actual \$	2020 Budget \$	2019 Actual \$
Revenue				
Revenue from the Crown	2	609,000	609,000	609,000
Broadcasting levies		795,968	820,000	819,953
Interest income		69,555	65,000	81,285
Other revenue		-	-	5,000
Total Revenue		1,474,523	1,494,000	1,515,238
Less Expenditure				
Personnel costs	3	767,727	821,000	707,700
Other expenses	4	673,684	683,800	643,944
Depreciation and amortisation	8 & 9	13,521	50,000	21,383
Total Expenditure		1,454,932	1,554,800	1,373,027
SURPLUS/(DEFICIT)		19,591	(60,800)	142,211

BROADCASTING STANDARDS AUTHORITY STATEMENT OF CHANGES IN EQUITY For The Year Ended 30 June 2020

	2020 Actual \$	2020 Budget \$	2019 Actual \$
Public equity as at 1 July	2,376,595	2,212,845	2,234,385
Return of Equity to the Crown ¹⁶	(57,559)	-	-
Surplus/(deficit) for the year ended 30 June	19,591	(60,800)	142,211
PUBLIC EQUITY AS AT 30 JUNE	2,338,627	2,152,045	2,376,596

¹⁶ 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. This year a portion of surplus was returned proportional to the Crown's contribution to BSA's annual revenue.

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

BROADCASTING STANDARDS AUTHORITY

STATEMENT OF FINANCIAL POSITION

As At 30 June 2020

	Note	2020 Actual \$	2020 Budget \$	2019 Actual \$
Assets				
Current assets				
Bank accounts and cash	5	116,611	256,545	143,316
Investments	6	2,250,000	2,000,000	2,250,000
Debtors and prepayments	7	62,128	7,500	67,016
Net GST		24,738	18,000	28,728
Total current assets		2,453,477	2,282,045	2,489,060
Non-current assets				
Property, plant and equipment	8	12,630	33,000	10,846
Intangible assets	9	265	7,000	2,362
Total non-current assets		12,895	40,000	13,208
Total Assets		2,466,372	2,322,045	2,502,268
Liabilities				
Current liabilities				
Creditors and accrued expenses	10	87,422	120,000	94,738
Employee entitlements	11	40,323	50,000	30,934
Total liabilities		127,745	170,000	125,672
Assets less Liabilities		2,338,627	2,152,045	2,376,596
REPRESENTED BY PUBLIC EQUITY		2,338,627	2,152,045	2,376,596

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



BROADCASTING STANDARDS AUTHORITY STATEMENT OF CASH FLOWS

For The Year Ended 30 June 2020

	Note	2020 Actual \$	2020 Budget \$	2019 Actual \$
Cash Flows from Operating Activities				
Revenue from the Crown		609,000	609,000	609,000
Broadcasting levies		791,597	820,000	828,025
Interest received		86,676	65,000	60,966
GST (net)		3,990	-	(5,986)
Payments to employees & Board members		(758,338)	(816,000)	(726,275)
Payments to suppliers & other operating expenses		(688,863)	(683,800)	(649,506)
Net Cash Flow from Operating Activities		44,062	(5,800)	116,224
Cash Flows from Investing Activities				
Purchase of property, plant and equipment		(13,208)	(50,000)	(2,135)
Acquisition of investments		-	-	(186,586)
Net Cash Flow from Investing Activities		(13,208)	(50,000)	(188,721)
Cash Flows from Funding Activities				
Return of equity to the Crown		(57,559)	-	-
Net Cash Flow from Funding Activities		(57,559)	-	-
Net Increase/(decrease) in cash held		(26,705)	(55,800)	(72,501)
Opening bank accounts and cash		143,316	312,345	215,817
CLOSING BANK ACCOUNTS AND CASH	5	116,611	256,545	143,316

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

BROADCASTING STANDARDS AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS

For The Year Ended 30 June 2020

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 2020, and were approved by the board on 20 October 2020.

Basis of preparation

Statement of Compliance

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

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

Measurement base

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

Functional and presentation currency

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

Changes in accounting policies

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

Significant accounting policies

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

Revenue

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

Revenue from the Crown

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

Broadcasting levy

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

Interest

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

Other income

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

Leases

Operating leases

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



Bank accounts and cash

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

Debtors and prepayments

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

Investments in bank deposits

Investments comprise investments in term deposits with banks.

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

Property, plant and equipment

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

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

Additions

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

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

Disposals

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

Subsequent costs

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

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

Depreciation

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

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

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

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

Artworks are fully depreciated in the year of purchase.

Intangible assets

Software acquisition

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

Amortisation

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

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

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

Impairment of property, plant and equipment and intangible assets

Property, plant and equipment and intangible assets that have a finite life are reviewed for impairment whenever

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

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

Creditors and accrued expenses

Creditors and accrued expenses are reflected at the amount owed.

Employee entitlements

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

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

Superannuation scheme

Defined contribution scheme

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

Goods and services tax (GST)

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

The net amount of GST recoverable from, or payable to, the Inland Revenue Department (IRD) is included as part of receivables or payables in the Statement of Financial Position. The net GST paid to or received from the IRD, including the GST relating to investing and financing activities, is classified as an operating cash flow in the Statement of Cash Flows.

Commitments and contingencies are disclosed exclusive of GST.

Income tax

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

Budget figures

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

Cost allocation

The BSA has determined the cost of outputs in the Statement of 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. (2019: Nil)

There has been no impact of COVID-19 on revenue from the Crown.



3. Personnel costs

	2020 Actual \$	2019 Actual \$
Staff salaries	651,153	577,211
Board remuneration	96,801	112,939
KiwiSaver employer contributions	19,773	17,550
TOTAL PERSONNEL COSTS	767,727	707,700

The increase in salaries is due to increases in accordance with the BSA's reward and remuneration framework, recruitment of additional staff in response to workload demands, retention of the Legal Manager (fixed term) as a permanent member of staff, and the principal legal advisor returning from parental leave on a part time basis. Board remuneration reduced as a result of a board member leaving in November 2019, and the delay in appointing a replacement board member in June 2020. Pursuant to s47 of the Crown Entities Act, the Chair is not entitled to remuneration from the BSA in addition to his remuneration as a Judge.

The Commission has taken out Directors' and Officers' Liability and Professional Indemnity insurance cover during the financial year in respect of the liability or costs of Members and employees.¹⁷

There has been no significant impact of COVID-19 on personnel costs.

4. Other expenses

	2020 Actual \$	2019 Actual \$
Audit of financial statements	24,308	23,831
Consultancy	233,332	151,492
Research	131,513	121,541
Travel, accommodation & training	30,190	45,150
Rent	49,851	46,466
IT	64,295	133,226
Office expenses	140,195	122,238
TOTAL OTHER EXPENSES	673,684	643,944

The increase in consultancy costs reflects planned projects in the oversight of changes to the free-to-air television code and refresh of the election programmes code. There has been no significant impact of COVID-19 on other expenses. Some cost savings were achieved during lockdown as discussed in Note 17.

5. Bank accounts and cash

	2020 Actual \$	2019 Actual \$
Cash on hand		
Petty cash	4	4
Banks		
Current accounts	63,323	114,351
Call accounts	53,284	28,961
TOTAL BANK ACCOUNTS AND CASH	116,611	143,316

There has been no significant impact of COVID-19 on bank accounts and cash.

¹⁷ The cost of Directors' and Officers' Liability and Professional Indemnity insurance cover was \$3286.41 for the financial year.

