

**TE MANA WHANONGA KAIPĀHO**  
**BROADCASTING STANDARDS AUTHORITY**

**TAUĀKĪ WHAKAMAUNGA**  
**ATU 2020 - 2024**

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**STATEMENT OF**  
**INTENT 2020 - 2024**

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# STATEMENT FROM THE BOARD

## TE TAUĀKĪ MAI I TE POARI

22 June 2020

This Statement of Intent (SOI) sets out what the Broadcasting Standards Authority (BSA) intends to achieve or contribute to over the next four years and how it will manage its functions and operations to meet its intentions. This SOI is produced in accordance with section 141 of the Crown Entities Act 2004.

We have prepared this SOI in the context of the global COVID 19 pandemic where a state of national emergency has been declared in New Zealand. Our country and our people are dealing with a full national lockdown. In these circumstances, news and broadcast media has been recognised as an essential service, with a critical role in keeping our diverse communities connected and informed. The impact that these events will have on our community, businesses and economy remains uncertain as we all respond to the new restrictions, and ways of working and living. There is no doubt that the impact will be profound.

BSA successfully transitioned to 100% remote working under alert level 4 of the pandemic restrictions. Our systems, processes and staff have all adapted well, to the new way of working. Our organisation is equipped to provide all services under these conditions. With more people at home, there has been an increase in consumption of broadcast media, yet complaint numbers have remained stable, with a moderate increase in the number of enquiries. We have adapted our research to online contactless methodologies. The primary pressure on the BSA arising from COVID-19 is the likely reduction in broadcasting levy revenue, and the continuation of complex complaints being brought to us. COVID-19 has amplified the pressure on our revenue and resourcing which we had already identified as our primary operating challenge.

The events connected with COVID 19 are added to an already complex and dynamic media environment, where technology, the nature, location and business structures of content providers, and the way we consume media content continues to change rapidly. While traditional broadcasting through television and radio continues to be an important part of the sector, online content is growing rapidly, particularly with the

younger generation. The age, ethnicity and socio-economic demographics of New Zealand are also changing which influences the attitudes and values of our diverse liberal democracy. In this fluid environment, an ethical framework that provides guidance for the exercise of the right to freedom of expression in media without harm is critical. Determining where the boundary lies, which may justify a limitation on that right, is at the heart of what we do. The broadcasting standards system, and our role within it, remains an important part of the evolving media environment.

Since our last SOI was prepared we have seen a significant increase in the complexity of the challenges and issues with which we deal. Content continues to push boundaries and what society finds acceptable is also continuing to change. The terrorist attack on 15 March 2019 highlighted the great harms that can result from an extremist exercise of the right to freedom of expression and the challenge facing media of keeping the community informed without harm when reporting on such events.

Notwithstanding this rapidly changing media environment, we continue to operate under our 1989 legislation, working alongside a range of other content regulators. Recognising that we must ensure that we fulfil our mandate in the contemporary environment, we have undertaken a review of the extent to which the Broadcasting Act applies to certain categories of online broadcasting. Our work on this review is ongoing. We also intend to undertake a full review of our Codes to ensure they are fit for purpose and reflect appropriate views, attitudes and expectations of the New Zealand community.

Prior to the events of the COVID 19 pandemic, the Government had signalled its commitment to undertake a broader review of content regulation in New Zealand to better reflect the converged media environment. We see the need for comprehensive reform as pressing and it will have to also take into account the impact the pandemic and lockdown have had on our media sector. We are committed to providing advice and assistance to this work, whilst also continuing to operate within our statutory mandate in a clear and transparent way.

Against this background, our focus over the coming years is to ensure we deliver high quality services, in the modern environment in which we operate, whilst also contributing to the regulatory review. Our decisions must continue to be robust and clear and we must work well with co-regulators of content in New Zealand. A key focus is to work with broadcasters and the public to ensure they are aware of and understand how the standards apply and how the complaints process works, with particular focus on our Māori, Pacific peoples and diverse communities. We are committed to supporting the intergenerational wellbeing of all New Zealanders by overseeing and promoting the standards that enable New Zealanders to engage safely in broadcast media without harm.

In 2019 we refreshed our strategic framework, to reflect our commitment to increased focus on engagement and education to prevent harm from broadcasting, alongside our continuing work of responding to complaints and ensuring our services are accessible and efficient. The impacts we intend to achieve are set out in the strategic framework in section 4.

Previously we have measured our impact by seeking to achieve a reduction in the number of upheld and not upheld complaints. As this measure is open to a range of inferences, some of which may be ambiguous, it has been removed. In its place we now seek to measure improvements which are made to broadcaster conduct, policy, practice and procedure in response to a decision we have issued. We assess this measure by way of case studies and feedback from broadcasters through our broadcaster survey.

As we said at the outset, we are now operating in an uncertain environment. We will keep this SOI under constant review, and may refresh it if necessary, as and when the impact of the pandemic on broadcasting and our operations becomes clearer.



**Judge Bill Hastings**  
*Chair*



**Paula Rose QSO**  
*Member*



**Susie Staley MNZM**  
*Member*



**Leigh Pearson**  
*Member*



# STRATEGIC OVERVIEW

## TIROHANGA RAUTAKI WHĀNUI

# 2020 - 2024

### VISION

#### TE MOEMOEĀ

Freedom in broadcasting without harm

### PURPOSE

#### TE ARONGA

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

### OVERARCHING OUTCOME

#### PUTANGA WHĀNUI

New Zealanders can confidently engage with broadcast content that does not cause harm.



# 1. OUR PURPOSE TŌ MĀTOU ARONGA

New Zealand is a modern diverse liberal democratic society. A robust broadcast media plays a vital role in our vibrant democracy. We all have a strong interest in protecting this cornerstone. But sometimes, through the exercise of the important democratic right to freedom of expression, the media can harm individuals and society. A balance needs to be struck between broadcasters' right to impart ideas and information and the public's right to receive that information, and the harm that exercising this right may cause. This is where the BSA sits as it regulates the balance between freedom of expression and harm to New Zealand society in the broadcasting environment.

This right to freedom of expression is a fundamental right in our society. It is embodied in the New Zealand Bill of Rights Act 1990. The right belongs to the media and to individuals. But it is not unlimited. Freedom of expression may be limited where

that is reasonable, prescribed by law and justified in our free and democratic society. As a regulator, the BSA is charged with determining whether there ought to be limits placed on the broadcasters' right to freedom of expression. In undertaking that role when determining complaints, the BSA asks whether the benefits of freedom of expression in each case outweigh any harm that may be caused. The BSA also recognises that restricting free speech can be harmful in itself. This means that the threshold for upholding a complaint is high.

When undertaking all our work, whether developing and promoting the standards or determining complaints, we must balance these two concepts justly. We must ensure that broadcasters' right to freedom of expression is supported whilst also ensuring that they fulfil their obligations under the broadcasting codes to avoid harm. Through this we aim to promote a broadcasting standards regime that is fair to all New Zealanders and is a system in which we can all have confidence.

