

The context in which this occurred is of course vital in making any assessment of it. It occurred within an educational programme backed by an official campaign. While there must be few contexts in which condoms are displayed on television, we cannot say that it was in this context in breach of standards of good taste and decency, even though it may have offended a number of viewers.

We doubt that it would have offended most of those for whom the programme was intended and a suitable warning was broadcast in advance.

In this case the flippant treatment was deliberate. An off-beat approach would be more acceptable to a young audience than to the society's witnesses.

- (b) The programme should not have been broadcast at 8 p.m.

We agree with the Broadcasting Corporation that there was some responsibility on parents to make sure that children of a very young age were not watching. We do not think the hour it was shown, having regard to the length of the programme, was unreasonable. It was the type of programme which was intended for a peak audience and we cannot accept the submissions of the complainant in this respect.

- (c) The programme was offensive and dishonest

The question of whether the programme was honest or not does not go to a question of good taste and decency but in any case we reject the statement that the programme was dishonest. In reality, the evidence of the complainants simply alleges the programme was inadequate and incomplete.

As mentioned above, while some people may have been offended, the purpose, the importance and the context in which the allegedly offensive elements appeared in our judgment justified their inclusion. While they may not have been to everybody's taste, there was no evidence given to us that, in relation to the target audience, they would generally be considered offensive.

- (d) The dialogue gave approval to pre-marital sex as the norm for young persons

This we consider was overstating the situation. Even if the programme did state that, it would not be a breach for the standards to do so. There was no evidence put to us that "pre-marital" sex is a rare activity and there is considerable general knowledge within members of the Tribunal from their professional lives that such activity is normal for some young people.

No warning was given that pre-marital sex caused pregnancy and a large variety of venereal diseases.

The programme was not about pre-marital sex or even about extra-marital sex. The programme was not about a variety of venereal diseases. The programme was not about pregnancy. There was no obligation on the programme makers to give extraneous reasons for not engaging in heterosexual activity.

8. No mention was made that the majority of Aids victims were homosexuals and that anal sex was more conducive to its spread than vaginal intercourse. An expert should have revealed that, in the heterosexual community, the active spread of Aids would be very low indeed.

These matters have been discussed above in brief. We do not think a comparative rate was important because the programme was not concerned with presenting a choice between oral and anal sex and heterosexual vaginal sex.

9. The panel did not mention the dangers of oral and anal sex and bi-sexual partners.

We do not consider that there was an obligation within the

focus of the programme to introduce these other forms of sex as dangers when the purpose of the programme was to address heterosexual vaginal intercourse.

10. There was no doctor on the programme who recommended chastity before marriage.

This emphasises the society's concern that there be an "authoritative" position taken on each issue and that the programme itself had an obligation to adopt certain views or ensure that they were given by "official" panel members.

The broadcasting standards do not require that but chastity was referred to in the programme.

It was clear that underlying much of the complainant's case was the concern that the Department of Health and the BCNZ appeared to be at pains to underplay the threat that homosexual sex constituted in the spread of Aids in New Zealand.

We believe that the complainant misconstrued the purpose of the programme. While there were legitimate points raised for consideration by the Tribunal regarding the accuracy of information and the choices available and good taste, we are satisfied that the programme did not breach the standards and the complaint is therefore not upheld in any respect.

We note that the Waiora programme did explain risks of homosexual, anal and oral intercourse, and that the Health Department advertisement "stay with one partner you know and trust" would have provided some considerable balancing material if we had found that to be necessary.

The complaint is not upheld.

Co-opted Members

Mr Cockcroft and Mrs Drury were co-opted as persons whose qualifications and experience were likely to be of assistance to the Tribunal. They took part in the deliberations of the Tribunal but the decision is that of the permanent members.

Signed for the Tribunal.

B. H. SLANE, Chairman.

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Criminal Justice Act 1985

Rimutaka District Prisons Board—Appointment of Member

Pursuant to section 132 (2) (b) of the Criminal Justice Act 1985, the Minister of Justice has been pleased to appoint

Hone Thomson of Lower Hutt

as a member of the Rimutaka District Prisons Board for a term of 3 years on and from the date hereof.

Dated at Wellington this 20th day of September 1990.

D. OUGHTON, Secretary for Justice.

(Adm. 3/83/11)
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District Courts Act 1947

Acting District Court Judge Appointed

Pursuant to section 10 of the District Courts Act 1947, His Excellency the Governor-General of New Zealand has been pleased to appoint

John Patrick Clapham, barrister and solicitor of Masterton to be an Acting District Court Judge to exercise civil and criminal jurisdiction in New Zealand for a term of 12 months from 13 September 1990.