

**BSA**

**BROADCASTING STANDARDS AUTHORITY**



**ANNUAL REPORT**  
*For the year ended 30 June 1999*

# ANNUAL REPORT

FOR THE YEAR ENDED 30 JUNE 1999

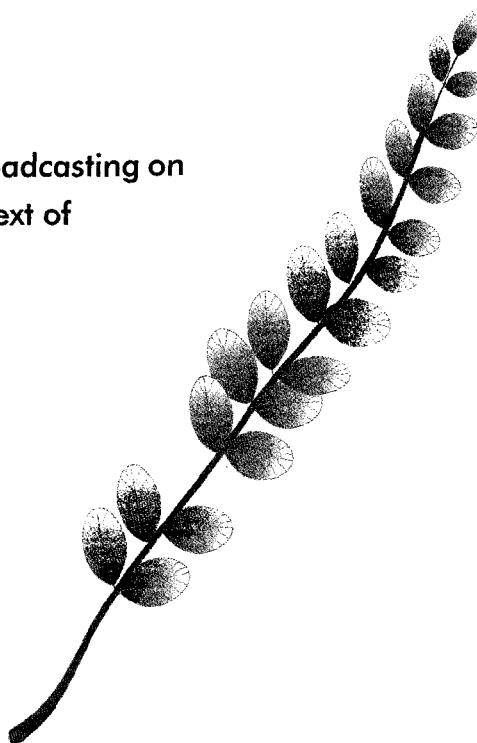
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## MISSION STATEMENT

To establish and maintain acceptable standards of broadcasting on all New Zealand radio and television, within the context of current social values, research and the principle of self-regulation, in a changing and deregulated industry.

Submitted to the Minister of Broadcasting for presentation to the House of Representatives pursuant to clause 14 of the First Schedule of the Broadcasting Act 1989.



# MEMBERS



**Sam Maling**

Sam Maling LL.B, a Barrister of Christchurch, was appointed Chairperson of the Authority in June 1997. He is a director of Pyne Gould Corporation Ltd and Perpetual Trust Ltd. He is also a former Vice President of the New Zealand Law Society.



**Joan Withers**

Joan Withers MBA, of Auckland, joined the Authority in August 1997. A former Chief Executive of the Radio Network of New Zealand, her career in media management spans almost 20 years. She is now a company director, currently holding directorships on the boards of Ceramco Corporation Ltd, Auckland International Airport Ltd, The Warehouse Group Ltd, and the Auckland Trotting Club.



**Lyndsay Loates**

Lyndsay Loates of Auckland, began her term on the Authority in July 1994. She has worked as a professional journalist both in New Zealand and overseas and has won several national journalism awards. After a period as deputy editor and senior feature writer with *More Magazine*, she has worked as a freelance journalist.



**Rosemary McLeod**

Rosemary McLeod is a Wellington-based journalist and was appointed to the Authority in May 1995. She has won numerous journalism awards for investigative reporting, feature writing and column writing. She has also had extensive experience as a television drama script writer and editor and has worked as a news reporter for both television and radio.



# THE CHAIRPERSON'S REPORT

The Broadcasting Standards Authority, I believe, can take pride in its achievements over the past year. It has been a stimulating time for the Authority, but it has also been demanding. There are only four members on the Authority, and they are required to be familiar with a broad range of matters for each of our monthly meetings. I cannot speak too highly of the dedication of the three other members. The preparation required for each meeting is extensive, and the Authority is fortunate in having members who are prepared to devote their time to ensure that we arrive ready to debate comprehensively the wide variety of matters on the agenda. They are busy people and there is a large element of public service in what they do. I believe this needs to be acknowledged.

## Finances

The Authority is partly funded by way of government grant, through the Ministry of Commerce, and partly by way of a levy on broadcasters. Broadcasters with a total operating annual revenue in excess of \$500,000 are required to pay an annual levy of 0.00051 percent of operating revenue. Prior to this levy the Authority's research function was hampered.

The introduction of the levy enabled the Authority to appoint a Research and Communications Manager, with appropriate

qualifications, to take responsibility for the research programme. A number of past and present research and communication projects are noted briefly in my report, and the current research programme is explained further in a section below.

Good research is expensive and it must be planned carefully. The Authority will not undertake projects unless it is convinced that they will be administered carefully and be effective in helping it in its tasks of determining complaints and approving codes of broadcasting practice. The Authority is aware that it is, and must be, fully accountable for its expenditure. This cautious approach has resulted in an accumulated surplus at year's end. But with the implementation of its research programme, already there are inroads into these reserves. In the past year, expenditure exceeded income. The Authority will remain vigilant in ensuring that the funds continue to be wisely spent.

## Research

Our major research project, *Changing Mediascapes*, is designed to provide the Authority with baseline data from the community on a range of broadcasting standards issues. The project, and the process adopted to ensure quality, is explained in a later section of the Report.

During the past year, the Authority has become increasingly aware of

particular broadcasting issues which generate considerable public concern. Children's relationship to, and their use of, the broadcast media is at the top of the list and, consequently, it has been decided that children's issues, from a number of perspectives, will be the Authority's research focus in 1999/2000.

## Complaints

The Authority issued 184 decisions in the past year, an increase of seven from the previous year. The number of complex complaints is increasing. Some complaints have absorbed an unprecedented amount of time.

The Authority is aware from the complaints it receives that community standards of "taste and decency" change over time. Its research highlights the issues which are of importance within the community. Nevertheless, as good taste and decency complaints must be considered in context as well as acknowledging changing social mores, the Authority continues to resist issuing prescriptive decisions in this area. The requirement for balance in broadcasts is unchanging. The issues raised in broadcasts, however, and the approaches taken, do change.

Complaints which allege that a broadcast has invaded an individual's privacy frequently force the Authority to confront the opposing concepts of "an individual's privacy" on the one hand, and "the public interest" on the other. While the Authority is developing precedents to assist, it continues to emphasise that the



factual aspects of each privacy complaint require careful examination. Because there is often a fine line between these competing concepts, privacy complaints entail a careful assessment. Privacy complaints have become central to the Authority's complaints workload, and some of the issues they raise are dealt with in a separate section below.

## Code Reviews

Substantial progress has been made on the Review of the Subscription Television Code of Broadcasting Practice. Early in the current financial year, the Authority considered the broadcasters' submissions on its Review and decided, in view of the rapid technological changes occurring, to accept that there should be separate Codes for Subscription and Free-To-Air television.

Draft Codes were received from the subscription television broadcasters, Sky and Saturn, in December 1998. These drafts contained different provisions for classifications and the watershed in light of the devices then available for the protection of children.

The Authority believes that the only issues now outstanding are the classifications and watersheds to apply to the differing delivery systems.

After discussions about the applicability of the existing Radio Code of Broadcasting Practice to talkback programmes, the radio broadcasters' representatives proposed a revision of the entire Code.

Mr Brent Impey, then the Executive Director of the Radio Broadcasters Association, in association with RNZ's Mr Richard Hereford, advanced a fundamentally restructured Code. Other broadcasters were consulted and, after negotiation, the Authority approved a new Radio Code of Broadcasting Practice in June 1999

which became operative from 1 July 1999.

The Authority wishes to record its appreciation to Mr Impey and Mr Hereford for preparing a Code which it believes will be readily understood by both complainants and broadcasters and which, it notes, has been welcomed by the industry.

## Watershed

The Free-to-Air Television Code of Broadcasting Practice accepts that AO [Adults Only] programmes may be screened after 8.30pm and until 5.00am. It defines AO programmes as those "containing adult themes or those which, because of the way the material is handled, would be unsuitable for persons under 18 years of age". The Portrayal of Violence Code acknowledges that 9.30pm is more appropriate for programmes containing stronger AO material.

Over the years, the Authority has observed in its decisions that the watershed is not to become an immediate waterfall of adult content. While many children may well be in bed by 8.30pm, the Authority acknowledges that some older children will continue viewing beyond this time. Recent decisions have confirmed this approach.

## Fairness

Under the Codes of Practice, broadcasters are not only required to maintain standards consistent with the privacy of the individual, they must also deal fairly with people referred to in a programme.

The Authority has recently considered complaints about broadcasts involving children, which referred both to matters of privacy and fairness. It also has a number of unresolved complaints involving the use of hidden cameras, and in which the claim is made that this transgresses the requirements of both fairness and privacy.

The Authority states again that it is not involved in formulating prescriptive standards. It is involved in discussions with broadcasters about the overlap between fairness and privacy and, specifically is in discussions with the Journalists Training Organisation with a view to supporting a seminar on journalistic ethics.

## Consultation with Broadcasters

To ensure that broadcasters are aware of the Authority's approach to a range of issues and, similarly, to ensure that the Authority is aware of broadcasters' concerns, the Authority last year initiated a formal annual consultation process with major broadcasters. This year the process will involve close liaison with the recently formed New Zealand Television Broadcasters' Council, comprising representatives of the free-to-air broadcasters.

The determination of formal complaints requires that the Authority works closely with broadcasters, and in particular with the staff of the broadcasters who are responsible for standards and complaints. It is important, the Authority believes, to maintain appropriate professional relationships with broadcasters at all times.

Mr Richard Hereford, the long-serving Complaints Co-ordinator with Radio New Zealand, retired earlier this year, and the Authority records its appreciation at the careful and thorough way he liaised with the Authority on complaints about RNZ's broadcasts.

## Other Consultation

The consultation round in 1998 consisted of meetings with the major national broadcasters, some

regional broadcasters, and a number of the tertiary institutions which offer media studies courses. The Authority consulted with these institutions as it wanted to ensure that the role of the Authority was dealt with appropriately by the institutions responsible for training journalists. It offered to participate in teaching programmes should that be considered desirable.

The 1999 round currently under way consists of major broadcasters again, meetings with some other regional broadcasters, and with agencies whose work may overlap with the Authority's. Those agencies include such groups as the Race Relations Conciliator, the Commissioner for Children and the Mental Health Commission.

## Newsletter

The broadcasting and associated groups spoken to last year expressed an interest in being kept informed of the Authority's work, and it was decided to issue a quarterly newsletter. The first Newsletter was published in January this year, reporting some of the Authority's major decisions on complaints, and featuring summaries of the other work in which the Authority is involved. The Authority believes that it has been a beneficial way to keep in touch with the many and varied groups and individuals with which it interacts.

## Website

All the Authority's decisions and other material such as the Codes of Broadcasting Practice and the Newsletter are posted on its website - [www.bsa.govt.nz](http://www.bsa.govt.nz)

The Authority has been complimented on its website from users, especially in relation to the search engine which allows searches of its decisions through the use of keywords.

Websites are increasingly being established by organisations similar to the Authority in other

countries. Not only does this enable the Authority to keep in touch with these groups, but hyperlinks also enable visitors to our website to examine other relevant websites.

## Format of Decisions

The format used for the Authority's formal complaints decisions has recently been revised in the interests of clarity while still ensuring compliance with the legal requirements in the Broadcasting Act. Of equal concern is a commitment that the decision is useful to the specific parties involved in a complaint.

It was decided recently that the Appendix which hitherto summarised the correspondence between a complainant and a broadcaster added length rather than comprehension and usefulness to the document. At the end of 1998, the Authority resolved to eliminate the Appendix and to incorporate a relevant summary of the material into the body of the decision.

## Media Kit

The Authority is aware that many of the complaints determined, and the views expressed informally by telephone and correspondence, are made by people from the age of 30 upwards. Most of the correspondence from younger people comes in the form of a letter or fax requesting material which will assist them as students preparing an essay on, for example, censorship or television violence.

The Authority, keen to explain its role to this younger age group, accordingly prepared a kit explaining its role for senior secondary school students who are taking media studies courses. The kit was prepared with the assistance of Learning Media Ltd in 1998, and was distributed to all secondary schools, and tertiary institutions

offering courses in journalism at the beginning of this year. Overall it has been favorably received.

## 0800 Number

The complaints process requires that all formal complaints, other than those which allege a breach of privacy, be in writing and made initially to the broadcaster. Complainants may refer their complaint to the Authority if they are not satisfied with the broadcaster's decision. This point is made regularly to complainants who telephone or write to the Authority. The Authority has considered ways of making this information more easily accessible and, in May 1999, decided to establish an 0800 number.

This number, 0800 366996, is a recorded message which explains the complaints process. The Authority is listed in all telephone books, and the listing will now include the 0800 number as well. The Authority is keen to receive comment on this service as the number becomes more widely known.

## Appeals

The Authority's formal complaints are appealable as of right to the High Court. While most of the relatively few appeals filed (about 2 - 3 a year) are undoubtedly made for reasons of substance, the Authority suspects that in some cases appeals are filed principally to avoid complying with the Orders made. It is examining ways by which this problem can be overcome.

Other proceedings have helped to define the Authority's role. An action by TV3 challenged the Authority's right to release a decision on a complaint when a complainant has raised the possibility of defamation proceedings, although proceedings have not been initiated.

TVNZ has sought Judicial Review of the Authority's processes in relation to the withdrawal of complaints, and the Authority's power to award costs.

