

Nicole Hickman

From: BSA <info@bsa.govt.nz>
Sent: Tuesday, 21 July 2015 9:50 a.m.
To: BSA Code Review
Cc: [REDACTED]
Subject: New Code feedback



New Code Review received:

Feedback Summary

Introduction & Commentary — Commentary On The Standards

<http://bsa.govt.nz/code-review/131-introduction-commentary/7794-commentary-on-the-standards>

Standard 1:

"The feelings of the particularly sensitive cannot be allowed to dictate what can be broadcast. However, there are limits, and the broad limit is that a broadcast must not seriously violate community norms of taste and decency."

This is unclear. It basically allows any complaint to be written-off as 'particularly sensitive'. If we are as "diverse" a society as the BSA claims in this section, then multiple worldviews should be accepted. You can not declare one 'particularly sensitive' without proper definition. If the BSA truly believes "there are limits" on decency, those limits should be made explicit.

To give an example, a recent complaint I made against this standard was not upheld, even though the BSA panel agreed with certain sections of the complaint. It does not make sense that a panel could agree with a complainant but choose not to uphold the complaint - you either agree the broadcast was indecent and uphold the complaint, or you disagree it was indecent.

Standard 6:

The bullet pointed factors at the end of this standard are unclear. A complainant cannot effectively weigh their argument against them when making a complaint, which leaves too much room for divergence from what the BSA require. In turn, this gives too much room for the BSA to reject a complaint and is not an effective use of a standard. They could read:

whether discriminatory language is used
whether the tone of the speaker was discriminatory
the forum in which the comments were made. For example, a breach during a serious political discussion or

news broadcast is more serious than a satirical piece

I also suggest the following addition:

whether the broadcast was intended to be discriminatory or denigrating in its design.

The BSA needs to include the design of broadcasts in its standard. Broadcasters are cleared of wrong-doing by making sure the exact wording of the broadcasts are not in breach of standards. Since the standards are not about speech used but the programme in its entirety, broadcast design and intention should be subject to complaint.

A recent complaint I submitted was not upheld despite illustrating very clearly that this standard had been breached. The broadcaster in question absolutely had discrimination in its very intention and the panel agreed with certain parts of that. It either is or isn't discriminatory. It does not make sense to reject a complaint you agree with.

Standard 8:

Ironically, this standard is not balanced. It is biased towards broadcasters. Firstly, it declares that it is okay for a programme not to take account of competing viewpoints if none can be sought. They can always be sought, and declaring this in the actual standard allows broadcasters to simply say they tried. Secondly, including a clause that allows broadcasters to correct balance over time does not at all fix the issue that initial non-balance creates. This allows a broadcaster, such as a news team, to concoct stories they know will create tension, and then use that tension to create subsequent stories. This is absolutely wrong. News is news, not fiction, and being balanced is part of the job.

"A number of criteria must be satisfied before the requirement to present significant alternative viewpoints is triggered." What criteria are they? This gives complainants little information for submitting a complaint. This section needs to be explicit - bullet points would help.

"This standard only applies to news..." This should be stated explicitly at its beginning. There is little benefit for a complainant in reading half of the standard only to find it is irrelevant to the programme they are complaining about.

"New Zealand public." The way this term is requires definition. My experience with BSA complaints suggests the New Zealand public excludes minority groups in broadcasting and thus complaints. There should be a reference here to the New Zealand public including all groups of society. This is balance.

The bullet points are helpful. They could be placed in all standards. However, they also need to include reference to the broadcast's design and intention. A broadcast can be unbalanced in design and intent, too.

Standard 9:

A clause needs to be added to show that subsequent broadcasts do not fix accuracy issues unless they are explicit apologies for earlier omissions. Currently, this standard allows the broadcaster to concoct stories and then use public reaction for subsequent stories. Recently I proved a broadcaster did this and the BSA chose not to uphold the complaint. However, even the panel noted it was wrong of the broadcaster to do so. If it's wrong, it's wrong, and it should be reflected in the Standards.

Standard 11:

This is an excellent standard in intent. However, there is one part that needs tightening up.

"Audience" here, is unclear as there are going to be different, diverse kinds of people watching a programme and thus different viewpoints need to be represented. A broadcaster cannot give preference to one member of its audience over another (that is not fair). If a complaint is received from one member of the audience but is fair to another, that is not automatic grounds for dismissal.

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

Overall, how easy is the draft codebook to understand?
easy

Overall, how satisfied are you with the new draft codebook?
neither satisfied nor dissatisfied

Final Comments

There is a bias towards broadcasters in the Standards. In my opinion, the Standards do two things:

- 1) they inform broadcasters how to act
- 2) they inform the public how to respond to broadcasts

The wording generally suggests to the public that the broadcaster can do anything without breaching practices. If that's the case, why even have them? This is unfair to viewers and listeners. They should be unbiased in totality.

The codebook is easy to understand and well-written. There are parts that need to be made more explicit but it is quite good

I think the BSA could consider adding a section on being a fair Treaty partner. This would teach broadcasters about acceptable broadcasting standards for all citizens, not just some.

Publishing Rights
yes

Name
Vincent Olsen-Reeder