

offered to, or received by, Radio New Zealand in connection with the programme.

Mr Cullimore's Complaint to the Tribunal

Mr Cullimore then brought his complaint to the Broadcasting Tribunal. He said that Radio New Zealand had failed to deal with the major issue, that of "a breach of law and order whereby Ms Waring openly advocated other women to wrongly answer questions in the next census thereby rendering it useless." He said the word "anarchy" was used by Ms Waring and he was concerned at law and order breaking down and the potential for revolutions.

He also considered that section 95c (v) of the Broadcasting Act was contravened in this broadcast and stated that, as a paying contributor of broadcasting fees and as a citizen, he was denied the right to put forward his significant points of view.

Radio New Zealand's Submission to the Tribunal

Radio New Zealand made a lengthy submission to the Tribunal concerning Mr Cullimore's formal complaint to us.

Radio New Zealand stated that "Mr Cullimore's submission to the Tribunal appears to place rather more emphasis on the law and order issue than did his original complaint to Radio New Zealand, which stressed balance, good taste and decency, impartiality, and the privacy of the individual, together with allegations of 'censoring'."

Radio New Zealand's submission on the law and order issue was that there was no question of the programme advocating anarchy an audition of the programme had failed to confirm that the word "anarchy" was used by Ms Waring of that she advocated anarchy as such.

Radio New Zealand quoted the questions and answers between Mr Dryden and Ms Waring about her wish to see people record unpaid work in census forms.

"... how are we going to [get] multinationals to take note ... [of the danger to the planet of destructive production and statistical emphasis on that in misleading statistical and national accounting systems]?"

Ms Waring: "Every person who fills in a census has got a chance ... [persons should be recorded not as non-working but as working unpaid]. [(Reference to a U.S. family camping on census night to be able to state they had no windows, electricity, etc.)]. . . . Accurate communication and use of language [are important]."

Mr Dryden: "But that will invalidate the whole census; is that what you really want to achieve?"

Ms Waring: "[The aim is to] record women's, children's and men's unpaid and productive work in a census, at the same time undermining the entire [national accounting and statistical process]. You need to do one with the other."

Mr Dryden: "If you succeed in overthrowing—which is what you're trying to do—the basic way in which we keep our national accounts around the world (and you say that's phoney and fallacious)—that would do nothing, I suggest, to cut down the money wasted on armaments and other things?"

Ms Waring: "All you can do is give people information power. The Armed Services Committee in the United States, for example, sits there and speaks about ordering new missiles ... on the basis of U.S. military figures against the Soviet's ... [What is needed is information enabling people to ask] what are we prepared to spend as U.S. citizens to ensure the death of each Soviet citizen? When you do that sum, you find out every one of us on earth is worth about \$700 million dollars. That's going to change the whole focus of a voting public ... I'm working hard for [a new indicator which is not money but hours spent] ... and along with that, to have work [valued by] qualitative environmental indicators, not ones which say 'these trees are worth so much [money] or will cost us so much to preserve them'."

RNZ noted that the words in square brackets represented an accurate precis of circumlocutory portions of the triologue.

Radio New Zealand did not agree with the complaint's contention that this part of the programme constituted a serious threat to law and order in New Zealand.

Radio New Zealand's submission also dealt with the question of balance. In its submission, Ms Waring's thesis concerned not a division between the sexes but alleged failings in the commonly adopted method of the assessing of national productivity and work.

Mr Dryden (clarifying a point for a caller): "Marilyn says that the system of working out national accounts, which we now almost have as a god around the world which we're all expected to worship and base our political structure about, actually arose during World War II as a method of working out how we could pay for the war, and has been based on a lot of that ever since. So that, for each nuclear weapon you build or each bridge you blow up, that's regarded as progress, as a positive thing on the national accounts. But for each tree that you save to protect the ozone layer (sic) or reduce the greenhouse effect or make the world a better place to live in, that doesn't come into the accounts system at all. And, we need a better system otherwise (a) we might blow the world up; (b) we're already mucking it up environmentally and the whole system's out of kilter."

Ms Waring: "The system records a minority of the human species who are actively paid in a labour market, and it records mostly 'destructive production' rather than creatational conservation. All over the world, this is the basis of investment planning, all public policy projections, the assessment of need, the assessment of well-being and the arbiter of aid."

Radio New Zealand submitted that Mr Cullimore's other complaints could not be considered within the formal complaints provision of the Act.

Mr Cullimore's Comment on Radio New Zealand Submission

Mr Cullimore wrote another lengthy letter received on 29 May 1989 in which he engaged in a point by point rebuttal of Radio New Zealand's submissions to us and reiterated and elaborated upon many of his original contentions and made discursive references to a number of his beliefs.

Decision

The Tribunal agrees with RNZ's submission that Mr Cullimore's complaint had come down to 2 basic elements by the time it reached us: namely, that a breach of law and order had taken place or was advocated and that his being improperly prevented from talking on the programme resulted in a lack of balance or a failure to comply with the statutory standards.

The complainant did not complain of unfair or unjust treatment but of the balance which would have been achieved if his contribution had been broadcast. He gave us a copy of what he wanted to say. Largely it attacked the motives of feminists and included material that was defamatory of Ms Waring and certainly, if broadcast, would have breached statutory standards and rules. The call was rightly rejected on editorial grounds.

The request for his telephone number was not unreasonable. What has to be accepted is that there is no inherent right to be heard on a talk-back programme. That participation is an editorial decision to be taken by the station concerned which will have regard to its legal responsibilities in making such a decision.

Just as newspaper editors may require a correct name and address before publishing a letter, even where a pseudonym is to be used, the producer of a talk-back programme is entitled to ask for the correct name, address and telephone number of a caller and even to test that by phoning the number back. Some would say it should be a routine precaution against irresponsible callers.