

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 67/93

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Dated the 9th day of June 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaints by

SUSI NEWBORN

of Auckland

and

ANN BECKER

of Auckland

Broadcaster

TELEVISION NEW ZEALAND

LIMITED

I.W. Gallaway Chairperson

J.R. Morris

R.A. Barraclough

L.M. Dawson

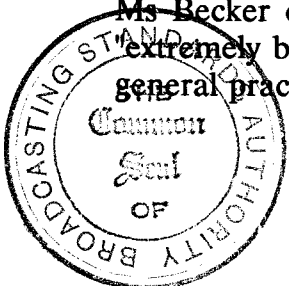
DECISION

Introduction

"Hard Labour" was the title of a *Frontline* item broadcast on TV1 on 11 October 1992. It focused on the debate between proponents of home or hospital births and examined the sometimes unhappy relationship between the groups of health professionals involved.

Ms Newborn complained to Television New Zealand Ltd, as the broadcaster, that the item was deliberately denigrating towards midwives and that it was unbalanced in that it was a "witch-hunt" against those who supported home births. In addition, she said that the reporter had a "hidden agenda".

Ms Becker complained that the item breached the broadcasting standards as it was "extremely biased", as it had not dealt fairly with one named midwife and one named general practitioner and as it had quoted the midwife out of context.



Arguing that the programme was about the roles of and conflicts between health professionals and not about birth choices, and that the issues had been presented in a balanced way, TVNZ maintained that it complied with the broadcasting standards. TVNZ firmly dismissed as untrue and without foundation the allegation that the reporter had a "hidden agenda". Dissatisfied with TVNZ's decision, Ms Newborn and Ms Becker referred their respective complaints 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 Appendices). As is its practice, the Authority has determined the complaints without a formal hearing. The Authority has combined two separate complaints in this decision and records that they have been two of the most difficult complaints that the Authority has had to determine.

Ms Newborn and Ms Becker complained to TVNZ about a *Frontline* item entitled "Hard Labour" broadcast on 11 October 1992 which explored the experiences of two families where each mother had given birth to a severely brain-damaged child. The item had looked at the roles of the medical professionals involved in each birth and commented about the roles of medical professionals in childbirth generally. Ms Newborn claimed:

[The item] was a witch-hunt, deliberately out to paint a picture of incense burning, om-chanting midwives, stropky in the face of hospital intervention.

She later complained that the item was unbalanced and was biased in favour of the medical interventionist approach to childbirth. She presented extensive details about one of the births featured and the subsequent enquiries and said that the omission of some of that information was irresponsible.

As the main ground of her complaint, Ms Becker also maintained that the programme was biased on the basis that both sides to the issue of birth asphyxia had not been given an equal opportunity to have their say. Furthermore, it had not dealt fairly with the named midwife (Ms Sian Burgess) or with a named medical practitioner (Dr Di Nash) and, she argued, Ms Burgess was quoted out of context.

TVNZ assessed the complaints about the programme under standards 4, 6, 15 and 26 of the Television Code of Broadcasting Practice. Standards 4 and 6 require broadcasters:

- 4 To deal justly and fairly with any person taking part or referred to in a programme.
- 6 To show balance, impartiality and fairness in dealing with political matters, current affairs and all questions of a controversial nature.

Standards 15 and 26 read:



- 15 Care should be taken in the editing of programme material to ensure that the extracts used are a fair reflection and not a distortion of the original event or the overall views expressed.
- 26 The portrayal of people in a way which is likely to encourage denigration of or discrimination against any section of the community on account of sex, race, age, disability, occupation status, sexual orientation or the holding of any religious, cultural or political belief shall be avoided. The requirement is not intended to prevent the broadcast of material which is:
- i) factual, or
 - ii) the expression of genuinely-held opinion in a news or current affairs programme, or
 - iii) in the legitimate context of a humorous, satirical or dramatic work.