# 2. WHO WE ARE KO WAI MĀTOU

The BSA is a quasi-judicial tribunal established by the Broadcasting Act (the Act), tasked with overseeing New Zealand's broadcasting standards regime, and fulfilling the relevant functions under the Act.

We are jointly funded by government and through broadcaster levies to deliver our services.

We have three primary functions that underpin our regulatory purpose. The first is to provide a free, independent complaints service through which we receive and determine complaints about broadcasting standards. The second is to oversee the development of codes of broadcasting practice, to ensure that broadcasters understand the standards so that they meet their obligations, and to ensure the public are aware of how the code standards apply and how the complaints process operates. The last is to engage with and educate broadcasters and the public so that they understand the standards that apply, can safely engage with broadcast content and can use and access the complaints system.

We operate in a co-regulatory environment in which broadcasting standards complaints are the responsibility of both the broadcasters and the BSA. Generally, viewers

and listeners who wish to make a formal complaint about a broadcast must first complain to the broadcaster concerned. Complaints about privacy and election programmes may be made directly to the BSA. If the complainant is dissatisfied with the outcome of the broadcaster's determination they have the right to effectively 'appeal' the matter to the BSA through a referral. Complainants and broadcasters can appeal BSA decisions in the High Court.

The BSA is an Independent Crown Entity. Its work is conducted at 'arm's length' from the government. The government cannot direct or seek to influence the work of the BSA.

Members of the BSA are appointed by the Governor-General on the advice of the Minister responsible for the administration of the Broadcasting Act 1989. Members have two roles: governance of the BSA and quasi-judicial determination of complaints. Members declare potential conflicts of interest and withdraw from consideration of any complaint where they are conflicted. Each member also signs a Declaration of Interest annually. The Authority is supported by a small staff team, led by our Chief Executive.

We are cognisant of our responsibility to consider te ao Māori and respect and uphold te tiriti o Waitangi in our work.

## 3. OUR STRATEGIC CONTEXT TŌ MĀTOU HOROPAKI RAUTAKI

### 3.1 Current environment

This SOI has been prepared as the global community responds to the COVID 19 pandemic which has required us to change the way we work and engage with each other. As New Zealand navigates its way through a national state of emergency lockdown, broadcast media is required to fulfil its role as an essential service. The full impact of the pandemic on the broadcast media sector, our country, our economy and our people is uncertain, yet we know that the impact will be profound, and recovery may take some time. Against this background there are six key contexts that impact the BSA:

#### *Media Environment*

We are operating in a continuously rapidly changing media environment. This is reflected in changing patterns of consumption, the rapid adoption of a wide range of digital platforms that enables content to be consumed through many devices anywhere, anytime, and the provision of broadcast services in a range of languages reflecting the country's increasingly diverse population. There is a high volume of content distributed to New Zealanders across a diverse range of local and off-shore platforms. Our tamariki and rangatahi access a wide range of content, including content that is not regulated that may harm them. Notwithstanding these changes traditional media continues to hold an important place in the media landscape in New Zealand, offering content to audiences, via waves, spectrum and online. However, as we have identified, the pandemic has the potential to significantly impact the media sector in New Zealand, business structures, revenue and the role it fulfils in our community. We will ensure that our operations, and expectations on the sector, take into account this dynamic context, whilst also ensuring that the safeguards which standards offer, continue to be effective.

#### *Changing societal context*

Not only is the media landscape changing, but so too is the demographic makeup of our country. Our population has increased significantly in the last 10 years, and diversity of age, ethnicity and socio-economic situation in our communities is continuing to change. Through our role we must be cognisant of and take into account the wide range of views and perspectives across this diverse democratic society. We must

also be accessible to all New Zealanders, which includes those who may have limited internet access and resource, or whose first language is not English.

Our primary focus is to contribute to the wellbeing of New Zealanders by influencing high standards in broadcast content so that audiences across our diverse communities are protected from content that may harm them and make appropriate decisions about what they choose to watch and listen to.

#### *Complex and challenging issues brought to the BSA*

Complaints may raise complex issues about news and current affairs, or challenging values-based issues about fictional content. The complexity of the matters raised in complaints brought to us has continued to increase over time. We deal with issues such as terrorism; immigration and environmental protection policy; discrimination; views on extremist ideologies; fairness, accuracy and balance in news reporting; privacy; and depictions of suicide, rape and violence in fiction and non-fiction contexts. Ensuring that we provide a process that facilitates independent, high quality decisions on these important matters is critical.

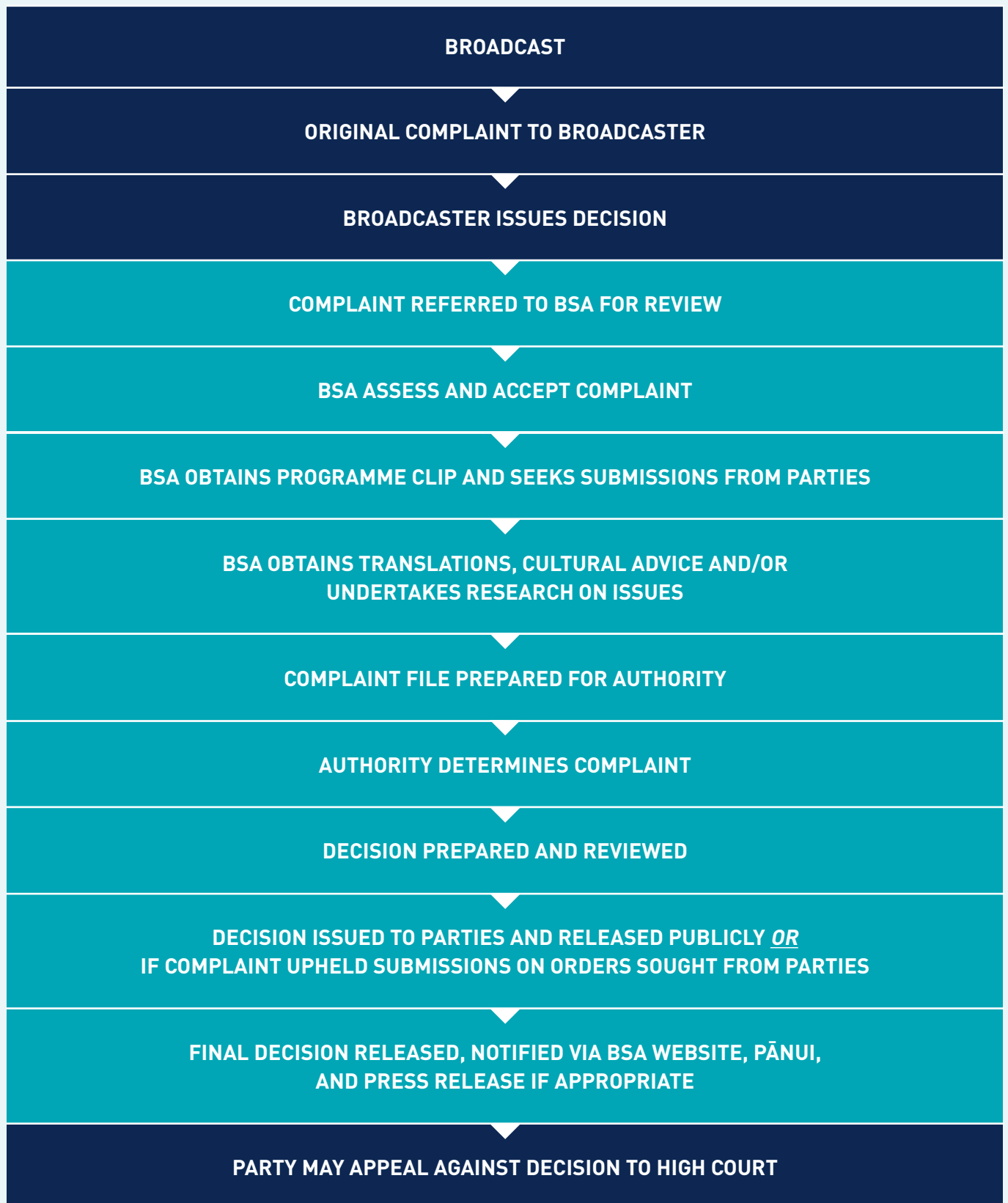
The process for determination of a complaint is illustrated in **Diagram 1**. This explains the extensive and careful work we undertake to ensure a fair and robust process which is a key part of our service. As the complexity increases, so too does the expectation on and scrutiny of our decisions and our team. Quality in our decision-making is essential.

