

1949
NEW ZEALAND

**REPORT OF COMMISSION TO INQUIRE INTO AND REPORT
ON TREATMENT OF PRESS REPRESENTATIVES:
KAKA AIRCRAFT DISASTER**

Laid on the Tables of Both Houses of the General Assembly by Command of His Excellency

*Commission to Inquire Into and Report on Treatment of Press
Representatives—"Kaka" Aircraft Disaster*

B. C. FREYBERG, Governor-General

By his Deputy,

H. F. O'LEARY

To all to whom these presents shall come, and to the HONOURABLE
SIR HAROLD FEATHERSTON JOHNSTON, K.C.

WHEREAS it has been deemed expedient that a Commission shall issue to inquire into the circumstances relating to the releasing of information to the public regarding the recovery of the bodies and the finding of the Electra aircraft "Kaka," ZK-AGK, on Mount Ruapehu, and particularly to inquire whether there was any undue or improper withholding of public information or restrictions placed on Press representatives, and if so upon whose directions:

Now, therefore, I, Lieutenant-General Sir Bernard Cyril Freyberg, the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the powers conferred upon me by the Commissions of Inquiry Act, 1908, and of all other powers and authorities enabling me

in this behalf, and acting by and with the advice and consent of the Executive Council of the said Dominion do hereby constitute and appoint you, the said

The Honourable Sir Harold Featherston Johnston, K.C., to be a Commission to inquire into and report upon :—

(1) Whether, having regard to all the conditions and circumstances surrounding the finding of the Electra aircraft and the recovery of the bodies therefrom, there was any undue or improper withholding of information from, or the imposition of any undue or improper restrictions upon Press reporters in obtaining information and photographs for the purpose of publication by the newspapers they represented.

(2) If so, by whose orders or directions was such information withheld or restrictions imposed ?

(3) Whether arising out of the present inquiry it is expedient or practicable to lay down any general principles as to the privileges or freedom or obligations of the Press in similar circumstances.

And you are hereby authorized to conduct any inquiry under these presents at such times and places as you deem expedient, with power to adjourn from time to time and place to place as you think fit, and to call before you and to examine on oath or otherwise such persons as you think capable of affording you information as to the matters aforesaid, and to call for and examine all such papers and reports as you deem likely to afford you the fullest information on any such matters :

And, using all due diligence, you are required to report to me not later than the thirty-first day of December, one thousand nine hundred and forty-eight, your finding and opinion on the matter aforesaid together with such recommendations as you think fit to make in respect thereof :

And you are hereby strictly charged and directed that you shall not at any time publish or otherwise disclose, save 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 :

And it is hereby declared that this Commission shall continue in full force although the inquiry be not regularly continued by adjournments from time to time or from place to place :

And, lastly, it is hereby further declared that these presents are issued under and subject to the provisions of the Commissions of Inquiry Act, 1908.

[L.S.] Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 13th day of December, 1948.

W. NASH,
For the Prime Minister.

Approved in Council—

T. J. SHERRARD, Clerk of the Executive Council.

Extending Period Within Which the Commission Appointed to Inquire Into and Report on Treatment of Press Representatives—"Kaka" Aircraft Disaster—Shall Report

B. C. FREYBERG, Governor-General

To all to whom these presents shall come, and to the HONOURABLE
SIR HAROLD FEATHERSTON JOHNSTON, K.C.

WHEREAS by Warrant dated the thirteenth day of December, one thousand nine hundred and forty-eight, you, the said the Honourable Sir Harold Featherston Johnston, K.C., were appointed under the authority of the Commissions of Inquiry Act, 1908, and with the advice and consent of the Executive Council, to be a Commission of Inquiry for the purposes in the said Warrant duly set out:

And whereas you were by such Warrant required to report to me not later than the thirty-first day of December, one thousand nine hundred and forty-eight, your finding and opinions on the matter referred to you, together with such recommendations as you might think fit to make in respect thereof:

And whereas it is expedient that the time for so reporting should be extended as hereinafter provided:

Now, therefore, I do hereby extend to the thirty-first day of January, one thousand nine hundred and forty-nine, the time within which you are so required to report:

And I do hereby confirm the said Commission and the Warrant hereinbefore referred to except as altered by these presents.

