

MAY 2011 EDITION

**ELECTION
PROGRAMMES
CODE OF BROADCASTING
PRACTICE**

**RĀRANGI
TIKANGA MĀ
NGĀ KAIPĀHO
MŌ NGĀ PĀNUI
I TE WĀ O TE PŌTI**

ENGLISH VERSION

CONTACTS

Election Programme Complaints (for television and radio)

Broadcasting Standards Authority

PO Box 9213

Wellington 6141

Phone: (04) 382 9508

Freephone: 0800 366 996

Fax: (04) 382 9543

Email: info@bsa.govt.nz

Web: www.bsa.govt.nz

Election Advertising Complaints (for printed and online material)

Advertising Standards Complaints Board

PO Box 10 675

Wellington 6143

Phone: (04) 472 7852

Freephone: 0800 234 357

Fax: (04) 471 1785

Email: asa@asa.co.nz

Web: www.asa.co.nz

Other Election Information

Electoral Commission

PO Box 3220

Wellington 6140

Phone: (04) 495 0030

Email: enquiries@elections.govt.nz

Web: www.elections.org.nz

INTRODUCTION

The Broadcasting Act 1989 requires every broadcaster to be responsible for maintaining in programmes and their presentation, standards which are consistent with matters such as good taste and decency, law and order, and privacy.

The Broadcasting Standards Authority (BSA) is responsible for administering the standards regime, determining formal complaints and encouraging broadcasters to develop and observe appropriate Codes of Broadcasting Practice.

The purpose of this Code of Broadcasting Practice is to emphasise important principles regulating the content of broadcast election programmes.

Under section 14 of the New Zealand Bill of Rights Act 1990, there is a right to freedom of expression. When the Authority makes decisions on complaints, it will consider and apply the New Zealand Bill of Rights Act.

About This Code

Election programmes are subject to the same broadcasting standards as other programmes.

Therefore, this Code should be read alongside the other Codes of Broadcasting Practice: Free-to-Air Television, Radio, and Pay Television. The Codes are available free from the Broadcasting Standards Authority and can also be downloaded from www.bsa.govt.nz

There is one exception to this: the requirement to present a range of significant viewpoints on controversial issues of public importance does not apply to election programmes (see section 79 of the Broadcasting Act).

In recognition of the special context of general elections, broadcasting standards such as fairness and accuracy will be applied to election programmes in a manner that respects the importance of free political expression and debate.

Complaints about election programmes are made directly to the BSA.

WHAT IS AN 'ELECTION PROGRAMME'?

'Election programme' means a programme that:

- encourages or persuades, or appears to encourage or persuade voters to vote, or not to vote, for a political party or the election of any person at an election; or
- advocates support for, or opposes, a candidate or political party; or
- notifies meetings held or to be held in connection with an election

(see section 69 of the Broadcasting Act)

Most election programmes are identifiable advertisements for political parties and/or candidates broadcast during an election period. They include opening and closing addresses.

'Election' means a general election or by-election for members or a member of the House of Representatives. Local body elections are not covered by this code.

Election programmes can only be broadcast during an 'election period' (the period beginning with writ day (the day an election is announced) and ending the day before polling day).

Election Advertising in Print and Online

Election advertising in non-broadcast media (such as print and online) is not covered by this code.

Complaints about non-broadcast election advertising should be made to the Advertising Standards Authority (see Contacts).

Other Information about Elections

Other information about the regulation of elections should be sought from the Electoral Commission (see Contacts).

GROUNDS FOR A FORMAL COMPLAINT

Formal complaints allege that the broadcaster has failed in its responsibility to maintain one or more of the following broadcasting standards:

STANDARD E1 – Election Programmes
Subject to Other Codes

STANDARD E2 – Distinguishing Factual
Information from Opinion
or Advocacy

STANDARD E3 – Denigration

STANDARD E4 – Misleading Programmes

STANDARD E5 – Opening and Closing
Address

How To Make a Formal Complaint

Formal complaints about an election programme must be:

- made in writing
- lodged directly with the BSA within 60 working days of the broadcast.

Formal complaints should specify:

- that the complaint is a formal complaint about an election programme
- the name of the programme
- the party or candidate featured in the broadcast
- the radio station or television channel where the broadcast featured
- the date and time of broadcast
- the standard(s), from the relevant Broadcasting Code and/or this Code, alleged to have been breached and the reasons why.

Copies of all broadcasting Codes are available from the BSA and from its website.

While complainants have 60 working days to lodge a complaint **the nature of election programmes means that complaints are most effectively brought as soon after the broadcast as possible.**

THE ELECTION PROGRAMMES CODE

The following standards apply to all election programmes broadcast in New Zealand.

THE STANDARDS

STANDARD E1 – Election Programmes Subject to Other Codes

An election programme is subject to all relevant provisions of the Codes of Broadcasting Practice for television and radio except for the requirement to present a range of significant viewpoints on issues of public importance.

Robust debate, advocacy and expression of political opinion are a desirable and essential part of a democratic society and broadcasting standards will be applied in a manner which respects this context.

STANDARD E2 – Distinguishing Factual Information from Opinion or Advocacy

An election programme may include debate, advocacy and opinion, but factual information should be clearly distinguishable from opinion or advocacy.

STANDARD E3 – Denigration

While an election programme may oppose a political party, or candidate, it may not include material which denigrates a political party or candidate.

STANDARD E4 – Misleading Programmes

An election programme may not imitate an existing programme, format or identifiable personality in a manner which is likely to mislead.

STANDARD E5 – Opening and Closing Address

A party opening or closing address must be clearly identifiable as a party political broadcast made by, or on behalf of, a specified political party.