BSA (Broadcasting Standards Authority, NZ)

<https://bsa.govt.nz/>

Code of Conduct for Broadcasters

NB: These are excerpts taken from the Code of Conduct. Please be aware that there are specific codes for radio, free-to-air television and pay television.

You can find the complete codebook here:

<https://bsa.govt.nz/images/codebook/160304_12_BSA_CODE_OF_CONDUCT_BOOK_FINAL.pdf>

STANDARD 8 – BALANCE

When controversial issues of public importance are discussed in news, current affairs or factual programmes, broadcasters should make reasonable efforts, or give reasonable opportunities, to present significant points of view either in the same programme or in other programmes within the period of current interest.

Guidelines

8a

For the standard to apply, the subject matter must be an issue ‘of public importance’, it must be ‘controversial’ and it must be ‘discussed’ in a news, current affairs or factual programme.

8b

No set formula can be advanced for the allocation of time to interested parties on controversial issues of public importance.

8c

News, current affairs and factual programmes broadcast on foreign pass-through channels, over which the broadcaster retains no (or little) editorial control, are not required to be balanced by the broadcaster.

8d

The assessment of whether a reasonable range of other perspectives has been presented includes consideration of the following, where relevant:

• the programme’s introduction and the way in which the programme was presented,

for example:

* whether the programme purported to be a balanced examination of an issue
* whether the programme was clearly signalled as approaching a topic from
* a particular perspective (eg, authorial documentaries, public access and
* advocacy programmes, partial or politically aligned programmes)
* whether the programme was narrowly focused on one aspect of a larger, complex
* debate

• the nature of the discussion (was it a serious examination of an issue, or was the issue

raised in a brief, humorous or peripheral way)

• the nature of the issue/whether viewers could reasonably be expected to be aware of views expressed in other coverage, including coverage in other media (eg, is it an ongoing topic of debate, such that viewers can reasonably be expected to have a broad understanding of the main perspectives on the issue)

• the likely expectations of the audience as to content

• the level of editorial control of the broadcaster over the programme content (eg, in foreign pass-through channels).

STANDARD 9 – ACCURACY

Broadcasters should make reasonable efforts to ensure that news, current affairs and factual programming:

• is accurate in relation to all material points of fact

• does not mislead.

Guidelines

9a

This standard does not apply to news, current affairs and factual programmes broadcast on foreign pass-through channels, over which the broadcaster retains little or no editorial control.

9b

The requirement for accuracy does not apply to statements which are clearly distinguishable as analysis, comment or opinion, rather than statements of fact.

9c

The standard is concerned only with material inaccuracy. For example, technical or unimportant points unlikely to significantly affect the audience’s understanding of the programme as a whole are not material.

9d

In the event that a material error of fact has occurred, broadcasters should correct it at the earliest appropriate opportunity.

9e

The assessment of whether the broadcaster has made reasonable efforts to ensure accuracy includes consideration of the following, where relevant:

• the source of material broadcast (eg, whether the programme is produced by a reputable organisation or relies on an authoritative expert)

• whether the broadcast was live or pre-recorded

• whether there was some obvious reason to question the accuracy of the programme

content before it was broadcast

• whether the broadcaster sought and/or presented comment, clarification or input

from any relevant person or organisation

• the extent to which the issue of accuracy was reasonably capable of being determined by the broadcaster.

STANDARD 10 – PRIVACY

Broadcasters should maintain standards consistent with the privacy of the individual.

Guidelines

10a

The privacy standard applies only to identifiable individuals. In some cases an individual may be identifiable even if they are not named or shown.

10b

Broadcasters should not disclose private information or material about an individual in

a way that is highly offensive to an objective reasonable person in the position of the person affected.

10c

There must be a reasonable expectation of privacy in relation to the information or material disclosed. Factors to consider include, but are not limited to, whether the information or material is not in the public domain; and/or it is intimate or sensitive in nature; and/or the individual could reasonably expect it would not be disclosed.

10d

A person will not usually have a reasonable expectation of privacy in relation to matters in the public domain. In some circumstances, there may be a reasonable expectation of privacy in relation to such information or material even though it is in the public domain.

10e

Broadcasters should not intentionally intrude upon a person’s reasonable expectation of solitude or seclusion in a way that is highly offensive to an objective reasonable person in the position of the person affected.

10f

It is a defence to a privacy complaint to publicly disclose matters of legitimate public interest. The level of public interest must be proportionate to the seriousness of the breach of privacy in order for the defence to apply.

10g

It is not a breach of privacy where the person concerned has given informed consent to the disclosure or intrusion. A parent or guardian, or other person aged 18 or over in loco parentis (standing in the shoes of the parent or guardian), can consent on behalf of a child under the age of 16 years, but the broadcaster must be satisfied that the broadcast is not contrary to the best interests of the child.

STANDARD 11 – FAIRNESS

Broadcasters should deal fairly with any person or organisation taking part or referred to in any broadcast.

Guidelines

11a

This standard will usually only apply where broadcasts have been locally produced by or on behalf of the broadcaster.

11b

A consideration of what is fair will depend on:

• the nature of the programme (eg, news and current affairs, factual, dramatic, comedic

or satirical)

• the public interest in the broadcast

• the target and likely audience

• audience expectations

• whether the programme was live or pre-recorded.

11c

Participants and contributors should be informed, before a broadcast, of the nature of the programme and their proposed contribution, except where justified in the public interest, or where their participation is minor in the context of the programme.

11d

Whether informed consent was required or has been obtained from a participant or a contributor may be a relevant consideration in determining whether that participant or contributor was treated fairly (guidance on what constitutes ‘informed consent’ is found in the privacy guidance at the back of this Codebook).

11e

If a person or organisation referred to or portrayed in a broadcast might be adversely affected, that person or organisation should usually be given a fair and reasonable opportunity to comment for the programme, before a broadcast. What is ‘fair and reasonable’ will depend on the circumstances.

11f

Doorstepping an individual or organisation as a means of obtaining comment will normally be unfair, unless all legitimate and reasonable methods of obtaining comment have been exhausted.

11g

Edited excerpts should fairly reflect the tenor of the overall events or views expressed.

11h

Broadcasters must not broadcast information obtained by misrepresentation or deception (including by hidden camera or covert recording device), except where justified by the public interest.

11i

Individuals, and particularly children and young people, featured in a programme should not be exploited, humiliated or unfairly identified.

11j

Where programmes deal with distressing circumstances (eg, grief and bereavement) broadcasters should show discretion and sensitivity.