

BROADCASTING STANDARDS AUTHORITY
ANNUAL REPORT

TE MANA WHANONGA KAIPĀHO
TE PŪRONGO Ā-TAU



2018

PRESENTED TO THE HOUSE OF REPRESENTATIVES
UNDER S 150(3) OF THE CROWN ENTITIES ACT 2004



Vision

Fairness and freedom in broadcasting

Purpose

Our purpose is to oversee New Zealand's broadcasting standards regime so that it is fair to all New Zealanders, by balancing broadcasters' right to freedom of expression with their obligation to avoid harm to individuals and society

Our Values Ko Mātou

In everything we do, we strive to:

Ko a matau whaingā, i roto i a matau mahi katoa:



Be independent

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

Kia tū motuhake

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

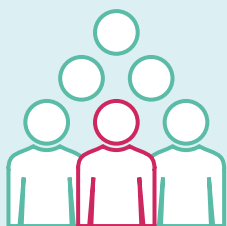


Act with integrity

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

Mahi i runga i te ngākau pono

He pono, he mārama mātau, whakapono ai ki te tika me te rite o a mātau mahi.



Embrace diversity

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

Awahi i te rerenga kētanga

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

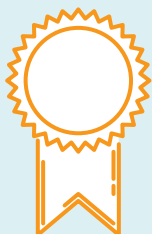


Work collaboratively

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

Ka mahi tahi

Mahitahi ai mātau me te hunga whai pānga, ā, piri pono ana ki te wariu o te mahitahi. Noho tuwhera ai mātau, māmā ki te torotoro atu, mōhio ki te whakatau me te whakarongo.



Earn respect

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

Kia whakanuia

Pupuri ai mātau ki ngā pae rewā o a mātau mahi me o mātau mātāpono. Mā te tika o te mahi, ka riro ake te whakapono me te aro tūturu.



Be Dynamic

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

Kia tū kaha

He pakari, he kakama mātau i mua i te aroaro o tēnei ao hurihuri.

He pūkenga, he kaikaha mātau i roto i a mātau mahi.

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MEMBERS



Peter Radich ONZM – Chair

Peter is a partner in Radich Law and has been a solicitor of the High Court since 1969. He has held senior positions in the law and in business. Peter was appointed an officer of the New Zealand Order of Merit in the New Year's Honours List 2012 for his services to the law. Peter took up the position of Chair of the BSA in January 2010. He was appointed for a further term in December 2012.



Te Raumawhitu (Te Rau) Kupenga

Te Rau has a legal background, having worked previously as a Crown Prosecutor as well as holding senior solicitor positions at the Office of the Māori Trustee and in a commercial law firm in Wellington. He has worked as a television presenter, including a stint as a regular panelist on a lifestyle television show, and over the last two years has helped to produce television shows.

Te Rau is Ngāti Porou and is very involved in iwi and whānau development. Te Rau joined the BSA in December 2010. He was reappointed for a further term in November 2013.



Paula Rose QSO

Paula Rose has a background in policing, having previously been National Manager of Road Policing. She was also the Deputy Chair of the independent task force reviewing workplace health and safety and has served as an executive advisor to the Minister of Social Development. Paula is a current member of the New Zealand Parole Board, Worksafe New Zealand Board, and the St John South Island Regional Trust Board. She was appointed a Commissioner for the Transport Accident Investigation Commission in 2017.

In 2013 Paula was awarded a Companion to the Queen's Service Order for her contribution to policing and the community. Paula joined the BSA in July 2015. She was reappointed for a further term in July 2018.



Wendy Palmer

Wendy has a background in broadcasting, with a breadth of experience from operations management of a radio station to serving as the CEO of a large broadcaster in New Zealand. She has served as director and chair of the Auckland New Venture Trust and the Radio Bureau and as a board member of the Radio Broadcasters Association. Wendy has established her own international market research company, for which she still serves as the executive chair. Wendy is the broadcasting sector representative and joined the BSA in January 2018.



CHAIR'S REPORT



Tēnā koutou e te hunga e whai pānga ki ngā mahi papaoho, ki a koutou hoki e pānui ana i ēnei kōrero, kā nui te mihi ki a koutou, ki a tātau.

This year we have seen a 54% increase in complaints. A small number of the complaints was upheld. There were no appeals against our decisions.

Complainants have raised important, complex and testing issues with us. These have required us, as always, to see where the balance lies. On one side freedom of expression, the value of the stories being told and the public interest in their being told. On the other side the potential for harm to an individual by unfair treatment or interference with privacy rights or harm to the public generally. In an environment where the public has an expectation of receiving news fast, broadcasters must respond. The challenge is to ensure that in this pressured environment, balanced, fair and accurate reporting is not compromised.

Complaints about offensive jokes on radio and naked dating reality television programmes have caused us to consider where the threshold for offence now lies. In both cases we have recognised that the threshold which may justify our intervention is high. In the case of *Naked Attraction* we could see that that series went further than television had gone before. We identified the importance of broadcasters signposting the content of programmes to enable audiences to make informed decisions. We determined that better signposting was required in programmes of this kind but the threshold had not been reached where broadcasting of the programmes should be prohibited.

We have complainants whom we respect coming to us and saying that the standards of society are regressing and that we should counter this by tightening the freedoms of what can be broadcast. We have long held the view that we need to reflect the standards of society and not try to change them. Throughout history there have been global cultural climate changes which are unstoppable and which in these times of instant global transmission of information occur more quickly than they did in the past. We have to live with this and adjust our practices within our homes and families to achieve our own personal standards. In our society we have to allow for differences in personal taste and standards and recognise that there is no universal uniform standard.

We have experienced the continuing emergence of ethnic broadcasters using languages other than English. We have had to ask ourselves whether the translations we have to use adequately reflect the nuances of what was broadcast. We have been asked to consider how standards which might be acceptable in other cultures fit into broadcasting life in New Zealand. In some instances we have engaged the help of a respected independent person of the relevant ethnicity and we have found this helpful.

As the ethnic mixes in New Zealand continue to develop, as liberalism in New Zealand continues to come up against conservatism, we will remain a place to where people can come to ask whether broadcasters have got the balance right. Then if we are thought not to have answered that question satisfactorily, there are opportunities for the question to be tested through the Courts system which we regard as a very important safeguard.

This year was an election year. In the lead up to the election we worked closely with the Electoral Commission, NZ Media Council and Advertising Standards Authority to provide effective workshop education and written guidance to broadcasters, parties and candidates and the public to ensure that they understood how the rules work. We received 6 complaints, none of which was upheld and we think that this reflects the value of the collaborative approach which was taken.

The increasing presence of the use of social media in broadcasting caused us to address the extent to which broadcasters should be able to access social media. We conducted research to find out what the community thinks. We then took this research to broadcasters in a workshop. This resulted in a guidance note written by broadcasters for broadcasters to help broadcasters, journalists and editors to make decisions about whether and how to use social media content.

Te Rau Kupenga and I are about to come to the end of our long terms in office. We leave with mixed feelings. We are very happy to see new Board members with fresh ideas come into the BSA. But we will miss the challenges and the very nice interactions that we have had over these years.

This has always been a good and respected organisation with capable people. The past eight years have seen a marked evolution. The earthquakes caused us to shift our location and we are now part of the family which includes the Film Commission and NZ On Air. While in this time we have had

changes in our Chief Executives, we have, because of the quality of the people, been able to manage these changes successfully. New Chief Executives and new staff and new Board members have brought fresh ideas and different styles and we have been the better for the stimulation.

When I first came to the BSA as a broadcasting outsider, I looked at the antiquated regulatory structures and in the Annual Report of the time noted:

The Broadcasting Act 1989 which established the Broadcasting Standards Authority came into force on 1 July 1989. This was the year in which David Lange resigned as Prime Minister and was replaced by Geoffrey Palmer, Sunday trading began, the first television Holmes Show was broadcast and TV3 began its operations. There were many fewer broadcasters; the World Wide Web was unknown. It is all a long time ago. The then attitude to State intervention was changing although there still remained a widespread view in New Zealand that if something was wrong it was the entitlement of us all to have someone to complain to and insist that the problem be fixed at no cost to ourselves. It was into this environment that the BSA was born.

We were expecting that there would be reviews and reforms which would move the structures of media regulation into the converged environment in which they are now required to operate. But nothing very much has happened and we are still driving about in the 1989 statutory vehicle.

May I record my appreciation of the help and support I have received from the Executives and staff throughout this time and also from fellow Board members Tapu Misa, Mary Anne Shanahan, Leigh Pearson, Te Rau Kupenga, Paula Rose and Wendy Palmer.

Nā reira kia ora anō tātau katoa.



Peter Radich
Chair



OUR HIGHLIGHTS

Our vision is fairness and freedom in broadcasting. We help regulate the balance between the broadcasters' right to freedom of expression and their obligation to avoid harm, so that the broadcasting standards regime is fair to all New Zealanders. We have had a dynamic year with a substantial increase in complaints, many of which raised challenging issues that tested where the threshold for intervention in the right to freedom of expression should lie. The 2017 General Election, and our language that may offend and social media research, highlighted changing community attitudes, as the media environment continues to evolve. Through this report we outline the impact we have had.

HIGHLIGHTS INCLUDE:

- We received 174 complaints, a 54% increase from last year
- We issued 103 decisions responding to 148 complaints
- In 14 decisions we upheld complaints, identifying breaches of standards by broadcasters
- We addressed 1,303 enquiries from members of the public, a 65% increase on last year
- We determined 6 complaints about election programmes in the 2017 General Election under our fast-track procedure. None were upheld
- We attended 25 meetings with broadcasters engaging on content standards issues
- We provided 18 seminars and workshops to broadcasters, production companies, media students, and the public on a range of content standards issues to increase understanding and awareness
- In July 2017 we released research on the use of social media in broadcasting reflecting community views to guide broadcasters in their work
- We hosted a workshop with 65 broadcaster representatives to explore their views on the use of social media in broadcasting
- We established a broadcaster advisory group which prepared a Guidance Note for broadcasters on issues to consider when using third party content
- We completed our Language That May Offend in Broadcasting survey to obtain community views about language that may offend in broadcasting from a cultural or gendered perspective
- We undertook research in vulnerable communities to understand awareness and use of timebands, parental locks and other tools used to protect children from unsuitable content
- We issued 10 editions of the BSA Pānui which provided details of BSA decisions and research
- We issued 20 press releases about 17 BSA decisions and BSA research to highlight the standards and community views about how they ought to apply
- We asked members of the public to litmus test 4 BSA decisions on the fairness standard. 90% of participants agreed with the BSA decisions and reasoning
- For the first time we surveyed all broadcasters about BSA's services. 80% or more ranked BSA processes and working relationships as good or very good
- We partnered with the Electoral Commission, NZ Media Council and Advertising Standards Authority to deliver a series of workshops on media requirements for the 2017 General Election
- We ended the year with a surplus having achieved operating efficiencies.

KEY HIGHLIGHTS

COMPLAINTS RECEIVED

174

DECISIONS ISSUED

103

responding to 148 complaints

UPHELD DECISIONS

14

identifying breaches of standards by broadcasters

ENQUIRIES ADDRESSED

1,303

ELECTION PROGRAMMES

6

complaints about Election programmes in 2017 General Election

ENGAGEMENT WITH BROADCASTERS

25

meetings attended with broadcasters engaging on content standards issues

SEMINARS

18

seminars and workshops provided to broadcasters, production companies and the public

SOCIAL MEDIA WORKSHOP

65

broadcaster representatives attended a workshop to explore their views on the use of social media in broadcasting

BSA DECISIONS

90%

of litmus testing participants agreed with BSA decisions

BSA PĀNUI

10

editions of the BSA Pānui issued which provided details of BSA decisions and research

PRESS RELEASES

20

press releases about 17 BSA decisions and BSA research issued

SERVICE

80% +

of Broadcasters surveyed ranked BSA's processes and working relationship as Good or Very Good



WHO WE ARE AND WHAT WE DO

The Broadcasting Standards Authority (BSA) is an independent Crown entity and quasi-judicial tribunal established by the Broadcasting Act 1989 (the Act). We provide the public with a free and independent complaints service about whether television and radio content has breached broadcasting standards.

In most cases, we operate as an appeal body, and consider complaints where the complainant is dissatisfied with the broadcaster's initial determination. We oversee the broadcasting standards regime by working with broadcasters and others to set clear broadcasting standards and undertaking research to ensure that we understand community attitudes and the developments in the ever changing media environment. We are independent, our services are free and we strive to be accessible to all New Zealanders within our diverse communities.

Freedom of expression is at the heart of what we do. Democracy values the exercise of the broadcasters'

right to freedom of expression. Broadcast media informs us, entertains us, stimulates us and connects us to our community and the world. However, at times it has the potential to cause harm – it may offend, annoy or upset us. We oversee the safeguards that apply to ensure that the exercise of this right in the broadcasting context does not cause harm to individuals or New Zealand society. The standards recognise the harms that may be caused by broadcasting and seek to guard against them. They define the limits to the exercise of the right to freedom of expression by broadcasters.

Alongside our complaints determination, oversight, and research work we support broadcasters to meet their obligations by providing guidance and education through well-reasoned decisions, meetings, seminars and workshops. We also ensure that the public know how to complain by promoting our services and the standards through media releases, our BSA Pānui, twitter and our website.

We are funded by the government and through broadcaster levies. We are governed by a four-member board and our operations are overseen by a team of six staff.

CURRENT MEDIA ENVIRONMENT

The consumption of media content across a wide range of digital and linear platforms and devices is continuing. Television and radio remains a powerful medium through which New Zealanders are informed, entertained and stimulated with public media local content and a range of international programmes. Recent research commissioned by NZ on Air reports that weekly audiences for traditional broadcast media are stable and continue to deliver the biggest audiences.¹

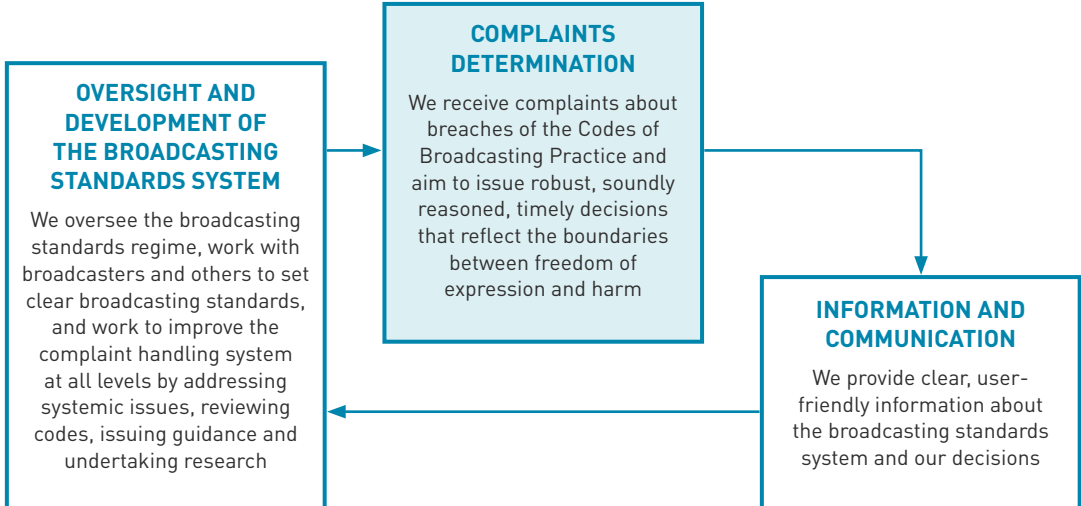
The number of broadcasters within our remit has remained steady with a large number of community and iwi radio stations providing an important broadcast service to our

diverse communities. These broadcast services are provided in a range of languages reflecting our multi-cultural society. In this context, the need for broadcasting standards that can guide the appropriate exercise of the right to freedom of expression in New Zealand remains important.

Having said this, the gap between traditional broadcast media and online video and subscription video on demand is closing. We do not oversee online content (unless it has also been broadcast). So working closely with other agencies, such as the Office of Film and Literature Classification (Chief Censor), Netsafe, NZ Media Council and the Advertising Standards Authority, that have a role to play in providing safeguards in the converging media environment, is important. We contribute to the work of policy officials from the Ministry of Culture and Heritage who are seeking to identify an appropriate regulatory framework for content in New Zealand.

¹ *Where are the Audiences? 2018*, Glasshouse Consulting, May 2018

STRATEGIC FRAMEWORK

SECTOR VISION	New Zealanders' distinctive culture enriches our lives	
BSA VISION & PURPOSE	↑	OUR VISION IS FOR FAIRNESS AND FREEDOM IN BROADCASTING ↑
		Our purpose is to oversee New Zealand's broadcasting standards regime so that it is fair to all New Zealanders by balancing the broadcasters' right to freedom of expression with their obligation to avoid harm
OVERARCHING OUTCOME/GOAL	↑	What we intend to achieve: ↑
		New Zealanders have increased confidence that the broadcasting standards regime fairly balances the broadcasters' right to freedom of expression with their obligation to avoid harm
IMPACTS OVER TIME	↑	How we contribute and influence: ↑
		<p>We will actively engage with and educate all broadcasters and the public about broadcasting standards, so that:</p> <ul style="list-style-type: none"> the public understands how to complain broadcasters willingly comply with standards the system can be developed with input from broadcasters and the public. <p>We will issue decisions on complaints that are fair, clear, robust and timely, and reflect our changing media environment</p>
MEASURE OUR IMPACT	↑	How we know we are succeeding: ↑
		<ul style="list-style-type: none"> Public awareness of the existence of the broadcasting standards system is maintained Understanding of standards by broadcasters and the public is improved A high level of trust and confidence in the system is maintained There is a reduction in the number of upheld and not upheld complaints
ACTIVITIES & SERVICES	↑	How we deliver: ↑
		 <pre> graph LR A[OVERSIGHT AND DEVELOPMENT OF THE BROADCASTING STANDARDS SYSTEM We oversee the broadcasting standards regime, work with broadcasters and others to set clear broadcasting standards, and work to improve the complaint handling system at all levels by addressing systemic issues, reviewing codes, issuing guidance and undertaking research] --> B[COMPLAINTS DETERMINATION We receive complaints about breaches of the Codes of Broadcasting Practice and aim to issue robust, soundly reasoned, timely decisions that reflect the boundaries between freedom of expression and harm] B --> C[INFORMATION AND COMMUNICATION We provide clear, user-friendly information about the broadcasting standards system and our decisions] C --> A </pre> <p>OVERSIGHT AND DEVELOPMENT OF THE BROADCASTING STANDARDS SYSTEM We oversee the broadcasting standards regime, work with broadcasters and others to set clear broadcasting standards, and work to improve the complaint handling system at all levels by addressing systemic issues, reviewing codes, issuing guidance and undertaking research</p> <p>COMPLAINTS DETERMINATION We receive complaints about breaches of the Codes of Broadcasting Practice and aim to issue robust, soundly reasoned, timely decisions that reflect the boundaries between freedom of expression and harm</p> <p>INFORMATION AND COMMUNICATION We provide clear, user-friendly information about the broadcasting standards system and our decisions</p>



OUR PERFORMANCE

The BSA's aim is that New Zealanders have increased confidence that the broadcasting standards regime fairly balances the broadcasters' right to freedom of expression with their obligation to avoid harm. This requires us to provide a robust, efficient and timely complaints determination service that reflects our changing media environment. We must ensure that our decisions are fair and that we clearly explain how the standards apply, and, if a complaint is not upheld, why the Authority considers the threshold justifying the BSA's intervention has not been triggered. Carefully considering and balancing the broadcasters' right to freedom of expression against their obligation to avoid harm, is the most critical role we play.