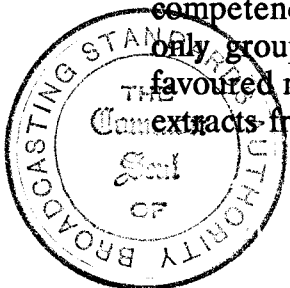
TVNZ persisted in its responses that the complainants had misunderstood the programme's theme. "Hard Labour", it said, had not compared home births with hospital births but had contrasted the views about birthing of interventionists and non-interventionists to illustrate the potential for tragedy. Because of the sometimes unhappy relationship between these groups with opposing views, the Medical Practitioners Disciplinary Committee had called for guidelines. Acknowledging Ms Newborn's passionate views about home birth and midwifery, TVNZ stated:

The programme did not vilify midwives or home births. Indeed it emphasised that hundreds of babies are delivered safely at home each year, that the services of independent midwives in most cases are first rate and that generally the relationship between midwives, doctors and hospitals is good.

In response to Ms Becker, TVNZ said that the people named had declined to appear on the programme although one had provided some views which were broadcast. To Ms Becker's concern that the topic of birth asphyxia was a controversial one which required a thorough debate, TVNZ reiterated its position that the uneasy relationship between groups of health professionals and the potential for tragedy was the item's theme.

The Authority first examined the item's theme to see whether it was a witch-hunt about midwives, as Ms Newborn alleged, an inadequate examination of birth asphyxia as Ms Becker argued, or, as TVNZ claimed, a dispassionate account about relationships between groups of health professionals with opposing views. As is frequently the case when complainants and a broadcaster hold strong but opposing views, the Authority decided that each approach had some validity.

The Authority agreed with Ms Newborn that the item at times seemed to question the competence of some midwives but that, as TVNZ maintained, midwives were not the only group subjected to this line of questioning. One named medical doctor who favoured non-intervention was also featured. In addition, the programme also included extracts from an interview with a midwife, Ms Sandy Grey, who was presented as the



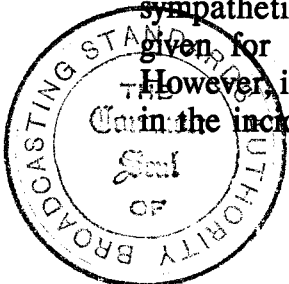
responsible middle ground. However, although it agreed with TVNZ that the item concentrated on the possible tragic outcomes because of the division between interventionists and non-interventionists and, although the birth of a brain-damaged child in the second family featured involved a general medical practitioner rather than a midwife, the Authority considered that the item implied that midwives comprised the bulk of the non-interventionists while the medical profession usually took the interventionist approach.

The Authority also agreed with both Ms Newborn and TVNZ that the medical professionals' approach to childbirth is a political subject and that there were sometimes deep tensions between the groups. However, taking into account its earlier decisions where it has imposed a high threshold before deciding that the prohibition on encouraging denigration has been breached, the Authority decided that the questioning of the competence of non-interventionists did not criticise midwives as a group and thus did not breach the requirements of standard 26. In support of her complaint that the programme denigrated midwives, Ms Newborn asked why had the midwife, who had been involved in the first birth featured of a brain damaged child, been repeatedly named while the names of the other health professionals were seldom mentioned. The Authority disagreed with that aspect of the complaint, noting that the names of a variety of professionals from the differing perspectives were broadcast, including the name of the medical practitioner involved with the birth of the second child featured.

Ms Becker accepted TVNZ's argument that the possibility of tragic outcomes because of the interventionist - non-interventionist debate was a theme of the programme and that the adherents to each philosophy did not divide neatly into medical practitioners and midwives. Her principal concern was the way in which the programme dealt with birth asphyxia, which she claimed was biased and unbalanced. The Authority accepted TVNZ's argument that birth asphyxia was not the issue on which the item was focussed and, accordingly, did not uphold the standard 6 aspect of her complaint.