6. Investments

	2020 Actual \$	2019 Actual \$
Term deposits	2,250,000	2,250,000
TOTAL INVESTMENTS	2,250,000	2,250,000
Weighted average effective interest rate	2.47%	3.44%

There has been no significant impact of COVID-19 on investments.

7. Debtors and prepayments

	2020 Actual \$	2019 Actual \$
Trade receivables	7,745	3,374
Accrued interest	16,810	33,932
Prepayment	37,573	29,710
TOTAL DEBTORS AND PREPAYMENTS	62,128	67,016

The carrying value of debtors approximates their fair value.

There has been no significant impact of COVID-19 on debtors and prepayments.



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 \$
Cost or valuation						
Balance at 1 July 2018	9,082	125,008	59,567	124,755	19,951	338,363
Additions	-	1,163	-	-	971	2,134
Disposals	-	[1,789]	-	-	-	[1,789]
Balance at 30 June 2019	9,082	124,382	59,567	124,755	20,922	338,708
Accumulated depreciation						
Balance at 1 July 2018	9,082	105,819	58,001	123,912	14,655	311,469
Depreciation expense	-	12,657	1,566	843	3,116	18,182
Eliminate on disposal / reclassification	-	[1,789]	-	-	-	[1,789]
Balance at 30 June 2019	9,082	116,687	59,567	124,755	17,771	327,862
CARRYING AMOUNT AT 30 JUNE 2019	0	7,695	0	0	3,151	10,846
Cost or valuation						
Balance at 1 July 2019	9,082	124,382	59,567	124,755	20,922	338,708
Additions	-	13,209	-	-	-	13,209
Disposals	-	-	-	-	-	-
Balance at 30 June 2020	9,082	137,591	59,567	124,755	20,922	351,917
Accumulated depreciation						
Balance at 1 July 2019	9,082	116,687	59,567	124,755	17,771	327,862
Depreciation expense	-	8,776	-	-	2,649	11,425
Eliminate on disposal / reclassification	-	-	-	-	-	-
Balance at 30 June 2020	9,082	125,463	59,567	124,755	20,420	339,287
CARRYING AMOUNT AT 30 JUNE 2020	0	12,128	0	0	502	12,630

There has been no significant impact of COVID-19 on plant, property and equipment. Some purchases were required as part of planned IT hardware upgrades as discussed in Note 17.

9. Intangible assets

Movements for intangible asset is as follows:

	Acquired software \$
Cost	
Balance at 1 July 2018	68,758
Additions	-
Balance at 30 June 2019	68,758
Accumulated amortisation	
Balance at 1 July 2018	63,196
Amortisation expense	3,200
Balance at 30 June 2019	66,396
CARRYING AMOUNT AT 30 JUNE 2019	2,362
Cost	
Balance at 1 July 2019	68,758
Additions	-
Balance at 30 June 2020	68,758
Accumulated amortisation	
Balance at 1 July 2019	66,396
Amortisation expense	2,097
Balance at 30 June 2020	68,493
CARRYING AMOUNT AT 30 JUNE 2020	265

There has been no significant impact of COVID-19 on intangible assets.

10. Creditors and accrued expenses

	2020 Actual \$	2019 Actual \$
Creditors	68,417	68,599
Accrued Expenses	12,833	8,795
Kiwisaver employees contribution payable to IRD	256	1,291
PAYE	5,916	16,053
TOTAL CREDITORS AND ACCRUED EXPENSES	87,422	94,738

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.

There has been no significant impact of COVID-19 on creditors and accrued expenses.



11. Employee entitlements

	2020 Actual \$	2019 Actual \$
Accrued salaries and wages	13,954	15,696
Annual leave	26,369	15,238
TOTAL EMPLOYEE ENTITLEMENTS	40,323	30,934

COVID-19 had a minor impact on annual leave balances being higher due to the lockdown period and less opportunity for travel as annual leave.

12. Commitments

	2020 Actual \$	2019 Actual \$
Commitments are represented by:		
Not later than one year	52,113	52,080
Later than one year and not later than two years	52,113	52,113
Later than two years and not later than five years	4,343	56,456
TOTAL NON-CANCELLABLE OPERATING LEASE	108,569	160,649

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 2019 for a further three year term.

There has been no significant impact of COVID-19 on commitments.

13. Contingent assets and liabilities

Contingent assets

As at 30 June 2020 the BSA had no contingent assets. (2019:Nil)

Contingent liabilities

As at 30 June 2020 the BSA had no contingent liabilities. (2019: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

	2020 Actual \$	2019 Actual \$
Salaries and other short-term benefits	300,314	305,609
TOTAL KEY MANAGEMENT PERSONNEL COMPENSATION	300,314	305,609

Key management personnel includes all board members and the Chief Executive.

The BSA had no related party transactions. (2019: Nil)

Board member remuneration

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

	2020 Actual \$	2019 Actual \$
P Radich (Chair) responsibilities concluded in October 2018	-	17,105
L Pearson appointed in June 2020	2,300	-
T Kupenga responsibilities concluded in October 2018	-	8,190
P Rose	38,354	31,452
WK Hastings (Chair)	-	-
W Palmer responsibilities concluded in November 2019	14,519	32,191
S Staley	41,628	24,001
TOTAL BOARD MEMBER REMUNERATION	96,801	112,939

Board remuneration reduced as a result of a board member leaving in November 2019, and there being a delay in appointing a replacement board member in June 2020. Pursuant to s47 of the Crown Entities Act, the Chair is not entitled to remuneration from BSA in addition to his remuneration as a Judge.

Employee remuneration

	2020 Actual \$	2019 Actual \$
Total employee remuneration paid or payable		
120,000 – 129,999	-	-
130,000 – 139,999	1	-
180,000 – 189,999	-	-
190,000 – 199,999	-	1
200,000 – 209,999	1	-

There has been no significant impact of COVID-19 on related party transactions & key management personnel.



15. Events after balance date

There were no significant events after the balance date.

16. Explanations of significant variations against budget

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

Statement of Financial Performance

Revenue

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

Expenditure

Lower expenditure reflects careful management of costs throughout the year, and some cost savings during the COVID-19 lockdown.

Personnel costs are below budget as a result of reductions in salaries and board fees due to changes in board and staff appointments during the year.

Other expenses are below budget due to underspending in research and consultancy. Cost savings in research were achieved as a result of moving to an online methodology in both litmus testing and children's media use research. Consultancy underspend reflects careful cost management of the timebands and classification project.

Routine operating expenses and board and staff cost savings are attributable to change in business operations due to lockdown.

Statement of Financial Position

Bank accounts and cash/investments

Bank accounts and cash are lower than budgeted due to investments being higher than budgeted. Surplus cash has been kept in investments due to lower than anticipated expenditure.

Debtors and prepayments

The increase in accrued interest reflects the higher investment in term deposits. Prepayments have increased due to early payments for insurance and legal practice licenses.

Non-current assets

Property, plant and equipment and intangibles are below budget due to fewer upgrades undertaken for computer equipment and software than anticipated.

17. COVID-19

There has been no significant impact of COVID-19 on the operations of BSA. Some minor changes to business systems and processes were required to enable remote working during the lockdown period.

Meetings and processes shifted to online during this period, allowing for cost savings in business operations meetings and travel costs. Research costs were lower than budgeted due to cost savings achieved by a shift to online methodology in both litmus testing and children's media use research.