We also actively engage with and educate broadcasters and the public about broadcasting standards so that broadcasters meet their obligations under the standards and the public are aware of the standards and understand how to complain. Our research and engagement activities enable us to develop the standards system with input from the public and the broadcasters.

Our impact this year is illustrated by the 54% increase in complaints received (174) and the 65% increase in enquiries

(1,303). This indicates that the public is aware of the BSA and that they can bring their complaints to us. While not all complainants agree with the decisions reached, both broadcasters and complainants continue to have high satisfaction with the services provided by the BSA, indicating that trust and confidence in the system and BSA has been maintained. The low number of decisions upholding complaints (14 decisions) indicates that generally broadcasters are meeting their obligations under the standards.

We provided guidance on election programmes in the lead up to the 2017 General Election and dealt with a variety of election complaints in the General Election period. We increased our engagement with broadcasters and stakeholders through workshops and presentations throughout the year which has enhanced understanding of the standards (reflected in the low number of upheld complaints). We undertook research into offensive language, which enabled us to understand community attitudes to language in broadcasting so that this can be reflected in guidance for broadcasters and decisions on complaints.

Our litmus testing and satisfaction survey results reflect that our decisions are robust, with respondents understanding the decisions reached and the Authority's reasoning. The research indicated that the public and broadcasters are satisfied with the service that we offer. Our ability to deliver against higher complaints numbers within budget and in a timely way, reflects the high standard of our operations and the BSA team.



This is how we did against the four high-level impacts we aimed for this year:

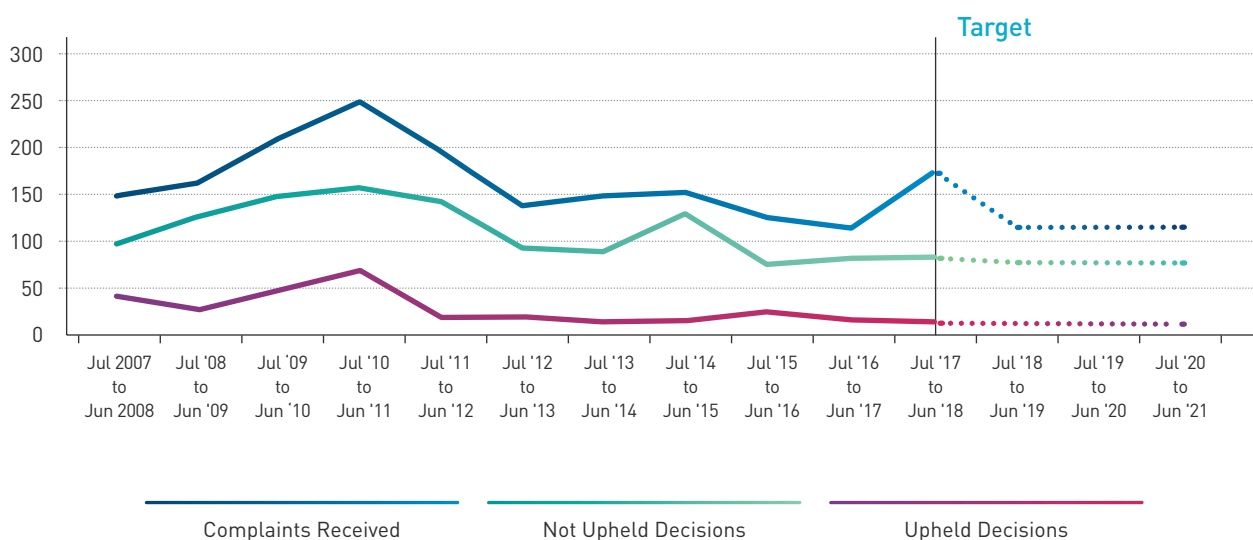
1. Public awareness of the existence of the broadcasting standards system is maintained which demonstrates that New Zealanders know they have rights in this area

- Complaints to the BSA increased by 54% this year which is an effective indicator of public awareness of our complaints service, see [Figure 1](#).
- We received 1,303 enquiries this year – an increase of 65% from last year – which is also a positive indicator of public awareness of the broadcasting standards system.
- We issued 20 press releases about our decisions and research which resulted in media coverage across the country.
- Our last public awareness survey in 2017 revealed that 92% of New Zealanders are aware of the BSA. Our next survey will be conducted in 2019.
- We released two research reports: *Use of Social Media in Broadcasting* and *Language That May Offend in Broadcasting* which attracted wide media coverage and discussion including across mainstream and social media platforms.
- We received complaints against 11 broadcasters, compared with 8 in the previous year, indicating wider awareness of the standards system across the country.

2. Understanding of standards by broadcasters and the public is improved which means that broadcasters are better equipped to meet their obligations and the public bring high quality complaints about important issues that are complex and challenging

- The number of complaints increased markedly this year (174 cf 113). While 35% of complaints were upheld, 33 complaints related to the same series and were determined in two decisions, and only one aspect of the complaints was upheld. Only 14 decisions upheld breaches of standards which is consistent with the previous year, indicating that generally broadcaster understanding of the standards has been maintained.
- Only 4% of complaints were either not determined or outside BSA's jurisdiction, indicating that the public know what the standards relate to and what ought to be referred to us.
- This year we received a large number of complex complaints raising challenging issues with respect to news and current affairs programmes, and issues impacting individual rights. This also indicates that we are succeeding as the public is referring to us complaints that are the most complex and challenging.
- We litmus-tested four decisions issued by the Authority on the fairness standard with members of the public. 90% of participants agreed that the BSA's decisions were acceptable, good or very good.

Figure 1 – BSA System performance indicators





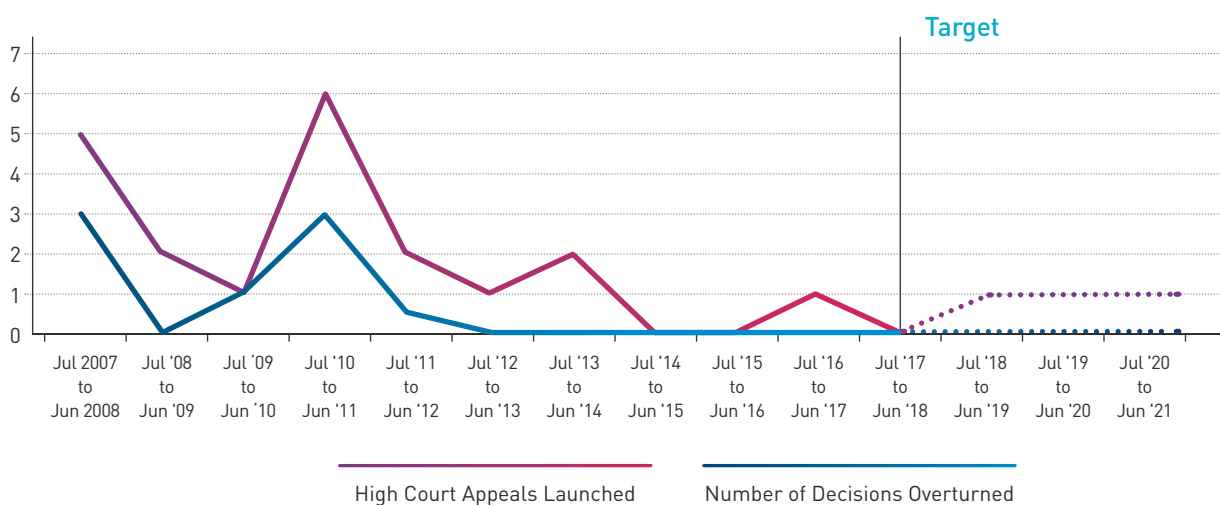
3. A high level of trust and confidence in the system is maintained

- No appeals were filed in the High Court against the Authority's decisions, indicating confidence in the BSA's decisions, see [Figure 2](#)
- The increased number of complaints indicates that the public has confidence in the system that they are willing to access.
- 80% of broadcasters rated their working relationship with the BSA as good or very good and an average of 87.5% rated the usefulness of BSA information and resources highly.
- The positive results from the litmus testing of the fairness standard decisions, referred to above, indicate confidence in the BSA's decision making, which is a key part of the standards system.
- 71% of complainants whose complaints were upheld in the period 2016-2018 agreed the complaints process was handled well.
- 91% of complainants agreed that BSA staff made them feel like they were being listened to and 80% were satisfied with the timeliness of BSA correspondence.
- The external review of the BSA's 2017 General Election decisions agreed with the outcome of the decisions and that generally the decisions were robust, well-reasoned and clear.
- The complaints data in [Figure 1](#) indicates that the public knows how to complain and use the BSA's services. At the same time, the conduct of broadcasters, while tested more frequently this year, has not shown a decline, given the relatively small number of upheld decisions. This indicates that the standards system is working well.

4. There is a reduction in the number of upheld and not upheld complaints, which indicates that broadcasters are meeting their obligations (where the number of upheld complaints is low), and that the public understands the system and makes quality complaints about complex issues arising under the standards (so that the number of complaints outside of the BSA's jurisdiction or which are frivolous and vexatious remain low)

- Complaints were upheld in only 14 decisions this year (14%), which is in line with the number of upheld decisions last year. This indicates that generally the broadcasters are exercising their right to freedom of expression within the limits of the standards. We note that two decisions, in which only one aspect was upheld, related to 33 complaints about the same television series.
- Only 4% of complaints were either not determined or outside BSA's jurisdiction, indicating that generally the public understands the system and what issues ought to be referred to the BSA.
- There was a 54% increase in complaints, many of which were challenging and complex. This indicates that there is good awareness of the right to complain and that the public is bringing the right issues to us.
- The increased number of complaints may indicate that more people perceive broadcasters as pushing the boundaries of their right to freedom of expression. However, when considered in the context of the small number of decisions upholding complaints (14), and the increase in complexity in the complaints raised, the increase is a positive indicator. It illustrates that the system is working well as the public know they have the right to complain, and are bringing to the BSA issues that are at the boundary of freedom of expression and the avoidance of harm.

Figure 2 – High Court Appeals



In the next section we describe our work and impact under our three core activities, complaints determination, oversight and development of the broadcasting standards system and information and communication.

Complaints Determination

We determined

148 COMPLAINTS

and issued

103 DECISIONS

Total Enquiries

1,303 65%

Decisions Issued

103 1%

Formal Complaints Received

174 54%

Complaints Determined

148 31%

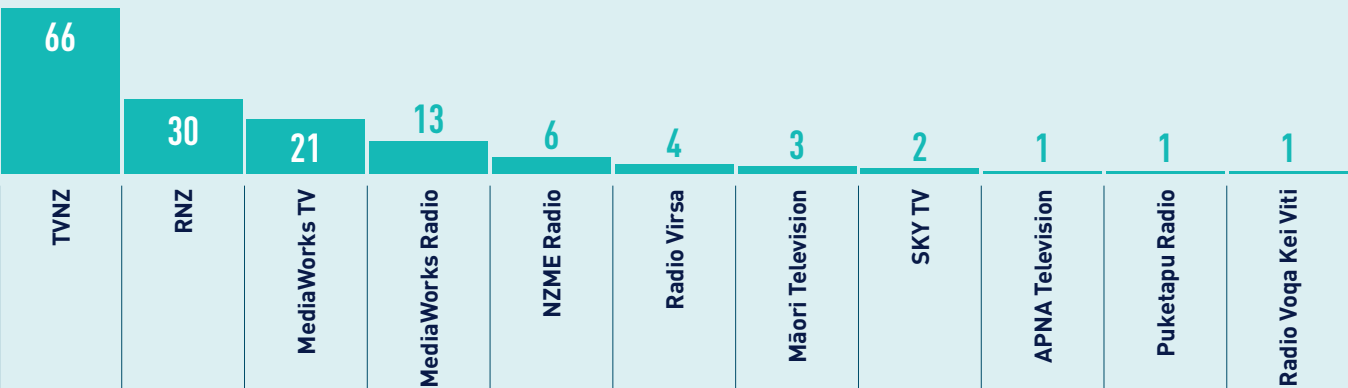
Complaints Determination This Year

Type of broadcaster complained about



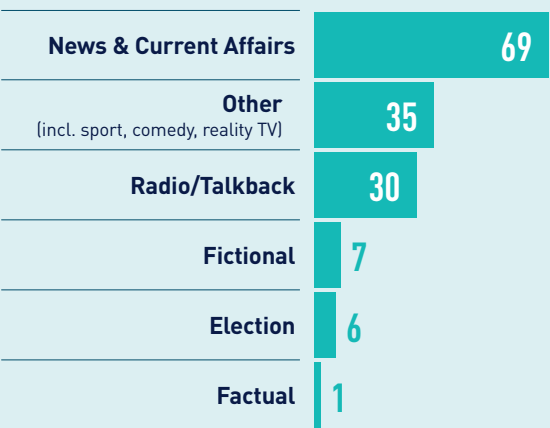
Number of complaints determined

Broadcasters complained about



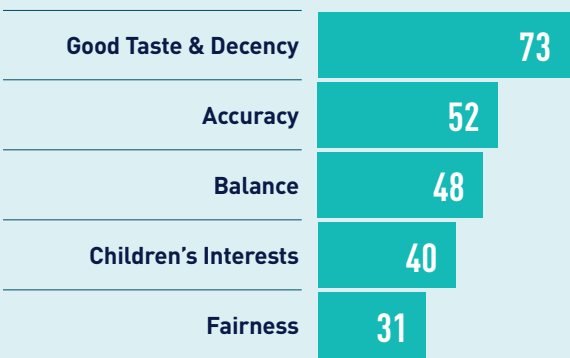
Number of complaints determined

Programme genres complained about



Number of complaints determined

Most complained about standard



Number of complaints determined



BSA Decision Outcomes This Year

103 DECISIONS relating to 148 COMPLAINTS

6 Declined to Determine / Other

14 Decisions Upheld

83 Decisions Not Upheld

7 Declined to Determine / Other

52 Complaints Upheld

89 Complaints Not Upheld

14% Decisions Upheld

80% Decisions Not Upheld

6% Declined to Determine / Other

35% Complaints Upheld

60% Complaints Not Upheld

5% Declined to Determine / Other

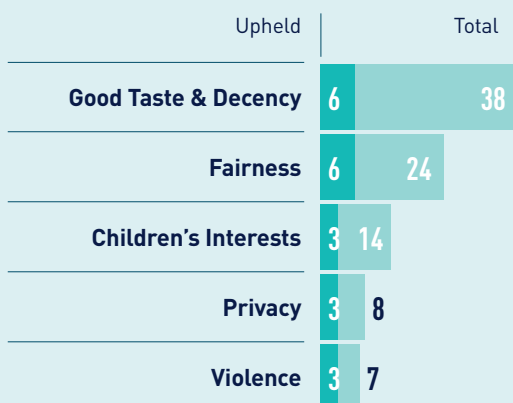
Note: There are fewer decisions than complaints as some deal with more than one complaint.

Breaches of Broadcasting Standards by TV / Radio



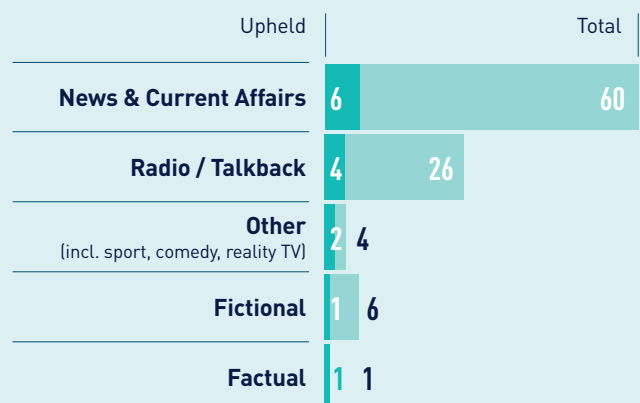
Number of decisions

Breaches of Broadcasting Standards by Standard



Number of decisions

Breaches of Broadcasting Standards by Programme Genre



Number of decisions

Complaints determination overview

Complaint numbers increased substantially this year and covered a wider range of programmes and broadcasters than last year. The complaints referred to the Authority by the public were complex, challenging and raised an eclectic array of issues. Many of these complaints were at the boundary where the exercise of the right to freedom of expression must be carefully balanced with the obligation to avoid harm. This year we saw a marked increase in complaints against radio broadcasts and a reduction in complaints against factual and reality programmes.

The most complained about genre was news and current affairs (47% of complaints determined). This reflects that accurate, fair and balanced news reporting is important to New Zealanders. These complaints have comprised some of the most difficult decisions for the Authority, as it balanced the high value of news reporting and investigative journalism, and the challenge of reporting important issues to the community in a fast-paced media environment, against potential harm. The cases considered this year highlight the care that must be taken to avoid harm, which includes treating the subjects of such programmes fairly, and ensuring the audience is not misled.