Ms Becker's standard 4 complaint alleged that the comment from Ms Burgess which was quoted during the item had been quoted out of context and, consequently, the programme had been unfair to Ms Burgess. TVNZ argued in response that the words had been quoted correctly and observed that Ms Burgess, in her complaint to TVNZ about the programme, had not suggested that she had been misrepresented. On that basis, the Authority declined to uphold that aspect of Ms Becker's complaint. Because of that comment, the Authority was aware that Ms Burgess had complained to TVNZ about the programme. As she did not refer TVNZ's decision to the Authority for investigation and review, the Authority did not know the details of her complaint or TVNZ's findings.

Having accepted that the item was focused on the disagreement between interventionists and non-interventionists and the possibility that tragic results could occur, the Authority then assessed whether that issue had been dealt with in a balanced way. Ms Newborn claimed that there had been inadequate consultation with the professional groups sympathetic to the non-interventionist approach when compared with the opportunities given for the representatives from the other side to present their point of view. However, in view of TVNZ's reported efforts to seek the involvement of the participants in the incidents depicted, the Authority considered that the representatives from each



side had been offered an adequate opportunity to put their case.

The Authority studied closely the programme's reference to episiotomy (a surgical cut made at the opening of the vagina during childbirth to aid delivery). As Ms Newborn referred to an episiotomy in her initial letter of complaint, the Authority did not accept TVNZ's argument that the issue was outside its jurisdiction and decided that it was a valid aspect of the referral. The item stated that such a procedure would have prevented the damage to the second child referred to. That birth had not involved a midwife but the general practitioner involved had appeared before the Medical Practitioners Disciplinary Committee as a result of the birth and had been disciplined for not performing an episiotomy which, according to the Committee's report, "could have relieved [the baby's] evident distress". That doctor, named but not interviewed, was firmly placed in the non-interventionist camp.

While the programme was being made, one of the international leaders of the non-interventionist school of thought (Ms Sheila Kitzinger, described by TVNZ as a "childbirth guru") happened to visit New Zealand to address a conference on childbirth. Upon her arrival at Auckland Airport, she was intercepted by *Frontline's* reporter and apparently agreed to an interview. Having earlier quoted from Ms Kitzinger's book that an episiotomy was seldom necessary, the reporter questioned her as to whether her views were "ideological nonsense", a suggestion which she rejected. The reporter then asked whether an episiotomy would have prevented brain damage to the second child featured, as the child's parents now believed on the basis of specialist opinion. The reporter added in a sceptical tone: "You'd dispute that?" Ms Kitzinger replied that such cases were few and far between and did not justify giving women routine episiotomies.

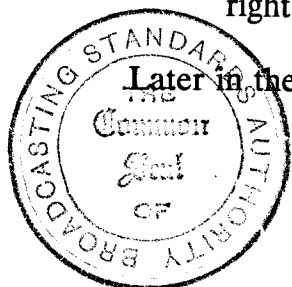
The reporter's questions suggested his strong scepticism about the validity of the non-interventionist stance although, in the Authority's view, the Kitzinger interview provided some balance on the episiotomy question because she is an international authority. However, her apparent lack of familiarity with the case in question together with the reporter's attitude, gave her comments less weight than they otherwise might have carried.

Ms Newborn referred to the interview with Ms Kitzinger as an aspect of her complaint about the reporter's "hidden agenda", an aspect which TVNZ firmly dismissed as untrue and without foundation. As Ms Newborn's statement was made only as an allegation, as it was not made under a broadcasting standard and was not supported with evidence, the Authority has dismissed it as irrelevant to its determination of the complaint.

An important aspect of the discussion about each child's birth, the Authority observed, was the respective parents' belief that the brain damage had occurred during the birth process. For example, the mother of the first child commented:

We know from paediatric reports and neurological reports that he was perfect - right up to the day of his birth.

Later in the item, the reporter stated:



The thing is - there was no imperfection in Llewellyn until the day of his birth.

The father of the second child featured observed at one stage:

We now understand that an episiotomy was all that was needed to save Maria.

The conclusion was accepted as correct by the reporter and, as noted above, was used in one of his questions to Sheila Kitzinger.

