

Nicole Hickman

From: BSA <codereview@bsa.govt.nz>
Sent: Monday, 31 August 2015 4:54 p.m.
To: [REDACTED]
Subject: BSA Code Review feedback



Thanks

Thank you for making a submission to the Broadcasting Standards Authority about its code review.

The consultation period will close on **31 August 2015**.

After review and consideration of submissions, we will publish a summary of submissions on our website. You will be notified by email when this summary is available.

We welcome feedback about our public consultation process. If you would like to complete a short survey about how you found this process, please [click here](#).

Thank you for taking the time to consider our code review, and please email us at info@bsa.govt.nz with any questions.

Kind Regards,
BSA

Your Submission

Feedback Summary

Free-to-Air TV Code — Free-to-Air TV Code - Fairness

<http://bsa.govt.nz/code-review/133-free-to-air-tv-code/7773-free-to-air-tv-code-fairness>

The BSA needs to balance freedom of expression with the maintenance of broadcasting standards. In its decisions, the authority has understandably erred in the direction of freedom of expression. However, if a programme is allowed to include deceptive editing of its subject, that person's freedom of expression is chilled. There is good reason for the authority to be stricter when it comes to fairness in editing.

The new guideline 11f is a substantial weakening of 6b, which was already poorly enforced. Broadcasters are

now free to use deceptive editing to exaggerate their preferred narrative, as long as they claim that the "tenor" of the event and views was fairly reflected. Based on its past decisions, the BSA will allow wide editorial discretion as to what tenor a broadcaster chooses to reflect.

For example, I am very concerned that in decision 2015-024 paragraph [13] the authority states that it is willing to allow a broadcaster to edit in an "awkward silence" and considers that this sort of editorial dishonesty is not "significant".

The BSA needs to be more careful when considering complaints about the editing of broadcasts. If material has been unfairly edited, it ought to be standard practice to compare the edited excerpt to the original event. It should be obvious that by only considering the edited version it is not possible to make a fair comparison.

Free-to-Air TV Code — Free-to-Air TV Code - Accuracy

<http://bsa.govt.nz/code-review/133-free-to-air-tv-code/7771-free-to-air-tv-code-accuracy>

I am deeply concerned that you are removing guideline 5c that news must be impartial. It might make sense to move the guideline to another standard. Removing it from the code entirely is completely unacceptable.

The draft code provides no guidelines around the requirement that a broadcast "does not mislead". This is particularly troubling since, based on its decisions, the authority appears to have a very non-standard understanding of what makes a programme misleading.

Complainants might expect that if they provide the authority with a list of public figures who have been misled by a broadcast, then that list might convince the authority that the programme was misleading, or at the very least that the authority would address this evidence as part of their decision.

Free-to-Air TV Code — Free-to-Air TV Code - Good Taste and Decency

<http://bsa.govt.nz/code-review/133-free-to-air-tv-code/7763-free-to-air-tv-code-good-taste-and-decency>

The phrase "audience expectations of the channel and the programme" is basically a get out of jail free card for broadcasters like Paul Henry and Mike Hosking. This is codifying the special treatment some broadcasters already get, for example in decision 2015-039. The authority is saying that if a broadcaster is known for saying offensive things then you will allow them greater latitude to say offensive things. The authority should treat all broadcasters equally under this standard.

Free-to-Air TV Code — Free-to-Air TV Code - Balance

<http://bsa.govt.nz/code-review/133-free-to-air-tv-code/7770-free-to-air-tv-code-balance>

The new guidelines are now essentially a list of justifications that a broadcaster can use to excuse unbalanced coverage. This is especially worrying now that the BSA have removed guideline 5c specifying that news must be impartial.

One broadcaster has already expressed their view that their 6pm news bulletin does not need to be balanced so long as other points of view are available from other outlets. In this environment the BSA should be strengthening its guidelines, not weakening them.

Guidance — Complaints Process Step-by-Step

<http://bsa.govt.nz/code-review/135-guidance/7727-complaints-process-step-by-step>

The broadcaster's right to extend their decision to 40 days should be included in the step-by-step description.

Guidance — Guide to BSA Complaints Process for Television and Radio Programmes

<http://bsa.govt.nz/code-review/135-guidance/7726-guide-to-bsa-complaints-process-for-television-and-radio-programmes>

BSA decisions can take a very long time. Broadcasters will typically take their full allocation of 20 working days, and the authority takes too long to notify and publish a decision once one has been made.

The authority ought to consider whether it can expedite the process at its end, and whether it has any mechanisms available to encourage broadcasters not to abuse the legislated time limits.

Overall, how well does the draft codebook reflect your values and expectations for broadcasters?

very poorly

Overall, how easy is the draft codebook to understand?

difficult

Overall, how satisfied are you with the new draft codebook?

very dissatisfied

Final Comments

I am very disappointed that the BSA has used this review to weaken its guidance around broadcasting standards.

Publishing Rights

yes

Name

Peter Green