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 20th day of January, 1949.

W. NASH, Acting Prime Minister.

Approved in Council—

H. P. JEFFERY,
Acting Clerk of the Executive Council.

REPORT

To His Excellency the Governor-General of the Dominion of New Zealand.
MAY IT PLEASE YOUR EXCELLENCY,—

I, the undersigned Commissioner appointed by Warrant dated the 13th day of December, 1948, have the honour to present to Your Excellency my report under the following terms of reference :—

- (1) Whether, having regard to all the conditions and circumstances surrounding the finding of the Electra aircraft and the recovery of the bodies therefrom, there was any undue or improper withholding of information from, or the imposition of any undue or improper restrictions upon press reporters in obtaining information and photographs for the purpose of publication by the newspapers they represented.
- (2) If so, by whose orders or directions was such information withheld or restrictions imposed ?
- (3) Whether arising out of the present inquiry it is expedient or practicable to lay down any general principles as to the privileges or freedom or obligations of the press in similar circumstances.

I have the honour to be,
Your Excellency's most obedient servant,

[L.S.]

HAROLD JOHNSTON, Commissioner.

Dated at Wellington, this 31st day of January, 1949.

By Warrant under the hand of His Excellency the Governor-General dated the 13th day of December, 1948, I was required to report to His Excellency not later than the 31st day of December, 1948.

By Warrant under the hand of His Excellency the Governor-General dated the 20th day of January, 1949, the time within which I was required to present my report was extended to the 31st day of January, 1949.

REPORT OF THE COMMISSION TO INQUIRE INTO AND REPORT ON TREATMENT OF PRESS REPRESENTATIVES: KAKA AIRCRAFT DISASTER

On Saturday, the 23rd October last, the Kaka (aircraft ZK-AGK) left Palmerston North at approximately 10 minutes past 1 for Hamilton, the next stop in her journey from Paraparaumu to Whenuapai. She carried eleven passengers and a crew of two. Her failure to arrive at Hamilton at the scheduled time gave rise to anxiety as to her safety, and she was reported missing.

The Search and Rescue Organizations of the Air Department in Wellington and Auckland were immediately brought into full operation. In Wellington operations were conducted from the Air Controller's room in Stout Street.

A stream of reports from points covering an area approximately twenty miles north of Wanganui to the coast near New Plymouth, from Kawhia Harbour across to Tauranga, and from Taupo down the Desert Road to Ohakune flowed into the Air Controller's room in Stout Street. These reports demanded the organization of search areas and the despatch of investigating aircraft. Aircraft were being despatched from Whenuapai and Ohakea to aerodromes at New Plymouth, Rukuhia, Rotorua, and Karioi. While seven officers were permanently engaged in these tasks at peak time this number would be considerably increased. To this room came all personal and telephone requests for information on the progress of the search.

On the morning of Tuesday, the 26th, the Acting Prime Minister (Mr. Nash) and the Minister of Defence, at the request of the Director of Civil Aviation, called at the control room. That more space was required was obvious, and, after consultation, it was agreed that a room be set aside at Bunny Street headquarters for a Press Relations Officer, who was to be given all incoming information. To this officer was assigned the duty of handing out information to the press. On this task this officer was engaged practically the whole of each day the search was carried on. During the period of the search no complaint was made to him by any representative of the press of any difficulties or obstruction placed in the way of journalists to obtain information. No suggestion has been made that better arrangements could have been made which would have given the press quicker and more reliable information of the steps taken to locate the plane and the progress of the search.

On the evidence, I think the only possible inference to be drawn from the Ministers' visit to the control room is that they were as anxious as the public in general that information should be given to the public and that all steps were taken to carry out an effective search. It is true that, while the change of rooms and the arrangements for further space was being made, some slight delay in answering telephone inquiries from pressmen may have ensued, and some pressmen put to some slight personal inconvenience, but beyond that, on the evidence, I am satisfied all information relative to the search, garnered from messages, was, when checked, handed to the press, when asked for, without delay.