Planned upgrade of IT equipment, and purchase of mobile phones for two staff, was brought forward to facilitate remote working.

Annual and other leave balances also increased during this period. Staff members were encouraged to take leave after the lockdown period, but less opportunity to travel saw these balances remain higher than usual.

Independent Auditor's Report

Te Pūrongo a te Ōtita Motuhake

AUDIT NEW ZEALAND
Mana Arotake Aotearoa

To the readers of the Broadcasting Standards Authority's financial statements and performance information for the year ended 30 June 2020

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

Opinion

We have audited:

- the financial statements of the Authority on pages 48 to 60, that comprise the statement of financial position as at 30 June 2020, the statement financial performance, statement of changes in equity and statement of cash flows for the year ended on that date and the notes to the financial statements including a summary of significant accounting policies and other explanatory information; and
- the performance information of the Authority on pages 40 to 47.

In our opinion:

- the financial statements of the Authority on pages 48 to 60:
 - present fairly, in all material respects:
 - its financial position as at 30 June 2020; and
 - its financial performance and cash flows for the year then ended; and
 - comply with generally accepted accounting practice in New Zealand in accordance with Public Benefit Entity Simple Format Reporting – Accrual (Public Sector) Standard; and

- the performance information on pages 40 to 47
 - presents fairly, in all material respects, the Authority's performance for the year ended 30 June 2020, including:
 - for each class of reportable outputs:
 - its standards of delivery performance achieved as compared with forecasts included in the statement of performance expectations for the financial year; and
 - its actual revenue and output expenses as compared with the forecasts included in the statement of performance expectations for the financial year; and
 - complies with generally accepted accounting practice in New Zealand.

Our audit was completed on 20 October 2020. This is the date at which our opinion is expressed.

The basis for our opinion is explained below, and we draw attention to the impact of COVID-19 on the Authority. 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.

Emphasis of matter – Impact of COVID-19

Without modifying our opinion, we draw your attention to the disclosures about the impact of COVID-19 on the Authority as set out in notes 16 and 17 to the financial statements.

Basis for our opinion

We carried out our audit in accordance with the Auditor-General's Auditing Standards, which incorporate the Professional and Ethical Standards and the International Standards on Auditing (New Zealand) issued by the New Zealand Auditing and Assurance Standards Board.



Our responsibilities under those standards are further described in the Responsibilities of the auditor section of our report.

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

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

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

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

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

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

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

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

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

For the budget information reported in the financial statements and the performance information,

our procedures were limited to checking that the information agreed to the Authority's statement of performance expectations.

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

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

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

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

Our responsibilities arise from the Public Audit Act 2001.

Other information

The Board responsible for the other information. The other information comprises the information included on pages 1 to 80, but does not include the financial statements and the performance information, and our auditor's report thereon.

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

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

Independence

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

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



Rehan Badar

Audit New Zealand

On behalf of the Auditor-General
Wellington, New Zealand

AUDIT NEW ZEALAND

Mana Arotake Aotearoa



Appendix 1: Complaints Received and Decisions Issued

Tāpiritanga 1: Ngā Kōamuamu me ngā Whakataua

Year	Complaints Received	Decisions Issued	DETERMINATION					Appealed to High Court	ORDERS				
			Upheld	Upholds as % of total	Not Upheld	Declined to Determine ¹⁸	Other ¹⁹		Broadcast Statement	Costs to Crown	Legal Costs	Compensation for Breach of Privacy	Other
Jul 2019 – Jun 2020	135	111 ²⁰ (relating to 130 complaints)	16 (relating to 22 complaints)	14.40%	84 (relating to 98 complaints)	8 (relating to 8 complaints)	3 (relating to 4 complaints) ²¹	1 One appeal from 2018/19 is ongoing; another appeal was notified in June 2020 and is ongoing	2	2			2 costs to the broadcaster
Jul 2018 – Jun 2019	121	90 (about 131 complaints)	9 (about 11 complaints)	10%	76 (about 115 complaints)	3 (about 3 complaints)	2 (about 2 complaints)	2 One appeal still ongoing as above	3	4	1	1	1 Online statement 1 Print statement
Jul 2017 – Jun 2018	174	103 (about 148 ²² complaints)	14 (about 52 complaints)	13.60%	83 (about 89 complaints)	2 (about 2 complaints)	4 (about 5 complaints)	- (including one statement published online)	5	3	1	3	1 Complaint directed back to the broadcaster
Jul 2016 – Jun 2017	113	102 (about 113 complaints)	15 (about 15 complaints)	14.70%	82 (about 93 complaints)	1 (about 1 complaints)	4	1	4	4	-	4	1 Complaint directed back to broadcaster to consider
Jul 2015–Jun 2016	124	101	23	22.80%	73	4	1	-	2	5	1	4	-
Jul 2014–Jun 2015	151	143	14	9.80%	120	9	-	-	1	1	1	6	-
Jul 2013–Jun 2014	149	99	12	12.10%	74	13	-	2	2	2	1	1	-

¹⁸ 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.

¹⁹ From 2010 'Other' relates solely to findings of jurisdiction or no jurisdiction that may have been previously treated as 'Declined to Determine'.

²⁰ As at 30 June 2020, 46 complaints were still to be determined. As at 30 June 2019, 41 complaints were still to be determined.

²¹ Two of the four 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 two complaints (not four) of the total 130 complaints determined in 111 decisions.

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

Year	Complaints Received	Decisions Issued	DETERMINATION					Appealed to High Court	ORDERS				
			Upheld	Upholds as % of total	Not Upheld	Declined to Determine ¹⁸	Other ¹⁹		Broadcast Statement	Costs to Crown	Legal Costs	Compensation for Breach of Privacy	Other
Jul 2012–Jun 2013	136	111	18	16.20%	86	5	2	1	1	-	1	2	1 Complaint directed back to broadcaster to consider
Jul 2011–Jun 2012	195	162	17	10.40%	131	10	4	-	1	3	4	1	-
Jul 2010–Jun 2011	250	236	69	29.20%	146	13	8	5	6	8	4	2	-
Jul 2009–Jun 2010	210	193	45	23.30%	141	7	-	4	11	7	7	-	-
Jul 2008 –Jun 2009	162	151	25	16.60%	124	2	-	-	4	3	3	1	-
Jul 2007–Jun 2008	148	139	41	29.50%	94	2	2	4	13	8	3	2	1 Refrain from broadcasting
Jul 2006–Jun 2007	131	125	27	21.60%	94	3	1	2	10	9	7	6	-
Jul 2005–Jun 2006	153	156	19	12.20%	127	10	-	-	6	5	4	-	-
Jul 2004–Jun 2005	184	214	40	18.70%	166	7	1	1	11	4	6	-	1 Publication of apology in newspapers
Jul 2003–Jun 2004	196	187	42	22.50%	133	5	7	3	10	1	3	2	2 Publication in newspaper/ Referred back to broadcaster to review its policies
Jul 2002–Jun 2003	169	160	26	16.30%	116	8	10	1	7	2	2	-	-
Jul 2001–Jun 2002	186	180	44	24.40%	128	8	-	4	12	8	2	3	1 Broadcast of apology
Jul 2000–Jun 2001	197	189	41	21.70%	135	13	-	1	13	6	1	2	1 Letter of apology
Jul 1999–Jun 2000	206	239	71	29.70%	152	16	-	-	12	13	5	2	1 Refrain from advertising
Jul 1998–Jun 1999	204	184	33	17.90%	132	9	10	1	4	8	2	4	-
Jul 1997–Jun 1998	174	176	39	22.20%	122	12	3	2	2	10	-	7	1 Broadcast of apology
Jul 1996–Jun 1997	206	199	40	20.10%	147	10	2	-	5	-	8	1	2 Broadcasts of apology
Jul 1995–Jun 1996	179	171	50	29.20%	110	10	1	1	11	-	-	4	4 Broadcasts of apology



