

12 March 2024

John McLean  
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Dear John McLean

Further to your email received 20 February we wish to advise the Complaints Committee has completed its enquiry into your formal complaint about *1News* shown on 19 February on TVNZ 1.

Your complaint has been considered with reference to Standard 5 of the Free-to-Air Television Code of Broadcasting Practice.

### The Decision

The Complaints Committee has not identified any breach of the relevant standard and accordingly declines to uphold your complaint. The reasons for this decision are discussed below.

### The Programme

*1News* on 19 February discussed the results of the year's first *1News Verian* poll. The results are described in the introduction as *it's good news for National, who have seen a popularity boost, alarm bells are now ringing for Labour Leader Chris Hipkins. Meanwhile, a minor party has registered one of its best results ever in our polls.*

During this *kōrero* about the poll the Deputy Political Editor says *National still the crowd favourite, up one point, sitting at 38%. Christopher Luxon's cool head during the treaty debate paying off. Labour's steady on 28% - a false sense of security. the party hasn't capitalised on the coalition's chaotic start...*

Following this the Deputy Political Editor discusses the coalition government's start.

Christopher Luxon says *I'm very proud of the start the coalition government's made. We've got a very good plan for the first 100 days.*

The Deputy Political Editor *In reality the first 100 days of the coalition have been chaotic. New Zealand First scrapping smoke free laws, ACT introducing the Treaty Principles Bill, and a coalition breakdown over policing numbers causing big headaches.*

Christopher Luxon *well I mean like anything there's compromise within a Caucus, within an existing Party, let alone between Parties and so that's part of the process...*

Deputy Political Editor *Christopher Luxon is in danger of becoming the 'compromise king.' The first red flag perhaps, agreeing to have two deputy Prime Ministers... He's adamant the tail isn't wagging the dog.*

Christopher Luxon not at all, no we're very constructive in the sense we are united about the big things that are about driving our government forward.

Chris Hipkins I think people are a bit concerned about the shaky start that they've had ... (the discussion turns to Chris Hipkins' poor result in the poll, and the Labour Party) ... polls fluctuate,

Deputy Political Editor Chris Hipkins still desperately in denial even as his personal popularity as preferred Prime Minister crashes through the floor.

Chris Hipkins naturally I'd love it to be higher, but I also accept that I'm not the Prime Minister ...

Deputy Political Editor Labour and its leader have been dormant, licking their wounds and lapping up a long summer.

Chris Hipkins people are quite happy to see politicians take a bit of a back seat for the summer break.

Deputy Political Editor but when the break should have been over the party couldn't even be bothered holding its January caucus retreat, failing to pounce on prime political turmoil from the Greens and the government.

Chris Hipkins well we're going to be setting out in due course, you know, a refreshed line-up for the Labour Party, a refreshed platform for the Labour Party. Some new ideas and some new thinking ...

In the live studio discussion, the Deputy Political Editor talks about the position for Labour and the Greens saying this (the poll results) is a major problem for Chris Hipkins he's been caught sleeping at the wheel, snoozing under the summer sun, and the problem is if he doesn't turn that around people will forget who he is and that will make his job a lot harder. Now critically it also opens up an opportunity for the Greens to become the default party on the left. Chloe Swarbrick has made abundantly clear that she is keen on doing that. Labour is set to have its delayed caucus retreat next month so that will be the prime opportunity for Labour to rev itself up and get its head back in the game.

Talking about Nation she then says certainly yesterday's state of the nation speech by Christopher Luxon was him giving the country a bit of the boot up the backside and let's be honest we all need that from time to time. The real risk there is that it doesn't become baked in, and he doesn't become a patronising Prime Minister. No-one wants that negativity, and in the first 100 days of this government it has been quite negative, in terms of scrapping this and repealing that. Now the first 100 days expires in three weeks' time, then it's over to the new government to bring in its new policies and for Luxon to provide a vision going forward. Now, in terms of that he'll need all of his coalition partners...

The discussion then turns to the minor Parties, Greens (Golriz Ghahraman and shoplifting allegations and James Shaw's resignation), ACT dipping in the poll, David Seymour says I think to read so much into such a small difference with three months

between polls, that would be a bit silly. It's noted that Green Chloe Swarbrick is now equal to David Seymour in the preferred Prime Minister poll.

The Senior Political Reporter then says that *New Zealand First stayed on steady ground (in the poll), and Te Pāti Māori had the strongest result in (the) poll in seven years.* Comment is heard from Te Pāti Māori co-Leader Debbie Ngarewa- Packer.

In studio, talking of the surge for Te Pāti Māori, and whether this is due to the Treaty Principles Bill, the Deputy Political Editor says *absolutely I think it is. I think this is a clear message from voters that they don't want a country divided. Race relations have dominated the headlines ever since the government formed, and the two Parties at the forefront of that, have been both Te Pāti Māori and the ACT Party. It's no surprise then perhaps that you could read into that as being a rise for Te Pāti Māori, a drop for ACT what else does that tell you?* She then talks about the issues for the left, Te Pāti Māori is riding high, huge hope in Chloe Swarbrick for her party, and a 'wake-up call' for Labour.