Four reporters of Wellington newspapers gave evidence of the steps they took to obtain information about the progress of the search operations. In the main their method was to telephone (one reporter said every half-hour) to the Air Control room at Stout Street, and ask if any information had come to hand. Occasionally they went to the control room, and later to the Bunny Street room, to find out from an officer engaged there whether there was any news for them. They started this process of asking for what, I understand, pressmen call "hand-outs" on the day following the report that the plane was missing, and continued it till Friday, the 29th, when the wreckage was discovered on the slope of Mount Ruapehu. On the Tuesday following the Saturday the plane was missing telephone inquiries met the response that information was not being handed out from the control room. This response, following upon the visit of the Acting Prime Minister and Minister of Defence, was assumed by reporters, for a reason I have not been able to fathom, to indicate that information was being withheld by order of the Acting Prime Minister, despite the fact that they were informed that a Public Relations Officer, quartered at Air Headquarters in Bunny Street, had taken over the task of handing out information, and application for news could be made to him.

The reporters who gave evidence on this phase of the proceedings were in cross-examination asked to particularize their grievances and give instances where obstructions had been placed in their way. I gathered from their evidence their real grievance was that they had not been given information that came to hand from a searching plane at 8.40 on the morning of Friday, the 29th, to the effect that a searching plane had sighted an object that might be wreckage on the slope of Mount Ruapehu. The pilot asked for leave to land, obtain binoculars, and make a further investigation. One of the reporters claimed that whether the material sighted was the wreckage of the plane or not, it was valuable news that he could have liked and was entitled to have.

In the Search and Rescue Log Book this message reads :—

Time 8.40. "Message from C.47 ZAQ. Have sighted what might be aircraft wreckage on S.W. slopes Ruapehu. Request permission to land at Ohakea for binoculars."

Further log entries show—

At 5 minutes past 10 a message from Auster 1703 was logged: "I have sighted the wreckage of an aeroplane on the S.W. slopes of Ruapehu about 1,000 ft. from the summit," and at 10.10 from ZAQ through Lyall Bay at 10.5, "Object previously sighted by us confirmed as crashed Lockheed. Exact location 39° 15 S. 175° 32 E.", and finally, at 10.10, from Auster 1703 through Ohakea, "Located wreckage on the S.W. slopes Ruapehu 500–1,000 ft. below summit."

I think the evidence of Mr. Guiney, a reporter on the *Dominion* newspaper, gives a fair sample of what Wellington reporters did and expected while they were in Wellington. He said: "I was assigned the duty of getting the information in connection with the missing Kaka. I was told to see if I could find out on Saturday night all that I could about the missing airliner. My habit was to go to Air Search Control room at 7.30 or 8 o'clock in the evening, and wait till they finished for the day, when they were free to see me. I sought to avoid disturbing them at their busy time. The first three nights I had no difficulty in getting information. Everybody was most helpful. On the Tuesday, however, I received certain statements from the Air Control room as to what had happened that day. I went along at about 8 o'clock and met an officer outside. He said, 'We are not giving information from here any longer. You will have to see the Director of Civil Aviation.' This was corrected by another officer, who said that Mr. Duke had been set up as Public Relations Officer. Mr Duke, however, I discovered, had gone home for the night. After some time Mr. Hayman agreed to see me. I waited for about another three-quarters of an hour, after which Mr. Hayman came out and I asked him what the new set-up was exactly, and he said that the office had been visited by the Acting Prime Minister and the Minister of Defence that morning. He seemed most reluctant to give me any detailed news. I asked him particularly if anything had been seen during the day of objects which might possibly be an aircraft. He said it had been discussed by authorities during the morning (the handing-out of news to the papers), and it had been decided that no news of what might be wreckage—he then corrected himself and said the word 'wreckage' was not to be used—was to be given to the press. When I asked him why, he said it had been decided that it was not in the public interest to give this information as it raised false hopes in the minds of relatives of the missing people. I asked him particularly if Mr. Nash or Mr. Jones had made this decision, and he declined to answer it directly, but said the heads of the organization. He indicated the sort of news, in his opinion, it was proper for newspapers to publish. When I asked him what were the plans for the following day's search, he said, 'The search will be continued at pressure in accordance with facts discovered by search aircraft in operations to-day.' I said that was a completely useless thing from newspaper point of view. I talked to him for quite some time (about half an hour) more or less stating our case and what we wanted, and eventually he gave me a little more information. There was no other person or institution to which I could have gone for information as to what was being done. My paper was trying to keep the public supplied from day to day as to what was being done to find the plane. I thought it was also in the interest of Air Department to let the public know what was being done."