## Y2K

The Authority has taken the appropriate action to ensure that its computer and telephone system is Y2K compliant. It has also canvassed all parties providing critical services to the Authority to establish any potential issues and, where necessary, to develop appropriate contingency plans.

## International

Organisations with functions similar to the Authority have been established in a number of countries, and face similar issues such as rapidly changing technology in broadcasting, the convergence of broadcasting, computers and telephony, and trans-border broadcasting.

To enable it to benefit from the experience of other organisations, and to share its response to these issues, the Authority believes that it is important to participate in meetings about such issues.

Of particular importance to the Authority is the Regulatory Roundtable for Broadcasting in Asia and the Pacific, of which the Authority was a founding member at a meeting in Singapore in 1996. I represented the Authority at the meeting last year in South Korea where trans-border broadcasting was an important agenda item.

This was reported to the Ministry of Commerce and since that time the Ministry has requested the Authority to assist with developing a bilateral agreement between Australia and New Zealand in relation to standards issues arising from trans-Tasman satellite broadcasts.

As part of its programme to remain familiar with international issues, the Authority's Executive Director attended a conference in Brisbane

in November 1998 on Convergence: Culture and Policy in the Digital Age. A number of matters of direct interest to the Authority were canvassed in the gathering of regulators, broadcasters, and academics.

## Members

I wish to express my gratitude to Authority members Ms Loates, Ms McLeod and Ms Withers. With the appointment to the staff of a Research and Communications Manager last year, the range of the Authority's work expanded. In addition, as previously mentioned, the complaints have become more complex. However, with minimal fuss, the members cope with the increased workload, contribute fully to the discussions, while always looking for innovative ways to resolve matters which confront us.

## Staff

We expect all material released by the Authority - whether it be decisions on complaints, a report on research, or indeed our Annual Report - to be of a high standard. Competence and professionalism are expected of our staff in all dealings with broadcasters, complainants, and other interested individuals and groups and we believe this standard is achieved. On behalf of the members, I record my appreciation for the work done by the Authority's staff.

## Conclusion

Matters considered by the Broadcasting Standards Authority are seldom repetitive and they are never tedious. Decisions about a broadcaster's use of offensive language, for example, are highly dependent on context. Seldom are these deliberations on context clear-cut, and robust debate often occurs before the decision is reached. Members take their role as community representatives seriously, and our emerging

research findings help us keep in touch with community opinion.

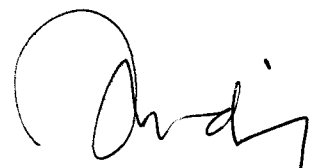
Complaints about accuracy, fairness and balance require a thoughtful examination of the papers which may deal with a high profile social concern. Again, these decisions require a full review of the explicit, and possibly, implicit views advanced.

The concept of freedom of expression is more than a notion for the Authority. Indeed, it is a concept which goes to the core of a democratic society and one of which the Authority is ever mindful. On some occasions, it leads to tension with other competing rights such as the right to privacy. We take guidance where we can in these situations from the Bill of Rights.

I have highlighted complaints in my comments as they are the most highly profiled aspect of the Authority's work, and the aspect which utilises the majority of the Authority's resources. Indeed, because the complaints work continues to increase, the Authority has recently given approval for the appointment of another part-time Complaints Executive.

The complaints work leads into the Authority's functions in approving new and revised Codes of Broadcasting Practice, and approving and reviewing results from its research programme. This work merits careful appraisal as it reflects on broadcasting, which is a central institution in our democracy.

The Authority's members and staff approach their tasks in a manner which I believe is both sensible and sensitive. My hope is that broadcasters and the general public share that view.



Sam Maling  
Chairperson



# FORMAL COMPLAINTS

The Authority estimates that up to 80% of its time and well over half its resources is taken in determining formal complaints.

## Complaints Received

In the last financial year, the Authority received 204 formal complaints. This was an increase of 18% from the total of 174 received in the previous year. It issued 184 decisions (of which 10 dealt with procedural issues) an increase of 4% from the total of 177 in 1997/98.

Because some complaints are withdrawn, and some raise matters which the Authority does not have the jurisdiction to determine, the number of decisions released annually is usually lower than the number received. However, this does not account in full for the total difference in numbers received and decisions issued in the last year.

Usually the Authority carries over between 20 to 30 unresolved complaints each year. This is the usual number of unresolved complaints on the Authority's books at any one time. Typically the delay is due to a lack of complete information required to determine a specific complaint, or the precise content of a draft decision is being settled.

Despite pressures at times, the Authority takes pride in not allowing a backlog of complaints to accumulate. It is aware that once a backlog builds up, it is difficult to reduce. Nevertheless, at 30 June 1999, there were in excess of 50 unresolved complaints on the Authority's books.

Three broadcasts in particular, each a current affairs programme, account for the substantial increase in the unresolved complaints currently before the Authority.

The first item, broadcast in June 1998, gave rise to 13 distinct complaints and two further complaints relating to a subsequent news item. The sheer number of complaints involved considerable effort in gathering and amalgamating information from the parties. Further, the range of issues raised by the complaints required a line by line examination of the transcript and evaluation of most of the footage collected in the course of preparing the programme. At a late stage in the determination process, the broadcaster questioned the Authority's right to determine the complaints because of threatened - but not initiated - defamation proceedings. The Authority formally declined the broadcaster's request to defer its determination for this reason, and this decision was challenged in the High Court.

The second largest contributor for the increase concerned a broadcast in two parts. It also involved the relationship between complaints and potential defamation action. A person who was referred to in both parts began defamation proceedings against the broadcaster, but did not make a complaint. Five other viewers made a total of eight formal complaints to the Authority. The Authority has agreed to defer its investigation following a police decision to lay criminal charges.

A third action currently before the High Court, although in this case it

does not add to the backlog, involves a broadcaster seeking judicial review of the Authority's power to award costs against the broadcaster when a complaint is withdrawn by the complainant shortly before a decision is released.

## Decisions Released

The Authority issued 184 decisions in the past year. The complaint was upheld in full or in part in 40 cases, which translates as 22%. This is a similar rate to previous years.

The graphs on the following page, and the analysis of decisions contained in Appendix I, record that the pattern of complaints by way of issues raised and type of broadcast complained about has not varied in a major way from the decisions issued the previous year.

The graphs show that most complaints refer to television broadcasts, rather than programmes on radio, and broadcasts by Television New Zealand Ltd (combining TV1 and TV2) are complained about more frequently than those on TV3 Network Services Ltd (both TV3 and TV4). Over 80% of the complaints refer to the broadcast of an item on television. The proportion of complaints upheld against television broadcasters, though, is lower than the average overall of 22%, being under 20%. Thus television broadcasts provoke the majority of complaints, but slightly less than 1 in 5 is upheld.

Thirteen complaints were determined which involved RNZ (7% of the total) and none were upheld.

While the number of complaints against commercial radio broadcasters was not a substantial part of the Authority's work (11%), the proportion upheld was high (48%). This suggests that listeners might be more tolerant in their expectations of standards on commercial radio, but there remains a limit beyond which even the tolerant listener will not be pushed.

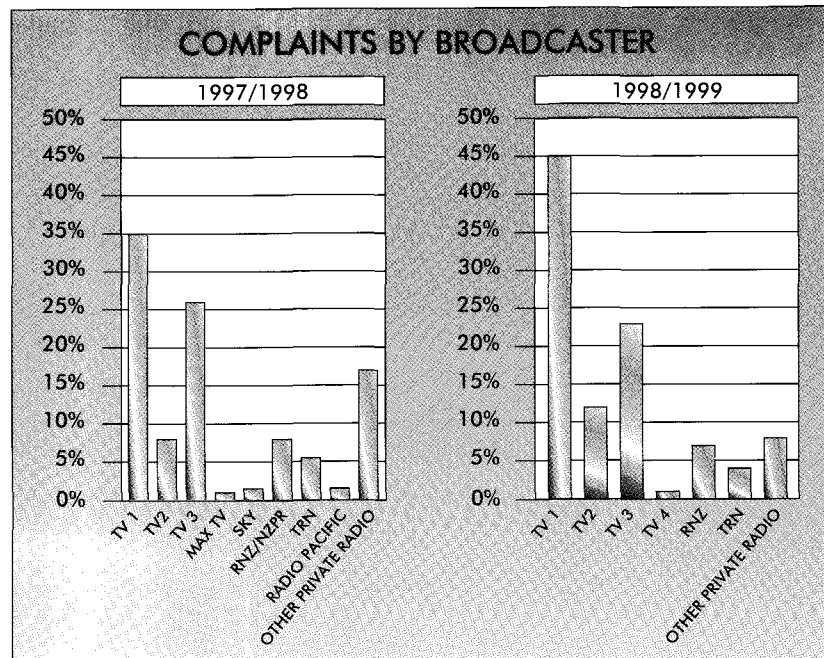
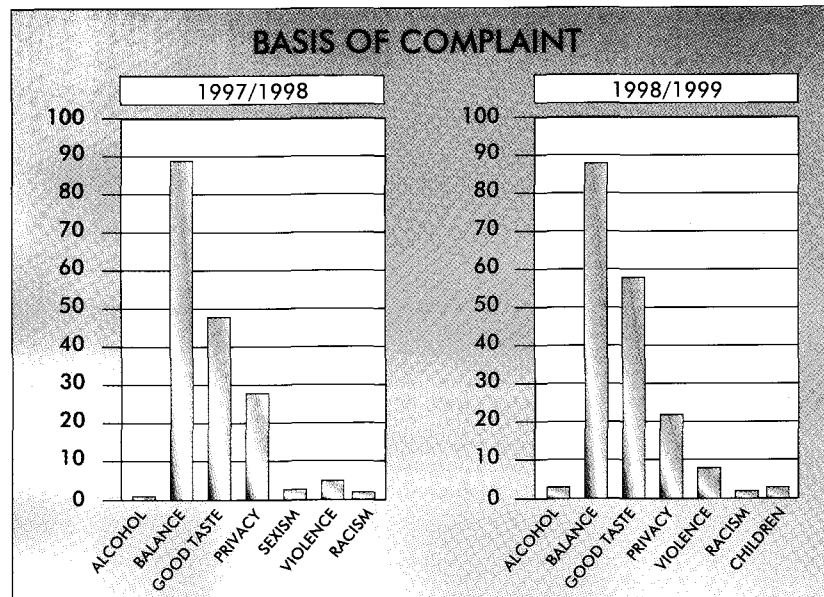
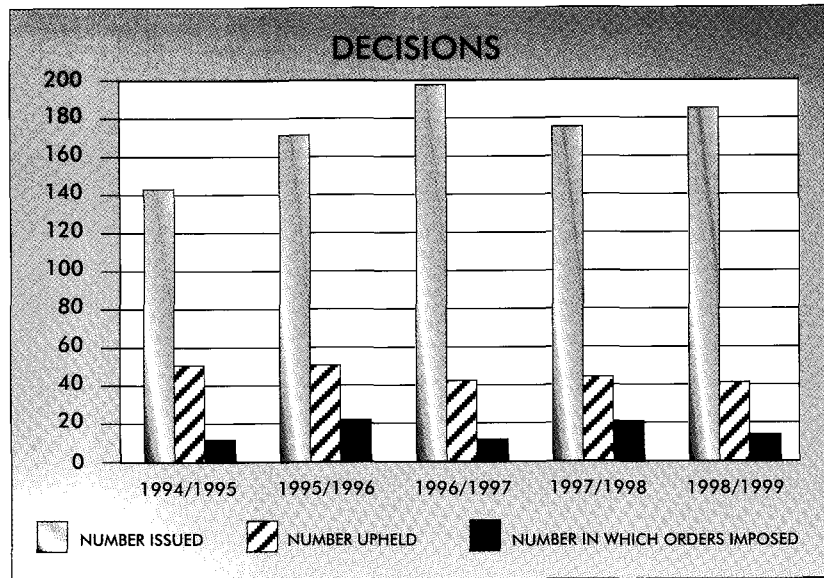
The issues of balance, fairness and accuracy, as in previous years, prompted most complaints (47%). As in previous years this issue was well ahead of other matters. Good taste and decency is the second most common issue raised in complaints, and the number amounted to 32% of the decisions.

The issue of privacy continues to be the third most prominent issue in complaints determined by the Authority. It was the substantive issue in one in eight (or 12.5%) of the complaints determined, and one in four of the complaints was upheld. As privacy complaints are usually the most difficult to determine, the Authority's approach is discussed further in the next section of this report.

## Orders

Having upheld a complaint, the Authority may impose an order. When it has decided to uphold a complaint, the Authority makes a Decision in Part available to the parties and a submission on penalty is sought. The Authority takes these submissions into consideration when deciding whether or not to impose a penalty.

The Authority may decide if the breach is relatively minor not to impose any penalty or, for extreme cases at the other end of the spectrum, it has the power to order a broadcaster to refrain from broadcasting for up to 24 hours, or to refrain from broadcasting advertisements for the same period.



