

Media Release

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BSA releases two decisions about content viewed on YouTube

In two recent decisions the Broadcasting Standards Authority (**BSA**) has been asked to consider complaints about content on YouTube. The BSA found that it had the statutory power to consider one of the complaints, because the full content of the item had been previously broadcast on television. It was not able to consider the other complaint, as it related to a user-generated YouTube clip that only contained extracts from a broadcast programme, not the programme in full, and had been transmitted on the demand of a particular person.

The first decision concerned a video uploaded to YouTube by a third party that featured a woman's response to New Zealand media coverage of a recent visit from speakers Stefan Molyneux and Laura Southern. The YouTube clip included commentary from the third party producer of the item and clips from an episode of *The Project*, during which the hosts and guests discussed various issues relating to the visit, along with the woman's commentary on the content of the clips.

While the video contained clips of *The Project*, which had been broadcast on television, the BSA said that it did not have the statutory power to consider a complaint about this video because it had been edited and uploaded to YouTube by a third party. The Authority found that user-generated content provided on internet platforms, such as YouTube, is 'transmitted on the demand of a particular person', which is excluded from the definition of 'broadcasting' under the Act. As the complaint did not concern a 'broadcast', the Authority was unable to consider it.

The second decision related to a *Newshub* promo that stated 'over 3 million Kiwis [get their news from *Newshub*]'. The complainant initially viewed the promo on YouTube and complained to the broadcaster, MediaWorks, that the promo was inaccurate. MediaWorks accepted the complaint, despite the complaint referring to an online YouTube video, because it accepted the promo had been 'broadcast' in full on television. The complainant then referred his complaint to the Authority for review.

As the complaint concerned a promo which the broadcaster accepted had been broadcast in its entirety and unedited on television, the Authority was able to consider the complaint which was not upheld.

Under the Broadcasting Act 1989, the BSA can only consider complaints about content that has been aired by a broadcaster on radio or television, it cannot consider complaints about content that has been transmitted only online and on the demand of a particular person.

ENDS

For more information contact Catie Murray on 021 623 794.

FURTHER INFORMATION

The full decisions are available at <http://bsa.govt.nz/decisions/latest>.

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 who determined these complaints are Peter Radich (Chair), Paula Rose, Te Raumawhitu Kupenga and Wendy Palmer.

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