Key statistics about the complaints received and decisions issued are reported in Appendix 1. Appendix 2 sets out the details of the complaints determined by the Authority this year. In the following section we highlight some of the key issues addressed in the Authority's decisions in the reporting period.

Key issues

Through the decisions issued this year, we have responded to concerns raised by the community and, where applicable, we have provided some redress for breaches of the standards. In all decisions the Authority has provided guidance to broadcasters and the public about the standards and how they apply.

Balancing freedom of expression and harm

Identifying where the balance lies between the right to freedom of expression and the obligation to avoid harm has been at the heart of our decisions this year. Freedom of expression plays an important role in the art of authentic storytelling. In broadcasting, the media endeavour to capture the culture and nature of a person that is the subject of the item. A number of decisions considered the use of colloquial language, such as a farmer saying 'for Christ's sake' or a sports commentator saying 'I hope you get smashed'. In these cases, the Authority did not intervene, recognising that both expressions were not used with malice, and reflected the nature of language commonly used in the New Zealand community.

New Zealand's diverse communities

In other decisions, the BSA reflected that it is also vital to recognise the diverse cultural make-up of New Zealand society and the need for different views and cultures to co-exist compatibly together. In a decision relating to broadcasts by Radio Virsa,² the Authority took a firm position against divisive and derogatory language used in a broadcast for a specific ethnic community. The unacceptability of derogatory language and terms which may be deemed culturally offensive was also reflected in our recent research on the acceptability of language in broadcasting.



² Singh and Radio Virsa, Decision No. 2017-001



Steps taken by broadcasters to manage potentially offensive content

The management of material which may be deemed offensive involves a careful balancing act, and the Authority has recognised that there will be times audiences are exposed to content that offends or distresses. In considering complaints of this nature the Authority often looks beyond the literal content of the material to the context (within the bounds of the standards), and examines how the potentially offensive content was managed by broadcasters, and how the broadcaster balanced potential harm with the right to freedom of expression.

The Authority did not uphold a complaint about a distasteful joke contributed by a caller on a radio talkback station, recognising that the broadcaster (through the hosts of the radio show) effectively managed the offensive content and potential for harm by clearly signalling its unacceptability to the public.³

Choice and control

The ability for audiences to exercise choice and control over what they, and children in their care, watch and listen to, is an important principle that the Authority highlighted in decisions released this year.

Broadcasters must be mindful of the harm that can be caused by different material. Creating opportunities for audiences to make informed choices about the content they engage with is one way of mitigating potential harm. In three decisions the Authority found greater care needed to be paid to the information given to audiences to make viewing and listening choices.⁴ These decisions highlighted that the right to freedom of expression comes with the obligation to ensure that audiences are given sufficient information in order to exercise choice and control over what they watch and listen to.

Choice and Control

Naked Attraction - TVNZ

The Authority released two decisions about British dating show *Naked Attraction*. The Authority found that it was acceptable to broadcast the programme, which contained explicit nudity and sexual references, after 9.30pm with the AO (Adults Only) classification. However, the Authority upheld the complaints under the good taste and decency standard, finding each episode needed a stronger content warning.

The Authority concluded that the audience warning shown before each episode was deficient and 'did not fairly reflect the nature of the content'. The warning alerted viewers to nudity, but it did not alert viewers to the sexual material. This meant viewers who did not want to be exposed to this kind of content were not given a reasonable opportunity to make an informed choice about whether to watch the episodes.

These decisions provide clear guidance to broadcasters and to the public about the importance of audience advisories which enable audiences to make informed choices about what content they want to view.

We value our ability to exercise choice when it comes to what we watch in the privacy of our own homes, as well as the opportunity to be able to prevent children and young people from viewing certain content that may be inappropriate. The freedom and capacity of an audience to make these choices is a significant factor in determining what is, and what is not, acceptable to broadcast.'
(Decision 2018-010, paragraph [37])

³ Lee and MediaWorks Radio Ltd, Decision No. 2017-030

⁴ Cochran and Radio New Zealand Ltd, Decision No. 2017-032; 13 Complainants and Television New Zealand Ltd, Decision No. 2017-101; and Six Complainants and Television New Zealand Ltd, Decision No. 2018-010



Free political expression

The right to freedom of expression is particularly important in the context of items of high public interest and political speech. This was demonstrated in decisions relating to an interview with Don Brash about the use of te reo in broadcasting,⁵ and ACT Party leader David Seymour's comments about assisted dying legislation overseas.⁶ Both highlighted the importance of allowing free political expression to facilitate public discourse on matters of importance.

Accuracy in election year Seven Sharp - TVNZ

The Authority highlighted the importance of accuracy in political broadcasting when it upheld a complaint that comments made by Mike Hosking on *Seven Sharp* during the 2017 General Election period, were inaccurate and misleading.

In the broadcast Mr Hosking asserted that only those enrolled in a Māori electorate were eligible to vote for the Māori Party. The following evening Mr Hosking attempted to clarify his comments. The Authority found Mr Hosking's comments were inaccurate and misleading and his clarification the following evening was confusing and insufficient to correct the inaccuracy.

The decision highlights that while political expression during an election period is highly valuable, it must not mislead or misinform the audience. The Authority acknowledged the influence broadcasters have during

the election period and emphasised the importance of broadcasters' responsibility to provide accurate information to the voting public, to allow them to make free and informed political choices.

'This was an important issue, particularly during the election period, and had the potential to significantly affect voters' understanding of the Māori roll and of New Zealand's electoral system... The incorrect statements made by Mr Hosking were presented at a critical time, when voters required accurate information to enable them to make informed voting decisions. In this case, the flippant apology provided did not reflect a genuine appreciation for the important role of media during this time.'

(Decision No. 2017-083, paragraphs [26] and [39])

⁵ *Cape and Radio New Zealand Ltd*, Decision No. 2018-013; *Cape and MediaWorks TV Ltd*, Decision No. 2018-018; and *Grieve and Radio New Zealand Ltd*, Decision No. 2018-027

⁶ *Beckers and Radio New Zealand Ltd*, Decision No. 2018-008



Balancing public interest and core journalistic principles

The decisions issued in the reporting period also demonstrate the importance of ensuring the balance and accuracy standards are maintained, particularly in relation to the general election. In the case of Mike Hosking's comments about voting for the Māori Party it was important that information provided to the audience was accurate, highlighting the influential role programme hosts and presenters play in our democratic election process.⁷

Complaints against investigative journalism have presented the most difficult decisions for the Authority, as they require a balance to be struck between the high value of news reporting and investigative journalism, and the challenge of reporting important issues to the community in a fast-paced media

environment, against potential harm. The decisions issued highlight the care that must be taken to avoid harm, which includes treating the subjects of such programmes fairly, and ensuring the audience is not misled.

The decision regarding the Ministry of Education highlighted the importance of providing balancing comment, particularly in relation to content of high public interest. In this and two other decisions, the Authority considered fundamental principles of fair treatment, which require that individuals and organisations be given a fair and reasonable opportunity to comment where a broadcast has the potential to cause undue harm or reputational damage.⁸

Public interest - fair and balanced reporting

Ministry of Education and Radio New Zealand Ltd

The Authority stressed the importance of balancing the public interest in allowing free criticism of government, and public interest in ensuring news items are fair and balanced, when it upheld aspects of a complaint made by the Ministry of Education about news items broadcast on RNZ National.

RNZ reported on allegations that the Ministry had discouraged parents from enrolling children at a Nelson school for girls with complex learning needs. It later broadcast a series of items about an alleged lack of funding, resources and support for Northland teachers struggling to cope with violent and disruptive children.

The Authority acknowledged the high level of public interest in the stories, and that the Ministry was a large government department, experienced in dealing with media. However, the broadcasts had the potential to

negatively impact on the Ministry's reputation and reduce public trust and confidence in its services. The Authority found RNZ did not adequately present significant points of view in the news items or provide the Ministry with a fair and reasonable opportunity to comment (though it noted that whether a comment is required in all cases will be context-dependent).

'While there was public interest in the items reported, there was also a high level of public interest in hearing the Ministry's response to the allegations, and the Ministry was not given a fair or reasonable opportunity to provide this. In order to effectively hold government entities to account, listeners need to be fully informed and aware of both sides of the story.'
(Decision No. 2017-076, paragraph [17])

⁷ McCaughan and Television New Zealand Ltd, Decision No. 2017-083

⁸ Ministry of Education and Radio New Zealand Ltd, Decision No. 2017-076; Trident Systems Ltd and Radio New Zealand Ltd, Decision No. 2017-044; and Ministry of Social Development and Radio New Zealand Ltd, Decision No. 2017-097



Complainants' satisfaction survey

Providing a complaints service that is easy to use, fair and effective is a key measure of our success. It is important that we understand the experience of complainants and do what we can to improve the service year on year. Our complainants' satisfaction survey was run across two years, 2016-2018. 91 complainants responded (57% response rate). The key findings were:

Across the two years, an average of:

84%

were satisfied with BSA's written correspondence

91%

were satisfied with BSA's telephone contact

93%

were satisfied with BSA's staff professionalism

The feedback provided by complainants has enabled us to refresh our decision writing approach to ensure that the outcome and reasons for the Authority's decisions are clear and easily understood.



Litmus testing – Fairness standard

Our litmus testing research this year asked members of the public to provide their views on recent BSA decisions on the fairness standard. The research considered decisions issued about fairness in *The Block NZ: Villa Wars*, *Newshub*, *Story* and *Seven Sharp*. The majority of research participants agreed with the BSA's decisions for all four programmes, with an average of 90% of participants rating the BSA's decisions as very good, good or acceptable, when considering the standards and guidelines applied by the BSA, and the BSA's reasoning for its findings.

While generally participants believed the BSA is making the right decisions under the fairness standard, many felt the orders made by the Authority in upheld cases were too light. Some felt that compensation should have been awarded. The Authority does not have the power to award compensation for a breach of the fairness standard under the Broadcasting Act 1989.



External review of decisions – Election programmes

For the 2017 General Election, the Authority addressed 6 election programme complaints, 10 complaints about election coverage, and 65 enquiries related to the election. None of the decisions were upheld, which is a positive indicator that workshops and guidance issued by the BSA prior to the election were effective.

We commissioned an independent review of the Authority's six 2017 election programme decisions, and one 2014 election programme decision which was selected for review as it raised a substantive election programme issue. Many of the decisions focused on accuracy issues, and the distinction between fact and opinion or advocacy. The review concluded that the BSA's reasoning on the accuracy standard in relation to election programmes improved from the 2014 to 2017 election decisions and is more robust.



Oversight and development of the broadcasting standards system

Alongside complaints determination, we have an equally important role in overseeing the development of broadcasting standards that are relevant to the current media environment and undertaking research to understand community attitudes and expectations.

In overseeing the broadcasting standards system this year, we have broadened our focus, looking at ways in which we can provide practical, timely and relevant research, guidance and tools for broadcasters, and the wider broadcasting standards sector. Working effectively with other agencies and regulators who have a role in overseeing content and maintaining effective community safeguards is important. This year we consulted on our research themes and findings in the language survey and social media research outcomes and we collaborated with agencies involved in overseeing content during the election year. We provided a number of joint seminars with the Advertising Standards Authority (ASA) and NZ Media Council, which helped to ensure that the sector and community understand the respective roles that we each play.



Use of Social Media Content in Broadcasting

In response to a number of complaints received about the use of social media content in broadcast news items, we undertook research to explore whether broadcasters are held to a higher standard by the public when it comes to publishing or republishing social media content. This research was the first of its kind to understand how New Zealanders view the use of social media content in broadcasting. Our research and subsequent workshop engagement with broadcasters led to the publication of a guidance note, prepared by broadcasters, for broadcasters, which provides the wider industry with a prompt of factors to consider before publishing such content. Our research combined with broadcaster engagement resulted in contemporary and practical guidance to assist broadcasters to meet the standards.

We also revisited our *Language That May Offend in Broadcasting* research this year. Compared with the last survey undertaken in 2013, this time we wanted to broaden the scope of the survey and focus on gendered offensive language and language that may be offensive due to the cultural or ethnic

context, including words in Te Reo Māori or Pasifika languages. We consulted with Te Taura Whiri i Te Reo Māori (Māori Language Commission), Human Rights Commission and Ministry for Women in preparing the survey. Results indicated that the public are becoming more concerned about the use of derogatory language directed at a person's race or culture, or sexual orientation, with racial and cultural insults added to the 2018 survey ranked in the 12 most offensive words. This research is a useful tool for the Authority in gauging community values and perspectives, but will also serve a wider purpose, providing organisations, workplaces and schools with a useful tool for developing inclusive cultures.



Broadcaster satisfaction survey

In previous years, we have surveyed only those broadcasters who were involved in a BSA complaint. This year we wanted to find out what all broadcasters think about the services that we offer. So we asked all broadcasters to participate in our annual satisfaction survey. We wanted to learn from smaller broadcasters, who might require more support or guidance from us, what we could do to assist. The results were overall very positive, with 80% of broadcasters rating their working relationship with the BSA as good or very good. Our areas of focus for the coming year are increasing our engagement with new, smaller and less experienced broadcasters and improving the accessibility of our guidance.

Broadcasters told us:

80%

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

An average of

87%

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

An average of

87.5%

rated BSA information and resources highly



Free-to-air television timebands and classifications

This year we and the free-to-air (FTA) broadcasters have reviewed whether timebands, which direct broadcasters about what they can air and when, continue to be relevant and useful protections for children given changes in technology and audience viewing behaviour. We also reviewed whether FTA television should adopt the same classification labels used by pay television. As part of the review, we undertook valuable public research to understand how content is restricted for children, particularly in vulnerable communities. The research explored the extent to which audiences are aware of and use tools such as classifications, warnings, parental locks,

electronic programme guides and timebands to control their and their children's viewing. The review culminated in a public consultation process to seek community views on whether any changes should be made to free-to-air television timebands and classification labels. At the time of writing the responses are being evaluated.

Alongside the work highlighted above, we also completed our two-yearly publicity notice audit and worked alongside the Electoral Commission to provide improved guidance in the lead up to the 2017 General Election (*see our case study below*).

2017 General Election

In October 2016, the Court of Appeal clarified that an Election Programme under the Broadcasting Act is a programme broadcast by or for a political party or candidate and does not include programmes broadcast by third parties relating to an election.⁹ The Court emphasised the importance of freedom of expression, particularly political speech, which must not be unduly restricted.

In preparation for the 2017 General Election, we updated our guidance on the Election Programmes Code to clarify that third party programming (such as news and satirical commentary about the Election) is not subject to the Election Programmes Code, but is subject to the usual Radio and Television Codes. We provided details about how to make a complaint about election programmes. We introduced a fast-track complaints process to determine election related complaints in 3-5 days.

We worked collaboratively with the Electoral Commission, ASA and the Press Council (now NZ Media Council) to deliver written materials and workshops for party secretaries, broadcasters, members of the public, lawyers and other interested stakeholders on the election requirements.

During the 2017 General Election the BSA received 6 election programme complaints, none of which were upheld, 10 other election related complaints, and 65 election-related enquiries. This reflects that the guidance was effective in supporting the sector to meet the standards, and that the public knew to contact us for information and to make complaints.

⁹ *Electoral Commission v Watson and Jones* CA239/2015 [2016] NZCA 512



Information and communication

Providing clear, user-friendly information about the broadcasting standards system and the Authority's decisions is a key part of what we do and is critical to the effectiveness of the standards system. It is important that we provide information about the standards and how the public can complain so that broadcasters meet their obligations and New Zealanders understand their broadcasting environment and how the standards system works.

It is important that we provide information to the public that highlights the balance that has to be achieved between the right to freedom of expression and the obligation to avoid harm. Transparency in our activities is key to our effectiveness – it enables our stakeholders to provide feedback and to hold us to account for the services that we offer.



HIGHLIGHTS FROM OUR ENGAGEMENT ACTIVITIES THIS YEAR INCLUDE:

- We published all decisions issued on our website and issued 20 press releases on 17 decisions and our research.
- We had 25 meetings with broadcasters to discuss and provide guidance on content standards issues.
- We participated in a working group with free-to-air (FTA) television broadcasters to review whether changes should be made to FTA television classifications and timebands.
- We provided 18 seminars and workshops to broadcasters, production companies, media students and the public on a range of content standards issues, to increase understanding and awareness of the standards and how they apply.

The highlight was a workshop with 65 broadcaster representatives in Auckland to discuss use of social media content in broadcasting.

- We released and promoted research on the use of social media content in broadcasting and on use of offensive language in broadcasting, which generated public discussion and debate.
- We issued 10 editions of the BSA Pānui providing details of our decisions and research to our wide stakeholder group.
- We commenced a detailed overhaul of our website responding to public feedback that it needs to be simple, less detailed, and more accessible.

Operations

Operational overview

Ensuring that we operate efficiently and cost-effectively is critical to our overall organisational performance. We are a small agency and strive to operate effectively using our limited financial and people resources. This year we have again delivered our services within budget and with a surplus, notwithstanding the substantial increase in the number of complaints and enquiries this year. This is due to the enhanced complaints process efficiencies we have achieved over time and the capability of our team.

The arrangements we have for sharing reception duties and offices with NZ On Air have continued to work extremely well. Due to an increasing workload for NZ On Air's financial services, at the end of the year we employed external accounting services. We are grateful for the seven years of financial services support received from NZ On Air. We continue to enjoy our co-tenancy arrangement and joint staff training initiatives with NZ On Air.