Because of the conviction with which the parents expressed their views and the reporter's evident belief in their explanations, the Authority decided to seek confirmation that the beliefs were based on current medical knowledge. It records that it did so not because it doubted the parents' beliefs in any way but because of the way the beliefs were used as facts by the reporter in highlighting the differences between interventionists and non-interventionists and, as a consequence, questioning the wisdom of the latter approach to some births.

The Authority approached Dr Henry Murray, Senior Lecturer in Obstetrics and Gynaecology at the Wellington Medical School. While acknowledging that he is a medically trained specialist, the Authority was concerned to ensure that he was not aligned to the interventionist or non-interventionist view. On that point, Dr Murray recorded:

I have spent considerable time studying the causes of brain damage in and around labour. I feel that the Authority should understand that I am actively involved as a medical person in delivery of children, particularly those at "high risk" during the pregnancy. I do, however, have a very strong belief that the majority of pregnancies in the Western World will proceed normally and require little, if any, intervention from a person with a large amount of medical experience.

Dr Murray was asked, first,

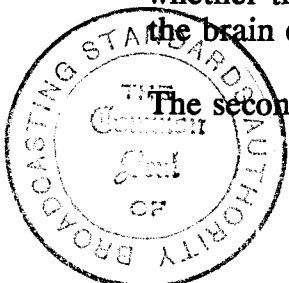
Is it possible for paediatric and neurological reports to conclude that an unborn child is perfect until the day of birth?

After briefly summarising the research and listing the evidence to be taken into account in each particular case as to whether cerebral injury has occurred before labour, or during labour, he replied:

In answer to the first question, therefore, one would have to say that it is possible to state, with a very strong degree of probability, when change to a baby has occurred in terms of whether it has been antenatal or intrapartum (ie in labour).

Not having access to the reports of the baby featured, however, he was unable to say whether those reports justified the parents' belief about the stage of the process when the brain damage occurred.

The second question posed asked:



Is it possible to state that in some instances an episiotomy can relieve an unborn child of evident distress and, if so, in what circumstances will an episiotomy, apparently alone, save a baby from brain damage.

Referring to his wide experience and concurring with Sheila Kitzinger, Dr Murray said it would be very rare indeed for an episiotomy to save a child from brain damage. Nevertheless, he described the specific circumstances when an episiotomy would be beneficial to the baby. Again, as he did not have access to the records, he was not prepared to express an opinion as to whether it would have been appropriate for the child featured. He deferred to the opinion of the Medical Practitioners' Committee which, he believed, would have gathered the appropriate material before reaching its conclusion that an episiotomy was appropriate in that particular case.

He concluded by noting that his answers to the questions were only his opinions.

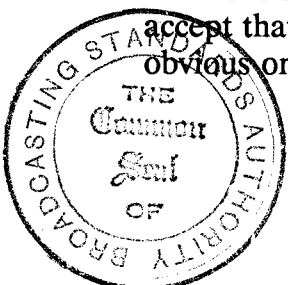
In view of Dr Murray's observations, the Authority concluded that the emphasis given in the item to the claims that the brain damage occurred during birth in each instance did not amount to a breach of standard 6.

This point however was not the only aspect of the complaint that the item breached standard 6. The central issue was the interventionist - non-interventionist debate and the majority of the Authority decided that this debate had been presented in a way which complied with standard 6. In support of this decision, the majority pointed to the item's acknowledgement that the two cases featured were exceptionally unusual and that many babies are delivered competently by midwives and that this view was explained cogently by the midwife featured - Ms Sandy Grey.

A minority of the Authority on the other hand came to the conclusion that, while not a witch-hunt about midwifery, the programme advanced a philosophy of birth which tended, first, to question the competence of non-interventionists, and secondly, to suggest that midwives formed a large component of that school of thought. The minority decided that the programme's tenor, while it did not denigrate midwives, assumed on the basis of the two tragic cases detailed that the interventionist approach was the "correct" one.

