

"In examining your complaint it appeared that you had expanded the issues and interpretations beyond the scope or intention of the programme. The intention of the item was to examine differences in amniocentesis test criteria in different parts of the country. At the outset of the programme the question was asked: 'Are mothers-to-be getting the same access to health care up and down the country?' It followed up by indicating that *Fair Go's* investigation indicated 'no'."

TVNZ said that the selection process was then examined but that the programme "did not set out to explain nor explore ethical considerations which were not required nor called for in the context of an investigation of apparent anomalies".

"Taking the 3 points isolated in your letter of 22 November as being the basis for your complaint, the following points have relevance:

1. While your contention that amniocentesis tests may be associated with aborting abnormal babies, it was considered that, given the way the subject was handled, it did not call for an investigation of the rights and wrongs of such issues. The testing is a standard and acknowledged medical method of detecting certain sad facts of life. It was also considered that the difference between the approach in Auckland, Christchurch, [Wellington] and Dunedin criteria did not make it an unsuitable subject for *Fair Go* treatment. A question of imbalance, partiality and fairness was not considered to have arisen.
2. *Fair Go*, in the circumstances, was considered to have quite properly kept well clear of the abortion controversy. Had it not done so it may well have required an entire programme to go into such issues which had been canvassed in TVNZ current affairs programmes over the years.
3. Your contentions in your third paragraph amount to an interpretation which would tend to show that you hold strong viewpoints in such matters. *Fair Go* neither set out to demonstrate a pro-abortion bias nor the perspective of unborn children. It acknowledged the fact that medical science has developed a most sophisticated and difficult method of testing for defects prior to birth. It is a well-established procedure in the health processes of this country.

"The Committee noted that while you are clearly and sincerely motivated with regard to respect for life, your complaint appeared to take matters beyond the parameters of what the programme set out to explore. It was unable to find that the programme was in breach of either the section of the Act or the rule in question. Accordingly your complaint was not upheld. This decision has been endorsed by the Chief Executive of TVNZ Ltd.

"I should add that your genuine concerns and feelings in this matter are acknowledged and respected."

The complainant then wrote to TVNZ concerning various aspects of its decision. As a result TVNZ Ltd. amended a small part of its decision as follows:

"While your contention that amniocentesis tests may be associated with aborting normal babies may or may not be true, it was considered that given the way the subject was handled, it did not call for an investigation of the rights and wrongs of such issues . . ."

Mr Duffin also complained to Television New Zealand about the way this matter of clarification had been dealt with.

In addition, amongst the letters the complainant wrote towards the end of 1988, there was the following letter dated 25 October 1988 to the assistant controller news and current affairs:

"I do like to be positive when the opportunity arises, and I would therefore like to congratulate TVNZ for a sensitive

presentation of a news item on amniocentesis, about a month ago.

"The first portion of the item dealt with a new (blood) test, which will enable detection (and abortion) of more abnormal children. This was nicely balanced by a brief mention of the parents of abnormal children, who are pleased that their children were not aborted. Well done!

"Thanks also for your detailed analysis of the snake symbol."

The Complaint to the Tribunal

Dissatisfied with Television New Zealand's response to his complaint, Mr Duffin complained to the Tribunal in July 1989.

"I do not believe that TVNZ considered my complaint seriously. My complaint was based upon the factual direct link between amniocentesis testing and abortion. TVNZ made no effort to check the validity of the association (it 'may or may not be true'), choosing instead to treat the identification of abnormal babies as being independent of their abortion. I am also upset that TVNZ were evasive in response to my query about their decision.

"I would have appreciated some recognition that there was insensitivity and bias in the *Fair Go* presentation in favour of the detection and abortion of abnormal babies. As delays in TVNZ responses render retraction inappropriate, I would have appreciated a commitment to greater care in the future, especially *Fair Go* . . .

"Amniocentesis is synonymous with abortion of babies diagnosed as having abnormalities in their cell structure. It is therefore a delicate and controversial topic, not only by association with abortion, but because of the potential adverse impact on the rights and esteem of abnormal citizens in our society. As a controversial topic, it requires balanced, unbiased presentation."

Mr Duffin went on to say that the *Fair Go* programme presented the topic as if it were non-controversial. "There was no sensitivity or mention of the opposition to amniocentesis and similar tests carried out for the sole purpose of identifying candidates for abortion. An unbiased viewer, unaware of the significance of amniocentesis tests, could not help but side with the mother in question, and conclude that amniocentesis should be available on demand, to all women, i.e., he would accept the reporter's point of view.

"In treating amniocentesis in isolation from abortion, *Fair Go* was able to present amniocentesis as a normal, accepted, non-controversial test. In claiming that *Fair Go* thereby kept well clear of the abortion controversy, the TVNZ Complaints Committee are denying the intimate and inseparable link between abortion and amniocentesis. They are also saying in effect, that one can avoid controversy by presenting one point of view and pretending that the other does not exist. I'm sure that the Tribunal will be aware that ignoring the opposition and their point of view, can be a most effective strategy for pressure groups. It remains however, a misleading, unfair and dishonest tactic.

"In this case there IS an opposing point of view, held sincerely and with great conviction: that 'the child Trish (or any other mother) is carrying' has a right to life, whether it is normal or abnormal. We must therefore continue to express our opposition for the amniocentesis test sought by Mrs Jones, or any other women who seeks to identify and abort an abnormal child."

Mr Duffin also attached a letter further explaining the bases and aspects of his complaint.

Television New Zealand's Response

On 18 August 1989 Television New Zealand wrote to the Tribunal with its submissions on the complaint.

First, TVNZ emphasised that the complaint related to a consumer affairs type programme and not a news or current