

(continued from previous page)

To-day the privilege serves to protect a member from prosecution by individuals or public bodies for anything however injurious that he may have said in a speech in the House. There are limitations under the rules of the House. Certain persons, for example, the Royal Family, judges, other members, may not be attacked in the course of a speech. There is in New Zealand a rule as to temperate language. There is a feeling that a member should not under cover of privilege make a violent personal attack on an opponent or critic and the Speaker has on occasions checked a member without asking him to desist. The claim of the Commons that its privilege extended protection to the printed debates published under its direction was rejected by the Court as far as the publishers were concerned. This famous *Hansard* case is a landmark in the contest between the Commons and the Courts as to the latter's right to interfere in any matter of privilege. The House accepted the Court's claim in this case to determine whether the privilege was in fact part of the law and protection to the official record was afforded by statute. Similar statutory provision was made in New Zealand. It has been held too that if a member publishes his own speech he loses protection. Newspapers reporting Parliamentary proceedings do so under a waiver of the privilege of controlling the publication of debates. They have no protection under privilege, but are covered by the general rule under the law of defamation as to fair and accurate reports.

Some Statutory Protection Needed

Broadcasting would certainly appear to be a method of publication of debates beyond the walls of the House, and some at any rate of the principles applied in the case of the printed reports would presumably apply. There would be no protection of the publisher in the absence of a statute. The existing statute for the printed reports does not cover the new technique. The question of authorised publication would also be relevant. In New Zealand the fact that the broadcasting is done by a Government department is important in the matter of the liability for libel or slander. Under the Crown Suits Act the Crown could not be sued. The question has been raised as to whether the member by speaking over the air is a party to the publication of his own speech outside the House. Broadcasting is a matter for the House to decide and he can press in the House for statutory protection and can refrain from speaking or at least from uttering a slander. The point is one on which there may be a difference of opinion. In general, it would appear to be a case for statutory protection, but a protection which does not extend too widely.

This is a very brief statement of general principles extracted from the standard authority, May's *Parliamentary Procedure*. It leaves untouched the whole subject of contempts of Parliament, such as disobedience to lawful directions, threats to members, etc., and of the powers and procedure for enforcement of privilege. It barely touches the fascinating personal element in the history of privilege both in Britain over centuries and in New Zealand over less than one.

NORFOLK ISLAND STORY

Programmes Recorded on the Spot by NZBS

DURING the war Norfolk Island was garrisoned by New Zealand troops, many of whom had so much to say in its favour that it has had a steady stream of New Zealand visitors ever since—some to settle; others to dodge their native winter climate. Recently Bryan O'Brien and a technician of the NZBS spent a fortnight on the island with a tape-recorder, gathering material for broadcasts (to be heard shortly from the ZB stations) about Norfolk's history, its people and the conditions in which they live in what he calls an "island paradise." The fanciful title, *Isle of the Singing Pines*, has been chosen for this feature which will be heard in three episodes.

In the first of the three programmes which *The Listener* heard the other day, there is a foreword by the Administrator, the Hon. Alex. Wilson, who sends greetings from the islanders to New Zealand. The narrator then takes up the tale, with suitable background music. The first episode deals with the grim days of the penal settlement, and the violent history of a century ago is described graphically. Most of the old prison buildings have now crumbled away, but Bloody Bridge and some of the walls still stand. Guided by Harry Quintal (now 80 years old) Bryan O'Brien visited the site of "Barney Duffy's Tree," now only a pile of earth. The tree, in which Duffy, an escapee from the chain-gang had hidden, was burnt down by some visiting vandal.

