

## **Complaints that are unlikely to succeed**

For more detail, see our guidance on the [BSA's power to decline to determine a complaint](#).

### **Te reo Māori**

The Authority does not consider the use of te reo Māori, an official language, in broadcasts raises any issues of broadcasting standards and will decline to determine such complaints. Its use is a matter of editorial discretion. Broadcasters are not expected to respond formally to complaints about te reo Māori - (however this does not apply to other categories discussed below).

[KS and Television New Zealand Ltd, Decision No. 2020-135](#)

## **Representation of LGBTQIA+/rainbow communities**

The Authority does not consider the depiction of LGBTQIA+/rainbow communities and their lived experiences to be inherently offensive. Perspectives relevant to rainbow communities are not automatically offensive or unsuitable for children or young people. The Authority has also previously found the mere depiction of members of rainbow communities does not necessitate 'balancing' content from other groups.

[Benefield and Discovery NZ Ltd, Decision No. 2023-069](#)

[Hutt and Television New Zealand Ltd, Decision No. 2023-040](#)

### **Personal preference**

It is common for the Authority to decline to determine any complaint regarding the type of programming a complainant would prefer to be included or not included by broadcasters. This is a matter of editorial discretion and personal preference. The Authority's role is to consider complaints about whether content broadcast has breached broadcasting standards, not to change broadcasters' content to what a complainant may wish to see included.

[Wratt and Mediaworks TV Ltd, Decision No. 2019-031](#)

[Malcolm and Radio New Zealand Ltd, Decision No. 2016-018](#)

[Sheerin and Mediaworks TV Ltd, Decision No. ID2017-022](#)

## Low-level language

Isolated instances of low-level bad language will rarely breach standards, particularly when aired during programmes rated PG or above, or during news bulletins. Words and phrases considered to be low-level bad language include ‘crap’, ‘bloody’, ‘bugger’, ‘wanker’, ‘pissed off’ and ‘shit’. While these words may not be everyone’s language of choice, they have become commonly used. They are unlikely to surprise or offend a significant number of listeners, however this may occur in some cases, eg when used frequently or in an aggressive manner.

[Beck and Television New Zealand Limited, Decision No. 2024-084](#) (‘arsehole’)

[Duff and Television New Zealand Ltd, Decision No. 2023-078](#) (‘bloody’, ‘bugger’)

[Franklin and Discovery NZ Ltd, Decision No. 2022-113](#) (‘shit’)

[Allison and Discovery NZ Ltd, Decision No. 2020-142](#) (‘wanker’)

[McCaughan and Discovery NZ Ltd, Decision No. 2020-165](#) (‘pissed off’)

[McCaughan and MediaWorks TV Ltd, Decision No. 2016-062](#) (‘piece of piss’, ‘bullshit’, ‘shit’)

[Lockyer and Television New Zealand Ltd, Decision No. 2012-089](#) (‘crap’, ‘pissed off’)

## Blasphemy

The Authority acknowledges that when broadcasts feature exclamations of words associated with ‘God’, ‘Jesus’, ‘Christ’, ‘Hell’ and the Christian faith, some people might find this offensive. However, these words are not considered to be coarse language and in our modern secular society have become widely used as part of everyday speech. The Authority has consistently found variations of ‘Jesus’ and ‘Christ’ used as exclamations do not threaten widely shared community standards.

[Monaghan and Television New Zealand Ltd, Decision No. 2023-029](#) (‘Jesus’)

[Bruce-Phillips and Television New Zealand Ltd, Decision No. 2020-092](#) (‘Jesus’)

[McKane and Television New Zealand Ltd, Decision No. 2020-118](#) (‘God’, ‘Holy Crap’)

[Nixey and NZME Radio Ltd, Decision No. 2020-037](#) (Satirical segment re Christian figures)

## Balance (over time)

The balance standard does not require that every possible view on a complex issue be contained within one broadcast. A key consideration for the Authority when considering a complaint under this standard is whether viewers could reasonably be expected to be aware of views expressed in other coverage, including other media (ie is it an ongoing topic of debate). The Authority rarely upholds complaints under the balance standard that a broadcaster is only presenting a particular point of view if the topic has been widely discussed elsewhere from a variety of perspectives.

[Watkin and Radio New Zealand Ltd, Decision No. 2022-091](#)

[Egan and Discovery NZ Ltd, Decision No. 2021-002](#)

[Garrett and Radio New Zealand Ltd, Decision No. 2021-073](#)

## Balance (brief news reports)

The balance standard, in general, applies to news, current affairs, or factual programmes that discuss controversial issues of public importance. However, the Authority rarely upholds complaints under the balance standard about short news reports. The brevity of such broadcasts means they typically do not 'discuss' issues. Instead, they are a simple report on or recounting of events, to which the balance standard does not generally apply.

[OH and Radio New Zealand Ltd, Decision No. 2024-077](#) (impact of Israeli airstrikes in Lebanon on civilians)

[Wilson and NZME Radio Ltd, Decision No. 2023-045](#) (Immigration New Zealand's decision to allow Posie Parker to enter Aotearoa New Zealand and the likelihood of protests at Parker's events)

[Boom and Television New Zealand Ltd, Decision No. 2022-059](#) (reported leak of a US Supreme Court draft decision overturning *Roe v Wade*)

## Balance (coverage of politicians)

The choice by broadcasters to include or exclude particular politicians or election candidates in programmes (including pre-election debates, interviews or other coverage) is not a breach of broadcasting standards in and of itself. For example, a debate amongst political candidates will not breach standards solely on the basis that a minor party candidate was not included. Broadcasters, as a part of their right to freedom of expression, have the right to:

- limit programme participants provided the selection can be justified in terms of balance and fairness (eg a limit reasonably applied to meet programme time constraints)
- present items from a particular perspective, or feature particular perspectives in their programming provided standards are otherwise complied with.