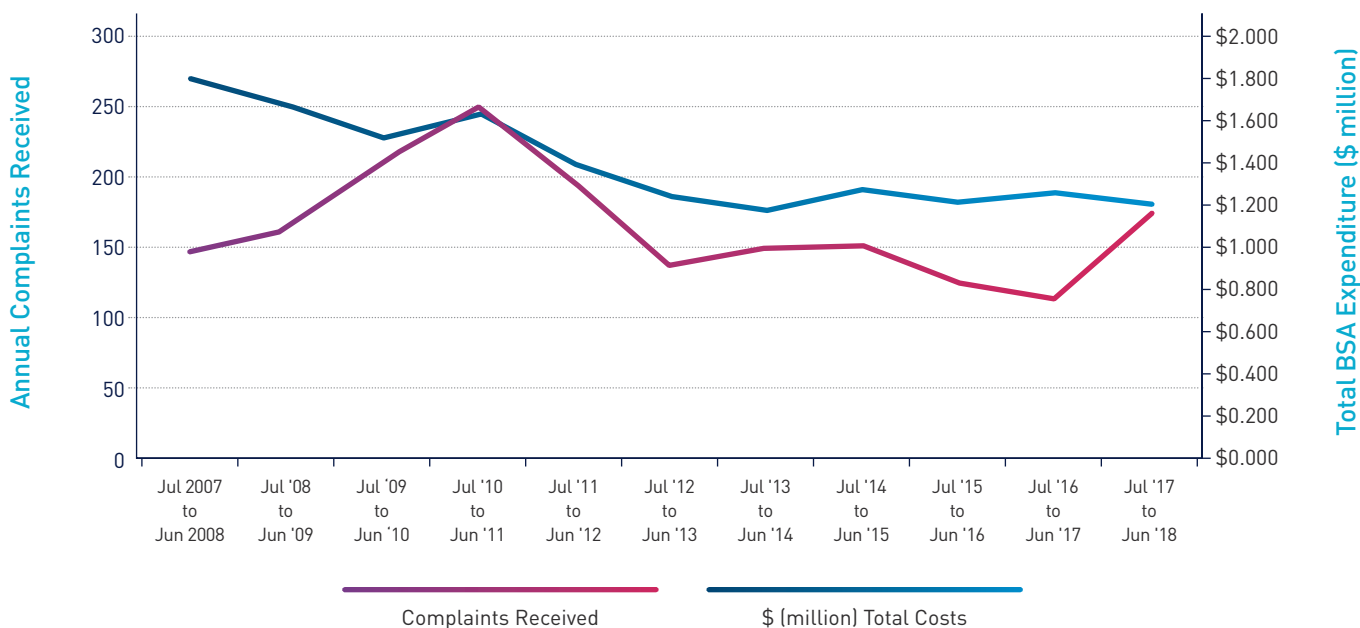
Our costs have remained relatively steady, as illustrated in [Figure 3](#). In the current tight fiscal environment, and given the expectations on the public sector, we continue to focus on reducing costs and increasing efficiency while carrying out our statutory duties. Our costs are not directly correlated with the number of complaints we receive as complex complaints and other core functions relating to oversight of the broadcasting standards system, research and provision of information also consume our resources.

We continue to hold relatively strong reserves compared to our budget. This is the result of variable levy returns and careful cost management across our operations. This puts us in a healthy financial position to manage an increase in complaints, to extend our services if required and to sustain delivery in the event that levy revenue drops substantially. We actively monitor the level of our reserves and have returned \$203,000 to the Crown in this financial year.

Understanding and managing risks that may impact our services and operations is an important part of our governance and operational management approach. We have a clearly articulated risk management framework and a risk schedule that is reviewed and updated regularly by all of our board and staff. We have robust systems and processes which support our operations and effectiveness. Key risks facing the BSA include uncertainty arising from the reform environment and changes in personnel at board and staff level. We manage this by providing advice to the reform process, and ensuring that our information management and induction programmes are robust ensuring that institutional knowledge is retained.

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

Figure 3 – Overall performance and cost analysis





Organisational health and capability

The BSA is a small entity of six staff based in our Wellington office. We are committed to being a good employer and promote equal employment opportunities (EEO) to ensure that our approach to people capability is in line with these obligations. Our EEO policy underpins the positive and collaborative environment that we foster to ensure that we support fair and flexible policies that enable individual needs and circumstances to be acknowledged. We encourage staff involvement in all EEO matters and we review our policies and procedures annually to look for any enhancements or improvements that can be made. Our staff are involved in that review.

Workplace profile

Our people who bring specialist expertise to our operations are critical to our success. We had a relatively steady staff team this year and continue to attract and retain capable staff by providing training and development opportunities and support, and ensuring that the BSA is a great place to work. We have continued to employ interns to support our work, whilst also providing an opportunity to build the pipeline of graduates who are seeking to grow their careers in the media and/or public sector. We foster a collaborative culture that values the input of all of our staff. Our Board and staff work constructively together with a clear appreciation of governance and management distinctions. Our staff profile is set out in the table below. For the 2017/18 year, all staff were surveyed and 100% responded.

Health & Safety

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

We have monthly health and safety meetings with our co-tenant NZ On Air and work together to prevent accidents and illnesses. This information is communicated to staff. We encourage staff to take sick leave when they are feeling unwell and offer flexible working arrangements when needed. We provide Employment Assistance Programme (EAP) counselling sessions on a confidential basis for all staff members and encourage them to use this service when needed. We offer health and safety training to all staff. Most of our staff members have been first aid level one accredited. As we are a complaints board we provide preventative health and safety training to assist staff with dealing with external threats. There were no minor nor major incidents to report for the reported period.

GENDER

Female	83.3%
Male	16.7%

ETHNICITY

Pakeha / New Zealand European	100%
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AGE PROFILE

Under 40	83.3%
Over 40	16.7%

DISABILITY PROFILE

No staff members reported having a disability

PAY GAP INFORMATION

Remuneration is based on ability and role size without any bias, including as to gender or ethnicity. Due to staff changes this year, and the potential for any pay gap data to be misleading and/or to give rise to privacy issues, we have not reported gender pay gap data this year.

Being a good employer policies

Each year we set ourselves goals to enhance our capability. Our main focus is to develop and retain talent, integrate work practices that promote or enhance work/life balance amongst our employees and encourage professional development and a wide range of experiences within the scope of our activities. Progress against these goals is found in the following tables. No issues of concern have occurred during the year.

HUMAN RIGHTS COMMISSION GOOD EMPLOYER ELEMENT	BSA POLICY AND PROCEDURE	POSSIBLE ISSUES	ACTIONS (IF ANY)
Leadership, accountability and culture	<p>Senior management is committed to leading by example and fostering an inclusive working environment.</p> <p>Staff are involved in decision-making and are accountable for outputs relevant to their areas. Staff are encouraged to devise and manage their own solutions.</p> <p>The Policy and Operations Manual provides guidance for staff on professional and workplace behaviour</p>	None	Feedback, coaching and mentoring is given to staff in regular meetings
Recruitment, selection and induction	All permanent staff vacancies are advertised. Focus is on the best range of skills for each position	Retention of staff and diversity in small specialised organisations can be an issue	Induction training, and personal development plans regularly reviewed. The BSA values diversity and inclusiveness
Employment development, promotion and exit	Annual appraisal reviews and professional development and exit interviews are undertaken. Strong team-based supportive culture is promoted. Employees are encouraged to attend training and development opportunities	Our size limits promotion options. However, it also means our staff are adaptable and cover a wide range of activities. They are empowered to take ownership of various projects through the year which builds their leadership and professional capabilities	<p>Regular 1:1 meetings with managers, coaching and mentoring are a key focus</p> <p>Two staff are engaged in a leadership programme and all staff are supported to engage in external and internal learning opportunities</p>
Flexibility and work design	<p>Flexible work practices and use of annual leave is encouraged – focus is on work/life balance.</p> <p>Work station assessments are conducted on commencement of employment and when required.</p>	None	<p>Remote access on work computers enhanced and training provided</p> <p>Focus on supporting parental leave and return</p>
Remuneration, recognition and conditions	Equitable gender-neutral remuneration is in place with annual salary reviews undertaken. Staff are rewarded and recognised for their contribution, skill and expertise formally and informally	None	
Harassment and bullying prevention	Zero tolerance policy with clear reporting and investigation processes and responsibilities identified	None	Policies reviewed, refreshed and implemented this year with input from all staff and Board
Safe and healthy environment	Proactive health and safety approach with particular focus on supporting resilience and wellbeing. Policies regularly reviewed, training and hazard reviews undertaken regularly	None	Regular earthquake drills undertaken and preparedness processes reviewed. Particular focus on staff wellness and resilience.



Health and capability performance measures

CAPABILITY OBJECTIVES	MEASURES	ACTUAL
1. Staff employment policies focus on retention and development of highly engaged, skilled, knowledgeable, adaptable, efficient team players with the tools, information and training necessary to perform to a high level	<ul style="list-style-type: none"> Each staff member has an annual assessment of individual training needs and professional development plan Board members undertake an annual self-assessment around the exercise of their quasi-judicial powers and governance Staff engagement surveys are conducted annually; results to be in the top quartile of the cultural sector 	<ul style="list-style-type: none"> Achieved Achieved Achieved
2. Maintain, seek and develop ongoing opportunities for agency collaboration and shared services in the cultural sector	<ul style="list-style-type: none"> Continue to share facilities and one front-of-house staff member with NZ On Air Receive back-office financial services and associated professional advice from NZ On Air Explore other options for shared service arrangements 	<ul style="list-style-type: none"> Achieved Achieved, with a transition to an external provider in June 2018 Achieved – wellness and health and safety activities undertaken jointly with NZ on Air
3. Our infrastructure is fit for purpose under existing legislative requirements	<ul style="list-style-type: none"> Our complaints data management system is reviewed to ensure it provides better reporting and other efficiencies Our hard copy and electronic file structure reflects the current working environment 	<ul style="list-style-type: none"> Achieved – new levy management process incorporated into CMS Achieved
4. Our office environment and equipment are safe and well maintained	<ul style="list-style-type: none"> Safety hazards reported are attended to promptly and significant hazards are attended to immediately Zero tolerance of harassment, bullying and discrimination 	<ul style="list-style-type: none"> Achieved Achieved – policies updated in consultation with board and staff
5. Equal employment opportunity principles are incorporated in staff selection and management, to achieve as diverse a workforce as possible within the limits of our small size	<ul style="list-style-type: none"> EEO principles are included in all relevant documents and practices 	<ul style="list-style-type: none"> Achieved

NZBN Ministerial direction progress report

As required by section 151(f) of the Crown Entities Act 2004, we report that on 30 May 2016 we received a Ministerial Direction under section 107 of the Crown Entities Act 2004 from the Ministers of Finance and State Services. This is a Direction to support a whole-of-government approach and sets out requirements for agencies to implement the New Zealand Business Number (NZBN). The NZBN has been created to enable improved electronic delivery of services. As a Tier 3 entity we must have regard to six of the requirements and give effect to four requirements.

Since receiving the Direction, we have updated our core records systems to introduce NZBN details for stakeholders, including broadcasters and suppliers and have developed initiatives where we can use NZBN to enhance our processes and dealings with external parties. As system changes are planned, the requirements of the Direction will be implemented where possible.

ACCOUNTABILITY STATEMENTS

Statement of Responsibility

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

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

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

In the opinion of the Board, the Financial Statements and Statement of Performance for the year ended 30 June 2018 fairly reflect the financial position and operations of the BSA.



Peter Radich

Chair

16 October 2018



Paula Rose

Member

16 October 2018



Statement of Performance

for the year ended 30 June 2018

The statements in this section provide detailed results against targets, budgets and performance measures for the year ending 30 June 2018 as set out in our Statement of Performance Expectations for the year ending 30 June 2018. There are three activities: complaints determination, oversight and development of the broadcasting standards system; and information and communication.

	SPE INCOME \$	ACTUAL INCOME \$	SPE EXPENDITURE \$	ACTUAL EXPENDITURE \$
Complaints determination	759,500	842,888	728,400	660,196
Oversight of broadcasting standards system	455,700	460,699	437,040	360,330
Information and communication	303,800	243,145	291,360	190,375
Total	1,519,000	1,546,733	1,456,800	1,210,901

Output: Complaints Determination

Description

Our primary activity is to receive and determine complaints that broadcasters have breached the Codes of Broadcasting Practice.

In providing this service it is vital that we issue robust, soundly reasoned, timely decisions that reflect the boundaries between freedom of expression and harm, and the changing media environment. To maintain trust and confidence in the standards system, our decisions need to be high quality, well-reasoned and reflect community attitudes. They must also be understood by members of the public. Our service is designed to be free, independent and accessible to the public. Efficiency is important. Decisions are made by the Authority with legal and administrative support provided by the staff. Decisions can be appealed to the High Court. We measure our effectiveness in the ways described here.

Notably this year, complaints numbers increased by 54% from last year, in part due to multiple complaints about a small number of programmes. Notwithstanding this increase, we have delivered a high quality service well against our targets and within budget.

COST	ACTUAL 2017/18	SPE BUDGET 2017/18	ACTUAL 2016/17	ACTUAL 2015/16
Total Cost	660,196	728,400	552,690	681,266
% of Total Cost	54%	50%	45%	58.9%

KEY DELIVERABLES	PERFORMANCE MEASURES	TARGET 2017/18	ACTUAL 2017/18	ACTUAL 2016/17	ACTUAL 2015/16
1.1 Complaints are acknowledged in a timely manner	Complaints acknowledged in writing within 3 working days	100%	98% - not achieved (3 out of 174 complaints received were formally acknowledged within 4 working days with the delay due to responding to complaint by post and staff changes. 1 complaint was acknowledged within 7 working days, as it required follow-up with the broadcaster before being accepted)	93% - not achieved	97% - not achieved
1.2 Decisions are issued in timely manner	Decisions issued within 20 working days of the board meeting at which final decision is made	90%	Achieved - 99% (1 out of 103 decisions was issued within 27 working days due to departure from usual decision process and additional correspondence with complainant before issuing final decision)	Achieved - 96%	Achieved - 97%



KEY DELIVERABLES	PERFORMANCE MEASURES	TARGET 2017/18	ACTUAL 2017/18	ACTUAL 2016/17	ACTUAL 2015/16
1.3 Decisions are soundly reasoned	(a) External assessment conducted to assess whether the BSA's reasoning, processes and / or interpretation of a standard are appropriate and reasonable	An external review of the way the BSA interprets a standard, or an aspect of the process by which the BSA determines complaints, shows that the reasoning, process and/or interpretation are appropriate and reasonable	Achieved An external review was undertaken on the BSA's reasoning and interpretation of the Election Programmes Code	An external review was undertaken on the BSA's reasoning and interpretation of the programme information and children's interest standard	An external review was not undertaken. Instead feedback on BSA interpretation and approach was provided by external stakeholders and taken into account in the Code review process
	(b) High Court judgments on appeals taken against BSA decisions are analysed to enable improvements to the BSA's reasoning and process ¹⁰	Direction or advice provided by the High Court in any appeal is analysed and applied in subsequent decisions as appropriate	No appeals have been filed	One appeal filed and dismissed. Court of Appeal decision in Electoral Commission matter issued. Both analysed and incorporated into guidance and decision making as appropriate	No appeal decisions filed or issued.
1.4 Complainants are satisfied with the processes, system and quality of service provided by the BSA	Commission two-yearly survey into complainants' satisfaction with the complaints processes, system and quality of service provided by the BSA	One report for the period 2016-2018 provided by survey company to the BSA is analysed and appropriate improvements made 70% of complainants rate each of the following aspects of interaction with the BSA as good or very good: clear and timely communication and professional service	Achieved 2016-18 Average of: <ul style="list-style-type: none"> 84% rated as good or very good, BSA's written correspondence saying it was timely and clear¹¹ 91% rated as good or very good BSA's telephone contact saying it was timely and clear¹² 93% rated as good or very good BSA's staff professionalism¹³ 	One interim report for the period 2016-2017 provided by survey company to the BSA Average of: <ul style="list-style-type: none"> 80% of complainants rated BSA's written correspondence as good or very good 90% rated BSA's telephone contact as good or very good 88% were satisfied with BSA's staff professionalism 	Achieved Average of: <ul style="list-style-type: none"> 74% rated BSA's written correspondence as good or very good 85% rated BSA's telephone contact as good or very good 89% rated BSA's staff professionalism as good or very good
1.5 BSA decisions reflect community standards and are understood by members of the public	Litmus test decisions with groups of mixed ethnicity, age and gender, as to BSA approach to a standard, clarity of reasoning and decision outcome and identify current community attitudes on issues addressed by standards	Litmus test 5 decisions and publish report on outcomes 75% rank decisions as acceptable, good or very good on a 5-point scale in terms of how well the public understand the reasoning and support the complaint outcome	Achieved – 90% 4 decisions relating to the fairness standard litmus tested ¹⁴	Achieved – 87% 5 decisions on classification and time bands (programme information) litmus tested	Achieved – 89% Focus groups litmus tested 5 decisions on good taste and decency
1.6 Research and litmus testing is relevant to the standards system	Decisions reference findings from research into community standards and/or litmus testing	5 decisions reference research on community standards and/or litmus testing	Achieved – 9	Achieved	Achieved

¹⁰ Measure revised in 2017 SPE to capture all appeals not just those that overturn a decision.

¹¹ Average of good/very good ratings across six aspects of written correspondence, including: BSA's written correspondence (letters and emails) were clear and easy to understand; and arrived within an acceptable timeframe

¹² Average of good/very good ratings across five aspects of telephone contact, including: Answered my questions about the complaints process well; and Returned my calls or got in contact with me within an acceptable timeframe

¹³ Average of good/very good ratings across two measures: BSA's written correspondence (letters and emails) were professional; and BSA phone contact was professional

¹⁴ Due to complexity of issues addressed in decisions issued under the Fairness Standard, only 4 decisions were tested to ensure that the information presented to and tested with focus groups was manageable. The 4 decisions comprised a good representation of the decision making by the Authority which was the subject of the testing.

Output: Oversight and Development of the Broadcasting Standards System

Description

We oversee the broadcasting standards regime, work with broadcasters and others to set clear broadcasting standards and to assist broadcasters to meet their obligations.

We work to improve the complaint handling system at all levels by addressing systemic issues, reviewing codes, undertaking research relevant to broadcasting standards and community attitudes, and issuing guidance. We also provide advice, when required, to policy officials regarding the operation of the content standards system. We work closely with other agencies who also work with and oversee the media sector.

Working with broadcasters to assist them to meet their obligations and undertaking research that ensures we understand changing community attitudes is critical to the successful delivery of our mandate.