Year	Complaints Received	Decisions Issued	DETERMINATION					Appealed to High Court	ORDERS				
			Upheld	Upholds as % of total	Not Upheld	Declined to Determine ¹⁸	Other ¹⁹		Broadcast Statement	Costs to Crown	Legal Costs	Compensation for Breach of Privacy	Other
Jul 1994–Jun 1995	162	139	48	34.50%	84	4	3	-	7	-	1	-	2 Broadcasts of apology
Jul 1993–Jun 1994	168	151	53	35.10%	92	6	-	-	6	-	-	2	1 Broadcast of apology
Jul 1992–Jun 1993	159	144	43	29.90%	97	3	1	-	3	-	1	2	-
Jul 1991–Jun 1992	106	76	25	32.90%	46	4	1	-	3	-	-	1	-
Jul 1990–Jun 1991	52	45	19	42.20%	25	-	1	-	7	-	1	-	2 Broadcasts of apology/ Refrain from advertising
Jul 1989–Jun 1990	43	14	6	42.90%	6	2	-	-	-	-	-	1	-

Decision Statistics

In the reporting period we issued 111 decisions which determined 130 complaints. The tables below provide details of the broadcasters and programmes complained about, the standards raised and outcomes of the complaints determined in the decisions issued in the reporting period.

Most complained about medium by number of decisions (111 decisions issued)

	TOTAL NUMBER OF DECISIONS	UPHELD
Television	69 decisions about 83 complaints (61 decisions about 80 complaints)	8 decisions about 12 complaints (7 decisions about 9 complaints)
Radio	42 decisions about 47 complaints (29 decisions about 51 complaints)	8 decisions about 10 complaints (2 decisions about 3 complaints)

Figures in brackets are from the previous year.

Most complained about broadcaster by number of decisions issued

	TOTAL DECISIONS	UPHELD	NOT UPHELD	DECLINED TO DETERMINE	NO JURISDICTION OR ACCEPTED JURISDICTION	ORDERS
Television						
MediaWorks TV	32 (24)	2 (4)	28 (19)	2 (-)	- (1)	- (9)
TVNZ	29 (32)	3 (2)	25 (28)	1 (2)	- (-)	- (-)
SKY TV	6 (3)	2 (-)	3 (3)	(-)	1 (-)	1 (-)
Racing Industry Transition Authority	2 (-)	1 (-)	- (-)	- (-)	1 (-)	- (-)
Radio						
RNZ	23 (14)	3 (-)	15 (12)	4 (1)	1 (1)	- (-)
MediaWorks Radio	8 (4)	2 (-)	5 (4)	1 (-)	- (-)	1 (-)
NZME	7 (7)	- (1)	7 (6)	- (-)	- (-)	- (2)
Humm FM	1 (-)	1 (-)	- (-)	- (-)	- (-)	1 (-)
Radio Virsa	2 (3)	1 (-)	1 (3)	- (-)	(-)	1 (-)
Planet FM	1 (1)	1 (1)	- (-)	- (-)	- (-)	- (-)
TOTAL	111 (90)	16 (9)	84 (76)	8 (3)	3 (2)	4 (11)

Figures in brackets are from the previous year.



Most complained about broadcaster by number of complaints determined

	2020	2019
MediaWorks TV	37	28
TVNZ	36	47
RNZ	25	15
NZME Radio	8	9
MediaWorks Radio	8	4
SKY TV	8	3
Planet FM	2	1
Radio Virsa	2	22
Humm FM	2	-
Racing Industry Transition Authority	2	-
Māori TV	-	2

Most complained about programme by number of complaints (total 130 complaints determined in 111 decisions)

	NUMBER OF COMPLAINTS	UPHELD	NOT UPHELD/OTHER
The AM Show	14 (6)	1 (-)	13 (6)
Newshub	13 (10)	1 (3)	12 (7)
1 News	13 (15)	1 (2)	12 (13)
Morning Report	8 (4)	- (-)	8 (4)
The Project	7 (5)	2 (1)	5 (4)
Seven Sharp	6 (1)	1 (-)	5 (1)
Nine to Noon	6 (1)	- (-)	6 (1)

Figures in brackets are from the previous year.

Most complained about programme genre by number of decisions (111 decisions issued)

	NUMBER OF DECISIONS	UPHELD	NOT UPHELD	DECLINED TO DETERMINE	NO JURISDICTION/ ACCEPTED JURISDICTION
News/Current Affairs ²³	73 (53)	7 (7)	55 (45)	7 (1)	1 (-)
Radio/Talkback ²⁴	21 (20)	6 (2)	18 (16)	1 (1)	- (1)
Fictional Programmes ²⁵	4 (5)	- (-)	3 (5)	- (-)	1 (-)
Other ²⁶	8 (7)	1 (-)	5 (6)	- (-)	- (1)
Factual Programmes ²⁷	5 (5)	2 (-)	3 (4)	- (1)	1 (-)
TOTAL	111 (90)	16 (10)	84 (75)	8 (3)	3 (2)

Figures in brackets are from the previous year.

Most frequently complained about standard by number of complaints (130 complaints determined)²⁸

	Accuracy	Good Taste and Decency	Balance	Fairness	Discrimination and Denigration	Children's Interests	Violence	Privacy	Programme Information	Law and Order	Alcohol	Action Taken (about any standard)
TOTAL	51 (48)	45 (27)	42 (7)	35 (11)	29 (22)	20 (33)	16 (8)	15 (11)	8 (12)	11 (35)	2 (3)	5 (1)
Upheld	8 (6)	4 (2)	4 (-)	10 (1)	- (2)	4 (6)	2 (3)	- (1)	- (-)	2 (3)	- (2)	1 (-)
Not Upheld/ Other	43 (42)	41 (25)	38 (7)	25 (10)	29 (20)	16 (27)	14 (7)	15 (8)	8 (12)	9 (32)	2 (1)	4 (1)

Figures in brackets are from the previous year.

Most upheld standard by decisions issued

- 1 Accuracy:** 6 upheld decisions about 8 complaints
- 2 Fairness:** 6 upheld decisions about 10 complaints
- 3 Balance:** 3 upheld decisions about 4 complaints
- 4 Good Taste and Decency:** 3 upheld decisions about 4 complaints
- 5 Children's Interests:** 3 upheld decisions about 4 complaints
- 6 Law and Order:** 2 upheld decisions about 2 complaints
- 7 Violence:** 2 upheld decisions about 2 complaints

²³ **News/Current Affairs:** programmes dedicated to news and current affairs. Eg, 1 News, Newshub, The AM Show, The Project, Seven Sharp, Morning Report

²⁴ **Radio/Talkback:** radio shows or talkback programmes that may involve regular phone calls from listeners. Eg, Magic Afternoons with Sean Plunket, Dom, Meg and Randell

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

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

²⁷ **Factual Programmes:** programmes that are non-fiction, contain factual information, and which could be considered in relation to the accuracy and balance standards. Eg, Fair Go, 20/20

²⁸ This table reflects the number of times a standard has been raised across the 130 complaints addressed in the 111 decisions issued. Action Taken refers to complaints about the action taken by the broadcaster to remedy the breach when a complaint about a standard was upheld in full or in part by the broadcaster.