The broadcasting standards provision which requires balance means that a broadcaster must examine both sides of an issue. However, in the opinion of a minority of the Authority, the programme failed to treat the interventionist and non-interventionist perspectives with equal objectivity. In taking that approach, the minority decided after a careful examination that the programme failed to show balance, impartiality and fairness as required by standard 6.

The minority would like to clarify the point that its concern focused on the programme's tenor rather than its contents. Overall, in its view, the programme scrutinised the non-interventionist standpoint minutely and sceptically, if not cynically, while seeming to accept that the approach taken by the interventionists was the correct, sensible and the obvious one.



One particularly explicit example of the tenor which assumed the interventionist approach was "correct" was noted by the minority when the reporter observed that one group might not approach childbirth with due caution:

It's a struggle between the non-interventionist views of some midwives who can legally deliver without a physician present and the caution of some doctors.

As another example, the minority observed that the programme also asked the question:

Whether there is a philosophy of birthing being practised in some quarters which endangers the newborn.

It then failed to give those who favoured a less interventionist stance the chance to put their case.

The minority also noted that the birth of the second child featured was not an example of the potentially tragic consequences which might occur when the views of the interventionists clash with those of the non-interventionists, which TVNZ claimed was the programme's theme, as the second birth involved only one medical professional.

TVNZ stated that it had experienced difficulty in that some of the parties directly involved in the births featured had declined to take part in the programme. The minority believed that it would not have been difficult to obtain the views of some non-interventionists who had not been involved. For example, Sheila Kitzinger was interviewed but her reported comments were confined to the issue of episiotomy. The minority believed that she could well have been able to contribute more generally in the interests of balance.

The programme's tenor, a minority of the Authority decided, contained sufficient bias to justify the conclusion that the item breached standard 6 of the Television Code.

The majority disagreed with that conclusion. While much was said in the programme that was critical of the non-interventionist approach, the majority concluded that the reporter had included sufficient balancing content to produce a picture which could be viewed in shades of grey rather than uncompromising black and white. An important factor was the following conclusions reported during the programme:

For many women and babies, the services of an independent midwife are first rate.

There are hundreds of babies safely and professionally delivered at home each year.

There's a good working relationship between most midwives, most doctors and most hospitals.

The majority believed that the two cases described in the programme were so tragic that it was understandable that many viewers would be struck forcibly by the sadness




attending the death in one case and the impaired development in the other. Although the reporter's dispassionate comments might not have had the same emotional impact as the pictures of the grieving parents, in the majority's opinion, sufficient information was given to comply with the requirements as to balance.

For the reasons set forth above, a majority of the Authority declines to uphold Ms Newborn's complaint that the *Frontline* programme "Hard Labour", broadcast by Television New Zealand Ltd on 11 October 1992 breached standard 6 of the Television Code of Broadcasting Practice.

The Authority unanimously declines to uphold any other aspect of Ms Newborn's and Ms Becker's complaints.

Signed for and on behalf of the Authority


Iain Galloway
Chairperson



9 June 1993

Appendix I**Ms Newborn's Complaint to Television New Zealand Limited**

In a letter dated 13 October 1992, Ms Susi Newborn of Auckland complained to Television New Zealand Ltd about the item entitled "Hard Labour" broadcast on *Frontline* on Sunday 11 October.

Describing the programme as one about the politics of childbirth and referring to her own birth experiences, she wrote:

I found it to be the most biased piece of television reporting I have ever seen on New Zealand television, and seriously question the hidden agenda of TVNZ in staging such a blatant distortion of the truth behind home births.

The journalist in question, a male, obviously knew, nor cared, nothing about home births. His was a witch-hunt, deliberately out to paint a picture of incense-burning, om-chanting midwives, stropky in the face of hospital intervention.

In a second letter dated 21 October, Ms Newborn maintained that the programme denigrated midwives and, because it did not compare home births with hospital births, was biased against midwives and doctors involved in home births.

TVNZ's Response to the Formal Complaint

TVNZ advised Ms Newborn of its Complaints Committee's decision in a letter dated 6 November 1992. The complaint had been assessed against standards 6 and 26 of the Television Code of Broadcasting Practice which require balance and prohibit programmes which encourage the denigration of or discrimination against a section of the community.