COST	ACTUAL 2017/18	SPE BUDGET 2017/18	ACTUAL 2016/17	ACTUAL 2015/16
Total Cost	360,330	437,040	405,314	189,042
% of Total Cost	30%	30%	33%	16.34%

KEY DELIVERABLES	PERFORMANCE MEASURES	TARGET 2017/18	ACTUAL 2017/18	ACTUAL 2016/17	ACTUAL 2015/16
2.1 Codes remain relevant to the media environment to which they apply	New Measure: ¹⁵ Codes are reviewed internally every two years against new media developments and, if appropriate, revised in conjunction with broadcasters and after public consultation	Achieved	Achieved Review of free-to-air television timebands and classification labels is underway	N/A – Codes gazetted and Codebook published in April 2016	New Codebook gazetted and published on 1 April 2016
2.2 Research is commissioned that analyses or examines the application of a standard, or an aspect of broadcasting, and / or informs any future regulatory system and is assessed as thorough and of value to development of standards and /or future regulatory system	(a) Commission and publish research in one of these areas annually and receive feedback from stakeholders on utility of research	1 research project Feedback from 5 stakeholders received	Achieved Research into use of timebands and parental locks undertaken. Feedback provided by free-to-air television broadcasters in working group meetings and published in public consultation	Achieved	Research activity was deferred. Code review process incorporated analysis and examination of the application of standards and views provided by broadcasters and external stakeholders

¹⁵ New measure replaces old measure which provided "Continue process to modernise and review Pay, Radio and Free-to-Air Codes". New Codebook launched in April 2016. Outcomes for previous years reported against the old measure.



KEY DELIVERABLES	PERFORMANCE MEASURES	TARGET 2017/18	ACTUAL 2017/18	ACTUAL 2016/17	ACTUAL 2015/16
	(b) Commission research on attitudes to acceptability of swear words in broadcasting, with diverse participants every three years ¹⁶	Achieved	Achieved	N/A – Target removed due to changed priorities for the Authority's research programme	Research deferred due to changed priorities for the Authority's research programme
2.3 Broadcasters fulfil obligations to publicise the complaints process	Audit undertaken every two years and non-compliant broadcasters notified and relevant information provided to them to assist them to comply	Achieved	Achieved Audit completed. Only 59/124 broadcasters responded. Of those who responded 66% were compliant with the requirements. Engagement with broadcasters who failed to respond and who require assistance to meet the requirements is ongoing	N/A (every two years)	Audit completed and 100% of non-compliant broadcasters notified and guidance provided within a month of completed audit
2.4 New Zealanders are aware of the BSA and aware they can make a formal complaint	Survey of public awareness undertaken every two years	N/A – two-yearly survey 75% of New Zealanders are aware of the BSA and aware they can make a formal complaint	N/A (every two years)	Achieved <ul style="list-style-type: none"> 92% are aware of the BSA 95% are aware that they can take a course of action to find out how to make a formal complaint 83% are aware they can make a formal complaint 	N/A (every two years)
2.5 Broadcasters are satisfied with the quality of BSA processes, services and working relationships	Broadcasters rate BSA processes and working relationships as good or better and identify any issues. Issues are addressed following consideration by BSA Board	80% or more of broadcasters surveyed rank BSA processes and working relationships as good or very good on a 5-point scale. Issues raised are analysed and addressed	Achieved 80% - working relationships rated good or very good (N=63) 100% - processes rated good or very good (N=7 broadcasters who had a complaint determined by the BSA in the previous 12 months) NB This year all broadcasters were surveyed, not just those who had had a complaint determined by the BSA. Only those who had a complaint against them referred to the BSA responded to the process questions.	Achieved 100% - working relationships (N=6) 83% - processes (N=6)	Achieved 100% - working relationships (N=5) 80% - processes (N=5)

¹⁶ This measure has been reintroduced following analysis of most frequently reviewed BSA webpages and anecdotal feedback that the research is used widely, including in the workplace and other organisations that have assessed acceptable communication and culture.

Output: Information and Communication

Description

We provide clear, user-friendly information about the broadcasting standards system and processes, and our decisions to broadcasters and the public. We undertake activities to raise awareness about the BSA, broadcasting standards, and the complaints system.

Effective engagement and communication about broadcasting standards processes and issues helps New Zealanders understand their media environment and how the standards apply to the right to freedom of expression. Activities include issuing strategic media releases about decisions, publishing our regular newsletter, the BSA Pānui, tweeting on twitter, and providing seminars and workshops to broadcasters and the public on content standards issues.

It is important that, we provide clear and accessible information about the standards system and how to make a quality complaint. Our website is our key interface with the public and we are committed to continuously improving it.

COST	ACTUAL 2017/18	SPE BUDGET 2017/18	ACTUAL 2016/17	ACTUAL 2015/16
Total Cost	190,375	291,360	270,248	286,347
% of Total Cost	16%	20%	22%	24.76%

KEY DELIVERABLES	PERFORMANCE MEASURES	TARGET 2017/18	ACTUAL 2017/18	ACTUAL 2016/17	ACTUAL 2015/16
3.1 Website is easy to use, with clear content and high accessibility	Website visitors surveyed say that they can find the information they need	80% of those that complete an online website question say that they have found what they need	Not achieved 43.06% [332/742 who completed the survey] said they had found what they need. This represents only 1.01% of total visits (72,923 total website visitors) to BSA web pages in the period. This measure and result is not a clear indication of website effectiveness as only a very small number of overall website users complete the survey. We are undertaking a refresh of our website to enhance accessibility and ease of use of the website.	Not achieved 51% [267/521] said they had found what they need. This represents only 0.49% of total visits (105,991) to BSA webs pages in this financial year. A new survey tool has been designed.	Not achieved 52% [356/684] said 'yes' they had found what they needed. However, the overall response rate represents only 0.6% of total visits (120,966) to BSA web pages in this financial year



KEY DELIVERABLES	PERFORMANCE MEASURES	TARGET 2017/18	ACTUAL 2017/18	ACTUAL 2016/17	ACTUAL 2015/16
3.2 Decisions published on the BSA website	Decisions published on website within 10 working days of sign-off by Chair	100%	Achieved - 100%	Achieved - 100%	Achieved - 100%
3.3 Production of newsletter to keep stakeholders informed	Newsletters published	9	Achieved - 10	Achieved - 10	Achieved - 9
3.4 Strategic media releases issued	Decisions of high public interest or particular guidance on the application of standards and the standards regime are regarded as strategic and are communicated by way of a media release	Releases for at least 10 decisions issued before 30 June 2018 ¹⁷	Achieved - 17 releases relating to 18 decisions	Previous target of 15 achieved - 20	Previous target of 15 not achieved - 13
3.5 Surveys of complainants and broadcasters indicate high satisfaction with the usability, value and clarity of the website	Complainants and/or broadcasters (as part of any other service surveys) rate the value and clarity of the BSA website as good or very good on a 5-point scale	At least 70% of those surveyed rate the BSA website as good or very good on a 5-point scale	Achieved 78% - Broadcasters ¹⁸ 78% - Complainants (2016-18 survey: see 1.4 above) ¹⁹	Achieved 85% - Broadcasters 86% - Complainants	Achieved 83% - Broadcasters 75.5% - Complainants

¹⁷ 2017 SPE target was 15. Number of press releases to be issued in 2018 SPE was reduced to reflect that releases are issued when justified by the decision and not volume-driven.

¹⁸ Average of good/very good ratings across five aspects of the BSA website: *Organisation of information*; *Content is clear and easy to understand*; *Content is relevant and informative*; *You could find what you needed*; and *Ease of use, including ability to search for content*

¹⁹ Average of good/very good ratings across three aspects of the BSA website: *Being a valuable resource*; *The content is clear and easy to understand*; and *Being easy to use (ie you can find what you need)*

FINANCIAL STATEMENTS

Broadcasting Standards Authority

Statement of Financial Performance

For The Year Ended 30 June 2018

	NOTE	2018 ACTUAL \$	2018 BUDGET \$	2017 ACTUAL \$
Revenue				
Revenue from the Crown	2	609,000	609,000	609,000
Broadcasting levies		866,128	850,000	933,464
Interest income		71,266	60,000	72,876
Gain on disposal of PPE		-	-	43
Total Revenue		1,546,394	1,519,000	1,615,383
Less Expenditure				
Personnel costs	3	676,047	691,200	658,259
Other expenses	4	484,753	705,600	519,180
Depreciation and amortisation	8 & 9	50,101	60,000	50,813
TOTAL EXPENDITURE		1,210,901	1,456,800	1,228,252
SURPLUS		335,493	62,200	387,131

Explanations of major variances against budgets are provided in Note 16

The accompanying notes form part of these financial statements.



Broadcasting Standards Authority

Statement of Changes in Equity

For The Year Ended 30 June 2018

	2018 ACTUAL \$	2018 BUDGET \$	2017 ACTUAL \$
Public equity as at 1 July	2,101,892	1,891,661	1,917,761
Return of Equity to the Crown	(203,000)	-	(203,000)
Surplus for the year ended 30 June	335,493	62,200	387,131
PUBLIC EQUITY AS AT 30 JUNE	2,234,385	1,953,861	2,101,892

Explanations of major variances against budgets are provided in Note 16

Broadcasting Standards Authority

Statement of Financial Position

As at 30 June 2018

	NOTE	2018 ACTUAL \$	2018 BUDGET \$	2017 ACTUAL \$
Assets				
Bank accounts and cash	5	215,817	110,361	122,534
Investments	6	2,063,414	1,900,000	2,000,000
Debtors and prepayments	7	39,930	7,500	88,163
Net GST		22,741	18,000	22,953
		2,341,902	2,035,861	2,233,650
Property, plant and equipment	8	26,894	80,000	71,303
Intangible assets	9	5,562	8,000	6,313
		32,456	88,000	77,616
TOTAL ASSETS		2,374,358	2,123,861	2,311,266
Less Liabilities				
Creditors and accrued expenses	10	90,464	120,000	151,397
Employee entitlements	11	49,509	50,000	57,977
		139,973	170,000	209,374
ASSETS LESS LIABILITIES		2,234,385	1,953,861	2,101,892
REPRESENTED BY PUBLIC EQUITY		2,234,385	1,953,861	2,101,892

Explanations of major variances against budgets are provided in Note 16

The accompanying notes form part of these financial statements.

Broadcasting Standards Authority

Statement of Cash Flows

For The Year Ended 30 June 2018

	NOTE	2018 ACTUAL \$	2018 BUDGET \$	2017 ACTUAL \$
Cash Flows from Operating Activities				
Revenue from the Crown		609,000	609,000	609,000
Broadcasting levies		895,907	850,000	897,239
Interest received		83,062	60,000	60,570
GST (net)		212	-	(5,962)
Payments to employees & Board members		(677,673)	(686,200)	(631,518)
Payments to suppliers & other operating expenses		(545,871)	(705,600)	(497,812)
NET CASH FLOW FROM OPERATING ACTIVITIES		364,637	127,200	431,517
Cash Flows from Investing Activities				
Purchase of property, plant and equipment		(2,733)	(66,000)	(40,171)
Purchase of intangible assets		(2,207)	(2,000)	(7,491)
Receipts from sale of property, plant and equipment		-	-	43
Decrease investments				-
Acquisition of investments		(63,414)	(50,000)	(250,000)
NET CASH FLOW FROM INVESTING ACTIVITIES		(68,354)	(118,000)	(297,619)
Cash Flows from Funding Activities				
Return of equity to the Crown		(203,000)	-	(203,000)
NET CASH FLOW FROM FUNDING ACTIVITIES		(203,000)	-	(203,000)
Net increase in cash held		93,283	9,200	(69,102)
Opening cash brought forward		122,534	101,161	191,636
BALANCE CARRIED FORWARD	5	215,817	110,361	122,534

Explanations of major variances against budgets are provided in Note 16

The accompanying notes form part of these financial statements.



Broadcasting Standards Authority

Notes to the Financial Statements

For The Year Ended 30 June 2018

1 Statement of accounting policies

Reporting entity

The Broadcasting Standards Authority (BSA) is a Crown Entity as defined by the Crown Entities Act 2004 and is domiciled in New Zealand. As such, the BSA's ultimate parent is the New Zealand Crown.

BSA's primary objective is to provide public services to the New Zealand public, as opposed to that of making a financial return. Accordingly, the BSA has designated itself as a public benefit entity (PBE) for the purposes of financial reporting.

The financial statements for the BSA are for the year ended 30 June 2018, and were approved by the board on 16 October 2018.

Basis of preparation

Statement of Compliance

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

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

Measurement base

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

Functional and presentation currency

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

Changes in accounting policies

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

Significant accounting policies

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

Revenue

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

Revenue from the Crown

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

Broadcasting levy

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

Interest

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

Other income

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

Leases

Operating leases

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

Bank accounts and cash

Bank accounts and cash held by the BSA include bank balances and on-call bank deposits

Debtors and other receivables

Debtors and other receivables are measured at fair value less any provision for impairment.

Impairment of a receivable is established when there is objective evidence that the BSA will not be able to collect amounts due according to the original terms of the receivable. Significant financial difficulties of the debtor, probability that the debtor will enter into bankruptcy, and default in payment are all considered indicators that the debtor is impaired. Any impairment losses are recognised in the Statement of Financial Performance.

Investments in bank deposits

Investments in bank deposits are measured at fair value plus transaction costs.

For bank deposits, impairment is established when there is objective evidence that the BSA will not be able to collect amounts due according to the original terms of the deposit. Significant financial difficulties of the bank, probability that the bank will enter into bankruptcy, and default in payment are all considered indicators that the deposit is impaired.

Property, plant and equipment

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

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

Additions

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

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

Disposals

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

Subsequent costs

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

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

Depreciation

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

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

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

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

Artworks are fully depreciated in the year of purchase

Intangible assets

Software acquisition

Computer software licenses are capitalised on the basis of the costs incurred to acquire and use the specific software.

Costs that are directly associated with the development of software for internal use by the BSA are recognised as an intangible asset. Direct costs include the software development, employee costs and an appropriate portion of relevant overheads. Staff training costs are recognised as an expense when incurred. Costs associated with maintaining computer software are recognised as an expense when incurred. Costs associated with the development and maintenance of BSA's website are recognised as an expense when incurred.

Amortisation

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



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

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

Impairment of property, plant and equipment and intangible assets

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

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

Creditors and other payables

Creditors and other payables are reflected at their face value.

Employee entitlements

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

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

Superannuation scheme

Defined contribution scheme

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

Goods and services tax (GST)

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

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

Commitments and contingencies are disclosed exclusive of GST.

Income tax

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

Budget figures

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

Cost allocation

The BSA has determined the cost of outputs in the Statement of Performance using the cost allocation system outlined below.

Direct costs are those costs directly attributed to an output. Indirect costs are those costs that cannot be identified in an economically feasible manner with a specific output.

Direct costs are charged directly to outputs. Indirect costs are charged to outputs based on estimates of related activity or usage information.

There have been no changes to the cost allocation methodology since the date of the last audited financial statements.

Use of judgements, estimates and assumptions

In preparing these financial statements, the BSA has made estimates and assumptions about the future. These estimates and assumptions may differ from subsequent actual results. Estimates and assumptions are regularly evaluated and are based on historical experience and other factors, including expectations of future events that are believed to be reasonable under the circumstances and, in particular, when estimating the useful life and residual value of property, plant and equipment.

2 Revenue from the Crown

The BSA has been provided with funding from the Crown for the specific purposes set out in the Broadcasting Act 1989 and the scope of the relevant Crown appropriations. Apart from these restrictions, there are no unfulfilled conditions or contingencies attached to government funding. (2017: Nil)

3 Personnel costs

	2018 ACTUAL \$	2017 ACTUAL \$
Staff salaries	513,927	512,770
Board remuneration	147,934	130,809
KiwiSaver employer contributions	14,186	14,680
TOTAL PERSONNEL COSTS	676,047	658,259

The increase in Board remuneration is a result of the additional work resulting from increased complaint volume and complexity, and engagement on reform and other broadcasting oversight activities

4 Other expenses

	2018 ACTUAL \$	2017 ACTUAL \$
Audit of financial statements	21,153	21,904
Consultancy	73,758	70,201
Research	136,422	149,606
Travel, accommodation & training	39,973	39,284
Rent	50,715	50,322
IT	60,687	52,086
Office expenses	102,045	135,777
TOTAL OTHER EXPENSES	484,753	519,180

5 Bank accounts and cash

	2018 ACTUAL \$	2017 ACTUAL \$
Cash on hand		
Petty cash	4	200
Banks		
Current accounts	105,647	121,987
Call accounts	110,165	347
TOTAL BANK ACCOUNTS AND CASH	215,817	122,534

6 Investments

	2018 ACTUAL \$	2017 ACTUAL \$
Term deposits	2,063,414	2,000,000
TOTAL INVESTMENTS	2,063,414	2,000,000
Weighted average effective interest rate	3.43%	3.34%



7 Debtors and prepayments

	2018 ACTUAL \$	2017 ACTUAL \$
Trade receivables	6,446	36,225
Accrued interest	13,612	25,408
Prepayment	19,872	26,530
TOTAL DEBTORS AND PREPAYMENTS	39,930	88,163
The carrying value of receivables approximates their fair value.		

