

QUICK GUIDE: REFERRING A COMPLAINT TO THE BSA

In what circumstances can I refer my complaint to the BSA?

The BSA can only accept a complaint referral if:

- It is a complaint only about a breach of privacy or an election programme and you have chosen to complain directly to the BSA. You do not need to complain to the broadcaster first. **OR**
- You have already made a formal complaint to the relevant broadcaster, and you have received a decision from the broadcaster that you are dissatisfied with. The timeframe allowed for referring your complaint to the BSA is discussed below. **OR**
- You have made a formal complaint to the relevant broadcaster, and you have not received a decision within 20 working days from the time the broadcaster received your formal complaint. The timeframe allowed for referring your complaint to the BSA is discussed below.

Note: In certain cases the broadcaster may request an additional 20 working days to respond to your complaint, giving it a total of 40 working days to respond to your complaint. The broadcaster is entitled to this extension so long as it informs you within the original 20-working-day period that it is exercising its right to an extension, and the reasons why.

Timeframes for referring your complaint

If you have received a decision from the broadcaster and you remain dissatisfied, you can refer your complaint to the BSA **within 20 working days from the date you receive the broadcaster's decision**.

If you have NOT received a decision from the broadcaster, you must refer your complaint to the BSA **within 60 working days of the broadcast**.

'Working days' do not include weekends, public holidays, or the period 25 December–15 January.

Please note that the BSA does not have any discretion to accept a complaint referral received outside of the timeframes specified above.

What should I say in my referral?

Please note that the Broadcasting Standards Authority **can only consider submissions on the particular issues and standards that you raised in your original complaint to the broadcaster**. In other words, new issues or standards cannot be added at the referral stage.

In your referral to the BSA, you should provide details of your complaint, why you think standards were breached, and why you disagree with the broadcaster's response to your complaint, or the action taken by the broadcaster in response to your complaint. For example:

- If the broadcaster did not find a breach of standards, or did not uphold your complaint, then you should say why you thought the complaint should have been upheld.
- If the broadcaster did find a breach, but only in relation to some of the standards you raised, you might want to say why you thought the complaint should have been upheld under the remaining standards.
- If the broadcaster decided there was a breach and did or did not take action, you should say why you thought they should have taken action or why they should have taken different action.

To enable the BSA to deal with your complaint efficiently, please provide us with all relevant information and documents, including your original complaint to the broadcaster, and the broadcaster's decision on your complaint. You can attach documents within the BSA online Referral Form, or alternatively send them to us by email at complaints@bsa.govt.nz.