In their submissions, complainants frequently ask the Authority to impose an order for costs on the broadcaster of \$5,000, which is the maximum allowed in the legislation.

The Authority is aware that its decision to uphold a complaint can, in itself, have a major impact on the broadcaster, and that any further penalty is often unwarranted. At the same time, the Authority is aware of complainants' expectations that the Authority should impose a penalty to ensure that the broadcaster takes full cognisance of the requirements in the standards.

Deciding on the appropriate penalty is a balancing exercise. In the past year, the Authority has upheld 40 complaints. The details of the orders imposed are combined in general terms so that the two decisions which are subject to judicial review are not identifiable. In broad terms, 10 of the upheld decisions involved procedural issues. Of the balance (30), no order was imposed in half of the decisions, as the Authority was of the view that the decision to uphold was sufficient in itself. Of the 15 decisions where an order was imposed, four cases involved the broadcast of a summary of the decision by the offending broadcaster at a similar time and in a similar programme. Six orders involved costs to the Crown. The other instances involved a combination of an order for compensation to the complainant (for breach of privacy) and an order for costs either to the complainant or the Crown. The maximum amount of compensation which the Authority can award to an individual for a breach of privacy is \$5000. It can also award costs where appropriate.

## Appeals

A broadcaster or a complainant may appeal to the High Court the Authority's decision on a complaint. There were nine outstanding appeals at 1 July 1998. The oldest of these was filed in September 1994, and four were filed in the year concluding 30 June 1998.

The Authority has been investigating ways to require appellants to take action on the appeal, or to have it dismissed.

It is pleasing to report that at 1 July 1999, there were only six appeals outstanding - a reduction of 3 or one third. Two had been withdrawn (by the broadcaster) and one had been dismissed. In addition, a new appeal from a complainant filed during the year

was dismissed for procedural reasons. The Authority hopes that the case management system which is to be introduced in the Wellington High Court will ensure that old appeals will not be allowed to gather dust as has sometimes occurred in the past.

The Authority appreciates that its complaints work fringes on a somewhat legalistic terrain. Nevertheless, it has worked to develop a complaints system that is user-friendly as far as it is possible to be. Most complainants do not take legal advice when making a complaint, and we do our best to communicate in plain English and avoid mystifying the process. Our staff welcome feed-back on these issues. We appreciate that there is always room for improvement.

# PRIVACY

The complaints which allege that a broadcaster has failed to maintain standards consistent with the privacy of an individual, and has thus breached s.4(1)(c) of the Broadcasting Act 1989, cover a whole range of factual circumstances.

In May 1996, the Authority issued an Advisory Opinion in which it listed the seven Privacy Principles it uses when determining privacy complaints. This Advisory Opinion includes the following introduction:

- These principles are not necessarily the only privacy principles that the Authority will apply;
- The principles may well require elaboration and refinement when applied to a complaint;
- The specific facts of each complaint are especially important when privacy is an issue.

The diverse factual situations raised in complaints dealt with in the past year include:

- The occupant of a house who complained that her home was identified and her privacy breached in an item about a prison officer accused of a sexual relationship with an inmate when the officer, who was her flatmate, was filmed leaving the house;
- The viewer who complained that the broadcast of the findings about President Clinton in the Starr Report infringed the President's privacy;
- The radio announcer who, claiming he was doing a survey on STDs (sexually transmitted diseases), telephoned a woman and asked her a number of intimate questions. She gave her first name and her employer's name, and was never told that the caller was a radio station and that the call was being broadcast live;



- The driver of a car who was criticised by a radio announcer for his driving and whose car was identified by a personalised number plate;
- The former husband of a woman who complained that an item breached the family's privacy when, in a reality series about the Police, his former wife was shown being helped after threatening to commit suicide.

With privacy complaints, the Authority often faces two important but conflicting concepts. They are the privacy of the individual and the freedom of expression. The Authority regards the public interest as paramount, and privacy principle (vi) provides explicitly that:

- vi) Discussing the matter in the "public interest", defined as of legitimate concern or interest to the public, is a defence to an individual's claim for privacy.

The other absolute defence to a privacy complaint is contained in privacy principle (vii). It provides that an individual who consents to the invasion of his or her privacy cannot later succeed in a claim for a breach of privacy.

The privacy principles applied by the Authority accept that a breach

of privacy may occur in three broad situations. The first is the disclosure in a broadcast of offensive private facts. The second focuses on the method by which information is obtained. It states that questions of privacy do not arise when the individual is in a public place.

The third general situation involves the disclosure of private facts, whether accurate or not, with the intention to abuse or ridicule a named person.

Some recent complaints have focused on the privacy of children. The Authority's decisions on these matters are now a matter of public record. In the interests of clarification for complainants and broadcasters, the Authority intends to incorporate these rulings in its published principles which will then require broadcasters to obtain the appropriate consent before children and young people are referred to in a broadcast. To be effective, any consent will be required to be in the child's best interests.

The Act acknowledges that the privacy standard differs from the other broadcasting standards, providing two distinct processes which apply only to complaints which allege a breach of s.4(1)(c). The first difference is that privacy complaints may be made directly to the Authority. All other complaints must be made to the broadcaster and may be referred to the Authority only after the broadcaster has ruled on the complaint and when the complainant is dissatisfied with the broadcaster's decision.

The second difference occurs when a privacy complaint is upheld. In that case the Authority may award compensation to the complainant up to a maximum of \$5,000. There is no other type of complaint on which the Authority can impose an order for compensation.

The Authority had little by way of precedent to guide it when it first determined privacy complaints in 1990. It has now developed a jurisprudence and it is confident that it will be able to deal appropriately with privacy issues as they arise in the future. The growth of "real life" documentary-style programmes is an example of the type of broadcasts which raise new issues for the Authority in relation to privacy.

The Authority is in a unique position in dealing with the concept of the privacy of the individual in the broadcasting environment. It has recorded the development of its approach to these issues in a book written by Michael Stace and published by Dunmore Press in November last year under the title, "Privacy: Interpreting the Broadcasting Standards Authority's Decisions: January 1990 - June 1998".

# Research and Communication

Research is one of the Authority's statutory functions. During 1998-1999, the Authority embarked on a major research project. *Changing Mediascapes* is a major public opinion survey on attitudes towards broadcasting standards issues which will be repeated at regular intervals. The research was carried out by Colmar Brunton Research and proceeded through two stages.

The first qualitative phase involved ten focus group discussions comprising 65 people in total. The focus group discussions were held Auckland (3), Napier (2), Wellington (2), Christchurch (2) and Ashburton (1). The purpose of the qualitative phase was to enable the researchers to understand the language of participants when they spoke about broadcasting standards, and to enable them to explore the subject matter of broadcasting standards with participants. The qualitative phase disclosed that participants were articulate when they talked about some broadcasting standards issues, and issues such as 'bad' language, screen violence and the portrayal of sex and nudity produced mature discussion. However, participants were less familiar with concepts such as balance and fairness, and privacy. The focus group research also brought out the highly individualised use by consumers of the broadcast media. The incidence of multiple television sets in the household suggests that television viewing is no longer a shared family activity as it once was. This has implications for parental responsibility.

The results of the focus group

research enabled Colmar Brunton Research to phrase and formulate the questionnaire for the second, quantitative survey phase. In designing the questionnaire, the Authority was assisted by a Consultative Committee which drew together expertise from university departments, the statistics profession, and the broadcasting industry. The Consultative Committee advising on the *Changing Mediascapes* research includes Garry Dickinson, formerly Chief Mathematician, Statistics New Zealand; David Edmunds, Programme Standards Manager, Television New Zealand; and from Victoria University, Professor Michael Hill, Professor of Sociology, Department of Sociology and Social Policy; Dr Jenny Neale, Associate Dean - Research, Faculty of Social Sciences and Humanities; and Reece Walters, Senior Lecturer, Institute of Criminology. The Authority's Executive Director, Research Manager, and Complaints Manager are also members.

The survey was conducted during March and April 1999. Colmar Brunton Research interviewed a total of 1,000 people aged fifteen years and over. The interviewing was nation-wide from randomly selected households and was conducted face-to-face. The average interview took 30 minutes to complete.

Preliminary analysis of the data indicates a broad consensus among New Zealanders about what is considered acceptable and unacceptable for broadcast on a host of standards issues. The survey findings reveal that respondents are aware of

contextual factors in programme content matters such as 'bad' language, screen violence, and the portrayal of sex and nudity. Gratuitous use of, for instance, sex and violence is more often than not rejected as unacceptable. The timing of the broadcast is seen to be important also - people become more permissive of potentially offensive content when it is screened after the 8:30pm watershed. Gender and age are revealed as the important demographic variables: women are less tolerant of offensive content than men and, as people mature, they become more exacting of broadcasting standards. Taken as a whole, however, the survey data is internally consistent, and a statistical audit undertaken by Garry Dickinson, a member of the Consultative Committee, has audited Colmar Brunton's execution of the research.

A full analysis of the survey findings is planned for publication in January 2000. In the interim, survey results have been released to the public through the media. These press releases have attracted wide coverage.

The Authority's communications output has increased significantly during 1998-1999. During 1998, Dr Michael Stace, the Authority's Executive Director, and Dr Wiebe Zwaga, the Research and Communications Manager, met with a range of broadcasters and the annual consultation round has now become a regular feature of the Authority's yearly communications programme. Consultations with network broadcasters were held in the main

centres of New Zealand, but the Authority also visits smaller independent broadcast operations in the provincial centres. In addition, the Authority consulted with community interest groups such as the Children's Television Foundation based in Christchurch, and in Auckland with representatives of Media Aware and the Mental Health Foundation. The Authority also spoke to organisations with which it believes it has overlapping concerns. In this context, the Authority had

discussions with Dr Rajen Prasad, Race Relations Conciliator, and the Hon. Roger McClay, the Commissioner for Children.

Reactions to the Authority's initiated consultation round suggest that broadcasters and other stakeholders are generally supportive of its work.

As previously mentioned, the Authority now produces a newsletter - *BSA Quarterly* - which features contributions by Members of the Authority, a selection of the

more 'noteworthy' decisions the Authority has issued during the past three months, and issues arising from the regulatory framework for broadcasting standards in New Zealand and overseas. The newsletter originated as a result of its consultation round and is distributed to broadcasters, government agencies, community organisations and educational institutions, and to a number of agencies overseas.

# STAFF

Michael Stace LL.M, D. Jur.	<b>Executive Director</b>
Phillipa Ballard M.A., LL.B	<b>Complaints Manager</b>
Wiebe Zwaga M.A., Ph.D.	<b>Research and Communications Officer</b>
Di Berry B.A., LL.B.	<b>Complaints Executive</b>
Elizabeth Wallace	<b>Financial Controller</b>
Deborah Houston	<b>Office Manager</b>
Trish Cross	<b>Receptionist</b>

## OFFICE

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# STATEMENT OF OBJECTIVES & SERVICE PERFORMANCE

## OUTPUT 1 DETERMINE FORMAL COMPLAINTS

The Authority will determine complaints referred to it after consideration by the broadcaster or privacy complaints sent directly to the Authority, as promptly and informally as possible, mindful of the quasi-judicial nature of the Authority and following the principles of natural justice and other requirements of the Act 1989.

### OUTCOME

Improved compliance with the broadcasting standards.

### TIMELINESS

The Authority will issue decisions within 40 working days of receipt of final comment from all parties, unless delayed by court proceedings. Complaints on party political advertising will be fast-tracked and decisions issued within 48 hours of receipt. Decisions will be despatched to the parties within a day of date of signature.

### QUALITY

The Authority will recognise community standards and expectations, the production realities which broadcasters face, research findings and international practices when relevant.

Decisions will be, and will be seen to be, principled, firm, just and relevant by the complainant, public and broadcasters. They will be written in a concise and logical manner and explain clearly the Authority's reasons and expectations. Complex decisions will be summarised for the media to ensure accurate reporting.

The high quality of the decisions will be maintained by a quality management process incorporating an in-house review of the draft decision and a review by at least one Authority member before the decision is finally approved by the Chairperson.

Sanctions will be fair and effective.

The Authority will exercise its power to order a broadcaster to pay costs to the Crown in a fair and reasonable manner.

The Authority will respond to all queries about formal complaints procedures in a helpful and "user-friendly" manner and provide accurate and full information while maintaining impartiality.

### QUANTITY

This number is demand driven and it is expected that between 175 - 200 complaints will be received.

