

*Privileges and Immunities of Representatives and their Staff attending the Seventh Asian and Pacific Labour Ministers' Conference*

WHEREAS the Seventh Asian and Pacific Labour Ministers' Conference is to be held in Wellington from 14 March to 16 March 1978:

And Whereas this meeting will be attended by representatives of the Government of New Zealand, the Governments of other States and the Governments of territories for whose international relations another Government is responsible:

And Whereas it appears that doubts may arise as to the privileges and immunities which may be enjoyed by representatives and members of their official staffs attending the said meeting:

Now therefore pursuant to section 11 of the Diplomatic Privileges and Immunities Act 1968, the Minister of Foreign Affairs hereby directs that every representative of the said Governments (other than the Government of New Zealand) and the members of their official staffs attending the said meeting shall be accorded the following privileges and immunities:

- (a) Every representative of the said Governments (other than the Government of New Zealand) shall be accorded the privileges and immunities conferred by or by virtue of Part I of the Diplomatic Privileges and Immunities Act 1968 on a diplomatic agent; and
- (b) All the members of the official staff of any such representative shall be accorded the privileges and immunities conferred by or by virtue of Part I of the Diplomatic Privileges and Immunities Act 1968 on members of the Diplomatic staff of a Diplomatic mission.

Dated at Wellington this 8th day of December 1977.

BRIAN TALBOYS, Minister of Foreign Affairs.

*Motueka High School Board of Governors Notice 1977*

PURSUANT to section 54 of the Education Act 1964, the Minister of Education hereby gives the following notice.

NOTICE

1. (1) This notice may be cited as the Motueka High School Board of Governors Notice 1977.

(2) This notice shall come into force on the 1st day of June 1978.

2. The Board of Governors of Motueka High School shall be constituted as follows:

- (a) One member appointed by the Nelson Education Board;
- (b) One member elected by the teachers at the school;
- (c) Seven members elected by the parents of pupils attending the school;
- (d) Two members elected by the school committees of Brooklyn State Primary School, Dovedale State Primary School, Lower Moutere State Primary School, Mahana State Primary School, Mapua State Primary School, Motueka South State Primary School, Neudorf State Primary School, Ngatimoti State Primary School, Parklands State Primary School, Riwaka State Primary School, Tasman State Primary School, and Upper Moutere State Primary School.

3. The Nelson Education Board shall cease to control Motueka High School and the sole control of that school shall be vested in the Board of Governors constituted by clause 2 of this notice.

Dated at Wellington this 20th day of December 1977.

L. W. GANDAR, Minister of Education.

Decision No. 5/77

*Notice pursuant to section 68 (2) of the Broadcasting Act 1976 of a decision of the Broadcasting Tribunal*

IN the matter of the Broadcasting Act 1976, and in the matter of a complaint pursuant to section 67 (1) (b) of the Act, between John Stafford O'Neill, Complainant, and Broadcasting Corporation of New Zealand (Television Service Two) Respondent.

BEFORE THE BROADCASTING TRIBUNAL

Members: B. H. Slane (Chairman), and Lionel R. Sceats.  
Co-opted members: Miriam Murray, and Gordon C. Ell.  
Hearing at Dunedin on the 18th day of November 1977.

DECISION

*Public Hearing*

The complainant urged the tribunal to hear the complaint at a public hearing. No objection to this was taken on behalf of the corporation by Mr Andrews.

After considering Mr O'Neill's submissions which related principally to the importance of the abortion issue itself the Tribunal decided that the hearing would be held in private.

The Tribunal has no rigid view on this question.

In this instance Mr O'Neill had requested that the hearing be held in Dunedin because he wished to call witnesses. The Tribunal readily agreed. There is however a danger that complainants will lose sight of the purpose of the Tribunal and the fact that its members after knowing the substance of the complaint have had an opportunity of viewing the programme. Knowing the grounds for complaint and viewing the programme in this light enables the Tribunal to have a first-hand opinion of the programme.

Mr O'Neill is concerned with the wider issue of abortion. The Tribunal fortunately deals with a far narrower issue—his specific complaints regarding the programme.

There is also a grave danger that the complaints procedure (which Mr O'Neill acknowledged as an important privilege and right of the individual) may be converted into an opportunity for a public inquisition of those concerned in the production of programmes. Apart from the diversion of people from their productive role it would almost certainly result in an increasing formality of the hearings and the representation of broadcasting by counsel. Possibly individual staff members would want to secure legal representation to protect their personal careers which might be in jeopardy as a result of reports of allegations made which might be peripheral to the hearing of the complaint itself.

There is another aspect which we think should be clearly established. While there is a complainant and there is a broadcasting organisation which has broadcast the programme complained of, the procedures are not the conventional adversary situation. The Tribunal has the powers of a commission of inquiry and, particularly in dealing with this type of complaint, should be seen rather as adjudicating on a programme itself rather than between two adversaries.

It would be most unfortunate if the ordinary citizen were discouraged from lodging a complaint with the Tribunal because of the fear he would have to attend personally to pursue the complaint and may be liable to be cross-examined in public and possibly have his views ridiculed.

The personal views of the complainant may in particular cases only be of limited relevance to the complaint itself, but the member of the public concerned is entitled to bring that complaint before this Tribunal and have it dealt with.

Nor do we want to see the situation as an adversary one between complainants and staff members of the broadcasting organisations. The Tribunal takes the view that the warrant holder has the responsibility for the broadcasting of programmes and there should not be any question of a contest between individual broadcasters on the one hand and their accusers on the other.

The atmosphere of a trial could develop.

There may well however be some circumstances where some or all of a complaint should be dealt with in public and the Tribunal has an open mind on the situations which could arise which would justify that course.

It has however found that there is no justification for a public hearing in the present case and indeed that such a hearing would have been inimical to the purpose of the Act which is to enable the Tribunal to determine the complaint about a programme—not to enable it to determine whether the media generally had put Mr O'Neill's views on abortion adequately and fairly.

It is appreciated that there are dangers of such matters being dealt with in private particularly such as happened in this case where one witness called by Mr O'Neill, Dr C. T. H. R. Ehrhardt made dramatic references to the fact that the hearing was in private likening the procedure of the Tribunal to that of the Star Chamber. He has since given publicity to his views with an inaccurate report of what he said and a complete misunderstanding of the reasons given by the Tribunal to Mr O'Neill for holding the hearing in private.

That is a risk that has to be taken.

*Complaint*

Mr J. S. O'Neill, a Dunedin solicitor, lodged a complaint with the Tribunal on 2 September 1977 concerning a *Perspective* programme broadcast by TV2 on 29 March 1977. Mr O'Neill was dissatisfied with the outcome of a complaint to the Broadcasting Corporation of New Zealand because the corporation had "not acknowledged that there was a gross failure to give the facts in respect to the existence of an unborn child in the abortion operation and to