As a small Authority of four members, we cannot reflect all the diversity of our community (which as we have noted above continues to change). However, we aim to listen, hear and reflect appropriate views from our diverse liberal community. We undertake community research, we seek translations and advice from cultural advisors to ensure that we understand the cultural and social perspectives of the community. We listen to feedback on our decisions.

We must apply the standards in the Codes. If we disagree with the standard we have to review it in consultation with broadcasters and the community. We consult with, engage with, influence and inform our stakeholder groups using effective processes and quality decision making.



Diagram 1







### Regulatory environment in need of reform

Despite these changes we continue to operate under 1989 legislation. As such, we must constantly assess the extent to which our legislation applies to new and emerging media content. We have initiated a review of the extent to which the Broadcasting Act applies to certain categories of online content. We are committed to working with industry and government to ensure that our approach to the issues this review presents is transparent and clear. As part of our process we will engage with entities that have provided submissions on the issues.

In this complex media environment, we see the need for reform across the regulation of media as pressing, perhaps now more so than ever in the wake of the pandemic. The pandemic has amplified existing pressures facing the sector, such as the threat to sustainable public media journalism, and competition for reducing advertising revenue. This highlights the need for a regulatory framework for the media sector that is appropriate, consistent and fair across all media providers. A properly designed regulatory framework needs to be part of any recovery strategy for the sector. We support the Government's initiative to undertake a wider review of content regulation in New Zealand. Until reforms are in place we will continue to assist policy officials in their work and to work closely with other complaints organisations and content regulators to ensure that public complaints are dealt with efficiently and effectively.

### Protecting children and young people - media literacy is critical

As families adapt to the high content environment in which we live, it is important that parents and caregivers understand the media environment and the tools available to them to safely manage content in their homes. The audience has a key role to play in ensuring that they choose content that is suitable for them and people in their care. Broadcast content that is subject to an ethical standards framework provides a safe environment where audiences can make informed choice about what they choose to watch and listen to. Ensuring safeguards are in place, and that audiences know how to use them, to protect themselves from content that may harm them, is a key part of the standards system.

### BSA's operating environment

We continue to operate in a tight fiscal environment. Our levy revenue, which is linked to broadcaster revenue, has recently been reducing gradually year on year, and we anticipate that the current pandemic may significantly impact the levy revenue further. We hold healthy reserves which we will draw on carefully, whilst also ensuring we continue to spend prudently, exercising appropriate fiscal restraint. Ensuring equitable access to our complaints service and ensuring the Codes are fit for purpose will remain our primary focus as we respond to the pandemic. We may reduce expenditure on research activities if this is required to ensure our primary activities are supported appropriately.

## 3.2 How will we respond to this environment?

In the absence of any imminent reform, we will continue to carry out our statutory responsibilities and remain relevant and responsive. We will make improvements to the system and structure to ensure that the current system works as effectively as it can. We will make sure that any improvements in our services and systems will support any future regulatory system. Importantly, we will ensure that we are able to fulfil our statutory functions through the recovery from the COVID-19 pandemic.

In particular, we will:

- Continue to improve the efficiency and effectiveness of our complaints processes and look for innovative ways to deliver our services.
- Give priority to complaints about misinformation, particularly which relate to COVID-19 and New Zealand elections, and harm to children and young people
- Contribute to the policy response to support the recovery of the media sector as this relates to broadcasting and regulatory reform.
- Monitor the impact of COVID-19 on our revenue and exercise fiscal restraint in the delivery of our services to the extent we can without compromising the quality and effectiveness of our statutory functions.
- Continue to deliver fair, clear, robust, timely, quality decisions, and invite independent critique.
- Listen, hear and reflect appropriate views of our liberal diverse community.
- Explore public attitudes to broadcasting standards and use these to inform our decisions.
- Engage with broadcasters and the public on the review of the Codebook so that it remains relevant and in-step with society attitudes and expectations. We will reflect feedback we have received on past decisions in that review.
- Ensure we communicate effectively so that the public has easy access to information about the standards regime and how to complain, including on and offline access, and translated materials.
- Focus on intergenerational outcomes such as ensuring that parents and caregivers are aware of the tools available to them to protect tamariki and rangatahi from content that may harm them.
- Focus on extending our reach to diverse communities, through new engagement strategies and increased use of translated materials.
- Continue to build our cultural capability and reflect our commitment to the principles of te tiriti o Waitangi and Maihi Karuana.
- Continue to seek guidance from cultural advisors on values and expectations from our diverse communities and use translations to ensure our system is communicated to a wide range of cultural groups.



- Increase our involvement in raising awareness of tools available to manage content in homes
- Assess the extent of our mandate in consultation with stakeholders, and communicate our views in a clear and transparent way.
- Proactively engage with and educate broadcasters about the standards, so that they are aware of the standards and meet their obligations under the standards.
- Work collaboratively with other agencies and organisations who have an interest in the content sector, and safety of the public who engage with it, fulfilling our independent mandate with cognisance of the wider media environment and regulatory settings.
- Provide advice to officials and fully engage in any reform process from the perspective of our experience and expertise.
- Manage costs within existing funding streams and operate within our means.
- Ensure our business operates in a sustainable way, reducing waste outputs.
- Continue shared service arrangements with NZ on Air, maximising the efficiencies of co-location with them (and the Film Commission), and look for other opportunities to work with, or share services with, others in the sector.