Appendix 2: Decision Details

Tāpiritanga 2: Ngā Taipitopito mō ngā Whakataua

The following tables contain a breakdown of the 130 complaints that were determined in the 111 decisions issued by the BSA in the 2019/20 year, by outcome (upheld with order; upheld with no order; not upheld; declined to determine; and jurisdiction considered). Some decisions deal with more than one complaint.

Upheld with order

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

Decision Number	Complainant	Broadcaster	Programme	Nature of Complaint	Standards Complained Under	Standards Upheld	Order
2018-105	Horowhenua District Council	MediaWorks Radio	The Long Lunch	Interview with District Councillor Ross Campbell regarding alleged bullying unbalanced, inaccurate and unfair	Fairness (Action Taken), Balance, Accuracy	Upheld (Fairness (Action Taken), Balance, Accuracy)	s13(1)(a) – broadcast statement
2019-019A	Taimoori	Humm FM	Humm FM Drive – 26 February 2019	Statements made over two broadcasts about dispute with complainant allegedly breached privacy and unfair	Fairness, Privacy	Upheld (Fairness)	s16(4) – \$750 costs to the Crown
2019-019B	Taimoori	Humm FM	Humm FM Drive – 27 February 2019	Statements made over two broadcasts about dispute with complainant allegedly breached privacy and unfair	Fairness, Privacy	Upheld (Fairness)	s16(4) – \$750 costs to the Crown
2019-030	UJ	SKY	SKY News New Zealand	Edited clips from Go-Pro footage of 15 March attack contained disturbing violent content and risked glorifying attacker	Violence, Law and Order, Balance, Accuracy, Fairness	Upheld (Violence, Law and Order)	s16(4) – \$4,000 costs to the Crown
2019-081	Singh	Radio Virsa	Dasam Granth Da Sach	Host threatened members of a Sikh sect in response to recent violent incidents in India	Good Taste and Decency, Violence, Law and Order	Upheld (Good Taste and Decency, Violence, Law and Order)	Section 13(1)(a) – broadcast statement

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
2019-026	Burton	TVNZ	Promo for The Shallows	Promo during animated film Finding Dory scary and inappropriate for child audience	Children's Interests	Upheld (Children's Interests)
2019-029	Brenner	MediaWorks Radio	Dom, Meg and Randell	Interview with complainant about his previous sexual relationship with a dolphin allegedly unfair	Fairness, Discrimination and Denigration, Balance, Accuracy	Upheld (Fairness)
2019-044A	Phillips	Racing Industry Transition Agency	Box Seat – 8 May 2019	Omission of alternative perspectives on issue of blood spinning in harness racing allegedly unbalanced and misleading	Balance, Accuracy, Fairness	Upheld (Balance, Accuracy)
2019-044B	Phillips	Racing Industry Transition Agency	Box Seat – 15 May 2019	Omission of alternative perspectives on issue of blood spinning in harness racing allegedly unbalanced and misleading	Balance, Accuracy, Fairness	Upheld (Balance, Accuracy)
2019-045A	Singh	Planet FM	Panthak Vichar	Private conversation between complainant and third party was broadcast on air, and complainant was not informed or given an opportunity to comment	Fairness, Accuracy, Privacy, Discrimination and Denigration, Programme Information	Upheld (Fairness)
2019-045B	Singh Bassi	Planet FM	Panthak Vichar	Host made personal attacks and 'baseless allegations' against the complainant	Fairness, Accuracy, Discrimination and Denigration, Programme Information, Good Taste and Decency	Upheld (Fairness)
2019-061	Davis	RNZ	Checkpoint	Interview with CEO of UK's National Institute for Health and Care Excellence allegedly unbalanced, inaccurate and unfair particularly in comparison to PHARMAC	Accuracy, Balance, Fairness	Upheld (Accuracy)
2019-070	ANZ Bank New Zealand Ltd	TVNZ	Seven Sharp	Coverage of bomb threat at an ANZ branch allegedly unfair and inaccurate, and promoted the use of violent and illegal behaviour	Accuracy, Law and Order, Fairness	Upheld (Accuracy)
2019-077	Campbell	RNZ	Eating Fried Chicken in the Shower	Use of 'fuck' in 7.30pm broadcast	Good Taste and Decency, Children's Interests	Upheld (Good Taste and Decency, Children's Interests)



Decision Number	Complainant	Broadcaster	Programme	Nature of Complaint	Standards Complained Under	Standards Upheld
2019-082B	University of Otago	TVNZ	Breakfast	Coverage of sexual assault allegations at University of Otago allegedly unbalanced, unfair and inaccurate	Fairness, Balance, Accuracy (Action Taken)	Upheld (Fairness, Balance)
2019-082C	University of Otago	TVNZ	1 News	Coverage of sexual assault allegations at University of Otago allegedly unbalanced, unfair and inaccurate	Fairness, Balance, Accuracy	Upheld (Fairness)
2019-088A	Francis	SKY	Inside the Red Arrows – 7 September 2019	Broadcast of potentially offensive language at 7.30pm not preceded by a warning	Good Taste and Decency, Children's Interests	Upheld (Good Taste and Decency, Children's Interests)
2019-088B	Francis	SKY	Inside the Red Arrows – 21 September 2019	Broadcast of potentially offensive language at 7.30pm not preceded by a warning	Good Taste and Decency, Children's Interests	Upheld (Good Taste and Decency, Children's Interests)
2019-097A	Riches	MediaWorks TV	The Project	Segment about charges dropped against a man who allegedly shot at a drone; allegedly unfair to the man	Fairness	Upheld (Fairness)
2019-097B	Brereton	MediaWorks TV	The Project	Segment about charges dropped against a man who allegedly shot at a drone; allegedly unfair to the man, inaccurate and breached his privacy	Fairness, Accuracy, Privacy, Balance	Upheld (Fairness, Accuracy)
2019-101	Ministry of Education and IDC New Zealand Ltd	MediaWorks TV	Newshub	Statement regarding Ministry of Education survey, 'sensitive, private data about schools and their students pawned off to private companies by Chinese data giant' allegedly inaccurate	Accuracy	Upheld (Accuracy)
2020-001	Hearn	RNZ	First Up	Quiz question about charges dropped against Julian Assange allegedly misleading, as charges were never formally laid against him	Accuracy	Upheld (Accuracy)