Balance standard requirements reflect the current media landscape with information and opportunities to learn about different politicians and perspectives typically available from multiple sources. Audiences are not dependent on any one programme for all of their political information/analysis.

[Crawford and Television New Zealand Ltd, Decision No. 2009-093](#) (debate participants limited due to time constraints)

[The Christian Heritage Party and Television New Zealand Ltd, Decision No. 2002-173](#) (debate participants limited to leaders of parties represented in the outgoing Parliament)

[Steele and Television New Zealand Ltd, Decision No. 2022-104](#) (MP depicted in human interest piece)

## **Fairness applied to politicians/public figures**

The threshold for finding a breach of the fairness standard in relation to politicians and public figures is higher than for someone unfamiliar with the media. Politicians and public figures hold a position in society where robust questioning and scrutiny of their policy, roles and behaviour is encouraged and expected. They are frequently capable interviewees, experienced in handling aggressive or inflammatory questioning or other coverage that may be considered unfair for an ordinary person.

[Lindsay and Radio New Zealand Ltd, Decision No. 2022-003](#)

[Robinson and Discovery NZ Ltd, Decision No. 2021-133](#)

[Watkins & Yardley and Radio New Zealand Ltd, Decision No. 2022-142](#)

[Frewen and Television New Zealand Ltd, Decision No. 2020-146B](#)

[Bowkett and Discovery NZ Ltd, Decision No. 2020-103](#)

## **Content not appropriate for children (Free-to-Air TV)**

The 16 & over watershed occurs at 8.30pm on Free-to-Air TV (it does not apply to Pay TV). Content rated 16 may be broadcast from this time and material rated 18 may be screened from 9.30pm. The Authority recognises that this is outside of children's normal viewing times, even on weekends or during school holidays. Content appropriate for adults may include adult themes, language, violence and sexual content. A higher level of this content is permissible at later time slots. The

time a programme is aired, classification it is given, warnings aired before it is broadcast, descriptions of the programme in TV guides and parental control options give audiences choice and control over what they wish to view. The Authority has consistently not upheld complaints about strong adult content being broadcast outside of children's viewing times when these tools aiding choice and control are available. More information about timebands and classifications can be found [here](#).

[Fransen and Discovery NZ Ltd, Decision No. 2020-122](#)

[Millar and Discovery NZ Ltd, Decision No. 2021-064](#)

[McMurchy and Television New Zealand, Decision No. 2020-014](#)

[Barnao and Mediaworks TV Ltd, Decision No. 2019-002](#)

[Ross and Māori Television Service, Decision No. 2017-045](#)

## Sections of the community protected from discrimination

Complaints under the discrimination and denigration standard must relate to a particular section of the community defined by reference to the group's shared sex, sexual orientation, race, age, disability, occupational status or legitimate expression of religion, culture or political belief. The Authority has previously held the standard is not applicable to the following broad (non-homogenous) groups:

- people who 'hold traditional family values'
- people who 'aren't Māori'
- people who oppose vaccines or other COVID-19 measures
- people participating in particular sports or hobbies.

[Boom and Television New Zealand Ltd, Decision No. 2024-069](#) ('anyone who holds traditional family values' and those who are 'opposed to the promotion of the LGBTQIA+ agenda')

[O'Sullivan and Television New Zealand Ltd, Decision No. 2022-138](#) (people who are not tangata whenua)

[McCracken and Radio New Zealand Ltd, Decision No. 2022-099](#) (opposition to vaccines and other COVID-19 measures)

[Cycling Action Network and NZME Radio Ltd, Decision No. 2021-092](#); and [McKenzie and Television New Zealand Ltd, Decision No. 2022-141](#) (sports and hobbies)

## Accuracy – Materiality of error

Not every inaccuracy triggers a breach of the accuracy standard. Complaints about alleged inaccuracies will not succeed if the inaccuracy is a technical or

immaterial point. What is 'technical or immaterial' is assessed in the context of the relevant programme. If it is unlikely to significantly affect the audience's understanding of the broadcast as a whole, or of the main point(s) being made, an inaccuracy will not breach the standard.

[Johnson and Television New Zealand Ltd, Decision No. 2021-101](#) (offender described as holding a Bible [rather than a Qur'an] in story covering the offender's trial and defence to murder charge)

[Gibb and Television New Zealand Ltd, Decision No. 2022-102](#) (incorrect quantity of plastic waste exports mentioned in story regarding a petition to address harm caused by such exports)

[Kellett and Television New Zealand Ltd, Decision No. 2022-109](#) (tugboat incorrectly described as 'the world's first fully electric ship-handling tug' in human interest piece focused on the boat's technical features)

[Claus and Radio New Zealand Ltd, Decision No. 2023-018](#) (panellist incorrectly says '97% of us got vaccinated' in programme canvassing the political implications of Prime Minister Jacinda Ardern's resignation)

[White and Television New Zealand Ltd, Decision No. 2023-056](#) (statement that the wealthy pay less than half the tax [rather than tax rate] of the average Kiwi in item focused on the upcoming Budget)

[Fenemor and Television New Zealand Ltd, Decision No. 2023-080](#) (background footage of unrelated vehicle damage in story regarding lithium battery fire risks following a scrap yard fire)

If you're still unsure whether we cover your complaint, please contact us so we can help connect you to the right place.