8 Property, plant and equipment

Movements for each class of property, plant and equipment are as follows:

	ARTWORKS \$	COMPUTER EQUIPMENT \$	FURNITURE & FITTINGS \$	LEASEHOLD IMPROVEMENTS \$	OFFICE EQUIPMENT \$	TOTALS \$
Cost or valuation						
Balance at 1 July 2016	9,082	89,324	59,567	124,755	34,022	316,750
Additions	-	33,843	-	-	6,328	40,171
Disposals	-	(894)	-	-	-	(894)
Balance at 30 June 2017	9,082	122,273	59,567	124,755	40,350	356,027
Accumulated depreciation						
Balance at 1 July 2016	9,082	85,284	44,596	74,010	29,592	242,564
Depreciation expense	-	9,465	6,749	24,951	1,889	43,054
Eliminate on disposal / reclassification	-	(894)	-	-	-	(894)
Balance at 30 June 2017	9,082	93,855	51,345	98,961	31,481	284,724
CARRYING AMOUNT AT 30 JUNE 2017	0	28,418	8,222	25,794	8,869	71,303
Cost or valuation						
Balance at 1 July 2017	9,082	122,273	59,567	124,755	40,350	356,027
Additions	-	2,735	-	-	-	2,735
Disposals	-	-	-	-	(20,399)	(20,399)
Balance at 30 June 2018	9,082	125,008	59,567	124,755	19,951	338,363
Accumulated depreciation						
Balance at 1 July 2017	9,082	93,855	51,345	98,961	31,481	284,724
Depreciation expense	-	11,964	6,656	24,951	3,573	47,144
Eliminate on disposal / reclassification	-	-	-	-	(20,399)	(20,399)
Balance at 30 June 2018	9,082	105,819	58,001	123,912	14,655	311,469
CARRYING AMOUNT AT 30 JUNE 2018	0	19,189	1,566	843	5,296	26,894

9 Intangible assets

Movements for each class of intangible asset are as follows:

	ACQUIRED SOFTWARE \$
Cost or valuation	
Balance at 1 July 2016	59,060
Additions	7,491
Balance at 30 June 2017	66,551
Accumulated amortisation	
Balance at 1 July 2016	52,479
Amortisation expense	7,759
Balance at 30 June 2017	60,238
CARRYING AMOUNT AT 30 JUNE 2017	6,313
Cost of valuation	
Balance at 1 July 2017	66,551
Additions	2,207
Balance at 30 June 2018	68,758
Accumulated amortisation	
Balance at 1 July 2017	60,238
Amortisation expense	2,958
Balance at 30 June 2018	63,196
CARRYING AMOUNT AT 30 JUNE 2018	5,562

10 Creditors and accrued expenses

	2018 ACTUAL \$	2017 ACTUAL \$
Creditors	66,163	115,190
Accrued Expenses	6,000	25,116
KiwiSaver employees contribution payable to IRD	2,211	1,165
PAYE	16,090	9,926
TOTAL CREDITORS AND ACCRUED EXPENSES	90,464	151,397

Creditors and accrued expenses are non-interest bearing and are normally settled on 30-day terms; therefore, the carrying value of creditors and accrued expenses approximates their fair value.



11 Employee entitlements

	2018 ACTUAL \$	2017 ACTUAL \$
Current employee entitlements are represented by:		
Accrued salaries and wages	16,852	17,658
Annual leave	22,657	25,319
Salary 'at risk'	10,000	15,000
TOTAL EMPLOYEE ENTITLEMENTS	49,509	57,977

12 Commitments

	2018 ACTUAL \$	2017 ACTUAL \$
Commitments are represented by:		
Not later than one year	36,794	36,794
Later than one year and not later than two years	2,760	36,794
Later than two years and not later than five years	-	2,760
TOTAL NON-CANCELLABLE OPERATING LEASE	39,554	76,348

The operating lease is for the rental of premises on Level 2, 119 Ghuznee Street, occupied from 26 July 2013.

13 Contingent assets and liabilities

Contingent assets

As at 30 June 2018 the BSA had no contingent assets. (2017:Nil)

Contingent liabilities

As at 30 June 2018 the BSA had no contingent liabilities. (2017:Nil)

14 Related party transactions & key management personnel

In conducting its activities, the BSA is required to pay various taxes and levies (such as GST, PAYE and ACC levies) to the Crown and entities related to the Crown. The payment of these taxes and levies, other than income tax, is based on the standard terms and conditions that apply to all tax and levy payers. The BSA is exempt from paying income tax.

The BSA purchases goods and services from entities controlled, significantly influenced or jointly controlled by the Crown. Purchases from these government-related entities are entered into on an arms-length basis.

Key management personnel compensation

	2018 ACTUAL \$	2017 ACTUAL \$
Salaries and other short-term benefits	331,255	296,131
TOTAL KEY MANAGEMENT PERSONNEL COMPENSATION	331,255	296,131

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

The BSA had no related party transactions. (2017: Nil)

Board member remuneration

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

	2018 ACTUAL \$	2017 ACTUAL \$
P Radich (Chair)	66,398	53,964
L Pearson responsibilities concluded in September 2017	1,018	19,540
T Kupenga	34,078	31,683
P Rose	29,724	25,622
W Palmer appointed 1 January 2018	16,716	-
TOTAL BOARD MEMBER REMUNERATION	147,934	130,809

Employee remuneration

	2018 ACTUAL \$	2017 ACTUAL \$
Total employee remuneration paid or payable		
110,000 – 119,999	1	-
160,000 – 169,000	-	1
180,000 – 189,000	1	-

15 Events after balance date

There were no significant events after balance date.

16 Explanations of significant variations against budget

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

Statement of Financial Performance

Expenditure

Lower expenditure reflects careful management of costs throughout the year and deferment of the website refresh project to the 2018/19 financial year.

Statement of Financial Position

Cash and cash investments

The increase in investments is due to lower expenditure than budget and anticipation of key projects finishing in 2018/19.



INDEPENDENT AUDITOR'S REPORT

AUDIT NEW ZEALAND
Mana Arotake Aotearoa

To the readers of the Broadcasting Standards Authority's financial statements and performance information for the year ended 30 June 2018

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

Opinion

We have audited:

- the financial statements of the Authority on pages 35 to 45, that comprise the statement of financial position as at 30 June 2018, the statement of comprehensive revenue and expenses, statement of changes in equity and statement of cash flows for the year ended on that date and the notes to the financial statements including a summary of significant accounting policies and other explanatory information; and
- the performance information of the Authority on pages 11 to 12 and 28 to 34.

In our opinion:

- the financial statements of the Authority on pages 35 to 45:
 - present fairly, in all material respects:
 - its financial position as at 30 June 2018; and
 - its financial performance and cash flows for the year then ended; and
 - comply with generally accepted accounting practice in New Zealand in accordance with Public Benefit Entity Simple Format Reporting – Accrual (Public Sector) Standard; and
- the performance information on pages 11 to 12 and 28 to 34:
 - presents fairly, in all material respects, the Authority's performance for the year ended 30 June 2018, including:
 - for each class of reportable outputs:
 - its standards of delivery performance achieved as compared with forecasts included in the statement of performance expectations for the financial year; and
 - its actual revenue and output expenses as compared with the forecasts included in the statement of performance expectations for the financial year; and
 - complies with generally accepted accounting practice in New Zealand.

Our audit was completed on 16 October 2018. This is the date at which our opinion is expressed.

The basis for our opinion is explained below. In addition, we outline the responsibilities of the Board and our responsibilities relating to the financial statements and the performance information, we comment on other information, and we explain our independence.

Basis for our opinion

We carried out our audit in accordance with the Auditor-General's Auditing Standards, which incorporate the Professional and Ethical Standards and the International Standards on Auditing (New Zealand) issued by the New Zealand Auditing and Assurance Standards Board. Our responsibilities under those standards are further described in the Responsibilities of the auditor section of our report.

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

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

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

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

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

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

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

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

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit carried out in accordance with the Auditor-General's Auditing Standards will always detect

a material misstatement when it exists. Misstatements are differences or omissions of amounts or disclosures, and can arise from fraud or error. Misstatements are considered material if, individually or in the aggregate, they could reasonably be expected to influence the decisions of readers, taken on the basis of these financial statements and the performance information.

For the budget information reported in the financial statements and the performance information, our procedures were limited to checking that the information agreed to the Authority's statement of performance expectations.

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

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

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

including the disclosures, and whether the financial statements and the performance information represent the underlying transactions and events in a manner that achieves fair presentation.

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

Our responsibilities arise from the Public Audit Act 2001.

Other information

The Board is responsible for the other information. The other information comprises the information included on pages 1-68 but does not include the financial statements and the performance information, and our auditor's report thereon.


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

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

Independence

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

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



Chrissie Murray
Audit New Zealand
On behalf of the Auditor-General
Wellington, New Zealand



Appendix 1: Complaints Received and Decisions Issued

Year	Complaints Received	Decisions Issued	DETERMINATION					Appealed to High Court	ORDERS				
			Upheld	Upholds as % of total	Not Upheld	Declined to Determine ²⁰	Other ²¹		Broadcast Statement	Costs to Crown	Legal Costs	Compensation for Breach of Privacy	Other
July 2017–June 2018	174	103 ²² (about 148 ²³ complaints)	14 (about 52 complaints)	13.6%	83 (about 89 complaints)	2 (about 2 complaints)	4 (about 5 complaints)	-	5 (including one statement published online)	3	1	3	1 Complaint directed back to broadcaster to consider
July 2016–June 2017	113	102 (about 113 complaints)	15	14.7%	82	1	4	1	4	4	-	4	1 Complaint directed back to broadcaster to consider
July 2015–June 2016	124	101	23	22.8%	73	4	1	-	2	5	1	4	-
July 2014–June 2015	151	143	14	9.8%	120	9	-	-	1	1	1	6	-
July 2013–June 2014	149	99	12	12.1%	74	13	-	2	2	2	1	1	-
July 2012–June 2013	136	111	18	16.2%	86	5	2	1	1	-	1	2	1 Complaint directed back to broadcaster to consider
July 2011–June 2012	195	162	17	10.4%	131	10	4	-	1	3	4	1	-
July 2010–June 2011	250	236	69	29.2%	146	13	8	5	6	8	4	2	-
July 2009–June 2010	210	193	45	23.3%	141	7	-	4	11	7	7	-	-
July 2008–June 2009	162	151	25	16.6%	124	2	-	-	4	3	3	1	-
July 2007–June 2008	148	139	41	29.5%	94	2	2	4	13	8	3	2	1 Refrain from broadcasting
July 2006–June 2007	131	125	27	21.6%	94	3	1	2	10	9	7	6	-
July 2005–June 2006	153	156	19	12.2%	127	10	-	-	6	5	4	-	-

²⁰ From 2010 'Declined to Determine' encompasses all non-jurisdiction-related 'declined' findings, including that complaints were frivolous, vexatious or trivial or that in all the circumstances, the complaint ought not to be determined by the BSA.

²¹ From 2010 'Other' relates solely to findings of jurisdiction or no jurisdiction that may have been previously treated as 'Declined to Determine'.

²² As at 30 June 2018, 51 complaints were still to be determined.

²³ Of the 148 complaints, 33 were about *Naked Attraction* and 4 other decisions dealt with 3–4 complaints each.

Year	Complaints Received	Decisions Issued	DETERMINATION					Appealed to High Court	ORDERS				
			Upheld	Upholds as % of total	Not Upheld	Declined to Determine ¹⁶	Other ¹⁷		Broadcast Statement	Costs to Crown	Legal Costs	Compensation for Breach of Privacy	Other
July 2004–June 2005	184	214	40	18.7%	166	7	1	1	11	4	6	-	1 Publication of apology in newspapers
July 2003–June 2004	196	187	42	22.5%	133	5	7	3	10	1	3	2	2 Publication in newspaper/ Referred back to broadcaster to review its policies
July 2002–June 2003	169	160	26	16.3%	116	8	10	1	7	2	2	-	-
July 2001–June 2002	186	180	44	24.4%	128	8	-	4	12	8	2	3	1 Broadcast of apology
July 2000–June 2001	197	189	41	21.7%	135	13	-	1	13	6	1	2	1 Letter of apology
July 1999–June 2000	206	239	71	29.7%	152	16	-	-	12	13	5	2	1 Refrain from advertising
July 1998–June 1999	204	184	33	17.9%	132	9	10	1	4	8	2	4	-
July 1997–June 1998	174	176	39	22.2%	122	12	3	2	2	10	-	7	1 Broadcast of apology
July 1996–June 1997	206	199	40	20.1%	147	10	2	-	5	-	8	1	2 Broadcasts of apology
July 1995–June 1996	179	171	50	29.2%	110	10	1	1	11	-	-	4	4 Broadcasts of apology
July 1994–June 1995	162	139	48	34.5%	84	4	3	-	7	-	1	-	2 Broadcasts of apology
July 1993–June 1994	168	151	53	35.1%	92	6	-	-	6	-	-	2	1 Broadcast of apology
July 1992–June 1993	159	144	43	29.9%	97	3	1	-	3	-	1	2	-
July 1991–June 1992	106	76	25	32.9%	46	4	1	-	3	-	-	1	-
July 1990–June 1991	52	45	19	42.2%	25	-	1	-	7	-	1	-	2 Broadcasts of apology/ Refrain from advertising
July 1989–June 1990	43	14	6	42.9%	6	2	-	-	-	-	-	1	-



Decision Statistics

This year we issued 103 decisions which determined 148 complaints. The tables below provide details of the broadcasters and programmes complained about, the standards raised and outcomes of the complaints determined in the decisions issued in the reporting period.

Most complained about medium by number of decisions

	TOTAL NUMBER OF DECISIONS	UPHELD
Television	55 decisions about 93 complaints (76 decisions about 87 complaints)	7 decisions about 41 complaints (9 decisions about 9 complaints)
Radio	48 decisions about 55 complaints (26 decisions about 26 complaints)	7 decisions about 11 complaints (6 decisions about 6 complaints)

Figures in brackets are from the previous year

Most complained about broadcaster by number of decisions

	TOTAL DECISIONS	UPHELD	NOT UPHELD	DECLINED TO DETERMINE	NO JURISDICTION OR ACCEPTED JURISDICTION	ORDERS
Television						
TVNZ	30 decisions about 66 complaints (52 decisions about 57 complaints)	4 decisions about 36 complaints (6)	26 decisions about 30 complaints (46)	- (-)	- (-)	1 (-)
MediaWorks TV	19 decisions about 21 complaints (19 decisions about 25 complaints)	2 decisions about 4 complaints (3)	17 (14)	- (1)	- (1)	- (1)
Māori TV	3 (1)	- (-)	3 (1)	- (-)	- (-)	- (-)
SKY TV	2 (4)	- (-)	2 (4)	- (-)	- (-)	- (-)
APNA Television	1 (-)	1 (-)	- (-)	- (-)	- (-)	2 (-)

Figures in brackets are from the previous year

	TOTAL DECISIONS	UPHELD	NOT UPHELD	DECLINED TO DETERMINE	NO JURISDICTION OR ACCEPTED JURISDICTION	ORDERS
Radio						
RNZ	27 decisions about 30 complaints (11 decisions about 11 complaints)	4 decisions about 6 complaints (-)	17 (9)	2 (-)	4 decisions about 5 complaints (2)	4 (1)
MediaWorks Radio	12 decisions about 13 complaints (4)	2 (3)	10 decisions about 11 complaints (1)	- (-)	- (-)	5 (3)
NZME	6 decisions about 6 complaints (10)	- (3)	6 (7)	- (-)	- (-)	- (7)
Radio Virsa	1 decision about 4 complaints (1)	1 decision about 3 complaints (-)	- (-)	- (-)	- (1)	1 (1)
Puketapu Radio	1 (-)	- (-)	1 (-)	- (-)	- (-)	- (-)
Radio Voqa Kei Viti	1 (-)	- (-)	1 (-)	- (-)	- (-)	- (-)
TOTAL	103 (102)	14 (15)	83 (82)	2 (1)	4 (4)	13 (13)

Figures in brackets are from the previous year

Most complained about programme by number of complaints

	NUMBER OF COMPLAINTS	UPHELD	NOT UPHELD/OTHER
Naked Attraction (TVNZ 2)	33 (-)	33 (-)	- (-)
1 News (TVNZ 1)	14 (21)	- (1)	14 (20)
Newshub (Three)	8 (13)	1 (1)	7 (12)
Morning Report (RNZ)	8 (-)	1 (-)	7 (-)
The Project (Three)	5 (-)	- (-)	5 (-)
The AM Show (Three)	5 (-)	3 (-)	2 (-)

Figures in brackets are from the previous year



Most complained about programme genre by number of decisions

	TOTAL DECISIONS	UPHELD	NOT UPHELD	DECLINED TO DETERMINE	NO JURISDICTION OR ACCEPTED JURISDICTION
News/ Current Affairs ²⁴	60 decisions about 69 complaints (58)	6 (5)	50 (50)	1 (1)	3 (2)
Radio/ Talkback ²⁵	26 decisions about 30 complaints (16)	4 (6)	20 (9)	1 (-)	1 (1)
Fictional Programmes ²⁶	6 decisions about 7 complaints (9)	1 (1)	5 (7)	- (-)	- (1)
Election ²⁷	6 decisions about 6 complaints (-)	- (-)	6 (-)	- (-)	- (-)
Other ²⁸	4 decisions about 35 complaints (8)	2 (1)	2 (7)	- (-)	- (-)
Factual/Reality Programmes ²⁹	1 decision about 1 complaint (11)	1 (2)	- (9)	- (-)	- (-)
TOTAL	103 decisions about 148 complaints (102 about 113 complaints)	14 (15)	83 (82)	2 (1)	4 (4)

²⁴ News/Current Affairs: programmes dedicated to news and current affairs. Eg, *1 News*, *Newshub*, *The AM Show*, *The Project*, *Seven Sharp*, *Morning Report*

²⁵ Radio/Talkback: radio shows or talkback programmes that may involve regular phone calls from listeners. Eg, *Afternoons with Wendy Nissen*, *Jono, Ben & Sharyn*, *The Edge Fresh 40*

²⁶ Fictional Programmes: dramas, sitcoms, cartoon comedies, movies. May include dramatic versions of factual events. Eg, *Shortland Street*, *Paula*, *Playing with Fire*

²⁷ Election: election programmes (Party/candidate campaign advertisements) broadcast during the 2017 General Election period

²⁸ Other: programmes that do not fit the other categories, including comedy, sport, reality TV, songs or music videos. Eg, *Naked Attraction*, *Peter Popoff Ministries*, *MMA: One Championship Weekly*

²⁹ Factual Programmes: programmes that are non-fiction, contain factual information, and which could be considered in relation to the accuracy and balance standards. Eg, *I Am Innocent*

Most frequently complained about standard by number of complaints³⁰

	Good Taste and Decency	Accuracy	Balance	Children's Interests	Fairness	Discrimination and Denigration	Law and Order	Privacy	Programme Information	Violence	Action Taken (about any standard)	Alcohol
TOTAL	73 (32)	52 (49)	48 (40)	40 (11)	31 (31)	21 (30)	13 (14)	11 (23)	11 (9)	10 (8)	5 (7)	4 (-)
Upheld	38 (2)	3 (6)	2 (-)	3 (1)	12 (7)	- (-)	- (-)	3 (7)	1 (1)	3 (1)	3 (5)	- (-)
Not Upheld/ Other	35 (30)	49 (43)	46 (40)	37 (10)	19 (24)	21 (30)	13 (14)	8 (16)	10 (8)	7 (7)	2 (2)	4 (-)

Figures in brackets are from the previous year

Most upheld standard by number of decisions issued

1	Good taste and decency: 6 upheld decisions about 38 complaints ³¹
2	Fairness: 6 upheld decisions about 12 complaints
3	Children's Interests: 3 upheld decisions about 3 complaints
4	Privacy: 3 upheld decisions about 3 complaints
5	Violence: 3 upheld decisions about 3 complaints

³⁰ This table reflects the number of times a standard has been raised across the 148 complaints addressed in the 103 decisions issued. Action Taken refers to complaints about the action taken by the broadcaster to remedy the breach when a complaint about a standard was upheld in full or in part by the broadcaster.