Not upheld

Decision Number	Complainant	Broadcaster	Programme	Nature of Complaint	Standards Complained Under
2019-013A	Grant	TVNZ	1 News	Footage of 15 March attack victims being transported to hospital allegedly in breach of their privacy	Privacy
2019-013B	Phillips	TVNZ	1 News	Footage of 15 March attack victims being transported to hospital allegedly in breach of their privacy and inappropriate for broadcast	Good Taste and Decency, Privacy, Children's Interests, Violence
2019-017	Reekie	MediaWorks TV	The AM Show	Host Duncan Garner's reference to individual as 'woolly woofler' allegedly offensive and discriminatory	Good Taste and Decency, Discrimination and Denigration, Law and Order
2019-018	Reekie	MediaWorks TV	The AM Show	News item on name suppression featured comment from Chris Finlayson on bullying by MPs; allegedly misleading	Accuracy
2019-020A	Gray	MediaWorks TV	The AM Show	Host Duncan Garner's reference to those against vaccinations as 'murderers' allegedly amounted to hate speech	Good Taste and Decency, Discrimination and Denigration, Children's Interests, Law and Order
2019-020B	Scott	MediaWorks TV	The AM Show	Host Duncan Garner's reference to those against vaccinations as 'murderers' allegedly amounted to hate speech	Discrimination and Denigration
2019-020C	Vickers	MediaWorks TV	The AM Show	Host Duncan Garner's reference to those against vaccinations as 'murderers' allegedly amounted to hate speech	Good Taste and Decency, Discrimination and Denigration, Balance
2019-020D	Vink	MediaWorks TV	The AM Show	Host Duncan Garner's reference to those against vaccinations as 'murderers' allegedly amounted to hate speech	Good Taste and Decency, Discrimination and Denigration, Violence, Law and Order
2019-021A	DV	MediaWorks TV	NewsHub	Footage of home shown during news item about arrest of drug dealer; allegedly in breach of privacy	Privacy
2019-021B	DV	MediaWorks TV	The AM Show	Footage of home shown during news item about arrest of drug dealer; allegedly in breach of privacy	Privacy
2019-022	Forsyth	RNZ	Children's Storytime replacement programming – 15 March coverage	Changed programming to coverage of 15 March attack; allegedly inappropriate for child listeners	Children's Interests
2019-023	Marra	MediaWorks Radio	Magic Afternoons with Sean Plunket	ACT Leader allegedly bullied and treated unfairly by host during interview	Fairness, Balance, Discrimination and Denigration
2019-024	Harrison	MediaWorks Radio	Dom, Meg and Randell	Segment covered topics that were allegedly offensive and inappropriate for children	Good Taste and Decency, Children's Interests
2019-025	Frost	MediaWorks Radio	The AM Show	Discussion around Labour blocking spy agency legislation with reference to 15 March attack allegedly unbalanced	Law and Order, Balance
2019-028	NT	TVNZ	1 News	Broadcast of clips from go-pro footage of 15 March attack allegedly distressing, violent and glorified the attack	Good Taste and Decency, Violence



Decision Number	Complainant	Broadcaster	Programme	Nature of Complaint	Standards Complained Under
2019-032	McLaughlin	RNZ	Saturday Morning	Portrayal of the Catholic Church as corrupt allegedly discriminatory	Good Taste and Decency, Discrimination and Denigration, Fairness
2019-033	Reekie	MediaWorks TV	The AM Show	Comments made by Duncan Garner allegedly incited violence against 15 March shooter	Good Taste and Decency, Law and Order, Violence
2019-034	Moyer	TVNZ	1 News	15 March – Naming of mosque shooter during news item gave shooter notoriety; allegedly in breach of violence standard	Violence
2019-035A	EJ	TVNZ	Fair Go – 20 May 2019	Broadcast of complainant's photograph, phone number and email address breached their privacy	Privacy
2019-035B	EJ	TVNZ	Fair Go – 27 May 2019	Broadcast of complainant's photograph, phone number and email address breached their privacy	Privacy
2019-035C	Oughton and Gulf Harbour Healthcare Ltd	TVNZ	Fair Go – 20 May 2019	Story investigating claims against Gulf Harbour Healthcare allegedly unbalanced, inaccurate and unfair	Balance, Accuracy, Fairness
2019-035D	Oughton and Gulf Harbour Healthcare Ltd	TVNZ	Fair Go – 27 May 2019	Story investigating claims against Gulf Harbour Healthcare allegedly unbalanced, inaccurate and unfair	Balance, Accuracy, Fairness
2019-036	Wood	RNZ	Matinee Idle – Why Won't You Give Me Your Love	Song allegedly described stalking, kidnap, imprisonment and rape	Good Taste and Decency, Children's Interests, Violence, Law and Order, Discrimination and Denigration
2019-037	Singh	Radio Virsa	Bhakhdey Masley	Talkback host's treatment of caller allegedly offensive and incited violence against him	Good Taste and Decency, Violence
2019-038	Staples & Claims Resolution Service Ltd	TVNZ	Sunday	Item concerning service provided by complainant to assist with Christchurch earthquake insurance claims allegedly inaccurate and unfair	Accuracy, Fairness
2019-039	Muir	TVNZ	Breakfast	Interview suggested 15 March mosque attacks were a form of Christian terrorism	Discrimination and Denigration, Balance
2019-040	Pepping	TVNZ	1 News	Item regarding Australian MP strip-club scandal allegedly featured lurid sex scenes inappropriate for children	Children's Interests
2019-041	Right to Life NZ	MediaWorks TV	The Project	Segment discussing delay in abortion legislative reform allegedly unbalanced, discriminatory and misleading	Accuracy, Discrimination and Denigration, Balance
2019-042	CA	TVNZ	Sunday	Story discussing complainant's history of frequent sperm donations allegedly inaccurate, unfair and breached privacy	Privacy, Fairness, Accuracy, Good Taste and Decency, Programme Information
2019-043	Hurley	RNZ	Insight	Item investigating history and current state of far-right, alt-right and nationalist ideologies allegedly unbalanced and unfair	Balance, Fairness

Decision Number	Complainant	Broadcaster	Programme	Nature of Complaint	Standards Complained Under
2019-047	Hayes	RNZ	Nine to Noon	Quotes selected as part of book review of 'Everything is F*cked' by Mark Manson allegedly unnecessary, inappropriate and outside audience expectations	Good Taste and Decency, Programme Information, Violence
2019-048	Sta. Lucia	MediaWorks TV	Love Island UK	Broadcast of reality dating series at 5pm in G timeband allegedly not in children's best interests	Children's Interests
2019-049	Stubbs	RNZ	Morning Report	Segment relating to Captain James Cook and Tuia 250 commemorations allegedly inaccurate and unbalanced	Accuracy, Balance, Fairness
2019-052	Newlove	NZME	The Power Hour	Radio host's description of a rugby match between the Blues and the Crusaders as 'a battle of good versus evil' allegedly in very bad taste particularly in light of 15 March events	Good Taste and Decency, Fairness, Discrimination and Denigration
2019-053	Lethborg	MediaWorks TV	Dancing with the Stars	Host's joke about the 'Mountain City Fiddlers' allegedly inappropriate and offensive play on words	Good Taste and Decency, Children's Interests
2019-054	Tongan Health Society	TVNZ	1 News	Item discussing allegations about operations of the Tongan Health Society allegedly unbalanced, inaccurate, unfair and breached privacy	Balance, Fairness, Accuracy, Privacy
2019-055	Apps	MediaWorks TV	Promo for The Titan Games	Use of the phrase 'holy crap' unnecessary and should not be used when children may be watching	Good Taste and Decency
2019-056	Garrett	RNZ	Morning Report	Two interviews about recent report on criminal justice system allegedly unbalanced and inaccurate	Balance, Accuracy
2019-057	Pask	MediaWorks TV	NewsHub	Images of dead bodies of a toddler and her father in item about US immigration allegedly gratuitous; coverage of migrant detention camps and interviews with protestors allegedly unbalanced	Good Taste and Decency, Balance
2019-058	Callaghan	MediaWorks TV	The Project	Discussion about investigative report into Oranga Tamariki's uplifting of a child allegedly inflammatory, biased and misleading	Good Taste and Decency, Accuracy, Fairness
2019-059	Greetham	SKY	Kick Off	Comment referring to a rugby player as a 'Jew' because he was unwilling to pay for his wedding allegedly encouraged discrimination and denigration	Discrimination and Denigration
2019-060	Andrews	NZME	Afternoons with Andrew Dickens	Talkback host asked a caller, 'how Māori are you'? which was racist and denigrated Māori	Discrimination and Denigration
2019-062	Elliott	MediaWorks TV	NewsHub	The term 'SNAFU' is 'potty talk' and should not be used by reporters especially at 6pm	Good Taste and Decency
2019-063	Beban	NZME	Bhuja	Mock interview on comedy radio show was not identified as being staged, and contained offensive language	Good Taste and Decency (Action Taken), Fairness, Discrimination and Denigration, Violence, Accuracy
2019-064	Lowes	MediaWorks TV	The AM Show	Mark Richardson's comment, 'we're clearly not getting enough English immigrants to become traffic officers' allegedly discriminatory towards nationalities that are 'not English'	Discrimination and Denigration
2019-065	McCaughan	MediaWorks TV	NewsHub	The term 'paddy-wagon' is racist, derogatory, discriminatory and denigrating and should not be used in a news broadcast	Discrimination and Denigration