Mr. Guiney subsequently went to Ohakune and got to the plateau as part of a Forestry party, and apparently, according to his own statement, did not run into the difficulties some of the others did.

In my judgement, "Air Control" must be free in the circumstances of a search to exercise its discretion as to whether or not or when messages received from searching planes, that obviously need investigation and confirmation, should be passed on to the press. In this particular instance the message received from the aircraft specially asked for leave to land and obtain binoculars to make further investigation. It is plain in a search of this nature many hares can be chased and false trails examined, and the evidence shows this was the case. I think on reflection it will be agreed that the feelings of next-of-kin may be unnecessarily harried by publication of messages indicating possible location,

followed by messages reporting that the hopes raised were unfortunately not realized. The Director took this view, and his general direction that such messages should not be released till confirmation was received was, in my opinion, sensible and proper.

The claim that tradition entitles reporters to have retailed to them all messages, irrespective of their ultimate value as clues to the location of a missing plane, cannot, I think, be seriously entertained. A clear view of the steps taken in the extensive search organized by Air Control can be obtained from the entries in the Search and Rescue Log Book. Some four hundred hours were spent in flying, mostly in bad flying weather, over a wide stretch of rough country. The columns of the newspaper from Saturday, the 23rd October, to the 29th, when the search ended, seem to show a liberal hand-out of information relative to the search. Air Control's task was to organize and direct the necessary features of an extensive search in, for the most part, bad flying weather, and fulfillment of that task took priority over the work of sorting the news to be handed out. From the newspapers it seems the public were given very full news of the progress of the search. No evidence was given of any general public complaint that sufficient information was not forthcoming. In my opinion, all relevant information about the search was given to the press voluntarily and without undue delay, and it seems that the facilities given to the press by Air Department enabled the press, without any great trouble or expense, to sufficiently report the progress of the search to the public.

After the plane was found the organization and direction of search parties and ground operations passed to the police, who invoked the aid of the military Forces stationed in the district where the plane was found, and the permanent Air Accidents Investigation Officer. This officer's work is not subject to the control of the Director of Civil Aviation. He alone controls and is responsible for the investigation into causes of accidents.

Certain communications, however, that passed between the Director of Civil Aviation and the Commissioner of Police, relating to publication of the news of the finding of the plane, and the fate of passengers and crew, must be weighed and considered. The Director of Civil Aviation, who had requested the Minister of Defence and the Acting Prime Minister to visit the Air Department, to see the cramped conditions in which Air Control was functioning, and consider the advisability of relieving the control centre of the task of handling communications to the press, said that, in the course of consultation on these matters, it was agreed that when the wreckage was located, he, the Director of Civil Aviation, would ensure that National Airways Corporation was given an opportunity of informing the next-of-kin before the information was broadcast over the air. The Acting Prime Minister's Office was to be similarly advised. The Director gave instructions that these requirements should be met, but gave no instructions that the news should be withheld from the press. He said in his opinion approximately fifteen minutes would have been sufficient time for National Airways Corporation to notify the next-of-kin if proper arrangements were made for air-flash messages to the nearest telephone-exchange. That the Acting Prime Minister should at the same time be notified of the finding he regarded as a secondary object, but a request which I assume he undoubtedly thought should be complied with. The Director was subjected to a long cross-examination concerning the exact words used and his interpretation of the arrangement that news was to be withheld till the Corporation had time to communicate with next-of-kin. He said that he understood the arrangement (come to in the Air Control room when the two Ministers, Air Control, Civil Aviation, and National Airways Corporation officers were present) was intended to ensure that the news should not be broadcast to the public before communication of the finding could be given to the next-of-kin, and did not mean the news should be withheld from the press. While from other evidence I think the question of news regarding the bodies found was referred to, it appears that the question of immediate communication to the press with a request to withhold publication till the next-of-kin were informed was not raised, and in the circumstances was of little importance. Even if the press was disappointed somewhat

that they did not receive the information of the finding as soon as the Acting Prime Minister, it was surely no cause for serious resentment. I think the attitude taken by the editor of the *Evening Post*, Mr. Smith, who gave evidence mainly to acquaint the Commission with the press view, justifies that view. Mr. Smith agreed that it was right to withhold news of the finding till the next-of-kin were communicated with. He thought, however, the press should have been informed of the fact of the finding and trusted not to publish till time was given for the news to first reach the next-of-kin. So the question of his opinion was one of manner or method rather than of right or duty, which is more the question for this Commission.

