

to the knowledge of medical science relating to the safety of suction abortion. Mr Armstrong considered the programme was unbalanced because not enough accurate information was made available for viewers to make an objective assessment of the physical and medical implications of having an abortion. Mr Armstrong also complained a few days after the programme that the status of the unborn child was not mentioned and that the programme gave the impression that the only factor to be considered in an abortion was the woman's comfort and convenience. The complaint also said that the detrimental effect on subsequent pregnancies was not properly stated and that the programme was unbalanced requiring a balanced programme to have been screened.

He also said that the programme was in breach of the Corporation's statutory requirement to have regard to the observance of standards of good taste and decency.

The Corporation considered the complaints and made an identical decision in respect of each complaint on 13 September 1978. The decision of the Corporation was to adopt the following recommendation of its Standing Committee for Television One:

- (a) Given the fact that the item was clearly and explicitly stated to be confined within the restricted parameters of the medical procedure the Committee found itself unable to agree that a charge of lack of balance could be sustained. Nevertheless having regard to the intense controversy surrounding the subject of abortion the Committee was left with the feeling that it would have been preferable for the presenter to have emphasised at the conclusion of the programme that there were a number of questions other than merely medical and surgical ones which required evaluation in any individual case. The Standing Committee does not believe that it would have been necessary to elaborate on these but rather that a more explicit reminder of their existence would have been desirable.
- (b) The Committee could find no foundation for the criticism that the programme was misleading or scientifically incorrect.
- (c) The Committee found no aspect or ingredient of the programme which was contrary to accepted standards of good taste.

However, the Committee was gravely disappointed at the error made by transmitting this particular programme on a day when some schools were closed for the mid-term break. It accepts that this was a genuine error and that when discovered, efforts were made at the last moment to redress the situation, but requires that the Service make a careful check in future of school closure dates.

NOTE—The Committee notes that since the complaint was considered TV1 has adopted the policy that when the subject of abortion is being covered it is first referred to the Controller of Programmes who will refer it to the Director-General at his discretion.

The Tribunal has viewed a tape of the programme which opened with the statement that the programme had a film made by an Australian film director reconstructing an operation to terminate pregnancy. An actress was said to play the patient but the medical staff worked at a Sydney clinic visited by many New Zealand women.

Final remarks before the showing of the film were these:

"This film, I should say, may not be suitable for children, but we feel it is important. It is unemotive and unbiased and we are screening it in the hope that people will have a better idea of what they are talking about."

After the film an English obstetrician and gynaecologist working at Hutt Hospital was briefly interviewed. He explained that the main difference between New Zealand and English procedure and that seen in the film was that abortions in the former countries were usually carried out under a general anaesthetic, making it a shorter procedure. He pointed out that the operation became much more risky if carried out after 10 weeks. He was then asked whether he was happy with the operation procedure in New Zealand and whether it should be changed at all.

He replied, "No—suction method of termination of pregnancy is a very safe method and it does not harm the mother at all and it doesn't affect her chances for future pregnancies and it's a quick, fairly bloodless procedure. I cannot see it being improved at all."

The interviewer then said:

"The film that we have just seen does make the operation to a layman like me seem terribly simple and straightforward. Now I wonder is that really the whole story?"

Dr Morgan replied, "Well as long as it is done before 10 weeks it is a very safe procedure indeed and it is very simple, simpler than it appeared on the programme. It is safe, yes".

The programme concluded with the interviewer pointing out:

"We've deliberately steered clear of the rights and wrongs of the whole abortion issue. I hope that you'll feel that we've presented a film that leaves people rather better informed."

The Tribunal has no doubt that the producer was entitled to tackle this one aspect of the broad abortion topic although it would have been wise to have said that there were a number of questions other than merely medical or surgical ones which required evaluation in any individual case, as the Corporation has suggested.

The Corporation found that there was no foundation for the criticism that the programme was misleading or scientifically incorrect.

It is, however, clear from the report of the Royal Commission and from other material submitted to us that to put it at its slightest the opinions expressed by Dr Morgan did not adequately express the fact that any such procedure must have some attendant risks.

The least the programme should have done was to point out that Dr Morgan's view is not the view held by all doctors. Alternatively he could have been asked to state exactly what the risks were.

As there is research material available on the risks attending various types of abortion procedures at various stages of pregnancy, it would not have been difficult to have qualified the broad statements made by the doctor. One further question from the interviewer based on the programme's own research could have dealt with the point. Where medical views vary it is wise to consult more widely than was apparently done. In our decision on another programme on abortion (No. 5/77) the Tribunal said—at page 7:

"It is perhaps pertinent to suggest that in such matters it might have been appropriate to have approached a university or other authoritative medical sources rather than consulting only one doctor who had, albeit occasionally, worked at Aotearoa, and a partisan handbook."

In this instance a small consultative panel might have been helpful in ensuring that the question of the degree of risk to the patient was satisfactorily dealt with.

The Corporation has not suggested that the omission has been corrected by any other programme since broadcast. The point could be briefly covered in a subsequent programme.

The Tribunal has upheld the complaint in part under s. 24 (1) (e) which requires that the Corporation shall have regard to the principle that when controversial issues of public importance are discussed, reasonable efforts are made to present significant points of view either in the same programme or in other programmes within the period of current interest.

The Tribunal does not find that there is any aspect or ingredient of the programme contrary to the observance of standards of good taste and decency.

The Tribunal agrees with the Corporation's finding that the programme should not have been broadcast during the mid-term break and that this was an error.

#### Membership—

In accordance with s. 61 (10) the Tribunal has co-opted Mr G. R. Wear and Mr G. R. Black as two persons whose qualifications or experience were likely, in the opinion of the Tribunal, to be of assistance to the Tribunal in dealing with the complaint. They have taken part in the deliberations of the Tribunal but the decision, in accordance with the Act, is that of the permanent members.

Dated this 21st day of December 1978.

For the Tribunal:

B. H. SLANE, Chairman.

#### Decision No. 9/78

##### *Decision of the Broadcasting Tribunal*

IN the matter of the Broadcasting Act 1976, and in the matter of a complaint by the Society for the Protection of the Unborn Child Inc., pursuant to section 67 (1) (b).

WARRANT HOLDER: Broadcasting Corporation of New Zealand (Television One).