### PERFORMANCE

TARGETS 1998/99	ACTUAL
To deal with 175-200 complaints	Achieved
To issue decisions on 165-190 complaints	Achieved
To issue decisions within 40 working days after receipt of final comment unless delayed by court proceedings	86%
Successful appeals - nil	Achieved

	1994/95	1995/96	1996/97	1997/98	1998/99
<b>COMPLAINTS RECEIVED</b>	162	179	206	174	204
<b>COMPLAINTS DETERMINED</b>					
TOTAL DECISIONS ISSUED:	144	171	199	177	184 <sup>1</sup>
UPHELD (ALL OR IN PART)	50	50	42	41	40
NOT UPHELD	94	121	157	136	144 <sup>2</sup>
INTERLOCUTORY DECISIONS	1	-	-	1	-
DECLINED JURISDICTION (TIME BAR, ETC)	9	13	8	5	4
WITHDRAWN	10	4	8	13	15
ORDERS	7	19	13	20	15
<b>ADVISORY OPINIONS</b>	-	1	-	-	-
% DECISIONS ISSUED WITHIN 40 WORKING DAYS	84%	92%	91%	85%	86%

COSTS	BUDGET <sup>3</sup>	ACTUAL <sup>3</sup>
Financial	\$561,524	\$502,624
% of total resources	48%	55%
Members' time	80%	80%

### Notes

- 1 Includes 10 decisions on procedural points
- 2 Includes 8 decisions where the Authority declined to determine the complaint
- 3 Includes a portion of overheads

## OUTPUT 2 REVIEW CODES OF BROADCASTING PRACTICE

The Authority, mindful of the views of the public and broadcasters, and local and international practices and research findings, will assess the adequacy of the currently approved codes. If the codes do not appear adequate, the Authority will encourage broadcasters to develop new standards which meet the Authority's concerns. As a last resort, the Authority will impose codes.

### OUTCOME

Adequate and easily understood codes which contribute to acceptable standards on radio and television.

### TIMELINESS

Each code review will include a timetable for the completion of each step which the particular review entails.

### QUALITY

The Authority will consult extensively when undertaking a formal review of a code. The review will be handled in a professional manner including announcing the review publicly and providing detailed information to all known interested parties. Discussion papers about the parameters of the review and the time frame will be clearly written and distributed widely. Public input will be thoroughly assessed and all viewpoints given careful consideration.

### PERFORMANCE

TARGETS 1998/1999	ACTUAL
Complete the development of, and approve a new pay television code	In Progress
Consider the relationship between the codes for pay and free-to-air television	Completed
Consult with broadcasters on consequent amendments to the existing codes	In Progress
Consult with broadcasters on standards for talkback programmes	Achieved
Consider on a regular basis the impact of technological changes on existing codes	Ongoing
Obtain the approval of appropriate broadcasters to each new code adopted	Ongoing
Maintain ongoing review of applicability of currently approved codes	Ongoing

Costs	Budget <sup>1</sup>	Actual <sup>1</sup>
Financial	\$122,023	\$100,741
% of total resources	10%	11%
Members' time	12.5%	12.5%

Note 1 Includes a portion of overheads

## OUTPUT 3 RESEARCH

The Authority will conduct New Zealand-specific research on broadcasting standards and community views, and will publish the findings.

### OUTCOME

Expanded knowledge which will enhance the Authority's ability to improve codes and determine complaints and will assist broadcasters in maintaining standards acceptable to ordinary viewers and listeners.

### QUALITY

Research priorities will be carefully assessed, based on the Authority's strategic goals and public concerns. Both internal and commissioned research will meet all the professional criteria for quality research. Findings will be published as soon as they are available.

The Authority will use a range of consultation techniques, which take account of geographical spread and minority views, to keep in touch with the opinions of New Zealand viewers and listeners. Local consultations will be advertised widely and handled in a friendly and informal manner.

Consultation with agencies similar to the Authority in other countries will be important in considering the quality of the research carried out.

Consultative committees making use of experts will be constituted to ensure that quality research methodology is used.

### PERFORMANCE

TARGETS 1998/1999	ACTUAL
Prepare a summary of the development and scope of the Privacy Principles applied by the Authority	Achieved
To remain fully informed about new technologies by discussion with expert authorities	Ongoing
To obtain the views of the public about the statutory complaints process	Ongoing
Conduct a public opinion survey to assess the profile of the Authority among the New Zealand public	Achieved
To develop a large quantitative survey to measure public opinion of broadcasting standards issues to be used as a benchmark against which past and future research can be compared	Achieved
To use consultative committees with appropriate experts	Ongoing
Complete the examination of the different and confusing classification codes used in New Zealand and investigate the possibility of a unified system of classification	Achieved
Publish all relevant research reports	Ongoing

Costs	Budget <sup>1</sup>	Actual <sup>1</sup>
Financial	\$334,032	\$179,166
% of total resources	29%	20%
Members' time	5%	5%

Note 1 Includes a portion of overheads



## OUTPUT 4 COMMUNICATIONS, PUBLICATIONS, AND EDUCATION

The Authority will develop a communications strategy which targets broadcasting professionals and the general public, aimed at increasing awareness about broadcasting standards issues. The Authority will also develop educational packages for tertiary institutions and secondary schools.

In addition, the Authority will use appropriate opportunities to stimulate debate about standards matters, the role of the Authority and the way individuals and groups can influence broadcasters' decisions about standards issues, including use of the formal complaints process.

### OUTCOME

Raised awareness about standards matters.

### QUALITY

Published information will be easily understood, eye-catching and professionally produced. Essential material will be published in English, Maori and Samoan languages.

### TIMELINESS

The Authority will release public statements at every appropriate opportunity to publicise its work. New editions of the codes and brochures will be published as soon as is practicable after changes are made. Subscription copies of decisions will be despatched 48 hours after the decision is sent to the parties.

### PERFORMANCE

TARGETS 1998/1999	ACTUAL
Conduct a major consultation with broadcasting industry opinion leaders	Achieved
Develop a communications plan	Achieved
Continue to publish in English, Maori and Samoan the Complaints Procedure brochure and distribute Codes of Broadcasting Practice	Ongoing
Continue to publish and distribute widely, free of charge, the brochures about the procedures for making formal complaints	Ongoing
Publish regularly a list of the Authority's recent decisions in the <i>New Zealand Gazette</i>	Ongoing
Continue to offer a subscription service for the Authority's decisions	Ongoing
Develop a secondary school education kit on broadcasting standards	Achieved
Post the Authority's decisions and other information on website	Ongoing
Liaise with the industry in the exploration of issues relating to ethical broadcasting conduct	Ongoing

Costs	Budget <sup>1</sup>	Actual <sup>1</sup>
Financial	\$150,241	\$124,369
% of total resources	13%	14%
Members' time	2.5%	2.5%

Note 1 Includes a portion of overheads

# CONTENTS

Statement of Responsibility and  
Report of the Audit Office

Statement of Financial Performance

Statement of Movement in Public Equity

Statement of Financial Position

Statement of Cash Flows

Statement of Accounting Policies

Notes to the Financial  
Statements

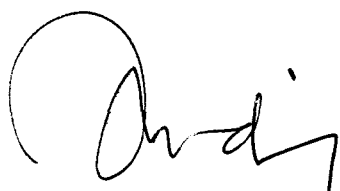
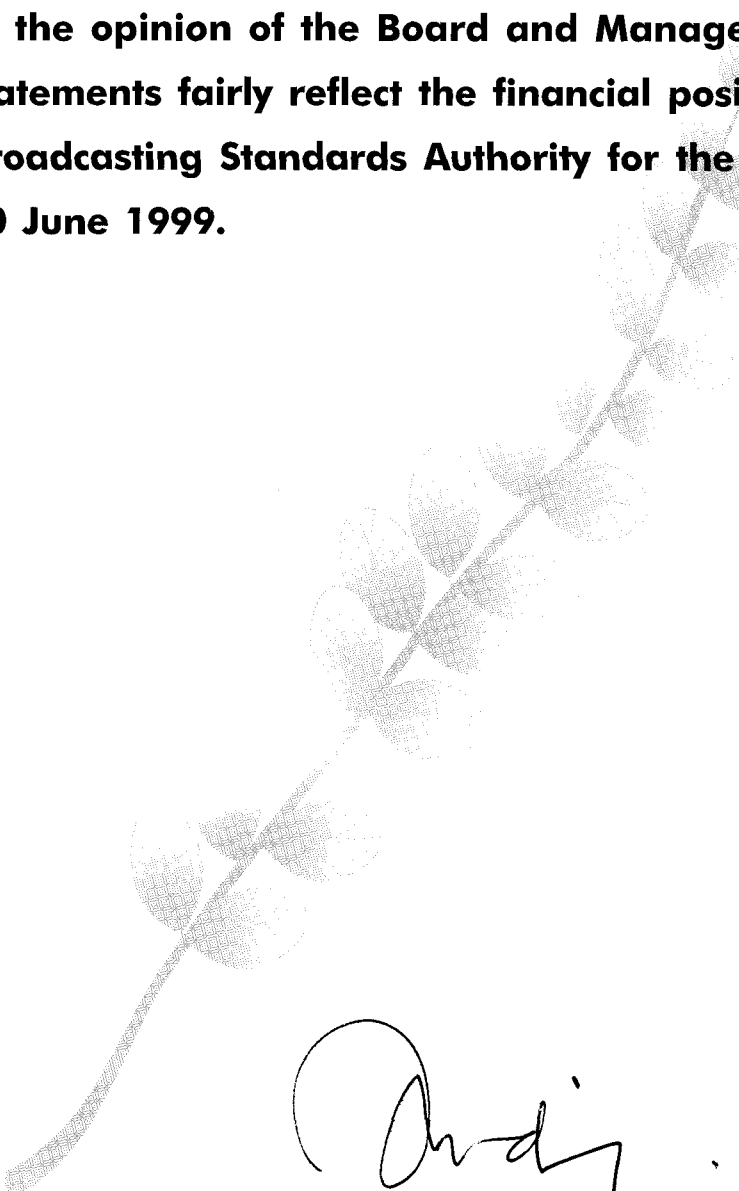


# STATEMENT OF RESPONSIBILITY

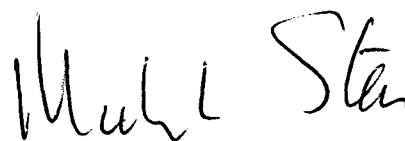
**The Board and Management of the Broadcasting Standards Authority is responsible for the preparation of these financial statements and the judgments used herein.**

**The Board and Management of the Broadcasting Standards Authority is responsible for establishing and maintaining a system of internal control designed to provide reasonable assurances as to the integrity and reliability of financial reporting.**

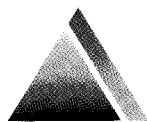
**In the opinion of the Board and Management, these financial statements fairly reflect the financial position and operations of the Broadcasting Standards Authority for the year ended 30 June 1999.**



Sam Maling  
CHAIRPERSON



Michael Stace  
EXECUTIVE DIRECTOR



# **REPORT OF THE AUDIT OFFICE**

**TO THE READERS OF THE FINANCIAL STATEMENTS OF BROADCASTING STANDARDS AUTHORITY  
FOR THE YEAR ENDED 30 JUNE 1999**

We have audited the financial statements on pages 13 to 16 and pages 20 to 27. The financial statements provide information about the past financial and service performance of Broadcasting Standards Authority and its financial position as at 30 June 1999. This information is stated in accordance with the accounting policies set out on pages 23 to 24.

## **RESPONSIBILITIES OF THE AUTHORITY**

The Public Finance Act 1989 and the Broadcasting Act 1989 requires the Board to prepare financial statements in accordance with generally accepted accounting practice which fairly reflect the financial position of Broadcasting Standards Authority as at 30 June 1999, the results of its operations and cash flows and the service performance achievements for the year ended 30 June 1999.

## **AUDITOR'S RESPONSIBILITIES**

Section 43(1) of the Public Finance Act 1989 requires the Audit Office to audit the financial statements presented by the Board. It is the responsibility of the Audit Office to express an independent opinion on the financial statements and report its opinion to you.

The Controller and Auditor-General has appointed John O'Connell, of Audit New Zealand, to undertake the audit.

## **BASIS OF OPINION**

An audit includes examining, on a test basis, evidence relevant to the amounts and disclosures in the financial statements. It also includes assessing:

- the significant estimates and judgements made by the Board in the preparation of the financial statements *and*
- whether the accounting policies are appropriate to Broadcasting Standards Authority's circumstances, consistently applied and adequately disclosed.

We conducted our audit in accordance with generally accepted auditing standards, including the Auditing Standards issued by the Institute of Chartered Accountants of New Zealand. We planned and performed our audit so as to obtain all the information and explanations which we considered necessary in order to provide us with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatements, whether caused by fraud or error. In forming our opinion, we also evaluated the overall adequacy of the presentation of information in the financial statements.

Other than in our capacity as auditor acting on behalf of the Controller and Auditor-General, we have no relationship with or interests in the Broadcasting Standards Authority.

## **UNQUALIFIED OPINION**

We have obtained all the information and explanations we have required.

In our opinion the financial statements of the Broadcasting Standards Authority on pages 13 to 16 and pages 20 to 27:

- comply with generally accepted accounting practice *and*
- fairly reflect:
  - the financial position as at 30 June 1999
  - the results of its operations and cash flows for the year ended on that date *and*
  - the service performance achievements in relation to the performance targets and other measures adopted for the year ended on that date.

