

Corporation had considered the formal complaint about the programme at their meeting of 30 August. It was considered, he said, in the context of section 24 (1) (e) of the Broadcasting Act "which requires that broadcasters have regard to the principle that when controversial issues of public importance are discussed, reasonable efforts are made to present significant points of view . . ."

The secretary said that the programme was another in the continuing debate relating to contraception and abortion issues. He said the subject had many facets, and it would be impossible to deal with every aspect in any half-hour radio programme. The "Insight" programme was another investigation of a difficult, and related, aspect which was of public concern, he wrote.

The Secretary of the Corporation said that the Radio New Zealand letter of explanation which Mr Clarke had already received (set out above) dealt with the matter in detail and considered to be a responsible and fair reply to the issues raised. It was noted that the complainant's further letter took issue with that response.

The secretary continued:

"The defined subject of the programme was a key factor: the introduction made it clear that the focus of attention was to be on the high rate of pregnancies in girls under 16, and matters relating to liberalising sex education in the country. Three main questions were addressed. It was not a debate on abortion, although that constituted a small thread which was inevitable when such a subject came under examination. But the topic, and discussion, did not have as their main focus the subject of abortion.

"Nevertheless the subject was clearly a controversial issue of public importance, and the fact that the programme incorporated 8 different speakers with knowledge, and even involvement with the problem, illustrated that reasonable efforts were in fact made to present significant points of view in the same programme. The requirement of the provision of the Act was considered to have been fully met. That did not mean there could not be other significant points of view, but there was insufficient evidence to suggest that other parties which you suggested would be as appropriate.

"It was considered that the programme was most professionally executed, and that all relevant matters were fully taken into account and adequately answered. Given all the circumstances, the Board decided that the requirements of section 24 (1) (e) had been met, and accordingly your complaint was not upheld."

In addition, the secretary explained that as the complainant had invoked the formal complaints procedure, the complaint became one of many dealt with under statutory provisions, not a "fast track" procedure.

Complaint to the Tribunal

On 11 October 1988, dissatisfied with the response to the complaint by the Broadcasting Corporation and its decision, Mr Clarke complained to the Tribunal enclosing copies of the BCNZ's response and a further letter to the BCNZ which he wrote on 8 October 1988 making various comments on the BCNZ's finding. A further letter to the Tribunal dated 12 October followed giving further details of his complaint to the Tribunal.

Then, on 14 November 1988, Mr Clarke wrote a further letter to the Tribunal. His new letter was to lay more complaints with the Tribunal in regard to the same programme and related matters that had arisen subsequently.

"When I couple up the complaints already presented to you with those attached to this letter (numbered 'A' 'B' 'C' 'D' and 'E') it is obvious to me that the Radio New Zealand programme was NOT 'most professionally executed' as claimed by BCNZ in their letter dated 26 September—and also as publicly broadcast, see complaint 'A' about this.

"In my attached complaints I ask questions. Any matters that are not answerable by the Tribunal I ask to be allowed to put to BCNZ/Radio New Zealand when I attend the hearing". He asked us to note that he had not contacted either the BCNZ or Radio New Zealand about this (further) letter or complaints.

On 6 December Mr Clarke wrote again to the Tribunal. He enclosed copies of further correspondence he had had with the Wellington Hospital Board—2 letters sent, 2 letters received. These he said related to his complaint that the programme was not 'most professionally executed'.

On 9 December 1988 Mr Clarke once more wrote to the Tribunal. He attached more complaints about the same programme. These were numbered 11, 12, 13 and 14 plus No. 4 (additional material). He repeated that the programme was not fair, rational and balanced, as claimed by Radio New Zealand, and that it was not a 'most professionally executed' programme as claimed by the BCNZ. He repeated that there was deliberate editorial bias.

In January 1989 the Tribunal wrote both to Radio New Zealand (enclosing the further complaints) and, on the same day, to Mr Clarke noting (*inter alia*) that the documents dated 9 December were more complaints concerning the same programme and asking if he intended to lodge more complaints concerning aspects of it. These were delaying submissions to be lodged by Radio New Zealand in response to the complaint.

On 12 January 1989 Radio New Zealand wrote to the Tribunal expressing its concern at the amount of new material Mr Clarke was seeking to have considered by the Tribunal. Radio New Zealand said the new material approached that which he put before the Board of the (now dissolved) BCNZ. It also appeared to incorporate several points not originally made in his formal complaint (to the BCNZ).

"We regard a considerable bulk of Mr Clarke's now lengthy and somewhat voluminous total submission as matter which ought not therefore to be taken into account in the Tribunal's consideration. Nevertheless, each addition to the original complaint must be examined and digested, significantly contributing to the delay in preparing the Radio New Zealand submission. However I shall send this to you as soon as possible."

On 19 January 1989 at the Tribunal's direction the registrar wrote to Mr Clarke concerning the complaint. The registrar advised that while the Tribunal was not yet in a position to deal with the complaint, it had noted that further matters of complaint had been lodged by him.

The registrar advised the complainant that the Tribunal had ruled that the only matters that could be dealt with were the complaint that was originally lodged with the BCNZ and subsequently referred to the Tribunal with the signed complaint form. To the extent that any subsequent correspondence raised new matters of complaint they could not be dealt with by the Tribunal.

The complainant was advised that, when the Tribunal had had an opportunity to read the response from Radio New Zealand, it would rule on whether or not it was necessary to convene a hearing for him to appeal personally.

On 27 January 1989 Mr Clarke replied to the registrar's letter. He advised that he did not intend to lodge any more complaints with us. He also raised several other matters.

Radio New Zealand Limited's Response

On 25 January 1989 the Chief Executive of Radio New Zealand Limited (as it had now become) wrote to the Tribunal with its submissions on the complaint referred to the Tribunal. In accordance with the Tribunal's ruling, the response to the complaint was confined to the original formal complaint to the BCNZ then the Tribunal.

Radio New Zealand's submission to us on the complaint