

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 91/93
Dated the 9th day of August 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

KERRY SHARP
of Palmerston North

Broadcaster
TELEVISION NEW ZEALAND
LIMITED

I.W. Gallaway Chairperson
J.R. Morris
R.A. Barraclough
L.M. Dawson

DECISION

Introduction

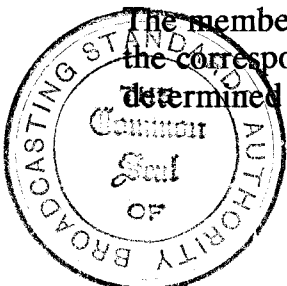
Family planning counselling for teenagers in schools was the issue debated on TV1's *Counterpoint* broadcast from 10.45 - 11.45pm on Wednesday 31 March 1993.

Mr Sharp complained to Television New Zealand Ltd that the programme breached the broadcasting standard requiring balance as the panel did not include a representative from parents who supported chastity and abstinence.

Maintaining that the programme which encouraged public participation was about guidance for high school students on sexual activity, contraception and abortion, TVNZ said the host had ensured that balance was achieved. It declined to uphold the complaint. Dissatisfied with that decision, Mr Sharp referred his complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

Decision

The members of the Authority have watched 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.



Counterpoint, a current affairs programme, is broadcast weekly by TVNZ in the late evening. The programme's host chairs a studio discussion between invited guests after which viewers phone in to ask questions of the panellists. Viewers who take part do so by responding to TVNZ's invitation to all viewers to ask questions. It is a programme which tries to tackle serious issues in a serious way and where information is stressed rather than entertainment.

The programme broadcast between 10.45 - 11.45pm on Wednesday 31 March dealt with the issue of advice for high school students on contraception, abortion and sexual activity. The issue was discussed in the context of a high school's decision to install a condom vending machine. It began with questions from the host to the two panellists, one of whom was a representative from the Family Planning Association who supported sex education in schools - which might include the confidential provision to students of family planning counselling and the supply of related medical services - while the other was an expert in adolescent sexual behaviour who did not lobby for any particular course of action.

Mr Sharp complained to TVNZ that the programme was unbalanced as no panellist advanced the viewpoint of sex education based on chastity and abstinence.

TVNZ assessed the complaint under the standard nominated by Mr Sharp - standard G6 of the Television Code of Broadcasting Practice - which requires broadcasters:

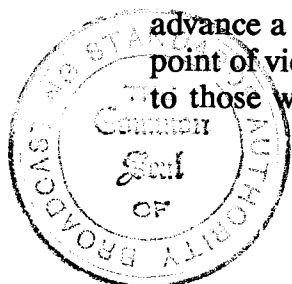
- G6 To show balance, impartiality and fairness in dealing with political matters, current affairs and all questions of a controversial nature.

Balance, TVNZ argued, was achieved not by having studio members with opposing views but through the public's input. In addition, in the programme complained about, the host had adopted a "devil's advocate" role by challenging both the panellists and callers when appropriate.

The Authority, in assessing the complaint, began with the attitude that balance is a *sine qua non* of current affairs broadcasts. Nevertheless, it acknowledges that the method by which balance is achieved in a particular instance depends to some extent at least on the type of programme and the issue being discussed. Whereas it may be appropriate on some occasions for all significant points of view to be represented by panellists, it is not inevitably essential. The Authority accepted that, as Mr Sharp pointed out, balance was not achieved in this way on *Counterpoint* on 31 March as the panellists did not represent all the significant perspectives. Balance had to be achieved in some other way.

TVNZ said that the requirement for balance was assisted in this programme by the host when he adopted the "devil's advocate" role. The Authority agreed and would add that on this occasion that that role was indeed essential in the interests of balance.

TVNZ also argued that viewers through their telephone calls have a responsibility to advance a range of views. While the Authority was prepared to give some validity to this point of view, it noted that the responsibility to ensure balance cannot necessarily be left to those who telephone alone. There might be no calls at all, callers might represent



only one side of a debate and, furthermore, some screening of the callers by the broadcaster is inevitable and balance might be disrupted, rather than enhanced, as a result of that process.

In determining Mr Sharp's complaint about *Counterpoint* on 31 March, the Authority acknowledged that the programme adopted a "chat show" format and that, unlike a documentary, it was not tightly edited. Part of the interest of such shows for viewers is their unpredictability and, in the case of *Counterpoint* on 31 March, it adopted a moderate and tempered pace which allowed both the panellists and viewers to advance their respective perspectives.

In deciding the question whether *Counterpoint* on 31 March achieved balance, the Authority concluded that the host's challenging, thoughtful and articulate approach had been essential. His approach, combined with many of the callers who in some way questioned the approach advanced in particular by the Family Planning spokesperson, ensured that the requirement for balance in standard G6 was achieved.

For the reasons set forth above, the Authority declines to uphold the complaint.

Signed for and on behalf of the Authority


Iain Gallaway
Chairperson



9 August 1993

Appendix

Mr Sharp's Complaint to Television New Zealand Limited

In a letter dated 2 April 1993, Mr Kerry Sharp of Palmerston North complained to Television New Zealand Ltd about TV1's *Counterpoint* broadcast from 10.45 - 11.45pm on Wednesday 31 March.

