

12 June 2026

Stephanie Mudgeway

via fyi.org.nz

Tēnā koe Stephanie

Official Information Act 1982 request

On 15 April 2026, you requested, under the Official Information Act 1982 (OIA):

1. *'All correspondence (including emails, letters, text messages, and records of phone calls or meetings) between the BSA and the following parties, from 1 January 2024 to the date this request is received, on any subject relating to The Platform, Sean Plunket, the BSA's jurisdiction over online broadcasters, or the future or abolition of the BSA:*
 - a. *The office of the Minister of Media and Communications;*
 - b. *The Prime Minister's office;*
 - c. *Any New Zealand First or Act party representative, staff member, or associate;*
 - d. *Sean Plunket, or any employee, representative, funder, investor, or associate of The Platform;*
 - e. *Any lobbyist, lawyer, or third party acting on behalf of The Platform or its backers.*
2. *Any communications received by the BSA that could be construed as threatening, warning of, or advocating for the abolition or reform of the BSA in connection with its jurisdiction decision over The Platform.*
3. *Any internal BSA records — including board minutes, staff emails, briefing notes, or memoranda — discussing:*
 - a. *Political reaction to the jurisdiction decision over The Platform;*
 - b. *The possibility that the jurisdiction decision could trigger legislative or ministerial action against the BSA;*
 - c. *Any anticipated or actual pressure from Ministers, coalition parties, or The Platform and its associates to reverse, reconsider, or narrow the jurisdiction decision.*
4. *Any legal advice obtained by the BSA regarding its vulnerability to legislative abolition or mandate reduction following the jurisdiction decision.*
5. *Any records identifying the funders, investors, or financial backers of The Platform, where these were known to or held by the BSA in connection with the complaint or jurisdiction decision.'*

In our response dated 13 May 2026, we extended the time limit to respond to this request by 20 working days – until 12 June 2026.

Your request has been responded to in order below. Thank you for your patience.

Our response

Part 1a: Correspondence with the office of the Minister for Media and Communications

Please find **attached** as **Appendix 1** communications between the Broadcasting Standards Authority (**BSA**) and the Minister's office that are in scope of your request. All redactions in Appendix 1 have been made under s 9(2)(a) of the OIA (privacy). Also, where attachments referenced in the attached materials are publicly available – namely, at page 20 – hyperlinks to their location on our website have been added.

Part 1b: Correspondence with the Prime Minister's office

This part of your request is refused under s 18(g) of the OIA. The BSA has not corresponded with the Prime Minister's office 'on any subject relating to The Platform, Sean Plunket, the BSA's jurisdiction over online broadcasters, or the future or abolition of the BSA' between 1 January 2024 to 15 April 2026. Accordingly, the information requested is not held by the BSA.

Part 1c: Correspondence with 'any New Zealand First or Act party representative, staff member, or associate'

We also refuse this part of your request under s 18(g), as the BSA does not hold the information requested.

Part 1d: Correspondence with 'Sean Plunket, or any employee, representative, funder, investor, or associate of The Platform'

Section 2(6)(b) of the OIA excludes certain types of entities from the OIA's definition of 'organisation' – including, 'in relation to its judicial functions, a tribunal'. The OIA therefore does not apply to information held by the BSA in connection with its role as a tribunal charged with receiving and considering complaints under the Broadcasting Act 1989.

Any communication between the BSA and Sean Plunket 'or any employee, representative, funder, investor, or associate of The Platform' between 1 January 2024 and 15 April 2026 has been in relation to *WK v The Platform Media NZ Ltd & NZ Media Holdings 2023 Ltd*¹, and the application of the Broadcasting Act 1989 to The Platform's transmissions. We therefore refuse this part of your request on the basis that, for the purposes of the OIA, the information requested is not held by the BSA.²

Part 1e: Correspondence with 'any lobbyist, lawyer, or third party acting on behalf of The Platform or its backers'

For the same reasons provided in response to part 1d **above**, we also refuse this part of your request under s 2(6)(b) – and, in turn, s 18(g) of the OIA.

¹ Decision No. ID2025-063

² Official Information Act 1982, s 18(g)

Part 2: ‘Communications received by the BSA that could be construed as threatening, warning of, or advocating for the abolition or reform of the BSA in connection with its jurisdiction decision over The Platform’

Assessing communications received to determine whether they (emphasis added) ‘*could be construed as threatening, warning of, or advocating for the abolition or reform of the BSA*’ would involve a subjective analysis of BSA materials and, in turn, require the BSA to form an opinion. The OIA does not apply to requests that require an agency to form an opinion or create new information to answer the request. Accordingly, such requests can be refused under s 18(g) of the OIA on the basis the information requested is not held.

