

It is clear that the Tribunal had jurisdiction to deal with those specific complaints as they were in substance the complaints he had made to the Committee of Private Broadcasters. The Tribunal had no jurisdiction to consider the wider statements made and the Tribunal excluded evidence of general complaints about the station from Mrs Faithfull, the subsequent conduct of the station towards Mr Haliburton as a complainant who had lodged a large number of complaints against the station to the Committee of Private Broadcasters, and of claims that he had been banned from the station.

### 1. *Broadcast description as Lord Haliburton*

To the Tribunal, Mr Haliburton agreed that he did not consider Lindsey Dawson's use of his name was intended to be malicious. She had winked at the same time as she told the audience that he was really Lord Haliburton. He had passed her a note to "drop the title". It is fair to say that he did not pursue this aspect of his complaint as one which was important to him. After hearing the evidence the Tribunal does not uphold this part of the complaint.

The Tribunal is satisfied from the evidence of Mr Haliburton and the witnesses he called, that he does nothing to discourage the impression that he is in fact Lord Haliburton. He signs letters, cheques and all except very personal correspondence "Haliburton". His chequebook is printed "Lord and Lady Haliburton". While he tells people not to call him Lord Haliburton and asks that they call him Ned Haliburton, he does not say he is not entitled to be known as Lord Haliburton. When asked, he told us that he was Lord Haliburton. His wife takes a more positive attitude. She describes herself as Lady Haliburton. He says that she is generally known as Lady Grace Haliburton which sometimes leads people to believe that she has the right to a title herself, which he says is not correct. Any right she has to be called Lady Haliburton arose from his rights.

He admits that he enjoys being known as Lord Haliburton which contrasts with his letter of complaint in which he categorised Miss Dawson's revelation of his title "as a harmless piece of snobbism, not part of a set up especially when she said a little later that this was the first time they had had in the studio 'a Lord!'" It is therefore not accurate to say that he has never referred to himself as Lord Haliburton. His conduct gives every impression that he is Lord Haliburton and is entitled to be so called.

While broadcasters should respect any arrangements entered into, we are not satisfied Lindsey Dawson entered into any arrangement with her guest not to reveal that he was a peer of the realm, although she obviously agreed to (and did in fact) call him Ned Haliburton.

### 2. *Inaccurate reports and statements*

The second complaint relates to the news bulletins. Mr Haliburton was concerned that news bulletins had referred to a press statement from the British High Commission. We do not consider it material whether there was a press statement or merely a statement to the "press" on enquiry. The substance of the statement is what is important. We do not uphold the earlier complaint regarding the use of the term "statement".

Mr Haliburton raised no complaint about the content of the bulletins in so far as they reported what he had said on the programme, allegations that the narcotics trade in New Zealand was started by the British Secret Service as a result of a deliberate decision in the early 1960's because they feared the Soviet or other secret services could do the same.

It is appropriate here to consider Mr Haliburton's actual status and background. His claim to a peerage arises, he told us, from the fact that his great uncle (his grandfather's brother) had a title but died without issue. He says that he could prove his entitlement but that the expense would be too much for him to pay. He referred to one person having to pay as much as 35,000 pounds sterling to establish a claim to a Scots title.

The standard reference works show the peerage he referred to, that of Baron Haliburton of Windsor in the Province of Nova Scotia and the Dominion of Canada, as extinct since 21 April 1907 when the original and only Baron Haliburton died. That is the entry in Burke's Peerage 1911. There are similar entries in other reference books. The title also appears as extinct in "The New Extinct Peerages 1884-1971".

Some of the statements made by Mr Haliburton appear to connect him with another title, Lorn Halyburton of Dirleton. That title is listed as forfeited in 1600 when its holder was created an Earl which later title is still borne by a British family. The former title of Lord Halyburton of Dirleton is recorded as returned to the Crown at that time and is listed in Burke's "Dormant, Abeyant, Forfeited and Extinct Peerages" as forfeited.