*"I got a call before the decision was issued to explain the decision. The person was great. Clearly explained the framework within which the decision was made. She was sympathetic and understanding."*

**Complainant, 2019 Complainants' Survey**

### 3.3 Our contribution to the cultural sector

We are part of the cultural sector and contribute to the sector's vision of promoting a confident and connected culture. In particular, we contribute to the sector's priority outcomes and the public media objectives in a number of ways, including:

- Promoting an ethical standards system, and issuing robust, fair and clear decisions on complaints, and through this maintaining trust and confidence in our public media system that ensures an informed democracy
- Enhancing national identity by ensuring that broadcasting standards and our decisions reflect the values and attitudes of our diverse liberal democratic society
- Promoting the standards system, through our decisions, research, education and engagement activities which values the importance of fair, accurate and balanced reporting which is essential to an informed democracy
- Ensuring that we value and reflect our role as an independent regulator in our engagement with broadcasters and determination of our complaints referred to us, and through this safeguarding the media's independence.
- Ensuring that the broadcasting standards regulation system is excellent – accessible, responsive and easily understood – to enable the public to engage and have confidence in broadcast media.

As a regulator, we necessarily stand apart from the broader thrust of the cultural sector's outcomes to create and grow cultural content. Our role in the sector, that of keeping the balance between important rights, does, however, enhance New Zealanders' ability to enjoy their broadcast media and culture.

*"Can't think of anything [to improve], as BSA continues to provide & assist us with an awesome service & keeps us up to date with all that is happening in the Broadcasting sector."*

**Broadcaster – 2019 BSA Broadcasters' Survey**

## 4. STRATEGIC FRAMEWORK – OUR PERFORMANCE STORY TE ANGA RAUTAKI – TŌ MĀTOU PŪRĀKAU WHAKAATURANGA

We have developed a strategic framework to reflect what we intend to achieve (the outcomes we seek), how we contribute to and influence those goals in the medium term, how we measure them, and how we intend to deliver on them through our services and activities.

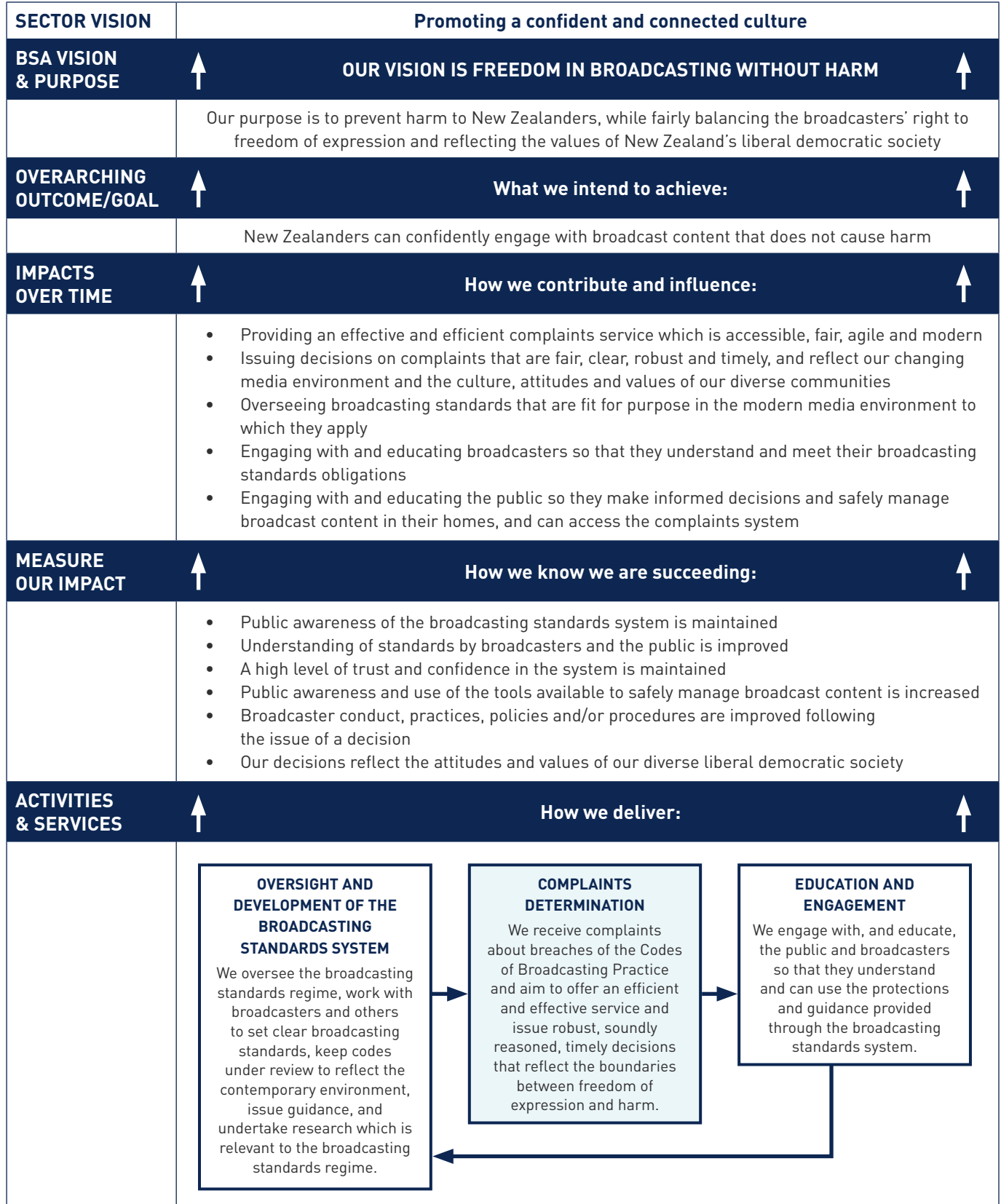
The framework reflects the interrelationship of our services and activities as part of the system of regulation that we oversee, monitor, develop, make decisions in, and engage and educate people about. It also shows how, together, these contribute to the impacts and outcomes we seek.



# STRATEGIC FRAMEWORK

## TE ANGA RAUTAKI

Diagram 2





## 4.1 What do we intend to achieve?

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

The BSA will contribute to this goal in a number of ways.

We will:

### *Provide an effective and efficient complaints service which is accessible, fair, agile and modern*

We will promote our services so that we provide equitable access to all people in New Zealand. Our focus is on quality decisions which carefully consider the submissions, respecting and reflecting the parties' points of views. Priority will be given to those complaints which raise the greatest risk of harm. Our assessment will take into account the current environment in which we live.

### *Issue decisions that are fair, clear, robust and timely, and reflect our changing media environment and the culture, attitudes and values of our diverse communities*

We will issue high quality decisions that clearly articulate the complainant's concerns and the reasons for our decisions. Through the decisions we will give guidance to broadcasters and the public on broadcasting standards and how they apply in our contemporary New Zealand context.