The messages received and the time of their receipt are logged as follows :—

- Hours.
 0840 Message from C47 ZAQ : Have sighted what might be aircraft wreckage on S.W. slopes Ruapehu. Request permission to land Ohakea for binoculars.
 1005 From Auster 1703 : I have sighted the wreckage of an aircraft on the S.W. slopes of Ruapehu about 1,000 ft. from summit.
 1010 From ZAQ through Lyall Bay at 1005 : Object previously sighted by us confirmed as crashed Lockheed. Exact location 39° 15 S., 175° 32 E.
 1010 From Auster 1703 through Ohakea : Located wreckage on S.W. slopes Ruapehu 500–1,000 ft. below summit.

The receipt of the message at 1005 that the object previously sighted at 0840 was confirmed as the crashed Lockheed put an end to the main purpose of Air Control's operations. The plane was found. Their next normal duty was to report the finding to the various authorities controlling air navigation and the authorities that would have charge of ground operations—namely, the police and the Official Investigator of Air Accidents. The following log-book entries show the messages sent :—

- Hours.
 1016 Notified Director of Civil Aviation of finding, who will notify the Minister.
 1017 Notified Director of Operations of above.
 1018 Notified Deputy Director of Civil Aviation of above.
 1022 Notified the Air Secretary of above.
 1021 Advised Superintendent of Police of finding and location.
 1024 Advised Ohakune police : gave them position of aircraft, and advised them of 1021 entry.
 1030 Mr. Robertson, Minister's Department, rang and was given the following statement : R.N.Z.A.F. Dakota discovered likely wreckage at 0840. As a result an R.N.Z.A.F. Auster was despatched to make a closer inspection and confirmed aircraft wreckage on western slopes of Ruapehu 700 ft. from summit. No sign of movement seen. Ohakune police informed at 1024 hours who are organizing a ground search party. Wellington police also informed.
 1048 Wing Commander Kean called from Karioi and was advised of all details to date. (Wing Commander Kean was Official Investigator of Accident, an appointment independent of the Air Department.)
 1100 Information Section, Prime Minister's Department, rang and were given all details to date.
 1104 Contacted Flying Officer Horton at Karioi by radio telephone. Requested details. He advises—
 (1) There is no sign of life.
 (2) The aircraft is completely wrecked.
 (3) The only recognizable portion of the aircraft is the compound tail unit.
 (4) The aircraft is not burnt out.
 1110 Advised Mr. Robertson of the above details, also advised him that we would advise him of further details as they come to hand.
 1122 Superintendent of Police rang and requested details of search. Advised him search arrangements were fully in hand by Ohakune police. Suggested that he contact Ohakune police and give them necessary authority to proceed.

The Acting Prime Minister made his statement to the House at approximately 1045.

In the course of his evidence the Director of Civil Aviation, Mr. Esmond Allen Gibson, said that so many ill-founded reports of sighting the lost plane came into the Department that he had to give instructions that only authenticated information was to be given out to the press, and I have already indicated that in my judgment his undoubted right to exercise his discretion in this matter was justifiably exercised in not giving information of the contents of the 0840 message till it was confirmed by the

subsequent investigation asked for and authorized. The allegation in the Press Association report that "the missing plane was discovered to-day at 8.40, a fact which was immediately known to Air Control, but no information was given until after the announcement by Mr. Nash in the House at 10.30 a.m." was incorrect, and the implication that the delay in releasing the information was part of "a system of almost wartime secrecy over reports from the scene of the air disaster was instituted to-day by the Air Department in Wellington" was misleading. Had the Press Association correspondent's telegram been checked, and his authority for his statement that Wellington was responsible on investigation been found to have been based on his interpretation of a telephone conversation with Flight Lieutenant Jacobsen, Officer in Charge, Karioi Airfield, I think it unlikely subsequent press comments alleging secrecy and misleading information would have been indulged in, and adverse comment, if any, been more restrained and temperate.