Decision Number	Complainant	Broadcaster	Programme	Nature of Complaint	Standards Complained Under
2019-067	Wilson	NZME	Mike Hosking Breakfast	Statement during 'Mike's Minute' that New Zealand has 'a surplus that's basically vanished' allegedly inaccurate	Accuracy (Not upheld by Majority)
2019-068	Shierlaw	MediaWorks TV	NewsHub	Patrick Gower's comment that 'the global far-right is here in New Zealand' allegedly inaccurate and not supported by evidence	Accuracy
2019-069	Parker	MediaWorks TV	The AM Show	Comment by economist regarding the risk of people no longer putting money in the bank allegedly inaccurate	Accuracy
2019-071	Graf	RNZ	Morning Report	Interview with leader of Austrian far-right group allegedly unbalanced and misleading	Balance, Accuracy
2019-072A	Cotterall	RNZ	Morning Report – 23 July 2019	Segments discussing abortion legislative reform process allegedly unbalanced	Balance
2019-072B	Cotterall	RNZ	Morning Report – 24 July 2019	Segments discussing abortion legislative reform process allegedly unbalanced	Balance
2019-073A	Arps	TVNZ	1 News	Item discriminatory and unbalanced towards those who hold similar views to family in item who allegedly distributed anti-Islamic flyers	Discrimination and Denigration, Balance
2019-073B	Arps	MediaWorks TV	NewsHub	Description of complainant as a 'white supremacist' allegedly inaccurate and unbalanced	Balance, Accuracy
2019-074	Neate	RNZ	Morning Report	Item about farmer's concerns with government's climate change targets allegedly unbalanced	Balance
2019-078	Chand	TVNZ	Fair Go	Investigation into WOF service and pricing at On The Go Eastgate allegedly inaccurate and unfair	Fairness, Accuracy, Programme Information
2019-079	Garrett	RNZ	Morning Report	Coverage of Department of Corrections' strategy 'Hōkai Rangī' (aimed at reducing the proportion of Māori in prisons) allegedly unbalanced	Balance
2019-080	Yukich	MediaWorks TV	The Project	Joke about Mark Lundy allegedly made light of domestic violence	Good Taste and Decency
2019-082A	University of Otago	TVNZ	Sunday	Coverage of sexual assault allegations at University of Otago allegedly unbalanced, unfair and inaccurate	Fairness, Balance, Accuracy
2019-083	Seafood NZ Ltd	RNZ	Checkpoint	Coverage of Forest and Bird press release regarding death of 30 yellow-eyed penguins allegedly unbalanced and unfair	Fairness, Balance
2019-084	Gale	SKY	Rugby Nation	Reference to Folau (Israel Folau) as 'the F word' allegedly disrespectful and damaging	Discrimination and Denigration
2019-085	Kaui	MediaWorks Radio	The Breakfast Club	Jokes and puns about a woman being pecked by a rooster allegedly insensitive and offensive	Good Taste and Decency
2019-086	O'Neill	RNZ	Morning Report	Interview about abortion legislation allegedly unbalanced and inaccurate	Accuracy, Balance, Fairness
2019-087	Malone	MediaWorks TV	NewsHub	Use of the terms 'synthetic cannabis' and 'synthetic cannabinoids' allegedly inaccurate and misleading	Accuracy
2019-089	Gibb	TVNZ	20/20	Broadcast at 9am covered potentially distressing themes including kidnapping and murder	Children's Interests, Good Taste and Decency

Decision Number	Complainant	Broadcaster	Programme	Nature of Complaint	Standards Complained Under
2019-090	Guthrie	TVNZ	Seven Sharp	Interview with woman with Type 1 diabetes allegedly inaccurate by suggesting kumara salad can treat hypoglycaemia	Accuracy
2019-091	Guenole	TVNZ	Breakfast	Interview about alleged potential health effects of 5G network allegedly inaccurate and unbalanced	Balance, Accuracy
2019-093	Garrett	TVNZ	1 News	Coverage of Department of Corrections' strategy 'Hōkai Rangi' (aimed at reducing the proportion of Māori in prisons) allegedly unbalanced	Balance
2019-094	Atkin (Fluoride Free NZ)	TVNZ	Seven Sharp	Segment about Fluoride Free NZ advertisement allegedly inaccurate and unbalanced	Balance, Accuracy
2019-096	Bamber	MediaWorks TV	The Simpsons Movie	Reference to suicide during closing credits	Good Taste and Decency, Children's Interests, Violence
2019-099	Malone	TVNZ	1 News	Term 'synthetic cannabis' inaccurate as such products do not contain cannabis	Accuracy, Programme Information
2019-100A	Woolrych	NZME	Mike Hosking Breakfast	Comments during Mike's Minute about immigration policy including risk of letting a 'jihadist' into New Zealand allegedly inaccurate and discriminatory	Discrimination and Denigration, Accuracy
2019-100B	Glennie	NZME	Mike Hosking Breakfast	Comments during Mike's Minute about immigration policy including risk of letting a 'jihadist' into New Zealand allegedly inaccurate and discriminatory	Discrimination and Denigration
2019-102A	Torrey	TVNZ	1 News	Footage of police interview with prolific serial killer allegedly glorified violence and should have carried a warning	Good Taste and Decency, Violence
2019-102B	Mayell	TVNZ	1 News	Footage of police interview with prolific serial killer allegedly glorified violence and should have carried a warning	Good Taste and Decency, Children's Interests, Violence
2019-105	Richards	MediaWorks TV	Promo for Love Island Australia	Depiction of 'god of love' mocked Christianity and Christian beliefs	Good Taste and Decency, Discrimination and Denigration
2019-106	Gale	MediaWorks TV	The AM Show	Alleged reference to Hannah Tamaki as a 'douche'	Good Taste and Decency
2019-107	Nally	MediaWorks TV	Newshub	Coverage of Invercargill Licensing Trust Group history, purpose and funding of projects allegedly misleading	Accuracy
2019-109	Dewhurst	MediaWorks TV	The AM Show	Various climate change segments allegedly unbalanced	Balance
2019-111	Eastman	TVNZ	Yo-Kai Watch	Boys depicted sneaking in to watch 'adults-only' programme	Good Taste and Decency, Children's Interests
2019-112	HS	MediaWorks Radio	Jay-Jay, Flynny and Jase Driving You Home	Host told story ridiculing complainant	Fairness (Action Taken), Good Taste and Decency, Privacy
2019-113	Nelson	MediaWorks TV	Newshub	News item showed URLs of pornography websites	Good Taste and Decency, Children's Interests
2019-114	Matthew	TVNZ	Breakfast	Interview about glyphosate toxicity (used in weed killers) allegedly inaccurate and unbalanced	Balance, Accuracy