### *Oversee broadcasting standards that are fit for purpose in the modern media environment to which they apply*

We will keep the standards under review in consultation with broadcasters and the public to ensure they remain relevant to the changing media environment. We will have regard to the views of our diverse communities when determining the appropriate settings for the standards and the guidelines which ought to apply.

### *Engage with and educate broadcasters so that they understand and meet their broadcasting obligations*

Alongside our complaints work, we will actively engage with broadcasters and the public through effective education and engagement activities to increase awareness about the standards and the complaints system. We will encourage broadcasters to foster a culture where respect for the standards is a core part of their business. Through this engagement broadcasters will understand and meet the standards.

The BSA will contribute to this impact by working on the development and enhancement of the broadcasting system with broadcasters so that:

- the standards and Codes are robust and relevant to the media environment and reflect New Zealand's diversity

- broadcasters understand and meet their obligations
- broadcasters can resolve complaints earlier and more effectively.

### *Engage with and educate the public so they make informed decisions and safely manage broadcast content in their homes, and can access the complaints system.*

We will provide information that enables audiences to respond to broadcasting in an informed way, to use the tools available to them to make informed decisions about what they choose to watch and listen to, and to protect people in their care from content that might harm them. We will provide information that will enable the public to understand how to make quality complaints to the right place, and have trust and confidence in the robustness of BSA decisions and its processes.

Through our engagement audiences will know how to complain, resulting in fewer unjustified complaints.

## 4.2 How will our activities and services contribute to what we intend to achieve?

### 4.2.1 We will strengthen the broadcasting standards regime

The broadcast media reaches into the lives of New Zealanders. It informs us and entertains us. Broadcasters must however meet certain standards as they do this so that their exercise of the right to freedom of expression in informing and entertaining us does not cause harm. The underlying principles for the standards are prescribed by the Broadcasting Act and the detail, including guidance as to how the standards apply, is set out in the Codes.

The BSA oversees these standards on behalf of New Zealanders in three key ways to support and enhance the broadcasting standards system. We determine complaints, we develop and oversee the standards regime and we educate and engage broadcasters and the public so that they understand the standards and can access the complaints regime. We discuss these activities further below.

All three parts interrelate, build on and strengthen the system as a whole. For example, decision making informed by our research applies and interprets standards, which in turn informs broadcasters and audiences about how the standards apply and about the balance between freedom of expression and the rights of the media as against the rights and expectations of New Zealanders. Determining this balance, in turn, can impact on audience and broadcaster understanding of the standards.

All our activities contribute to and/or influence our impact over time.

#### 4.2.2 Our three interrelated activities and services will work together to support the standards system

##### *Complaints determination*

Determination of complaints is the critical point of the regulatory system where we aim to strike the balance between the right to freedom of expression and the responsibility to avoid harm.

We will ensure our decisions are robust and soundly reasoned. We will make the boundaries between the right to freedom of expression and the responsibility to avoid harm increasingly clear through well-articulated decisions. We will ensure that our decisions are presented clearly and are easily understood by readers. We will issue high quality decisions in a timely way and encourage the broadcasters to do the same to maintain confidence in the complaints system and the BSA's decision-making.

We will continue to assess the clarity, robustness and fairness of our decision making by seeking independent reviews and also by litmus testing our decisions with members of the public.

Our processes for determining complaints are well developed and we will constantly challenge ourselves to refine and improve these systems.

##### *Oversight and development of the broadcasting standards system*

Notwithstanding the reality that the regulatory system is dated and reform is required, we will continue to adapt our processes, within the boundaries of our legislative mandate, to best meet the needs of New Zealanders and underpin any future regulatory system.

The BSA is effectively an appeal body. Broadcasters deal with complaints in the first instance, except where privacy issues or election programmes are involved. This means that the content regulation system depends on their complaints processes working effectively and efficiently to minimise complaint referrals to us.

Our role is to support broadcasters in this area, provide them with information, and improve processes between us. Strong relationships with broadcasters are crucial to performing well. We will continue to have regular contact with representatives of the broadcasters to facilitate these relationships, and to work on system improvements. We will promote greater understanding and awareness of the standards and assist the broadcasters to meet their obligations under the standards.

We will keep the Codes under regular periodic review to ensure that it remains relevant to the media environment and contains applicable guidance that is developed over time.

We will provide advice to officials on the regulatory environment. We will also commission and publish research that will inform the application and development of broadcasting standards, and ensure that our decision making and policy are informed by diverse contemporary community attitudes and opinions. We will consult with broadcasters and other stakeholders on this research.

We will seek feedback on our service from our stakeholders and we will test public awareness of the standards and the complaints system.



##### *Education and Engagement*

We will communicate effectively with the public to ensure those who choose to make a complaint understand the standards and how to complain. We will also continue to work with broadcasters to ensure that they provide information to the public about the standards complaints process.

At a minimum, the public needs to be aware that there is a broadcasting standards system, have some idea how to go about finding out how to complain, and know that the BSA exists. There are a number of ways that this occurs – for example, through the broadcasters' responsibility to advertise the complaints procedures (which we audit every two years), through media engagement in our decisions and through use of other communication platforms such as Twitter.

The first point of contact for most of those who want to make a complaint is our website. The website is the critical tool for searching our decisions and helping viewers and listeners understand the broadcasting regime. We will keep our website up to date so it provides clear information to enable New Zealanders to understand their rights, manage their media use within the agreed standards, and make quality complaints. We will use a variety of communication channels within the limits of budget and resources.

### 4.3 How do we know that we are having an impact?

We have identified six key measures to determine our impact over time through our three interrelated activities and services. We cannot achieve these outcomes alone – it will take the involvement and focus of all our stakeholders, which includes broadcasters and the public. These outcomes are also subject to changes in the broadcasting environment generally.

Taken together, the following six measures provide a good indication of whether the broadcasting standards system is working as efficiently and effectively as it should and whether we are achieving our aim of preventing harm while fairly balancing the broadcaster's right to freedom of expression and reflecting the values of New Zealand's liberal democratic society.



#### Measure 1 – Public awareness of the broadcasting standards system is maintained at over 75%

Every two years we will complete a survey measuring the percentage of New Zealanders aware of the BSA and aware that they can make a formal complaint.

We will also monitor a breakdown of these figures by age, region, ethnicity and gender. The value of measuring public awareness of these elements is that it demonstrates that New Zealanders know they have rights in this area. Any significant decline in awareness would signal that we may need to take steps to raise awareness.

#### A survey completed in 2019 showed:

89%

of New Zealanders are aware of the BSA

84%

of New Zealanders are aware that they can make a formal complaint.



Following a reduction of awareness of the BSA in 2014, we have made consistent improvements over the last 6 years (see *Figure 1*). However, with increasing access to content by New Zealanders through online mediums, it is important that we maintain focus on ensuring that all New Zealanders are aware of our services and that we are accessible to them. We consider that, in the context of choice of platform for receiving content, an appropriate target is 75% of New Zealanders are aware that they can complain about broadcasting and know about the BSA. Our communications strategy guides our work to engage with and educate the community about the broadcasting standards system. We are particularly focused on equitable access and engagement with New Zealand's diverse community. We use a range of channels including our website, written publications, presentations, twitter and press releases. We intend to increase our use of translated materials for the benefit of the rich range of cultures represented in our community.