It is necessary, however, to inquire whether, from the Air Department or other authority in Wellington, instructions went up to the centres from which the ground operations were organized and conducted by the police and Army, to place restrictions on the activities of reporters in their efforts to obtain information for their papers. Although ground operations were not directed by the Air Department, aircraft could, and did, assist ground operations in many ways, and the part they played is again disclosed by log-book entries.

While I set out the entries I think relevant to this inquiry primarily to see whether they disclose instructions from Wellington designed to place restrictions on reporters in their endeavour to obtain news, I think they are also of some value in providing an aspect of some part of the activities in progress at the centres, which, in combination with police and Army activities, could readily create an atmosphere in which friction and misunderstanding might well develop between parties whose objectives were entirely different—that is, search workers engaged in difficult and somewhat harrowing work, and reporters who wanted a story from them. That such friction as arose was due to one set only is not suggested, and counsel for the Crown put it that it was likely that there was fault of manner on both sides, and this may be the case. The importance of such incidents as occurred may easily but not justifiably be magnified to an extent that would justify a statement that authority had thrown a blanket over all information coming from the scene of the disaster. They have therefore to be carefully weighed in the light of the circumstances and conditions under which they arose.

The log entries after the wreckage sighted on Ruapehu had been identified at 1010 are as follows:—

Hours.

- 1043 Karioi contacted by radio telephone. Requested actual details from pilot of Auster when aircraft lands. Requested estimated time of arrival and that other Austers be despatched to look for survivors. Radio telephone channel will be held open until Auster lands.
- 1048 Wing Commander Kean called from Karioi and was advised of all details to date.
- 1053 Established contact with Karioi again and advised them that we would keep the radio telephone channel open until there is no further news. Advised them the other two Austers may go to the scene of the crash.
- 1057 Palmerston North advised that C47 ZK-AQT will be leaving Palmerston at 1115 with official National Airways Corporation party.
- 1100 Information Section of Prime Minister's Department rang and were given all details to date.
- 1103 Dominic 524 airborne Ohakea for Ruapehu area.
- 1104 Mr. Rawnsley, Wellington Aero Club, rang. He wishes to proceed to position of crash with *Evening Post* photographer.
- 1104 Contacted Flying Officer Horton at Karioi by radio telephone. Requested details:—
 - (1) There is no sign of life.
 - (2) The aircraft is completely wrecked.
 - (3) The only recognizable portion of the aircraft is the compound tail unit.
 - (4) The aircraft is not burnt out.

Hours.

