

# TELEVISION AND RADIO COMPLAINTS:

A guide for viewers and listeners

## By making formal complaints, viewers and listeners help to maintain broadcasting standards.

This guide explains the formal complaints process and the role of the Broadcasting Standards Authority (the BSA) in investigating and reviewing complaints made to broadcasters.

If you are concerned about the content of a television or radio programme, the law entitles you to complain and ensures that your complaint will be taken seriously.

### What can I complain about?

You can make a formal complaint about any programme that you consider has breached broadcasting standards. A programme is anything that has been broadcast on television or radio, including trailers for programmes. You can also complain about political advertising prior to a general election.

Please note that complaints about **advertisements** should be made to the Advertising Standards Authority, PO Box 10 675, Wellington, e-mail [asa@asa.co.nz](mailto:asa@asa.co.nz), web [www.asa.co.nz](http://www.asa.co.nz)

### What are 'the broadcasting standards'?

The broadcasting standards for radio and television programmes cover issues of:

- good taste and decency
- law and order
- balance
- fairness
- discrimination
- accuracy
- the privacy of the individual
- the protection of children
- violence
- the promotion of liquor
- programme classification
- programme information.

Detailed guidelines explaining the broadcasting standards are contained in Codes of Broadcasting Practice available from [www.bsa.govt.nz](http://www.bsa.govt.nz), or by phoning or writing to the BSA.

### How do I make a formal complaint?

If you want to make a formal complaint about a breach of broadcasting standards, you must first write to the broadcaster concerned. Address your complaint to the Chief Executive. The one exception is a complaint about a breach of privacy. This can be sent directly to the BSA's legal manager. You can lodge a written complaint using the form provided on the BSA's website [www.bsa.govt.nz](http://www.bsa.govt.nz), or by sending an email to the broadcaster concerned, or by post.

### A formal complaint must:

- be in writing (include the words 'formal complaint')
- be received by the broadcaster (or the BSA in the case of privacy complaints) within 20 working days of the broadcast complained about ('working days' excludes weekends, public holidays, and from Christmas Day until 15 January)
- include the name of the programme, the channel or station on which it was broadcast, and the date and time of the broadcast
- state which programme standard or standards you believe were breached
- state why you believe the programme breached the standard or standards.

When stating why you believe a programme breached a particular standard, it is helpful to use specific examples. For example, quote the language you found offensive, describe the actions you found in bad taste, or specify the comments you thought were unbalanced or unfair.

### When can I refer a complaint to the BSA?

The Broadcasting Act 1989 requires that the broadcaster respond to your complaint within 20 working days of receiving it.

If you are dissatisfied with the broadcaster's response, you have 20 working days to refer your complaint to the BSA for independent investigation and review.

If the broadcaster does not respond to you within 20 working days, you have up to 60 working days from the broadcast to refer your complaint to the BSA.

### What happens when I have referred my complaint to the BSA?

The BSA advises the broadcaster that a complaint has been referred to it, sends a copy of the referral to the broadcaster, and invites the broadcaster to respond.

The BSA sends you a copy of the broadcaster's response. If the broadcaster makes any further comment to the BSA, you will be invited to make a final comment.

The BSA's four authority members consider your complaint at a board meeting. They examine all the evidence, discuss your complaint, and decide whether or not to uphold it.

The BSA's usual practice is to consider written statements from the complainant and the broadcaster, although it can hold a hearing if necessary.

The BSA's written decision is sent to you and the broadcaster. It is also sent to the media and subscribers, and posted on the BSA's website.

When dealing with complaints about alleged breaches of privacy, the BSA is sympathetic to requests for name suppression.

If the BSA upholds a complaint, it may:

- order the broadcaster to publish a statement, for example a correction or a summary of the decision
- order the broadcaster to pay costs of up to \$5,000 to the Crown
- order the broadcaster to pay compensation of up to \$5,000 to a person whose privacy has been breached.

In the most serious cases, the BSA can order a broadcaster to stop broadcasting or to refrain from advertising for up to 24 hours.

The BSA's decisions can be appealed to the High Court. If a broadcaster appeals a decision to the High Court, the complainant is named as the other party but can choose not to take part in proceedings.



## Complaint Checklist

- Have you addressed your written complaint to the Chief Executive of the broadcaster concerned?
- Will the broadcaster receive your complaint within 20 working days of the broadcast?
- Does your written complaint include:
  - the name of the programme complained about?
  - the channel or station on which it was broadcast?
  - the date and time of the broadcast?
- Have you stated which standard or standards you believe were breached, and why?
- If your complaint is about a breach of privacy, have you sent it to the BSA within 20 working days of the broadcast?
- If you are dissatisfied with the broadcaster's response, have you referred the complaint to the BSA for investigation and review within 20 working days following receipt of the broadcaster's response?
- If the broadcaster has not responded to your complaint within 20 working days, have you referred the complaint to the BSA for investigation and review within 60 working days of the broadcast?

Broadcasting Standards Authority, Level 2, NZ Lotteries Commission Building  
 54-56 Cambridge Terrace, PO Box 9213, Wellington 6141, Phone: (04) 382 9508,  
 Fax: (04) 382 9543, Freephone: 0800 366 996, E-mail: info@bsa.govt.nz

## Addresses

Address your formal complaint to the Chief Executive of the broadcaster concerned.

### Television

#### TVNZ

PO Box 3819  
 AUCKLAND 1141  
 Phone: (09) 916 7000  
 Fax: (09) 916 6864  
 www.tvnz.co.nz

#### Maori Television

PO Box 113-017  
 Newmarket  
 AUCKLAND 1149  
 Phone (09) 539 7000  
 Fax (09) 539 7199  
 www.maoritelevision.com

#### TV3 and C4

CanWest TVWorks  
 Private Bag 92 624  
 AUCKLAND 1150  
 Phone: (09) 377 9730  
 Fax: (09) 366 5999  
 Freephone: 0800 888 4733  
 www.tv3.co.nz  
 standardscommittee@canwest.co.nz

#### Prime Television

PO Box 9059  
 Newmarket  
 AUCKLAND 1149  
 Phone: (09) 579 9999  
 Fax: (09) 579 8355  
 Freephone: 0800 759 759  
 www.primetv.co.nz

#### Sky Television

PO Box 9059  
 Newmarket  
 AUCKLAND 1149  
 Phone: (09) 579 9999  
 Fax: (09) 579 8355  
 Freephone: 0800 759 759  
 www.skytv.co.nz

### Radio

For broadcasts by Radio New Zealand National or Radio New Zealand Concert, your formal complaint should be sent to:

The address of a commercial radio station may be obtained from the station itself or from:

#### Radio New Zealand

PO Box 123  
 WELLINGTON 6140  
 Phone: (04) 474 1999  
 Fax: (04) 474 1459  
 www.radionz.co.nz

#### Radio Broadcasters Assn

PO Box 3762  
 AUCKLAND 1140  
 Phone: (09) 378 0788  
 Fax: (09) 378 8180  
 www.rba.co.nz

Links to other media organisations can be found on [www.bsa.govt.nz](http://www.bsa.govt.nz)

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