**Figure 1 - Public Awareness**



### Measure 2 – Understanding of standards by broadcasters and the public is improved

Where the standards are understood by broadcasters they are better equipped to meet their obligations under the standards and therefore fewer complaints arise. The nature of complaints referred to the BSA will be those that are most complex and challenging. Similarly, there will be a reduction in unjustified complaints as the public understand what content standards relate to; for example, they do not relate to editorial or programming decisions made by broadcasters but relate the content of the programme.

We will test public and broadcaster understanding of the standards through litmus testing of BSA decisions, which asks the public whether they agree with our decisions, and through satisfaction surveys of complainants and broadcasters.



### Measure 3 – A high level of trust and confidence in the system is maintained

Issuing robust and clearly reasoned decisions on complaints, which reflect the standards, and values and expectations of New Zealand's diverse liberal democratic society, is central to maintaining trust and confidence in the broadcasting standards system. BSA's decisions can be, and sometimes are, appealed to the High Court and this is a valuable part of the process as it provides an avenue for our decisions to be tested by the Courts. Where there is no substantive increase in the number of BSA decisions overturned by the High Court, broadcasters and the public can have confidence in the standards and the system.

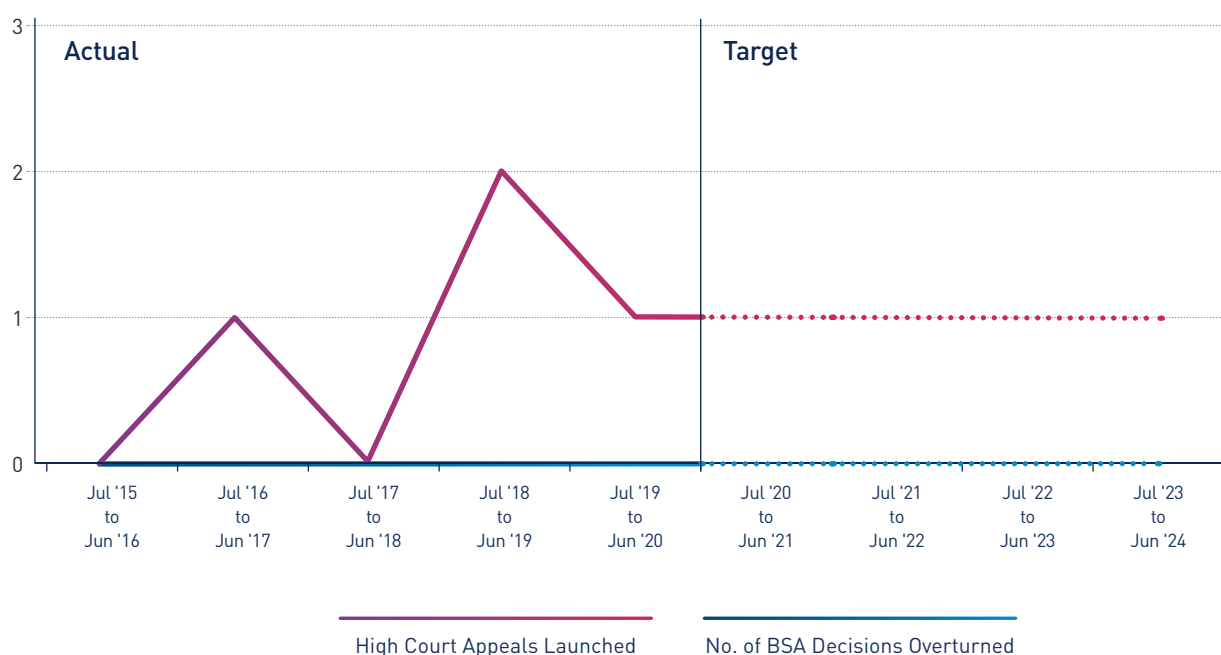
Over recent years the High Court has not overturned any BSA decisions (see Figure 2). We will continue to measure, over time, the number of appeals we receive against our decisions, and particularly the number of decisions overturned by the High Court. A real increase in overturned decisions, particularly if they go to matters of process, would be a concern and indicate that our decision-making process may need improvement. If they go to substance, they may indicate that the BSA is not in tune with community standards as assessed by the High Court.

The absence of upheld appeals over recent years is a positive indicator that the system is working well. This may reflect the evolved decision-making process deployed by this Authority as it considers the Bill of Rights, or it may reflect a reluctance by parties to engage the court process. Accordingly, we will analyse both informal feedback on our decisions and also High Court appeal decisions, whether or not they overturn a BSA decision to ensure that we take into account any relevant judicial comments in our ongoing activities.

In addition, litmus testing and external reviews of BSA decisions, along with surveys of broadcaster and complainant satisfaction will provide avenues for assessing the level of trust and confidence in the BSA's delivery of its core service.



**Figure 2 - High Court Appeals**



**Measure 4 – Public awareness and use of the tools available to safely manage broadcast content is increased**

Broadcasting standards provide a range of community safeguards which help protect audiences from content that may harm them. These include use of audience advisories (warnings), programme information requirements, classifications, timebands and promotion of parental locks. In the contemporary media environment, where there is an abundance of content available to young and vulnerable viewers, it is important that parents and caregivers play their role in using these tools to make appropriate decisions about people in their care watch and listen to. As part of our responsibility to help prevent harm from broadcasting, we recognise that we have a role to play in raising awareness about the availability of these tools so that audiences can use them effectively. Accordingly, we will include in our work highlighting the availability of these tools. We test our effectiveness by surveys and research that test awareness and use of such tools. Our baseline of public awareness will be drawn from research undertaken by the BSA in 2017-2018 when we reviewed timebands and classifications on free-to-air television.