Our audit was completed on 8 October 1999 and our unqualified opinion is expressed as at that date.

**John O'Connell**  
**Audit New Zealand**

On behalf of the Controller and Auditor-General  
Wellington, New Zealand

# STATEMENT OF FINANCIAL PERFORMANCE

## BROADCASTING STANDARDS AUTHORITY FOR THE YEAR ENDED 30 JUNE 1999

	NOTES	1999 Actual \$	1999 Budget \$	1998 Actual \$
<b>INCOME</b>				
Grant		488,889	488,889	488,889
Broadcasting Levy		366,329	345,000	348,582
Interest		33,445	25,000	43,308
Publication Sales		4,304	5,000	5,567
Gain on Asset Sales		44	-	744
Other		-	-	-
<b>TOTAL INCOME</b>		<b>893,011</b>	<b>863,889</b>	<b>887,090</b>
<b>LESS EXPENDITURE</b>				
Human Resources	1	496,147	545,000	437,370
Other Expenses	2	389,697	602,820	318,155
Depreciation		21,056	20,000	22,955
<b>TOTAL EXPENDITURE</b>		<b>906,900</b>	<b>1,167,820</b>	<b>778,480</b>
<b>NET OPERATING SURPLUS/DEFICIT</b>				
Transferred to Public Equity		<b>(\$13,889)</b>	<b>(\$303,931)</b>	<b>\$108,610</b>

# STATEMENT OF MOVEMENT IN PUBLIC EQUITY

## BROADCASTING STANDARDS AUTHORITY AS AT 30 JUNE 1999

	1999 Actual \$	1999 Budget \$	1998 Actual \$
Public equity brought forward as at 1 July	352,897	352,897	244,287
Net Operating surplus/(deficit)	(13,889)	(303,931)	108,610
Total Recognised revenues and expenses for the year	<b>(13,889)</b>	<b>(303,931)</b>	<b>108,610</b>
<b>TOTAL PUBLIC EQUITY</b>	<b>\$339,008</b>	<b>\$48,966</b>	<b>\$352,897</b>

The statement of accounting policies and the notes form an integral part of and should be read in conjunction with these financial statements



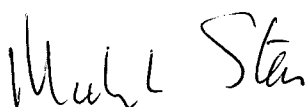
# STATEMENT OF FINANCIAL POSITION

## BROADCASTING STANDARDS AUTHORITY AS AT 30 JUNE 1999

	NOTES	1999 Actual \$	1999 Budget \$	1998 Actual \$
<b>CURRENT ASSETS</b>				
Cash, Bank & Term Deposits	4	388,022	89,185	395,296
Accounts Receivable & Accrued Interest		-	200	344
Prepayments		716	750	767
GST Receivable		16,331	7,000	8,677
		<hr/> 405,069	<hr/> 97,135	<hr/> 405,084
<b>LESS CURRENT LIABILITIES</b>				
Accounts Payable & Accruals		82,143	83,169	82,882
Employee Entitlements		17,060	8,000	13,503
		<hr/> 305,866	<hr/> 5,966	<hr/> 308,699
<b>WORKING CAPITAL</b>				
<b>NON CURRENT ASSETS</b>	5	33,142	43,000	44,198
		<hr/> <b>339,008</b>	<hr/> <b>48,966</b>	<hr/> <b>352,897</b>
<b>NET ASSETS</b>				
<b>PUBLIC EQUITY</b>		339,008	48,966	352,897
		<hr/> 339,008	<hr/> 48,966	<hr/> 352,897
<b>TOTAL PUBLIC EQUITY</b>				
		<hr/> <b>\$339,008</b>	<hr/> <b>\$48,966</b>	<hr/> <b>\$352,897</b>



Sam Maling  
Chairperson



Michael Stace  
Executive Director

Wellington  
8 October 1999

The statement of accounting policies and the notes form an integral part of and should be read in conjunction with these financial statements

# STATEMENT OF CASH FLOWS

## BROADCASTING STANDARDS AUTHORITY AS AT 30 JUNE 1999

	NOTES	1999 Actual \$	1999 Budget \$	1998 Actual \$
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>				
<b>Cash was provided from:</b>				
Grants and Publication Sales		493,537	493,889	494,213
Broadcasting Levy		366,329	345,000	348,582
Interest Received		33,445	25,000	43,308
Net GST Received from IRD		-	-	6,373
<b>Cash was disbursed to:</b>				
Payments to Employees & Members		(491,522)	(545,000)	(435,166)
Payments to Suppliers & Other Operating Expenses		(389,266)	(602,820)	(304,635)
Net GST Paid to IRD		(7,654)	-	-
<b>Net Cash Flow From Operating Activities</b>	6	4,869	(283,931)	152,675
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>				
<b>Cash was provided from:</b>				
Sale of Fixed Assets		44	-	744
<b>Cash was disbursed to:</b>				
Purchase of Fixed Assets		(10,000)	(20,000)	(39,799)
Repayment of Hire Purchase Loan		(2,187)	(2,180)	(1,903)
<b>Net Cash Flows From Investing Activities</b>		(12,143)	(22,180)	(40,958)
<b>NET DECREASE IN CASH HELD</b>		(7,274)	(306,111)	111,717
<b>PLUS</b> Opening Cash Brought Forward		395,296	395,296	283,579
<b>ENDING CASH CARRIED FORWARD</b>	4	<b>\$388,022</b>	<b>\$89,185</b>	<b>\$395,296</b>

The statement of accounting policies and the notes form an integral part of and should be read in conjunction with these financial statements

# STATEMENT OF ACCOUNTING POLICIES

## **BROADCASTING STANDARDS AUTHORITY FOR THE YEAR ENDED 30 JUNE 1999**

### **REPORTING ENTITY**

These are the financial statements of the Broadcasting Standards Authority, a Crown entity in terms of the Public Finance Act 1989.

These financial statements have been prepared in accordance with section 41 of the Public Finance Act 1989.

### **MEASUREMENT SYSTEM**

The measurement base adopted is that of historical cost unless otherwise stated.

### **ACCOUNTING POLICIES**

The following accounting policies which materially affect the measurement of financial performance, position and cash flows of the Authority have been applied:

#### **1. Fixed Assets**

Fixed assets are recorded at historical cost less accumulated depreciation.

#### **2. Depreciation**

Depreciation of fixed assets is provided on a straight line basis on all tangible fixed assets, at rates calculated to allocate the assets' cost less estimated residual value, over their estimated useful lives:

Partitions, Office Equipment	
Furniture and Fittings	5 years
Photocopy Equipment	
Computer Hardware	3 years

#### **3. Receivables**

Accounts receivables are stated at their estimated net realisable value.

#### **4. Lease Payments**

Operating lease payments, where lessors effectively retain substantially all the risks and benefits of ownership of the leased items, are included in the determination of the operating result in equal instalments over the lease terms.

#### **5. Taxation**

- a) Income tax: Exempt from the payment of income tax in terms of the Income Tax Act 1976
- b) FBT: FBT is payable on all fringe benefits
- c) GST: The Authority is a registered trader for GST purposes and is liable for GST on all goods and services supplied. The financial statements are prepared GST exclusive except for accounts receivable which is GST inclusive.

#### **6. Financial Instruments**

The Broadcasting Standards Authority is party to financial instruments as part of its normal operations. These financial instruments include bank accounts, short-term deposits, debtors and creditors. All financial instruments are recognised in the statement of financial position and all revenues and expenses in relation to financial instruments are recognised in the statement of financial performance.

## **7. Provision for Employee Entitlement**

Annual leave is recognised on an entitlement basis.

## **8. Budget Figures**

The budget figures are those approved by the Board for the financial year.

The budget figures have been prepared in accordance with generally accepted accounting practice and are consistent with the accounting policies adopted by the Board for the preparation of the financial statements.

## **9. Revenue**

The Broadcasting Standards Authority derives revenue in part through the provision of Outputs to the Crown, for services to third parties, from the levy imposed by the legislation on broadcasters, and income from its investments. Such revenue is recognised when earned and is reported in the financial period to which it relates.

## **10. Cost of Service Statements**

The Cost of Service Statements, as reported in the Statement of Objectives and Service Performance, report the net cost of services for the outputs of the Broadcasting Standards Authority and are represented by the costs of providing the output less all the revenue that can be allocated to these activities.

### **Cost Allocation**

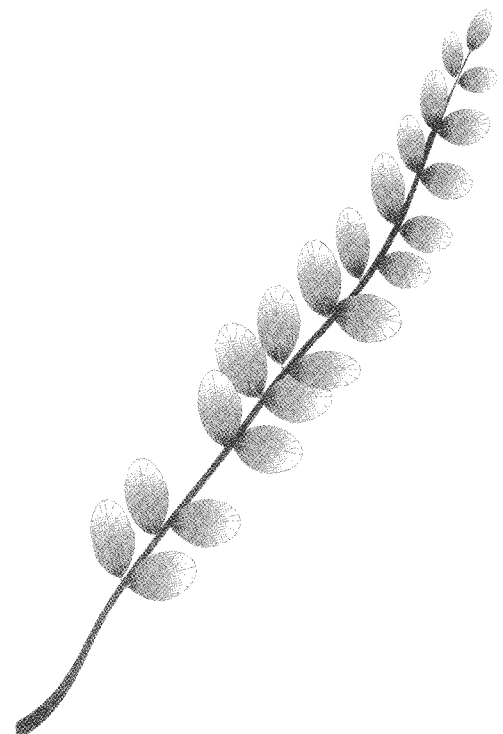
The Broadcasting Standards Authority has derived the net cost of service for each significant activity using the cost allocation system outlined below.

### **Cost Allocation Policy**

Direct costs are charged directly to significant activities. Indirect costs are charged to significant activities based on estimated usage.

## **11. Changes in Accounting Policies**

There have been no changes in accounting policies. All policies have been applied on bases consistent with those used in previous years.



# NOTES TO THE FINANCIAL STATEMENTS

## BROADCASTING STANDARDS AUTHORITY FOR THE YEAR ENDED 30 JUNE 1999

### 1. HUMAN RESOURCES

	1999 Actual \$	1999 Budget \$	1998 Actual \$
Consultancy/Contract Services	1,289	1,500	1,495
Members' Fees	157,525	153,000	142,372
Staff Remuneration	337,333	390,500	293,503
	<b>\$496,147</b>	<b>\$545,000</b>	<b>\$437,370</b>

No severance payments have been made to Board members.  
Remuneration through fees is all-inclusive and no consultancy or ex-gratia payments or benefits have been provided to board members other than fees.

### 2. OTHER EXPENSES

	1999 Actual \$	1999 Budget \$	1998 Actual \$
Audit of Financial Statements	9,600	9,400	9,274
Complaints	46,431	35,000	24,199
Information and Promotion	74,788	94,000	21,015
Office Expenses	35,071	42,520	34,197
Rent and Maintenance	39,043	38,800	36,087
Research/Seminar	120,656	265,000	116,863
Code Reviews	1,161	7,000	1,072
Travel, Accommodation & Training	62,947	111,100	75,448
	<b>\$389,697</b>	<b>\$602,820</b>	<b>\$318,155</b>

### 3. BUDGETED EXPENDITURE

The budgeted expenditure targets published in the Broadcasting Standards Authority's 1998/99 Statement of Intent (SOI) were prepared in March 1998 and recalculated in August 1998 upon finalisation of the year end figures.

The recalculated targets are included in this report. The SOI had anticipated a deficit of \$230,520 compared to the budgeted deficit in the Statement of Financial Performance of \$303,931. The effect of the changes are included in the budgeted cost figures reported in the Output Statements.

### 4. CASH, BANK & TERM DEPOSITS

This comprises cash balances held on hand and in deposits with New Zealand banks.

	1999 Actual \$	1999 Budget \$	1998 Actual \$
Cash on hand:			
Petty Cash	100	100	100
Banks:			
WestpacTrust, Countrywide Bank			
- Current Accounts	9,977	5,000	29,996
- Ready Access/Term Deposit	377,945	84,085	365,200
	<b>\$388,022</b>	<b>\$89,185</b>	<b>\$395,296</b>



## 5. NON CURRENT ASSETS

1997/98			1998/99
5,687	Artworks	At cost	5,687
(5,687)		Accumulated Depreciation	(5,687)
-	Net Current Value		-
65,298	Computer Equipment	At cost	67,401
(34,781)		Accumulated Depreciation	(45,518)
30,517	Net Current Value		21,883
51,737	Furniture & Fittings	At cost	52,677
(49,550)		Accumulated Depreciation	(50,323)
2,187	Net Current Value		2,354
56,080	Partitioning & Fitout	At cost	58,380
(56,078)		Accumulated Depreciation	(56,155)
2	Net Current Value		2,225
16,765	Photocopier	At cost	16,765
(13,492)		Accumulated Depreciation	(16,764)
3,273	Net Current Value		1
25,537	Office Equip/Televisions	At cost	26,786
(17,319)		Accumulated Depreciation	(20,107)
8,218	Net Current Value		6,679
221,106	<b>TOTAL FIXED ASSETS</b>	At cost	227,696
(176,908)		Accumulated Depreciation	(194,554)
<b>44,198</b>		Net Current Value	<b>33,142</b>

## 6. RECONCILIATION OF THE NET OPERATING SURPLUS/DEFICIT WITH NET CASH FLOWS FROM OPERATING ACTIVITIES FOR THE YEAR

	1999 Actual \$	1998 Actual \$
Reported Surplus/Deficit For The Year	(13,889)	108,610
Add Non-Cash Items:		
Depreciation	21,056	22,956
Adjust Item Classified As Investing Activity:		
Net (Profit)Loss on Sale of Fixed Assets	(44)	(744)
Add Movements In Other Working Capital Items:		
(Increase) Decrease in Accounts Receivable	344	(244)
Increase (Decrease) in Accounts Payable	1,448	16,081
Increase (Decrease) in Provision for Holiday Pay	3,557	(132)
(Increase) Decrease in Net GST Receivable	(7,654)	6,373
(Increase) Decrease in Prepayments	51	(225)
Net Cash Flow From Operating Activities	<b>\$4,869</b>	<b>\$152,675</b>

## 7. STATEMENT OF COMMITMENTS

The following significant future commitments have been incurred by the Broadcasting Standards Authority against future years' income.