## Your Complaint

You state:

*Mickey Sherman's coverage of a political poll was unprofessionally biased against the current Government. In a terribly biased piece, Sherman described the Government as "chaotic" at least twice. This is disgraceful for a public broadcaster to allow a political reporter to simply use her own position to promote her personal prejudices*

## The Relevant Standards

### STANDARD 5 – 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 viewpoints either in the same broadcast or in other broadcasts within the period of current interest unless the audience can reasonably be expected to be aware of significant viewpoints from other media coverage.*

#### **Guidelines**

- 5.1 Determination of a complaint under the standard involves two steps:
- The first step is to consider whether the standard applies. It will only apply where the subject matter is:
    - an issue 'of public importance' (something that would have a significant potential impact on, or be of concern to, New Zealanders)
    - 'controversial' (an issue of topical currency; which has generated or is likely to generate conflicting opinion; or about which there has been ongoing public debate – eg issues related to New Zealand political policy, public health and safety, public expenditure)
    - 'discussed' in a news, current affairs or factual programme (eg investigative or in-depth work – brief news reports, programmes clearly focused on a particular perspective, or personal or human interest stories, may not amount to a discussion).
  - The second step is to assess whether the broadcaster sufficiently presented significant viewpoints in the circumstances.
- 5.2 The standard allows for balance to be achieved over time, within the period of current interest. It does not require every significant viewpoint to be presented in every programme that discusses a particular controversial issue of public importance.
- 5.3 The standard does not require equal time to be given to each significant viewpoint on a controversial issue of public importance. Broadcasters should give a fair voice to alternative

significant viewpoints taking into account the nature of the issue and coverage of that issue.

- 5.4 The requirement to present significant points of view is likely to be reduced, or in some cases negated, where:
- It is clear from the programme's introduction and the way in which the programme is presented, that:
    - the programme is not claiming, or intended, to be a balanced examination of an issue
    - the programme is signalled as approaching the issue from a particular perspective
    - the programme is narrowly focused only on one aspect of a larger, complex debate.
  - The issue is raised only in a brief, humorous or peripheral way. This includes programmes such as straight news items, which simply report on events or developments rather than discussing a related issue. Conversely, the requirement to present significant points of view is likely to be increased where an issue is the focus of a serious, investigative or in-depth report.
  - The audience could reasonably be expected to be aware of views expressed in other coverage, including coverage by other broadcasters or media outlets.
  - In the context, the audience would not have expected alternative viewpoints to be presented.
  - The broadcaster retained no or very limited editorial control over the programme content (eg news, current affairs and factual programmes broadcast on foreign pass-through pay TV channels).
- 5.5 Programmes broadcast on foreign pass-through pay TV channels over which the broadcaster retains no or very limited editorial control are not usually subject to the balance standard. This recognises the value in providing access to a breadth of perspectives and views, and the choice made by pay TV customers to pay to receive certain broadcasts. However, the standard may be applied where a broadcast presents a serious risk of material harm.

Before considering a complaint under this standard, the Complaints Committee must determine whether the issue being discussed is a 'controversial issue of public importance.'

The Broadcasting Standards Authority has typically defined an 'issue of public importance' as something that would have 'a significant potential impact on, or be of concern to, members of the New Zealand public' (refer BSA decision 2005-125). A 'controversial issue' is defined by the BSA as one which has topical currency and excited conflicting opinion or about which there has been on-going public debate (e.g. BSA decision 2006-076).

The Committee does not agree that the discussion about the *1News Verian* poll is such an issue. The discussion concerning the political landscape for the different Parties may be considered such an issue and significant viewpoints are heard from relevant perspectives as appropriate within the discussion (as discussed above).

It is an established principle of this standard that balance cannot be measured by a stopwatch; it is sufficient that significant viewpoints are adequately represented. The Committee finds that this has occurred in the news bulletin as discussed. Mr Luxon in particular was given ample opportunity in the item to provide his viewpoint on the issues as they were raised.

In any case, the issues in question have been discussed widely in surrounding media coverage, so it is reasonable to expect that viewers would be aware of alternative viewpoints that existed.

Based on past decisions, the [updated BSA guide](#) notes "Balance requirements reflect the current media landscape where opportunities to learn about different politicians and perspectives are typically available from multiple sources. Audiences are not dependent on any one programme for all of their political information or analysis,"



You have stated that the Deputy Political Reporter is 'biased.' While the Committee does not agree that this is an accurate assessment we note that in decision 2023-043 the BSA has explained *While the complainant is concerned the item was 'biased', we note the standard does not require news, current affairs and factual programming to be presented impartially or without bias. Within the limits established by this standard, broadcasters are free to promote or challenge particular ideas, philosophies or people.*

No breach of Standard 5 had been identified.

#### Right to Refer to Broadcasting Standards Authority and Time Limit

In accordance with section 7(3) of the Broadcasting Act you are hereby notified that it is your right, should you be dissatisfied with this decision, to refer the matter to the Broadcasting Standards Authority, online at <https://bsa.govt.nz/complaints/> as provided under section 8 of the Act, for the purpose of an investigation and review of the decision. You have 20 working days after receipt of this letter to exercise this right of referral.

Yours sincerely

**Complaints Committee**