

affairs broadcast. TVNZ emphasised that the programme related to a woman whose request for the test had been declined. The investigation identified alleged inconsistencies and criteria governing testing in different parts of the country.

"Given the circumstances that amounted to a classic case of seeming injustice which the programme is designed to identify, to investigate and to seek for and find an answer."

TVNZ stated that "in essence it did not consider section 95B (1) (e) of the Act regarding balanced treatment was either in serious question or at risk of being breached.

Intrinsically amniocentesis was not being examined in the context of a controversial issue of public importance. It was, as the reporter made perfectly clear at the beginning of the programme, a question of access to health care.

TVNZ stated that it did not take the complaint lightly and did have proper regard to the complainant's genuine concern. It denied that *Fair Go* treated the subject insensitively or that a biased coverage was presented.

TVNZ Ltd. did not believe that entry into the abortion controversy was either necessary or called for. TVNZ emphasised that the programme did not investigate amniocentesis as a topic of controversy.

TVNZ denied that it was biased.

As to material submitted from *Metro* magazine, TVNZ stated that this material was not presented as part of the case the complainant made to TVNZ in the first place and was not considered by its complaints committee.

Nor was the letter from the complainant of 25 October to the assistant controller of news and current affairs taken into consideration. TVNZ submitted that various letters between the complainant and TVNZ should not form part of the evidence to be considered by the Tribunal.

Finally, TVNZ observed that the complaint had some elements in common with an earlier complaint heard by the Tribunal, which was the subject of decision 5/77 dated 22 December 1977. TVNZ said in that decision at the bottom of page 4 the Tribunal noted "when dealing with the objectives of the programme that it would be quite wrong to suggest that in every programme a comprehensive definition should be entered upon before some aspect of the subject could be discussed".

TVNZ accordingly submitted that the programme was dealing with amniocentesis testing criteria as one aspect of the subject and that, in keeping with that earlier finding, a comprehensive definition was not called for.

To summarise, TVNZ said that the programme treated the subject in an unbiased and objective way and that the complaint was properly handled in keeping with statutory requirements.

Mr Duffin's Comment on TVNZ's Submission

On 26 September 1989 Mr Duffin wrote to the Registrar of the Tribunal. He alluded to TVNZ's explanation of their reluctance to carry out further investigation. He maintained that the alleged association (between amniocentesis and abortion) was very relevant for the simple reason that, if the purpose of amniocentesis was indeed to identify candidates for abortion, then it had to be considered to be part of the controversy which surrounded abortion.

As to the previous Tribunal decision raised by TVNZ, the complainant said TVNZ continued to imply that "I would have required a thorough analysis of amniocentesis to have been satisfied." He said this was a misrepresentation. He said "All I would have required was that *Fair Go* make some brief mention of the true abortion significance of amniocentesis tests and an acknowledgment that there are those who oppose them on moral grounds."

He said TVNZ were correct to note that his concerns were largely related to what was not broadcast. He said biased

presentations did not need to represent the other point of view; they may simply ignore it altogether.

He said he had spoken to several people about the item. "Virtually without exception, none of them had ever heard of amniocentesis, let alone knowing what it is all about. In other words, most of the viewers watching the *Fair Go* programme could only form their opinions on the basis of the information presented."

As to the issue of the programme type, Mr Duffin said he was not sure why TVNZ attached significance to the fact that *Fair Go* is not a usual current affairs programme.

"In fact I would have had no objection to a sober (news type) presentation of the cold hard facts relating to the difference in policy relating to amniocentesis, between hospitals. But the *Fair Go* item goes beyond the objective presentation of cold hard facts. *Fair Go* invites its audience to take sides with the victim in order to bring pressure to bear on the rip-off artists. *Fair Go* are presenting the audience with their perspective in inviting them to agree."

The complainant said the *Metro* extract was submitted only as background information.

As to the transcript he said the effect that a programme has on viewers depends not only on what is said but the way it is said and what is implied.

"The transcript showed clearly that the mother in question had not been upset by the variation in policy between hospitals, but by having been denied the test. The fact that *Fair Go* presented the item indicates they support her position.

"Carol notes that 'if Trisha still wanted the test, she'd have to seek it overseas. Phillip responds that *Fair Go* reckons that shouldn't be necessary, i.e., she should have been given the test in New Zealand. They are thereby supporting a woman's right to amniocentesis'." Mr Duffin noted that the mother in question was "stunned" because "she had her heart set on having it". She was "really shocked" that she couldn't. There was a compelling appeal to viewer support."

The contrasting perspective was not presented, that of the child. "Suppose that the child was abnormal. Would he or she consider in later life, that he or she had been given a 'fair go' by the programme? I don't think so. There was no mention of the child's rights, or the fate which would inevitably follow a positive test. Uninformed viewers could not help but side with a concerned mother's 'right to amniocentesis'."

Finally, Mr Duffin said by implication that this was a controversial topic and should have been treated accordingly.

Decision

It is not a principle of broadcasting standards that all matters relevant to a particular topic must be mentioned.

The programme set out to deal with 2 matters. The first was that the woman who wanted the test had been unable to have it because of the age restriction which was partly based on an allocation of limited resources. The second was the inconsistency of that policy between hospitals in different parts of the country.

The relationship between obtaining the results of the tests and the decision as to whether or not to seek an abortion was relevant to the first objective. But because it is relevant does not mean it is essential that the programme refer to it. Every programme broadcast is not required to be a fully rounded consideration of all the ramifications of the topics which are dealt with in the programme or even of their controversial aspects.

There is some justification for the complainant's concern that *Fair Go*, by taking an editorial position that the woman should be entitled to the test, was embarking on an issue that was controversial but failed to explain why it was controversial. We think it would have been better to have avoided that comment as the real thrust of the programme was towards the