Decision Number	Complainant	Broadcaster	Programme	Nature of Complaint	Standards Complained Under
2019-116	Cooper	TVNZ	Seven Sharp	Jeremy Wells' personal anecdote about Angela D'Audney sitting on his desk in a mini-skirt allegedly normalised and condoned sexual discrimination in the workplace	Discrimination and Denigration
2019-117	Gibson	TVNZ	1 News	Statement that Boris Johnson lied to the Queen allegedly inaccurate	Accuracy (Action Taken)
2020-002	Martin	MediaWorks TV	The AM Show	Mark Richardson's attitude towards gift was rude and ungracious	Good Taste and Decency, Children's Interests, Alcohol
2020-003	Bidwell	RNZ	Morning Report	Interview with David Seymour on day of third reading of End of Life Choice Bill allegedly unbalanced	Balance
2020-005A	Boyce	RNZ	Nine to Noon – 12 December 2019	UK politics correspondent Matthew Parris referred to UK Labour leader Jeremy Corbyn as a Marxist and supporter of terrorism; allegedly inaccurate and unbalanced	Accuracy, Balance
2020-005B	Boyce	RNZ	Nine to Noon – 16 December 2019	Political commentator Matthew Hooton referred to UK Labour leader Jeremy Corbyn having 'terrorist connections'; allegedly inaccurate and unbalanced	Accuracy, Balance
2020-006	Richards	MediaWorks TV	NewsHub	Item covering Reserve Bank's new rule requiring increase in reserves held by commercial banks allegedly unbalanced	Balance
2020-008	McCullough	NZME	Miles Davis	During discussion criticising US President Donald Trump, host allegedly misquoted complainant who phoned into the programme	Fairness, Accuracy, Balance, Discrimination and Denigration
2020-009	O'Leary	NZME	Canterbury Mornings with Chris Lynch	Comments regarding blessing of Whakaari White Island following fatal eruption allegedly distasteful and discriminatory towards Māori	Good Taste and Decency, Discrimination and Denigration
2020-011	Conn	TVNZ	Seven Sharp	Use of the word 'root' vulgar and unnecessary	Good Taste and Decency, Children's Interests
2020-013	Caves	TVNZ	1 News	Allegedly inaccurate to describe 2020 as the start of a new decade	Accuracy
2020-014	McMurchy	TVNZ	Beverly Hills Cop	Frequent coarse language in film broadcast at 8.30pm	Good Taste and Decency, Children's Interests
2020-015A	Haapamaki	SKY	Promo for ASB Women's Classic	Image showing female tennis player's underwear allegedly sexist and discriminated against women	Discrimination and Denigration
2020-015B	Ball	SKY	Promo for ASB Women's Classic	Image showing female tennis player's underwear in bad taste and repeated gratuitously	Good Taste and Decency, Discrimination and Denigration
2020-017	Mould	MediaWorks TV	The Project	Segment reviewing first 20 days of 2020 showed image of scented candle launched by Gwyneth Paltrow, labelled 'This smells like my vagina'	Good Taste and Decency

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	Order
2019-010	Golden	RNZ	Nights	Comments by member of NZ Book Council about reading habits allegedly inaccurate	Accuracy	s11(a) – frivolous and trivial	s16(2)(a) – \$100 costs to broadcaster
2019-027	Golden	RNZ	Nine to Noon	Comments by Rod Oram about First NZ Capital's name change and its 'wonderful history' allegedly inaccurate	Accuracy	s11a – trivial, frivolous and vexatious	s16(2)(a) – \$200 costs to broadcaster
2019-031	Wratt	MediaWorks TV	The Project	Item about animal deaths in rodeos did not cover death of babies	Good Taste and Decency, Fairness, Discrimination and Denigration, Programme Information, Balance	s11(b) – in all the circumstances; matters of editorial discretion and personal preference	
ID2019-050	Singh	TVNZ	Promo for Seven Sharp	Decision considered whether Authority had jurisdiction to consider complaint about promo viewed on Facebook	Violence, Law and Order, Discrimination and Denigration	s11(b) – in all the circumstances; complex jurisdiction issues arising from online environment, not yet been determined by the Authority	
2019-075	Parlane	RNZ	Checkpoint	Victim advocate should not have been interviewed about sexual violence court pilot, and should not have been referred to as a rape survivor	Good Taste and Decency, Programme Information, Violence, Law and Order, Discrimination and Denigration, Balance, Accuracy, Privacy, Fairness	s11(b) – in all the circumstances; matters of editorial discretion and personal preference	
2019-076	McDonald	MediaWorks TV	NewsHub	Apparently concerned about safety of 11-year-old boy who won trip to Japan with Richie McCaw	Good Taste and Decency, Children's Interests, Violence, Alcohol, Accuracy	s11(a) – frivolous and trivial	
2019-095	Golden	RNZ	Nine to Noon	Rod Oram failed to disclose corruption in discussion referring to Fonterra and the Reserve Bank	Accuracy	s11(a) – trivial, frivolous and vexatious	s16(2)(a) – \$300 costs to broadcaster
2020-004	Lowes	MediaWorks Radio	NewsHub (The Breeze)	Reference to Prince Charles as 'the future King of England' allegedly inaccurate	Accuracy	s11(a) – trivial, vexatious	



BSA jurisdiction considered

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

Decision Number	Complainant	Broadcaster	Programme	Nature of Complaint	Finding
ID2019-044	Phillips	Racing Industry Transition Agency	Box Seat – 8 and 15 May 2019	Interlocutory decision considering whether Authority had jurisdiction to consider programme broadcast simultaneously on television and streamed online	Accepted jurisdiction
ID2019-046	Golden	RNZ	Nine to Noon	Interlocutory decision considering whether Authority had jurisdiction as complainant did not identify standards breached in original complaint	Declined jurisdiction
ID2019-098	Brown	SKY	Overlord	Interlocutory decision considering whether Authority had jurisdiction to consider complaint that movie synopsis did not accurately reflect storyline and genre	Declined jurisdiction

Directory

Te Puka Tohutoro

Members

Judge Bill Hastings

Chair

Paula Rose QSO

Wendy Palmer (until 6 November 2019)

Susie Staley MNZM

Leigh Pearson (from 17 June 2020)

Staff

Belinda Moffat (until 21 August 2020)

Glen Scanlon (from 12 October 2020)

Chief Executive

Helen Cruse

Legal Manager

Patricia Windle (from 16 December 2019)

Principal Legal Advisor

Catie Murray (until 16 August 2019)

Legal Advisor

Jordan Hamel (until 29 May 2020)

Legal Advisor

Raina Ng (from 14 October 2019)

Legal Advisor

Grace Tong

Graduate Legal Advisor

Hayley Kinsey

Executive Office Manager

Robyn McAllister (until 31 October 2019)

Rebecca Morgan (from 11 November 2019)

Receptionist/Administrator

(shared with NZ On Air)

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