Mr Haliburton has not made any formal claim to these titles and yet considers himself entitled to (although he does not choose to) call himself Lord Haliburton. It is clear however that as far as the reference works are concerned, the peerages do not fall into the category of those which could be described as dormant or abeyant as both are listed as either forfeited or extinct.

If a person who has not established a claim to be called a lord chooses not to deny that he is a lord, and accepts references made to him as a lord and signs cheques and letters as if he were a peer, it would not be inaccurate to describe his use of those titles as counterfeit or a sham. It is analogous to a person using an academic title to which he believed he had a claim but which had not been conferred by a university.

Dr R. A. Lochore, a retired New Zealand diplomat, introduced Mr and Mrs Haliburton at a luncheon as "Lord Haliburton who prefers to be known in New Zealand as Ned Haliburton and his wife Lady Haliburton". He had checked this introduction with Mr Haliburton first.

Mr Haliburton's wife describes herself as Lady Haliburton. They use a chequebook printed "Lord and Lady Haliburton", he signs letters "Haliburton" and in asking not to be called Lord Haliburton implies he is entitled to be called that. All that suggests that he has a legally established peerage. That is plainly not the case and he agrees that he has taken no steps to establish it. (It appears that this claim would need to be established because he says he is not a direct descendant of the last Baron Haliburton.)

Mr Haliburton denied there was any list of bogus peers in the reference works. But he did not claim he was listed as the person entitled to the title. For a person so interested in his right to a title it seems strange that he did not acknowledge that it would be listed as extinct or dormant. It is clear that the reporter could well have been told by the British High Commission that Haliburton was "listed" among the extinct peerages. In the circumstances and having regard to his comment we do not consider that the word bogus was the best word to use or that it conveyed the exact nuance. However, in the circumstances the impression it conveyed (that he was in fact holding himself out as a peer and that he had no established claim to that peerage) was not an inaccurate one. Heinemann's New Zealand dictionary defines bogus as counterfeit or sham.

We do not know the strength of any claim Mr Haliburton might have. We do know he has not established any right to a peerage. He is therefore not recognised in any official or formal way. He agreed that he was, in the classic sense, a pretender. We do not consider that Mr Haliburton can avoid the imputation that his title is bogus when he has not pursued the role of a claimant and he continues to allow himself to be known as Lord Haliburton without any official recognition.

We do not find the report to be inaccurate although it was loosely worded and might have been made more specific by first hand reference to freely available texts.

We do not consider Mr Haliburton was unfairly or unjustly treated. This part of the complaint is not upheld.

### 3. *Posing as a Naval Officer*

With regard to the allegation about his contact with British Naval Intelligence, Mr Haliburton agrees that it is possible that he conveyed the impression that he was a naval officer by his reference to Dartmouth. Certainly his witness Mr Williams told us he believed Mr Haliburton had held a commission. Mr Williams said Mr Haliburton had told him he had been a cadet who had not completed at Dartmouth because his back was broken. Mr Haliburton agrees that, on occasions, he has referred to the fact that he was a midshipman; and this was a formal step in the process to a commissioned officer. He also said that he was sent to Oxford to train as an intelligence officer, but this was not completed for health reasons.

Mr Haliburton also said he was working as a journalist in the 1960's contributing to the *Daily Sketch* and the *Sunday Times*, as a front for work for British counter-intelligence. He did not deny statements by witnesses that he had seen his own security file and claimed that it was this file that possibly led to information being given by the High Commission about him.

Mr Haliburton says that probably he did not deny he was a naval officer. He says however that he never claimed on the programme that he had been a naval officer.

(The allegation put to him by telephone that he had a conviction arose from events which he said occurred when he was investigating malpractice by doctors in relation to drugs in the south of England. He spent 5 months in jail on a charge of assault. He had been sentenced to 6 months imprisonment as a result of evidence which he said was falsely given by doctors in order to frame him. After 5 months in prison, he said, he obtained a new trial on the grounds of perjury and was acquitted.)