However, please see **attached as Appendix 2** an Excel spreadsheet we consider is in scope of your request. This spreadsheet is a summary of communications from members of the public in response to the *WK and The Platform Media NZ Ltd & NZ Media Holdings 2023 Ltd* proceedings. These communications were either emails sent to the BSA’s general and complaints email addresses, or voicemails left on the BSA’s public phone line.

Please note: Appendix 2 contains strong language that some might find offensive, and some material has been redacted under s 9(2)(a) of the OIA.

Part 3a: Internal records discussing the ‘political reaction to the jurisdiction decision’

Please find **attached as Appendices 3A and 3B** materials that fall within the scope of this part of your request. Unless otherwise specified, all redactions in Appendices 3A and 3B have been made under s 9(2)(a) of the OIA. Some materials have been withheld in full under s 18(a) of the OIA by virtue of s 9(2)(g)(i) – withholding of information is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions.

Part 3b: Internal records discussing the ‘possibility that the jurisdiction decision could trigger legislative or ministerial action against the BSA’

This part of your request is refused under the following OIA provisions:

- **Section 18(g)**: The OIA does not apply to information held by the BSA in connection with its role as a tribunal charged with receiving and considering complaints under the Broadcasting Act.³ Accordingly, material connected to the *WK v The Platform NZ Media Ltd & NZ Media Holdings 2023 Ltd* proceedings is not subject to release under the OIA on the basis it is not, for the purposes of the OIA, held by the BSA.
- **Section 18(a)**: Under s 9 of the OIA, there is good reason for withholding the information. In this case, the relevant s 9 subsections include:
 - **Section 9(2)(h)**, withholding of information is necessary to maintain legal professional privilege; and
 - **Section 9(2)(g)**, withholding of information is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions.

³ Section 2(6)(b)

Part 3c: Internal records discussing ‘any anticipated or actual pressure from Ministers, coalition parties, or The Platform and its associates to reverse, reconsider, or narrow the jurisdiction decision’

The BSA is an independent Crown entity.⁴ Accordingly, the BSA is generally independent of government policy – ministers may not direct the BSA to have regard to government policy unless specifically provided for an Act.⁵ We therefore have no internal records discussing ‘any anticipated or actual pressure’ from ministers or coalition parties ‘to reverse, reconsider, or narrow’ the Authority’s decision in *WK v The Platform Media NZ Ltd & NZ Media Holdings 2023 Ltd*. Because the documents requested do not exist, we decline this part of your request under s 18(e) of the OIA.

Any internal records regarding The Platform that are in scope of this part of your request relate to the *WK v The Platform Media NZ Ltd & NZ Media Holdings 2023 Ltd* proceedings. We therefore refuse your request for records pertaining to The Platform on the basis that, for the purposes of the OIA, the information requested is not held by the BSA.⁶

We also consider ‘associates’ of The Platform is a term that lacks due particularity.⁷ If ‘associates’ is a reference to Reality Check Radio or lawyers representing either organisation, then any correspondence relates to the *WK v The Platform Media NZ Ltd & NZ Media Holdings 2023 Ltd* proceedings and is therefore withheld under ss 2(6)(b) and 18(g) of the OIA.

Part 4: ‘Any legal advice obtained by the BSA regarding its vulnerability to legislative abolition or mandate reduction following the jurisdiction decision’

This part of your request is refused under s 18(e) of the OIA. The BSA did not obtain legal advice, whether internal or external, ‘regarding its vulnerability to legislative abolition or mandate reduction following the jurisdiction decision’.

Part 5: ‘Any records identifying the funders, investors, or financial backers of The Platform, where these were known to or held by the BSA in connection with the complaint or jurisdiction decision’

This part of your request is refused under s 18(e) of the OIA on the basis the documents requested do not exist.

For completeness, we note page one of Appendix 3B includes a *New Zealand Herald* report about Troy Bowker’s claim that he would ‘help fund legal action to support Sean Plunket’ in respect of the *WK v The Platform Media NZ Ltd & NZ Media Holdings 2023 Ltd* proceedings. However, this material is not ‘known to or held by the BSA in connection with the complaint or jurisdiction decision’ and, accordingly, we do not consider this material falls within the scope of this part of your request.

⁴ Crown Entities Act 2004, pt 3

⁵ Crown Entities Act 2004, ss 7(1)(a) and 105

⁶ Official Information Act 1982, ss 2(6)(b) and 18(g)

⁷ Official Information Act 1982, s 12(2)

Right to refer to Ombudsman

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or by calling 0800 802 602.

If you would like to discuss this matter with us, you can contact me or our Legal Manager, Helen Cruse.

Ngā mihi mahana | Warm regards



Stacey Wood
Chief Executive