³¹ 38 complaints included 33 complaints about *Naked Attraction*.



Appendix 2: Decision Details

The following tables contain a breakdown of the 148 complaints that made up the 103 decisions issued by the BSA this year, by outcome (upheld with order; upheld with no order; not upheld; declined to determine; and jurisdictional matters).

Upheld with order

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

DECISION NUMBER	COMPLAINANT	BROADCASTER	PROGRAMME	NATURE OF COMPLAINT	STANDARDS COMPLAINED UNDER	STANDARDS UPHELD	ORDER
2017-001A	Singh	Radio Virsa	Bhakhde Masley - 19 June 2016	Broadcast allegedly contained coarse language and themes, offensive and unfair statements about named individuals, and derogatory comments about women	Good Taste and Decency, Privacy, Fairness, Programme Information, Children's Interests, Violence, Law and Order, Discrimination and Denigration, Alcohol, Balance, Accuracy	Upheld (Fairness, Privacy, Good Taste and Decency)	Broadcast statement
2017-001B	Singh	Radio Virsa	Bhakhde Masley - 3 October 2016 (11am-12pm)	Broadcast allegedly contained coarse language and themes, offensive and unfair statements about named individuals, and derogatory comments about women	Good Taste and Decency, Privacy, Fairness, Programme Information, Children's Interests, Violence, Law and Order, Discrimination and Denigration, Alcohol, Balance, Accuracy	Upheld (Fairness)	Broadcast statement
2017-001D	Singh	Radio Virsa	Sikh Patshahi - 9 November 2016	Broadcast allegedly contained coarse language and themes, offensive and unfair statements about named individuals, and derogatory comments about women	Good Taste and Decency, Privacy, Fairness, Programme Information, Children's Interests, Violence, Law and Order, Discrimination and Denigration, Alcohol, Balance, Accuracy	Upheld (Fairness, Good Taste and Decency)	Broadcast statement
2017-017	Sanders	APNA Television	Kaho Naa... Pyaar Hai (Say... You're in Love)	Film featuring violence was broadcast unclassified with an incorrect programme description; allegedly outside audience's expectations of the programme and did not enable child viewers to be protected	Programme Information, Children's Interests, Good Taste and Decency, Violence, Law and Order	Upheld (Programme Information, Children's Interests, Good Taste and Decency, Violence)	Broadcast statement; \$1,500 costs to the Crown

2017-025	BL	MediaWorks Radio	Jay-Jay, Dom & Randell	Prank call to complainant's sex chat line allegedly breached the complainant's privacy	Privacy, Fairness, Good Taste and Decency, Children's Interests, Balance, Accuracy	Upheld (Privacy, Fairness)	\$2,000 privacy compensation to the complainant; \$1,500 costs to the Crown
2017-044	Trident Systems	RNZ	Insight	Comments made by Executive Director of Greenpeace about contract for services between Ministry of Primary Industries and complainant allegedly inaccurate, unbalanced and unfair to complainant	Fairness, Accuracy, Balance	Upheld (Fairness)	Broadcast statement on air; Statement published online; \$2,000 legal costs to complainant
2017-053	JN	MediaWorks Radio	Thane & Dunc	Interview allegedly breached the complainant's (JN) and complainant's partner's (Z) privacy by disclosing details of their relationship with another person (X), including an allegation that the relationship was abusive	Privacy	Upheld (Privacy)	\$3,000 privacy compensation to JN; \$3,000 privacy compensation to JN's partner; \$2,500 costs to Crown
2017-083A	McCaughan	TVNZ	Seven Sharp - 23 August 2017	Host Mike Hosking made inaccurate comments about who could vote for the Māori Party; attempted clarification the following evening was inadequate	Accuracy	Upheld (Accuracy)	Broadcast statement
2017-083B	McCaughan	TVNZ	Seven Sharp - 24 August 2017	Host Mike Hosking made inaccurate comments about who could vote for the Māori Party; attempted clarification the following evening was inadequate	Accuracy	Upheld (Accuracy)	Broadcast statement



Upheld with no order

In some cases the Authority may uphold a complaint (find a breach of standards) but may decide not to make any order. This may be because the Authority considers that the seriousness of the breach is low; and/or because the publication of the decision, and any resulting media coverage, will adequately censure the conduct; and/or because it considers the decision gives adequate guidance to broadcasters about maintaining standards.

DECISION NUMBER	COMPLAINANT	BROADCASTER	PROGRAMME	NATURE OF COMPLAINT	STANDARDS COMPLAINED UNDER	STANDARDS UPHELD
2017-032	Cochran	RNZ	Checkpoint	Report on a court case included graphic descriptions of victim being kidnapped, beaten and sexually violated, without an audience advisory. Allegedly disturbing and potentially upsetting for listeners and did not enable an opportunity to decide whether they or children should listen to the item	Good Taste and Decency, Children's Interests, Violence, Law and Order	Upheld (Good Taste and Decency, Children's Interests, Violence)
2017-035	Loder	RNZ	RNZ News	Allegedly inaccurate statement regarding number of firearms that enter New Zealand each year, broadcast on radio and also published on broadcaster's website	Accuracy	Upheld (Accuracy)
2017-055	Johnson	TVNZ	I Am Innocent	Programme focused on the story of a teacher who was accused of indecently assaulting a female student; programme allegedly inaccurate, unfair to the individual who made the allegations against the teacher and her mother, and in breach of their privacy	Fairness, Accuracy, Privacy, Balance	Upheld (Fairness)
2017-069	Lewis	MediaWorks TV	NewsHub	Item reporting on shooting of two Israeli police officers contained violent footage; allegedly gratuitous and indecent, and should have been preceded by a warning	Good Taste and Decency, Children's Interests, Violence, Law and Order	Upheld (Good Taste and Decency, Children's Interests, Violence)
2017-076A	Ministry of Education	RNZ	Various - 18 March 2017	Series of items reported on allegations made by the Board of Trustees at a school for girls with complex learning needs, that the Ministry of Education had actively discouraged parents from enrolling children at the school so that it could be closed; allegedly unbalanced and unfair to the Ministry	Balance, Fairness	Upheld (Fairness)
2017-076B	Ministry of Education	RNZ	Various - 31 March 2017	Series of items about an alleged lack of funding, resources and support for Northland teachers struggling to cope with violent and disruptive children; allegedly unbalanced and unfair to the Ministry	Balance, Fairness	Upheld (Balance, Fairness)

2017-076C	Ministry of Education	RNZ	Morning Report - 6 April 2017	Item reported on an alleged lack of funding, resources and support for Northland teachers struggling to cope with violent and disruptive children; allegedly unbalanced and unfair to the Ministry	Balance, Fairness	Upheld (Balance, Fairness)
2017-100A	Membership	MediaWorks TV	The AM Show	Interviewer's comments about David Garrett 'stealing dead babies' identities' allegedly inaccurate	Accuracy (Action Taken), ³¹ Fairness, Discrimination and Denigration, Balance	Upheld (Accuracy – Action Taken, Fairness)
2017-100B	Garrett	MediaWorks TV	The AM Show	Interviewer's comments about David Garrett 'stealing dead babies' identities' allegedly inaccurate	Accuracy (Action Taken), Fairness	Upheld (Accuracy – Action Taken, Fairness)
2017-100C	Round	MediaWorks TV	The AM Show	Interviewer's comments about David Garrett 'stealing dead babies' identities' allegedly inaccurate	Accuracy (Action Taken), Fairness	Upheld (Accuracy – Action Taken, Fairness)
2017-101A	O'Leary	TVNZ	Naked Attraction - 27 October 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Children's Interests	Upheld (Good Taste and Decency, due to inadequate warning)
2017-101B	Donald	TVNZ	Naked Attraction - 3 November 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Children's Interests	Upheld (Good Taste and Decency, due to inadequate warning)
2017-101C	Family First	TVNZ	Naked Attraction - 27 October 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Children's Interests	Upheld (Good Taste and Decency, due to inadequate warning)
2017-101D	Family First	TVNZ	Naked Attraction - 3 November 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Children's Interests	Upheld (Good Taste and Decency, due to inadequate warning)
2017-101E	Cole	TVNZ	Naked Attraction - 27 October 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency	Upheld (Good Taste and Decency, due to inadequate warning)
2017-101F	Cole	TVNZ	Naked Attraction - 3 November 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency	Upheld (Good Taste and Decency, due to inadequate warning)
2017-101G	Johnston	TVNZ	Naked Attraction - 27 October 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Discrimination and Denigration	Upheld (Good Taste and Decency, due to inadequate warning)
2017-101H	Johnston	TVNZ	Naked Attraction - 3 November 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Discrimination and Denigration	Upheld (Good Taste and Decency, due to inadequate warning)

31 Action Taken refers to complaints about the action taken by the broadcaster to remedy the breach when a complaint was upheld in full or in part by the broadcaster.



DECISION NUMBER	COMPLAINANT	BROADCASTER	PROGRAMME	NATURE OF COMPLAINT	STANDARDS COMPLAINED UNDER	STANDARDS UPHELD
2017-101I	Harrington	TVNZ	Naked Attraction - 3 November 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Programme Information	Upheld (Good Taste and Decency, due to inadequate warning)
2017-101J	Blackie	TVNZ	Naked Attraction - 27 October 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Children's Interests	Upheld (Good Taste and Decency, due to inadequate warning)
2017-101K	Blackie	TVNZ	Naked Attraction - 3 November 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Children's Interests	Upheld (Good Taste and Decency, due to inadequate warning)
2017-101L	Cullen	TVNZ	Naked Attraction - 3 November 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Children's Interests	Upheld (Good Taste and Decency, due to inadequate warning)
2017-101M	Cameron	TVNZ	Naked Attraction - 27 October 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Children's Interests	Upheld (Good Taste and Decency, due to inadequate warning)
2017-101N	Cameron	TVNZ	Naked Attraction - 3 November 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Children's Interests	Upheld (Good Taste and Decency, due to inadequate warning)
2017-101O	Conn	TVNZ	Naked Attraction - 27 October 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Children's Interests	Upheld (Good Taste and Decency, due to inadequate warning)
2017-101P	Conn	TVNZ	Naked Attraction - 3 November 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Children's Interests	Upheld (Good Taste and Decency, due to inadequate warning)
2017-101Q	Murray	TVNZ	Naked Attraction - 27 October 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Children's Interests	Upheld (Good Taste and Decency, due to inadequate warning)
2017-101R	Murray	TVNZ	Naked Attraction - 3 November 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Children's Interests	Upheld (Good Taste and Decency, due to inadequate warning)
2017-101S	Stanton	TVNZ	Naked Attraction - 27 October 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency	Upheld (Good Taste and Decency, due to inadequate warning)
2017-101T	Stanton	TVNZ	Naked Attraction - 3 November 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency	Upheld (Good Taste and Decency, due to inadequate warning)
2017-101U	Emmerson	TVNZ	Naked Attraction - 27 October 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Children's Interests	Upheld (Good Taste and Decency, due to inadequate warning)

2017-101V	Emmerson	TVNZ	Naked Attraction - 3 November 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Children's Interests	Upheld (Good Taste and Decency, due to inadequate warning)
2018-010A	Sex Addiction Specialists Aotearoa	TVNZ	Naked Attraction - 3 November 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Children's Interests	Upheld (Good Taste and Decency, due to inadequate warning)
2018-010B	Sex Addiction Specialists Aotearoa	TVNZ	Naked Attraction - 10 November 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Children's Interests	Upheld (Good Taste and Decency, due to inadequate warning)
2018-010C	Sex Addiction Specialists Aotearoa	TVNZ	Naked Attraction - 17 November 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Children's Interests	Upheld (Good Taste and Decency, due to inadequate warning)
2018-010D	Sex Addiction Specialists Aotearoa	TVNZ	Naked Attraction - 24 November 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Children's Interests	Upheld (Good Taste and Decency, due to inadequate warning)
2018-010E	Brewerton	TVNZ	Naked Attraction - 10 November 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency	Upheld (Good Taste and Decency, due to inadequate warning)
2018-010F	Brewerton	TVNZ	Naked Attraction - 17 November 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency	Upheld (Good Taste and Decency, due to inadequate warning)
2018-010G	Brewerton	TVNZ	Naked Attraction - 24 November 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency	Upheld (Good Taste and Decency, due to inadequate warning)
2018-010H	Green	TVNZ	Naked Attraction - 24 November 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Children's Interests, Discrimination and Denigration	Upheld (Good Taste and Decency, due to inadequate warning)
2018-010I	Malloy	TVNZ	Naked Attraction - 17 November 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Children's Interests, Discrimination and Denigration	Upheld (Good Taste and Decency, due to inadequate warning)
2018-010J	Power	TVNZ	Naked Attraction - 24 November 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Children's Interests	Upheld (Good Taste and Decency, due to inadequate warning)
2018-010K	Rooney	TVNZ	Naked Attraction - 24 November 2017	Dating show allegedly unacceptable for broadcast due to high level of nudity and sexual discussion	Good Taste and Decency, Children's Interests	Upheld (Good Taste and Decency, due to inadequate warning)



Not upheld

DECISION NUMBER	COMPLAINANT	BROADCASTER	PROGRAMME	NATURE OF COMPLAINT	STANDARDS COMPLAINED UNDER
2017-001C	Singh	Radio Virsa	Bhakde Masley - 3 October 2016 (12pm onwards)	Broadcast allegedly contained coarse language and themes, offensive and unfair statements about named individuals, and derogatory comments about women	Good Taste and Decency, Privacy, Fairness, Programme Information, Children's Interests, Violence, Law and Order, Discrimination and Denigration, Alcohol, Balance, Accuracy
2017-030	Lee	MediaWorks Radio	Jay-Jay, Dom & Randell	Joke submitted by caller and allowed to be broadcast by hosts and producer allegedly in poor taste and discriminatory	Good Taste and Decency, Discrimination and Denigration
2017-033	Stranaghan	TVNZ	Breakfast	News item reported the recovery of the body of a German hostage beheaded by militants in the Philippines; allegedly offensive and inappropriate for broadcast in breakfast timeslot	Good Taste and Decency, Children's Interests, Violence
2017-036	Averis	MediaWorks TV	NewsHub	Item on free trade negotiations with Russia stated that Vladimir Putin 'invaded' Crimea; allegedly inaccurate	Accuracy, Programme Information
2017-038	Thelning	MediaWorks TV	The Project	In 'Vote Smart' segment host discussed his views on underfunding of the Department of Conservation; complaint alleged comparing DoC and Crown Irrigation funding was inaccurate and misleading	Accuracy
2017-039	Haines	NZME Radio	Leighton Smith Show	Talkback host's comments about the complainant and Whanganui River's legal personhood allegedly derogatory and insulting to the complainant and to Māori people	Fairness, Discrimination and Denigration, Balance
2017-041	Taylor	TVNZ	1 News	Report on influx of refugees and migrants crossing border from United States of America to Canada to claim refugee status referred to a 'loophole' in the law; allegedly implied those crossing the border were 'taking advantage of a technicality'	Accuracy
2017-042	Smith	NZME Radio	Larry Williams Drive	Comments made about the complainant during a radio talkback show allegedly encouraged that he be subjected to torture	Good Taste and Decency, Law and Order
2017-043	Gibbs	RNZ	Sunday Morning	Interviewee's comments on environmental policy and climate change issues, including Obama administration initiatives, allegedly unbalanced as only presented the 'progressive, liberal' perspective on climate change	Balance
2017-045	Ross	Māori Television	East West East: The Final Sprint	Film contained nudity and sexual material which was offensive and unacceptable, and should not have been shown at 8.30pm during the school holidays	Good Taste and Decency
2017-046	Waqanivala	Radio Voqa Kei Viti Aotearoa	Gospel Hour	Radio announcer's use of the term 'Tautaki' in her greetings to listeners allegedly caused division and unrest among Fijian listeners	Good Taste and Decency, Law and Order, Programme Information, Discrimination and Denigration, Balance, Accuracy, Privacy, Fairness
2017-047	Wyn-Harris	TVNZ	Sunday	Item titled 'The Price of Milk' followed reporter who visited two dairy farms; allegedly misleading, unbalanced and treated one farmer unfairly	Accuracy, Fairness, Balance

2017-048	Holland	MediaWorks TV	The AM Show	Number of items about Labour Party candidate Willie Jackson reported he was disappointed with his position on the Party list, as the Party leader had 'promised' Mr Jackson a top-10 position; allegedly inaccurate and unfair	Accuracy, Fairness
2017-049	Graham	RNZ	Playing with Fire	Broadcast of radio play, 'Playing With Fire', around the time of Port Hills fires in Christchurch allegedly in poor taste	Good Taste and Decency
2017-050	Edwards	MediaWorks TV	NewsHub	Coverage of Waitangi Day allegedly reflected the Government's desire to control the image of, and de-politicise, Waitangi Day and distorted events surrounding the previous Waitangi Day in 2016	Accuracy, Fairness
2017-051	Webber	TVNZ	Sunday	Item titled 'The Price of Milk' followed reporter who visited two dairy farms; complaint alleged the two farms were not representative of dairy farms in New Zealand, which was misleading, unbalanced, and unfair to the farmers involved and to the wider industry	Accuracy, Fairness, Balance
2017-052	Right to Life New Zealand	MediaWorks TV	The Nation	Item examined the arguments of those in support of amending the legislation governing abortions in New Zealand; allegedly unbalanced because it did not include arguments opposed to the law change and decriminalising abortion	Balance
2017-054	Keane	RNZ	Morning Report	Interview discussing drug testing of teachers and zero tolerance approach to cannabis use allegedly promoted the use of illegal drugs	Law and Order, Children's Interests
2017-056	McDermott	SKY	Peter Popoff Ministries	Religious programme allegedly 'fraudulent' and took advantage of viewers who may be misled by the programme	Accuracy
2017-057	Dandy	TVNZ	MMA: One Championship Weekly	Mixed martial arts highlights and commentary programme contained fight footage; allegedly offensive and inappropriate for broadcast on a Saturday morning when children may be watching unsupervised	Good Taste and Decency, Children's Interests, Violence
2017-058	Cowan	MediaWorks TV	NewsHub	Item on upcoming Government review of KiwiRail's operational and funding models allegedly unbalanced and unfair to KiwiRail	Balance, Fairness
2017-059	Moore	MediaWorks TV	NewsHub	Item showed footage of kidnapped woman chained by neck; allegedly inappropriate and required stronger warning	Good Taste and Decency, Children's Interests, Violence, Privacy
2017-060	Matthewson	NZME Radio	Sportstalk	Host made derogatory comments about Lions rugby team and allegedly encouraged the players to get injured	Good Taste and Decency, Discrimination and Denigration, Balance