**Measure 5 – Broadcaster conduct, practices, policies and/or procedures are improved following the issue of a decision**

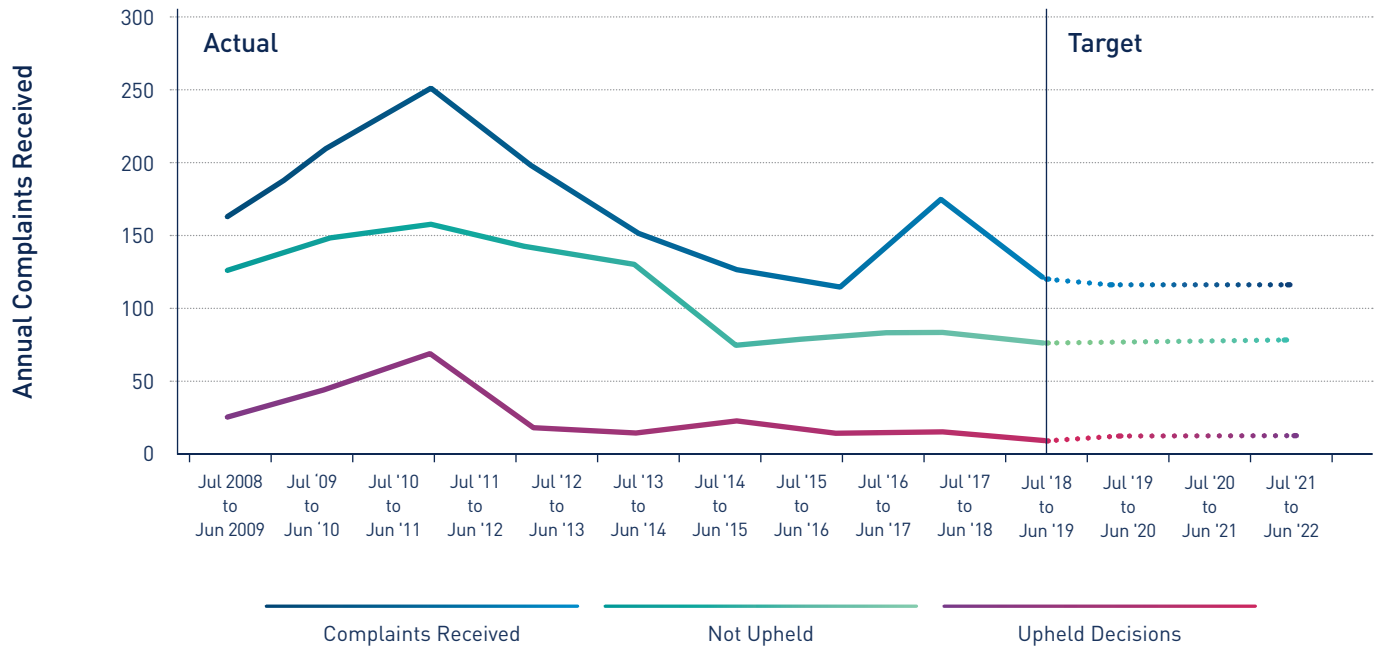
The complaints system enables audiences to hold broadcasters to account for the standards which they are required to meet in broadcasting. It also enables us to assess broadcaster conduct and through our decisions to provide guidance to broadcasters so that they understand the standards and the responsibilities that are attendant upon the exercise of the right to freedom of expression. Importantly our decisions identify where the line between the right, and harm may lie. It is therefore important that our decisions are effective in improving the conduct of broadcasters, so that the standard of broadcasting in New Zealand remains high.

Our aim is that the decisions we issue help broadcasters to better understand and comply with the standards, and/or to remedy any harm that may have been caused.

We will measure how well we have achieved this impact through case study assessments of the impact of our decisions and through our broadcaster survey. Case studies are examples of our work which help to demonstrate our contribution to improving broadcaster conduct, practices, policies and procedures that relate to the standards.

This measure assesses how our decisions impact the standards system as a whole. As part of this we will continue to monitor the number of upheld and not upheld complaints so that we can assess the trend in broadcaster conduct over time, and the impact that our decisions have had.

**Figure 3 – BSA System Performance Indicator**

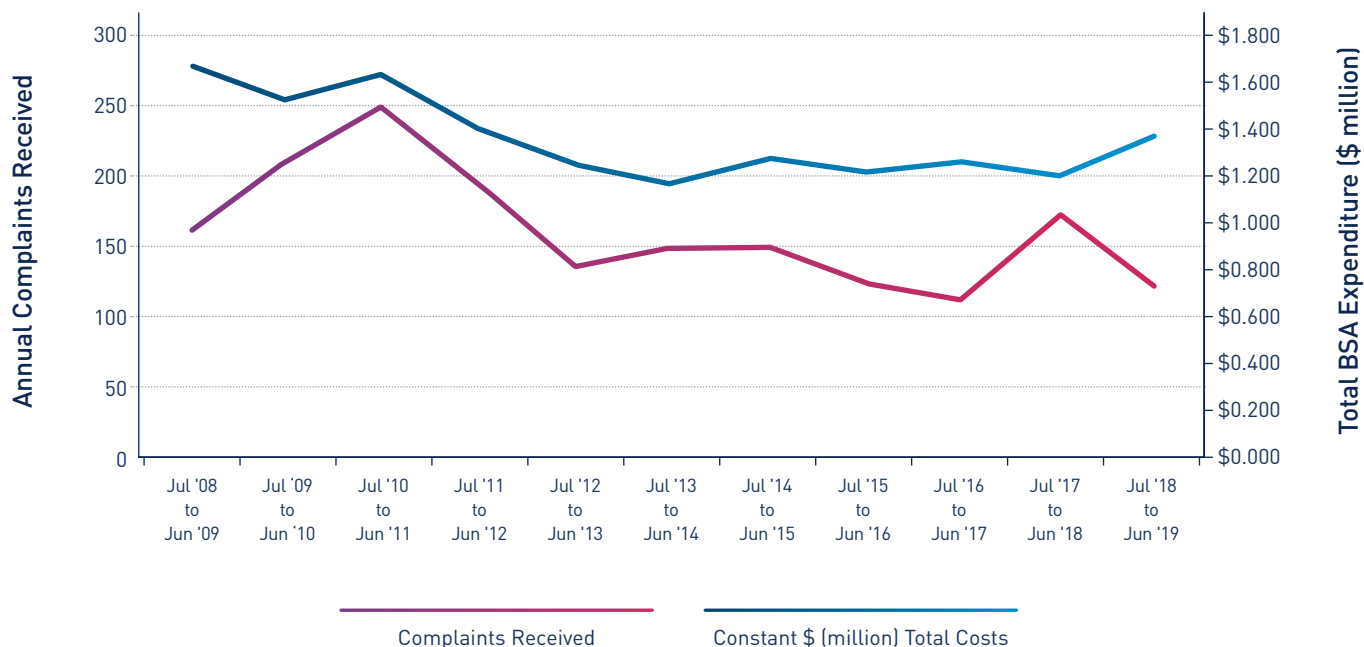


**Measure 6 – Our decisions reflect the attitudes and values of our diverse liberal democratic society**

We recognise that the demographics of New Zealand and our cultural identity are constantly evolving. As an organisation charged with upholding standards for our diverse community, it is important that we take steps to understand and reflect these diverse viewpoints in our decision-making. We will ensure that our research seeks to understand the range of perspectives across our diverse population. We will take advice from cultural advisors and provide translated materials, as best we can within the limits of our resources. We will engage with different sectors, with a particular focus on Maori, Pacific peoples and Asian communities.



## 4.4 Overall performance and cost analysis



The BSA also measures its overall performance against expenditure and will provide updates of this summary in its Annual Report and in setting annual performance expectations.