Contrary to Ms Newborn's opinion that the programme was about home birth and hospital births and the views of interventionists and non-interventionists, TVNZ maintained that it dealt with:

[T]he potential risks to babies posed by the sometimes unhappy relationship between two groups of health professionals who often hold opposing views.

As it discussed an issue identified by the Medical Practitioners Disciplinary Committee after dealing with two unusual but tragic cases, TVNZ argued that the programme was fair and did not denigrate midwives. Although some extreme views were presented, TVNZ continued:

The programme specifically pointed out that most home births went well, that most midwives had good working relationships, and that most women had safe



deliveries.

The complaint was not upheld.

Ms Newborn's Complaint to the Broadcasting Standards Authority

As she was dissatisfied with TVNZ's decision, in a letter dated 16 November Ms Newborn referred her complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

She argued that the item was not balanced and that it was biased as it advanced the medical interventionist approach as the only credible birth option. Further, while organisations representing medical opinion were interviewed, the organisations representing nurses and midwives were not. Expressing the opinion that the item's hidden agenda was to denigrate the midwife featured, Ms Newborn pointed out that the item did not mention that the particular midwife had been investigated and cleared by four professional bodies.

Ms Newborn described the delivery problems which had occurred in the cases cited during the programme and the conclusions reached by the official investigations. Maintaining that the item was inadequately researched, she concluded that it displayed biased and irresponsible journalism.

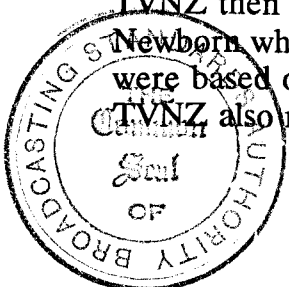
TVNZ's Response to the Formal Complaint

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 2 December 1992 and TVNZ's reply, 25 January 1993.

TVNZ began its response by repeating the main point of the Complaints Committee's decision - that the programme did not compare home births with hospital births as Ms Newborn alleged, but had contrasted the views of interventionists with non-interventionists. The programme, it continued, had dealt with a specific case which the Medical Practitioners Disciplinary Committee had identified as representing a potential for tragedy when two groups of health professionals, with opposing views, were forced to work together without adequate guidelines. TVNZ reported:

The programme did not vilify midwives or home births. Indeed it emphasised that hundreds of babies are delivered safely at home each year, that the services of independent midwives in most cases are first rate, and that generally the working relationship between midwives, doctors and hospitals is good.

TVNZ then discussed in detail each of the seven allegations of bias made by Ms Newborn when she referred her complaint to the Authority. Points 1 and 2, it stated, were based on Ms Newborn's misunderstanding about the programme's theme. TVNZ also mentioned some of the problems it had experienced in gaining comment



from the midwife at the centre of the controversy or from her representatives. Point 3 about the accuracy of the programme's alleged comment about episiotomy had not been raised in the original complaint and, TVNZ submitted, it should not be considered by the Authority. Nevertheless, it added, the programme had not made the statement which Ms Newborn complained about.

As point 4, Ms Newborn alleged that the *Frontline* reporter had a hidden agenda. Expressing concern, TVNZ responded:

The accusation is without foundation and is untrue.

TVNZ noted that some of the incidents cited by Ms Newborn were not known to the reporter and reiterated that the programme was not about midwives but about conflict and confusion between groups of professionals holding opposing views.

Maintaining that the programme had dealt adequately with Ms Newborn's points 5, 6 and 7 and pointing out that the programme had described the two cases discussed as unusual, TVNZ concluded:

The company recognises that Ms Newborn is one who holds strong and passionate views about home birth and midwifery but believes that her convictions in that area have led to her finding in the programmes nuances and implications which are simply not there.

She has misunderstood what the programme was all about.

