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SUPPLEMENT
TO THE
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OF
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*Royal Commission to Inquire Into and Report Upon
Certain Matters Related to Drug Trafficking*

ELIZABETH THE SECOND, by the Grace of God Queen of New Zealand and Her Other Realms and Territories, Head of the Commonwealth, Defender of the Faith:

To Our Trusty and Well-beloved DONALD GERARD STEWART, a Judge of the Supreme Court of New South Wales:

GREETING:

WHEREAS you have been appointed by Letters Patent issued to you on the 25th day of June 1981* by the Administrator of the Government of the Commonwealth of Australia to make inquiry, inter alia, into the methods of operation of one Terrence John Clark and persons associated with him in activities involving contravention of laws of the Commonwealth of Australia, and, in particular, of laws relating to the importation, exportation, or possession of drugs:

And whereas you have, by Letters Patent issued to you on the 24th day of June 1981 by the Governor of the State of New South Wales and by Letters Patent issued to you on the 30th day of June 1981 by the Governor of the State of Victoria and by Letters Patent issued to you on the 25th day of June 1981 by the Governor of the State of Queensland, been appointed to make similar inquiry into activities involving contravention of the laws of the States of New South Wales, Victoria, and Queensland:

And whereas it is a matter of public importance to ascertain whether, and if so by what method or agency, money which is the product of or is used for financing transactions relating to the importation, exportation, or possession of drugs is transmitted between Australia and New Zealand and whether or not it is invested in New Zealand:

And whereas it is a matter of public importance that such assistance should be given to the Commonwealth of Australia and to the States of New South Wales, Victoria, and Queensland as is necessary to enable a full inquiry to be made in New Zealand in respect of activities in New Zealand which relate to drug trafficking in Australia:

KNOW YE that We, reposing trust and confidence in your integrity, knowledge, and ability, do hereby nominate, constitute, and appoint you, the said DONALD GERARD STEWART, to be a Commission to inquire into and report upon:

- (a) Whether Terrence John Clark, or any person associated with Terrence John Clark, in connection with any illegal activity transferred money to New Zealand—
 - (i) For investment in New Zealand; or
 - (ii) With intent, by any means, to transfer the money back to Australia,—and, if so, by what method or agency the money was so transferred:
- (b) Whether in connection with any transfer or investment of money described in paragraph (a) of this warrant

*Commonwealth of Australia Gazette, No. G27, 7 July 1981, p. 2

any person connected with New Zealand assisted Terrence John Clark by the provision of banking, financial, or legal services or by procuring the provision of such services:

- (c) If assistance so provided involved the provision of banking, financial, or legal services, what services were provided;
- (d) If the assistance was other than the provision of banking, financial, or legal services, what was the nature of it;
- (e) Whether any person connected with New Zealand has or has had in his possession, custody, or control—
 - (i) Real or personal property of Terrence John Clark purchased with money obtained from illegal activities; or
 - (ii) Real or personal property received, whether directly or indirectly, from Terrence John Clark; or
 - (iii) Real or personal property into which property of Terrence John Clark has been converted or for which property of Terrence John Clark has been exchanged; or
 - (iv) Real or personal property obtained by means of money received, whether directly or indirectly, from Terrence John Clark:

AND WE DECLARE that, in this Our Commission,—

- (f) The expression "illegal activity" means an activity of Terrence John Clark, or a person associated with him, involving contravention of laws of the Commonwealth of Australia or of any of the States of New South Wales, Victoria, and Queensland, including, in particular, laws relating to the importation, exportation, or possession of drugs; and
- (g) The expression "person connected with New Zealand" means—
 - (i) A resident or citizen of New Zealand; or
 - (ii) A body corporate that has at any time had an office or place of business in New Zealand, or an unincorporated body any of whose members has at any time been a resident or citizen of New Zealand:

And, in the course of the inquiry, you may have regard to evidence obtained by you in the course of your sittings in Australia pursuant to the powers conferred on you by the said Letters Patent issued to you by the Administrator of the Government of the Commonwealth of Australia and by the Governors of the States of New South Wales, Victoria, and Queensland:

And for the better enabling you to carry these presents into effect you are hereby authorised and empowered to make and conduct any inquiry or investigation under these presents in such manner and at such time and place as you think 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 any such inquiry may at any time and place be resumed although not regularly adjourned from time to time or from place to place:

And you are hereby empowered to exclude the public from any hearing at which evidence is taken or at which submissions are made in relation to the evidence; but this power does not limit any of your other powers to hear proceedings in private or to exclude any person from any of your proceedings:

And you are hereby strictly charged and directed that you shall not at any time publish, save to His Excellency the Governor-General, in pursuance of these presents or by His Excellency's direction, and save to His Excellency the Governor-General of the Commonwealth of Australia, and to their Excellencies the Governors of the States of New South Wales, Victoria, and Queensland, the contents 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 on you, except such evidence or information as is received in the course of a sitting open to the public:

And We do further ordain that you have liberty to report your proceedings and findings under this Our Commission from time to time if you shall judge it expedient to do so:

And, using all due diligence, you are required to report to His Excellency the Governor-General in writing under your hand, not later than the 31st day of March 1983, your findings and opinions on the matters aforesaid, together with such recommendations as you think fit to make in respect thereof:

And, lastly, it is hereby declared that these presents are issued under the authority of the Letters Patent of His Late Majesty King George the Fifth, dated the 11th day of May 1917, and under the authority of and subject to the provisions of the Commissions of Inquiry Act 1908, and with the advice and consent of the Executive Council of New Zealand.

In Witness whereof We have caused this Our Commission to be issued and the Seal of New Zealand to be hereunto affixed at Wellington this 3rd day of November 1982.

Witness The Honourable Sir David Stuart Beattie, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Queen's Service Order, one of Her Majesty's Counsel learned in the law, Governor-General and Commander-in-Chief in and over New Zealand.

L.S.

DAVID BEATTIE, Governor-General.

By His Excellency's Command—

R. D. MULDOON, Prime Minister.

Approved in Council—

C. J. HILL, Acting for Clerk of the Executive Council.

Direction to Broadcasting Corporation of New Zealand in Connection With Availability of Particulars of Programmes

To the Broadcasting Corporation of New Zealand

PURSUANT to section 30A (2) of the Broadcasting Act 1976 (as enacted by section 6 (1) of the Broadcasting Amendment Act 1982), and for the purpose of ensuring that particulars of programmes are widely advertised and publicised to members of the public within New Zealand (including members of the public who do not purchase the *New Zealand Listener*), I, Ian John Shearer, the Minister of Broadcasting, hereby direct—

- (a) That, subject to the provisions of this direction including, in particular, those requiring the entering into of a contract, you are required—
 - (i) To make particulars of programmes (other than advertising programmes) intended to be broadcast by you from a radio station or television station available, before those programmes are broadcast, to any publisher; and
 - (ii) To consent under section 30A (1) of the Broadcasting Act 1976 to the publication by any publisher of particulars of programmes (other than advertising programmes) intended to be broadcast by you; and
 - (iii) To consent to any publication that takes place pursuant to subparagraph (ii) of this paragraph taking place before the broadcasting of the relevant programmes;
- (b) That the particulars required to be made available pursuant to paragraph (a) of this direction shall comprise, in respect of each programme,—
 - (i) Its title;
 - (ii) The broadcasting station from which it is intended to be broadcast;
 - (iii) Its scheduled time of broadcast;
 - (iv) Except where contractual obligations prevent you from advertising a programme in advance, both a brief synopsis of the programme's contents and cast lists of the main performers and actors who appear or are heard in the programme;

Provided that subparagraph (iv) of this paragraph shall not apply in respect of a news programme or a current affairs programme:
- (c) That the particulars made available to any publisher pursuant to paragraph (a) of this direction shall be available to that publisher at Broadcasting House in Wellington on the day on which those particulars are made available to the *New Zealand Listener*:

- (d) That where particulars made available to any publisher pursuant to paragraph (a) of this direction relate to a week that week shall be a period of 7 days beginning on a Saturday and ending on the following Friday;
- (e) That nothing in paragraph (c) of this direction prevents any publisher from arranging with you for the particulars that are made available to that publisher to be dispatched to that publisher by you at that publisher's expense;
- (f) That the obligations imposed on you by paragraph (a) of this direction in respect of a publisher—
- (i) Shall be conditional on the publisher entering into a contract with you; and
 - (ii) Shall continue only so long as a contract so entered into by the publisher is in force and its terms are being observed by that publisher;
- (g) That any contract entered into for the purposes of paragraph (f) of this direction shall contain provisions ensuring—
- (i) That you are entitled to recover from the publisher with whom the contract is made your costs of administration (as agreed with that publisher) in respect of the supply of particulars of programmes to that publisher, which costs may include items such as paper, duplication, postage, freight, and dispatch but not the costs of collating those particulars; and
 - (ii) That, where particulars of programmes supplied by you to the publisher with whom the contract is made are published by that publisher, those particulars are published by that publisher in substantially the same form as that in which they are supplied to that publisher by you; and
 - (iii) That you are not to be liable for programme changes or for your inability to broadcast a particular programme; and
 - (iv) That where a publisher publishes in any publication particulars of television programmes to be broadcast in any period that publisher shall give in that publication particulars of the radio programmes which are to be broadcast by you in that period and which are relevant to the area in which that publication is circulated; and
 - (v) That, where the publisher with whom the contract is made publishes particulars of programmes (before those programmes are broadcast by you) and the schedule of such particulars published in any issue of that publication covers a period of more than 2 consecutive days, that publisher shall pay to you for the right to publish those particulars in that publication a fee of 2 cents for each copy of an issue of that publication in which the particulars appear;

Provided that the fee provided for in this subparagraph shall not be payable if the only period or periods of more than 2 consecutive days covered by any schedule of such particulars which is published in any issue of that publication is a period, or

are each a period, of 3 consecutive days comprising a Saturday and a Sunday and a public holiday or 3 public holidays or 2 public holidays and either a Saturday or a Sunday; and

(vi) That the method by which the number of copies on which the fee provided for in subparagraph (v) of this paragraph is charged is provided for in the contract, which method may be based on the audited circulation of the publication, the copies sold, the copies distributed, or the copies printed or on such other matters as are provided for in the contract; and

(vii) That you may require the publisher with whom the contract is made to pay in advance, for each quarter of 3 months, any fees that will be payable, or are estimated to be payable, by that publisher pursuant to the provisions inserted in the contract pursuant to subparagraph (v) of this paragraph; and

(viii) That, if the publisher with whom the contract is entered into publishes, while the contract is in force, any defamatory matter or malicious falsehood in respect of you or any of your officers or employees, that publisher commits a breach of the contract:

- (h) That nothing in this direction prevents you, and nothing in any contract entered into for the purposes of paragraph (f) of this direction shall prevent you—
- (i) From continuing to supply particulars of your programmes, without charge, to any person for publication in any newspaper (not being a newspaper in respect of which a contract entered into for the purposes of paragraph (f) of this direction is in force) on a day to day basis before or after the broadcasting of those programmes; or
 - (ii) From supplying particulars of your programmes, with or without charge, to any person for publication in any publication (not being a publication in respect of which a contract entered into for the purposes of paragraph (f) of this direction is in force) before or after the broadcasting of those programmes; or
 - (iii) From publishing in the *New Zealand Listener* or in any other publication or in any other manner particulars of your programmes;
- (i) That nothing in this direction requires you, and nothing in any contract entered into for the purposes of paragraph (f) of this direction shall require you, to comply, in respect of any publisher, with paragraph (a) of this direction or with any contract entered into for the purposes of paragraph (f) of this direction if that publisher has published defamatory matter or malicious falsehoods in respect of you or in respect of any of your officers or employees.

Dated at Wellington this 4th day of November 1982.

I. J. SHEARER, Minister of Broadcasting.