Over time this data provides rich information about the correlation between expenditure and overall performance of the broadcasting standards system. Historically BSA has tracked its total cost and number of complaints received to test its performance and cost effectiveness. Arguably, where the BSA is effective, broadcasters willingly comply and the number of unjustified complaints reduces, then there may be fewer complaints to determine. However, the overhead costs to deliver the services to support awareness and understanding of the standards regime may increase. This is particularly so, as we increase our focus on harm prevention, and contribution to the review of the regulatory system.

Where costs have increased, resulting from activities across our three core activities, we have seen a correlating reduction in complaint numbers, which indicates that our oversight and education activities have been effective at encouraging compliance by broadcasters. Tracking these costs against complaint numbers illustrates the effectiveness of the BSA's service delivery.

This correlation is clearly reflected between 2017/18 and 2018/19 where complaint numbers declined as our overall costs

increased. While we consider this data is a useful indicator, we do not consider that our costs should be applied to calculate a cost per complaint. Complaints received are increasingly complex which requires more resources to assess them than in the past, and our costs are applied across all of our activities which includes work undertaken to oversee the codes and to support broadcasters to meet their obligations.

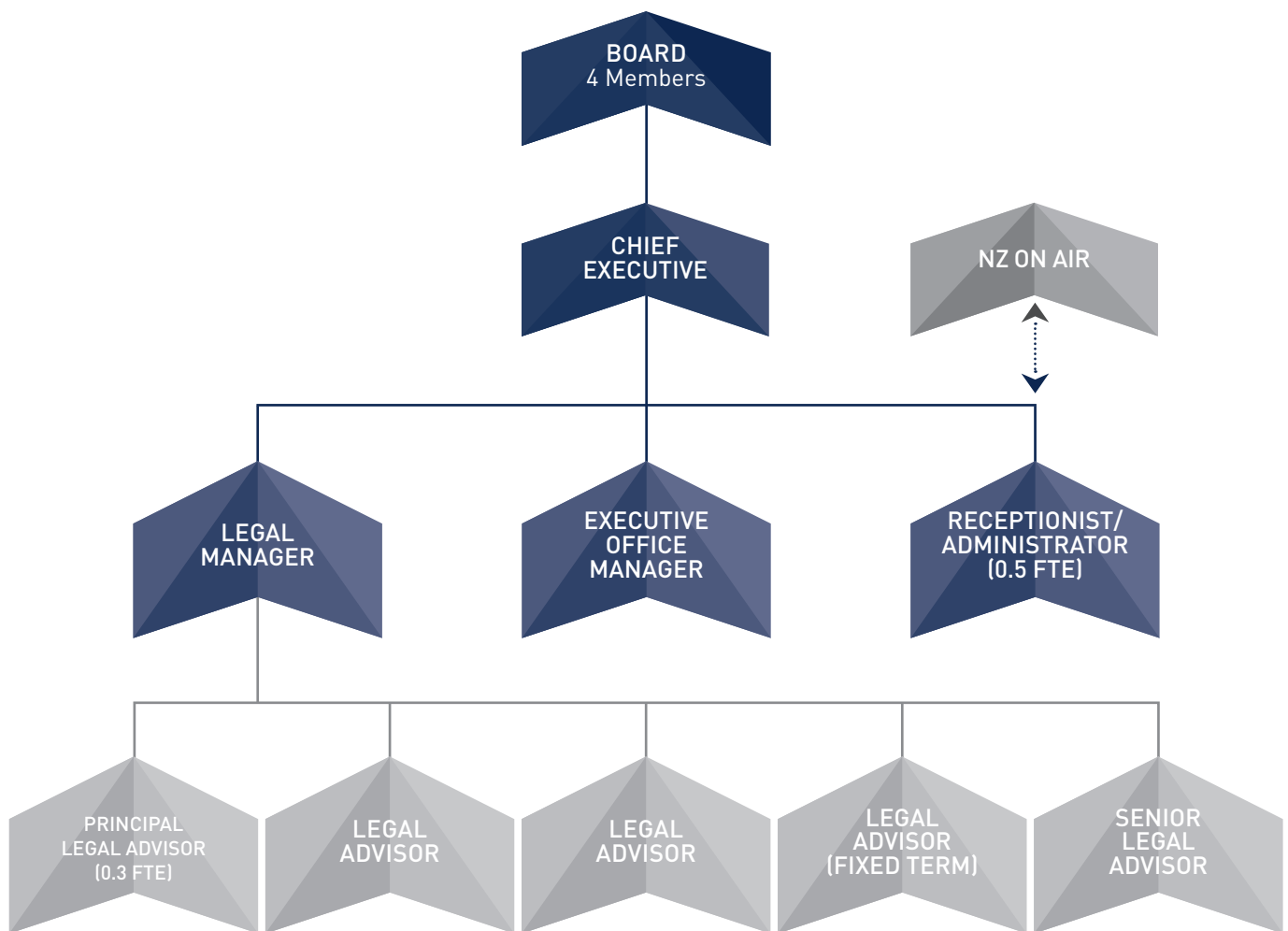
In light of the changing media environment, we have refreshed our allocation of resources across our three core activities, including increased resource allocation to our work on the broadcasting standards system and education and engagement activities. This has rebalanced our focus on quality work on developing the codes, and research that enables us to understand community attitudes and expectations. This includes raising awareness about the standards and the BSA, and increasing our engagement with the sector so that we work with broadcasters to support them to meet their obligations under the standards, now and in the future.

Given the expectations of an efficient public sector, and the likely reduction in broadcasting levies in the wake of the COVID 19 pandemic, we will continue to focus on cost reduction and operational efficiencies.

## 4.5 Organisational health and capability

### 4.5.1 Structure

The BSA is a small organisation and we foster a collaborative culture that values the input of the team. We encourage and have a positive, flexible culture and have a clear appreciation of governance and management distinctions.





#### 4.5.2 Capability

In planning for capability and risk we take into account that we are a small organisation that comprises specialist staff. We have formal good employer and personnel policies in place and a commitment to equal employment opportunities.

We have zero tolerance of bullying, harassment and discrimination. We ensure that we actively monitor all the factors that affect our wellbeing; service delivery; staff productivity; staffing changes; synergies between board, management and staff; fluctuations in complaint numbers and complexity; state sector compliance requirements; health and safety and operational risks; environmental factors; and funding.

We are also aware that complaint numbers have typically risen and fallen over time and are influenced by factors outside our control. Our capability planning must ensure we remain able to continue to carry out our core services allowing for fluctuations in numbers.

The measures we use to assess organisational health and capability are set out in the Statement of Performance Expectations. Our objectives are as follows:

- Staff employment policies focus on attracting and retaining engaged, skilled, knowledgeable, adaptable, efficient team players with the tools, information, and training necessary to perform to a high level.
- We maintain, seek and develop ongoing opportunities for agency collaboration and shared services in the cultural sector (or broader public sector) if appropriate.
- Our infrastructure is fit for purpose under the existing legislative requirements.
- Health and safety best practice is well implemented and appropriately monitored and reported.
- Equal employment opportunity principles are incorporated in staff selection and management, to achieve as diverse a workforce as possible within the limits of our small size.

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