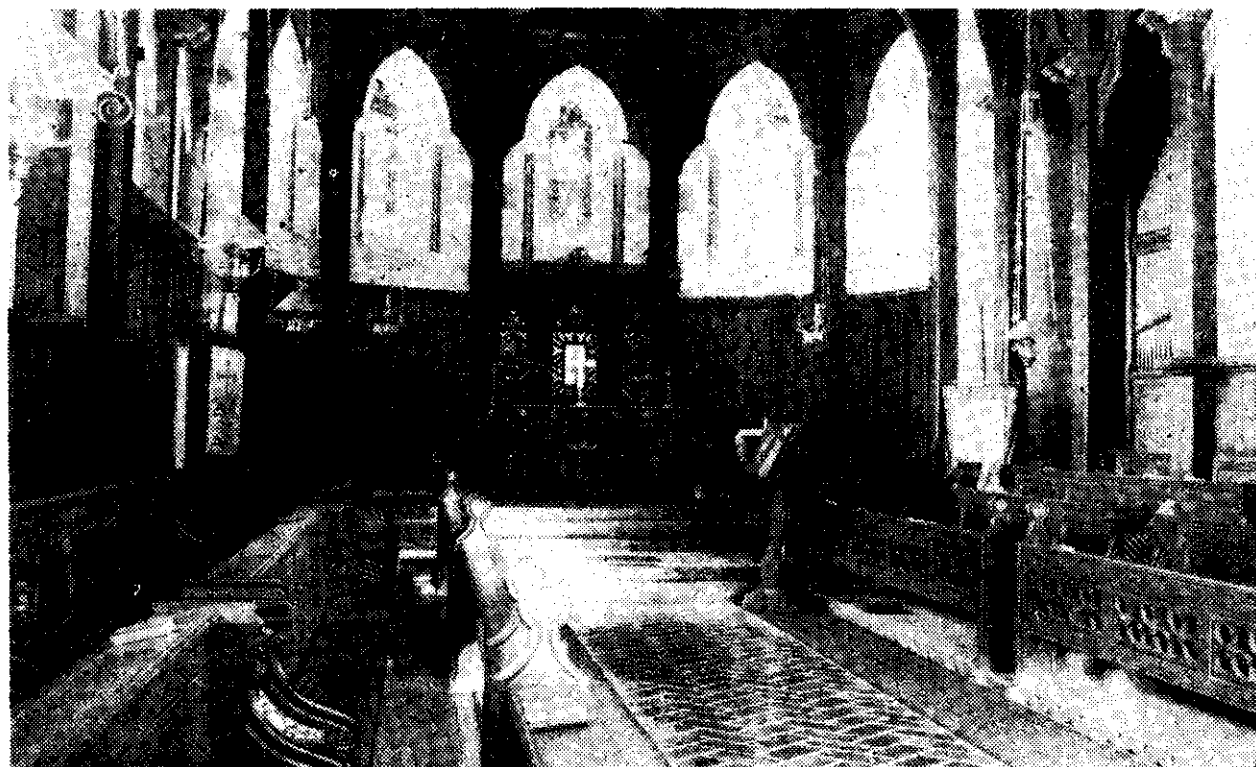
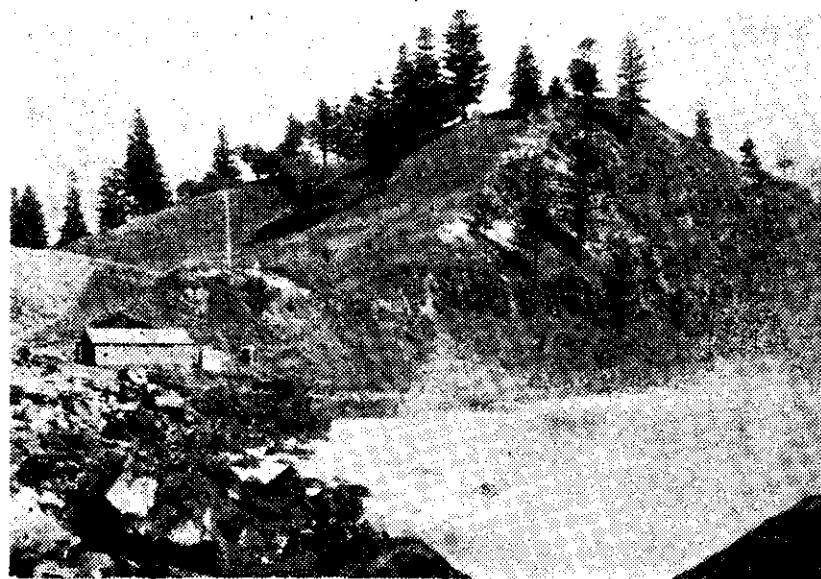
The second episode is in a pleasanter vein, telling the tale of the settlement of Norfolk by the Pitcairn Island people.

The narrator visits the home of Charlie Et Christian (the "Et" is supposed to distinguish him from sundry other Christians), and talks to a boy of 15, a direct descendant of Fletcher Christian. Then a Mrs. Christian takes pains to explain, on the tape-recorder, that the Pitcairn Islanders now at Norfolk had no connection whatever with the prisoners who were on the island before they arrived. Harry Quintal describes the early whaling days and the methods of present-day fishing.

As a preliminary to a visit to the school, the island children sing the Norfolk Island Ode, and considerable space is given to samples of the native

lingo which the children speak often in preference to English. It is a curious mixture of Old World English and Tahitian. As Norfolk has a long association with the Melanesian Mission a recording was made of the singing of the Island Choir in the chapel.

Isle of the Singing Pines ends with several of the original Pitcairn Island hymns, sung by the descendants of the Bounty mutineers. The programme will be heard from the ZB stations and 2ZA on Sundays, August 1, 8 and 15, in the North Island at 7.30 p.m., and in the South Island at 7.0 p.m., taking the place, on those dates only, of *Playhouse of Favourites*.



ABOVE: The beautiful Melanesian Mission Chapel on Norfolk Island, built in 1870 and consecrated by Bishop J. R. Selwyn, son of New Zealand's pioneer Bishop Selwyn. Top right: A pine-covered hillside by the Cascades. This bay is used for emergency landings when rough weather is experienced at Kingston on the other side of the island.