

Media Release

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New research results show members of the public agree with the BSA's Fairness Standard decisions

The BSA has surveyed the public about whether they think the BSA's decisions on the broadcasting Fairness Standard are robust, and the results are released today.

The broadcasting Fairness Standard requires broadcasters to treat individuals and organisations taking part or referred to in a broadcast fairly. The BSA considers complaints from the public about whether NZ broadcasts have breached this standard and issues decisions on the findings.

56 members of the public from around New Zealand gave their opinion in focus groups.

They considered complaints about a tiler featured on the reality television programme, *The Block NZ: Villa Wars*, a politician in a news item on *Newshub*, and members of the public filmed during items on *Story* and *Seven Sharp*.

The majority of research participants agreed with the BSA's decisions on all four programmes, and an average of 90% of the participants rated the BSA's decisions as very good, good or acceptable.

Key themes raised by those who participated in the research include:

- *Fair treatment in broadcasting requires informed consent and/or informed participation in the preparation of any programme.* Participants were concerned about bystanders and/or members of the public being filmed and broadcast without their knowledge or consent, even if they were in a public place.
- *Individuals featured in a programme should be given an opportunity to comment for the programme or defend themselves.*
- *The task of balancing the broadcaster's right to freedom of expression against their obligation to avoid causing harm is a complex exercise for broadcasters and the BSA.* It is made more difficult by the fact that different people and different cultures may have different views of what is acceptable.
- The BSA is making the right decisions under the fairness standard, but the orders are too light and compensation should be awarded. (Note: the Broadcasting Act 1989 does not give the BSA power to make a monetary award for a breach of the fairness standard. Compensation can only be awarded for a breach of the privacy standard.)

BSA Chief Executive, Belinda Moffat, said:

“This research, which asks the public what they think about BSA decisions, is valuable to the BSA’s work. This report indicates that the Authority is making good decisions under the Fairness Standard which reflect community views. We appreciate it is only the views of a small group but the issues raised by this group reflect the guidelines in the broadcasting standards Codebook which we expect NZ broadcasters to comply with. The valuable thoughts and opinions provided in this research will assist the Authority in its future decision making.”

With respect to concerns that the powers of the BSA are too light, Ms Moffat said:

“The Authority can only make orders prescribed in the Broadcasting Act. This issue can only be redressed by legislative change. Our focus therefore is on ensuring that the Authority issues clear and robust decisions which can guide broadcasters to understand how the standards ought to apply.”

The full Litmus Testing Report 2018 is available [here](#). The key findings summary is available [here](#).

ENDS

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ABOUT THE BROADCASTING STANDARDS AUTHORITY

The BSA is an independent Crown entity that oversees the broadcasting standards regime in New Zealand. The BSA determines complaints that broadcasts have breached standards, undertakes research and oversees the development of broadcasting standards in consultation with broadcasters.

The Authority members are Peter Radich (Chair), Te Raumawhitu Kupenga, Paula Rose and Wendy Palmer.

This research tested Standard 11: Fairness of the Free-to-Air Television Code of Broadcasting Practice.

For more information see our website: www.bsa.govt.nz