DECISION NUMBER	COMPLAINANT	BROADCASTER	PROGRAMME	NATURE OF COMPLAINT	STANDARDS COMPLAINED UNDER
2017-061	Basham	MediaWorks TV	The Project	Item featuring Muslims in New Zealand discussing their views on Islamic extremism included short sound clip of interview with the complainant; allegedly misrepresented his reasons for leaving Islam	Accuracy
2017-064	Shore	TVNZ	Breakfast	Sports presenter's comment, 'they don't have very good humour the British, do they?' allegedly offensive, racist and untrue	Good Taste and Decency, Discrimination and Denigration, Balance, Accuracy
2017-065	Curtis	TVNZ	National Party Election Programme	Election programme complaint – National Party campaign advertisement allegedly misleading in that it implied the National Party was only a single party in Government	Misleading Programmes
2017-066	Anderson	NZME Radio	Overnight Talk	Caller's remarks comparing Green Party co-leader's resignation to a 'smelly fart' allegedly demeaning and derogatory	Discrimination and Denigration
2017-067	Diprose	TVNZ	Seven Sharp	Presenter's comments that there was 'no charging network' for electric vehicles in New Zealand, and that the cost of EVs was 'too high' allegedly inaccurate	Accuracy
2017-068	Esler	MediaWorks Radio	Afternoons with Wendy Nissen	Host's comment that 'there was a crunch', referring to the discovery of murder victim's bones, allegedly in poor taste and disrespectful	Good Taste and Decency
2017-070	Rameka	Māori Television	Ban 1080 Party Election Programme	Election programme complaint – Ban 1080 Party campaign advertisement allegedly made misleading and inaccurate statements about use and effects of 1080 poison	Accuracy, Distinguishing Factual Information from Opinion or Advocacy, Good Taste and Decency, Fairness, Balance
2017-071	Lupton	Māori Television	Ban 1080 Party Election Programme	Election programme complaint – Ban 1080 Party campaign advertisement allegedly made misleading and inaccurate statements about use and effects of 1080 poison	Accuracy, Distinguishing Factual Information from Opinion or Advocacy
2017-072	Cullen	TVNZ	National Party Election Programme	Election programme complaint – National Party campaign advertisement allegedly misleading in relation to Labour's alleged tax policies	Distinguishing Factual Information from Opinion or Advocacy
2017-074	Brown	MediaWorks TV	National Party Election Programme	Election programme complaint – National Party campaign advertisement allegedly misleading in relation to Labour's alleged tax policies	Distinguishing Factual Information from Opinion or Advocacy
2017-075	McCraw	Puketapu Radio	Song, '(I Wanna Be) Your Underwear'	Song lyrics allegedly in poor taste	Good Taste and Decency
2017-077	Cherry	MediaWorks Radio	Jono, Ben & Sharyn	Host's reference to television channel as 'the wanker channel' allegedly inappropriate and offensive	Good Taste and Decency, Children's Interests
2017-078	Judge	TVNZ	Seven Sharp	Presenter Mike Hosking's interview with Jacinda Ardern the day she became leader of the Labour Party allegedly unbalanced and inaccurate	Balance, Accuracy
2017-079	Garrett	RNZ	Checkpoint	Interview with former Green Party co-leader allegedly unbalanced	Balance

2017-080	Lough	TVNZ	1 News	Interview with farmer who used the expression 'for Christ's sake' to express frustration with handling of cattle disease outbreak, in defence of farm owners; allegedly offensive and unacceptable during children's viewing times	Good Taste and Decency, Children's Interests
2017-081	Gregory	NZME Radio	Radio Sport Weekender	Host made comments about 'Jacinda Ardern's optimism' and 'how do you pay for it all' immediately following broadcast of Labour Party election advertisement; allegedly political editorialising which was unacceptable	Fairness, Balance
2017-082	Thomas	SKY	Ban 1080 Party Election Programme	Election programme complaint – footage of deer allegedly killed by 1080 poison inappropriate for broadcast at 5.20pm during G-rated fishing programme	Election Programmes Subject to Other Codes, Good Taste and Decency
2017-084	Jack	MediaWorks TV	The Project	Comments by host Jesse Mulligan allegedly encouraged discrimination and denigration by suggesting homosexuality is shameful and should be kept a secret	Discrimination and Denigration
2017-085	Edwards	MediaWorks TV	Newshub Leaders Debate	Political commentator's comments that Jacinda Ardern was 'not telling the truth' and 'refusing to tell' New Zealanders about Labour's tax plans allegedly biased and unfair as Ms Ardern was not given an opportunity to respond	Balance, Fairness
2017-087	Boyce	MediaWorks TV	The Project	Interview with 'political consultant and former National [Party] staffer' about election results allegedly biased and misleading by suggesting the interviewee was an 'independent political commentator'	Balance, Accuracy
2017-088	Lee	RNZ	Morning Report	Programme's brief account of events at Rangiaowhia allegedly unbalanced and inaccurate	Balance, Accuracy
2017-089	Miller	MediaWorks TV	Newshub	Political reporter stated National Party's claim that Labour would increase tax if elected was a 'lie'; allegedly unfair and biased	Balance, Fairness
2017-090	Kear	TVNZ	1 News Vote 17 Leaders Debate	During leaders debate Mike Hosking used the phrase 'for God's sake' when questioning Bill English about fuel crisis in Auckland	Good Taste and Decency
2017-091	Frewen	MediaWorks TV	Newshub	Political reporter's item about overpayment of Rt Hon Winston Peters' pension allegedly unbalanced and unfair	Balance, Fairness, Programme Information
2017-092	Scott	MediaWorks TV	Newshub	Political reporter stated National Party was 'deliberately spreading misinformation' about Labour's income tax policy; allegedly unbalanced and deliberately misled the public	Balance, Accuracy
2017-093	Stewart	TVNZ	Paula	Programme allegedly contained offensive language	Good Taste and Decency
2017-094	Anderson	MediaWorks Radio	The Edge Fresh 40	Hosts referred to 'Mark Hunt' and 'Mike Hunt'; implied use of allegedly offensive language	Good Taste and Decency, Children's Interests



DECISION NUMBER	COMPLAINANT	BROADCASTER	PROGRAMME	NATURE OF COMPLAINT	STANDARDS COMPLAINED UNDER
2017-095	JNJ Management	RNZ	Checkpoint	Item about safety of Auckland's Sky World building allegedly breached owner's and employees' privacy	Privacy
2017-096	Sandbrook	MediaWorks Radio	Song, 'Fire Water Burn'	Song lyrics allegedly offensive and inadequately censored	Good Taste and Decency
2017-097	Ministry of Social Development	RNZ	Morning Report	Interview about Citizens Advice Bureau's experience helping the public with income support applications allegedly unbalanced, inaccurate and unfair as Ministry was not given an opportunity to comment	Balance, Fairness, Accuracy
2017-098	Crunkhorn	RNZ	Midday Report	Item on rising dairy and butter prices allegedly breached accuracy standard by stating animal fats are no longer linked with heart disease	Balance, Accuracy
2017-099	Hurley	RNZ	Nine to Noon	Allegedly inaccurate comment regarding increasing immigration level counteracting population ageing	Accuracy
2017-102	Hadley	TVNZ	1 News	Item leading up to UN Climate Change Conference allegedly unbalanced as it did not refer to New Zealand's high per capita greenhouse gas emissions	Balance
2017-103	Burrows	TVNZ	Breakfast	Discussion about gender pay gap in New Zealand allegedly unbalanced as it did not present alternative perspectives on the existence of the gender pay gap, or its causes	Balance
2017-104	Leniston	RNZ	Nine to Noon	Discussion about recent book by Donna Brazile and details regarding the Democratic National Party primary elections allegedly unbalanced and misleading	Balance, Accuracy
2017-105	McCreedy	RNZ	RNZ News	Item allegedly inaccurate and misleading regarding cycle campaigner's stance on mandatory helmet legislation	Accuracy
2017-106	Frewen	TVNZ	Seven Sharp	Item discussed the case of a woman and an offensive message which was sent to her by a City Councillor; image of sign, 'Jesus is cuming' potentially offensive to Christians	Good Taste and Decency
2018-001	Parlane	MediaWorks Radio	Morning Talk with Mark Sainsbury	Caller discussed on air her divorce and Family Court proceedings; broadcaster allegedly condoned breaking the law by allowing the caller to divulge information suppressed by the Court	Law and Order
2018-003	Johnson	RNZ	Morning Report	Host said 'WTF' in interview with GNS seismologist about earthquake event; allegedly offensive and unacceptable	Good Taste and Decency
2018-004	FV	TVNZ	1 News	Item reporting on road toll deaths allegedly breached complainant's husband's privacy	Privacy
2018-006	Richards	RNZ	Go Ahead Caller	Episode of satirical series allegedly contained offensive language	Good Taste and Decency
2018-007	Christensen	TVNZ	1 News	Discussion about expanding Chinese economy on global carbon dioxide levels included statement that 'the gas traps heat in the atmosphere'; allegedly inaccurate and unbalanced	Accuracy, Balance, Law and Order

2018-008	Beckers	RNZ	Morning Report	During discussion about ACT MP David Seymour's End of Life Choice Bill, Mr Seymour allegedly made inaccurate comments about euthanasia laws around the world	Accuracy
2018-009A	Leyland	TVNZ	1 News - 6 November 2017	Climate change item allegedly unbalanced and inaccurate in reporting sea level rises in Fiji and Kiribati	Accuracy, Balance
2018-009B	Leyland	TVNZ	1 News - 7 November 2017	Climate change item allegedly unbalanced and inaccurate in reporting sea level rises in Fiji and Kiribati	Accuracy, Balance
2018-009C	Caughey	TVNZ	1 News - 6 November 2017	Climate change item allegedly unbalanced and inaccurate in reporting sea level rises in Fiji and Kiribati	Accuracy, Balance
2018-011A	Loder	MediaWorks Radio	Afternoons with Wendy Nissen	Interview with Police Association president about increase in police being threatened with firearms allegedly unbalanced, inaccurate and unfair to shooters	Balance, Fairness
2018-011B	Dennis	MediaWorks Radio	Afternoons with Wendy Nissen	Interview with Police Association president about increase in police being threatened with firearms allegedly unbalanced, inaccurate and unfair to shooters	Accuracy, Balance
2018-012	Foreman	NZME Radio	The Country	Interviewer's comments allegedly offensive in interview with Prime Minister Jacinda Ardern	Good Taste and Decency, Discrimination and Denigration
2018-013	Cape	RNZ	Saturday Morning	Interview with Dr Don Brash about use of te reo Māori allegedly unbalanced and unfair to Dr Brash	Balance, Fairness, Discrimination and Denigration, Good Taste and Decency
2018-014	Neumegen	MediaWorks Radio	Polly & Grant for Breakfast	Discussion about 'the last places on Earth with no internet' allegedly inaccurate, discriminatory and in poor taste	Accuracy, Good Taste and Decency, Discrimination and Denigration
2018-015	Evans	TVNZ	1 News	Item about seismic testing allegedly unbalanced and inaccurate as it reported Greenpeace's views about risks to marine life as fact	Accuracy, Balance
2018-017	Parlane	MediaWorks Radio	Overnighter	During talkback discussion about upcoming referendum on legalising cannabis host expressed strong view in favour of decriminalisation; allegedly inaccurate, unbalanced and undermined law and order	Accuracy, Balance, Law and Order, Good Taste and Decency, Fairness, Programme Information, Discrimination and Denigration
2018-018	Cape	MediaWorks TV	The AM Show	Panel discussion with Dr Don Brash about use of te reo Māori allegedly unbalanced and unfair to Dr Brash	Fairness, Balance, Good Taste and Decency, Discrimination and Denigration
2018-019	Holding	TVNZ	Shortland Street	Character allegedly said 'f***ing'; closed captions suggested he said 'freaking'	Good Taste and Decency
2018-021	Golden	RNZ	Nine to Noon	Discussion about potential Reserve Bank Governor appointment allegedly inaccurate	Accuracy
2018-023	Maher	TVNZ	1 News Coming Up teaser	Newsreader's statement in news teaser referring to 'research showing C-section babies face long-term health issues' allegedly sensationalist and misleading	Accuracy, Good Taste and Decency, Programme Information
2018-024A	Ockey	TVNZ	National Treasure - 16 January 2018	Allegedly offensive language and content in series about a fictional comedian accused of historical sexual abuse	Good Taste and Decency, Children's interests
2018-024B	Ockey	TVNZ	National Treasure - 23 January 2018	Allegedly offensive language and content in series about a fictional comedian accused of historical sexual abuse	Good Taste and Decency, Children's interests



DECISION NUMBER	COMPLAINANT	BROADCASTER	PROGRAMME	NATURE OF COMPLAINT	STANDARDS COMPLAINED UNDER
2018-026	FJ	MediaWorks Radio	Saturday Drive Show	George FM announcer made remarks about the complainant regarding a past incident, where the announcer allegedly saw the complainant engaging in certain activities	Accuracy
2018-027	Grieve	RNZ	Saturday Morning	During interview with Dr Don Brash about the use of te reo Māori, the host allegedly incorrectly quoted Dr Brash with reference to a past speech	Accuracy
2018-028A	Brill	TVNZ	1 News - 8 January 2018	Item about NIWA report and severe flooding briefly referred to climate change; allegedly inaccurate and unbalanced	Accuracy, Balance
2018-028B	Brill	TVNZ	1 News - 12 January 2018	Item about clean-up efforts on West Coast following severe weather briefly referred to climate change; allegedly inaccurate and unbalanced	Accuracy, Balance
2018-029	Dennis	MediaWorks TV	The Project	Reported number of firearms imported into New Zealand allegedly inaccurate; broadcaster should have used NZ Police data rather than Police Association data	Accuracy
2018-030	Vero Insurance	TVNZ	1 News	Item reported on protest regarding outstanding Christchurch earthquake insurance claims; allegedly unbalanced, inaccurate and unfair	Balance (Action Taken), Fairness (Action Taken), Accuracy
2018-031	Stewart	TVNZ	1 News	Footage of President Trump during item about corruption charges against Israeli Prime Minister Benjamin Netanyahu; allegedly unfairly implicated President Trump	Fairness

Declined to determine

Under section 11 of the Broadcasting Act 1989, the BSA may decline to determine a complaint if it considers that, a) the complaint is frivolous, vexatious or trivial, or b) in all the circumstances of the complaint, it should not to be determined.

DECISION NUMBER	COMPLAINANT	BROADCASTER	PROGRAMME	NATURE OF COMPLAINT	STANDARDS COMPLAINED UNDER	REASON
2017-062	Golden	RNZ	This Way Up	Interview with science journalist should have taken into account quality of life when referring to average life expectancy of New Zealand men and women	Accuracy	Section 11(a) – frivolous and trivial
2018-020	Hector	RNZ	The Panel	Interview with Prime Minister's partner Clarke Gayford; allegedly misleading as should have introduced him as her 'publicist' rather than her partner	Accuracy	Section 11(a) – frivolous and trivial

BSA jurisdiction considered

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

DECISION NUMBER	COMPLAINANT	BROADCASTER	PROGRAMME	NATURE OF COMPLAINT	FINDING	ORDER
ID2017-040	Ministry of Education	RNZ	Various	Interlocutory decision considering whether valid formal complaint was made by the Ministry to RNZ; broadcaster did not accept as a valid formal complaint	Accepted Jurisdiction – valid complaint made	Complaint directed back to broadcaster to consider
ID2017-063	HM	RNZ	Various	Interlocutory decision considering whether Authority had jurisdiction to accept and consider complaint about use of te reo Māori greetings during RNZ news bulletins and items; broadcaster did not accept as a valid formal complaint	Declined Jurisdiction – no valid complaint	-
ID2017-073	Golden	RNZ	Morning Report	Segment should have disclosed certain alleged conduct by investment banking firm referred to; broadcaster did not accept as a valid formal complaint	Declined Jurisdiction – no valid complaint	-
ID2018-005A	Golden	RNZ	Morning Report	Interlocutory decision considering whether Authority had jurisdiction to accept and consider complaint about discussion of New Zealand's high road toll and factors complainant considered ought to have been referred to; broadcaster did not accept as a valid formal complaint	Declined Jurisdiction – no valid complaint	-
ID2018-005B	Golden	RNZ	Nine to Noon	Interlocutory decision considering whether Authority had jurisdiction to accept and consider complaint about discussion of plane disappearance and omission of possible explanations complainant considered ought to have been included; broadcaster did not accept as a valid formal complaint	Declined Jurisdiction – no valid complaint	-

DIRECTORY

Members

Peter Radich *ONZM (Chair)*

Te Raumawhitu (Te Rau) Kupenga

Paula Rose *QSO*

Wendy Palmer

Staff

Belinda Moffat

Chief Executive

Patricia Windle

Legal Manager

Catie Murray

Legal Advisor

Nicole Hickman

Legal Advisor

Until July 2017

Jordan Hamel

Legal Advisor

From August 2017

Jessica Russell

Executive Office Manager

Until August 2017

Hayley Kinsey

Executive Office Manager

From September 2017

Anna Brow

Intern

March – November 2017

Gianina Schwanecke

Intern

January – August 2018

Robyn McAllister

Receptionist/Administrator (shared with NZ On Air)

BROADCASTING STANDARDS AUTHORITY
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