- 1110 Advised Mr. Robertson of the above details. (Mr. Robertson is Controller of Air Operations.)
- 1122 Superintendent of Police rang and requested details of search. Advised him that search arrangements were fully in hand by Ohakune police. Suggested that he contact Ohakune police and give them the necessary authority to proceed.
- 1132 Ohakune police request that a bag of permanganate of potash be dropped to mark the scene of crash.
- 1138 Contacted Ohakea. Requested them to obtain a sack of permanganate of potash, or sea markers, to drop near the scene of crash to mark the spot.
- 1145 Mr. Scott instructed that cablegram be sent to Hon. Mr. Fraser giving a *résumé* of whole operation. Mr. Scott to check.
- 1146 From Karioi. Advised this unit of ground party search arrangements for information. Wing Commander Kean will be standing by this unit.
- 1155 Contacted Karioi by radio telephone in reply to signal from them *re* search. Advised them of all details. They advise Wing Commander Kean airborne in Auster 1703 to inspect the crash area. Instructed them to brief all aircraft that there are numerous aircraft in the air. Advised them that a photographer has permission to fly. Will advise the name later.
- 1200 Squadron Leader Hardy requested information *re* Dakotas, and was advised that we would hold them at Ohakea in case they were required for food-dropping to search parties.
- 1205 Advised Squadron Leader Baigent to contact Ohakune police and make necessary arrangements as regards food-supply to search party.
- 1224 Lodged urgent air call to Ohakune police.
- 1226 Advised Squadron Leader McDowell of aircraft sighting.
- 1235 Contacted Ohakune police and requested call sign and frequency of wireless with search party. They advise 3552 kilocycles C.W. and Call sign ZL2MC. Requested the times off any watches in the crash. Advised him he could contact Navy Tower and Karioi Tower from 3105 kilocycles.
- 1250 Inquired from Karioi if the Auster's report of height of wreckage was above sea-level or above Karioi. He advises height 6,000 ft. above sea-level. Advised them of food-dropping arrangements.
- 1255 Details of search and finding of wreckage and plans for ground party to proceed to scene of wreckage passed to Mr. Shanahan for transmission to Hon. Mr. Fraser, United Kingdom. This phone conversation is sufficient.
- 1262 From DC3 ZK-AQT. Now clear of Ruapehu and returning to Palmerston. Height of Electra estimated 6,000 ft.
- 1315 Passed authority to Flight Lieutenant Jacobsen for Auster flights out of Karioi.
- 1340 Flight Lieutenant Webby called from Ohakea and advised that they are dropping food into the area in case the weather deteriorates later.
- 1346 Lodged call to Ohakune police.
- 1351 From Karioi: Ohakune police request Very pistol with red and green cartridges and suitable type flares be dropped with other supplies this afternoon at base camp.
- 1352 Advised Ohakune police that an Air Department Civil Aviation party will be reporting there tonight. Requested that the Ohakune police provide the necessary facilities. They will arrange this.
- 1426 Call to Karioi by radio telephone. Advised them name of authorized photographer is Myrans.
- 1436 Clearance granted for Gemini to land at Karioi.
- 1456 From Deputy Director of Civil Aviation. Police at Ohakune to be instructed as follows: Authority Prime Minister's Department. Before any information is given out *re* results of ground party operations details are to be given to National Airways Corporation and Mr. Nash personally.
- 1506 Superintendent of Police advised of above and will pass to Ohakune police.
- 1617 Police officer in charge of ground party requests 12 stretchers be dropped at scene of crash.
- 1633 Lodged call to Whenuapai, Officer Commanding 41 Squadron as requested he obtain 12 stretchers possibly from public hospital.
- 1648 Karioi report that ground party will not reach scene of crash to-night. Advised them that stretchers will be dropped at 0800 hours to-morrow morning at the earliest. Karioi suggests that crash scene be marked by parachute. Asked Karioi if continuous watch will be maintained all night. They advise affirmative. Advised them that they may retain one or both Rotorua Austers. Karioi request if we require Control Officer at Karioi. Affirmative, he is to remain while the Austers are operating from that field. Asked Karioi if they require Navy 3105 kilocycles. They advise definitely affirmative. Acknowledged.
- 1656 Received from Palmerston: Auster 1705 advises Karioi: Army truck with transmitters is as far as Horopito and cannot proceed further. Ground party on way.
- 1707 "Air flash" to the Chateau on the strength of press article *re* guides due back from wreck at 1630.

Hours.

- 1709 Advised the Office of Minister of Defence that, from observations from the air, it is unlikely that the search party will reach the scene of the crash to-night.
- 1725 Message from Karioi to Ohakea information Wellington. Attention Officer Commanding flying. Request marker-chutes be dropped on snow face at least 500 ft. above wreckage to be visible to ground party and assist them in locating aircraft. Recommend be done first light.
- 1740 Navy Tower and Ohakea Tower being kept on watch until there is no possibility of Auster aircraft taking off if search party need it.
- 1829 Karioi maintaining listening watch all night on 4750 kilocycles and maintaining link with Ohakea receivers.
- 1851 Flight Lieutenant Ormarod, Whenuapai, rang to say they have a motley selection of stretchers and that they have 15 light-weight type (24" x 6" when folded). They suggested that this type is most suitable for dropping from small aircraft. Also the number they have does not provide the necessary percentage of wastage in the drop, and suggest Ohakea procure some.
- 1940 Director of Civil Aviation rang and requested if Ohakune police are contacted, to make inquiries from them *re* arrival of Civil Aviation Branch party.
- 1958 Signal from Karioi: Following received by ZL-2MP from ground party at Horopito (stop) Relayed here by phone (stop) Quote Located at foot of Cascade Falls (stop) Found two parachutes (Stop) Request aircraft drop more food (stop) Lighting fire Unquote.
- 2015 Message to Karioi: Inform Flight Lieutenant Jacobsen we are unable drop supplies to ground party at night but will do so at first light, weather permitting. The stretchers will be flown in when requested. We anticipate this to be 0800 to-morrow—weather permitting.

