

and the programme was hosted by Lindsey Dawson. During the programme Miss Dawson addressed Mr Haliburton as Ned.

His first complaint is that about half way through the programme, immediately after a commercial break, she told listeners that he was really Lord Haliburton but preferred to be called Ned.

He considered the programme successful. During the programme he made statements alleging that the British Government, the medical establishment and, to some extent the media, were involved in the spread of drug addiction. Mr Haliburton has a view on the topic which has led to his making submissions to Parliament which developed the theme that drug addiction is promoted by the British security service and by the Soviet KGB. He believes that the drug problem was manufactured in New Zealand with the arrival of a handful of British immigrants versed in drug administration and techniques of infiltration who found employment in the Health Department, the Justice Department and the medical profession. In his view "a junky doctor" movement began, centred on Wellington.

After the broadcast there was some lighthearted conversation in the foyer during which Mr Haliburton says he was invited to return in a couple of weeks to do a further programme. When he returned to his home at Orewa he was called by a station reporter who said that the British High Commission had just released a statement saying that he was a bogus lord, was never in the navy and had a criminal conviction. He assumed that report to be correct as to statements made by the High Commission but gave a strong rebuttal to it. Nevertheless several news bulletins were broadcast to which he took exception. They provoked the second part of the complaint.

One news bulletin read as follows:

"Finally we've been checking some of the claims made by Lord Ned Haliburton this morning on Radio Pacific. Apparently Lord Haliburton doesn't like to be addressed by his title. According to the British High Commission in Wellington, that's no wonder.

"He doesn't appear in any of the usual reference books on peerages . . . Who's Who, Whittaker's or Debretts haven't heard of him . . . that is Debretts in fact have . . . he appears in their lists of bogus peers. Neither does Lord Haliburton appear on the Royal Navy's list of retired officers. The High Commission did however know of our Lord Haliburton, in fact they've frequently heard of him."

(There are some minor differences between the script and a transcript supplied by Mr Haliburton which was made from a recording. The differences arise from the news reader's poor diction. They are not material to the complaint.)

Another news item on 27 September concluded:

"Furthermore Lord Haliburton's bona fides appeared to be questionable themselves. He maintains he doesn't like to use his title in this country. Understandable, says the British High Commission, since the only one of several public lists of peerages and such like that mentions him is Debretts on their list of bogus peers.

"Another of Lord Haliburton's claims, that he's a former Royal Naval officer also isn't shown on any retired officers list that the service has. As for the secret service, well, they're pretty secret, they don't release names of their agents, past, present or even fictitious."

A later bulletin broadcast probably at 7 a.m. on 29 September 1979 includes this report:

"There have been 2 official reactions to claims made yesterday by Lord Ned Haliburton . . . who claims he was a British secret agent . . . that the New Zealand narcotics trade was started by the British secret service.

"New Zealand's National Drugs Intelligence Bureau Director Paul Fitzharris says the claims are a load of rubbish.

"And the British High Commission say the only knowledge it has of Lord Haliburton is in Debretts book of peers . . . where he's on the list of bogus peers.

Another claim by Lord Haliburton that he's a retired naval officer was also checked . . . and he's not listed there either."

He objected to a number of news bulletins which carried these and similar statements.

It appears that after the programme the station decided, in view of the nature of the allegations made about the British Government and the assertions about the Secret Service and its involvement in the drug trade, that Mr Haliburton's credentials were to be checked.

The third part of the complaint is that there was a reference to a press statement by the British High Commission when there was no such press statement.

That aspect was subsequently sorted out by a letter from the First Secretary, British High Commission in Wellington to the complainant which reads:

"In reply to your undated letter, I can assure you that we have released no statement, or made any allegations, about you. We did, however, respond as helpfully as we could, to queries by Radio Pacific on 27 September.

The station telephoned us and asked if we could tell them whether there was a British Peer named Lord Ned Haliburton. We consulted our reference books, including Burke's Peerage, and replied that there was not as far as we could tell.

We were also asked if we could tell them whether "Lord Ned Haliburton" has been an officer in the British Navy. We said that without reference to London we could not say conclusively, but we consulted the most recent copy that we have (1977) of "The Navy List of Retired Officers", together with the "Emergency List" and replied that the name did not appear in it.

That, briefly, was the extent of the questions and answers."

The station had also telephoned the College of Heralds in London and the Admiralty.

Committee of Private Broadcasters

On 7 January 1980 Mr Haliburton's complaint was lodged with the Committee of Private Broadcasters. On 14 March a statement of facts was received from him. On 18 June 1980 the Committee declined to uphold the complaint.

Hearing

At first Mr Haliburton wanted the Committee of Private Broadcasters to reconsider the matter. On 15 September 1980 he wrote to the Broadcasting Tribunal lodging a form of complaint but declining to sign the statutory declaration required. In October 1980 he said he would sign the declaration and returned the form. It was not at that stage noticed that he had not actually signed where required for the declaration, although a constable had purported to take the declaration. The Tribunal invited him to meet it when it was sitting in Auckland in December 1980 in order that it could give preliminary consideration to the complaint, and in particular, to consider the nature and extent of the hearing which should be provided for the complaint. The Tribunal has a discretion as to whether or not to determine a complaint and, if it does, whether to deal with it on the papers submitted or to convene a formal hearing at which the parties can appear.

Mr Haliburton declined to meet the Tribunal. He was then requested to complete the complaint form by signing the declaration. He declined to do so until 5 August 1981 when he signed it on the basis that he was to be given an oral hearing. He was informed that the declaration had to be signed without qualification and it was only after he had taken the advice of his Member of Parliament to whom the procedure had been explained, that he lodged a complaint in proper form on 10 November 1981. A hearing was given on 1 December 1981.

The Tribunal notes that it is not usual to deal with complaints at such a long period after the hearing but made an exception in this case.

The Tribunal decided to have an oral hearing. At the hearing Mr Haliburton called evidence from Mr P. A. D. Williams, Mrs B. C. Faithfull and Dr R. A. Lochore. He also gave evidence himself. For the warrant holder M. D. Jack made submissions.

In the circumstances, and because Mr Haliburton clearly felt severely aggrieved at the treatment he had received from the station, we allowed him to be legally represented at the hearing. As it transpired however, Mr Haliburton largely conducted his own case and Mr Banbrook largely confined himself to assisting in the presentation of that case and making opening and closing submissions.

When Mr Haliburton had been asked earlier to summarise his complaint he did so in a single sentence—

"That Gordon William John Dryden without previous declaration to the Broadcasting Tribunal and as far as we know without the Tribunal's permission, has operated Radio Pacific as a covert pro-communist broadcasting agency dealing in disinformation and black propaganda with the object of discrediting certain persons and institutions and shaping public opinion in directions favoured by the Soviet Union and in so far as he has done this it is in breach of his broadcasting warrant."

At the hearing Mr Haliburton agreed that his complaint was as follows:

1. That contrary to his specific request he had been described as Lord Haliburton.
2. That inaccurate reports and statements allegedly made by the British High Commission had been broadcast.
3. That he had been said to be posing as a naval officer.
4. That there is in fact no list of bogus peers.