

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 55/93

Dated the 3rd day of May 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

BRENDAN ROBERTS

of Auckland

Broadcaster

TELEVISION NEW ZEALAND  
LIMITED

I.W. Gallaway Chairperson

J.R. Morris

R.A. Barraclough

L.M. Dawson

DECISION

Introduction

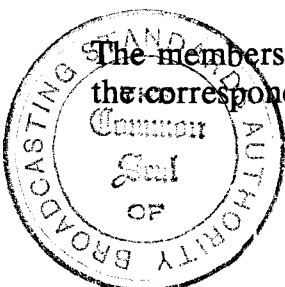
The development of a new test designed to detect Down's Syndrome in the unborn child was reported in an item on *One Network News* at 6.00pm on 6 November 1992.

Mr Roberts complained to Television New Zealand Ltd that the item stressed the option of an abortion, that it did not give the mother of a Down's Syndrome child featured an adequate opportunity to warn against abortion, and it did not state that an abortion was illegal unless there was a danger to the mother's physical or psychological health.

Explaining that the item focused on the test, TVNZ said that the brief mention of abortion was balanced by a reference to the need for counselling services and it declined to uphold the complaint. Dissatisfied with TVNZ's response, Mr Roberts referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Decision

The members of the Authority have viewed the item complained about and have read the correspondence (summarised in the Appendix). As is its practice, the Authority has



determined the complaint without a formal hearing.

Mr Roberts complained to TVNZ that an item about a new test for detecting Down's Syndrome in the unborn child, reported on *One Network News*, was unbalanced when, he said, it stressed that an abortion was a possible result should Down's Syndrome be detected. He also expressed his concern that the mother of the Down's Syndrome child featured was not given enough time to state her views.

TVNZ assessed the complaint under standard 6 of the Television Code of Broadcasting Practice which requires broadcasters:

- 6 To show balance, impartiality and fairness in dealing with political matters, current affairs and all questions of a controversial nature.

Denying the possibility of an abortion had been stressed, TVNZ said that there had been a brief mention of abortion as a possibility for the mother to consider should Down's Syndrome be detected in the unborn child and that it had been balanced by a reference to the need for counselling for the mother in those circumstances.

When referring his complaint to the Authority, Mr Roberts argued that even if abortion was not stressed, it was the item's underlying theme and, furthermore, there had been no discussion about the limited grounds upon which abortion was legal.

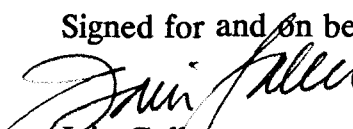
Having examined the item, the Authority decided that abortion was not advanced as an inevitable consequence should Down's Syndrome be detected in the unborn child. The item had referred to abortion as a possibility and, in taking that approach, the Authority considered that the item was acknowledging a real issue which pregnant women could well have to consider.

Moreover, as the passing comment about abortion was not the focus of the item, the Authority considered that it was unnecessary to present the pro-life or pro-choice arguments. The item had stated that counselling would be necessary when Down's Syndrome was detected which provided sufficient balance to the brief reference of the possibility of an abortion.

As the mother of the Down's Syndrome child featured made her point in the extract from the interview broadcast (expressing reservations about children being treated as consumer durables), the Authority decided that the aspect of the complaint alleging that she had been "cut off" did not breach the standards. It reached the same conclusion on Mr Roberts' concern that the item had not dealt with the limited grounds for which an abortion was legal, observing that an explanation of the legal grounds for abortion and their application to the situation being reported on was outside the scope of this brief news item. The Authority was unable to agree with Mr Roberts that the item was unbalanced, partial or unfair.

**For the above reasons, the Authority declines to uphold the complaint.**

Signed for and on behalf of the Authority

  
Iain Gallaway  
Chairperson  
3 May 1993



## Appendix

### Mr Roberts Complaint to Television New Zealand Limited

In an undated letter, Mr Brendan Roberts of Auckland complained to Television New Zealand Ltd about what he described as the biased reporting on an item about a new pregnancy test to detect Down's Syndrome in the unborn child dealt with on *One Network News* between 6.00 - 6.30pm on 6 November 1992.

He stated that the item too strongly stressed the option of an abortion and that it "cut off" in mid sentence the mother of Down's Syndrome child featured. He said that he believed fair reporting should include both sides of the abortion debate, especially since the mother's Down's Syndrome child was used as an example.

### TVNZ's Response to the Formal Complaint

TVNZ advised Mr Roberts of its Complaints Committee's decision in a letter dated 17 December 1992 when it said that the complaint had been assessed under standard 6 of the Television Code of Broadcasting Practice which requires broadcasts to be balanced, impartial and fair.

Quoting the occasion in the script when abortion was mentioned, TVNZ disagreed that it had been stressed. Moreover, the item had referred to the need for counselling services and, TVNZ said:

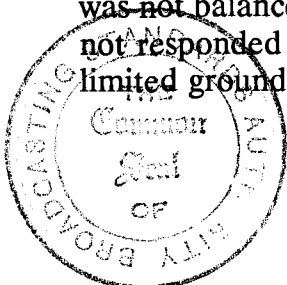
The [Complaints] Committee considered it valid to mention abortion which is, after all, an option some women might want to consider. However, it felt that the brief item was balanced by the comments of the mother and the reference to counselling.

It declined to uphold the complaint.

### Mr Roberts Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's response, in a letter received on 5 February 1993 Mr Roberts referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Noting that TVNZ did not deny that the mother had been cut off abruptly when she appeared to be expressing her view that use of the test should not lead to an abortion, Mr Roberts argued that if abortion was not stressed, it was nevertheless the item's underlying theme. He expressed the opinion that the attitude in the item to abortion was not balanced by the reference to counselling. In addition, he noted that TVNZ had not responded to the aspect of the complaint that the item should have dealt with the limited grounds for which an abortion was legal.



**TVNZ's Response to the Authority**

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 11 February 1993 and TVNZ's response, 5 March.

TVNZ made two points. First, it denied that a single reference to abortion was "undue emphasis" on the subject, although it acknowledged that the development of the test added a new dimension to the abortion debate. It added:

It would be dishonest for the item not to have acknowledged that the issue of abortion is part and parcel of a test which can detect abortion abnormalities.

Secondly, it denied that the mother representing the Down's Syndrome Group was abruptly cut off. As with most other interviews for news items, one or two pertinent comments had been selected for inclusion in the completed item.

**Mr Roberts' Final Comment to the Authority**

When asked to comment on TVNZ's response, in a letter dated 18 March 1993 Mr Roberts pointed out that TVNZ had not dealt with his argument that the item should have explained the grounds on which an abortion was legally available. Moreover, he believed that the statement made by the mother representing the Down's Syndrome Group, which was not broadcast, was necessary for the item's balance.

