

and

4. No person shall be appointed, elected or co-opted as a member of Council under the foregoing provisions on more than 3 occasions.

Dated this 18th day of December 1990.

LOCKWOOD SMITH, Minister of Education.
go13871

Internal Affairs

Invercargill City Council Building Bylaw Number 103-1988 Confirmed

The following certificate has been executed on a sealed copy of the Invercargill City Council Building Bylaw 103-1988 made by Special Order of the Invercargill City Council on 25 October 1988 and confirmed at a subsequent Council meeting on 22 November 1988.

Signed at Wellington this 4th day of December 1990.

WARREN COOPER, Minister of Local Government.
go13921

Justice

Broadcasting Act 1976

Decision No. 11/90

Reference No.: COM 14/88

Before the Broadcasting Tribunal

In the matter of the Broadcasting Act 1976, and in the matter of a complaint by **Paul Francis James Clarke** of Petone:

Warrant Holder: Radio New Zealand Limited:

Chairman: Judge B. H. Slane.

Member: Ann E. Wilson.

Co-opted Members: R. M. Carter and G. K. Drury.

Reason for Decision

Dated this 31st day of January 1990.

Introduction

This complaint concerned a broadcast on Radio New Zealand's "Insight" programme broadcast on 8 May 1988.

The subject matter of the programme was the high rate of pregnancies in girls under 16 in New Zealand and moves to liberalise sex education.

The Complaint to the Broadcasting Corporation of New Zealand

On 10 May 1988 Mr Clarke wrote to the Manager, Radio New Zealand about the programme.

He wrote:

"I complain under the heading set out in the *Listener*: 'The principle that when controversial issues of public importance are discussed, reasonable efforts are made to present significance points of view—either in the same programme or within the period of current interest'."

Mr Clarke specified 5 complaints. Summarised by the Tribunal, these are set out before the responses to each in the Manager, National Radio's letter to Mr Clarke which follows.

On 16 May 1988, the Secretary of the Broadcasting Corporation of New Zealand (as it then was) wrote to Mr Clarke saying that his complaint had been referred to Radio New Zealand for reply. If Mr Clarke subsequently wished to make a *formal* complaint to the Corporation, then he should write again restating the grounds, the specific broadcast or

programme concerned and, again specifically, in what way he considered it failed to comply with the programme rules. The complaint would then be determined in due course by the Board of the Broadcasting Corporation.

Accordingly, on 23 May 1988, the Manager, National Radio wrote to Mr Clarke answering his initial letter of complaint. (Even though this letter came before the Corporation's formal response to Mr Clarke's formal complaint to the BCNZ, we repeat much of it here because it sets out Radio New Zealand's position, which did not substantially change when the matter was considered by the Board of the Broadcasting Corporation itself, or, indeed, after the Corporation was abolished and Radio New Zealand Limited made submissions in its own right to us.)

The manager wrote: "As I understand your complaint, you allege editorial bias in favour of those who you describe as being 'clearly in favour of girls under 16 being given access to contraceptives and information about the use of them.' You also allege that reasonable efforts were not made to present significant points of view in the programme under discussion.

"In your letter you say the subject matter of the programme was 'pregnant girls under 16 and contraception'. This is not correct. At the beginning of the programme it was stated: 'Insight this week looks at the high rate of pregnancies in girls under 16 in New Zealand, one of the highest rates in the world, and at moves to liberalise sex education in this county.'

"1. What are the reasons for the high rate of pregnancies in girls under 16 in New Zealand?

"2. What can be done about this?

"3. To what extent has this given rise to moves to liberalise sex education and in particular concern about section 3 of the Contraception, Sterilisation and Abortion Act?

"The issue of contraception and girls under 16 formed part of the discussion and was addressed in this context."

In particular, the letter responded to the complaints as follows:

Complaint 1

There were 7 speakers, of whom 5 were clearly in favour of girls under 16 being given access to contraceptives and information about the use of them.

The 2 remaining speakers' replies showed that there was an imbalance on Radio New Zealand's part. There should have been more speakers who expressed reservations about the contraceptive issue in relation to young girls, he said.

"You state there were 7 speakers, '5 of whom were clearly in favour of girls under 16 being given access to contraceptives and information about the use of them'.

"There were in fact 8 speakers. They were:

"*Judy Skinner*, a midwife working at the Adolescent Unit at Wellington Hospital.

"*Marie Clinton*, a counsellor at Parkview, Wellington's Pregnancy Counselling and Termination Unit.

"*Margaret Durden*, Education Officer for the Family Planning Association.

"*Helen Shaw*, Senior Education Officer, Curriculum Development, Education Department.

"*Dr Jill Durham*, Principal Medical Officer, Health Department's Women, Child and Family Health Programme.

"*Dr Margaret Sparrow*, National President Abortion Law Reform Association.

"*Marilyn Pryor*, former president of the Society for the Protection of the Unborn Child.

"*Father John O'Neill*, executive director of the New Zealand Catholic Education Office.

"The first 5 speakers were chosen because they are in the 'front line' counselling pregnant girls under 16 or in