

16 April 2021

Hon Kris Faafoi
Office of the Minister for Broadcasting, Communications and Digital Media
Parliamentary Buildings
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By Email

Kia ora Minister

Broadcasting Standards Authority (BSA): Response to Letter of Expectations

We refer to your letter of 10 March 2021, setting out your expectations for the BSA in 2021/22.

Below we detail how we intend to contribute to the sector and respond to your expectations. We also outline the BSA's key strategic challenges and opportunities. This response is consistent with the themes identified in our BIM, SPE and SOI.

Overview – Contribution to Sector Outcomes & Public Media Objectives

We intend to contribute to the three sector priorities identified by:

- Connecting with our diverse communities to ensure they are aware of the standards and the services we offer.
- Promoting a healthy and safe broadcast environment, where audiences can engage safely with media content.
- Working with a wide range of broadcasters and audiences to provide better education about the standards.
- Providing value for money with the resources at our disposal.
- Working smartly with other entities in the sector to achieve the best outcomes.
- Helping ensure there is more diversity on our board.

In response to your specific expectations for the BSA in 2021/22 our focus will be on:

- Giving New Zealanders the information they need to make good decisions about the content they consume. Self-regulation is an important part of harm prevention. To aid this, we will be completing our code review, in which audiences, broadcasters and stakeholders will play a pivotal role. The purpose is to ensure that the standards are fit for the modern media environment.
- We need to be very good at our core job - maintaining an effective and responsive quality complaints service and addressing the high number of complaints and enquiries. We will deliver robust, well-reasoned, timely and

relatable decisions with the appropriate level of resource. These will include and reflect the voices of New Zealand's diverse society.

- Working collaboratively – while we are an independent regulator we know change only comes through working with others. Developing and maintaining our relationships with numerous stakeholders, including other similar bodies, the community, Ministry of Culture and Heritage and broadcasters, is key.
- Ensuring that our engagement, education and external communications are appropriate and help audiences and broadcasters access and understand the system.
- Our research programme will continue to provide independent critiques of our decisions and help us understand the public's attitude to the standards.
- We continue to review how we operate, and provide value for money, and will be making some further changes in the next year.
- Actively contributing to the work of policy officials reviewing content regulation. This includes working with similar entities and broadcasters to ensure the best result for audiences, outlets and free speech with harm.
- Given the major changes facing the board over the next six months, it would like to recommend that the completion of an independent evaluation of its governance practices is delayed from November this year until at least June 30, 2022. This will give the new board a chance to bed in first.

Key Strategic Challenges and Opportunities

Content regulation

We continue to support a refreshed regulatory system which makes more sense to audiences and matches their media habits. One that is platform agnostic, future-proofed and empowers New Zealanders to make good choices and be protected from harm. The BSA has offered to work collaboratively with similar entities, officials, broadcasters, and new platforms to achieve this change. There is near universal support for it. Such a move would be a boon at a time the Government is not only looking for better ways to address harms, but also how to support stronger public media and the sector more generally. We believe there remains a great risk that change continues to be ad hoc and further fragmentary, as highlighted by the CVOD legislation and the now Urgent Interim Classification of Publications and Prevention of Online Harm Amendment Bill.

Increasing complexity and quantity of complaints

We, and broadcasters, continue to witness an increase in complexity and quantity of complaints. While we have been working more efficiently, the complex cases require careful consideration and increased time and resource. Often, these involve aspects of New Zealand's diverse culture which need greater understanding and expert advice. We believe there is an opportunity for us to help reduce harm here, and make more communities aware of the standards system, by improving our engagement and outreach. There is no doubt that one of COVID-19's impacts has been to create a more febrile atmosphere where complaints flourish. It is placing pressure on regulators and the regulated.

Broadcasting Standards

The BSA is focused on ensuring broadcasting standards reflect contemporary society. As mentioned, in 2021/22 we will complete a collaborative review of our Codebook. This includes a survey of all broadcasters, stakeholders and seeking feedback from audiences. We will also be testing recent decisions with focus groups and completing a comparison with similar jurisdictions here and overseas. Doing this will ensure we have a Codebook which reflects the values, attitudes and expectations of our diverse liberal democratic society. It will also provide excellent research and information which we would feed into a regulatory review.

Finances

The economic situation for broadcasters remains complex. Long term trends which existed before COVID-19 will continue and may accelerate. Levy returns will likely maintain their downward trend. It's another argument for change in the regulatory sector and likely presents an opportunity to spread the cost of the system over more platforms. In the meantime, while forecasting a deficit in the coming year, we continue to hold healthy reserves and are always weighing up our costs.

Co-regulatory Environment

We have a big focus on further developing our relationships with the broadcasting sector, MCH and DIA, other similar bodies (including the ASA, NZ Media Council, Internet NZ, NetSafe, Internet NZ, the Office of Film and Literature Classification and the Human Rights Commission) and a broad range of interested groups and platforms. It's part of working collaboratively to achieve the best outcomes for audiences.

We are working well, and in new ways, to deliver a system which benefits the wellbeing of New Zealanders and protects the right to free speech without harm - an absolute core of our democracy.

Yours sincerely



Judge Bill Hastings
Chair
Broadcasting Standards Authority

CC Glen Scanlon, Chief Executive – BSA
E-Lyn Tan, MCH