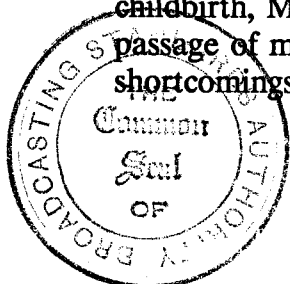
We do not believe the programme breached either Code 6 or Code 26.

Ms Newborn's Final Comment to the Authority

When asked for a brief comment on TVNZ's response, in a letter received on 10 February 1992 Ms Newborn asked, if the programme had been about the conflict and confusion between two groups of professionals, then why had the midwife in question been repeatedly named. She contrasted that with the minimal naming of the other professionals. She continued to describe the broadcast as biased and said that she had ascertained that the named midwife had declined to appear "out of deference for the parents involved in the case".

Ms Newborn also maintained that the programme had been inaccurate when it claimed that the midwife had altered the management of the general practitioner as the notes cited were not the practitioner's birth management instructions.

Referring to TVNZ's quotation from a book on effective care during pregnancy and childbirth, Ms Newborn said that the omission of the section of the quote about the passage of meconium before birth provided further evidence of the programme's shortcomings.



TVNZ's Response to Ms Newborn's Final Comment

A copy of Ms Newborn's final comment was sent to TVNZ which, in a letter dated 17 February 1993, challenged some of her remarks.

First, in regard to the alleged misquotation, TVNZ supplied a photocopy of the page from the text cited. Maintaining that the omission was not relevant to the point being made, TVNZ said that Ms Newborn herself had not quoted fully either and that the portion she omitted made TVNZ's relevant point when the text was first quoted - that the presence of meconium is a warning sign.

Secondly, TVNZ categorically denied that the reporter had personal interest in the story and submitted that the Authority should ignore Ms Newborn's comment on the point.

TVNZ repeated that the programme dealt with the potential for damage to babies because of the conflict between two groups of health professionals who had to work together, that the programme had named parties without bias, that Ms Burgess' decision not to appear on the programme "out of deference to the parents" was mystifying as she knew the parents were being interviewed, and that the programme's comment about "the midwife altering the management of the GP" was a direct quotation from the Medical Practitioners Disciplinary Committee.

Ms Newborn's Response to TVNZ

In her reply dated 19 February 1993, Ms Newborn pointed out that her quote only included the sentences which TVNZ had omitted. The presence of meconium, she emphasised, could be a warning sign and health board policy in Auckland did not, in itself, involve the transfer when meconium stained liquid was present at the onset of a home birth labour.

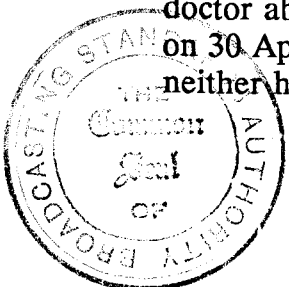
Ms Newborn continued:

Having got one basic premise of the script wrong, it is not surprising the programme fleshed out to be one of the most badly researched and unbalanced pieces of reporting in TVNZ history.

She did not comment further on her claim about the reporter's "hidden agenda".

Further Correspondence

To assist in determining the complaints, the Authority obtained a report from a doctor about brain damage and birthing (discussed in the decision). A copy was sent on 30 April 1993 both to Ms Newborn and TVNZ for comment if they wished but neither have done so.



Appendix II

Ms Becker's Complaint to Television New Zealand Limited

In a letter dated 27 October 1992, Ms Ann Becker of Auckland complained to Television New Zealand Ltd about the item "Hard Labour" broadcast on *Frontline* on Sunday 11 October between 6.30 - 7.30pm.

Responding to TVNZ's reply to an earlier informal complaint about the same item, Ms Becker maintained that the item was "extremely biased". The broadcast, she continued, breached standards 4, 6 and 15 of the Television Code of Broadcasting Practice which refer to dealing fairly with people, to the need for balance and responsible editing.

Ms Becker said that the programme had not fairly dealt with the named midwife (Ms Sian Burgess) and one named practitioner (Dr Di Nash), had been biased and had breached the editing requirement by quoting Ms Burgess out of context.

