

On any Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday—Opening at 11 o'clock in the morning and closing at 10 o'clock in the evening.

Dated at Wellington this 7th day of July 1982.

S. J. CALLAHAN, Secretary for Justice.

(Adm. 2/72/5)

*Notice of Intention to Vary Hours of Sale of Liquor at Licensed Premises—Northland Licensing Committee*

PURSUANT to section 221A of the Sale of Liquor Act 1962, as amended by section 22 (14) of the Sale of Liquor Amendment Act 1976, I, Stanley James Callahan, Secretary for Justice, hereby give notice that the Northland Licensing Committee, on 23 June 1982, made an order authorising variations of the usual hours of trading for the licensed premises known as the Hikurangi Hotel, Hikurangi.

To the intent that on days other than those on which licensed premises are required to be closed for the sale of liquor to the general public, the hours for the opening and closing of the said premises shall be as follows:

- (a) On any Christmas Eve—Opening at 11 o'clock in the morning and closing at 11 o'clock in the evening.
- (b) On any New Year's Eve—Opening at 11 o'clock in the morning and closing at 00.30 o'clock on the morning of New Year's Day.
- (c) On any other day—Opening at 11 o'clock in the morning and closing at 10 o'clock in the evening.

Dated at Wellington this 7th day of July 1982.

S. J. CALLAHAN, Secretary for Justice.

(Adm. 2/72/5)

*Notice of Intention to Vary Hours of Sale of Liquor at Licensed Premises—Canterbury Licensing Committee*

PURSUANT to section 221A of the Sale of Liquor Act 1962, as amended by section 22 (14) of the Sale of Liquor Amendment Act 1976, I, Stanley James Callahan, Secretary for Justice, hereby give notice that the Canterbury Licensing Committee, on 24 June 1982, made an order authorising variations of the usual hours of trading for the licensed premises known as the D.B. Gladstone Tavern, Eastern Tavern, Springston Hotel, D.B. Cokers Hotel.

To the intent that on days other than those on which licensed premises are required to be closed for the sale of liquor to the general public, the hours for the opening and closing of the said premises shall be as follows:

- (a) On any Monday, Tuesday, Wednesday, and Thursday—Opening at 11 o'clock in the morning and closing at 10 o'clock in the evening.
- (b) On any Friday, Saturday, and Christmas Eve—Opening at 11 o'clock in the morning and closing at 11 o'clock in the evening.
- (c) On any New Year's Eve—Opening at 11 o'clock in the morning and closing at 00.30 o'clock on the morning of New Year's Day.

Dated at Wellington this 9th day of July 1982.

S. J. CALLAHAN, Secretary for Justice.

(Adm. 2/72/5)

Com. 12/82

Decision No. 9/82

*Before the Broadcasting Tribunal*

IN the matter of the Broadcasting Act 1976, and in the matter of a complaint by HAROLD EARL JENSEN.

WARRANT HOLDER—Broadcasting Corporation of New Zealand (Television One):

B. H. Slane, Chairman, Lionel R. Sceats, member, Murray J. Henshall, deputy member, Gordon C. Ell, co-opted member, Robert Boyd-Bell, co-opted member.

**DECISION**

Mr Jensen's complaint concerns a Kaleidoscope programme broadcast on 11 September 1981. Mr Jensen's complaint is couched in intemperate language but amounts to this:

During a live broadcast of the presentation of the *Wattie Book Awards* Mr Geoff Chapple accepted the award on behalf of Mr Maurice Shadbolt who was not present. He gave an unscheduled statement in which he stated that Mr Shadbolt was on an anti-tour march in Auckland. He also made some comments on the Springbok tour and apartheid. Mr Jensen complained that no effect was made to retrieve the microphone and the television camera remained on Mr Chapple. Mr Jensen alleged that the exercise was "pre-organised and orchestrated by the 'lefts' in TV news". He considers it was out of keeping with the evening, rude in the extreme and sour to the viewers who saw the programme. He alleged that television staff applauded Mr Chapple's statement and asked that those responsible should be made to publicly apologise.

The Corporation considered the complaint under Rule 1.1 (b) which required the Corporation "to take into consideration currently accepted norms of decency and taste in language and behaviour, bearing in mind the context in which any language or behaviour occurs;" 1.1 (d) "to acknowledge the right of individuals to express their own opinions" and 1.1 (e) "to deal justly and fairly with any person taking part or referred to in the programme".

The Corporation observed that the complaint had been lodged 4 months after the event and noted that many of the points made in support of the complaint were factually incorrect. The Corporation said the awards was not a television show as such but a live telecast of an outside event which, like other direct telecasts of this nature, could not be subject to editing or evaluation before transmission. Like a sport telecast, any unscheduled activity was there to be seen.

Mr Chapple was receiving the award at Mr Shadbolt's request and on his behalf, said the Corporation. After he received it he moved near to the fixed microphone being used by the compere who remained in his position. Mr Chapple's contribution of 1 minute 5 seconds had not been preplanned by Television New Zealand and was not part of any programming decision. Though there was a brief cutaway to audience applause no Corporation staff member had been visible or had joined in the spontaneous applause. The Corporation did not uphold the complaint.

From that decision Mr Jensen referred his complaint to the Tribunal. He alleged that the Corporation could not have seen the performance and was relying on production staff. He considered a public apology should be given and that Mr Chapple's statement took 3 minutes and 4 seconds by Mr Jensen's timing. He maintained his allegation that applause by the compere and television staff operating the various areas of filming could be seen.

Mr Jensen is not a reliable witness. His dislike of the statements made by Mr Chapple has coloured his recollection of the occasion.

We have seen a tape of the programme. The episode did not take 3 minutes 4 seconds or anything like it. It took little more than a minute. No microphone was handed to Mr Chapple. He moved to stand alongside the compere who was to be the next person to speak.

In fact the compere spoke over the lengthy applause which followed Mr Chapple's comments. He showed no signs of pleasure at the unscheduled interruption to the programme.

The Tribunal is satisfied that no statement was made that would have warranted the producer terminating the telecast on the grounds of any breach of the programme rules.

Having seen the tape and listened carefully to what Mr Chapple said, it is clear that there is no possible ground for complaint as to the content being in breach of any rules.

The action did not warrant a termination in the broadcast or any physical action from the point of view of rules and standards. Discretion and broadcasting courtesy, as the Corporation put it, tend to militate against such action being taken.

The Tribunal upholds the Corporation's finding and considers that the complaint has no basis. The Tribunal could not require any apology to be made because of any breach of rules or standards, as none occurred.

The complaint is not upheld.

*Co-opted Members:* Messrs Boyd-Bell and Ell were co-opted as persons whose qualifications and experience were likely to be of assistance to the Tribunal in determining the complaint. They took part in the deliberations of the Tribunal but the decision is that of the members and deputy member.

Dated the 30th day of June 1982.

For the Tribunal:

B. H. SLANE, Chairman.