Describing the programme as unbalanced and in breach of standard 6 of the Television Code of Broadcasting Practice, Mr Sharp focussed on the composition of the panel. Although some callers advanced a variety of ideas, the panel supported the perspective of family planning counselling for high school children without parental knowledge. He asked:

Why was there no panel member representing parents and groups who support chastity/abstinence sex education?

Mr Sharp stated that the research disclosed that the perspective advanced in fact led to an increased number of teenage pregnancies, adding:

Chastity - keeping sex exclusively within marriage - is the only solution to the teenage pregnancy epidemic.

TVNZ's Response to the Formal Complaint

TVNZ advised Mr Sharp of its Complaints Committee's decision in a letter 7 May 1993 when it reported that the complaint had been assessed under the standard nominated by Mr Sharp.

It began by explaining the nature of *Counterpoint*, a programme involving audience participation which, on this occasion, dealt with the issue of advice for high school students on contraception, abortion and sexual activity. Balance, TVNZ continued, was achieved not by having studio members with opposing views but through the public's input. Furthermore, TVNZ added:

... while one studio guest was a proponent of sex education in schools, the other did not lobby for any particular course of action.

Suggesting that the issue could not be seen in the black and white terms as Mr Sharp seemed to propose, TVNZ observed:

... in this programme the host (Ian Fraser) ensured a balanced programme by adopting a "Devil's advocate" role throughout, asking hard questions and seeing to it that comments from studio guests and callers alike were challenged where appropriate.



It concluded:

Looking at the programme overall, [TVNZ] noted that many of the current arguments for and against sex education in schools, and for and against consultation with parents, were canvassed during the programme. It did not believe the programme was unbalanced and so concluded that Code G6 had not been breached.

Mr Sharp's Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's response, in a letter dated 16 May 1993 Mr Sharp referred his complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

Maintaining his opinion that the discussion was unbalanced, Mr Sharp asked:

How can a few phone calls of a few minutes duration adequately convey the huge mountain of research data that shows the contraception "solution" experiment by a Christchurch school is doomed to failure and will in fact be counter-productive?

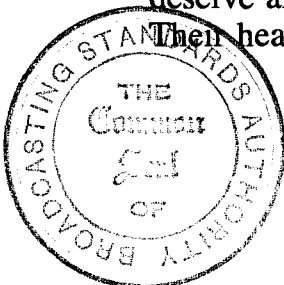
This kind of experiment is sending **the false message** to our kids that abstinence before marriage is a thing of the past. **That false message is causing enormous misery** - as many young people tragically find out too late.

Citing first the Minister of Social Welfare's recently announced support for chastity, Mr Sharp pointed to a number of other sources with a similar perspective. He then commented about the danger of sexually transmitted diseases, focussing on HIV and AIDS, and he referred at length to the rate of condom failure. He advanced vigorously the case for chastity and concluded:

It is not only OK to say NO, it is imperative - if we value our health and our life!

NO is the only positive answer to teenage pregnancy epidemics and the Sexually Transmitted Disease and AIDS epidemics!

I ask the Broadcasting Standards Authority to uphold my complaint and require TVNZ to begin broadcasting programmes that give all the facts, all the data and all the truth concerning **the failure** of condom-based sex education and **the success** of chastity-based sex education - our young New Zealanders deserve all the information available to make informed and wise decisions. **Their health and their lives are at stake.**



TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter dated 14 May 1993 and TVNZ's response, 11 June.

TVNZ repeated the point made in its letter of 7 May to Mr Sharp that the range of views on such talkback programmes as *Counterpoint* came not from studio guests but from viewers. The viewpoints about the issue discussed - sex education in schools - were varied as the telephone calls had disclosed.

Maintaining that the panel composition was not inappropriate when combined with a presenter who acted as a "Devil's advocate", TVNZ said that two people with opposing views on the panel could well have generated little productive debate and detracted from the contributions of the telephone callers.

TVNZ concluded:

We remain of the opinion that "Counterpoint" on this occasion was as well balanced as it could be given that this genre of programme depends in large part on input from telephone callers.

Mr Sharp's Final Comment to the Authority

When asked to comment on TVNZ's response, in a letter dated 16 June 1993 Mr Sharp questioned TVNZ's sincerity in its observation about the unproductivity of opposing views. He commented that the *Counterpoint* broadcast following the one to which his complaint related involved two panel members with diametrically opposing views (about proportional representation and MMP). He continued:

The truth is that TVNZ has persistently refused to treat the important topic of **Chastity** with any real seriousness, preferring only token mention of chastity and abstinence. This is unbalanced and biased programming.

Mr Sharp referred to the support the Minister of Social Welfare had received in the media following her call for chastity. He argued that the concept of "safe sex" was a "dangerous myth" and a "deceptive lie" and listed extensive sources which supported his view about the risks of STDs, HIV and AIDS. He concluded by referring to the *Counterpoint* programme about which he complained and, in particular, the Family Planning Association (FPA) representative:

The fact is that the FPA client-centred, non-directive counselling is a spineless wishy-washy betrayal of all that one knows and has, by the acid test of one's personal experience, come to believe to be good, right and true. It is also a betrayal of the client's expectations for solid flesh-and-blood guidance at a time of personal and emotional crisis.