Agreeing with TVNZ's comment in its reply to her informal complaint that the topic was an important one, Mrs Becker argued that a fair debate meant giving both sides an opportunity to put their views and to respond to the views of the opposition.

TVNZ's Response to the Formal Complaint

TVNZ advised Ms Becker of its Complaints Committee's decision in a letter dated 17 December 1993 when it stated that the complaint had been assessed under standards 4, 6 and 15 of the Television Code.

Pointing out that the tone of her letter carried the implication that the programme was directed against midwives, TVNZ maintained that it was about the dangers when two groups of health professionals with conflicting views were forced to work together without clear guidelines. Furthermore, TVNZ continued, the item had used two specific cases to illustrate the issue.

In regard to the complaint about naming only some people involved in the first case featured, TVNZ said that the item focused on the uneasy relationship between two groups of professionals and dealt with an official inquiry which had named the people involved. They had both declined an invitation to appear on the programme although one provided some views which were broadcast.

TVNZ observed:

The Committee felt it appropriate to mention here that the item was not about individuals. It centred on whether controversy between interventionist and non-interventionists was endangering some babies when the two groups had to work together. The reports of the Medical Practitioners Disciplinary



Committee and the Auckland Area Health Board suggested that conflicting views and unclear relationships between these professionals had been one of the factors in the tragic outcome of the Witten Evans birth.

It also denied that the programme was biased contrary to standard 6.

In regard to the standard 15 complaint about editing, TVNZ stated that Ms Burgess had not raised the issue in her formal complaint and concluded:

Taking everything into consideration and maintaining its view that you may have understood the thrust of the programme, the Committee was unable to conclude that any breach of the codes had occurred.

Ms Becker's Complaint to the Broadcasting Standards Authority

As she was dissatisfied with TVNZ's response, in a letter dated 2 January 1993 Ms Becker referred her complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

She repeated the grounds of her formal complaint and emphasised that the item's bias was her principal concern. Stating that the issue dealt with, birth asphyxia, was one where divergent opinions were held by many, she argued that TVNZ should have highlighted the varying views.

This could have served to dispel some of the myths, educate the public - and, perhaps - urge consumers to ask questions.

She also disputed TVNZ's suggestion that she assumed the programme to be against midwives, stating that it was against one named midwife and one general practitioner.

TVNZ's Response to the Authority

As is its practice the Authority sought the broadcaster's response to the complaint. Its letter is dated 15 February 1993 and TVNZ's reply, 3 March.

Asking the Authority to take into account its general comments about the programme included in its response to the Authority in regard to a complaint about it from Ms Susi Newborn, TVNZ disagreed with Ms Becker's allegation that the programme was about birth asphyxia. It continued:

The subject was no such thing. The subject was a controversy that has arisen about the potential for danger when two groups of health professionals having conflicting views, are forced to work together at a birth in the absence of clear guidelines.

The two cases shown, TVNZ wrote, had been used as illustrations of the issues, adding:



While Ms Becker insists that "the programme was very much about individuals", we believe that the item studied the issue and used the two babies as examples to illustrate the position. That is a legitimate way for journalism to function - and indeed is most effective in explaining difficult ideas and concepts in a manner that can be readily understood. The programme was about the issue - not about the individuals per se.

TVNZ also disagreed that the programme was biased, maintaining that it accurately reported the concerns of the Medical Practitioners Disciplinary Committee and that the individuals involved, named by the Disciplinary Committee had been given every opportunity to comment on the issues covered.

Ms Becker's Final Comment to the Authority

Ms Becker did not respond to the Authority's invitation to comment on TVNZ's reply. When she was sent on 30 April 1993 a copy of Dr Murray's report for comment, in her reply dated 16 May she disputed some of the details, cited the source of the research that she had quoted and concluded:

We are still left with the huge variations in birth - and the position that the Frontline programme presented to the public. This picture, in my opinion, was a biased one, lacking in research - sensationalising and supporting the fear that surrounds birth

