

We now deal specifically with the complaints to the Tribunal:

1. Significant points of view not addressed in the programme:

(a) The option of abstinence or chastity

The whole programme makes it clear that heterosexual activity can lead to Aids. It follows obviously that not engaging in the sexual activity precludes a risk of infection. The programme was not obliged to "advocate" a significant point of view in order to present it. But the programme is studded with statements which represent the point of view:

- "Anyone infected who has sex can pass on the virus"
- "One night of passion and in a few years she could be dead"
- "It only takes one [partner]—the number of partners is irrelevant"
- "To those going out to experiment sexually, 'think first' "
- Only at risk when we have sex"
- I don't sleep around"
- "Certainly there is no doubt at all condoms make sex safer but they don't make it absolutely safe"
- ". . . should also think about having less sex"
- "Total celibacy is becoming fashionable in some quarters"
- "Wouldn't be keen to leap into bed [with a new boyfriend]"
- "Some girls would like to return to a chaste world"
- "Going back to heavy petting"

We are satisfied that the options of chastity and abstinence were presented in the programme.

Some of the criticisms particularly pressed by Mr Dempsey and Miss Bartlett were concerned with an alleged editorial viewpoint in the programme. In other words, if a young girl said that she was not going to sleep with men that carried no weight in their opinion. It needed to be stated by an authoritative panel. We think this reflects very much the complainant's viewpoint but in reality the law does not require that the significant point of view be presented in an authoritative or official way.

(b) Homosexuals, bi-sexuals and IV drug users are the groups at risk and it is quite difficult to get Aids through heterosexual contact

The programme seemed to take off from the point that the heterosexual risk was the one which was of interest and would be discussed. It was not addressed to other groups.

The purpose of the programme was to reach one group: young active heterosexuals. It was not a documentary setting out to examine all issues about Aids. It is legitimate to limit the information in a programme in accordance with the purpose of the programme. Programme makers are entitled to take aspects of a topic and confine themselves to that.

To emphasise comparative risks would be to reduce the importance of taking the health measures necessary to prevent a spread of Aids among heterosexuals. The relative risks are not the issue. There is no obligation on a broadcaster to do a programme on the most significant "at risk" group first. A broadcaster is entitled to present a programme directed to any group, however small the risk may be to that group or in respect of that group's activity.

(c) The moral position was not put

There is no obligation to do so. The complainant has a position on sexual behaviour which, if followed by all people, would gradually reduce the incidence of Aids. It is not the obligation of the broadcaster to present that position in this programme because the programme was not about moral positions. It was about sexual conduct and Aids. It was entitled to deal with that behaviour and its consequences (which it did) without giving moral reasons to advocate a certain lifestyle.

While we may think that a programme could be done better another way, the purpose of this Tribunal's decision is to determine whether or not there is a breach of minimum standards required in programmes. We are not programme critics or reviewers to impose our views on how programmes may best be done. Nor does the Act do more than require adherence to those standards it defines.

As it happened, the programme a number of times referred to celibacy, chaste activity, thinking first before experimenting sexually and so forth. In other words the course of action advocated by the complainant was raised. The moral basis of that action was barely touched.

2. The BCNZ declined to invite Women for Life to prepare a programme.

It was not obliged to do so. There can be no complaint based on the failure to broadcast a particular programme.

In this case the complainant sought what it considered to be a balancing programme. We do not find that such a programme was necessary.

3. The failure rate of condoms was not mentioned. Condoms were emphasised as "safe when they were not".

The programme did press the wisdom of using condoms. Dr Stephenson said the failure rate was related to ignorance in how to use them correctly. The published failure rates related to heterosexual use for contraceptive purposes. The society obviously wished to promote lack of confidence in condoms to strengthen the case for abstinence. Arguably, this would discourage their use and thus defeat the objects of this Aids programme. There was no need on grounds of accuracy to state a failure rate.

Reference is made to condoms not making sex absolutely safe; that seems to us to be sufficient.

4. Youth were encouraged to be promiscuous with condoms.

Demonstrating their use and failing to condemn intercourse outside marriage does not equate to encouraging promiscuity. However, we find it difficult to see what standard it was that would have been broken if the programme had encouraged promiscuity with the use of condoms.

It is not illegal to promote such an activity nor does it appear to us to be in breach of any rules. In fact, we do not consider the programme did encourage promiscuity. It did accept that it occurred. It raised the question of considering the dangers of having sex before embarking upon it.

It did refer to safe sex on occasions when it may have been wiser to have said "safer sex". We do not think this was sufficient to impair the programme's accuracy to the point of being in breach of standards.

5. The programme was contrary to good taste and decency in that:

(a) There was flippant and tasteless treatment of condoms. The programme showed the handling and demonstration of the use of condoms by a man and a woman using a finger. A panellist laughed about his numerous sexual encounters.