### Leased Premises

The Authority has a lease from the NZ Lotteries Commission for the rental of the premises comprising part of the second floor, 54-56 Cambridge Terrace, Wellington from July 1 1998 until July 1 2001.

	1999	1998
	\$	\$
Less than one year	29,857	29,857
One to two years	29,857	29,857
Three to five years	-	29,857
Total Rent Expenditure Committed	<b>\$59,714</b>	<b>\$89,571</b>

Capital Commitments	1998/99	1997/98
	Nil	Nil

Finance Lease Liabilities	1998/99	1997/98
Less than one year	402	2,411
One to two years	-	402
Two to five years	-	-
Total	<b>\$402</b>	<b>\$2,813</b>
Future finance charges	(7)	(231)
Recognised as a liability	395	2,582

## 8. STATEMENT OF CONTINGENT LIABILITY

As at 30 June 1999 eight decisions of the Authority are in various stages of appeal in the High Court and judicial review has been sought on two decisions. The basis of the appeal is to overturn a decision by the Authority. The awarding of legal costs will be the only impact on the Authority. As at 30 June 1998 there were eight decisions on appeal.

## 9. FINANCIAL INSTRUMENTS

The Broadcasting Standards Authority is party to financial instrument arrangements as part of its everyday operations. These financial instruments include instruments such as bank balances, investments and accounts receivable.

### CREDIT RISK

In the normal course of its business the Authority incurs credit risk from trade debtors, and transactions with financial institutions.

The Authority does not require any collateral or security to support financial instruments with financial institutions that the Authority deals with, as these entities have high credit ratings. For its other financial instruments the Authority does not have significant concentrations of credit risk.

### FAIR VALUE

The fair value of financial instruments is equivalent to the carrying amount disclosed in the Statement of Financial Position.

### CURRENCY AND INTEREST RATE RISK

The Authority has no exposure to interest rate or currency risk on its financial instruments.

## 10. RELATED PARTY INFORMATION

The Broadcasting Standards Authority is a wholly owned entity of the Crown. The Government provides a major source of revenue (Grant) via the Ministry of Commerce.

The provision of these funds is on an arm's-length basis and is not considered to be a related party transaction. There were no other related party transactions.

# APPENDIX 1 ANALYSIS OF DECISIONS

July 1998 - June 1999	Complaints Received : 204	Decisions Issued : 184
July 1997 - June 1998	Complaints Received : 174	Decisions Issued : 177
July 1996 - June 1997	Complaints Received : 206	Decisions Issued : 199
July 1995 - June 1996	Complaints Received : 179	Decisions Issued : 171
July 1994 - June 1995	Complaints Received : 162	Decisions Issued : 144
July 1993 - June 1994	Complaints Received : 168	Decisions Issued : 151
July 1992 - June 1993	Complaints Received : 159	Decisions Issued : 144
July 1991 - June 1992	Complaints Received : 106	Decisions Issued : 76
July 1990 - June 1991	Complaints Received : 52	Decisions Issued : 45
July 1989 - June 1990	Complaints Received : 43	Decisions Issued : 12

## July 1998 - June 1999

### BASIS OF COMPLAINT

(1997 - 1998 Figures in brackets)

	Total		Good Taste & Decency (including language)		Balance, Fairness and Accuracy	
Declined*	144	(136)	47	(41)	65	(63)
Upheld (all or in part)§	40	(41)	11	(8)	21	(26)
Declined Jurisdiction	4	(6)				
Complaints Withdrawn	15	(15)				

	Alcohol Advertising		Violence		Privacy	
Declined	2	(1)	8	(5)	16	(21)
Upheld (all or in part)	1	(-)	-	(-)	6	(7)

	Racism		Other		Sexism	
Declined	2	(2)	4	(-)	-	(3)
Upheld (all or in part)	-	(-)	1	(-)	-	(-)

\* This category includes the eight decisions where the Authority, after fully investigating the complaint, issued a decision in which it declined to determine the complaint.

§ This category includes ten matters where the Authority issued a decision after ruling on a procedural matter.

### BY BROADCASTER AND PROGRAMME

TVNZ	Total	News	Current Affairs	Holmes	Talk-Back	Documentary	Other
Declined	92 (64)	33 (20)	5 (9)	9 (6)	-	1 (2)	44 (27)
Upheld (all or in part)	13 (12)	3 (-)	3 (4)	3 (5)	-	- (-)	4 (3)

TV3	Total	Current Affairs
Declined	26 (35)	8 (8)
Upheld (all or in part)	18 (10)	11 (3)

Sky	Total
Declined	- (2)
Upheld (all or in part)	- (-)

RNZ	Total	Current Affairs
Declined	13 (13)	- (2)
Upheld (all or in part)	- (2)	- (-)

TRN	Total	Current Affairs
Declined	5 (8)	- (5)
Upheld (all or in part)	3 (1)	- (-)

Private & Other Radio	Total	Current Affairs
Declined	8 (14)	3 (1)
Upheld (all or in part)	6 (15)	2 (2)

# APPENDIX 11 COMPLAINTS DETERMINED BY THE AUTHORITY

JULY 1998 - JUNE 1999

Complainant	Complaint	Programme	Nature of Complaint	Decision
1-071	Lawrie Malatios	<i>Squeeze</i> , music video, TVNZ	Offensive and unsuitable for children	Not Upheld
1-072	David Hay	<i>The G and T Show</i> , comments about Auckland's Deputy Mayor, Access Community Radio, Auckland	Offensive and encouraged denigration	Not Upheld
1-073	Charlotte Gendall	<i>One Network News</i> , item containing psychic theory on missing Blenheim friends, TVNZ	Offensive, inaccurate and unnecessary intrusion into grief	Not Upheld
1-074	John Lowe	<i>Fashion Television</i> , sequence containing nude self-portraits, TV3	Offensive, inaccurate and distorted editing	Not Upheld
1-075	Peter Lord	Trailer for <i>Market Forces</i> , contained word "dickhead", TVNZ	Offensive, unsuitable for children and scenes not acceptable for promo	Not Upheld
1-076	Alice Halliwell	<i>Police</i> , scene of a fatal collision between a car and truck, TVNZ	Breach of Privacy	Not Upheld
1-077	Alice Halliwell	<i>Police</i> , scene of a fatal collision between a car and truck, TVNZ	Inaccurate, offensive, distressing and violent	Not Upheld
1-078	T A Johnson	<i>The Drum New Year's Eve Special</i> , explicit description of genitalia, TV3	Insufficient action taken when complaint upheld	Upheld; Costs of \$500 to the Crown ordered
1-079	Jenny Hale	<i>60 Minutes</i> , interviewee referred to councillors as "morons" during item about 1998 Hera Parade, TVNZ	Unfair, unbalanced and encouraged discrimination	Not Upheld
1-080	Child Advocacy Trust	<i>20/20</i> , item about credibility of child witnesses in Christchurch Civic Creche case, TV3	Unbalanced and unfair	Not Upheld
1-081	A R Moreton	<i>Nine to Noon</i> , review of book "The Antibiography of Robert Fucking Menzies", RNZ	Language inappropriate	Not Upheld
1-082	Robert Menzies	<i>Nine to Noon</i> , review of book "The Antibiography of Robert Fucking Menzies", RNZ	Use of name in broadcast	Not Upheld
1-083	Peter Lord	<i>Panorama</i> documentary contained the word "fuck", TVNZ	Offensive and unsuitable for children	Not Upheld
1-084	Nick Pullar	<i>One Network News</i> , interview with delegate at Values in Education Conference, TVNZ	Insufficient action taken when complaint upheld	Not Upheld
1-085	Christian Heritage Party	<i>One Network News</i> , item about poll results for King Country by-election, TVNZ	Inaccurate and unbalanced	Not Upheld
1-086	John Lowe	Drama series, <i>Wilderness</i> , portrayal of woman being hypnotised, TVNZ	Depicted actual process of hypnosis	Not Upheld
1-087	Paul Shand	<i>Good Morning</i> , host's remarks about blondes, TVNZ	Remarks denigratory	Declined to determine
1-088	The Rev Canon Gerald Hadlow	<i>Holmes</i> , item about Jim Rose Circus, TVNZ	Offensive and unsuitable for children	Not Upheld
1-089	Graham Fox	<i>Holmes</i> , item about The Jesus Seminar Movement, TVNZ	Unbalanced, unfair and discriminatory	Not Upheld
1-090	Margaret O'Brien	Promo for <i>Southpark</i> , TV3	Offensive, failed to respect the principles of law, and discriminatory	Not Upheld
1-091	Margaret O'Brien	Episode of <i>Southpark</i> , TV3	Offensive	Not Upheld
1-092	HR Corrin	<i>Our World</i> included incorrect reference to Auckland War Memorial Museum, TVNZ	Factually inaccurate	Declined to determine
1-093	Adelphi Finance Ltd	<i>Holmes</i> , item about repossession of furniture from recently bereaved family, TVNZ	Inaccurate, unfair and unbalanced; use of deceptive programme practice and distorted editing	Upheld; Broadcaster ordered to broadcast brief summary of decision
1-094	New Zealand Police	<i>One Network News</i> , item about the trial of Malcolm Rewa, TVNZ	Breach of privacy	Upheld; Broadcaster ordered to pay \$3,000 compensation and \$500 costs to the Crown
Decision Number	Complaint	Programme	Nature of Complaint	Decision
1998-095	New Zealand Police	<i>Tonight</i> , item about the trial of Malcolm Rewa, TVNZ	Breach of privacy	Upheld; Broadcaster ordered to pay \$3,000 compensation and \$500 costs to the Crown
1998-096	Paul Sheehan	<i>One Network News</i> , item about government recommendations in its review on firearms, TVNZ	Inaccurate and unfair	Not Upheld
1998-097	Ivan Stanton	Episode of <i>Shortland Street</i> portrayed an extra-marital sexual relationship, TVNZ	Offensive, unbalanced and unsuitable for children	Not Upheld
1998-098	Akram Sidani and Helen Zarifeh on behalf of Wellington Palestine Group	<i>One Network News</i> , item which identified Wailing Wall as being in Israel, TVNZ	Insufficient action taken when complaint upheld	Not Upheld
1998-099	Patrick Curran	<i>One Network News</i> on 10 April 1998 about historic peace agreement in Ireland, TVNZ	Inaccurate, partial and distorted editing	Not Upheld
1998-100	Patrick Curran	<i>One Network News</i> on 11 April 1998 about historic peace agreement in Ireland, TVNZ	Inaccurate, partial and distorted editing	Not Upheld
1998-101	Patrick Curran	<i>One Network News</i> on 20 May about referendum on peace agreement in Ireland, TVNZ	Inaccurate, partial and distorted editing	Upheld
1998-102	Patrick Curran	<i>One Network News</i> on 23 May about referendum on peace agreement in Ireland, TVNZ	Inaccurate, partial and distorted editing	Not Upheld
1998-103	D V Rowlings	<i>Holmes</i> , item about odometer tampering by Saevue Motors, TVNZ	Unfair, unbalanced and distorted editing	Not Upheld
1998-104	Canterbury Health	<i>Holmes</i> , item about haemophilic child and his medical treatment, TVNZ	Inaccurate, unbalanced, and unfair	Upheld
1998-105	New Zealand Minerals Industry Association	<i>Assignment</i> , item about environmental concerns in relation to gold mining endeavours in NZ, TVNZ	Inaccurate, unbalanced, unfair, and could cause alarm	Not Upheld
1998-106	Rex Le Bas	<i>A Question of Religion</i> broadcast on National Radio, RNZ	Unbalanced	Not Upheld
1998-107	Kristian Harang	<i>One Network News</i> item about music store competition in Melbourne, TVNZ	Offensive and unsuitable for children	Not Upheld
1998-108	M L Boyle	Promo for cartoon <i>King of the Hill</i> , TV3	Unsuitable for children	Not Upheld
1998-109	Department of Internal Affairs	<i>One Network News</i> item about lack of security for pager messages relating to VIP travel, TVNZ	Lack of respect for principles of law and lack of integrity in sourcing story	Not Upheld
1998-110	Alan Moir	<i>One Network News</i> sports report about State of Origin Rugby League, TVNZ	Inaccurate, violent and unsuitable for children	Not Upheld
1998-111	Steve Bishop	<i>Breakfast</i> , presenter's comments about merits of soccer compared to rugby, TVNZ	Unfair and discriminated against soccer players	Not Upheld
1998-112	P R Parry	<i>Remington Steele</i> , woman brandishing and threatening with a knife, TVNZ	Violent	Not Upheld
1998-113	A F Judge	<i>One Network News</i> , sports reporter's remark about English rugby team, TVNZ	Encouraged discrimination against the English	Not Upheld
1998-114	G A Yoxall	<i>Breakfast</i> , studio guest's remarks about Paula Yates, TVNZ	Offensive	Not Upheld
1998-115	K J Werder	<i>Police</i> , episode, 30 April 1998, depicted an angry exchange with young person, TVNZ	Offensive language	Not Upheld
1998-116	K J Werder	<i>Police</i> , episode, 14 May 1998, depicted an angry exchange with young person, TVNZ	Offensive language	Not Upheld
1998-117	Alwyn Hunt	<i>Holmes</i> item about dying female child, TVNZ	Unsuitable for children and unnecessary intrusion in the grief of family	Not Upheld



