



SUPPLEMENT

TO THE

NEW ZEALAND GAZETTE

OF

THURSDAY, 15 SEPTEMBER 1983

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Commission of Inquiry into Contractual Arrangements Entered into by the Broadcasting Corporation of New Zealand With its Employees and into Certain Matters Related to Advertising

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

To all to whom these presents shall come, and to:

WALTER REID JACKSON of Dunedin, Chartered Accountant; and
MERVYN ROWLAND GOOD, of Christchurch, Chartered Accountant:

GREETING:

WHEREAS allegations of impropriety have been made concerning contractual arrangements entered into by the Broadcasting Corporation of New Zealand with employees and the manner in which employees having contractual arrangements with the Corporation have discharged their duties:

And whereas allegations of unfairness have been made concerning the manner in which the Corporation deals—

- (a) With persons who wish to have the opportunity to be engaged as performers in entertainment programmes; and
- (b) With persons who wish to use its services for the purposes of advertising:

And whereas the question whether such allegations are true and the question whether the Corporation's contractual arrangements with its employees and its dealings with persons who wish to have the opportunity to be engaged as performers in entertainment programmes and its dealings with persons who wish to use its services for the purposes of advertising are appropriate for a public broadcasting service are matters of public importance:

NOW, THEREFORE, pursuant to the Commissions of Inquiry Act 1908, I, Sir David Stuart Beattie, the Governor-General of New Zealand, acting by and with the advice and consent of the Executive Council, hereby appoint you, the said Walter Reid Jackson and Mervyn Rowland Good to be a Commission to inquire into and report upon—

- (a) The circumstances in which any person who is or has been employed by the Broadcasting Corporation of New Zealand under section 38 of the Broadcasting Act 1976 or under a contract of service has entered into a further contractual arrangement with the Corporation for the provision of any services; and the propriety of any such further contractual arrangement:
- (b) Whether any person who is or has been employed by the Broadcasting Corporation of New Zealand under section 38 of the Broadcasting Act 1976 or under a contract of service or who has entered into a contract with the Corporation for the supply of services in the production of programmes is or has been engaged in any activity involving a conflict with the interests of the Corporation:
- (c) Whether the terms and conditions of service of persons employed by the Broadcasting Corporation of New Zealand and the terms and conditions of contracts entered into by any person with the Corporation for the supply of services in the production of programmes give the Corporation proper control of the activities of any of such persons in relation to the Corporation's functions; and, if so, whether proper control is being exercised by the Corporation:
- (d) Whether the Broadcasting Corporation of New Zealand deals properly, in respect of the opportunity to be engaged as a performer, as between persons who wish to be engaged by the Corporation for entertainment programmes:
- (e) Whether the Broadcasting Corporation of New Zealand deals properly, in respect of advertising, as between persons who wish to use the Corporation's services for that purpose:

(f) The necessity or expediency of any legislation in respect of any of the matters referred to in paragraphs (a) to (e) of this order:

(g) Such other matters arising out of the premises as may come to your notice in the course of your inquiries and which you consider should be investigated in connection therewith, and upon any matters which you consider should be brought to the attention of the Government:

But nothing in this warrant shall authorise or empower you to inquire into any matter that occurred before the 1st day of January 1979:

And, with the like advice and consent, I hereby appoint you, the said Walter Reid Jackson, to be the Chairman of the said Commission:

And, for the better enabling you to carry these presents into effect, you are hereby authorised and empowered to make and conduct any inquiry under these presents, in accordance with the Commissions of Inquiry Act 1908, at such times and places as you consider expedient, with power to adjourn from time to time and from place to place as you think fit, and so that these presents shall continue in force and the inquiry may at any time and place be resumed although not regularly adjourned from time to time or from place to place:

And, without limiting any of your other powers to hear proceedings in private or to exclude any person from any of your proceedings, you are hereby empowered to exclude the public from any hearing, including a hearing at which evidence is being taken, if you think it proper to do so:

And you are hereby strictly charged and directed that you shall not at any time publish or otherwise disclose, except to me in pursuance of these presents or by my direction, the contents or purport of any report so made or to be made by you, or any evidence or information obtained by you in the exercise of the powers hereby conferred upon you except such evidence or information as is received in the course of a sitting open to the public:

And it is hereby declared that you have liberty to report your proceedings and recommendations under this Commission from time to time if you shall judge it expedient so to do:

And, using all due diligence, you are required to report to me in writing under your hand not later than the 9th day of December 1983 your findings and opinions on the matters aforesaid, together with such recommendations as you think fit to make in respect thereof.

Given in Executive Council under the hand of His Excellency the Governor-General this 16th day of September 1983.

P. G. MILLEN,
Clerk of the Executive Council.