Decision Number	Complainant	Programme	Nature of Complaint	Decision
1998-118	Gareth Seymour	Promos - "Together We're One" theme song and "Celebrating New Zealand" logo, TVNZ	Unbalanced and encouraged denigration of Maori	Not Upheld
1998-119	T	<i>Crimescene</i> , 7 July 1998, TVNZ	Breach of Privacy	Not Upheld
1998-120	C	<i>Inside New Zealand: Protecting Our Borders</i> , 31 March 1998, TV3	Breach of Privacy	Not Upheld
1998-121	Taeko Knight	<i>John Banks Show</i> , host's remarks about the Japanese, Radio Pacific	Untruthful, unfair and encouraged denigration of Japanese	Not Upheld
1998-122	M A Mitchell	<i>Assignment</i> , the trial of Malcolm Rewa, TVNZ	Offensive, unsuitable for children and portrayed violence	Upheld
1998-123	Richard James	<i>One Network News</i> item about new dietary supplement for men with prostate problems, TVNZ	Inaccurate and used information from an unreliable source	Not Upheld
1998-124	Fletcher Homes Ltd	<i>One Network News</i> , item on 26 February 1998 about irregular practices with respect to the valuation and financing of new homes by Fletcher Homes Ltd, TVNZ	Inaccurate, unbalanced and unfair, and lacked objectivity	Not Upheld
1998-125	Fletcher Homes Ltd	<i>One Network News</i> , item on 27 February 1998 about irregular practices with respect to the valuation and financing of new homes by Fletcher Homes Ltd, TVNZ	Inaccurate, unbalanced and unfair, and lacked objectivity	Not Upheld
1998-126	Residential Mortgages Ltd	<i>One Network News</i> , item on 26 February 1998 about irregular practices with respect to the valuation and financing of new homes by Fletcher Homes Ltd, TVNZ	Inaccurate, unbalanced and unfair, and lacked objectivity	Not Upheld
1998-127	Residential Mortgages Ltd	<i>One Network News</i> , item on 27 February 1998 about irregular practices with respect to the valuation and financing of new homes by Fletcher Homes Ltd, TVNZ	Inaccurate, unbalanced and unfair, and lacked objectivity	Not Upheld
1998-128	Lindsay Renwick	<i>One Network News</i> and <i>Tonight</i> , items showed amateur footage of drowning fishermen in rough seas, TVNZ	Gratuitous portrayal of graphic and disturbing images	Not Upheld
1998-129	Anrik Drenth	Broadcast of hoax telephone call to a woman by a man claiming to be her fiancé's boss, The RadioWorks (Auckland)	Offensive and unfair	Not Upheld
1998-130	Wendy Atkinson	BBC documentary <i>Ladies' Night</i> screened during <i>Under Investigation</i> about a male strip revue in Wales, TVNZ	Offensive and unkindful of the effect on children	Not Upheld
1998-131	Jonathan Mosen	<i>Morning Report</i> , presenter's comment that potential buyers of Wellington Airport would "have to be blind", RNZ	Offensive and discriminated against the blind	Not Upheld
1998-132	EC	Caller to Hot93FM used abusive term when referring to the winner of an on-air competition, The RadioWorks (Hawkes Bay)	Breach of Privacy	Not Upheld
1998-133	EC	Caller to Hot93FM used abusive term when referring to the winner of an on-air competition, The RadioWorks (Hawkes Bay)	Offensive	Upheld
1998-134	GALA	<i>LionRed: The Game</i> , incidental promotion of liquor not minimised, TV3	Insufficient action taken when complaint upheld	Not Upheld
1998-135	GALA	<i>Nightline</i> and <i>Tonight</i> items about Michael Jones not being selected for All Black team to travel to South Africa, TV3	Broadcast of incidental liquor promotion	Upheld
1998-136	P R Parry	<i>Water Rats</i> episode in which man depicted seizing a policewoman and threatening her with a knife, TVNZ	Portrayal of violence gratuitous	Not Upheld
1998-137	Leslie J McKay	<i>One Network News</i> item about request to Members of Parliament to provide details of their assets and business interests which highlighted the refusal of two ACT MPs, TVNZ	Unbalanced and unfair	Not Upheld
1998-138	Leslie J McKay	<i>Tonight</i> item about request to Members of Parliament to provide details of their assets and business interests which highlighted the refusal of two ACT MPs, TVNZ	Unbalanced and unfair	Not Upheld

Decision Number	Complainant	Programme	Nature of Complaint	Decision
1998-139	J G Rawson	<i>Midday</i> item which referred to the relationship between mortgage interest and wholesale interest rates, TVNZ	Inaccurate and deceptive programme practice used	Not Upheld
1998-140	Carl Pester	<i>Ansett Time of Your Life</i> feature focused on cigar smoking, TV3	Not mindful of children	Upheld
1998-141	University of Auckland	Host of "The Politically Incorrect Show" named a lecturer at the University of Auckland, claiming that she had forbidden anyone from the Business Roundtable to speak to her class, Radio Pacific	Inaccurate, unfair and offensive	Upheld in Part; Broadcast of brief summary of decision ordered
1998-142	Jon Carapiet	Results of a <i>Holmes</i> telephone poll to gauge support for a minority government led by Prime Minister, Mrs Shipley, reported on <i>Holmes</i> and <i>Tonight</i> , TVNZ	Inaccurate and partial	Not Upheld
1998-143	Chudleigh Huggott	<i>The New Zealand Wars</i> , series examined the reasons for, and the outcome of, battles between Pakeha and Maori during 1850 - 1870, TVNZ	Inaccurate, unbalanced and editing resulted in distorted view of events	Not Upheld
1998-144	Telecom New Zealand Limited	Item on <i>3 National News</i> about Telecom allegedly hijacking customers from other telephone companies, TV3	Inaccurate, unbalanced and unfair	Upheld
1998-145	Valerie Thompson	Breakfast talkshow host reported incorrect cost of the establishment of a Maori television station, Radio Pacific	Inaccurate, unbalanced and unfair	Upheld
1998-146	Jean O'Neill	Item on <i>One Network News</i> about a midwife's management of the delivery of a baby who subsequently died, TVNZ	Insufficient action taken when complaint upheld	Upheld; Costs to the Crown of \$500 ordered
1998-147	A S Radisich	Item on <i>Fair Go</i> about the attempt by a motor vehicle dealer to repossess a car, TVNZ	Unfair	Declined jurisdiction
1998-148	W G Clayton	<i>Holmes</i> item about QC's opinion that Judge Martin Beattie was guilty of fraud, TVNZ	Unfair and unbalanced	Not Upheld
1998-149	W G Clayton	<i>Holmes</i> item about QC's opinion that Judge Martin Beattie was guilty of fraud, TVNZ	Breach of Privacy	Not Upheld
1998-150	GALA	SuperLiquor logo broadcast during <i>SuperLiquor Sportsnight</i> , TVNZ	Insufficient action taken when complaint upheld	Not Upheld
1998-151	Penny Mansson	Item on <i>Real TV</i> featured a vehicle accident at Western Springs Speedway, TV3	Violent content and caused unnecessary distress to victim's family	Not Upheld
1998-152	Tom Reardon	Radio host, John Banks, abruptly cut off caller, Radio Pacific	Unfair	Not Upheld
1998-153	Tom Reardon	Radio host, John Banks, abruptly cut off caller, Radio Pacific	Action taken insufficient when complaint upheld	Not Upheld
1998-154	Elisabeth Gruijters	Episode of <i>Newsflash</i> contained skits with religious themes, TVNZ	Offensive	Not Upheld
1998-155	W A Crouch	Interview on <i>Nine to Noon</i> included the word "fuck", RNZ	Offensive	Not Upheld
1998-156	Tracy Hutchings	Promo for <i>The Human Body</i> depicted a naked pregnant woman, TVNZ	Offensive, denigrated women, and out of context	Not Upheld
1998-157	Anne Beston	Openline programme in which male caller said he would slap his girlfriend in response to a question asked by DJ, The Edge, Hamilton	Offensive	Upheld
1998-158	B	Item on <i>3 National News</i> about prison officer impregnating prison inmate, TV3	Breach of Privacy	Upheld; Broadcaster ordered to pay \$500 compensation to the complainant and \$500 costs to the Crown
1998-159	Kaitiaki College	Item on <i>One Network News</i> about increased cannabis use in Northland, TVNZ	Insufficient action taken when complaint upheld	Not Upheld
1998-160	Margaret Jeune	Item on <i>One Network News</i> about the findings of the Starr Report, TVNZ	Offensive, unsuitable for children	Not Upheld



Complaint Number	Complainant	Programme	Nature of Complaint	Decision
9-161	Mike Gibson	Complaint about pronunciation in the programme <i>You and Me</i> , TV3	Offensive	Declined to determine in all the circumstances
9-162	Colum Bennachie	Item on <i>3 National News</i> about a rugby coach described as a paedophile, TV3	Unfair	Not Upheld
9-163	Colum Bennachie	Item on <i>3 News Update</i> about the Gay Games, TV3	Unfair and unbalanced	Not Upheld
9-164	Coral Elliott	Item on <i>One Network News</i> showing file footage of a Pacific Island woman beating a young boy, TVNZ	Unbalanced and discriminatory	Not Upheld
9-165	R Mackay	Music video "Smack my Bitch Up" shown on <i>Havoq</i> , TVNZ	Offensive, violent and discriminatory	Upheld
9-166	Voters' Voice (Inc)	Item on <i>Assignment</i> about an ACT Party public meeting in Tauranga, TVNZ	Inaccurate	Not Upheld
9-167	Kelly McLroy	Film, <i>Desperado</i> , TVNZ	Violent and incorrectly classified	Not Upheld
9-168	W	<i>One Network News</i> item on a light aeroplane crash, TVNZ	Offensive and unnecessary intrusion into families' grief	Not Upheld
9-169	W	<i>One Network News</i> item on a light aeroplane crash, TVNZ	Breach of privacy	Not Upheld
9-170	K	Item on <i>20/20</i> about prison officer accused of a sexual relationship with a prison inmate, TV3	Breach of privacy	Not Upheld
9-171	L.T Standen	Film, <i>The Cowboy Way</i> , TV3	Offensive	Not Upheld
9-172	Glenyss Barker	<i>Shortland Street</i> , 5 episodes concerning the intimate relationships of some characters, TVNZ	Offensive and unsuitable for children	Not Upheld
9-181	Greek Orthodox Community and Suburbs of Wellington Inc	Item concerning the plight of Albanian refugees, RNZ	Unfair and unbalanced	Not Upheld
9-182	A S Radisich	<i>Fair Go</i> item about purchase from car dealer of vehicle which had been involved in a serious accident, TVNZ	Unfair and unbalanced	Not Upheld
9-183	Geoff Black	Discussion about the re-appointment of the All Black Coach, TRN	Breach of privacy	Upheld
9-184	Dennis Walker	<i>The Human Body</i> , series which dealt with the human body from conception to death, TVNZ	Inaccurate, unfair and unbalanced	Not Upheld
9-185	Graham Fox	<i>The Human Body</i> , series which dealt with the human body from conception to death, TVNZ	Inaccurate, unfair and unbalanced	Not Upheld
9-186	C.M Solt	<i>The Human Body</i> , series which dealt with the human body from conception to death, TVNZ	Inaccurate, unfair and unbalanced	Not Upheld
9-187	Housing New Zealand Ltd	<i>Holmes</i> item on overcrowding in stateowned housing, TVNZ	Inaccurate, unfair and unbalanced	Upheld; Broadcast of summary ordered
9-188	Brian Wilkinson	News item about a student who left her employment as a nanny because of sexual advances made by her employer, TRN	Unfair and unbalanced	Not Upheld
9-189	Siobhan Larkin	<i>Holmes</i> item about the Hikoi of Hope, TVNZ	Unbalanced and unfair	Not Upheld
9-190	Graham Fox	BBC series <i>Discovery</i> , interview with physicist about the process of natural selection, RNZ	Inaccurate and unbalanced	Not Upheld
9-191	Glenyss Barker	Promo for <i>Water Rats</i> shown during <i>Party of Five</i> , TVNZ	Content of promo unacceptable for time band	Not Upheld
9-192	Glenyss Barker	Promo for item on <i>Tonight</i> about preparations for an early election, TVNZ	Inaccurate	Not Upheld
9-193	Barry Kirkland	<i>Dharma and Grey</i> , episode in which character describes two women as "dead Cockney humpbacks", TVNZ	Offensive and discriminatory	Not Upheld
9-194	Tama Poata	Episode of <i>WCW Nitro</i> in which wife of wrestler held and verbally abused, TVNZ	Offensive, violent, and denigrated women	Not Upheld

Complaint Number	Complainant	Programme	Nature of Complaint	Decision
1999-015	Real Estate Institute of New Zealand	<i>Fair Go</i> item on 14 October contained skits warning first home buyers, TVNZ	Unfair and denigrated real estate agents	Not Upheld
1999-016	Real Estate Institute of New Zealand	<i>Fair Go</i> item on 21 October contained skits warning first home buyers, TVNZ	Unfair and denigrated real estate agents	Not Upheld
1999-017	Greek Orthodox Community of Wellington and Suburbs Inc	News item on National Radio about refugees from Somalia and Macedonia escaping a fire in Sweden, RNZ	Inaccurate and untruthful	Declined to determine
1999-018	Peter Butler	News item on National Radio about an appeal by Myra Hindley against her life imprisonment, RNZ	Gratuitous and caused unnecessary alarm	Not Upheld
1999-019	Peter Jackson	<i>One Network News</i> item about a looted yacht, TVNZ	Inaccurate and untruthful	Not Upheld
1999-020	Tracy Hutchings	Naked women in promo for <i>The Making of the Human Body</i> , TVNZ	Indecent, not suitable for children, and denigrated women	Not Upheld
1999-021	Tracy Hutchings	Strip show scene in <i>Heartbeat</i> , TVNZ	Indecent, not suitable for children, and denigrated women	Not Upheld
1999-022	New Zealand Police	Introduction to a <i>60 Minutes</i> item which dealt with perceived problems in the NZ Police Force, TVNZ	Inaccurate and unbalanced	Not Upheld
1999-023	Peter Lord	Mispronunciation of name of character in book by presenter of <i>Nine to Noon</i> , RNZ	Offensive and not suitable for children	Not Upheld
1999-024	J	Woman telephoned and asked intimate questions by station announcer who claimed he was doing a survey on STDs, The RadioWorks (Waikato)	Insufficient action taken when complaint upheld	Upheld
1999-025	J	Woman telephoned and asked intimate questions by station announcer who claimed he was doing a survey on STDs, The RadioWorks (Waikato)	Breach of privacy	Upheld; Broadcaster ordered to pay compensation of \$1,000 and costs of \$250 to J, and \$1,000 costs to the Crown
1999-026	Peter Davies	References to sexual activity in episode of <i>Dharma and Greg</i> , TVNZ	Offensive and not suitable for children	Upheld in Part
1999-027	M L Jones	Dramatised story by breakfast host on <i>Newstalk ZB</i> contained a number of sexual references, TRN	Offensive and not suitable for children	Not Upheld
1999-028	Andrew Mauger	Interview on <i>Nine to Noon</i> of Australian author Kathy Lette, RNZ	Offensive and not suitable for children	Not Upheld
1999-029	N and C Whitmore	<i>Breakfast</i> item in which members of the English cricket team were called "Poms", TVNZ	Offensive and discriminatory	Not Upheld
1999-030	Helen Zarifeh on behalf of Wellington Palestine Group	<i>Morning Report</i> item which stated that more Israeli land would be handed over to the Palestinians, RNZ	Inaccurate	Not Upheld
1999-031	R	<i>Newstalk ZB</i> discussion about driving habits in which host identified car by its personalised license plate, TRN	Breach of privacy	Not Upheld
1999-032	Dawn Shelford (on behalf of Preserving Communication Standards)	Segment of <i>Who Dares Wins</i> in which participant responded to a dare to appear with the male revue troupe Manpower, TVNZ	Offensive and not suitable for children	Not Upheld
1999-033	The Diocese of Dunedin	<i>20/20</i> item <i>Sex, Lies and Videotape</i> , and news item, TV3		Interim decision to proceed
1999-034	The Very Reverend Jonathon Kirkpatrick	<i>20/20</i> item <i>Sex, Lies and Videotape</i> , and news item, TV3		Interim decision to proceed
1999-035	The Very Reverend Jonathon Kirkpatrick	<i>20/20</i> item <i>Sex, Lies and Videotape</i> , and news item, TV3		Interim decision to proceed
1999-036	Canon Carl Somers-Edgar	<i>20/20</i> item <i>Sex, Lies and Videotape</i> , and news item, TV3		Interim decision to proceed
1999-037	Robert Rothel	<i>20/20</i> item <i>Sex, Lies and Videotape</i> , and news item, TV3		Interim decision to proceed
1999-038	Robert Rothel	<i>20/20</i> item <i>Sex, Lies and Videotape</i> , and news item, TV3		Interim decision to proceed

Decision Number	Complainant	Programme	Nature of Complaint	Decision
1999-039	R J M Sim	20/20 item <i>Sex, Lies and Videotape</i> , and news item, TV3		Interim decision to proceed
1999-040	R J M Sim	20/20 item <i>Sex, Lies and Videotape</i> , and news item, TV3		Interim decision to proceed
1999-041	Television New Zealand Ltd	3 News item which attempted to interview flatmate of wounded gunman in Christchurch, TV3	Inaccurate, unfair and partial	Upheld in Part; Broadcast of summary ordered
1999-042	Television New Zealand Ltd	Nightline item which attempted to interview flatmate of wounded gunman in Christchurch, TV3	Inaccurate, unfair and partial	Upheld in Part; Broadcast of summary ordered
1999-043	John D Robertson	One Network News item referred to millennium celebrations taking place on 1 January 2000, TVNZ	Inaccurate	Not Upheld
1999-044	John D Robertson	One Network News display of digital clock counting down to the start of year 2000, TVNZ	Inaccurate	Not Upheld
1999-045	Ian Butchart	Holmes item about contest to conceive the first child of the new millennium, TVNZ	Inaccurate	Not Upheld
1999-046	Russell Gillies	3 News item about the arrest of the Headhunter gang which showed gang member giving the fingers to the camera, TV3	Offensive	Not Upheld
1999-047	Matthew Ensoll	912M Millennium Baby Competition focused on the first child to be born on 1 January 2000, TRN	Inaccurate	Not Upheld
1999-048	Ian Butchart	3 News item referred to the contest to conceive first child of the new millennium, TV3	Inaccurate	Not Upheld
1999-049	Valerie James	5.30 With Jude item on 7.10.98 which featured discussion on soy products, TVNZ	Unbalanced	Declined to Determine
1999-050	Valerie James	5.30 With Jude item on 4.11.98 which featured discussion on soy products, TVNZ	Unbalanced	Declined to Determine
1999-051	Leo Leitch	Extract from mid-week programme broadcast on 91.9FM, Napier, The RadioWorks (Auckland)	Offensive	Upheld; Broadcaster ordered to pay costs of \$250 to the Crown
1999-052	M D Stenson	Morning Report item about Maori housing, RNZ	Lack of Balance	Declined to Determine
1999-053	Decision subject to Judicial Review			
1999-054	Decision subject to Judicial Review			
1999-055	CC	Documentary <i>Black Spots, White Crosses</i> showed photographs of accident site where two people died, TV3	Untrue, unfair, and intruded into the grief of the victims' families	Upheld in Part; Costs of \$500 to the complainant
1999-056	CC	Documentary <i>Black Spots, White Crosses</i> showed photographs of accident site where two people died, TV3	Breach of privacy	Not Upheld
1999-057	DD	Documentary <i>Black Spots, White Crosses</i> showed photographs of accident site where two people died, TV3	Untrue and a breach of privacy	Not Upheld
1999-058	Lennore Simpson	Announcer's call to motel owner in Gisborne investigating millennium vacancies and room rates, TRN	Breach of privacy	Not Upheld
1999-059	Steven Price	Promo for 60 Minutes about short people and their decision to "breed", TVNZ	Offensive and denigrated short people	Not Upheld
1999-060	Jill Banbury	20/20 item about "friendly fire" incident in Vietnam and subsequent cover-up, TV3	Inaccurate, unfair and unbalanced	Not Upheld
1999-061	J A Curley	20/20 item about "friendly fire" incident in Vietnam and subsequent cover-up, TV3	Inaccurate, unfair and unbalanced	Not Upheld
1999-062	DD	Entry to competition read on-air and Christian name of entrant used, 3 February, TRN	Breach of privacy	Not Upheld

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1999-063	DD	Entry to competition read on-air disclosed details about former wife, 5 February, TRN	Breach of privacy	Upheld; Compensation to the Complainant of \$250 and Costs to the Crown of \$250 ordered
1999-064	Alan Nicholls	Film <i>Heat</i> broadcast on 3 January, TVNZ	Offensive and unsuitable for children	Upheld in Part
1999-065	Mike Calver	Song entitled <i>Closer</i> by the group Nine Inch Nails, TRN	Offensive and not suitable for children	Upheld; Costs to the Crown of \$500 ordered
1999-066	Kristian Harang	Film <i>Striptease</i> broadcast on 31 January, TVNZ	Offensive and unsuitable for children	Upheld in Part
1999-067	Greek Orthodox Community of Wellington and Suburbs Inc	Tonight item used the name "Macedonia" for the country officially recognised by the UN as FYROM, TVNZ	Inaccurate and Unbalanced	Declined to Determine
1999-068	Jim Wallace	Item in letter segment of 20/20 about alleged inappropriate relationship between a Department of Corrections employee and a former inmate, 11 October, TV3	Breach of privacy	Not Upheld
1999-069	Jim Wallace	Item in letter segment of 20/20 about alleged inappropriate relationship between a Department of Corrections employee and a former inmate, 11 October, TV3	Unfair and unbalanced	Upheld in Part
1999-070	Jim Wallace	A bulletin opener and subsequent news item about alleged inappropriate relationship between a Department of Corrections employee and a former inmate, 10 November, TV3	Breach of privacy	Not Upheld
1999-071	Jim Wallace	A bulletin opener and subsequent news item about alleged inappropriate relationship between a Department of Corrections employee and a former inmate, 10 November, TV3	Incorrect, unbalanced and unfair	Upheld in Part
1999-072	Jim Wallace	Item in letter segment of 20/20 about alleged inappropriate relationship between a Department of Corrections employee and a former inmate, 15 November, TV3	Breach of privacy	Not Upheld
1999-073	Jim Wallace	Item in letter segment of 20/20 about alleged inappropriate relationship between a Department of Corrections employee and a former inmate, 15 November, TV3	Unfair	Upheld
1999-074	John Lowe	Item on <i>Great Kiwi Video Show</i> depicting two young boys in a bath, TVNZ	Masking of innocent nudity, unfair and discriminatory	Not Upheld
1999-075	B McIntyre	Film <i>Mad Max 2 - The Road Warrior</i> broadcast on 10 April, TVNZ	Excessive violence	Not Upheld
1999-076	RR	Item on <i>Emergency Heroes</i> which showed police responding to a woman threatening to commit suicide, TV3	Breach of privacy	Not Upheld
1999-077	RR	Item on <i>Emergency Heroes</i> showed police responding to a woman threatening to commit suicide, TV3	Unsuitable for children and intrusion into grief of woman's family	Not Upheld
1999-078	Boyd Henderson	Promo for AO classified programme <i>Catherine the Great</i> was broadcast before 8.30pm, TVNZ	Promo incorrectly classified	Not Upheld
1999-079	Boyd Henderson	Programme <i>Catherine the Great</i> broadcast on 7 February, TVNZ	Offensive	Not Upheld
1999-080	Robert Allison	Item on <i>One Network News</i> showed footage of fatal accident at speedway, TVNZ	Offensive, violent and distressing	Not Upheld
1999-081	Wendy Edwards	What Nowskit "Serial Stuff" featured a character eating oversized food items, TVNZ	Unsuitable stereotype for children and discrimination against fat people	Not Upheld
1999-082	Nicola Gowardman	Segment on <i>Eurotrash</i> focussed on "pornography king" and some of his activities, TV3	Offensive	Not Upheld