There is only one entry which indicates that instructions from Wellington could be the cause of the restrictions reporters claim to have encountered at Ohakune, Horopito, and Cower's Mill. That is the entry recorded at 1456—that is 2.56, on Friday, the 29th. It reads as follows:

From Deputy Director of Civil Aviation. Police at Ohakune to be instructed as follows: Authority Prime Minister's Department. Before any information is given out *re* results of ground party operations details are to be given to National Airways Corporation and Mr. Nash personally.

Without for the moment questioning the propriety of this instruction, or the interpretation to be placed on it, I cannot help regretting that the source from which it came could not be ascertained. From some evidence I think that when the two Ministers and Air Department officials discussed matters on the occasion of the Ministers' visit to the control room on the preceding Tuesday morning, something was said concerning information about news as to the fate of the occupants of the plane being first of all relayed to next-of-kin. I think, under the circumstances, it was only natural that some provision would have been made to give information to the next-of-kin before it was made public. That that information might not come to hand till some time after the location of the plane was made public may have escaped notice. It may have been thought that that information would have been available to next-of-kin much sooner than was actually possible and before even the announcement of the plane's location was made public. The official in charge of the Prime Minister's Department denies any such instruction from that Department. Nevertheless, the Superintendent of Police wrote to the Commissioner of Police, Wellington as follows:—

Missing Lockheed Electra plane: Prime Minister's Department has instructed the Air Department that any information coming to hand concerning the recovery of bodies, &c., must not be given out until the information has been given to the Hon. Mr. Nash and to National Airways Corporation. This information instruction is being relayed from police Wellington to Ohakune police. Air Department will advise telephone 47-000 of any developments including any progress report received.

At the foot of the letter there is added—

Copy to Inspector for Senior Sergeants. Copy to District Office to telephone Ohakune. Telephone 51.

K. S. Nelson, Constable, T1225, wrote to the District Clerk, Wellington:—

Contents of the above message have been phoned to the Ohakune police at 3.10 p.m. on 29/10/48. Message was taken by Constable Phillips.

Constable Phillips at Ohakune, when he took the telephone message, made the following note :—

Telephone message : Wellington. Police Constable Nelson. Ohakune Police, Constable Phillips. Commissioner of Police has instructed Air Department any information concerning the recovery of bodies, &c., must not be given out until information has been given to the Hon. Mr. Nash and National Airways Corporation. Received at 2.10 p.m., 29/10/48. G. E. Phillips, Constable.

It was admitted that the 2.10 p.m. on Constable Phillips' note was a mistake for 3.10 p.m.

The Prime Minister's Publicity Department, it appears, was interested in collecting news as to the progress of the search and the fate of the occupants in the plane, with a view of cabling the progress of the search to the Prime Minister, who was then in London. While for this purpose it had some communications with the Air Department, this task did not involve, and could not authorize, the Publicity Department issuing instructions that the issue of news received by the Air Department should be in any way controlled or delayed. The official in charge of the Publicity Department, Mr. Williams, denied that any instruction of this nature went out from his Department. It is not likely that it would, and his evidence that after full inquiry it was established that no such instruction was sent must be accepted.

The Deputy Director of Civil Aviation, Mr. Scott, said of this message that on the Friday afternoon when the plane was discovered he received and passed on to the operations room a message to be relayed to the police. He says the message as set out accords with his recollection. He received the message by phone, but does not recollect the actual source. On referring to the words in the log, "authority of Prime Minister's Department," he said the inference is, "I received a telephone message more or less on these lines and immediately rang up the Search and Rescue Room (I will call it Operations Room) to pass the message on. I passed on the message, and while I know that I also said where the message came from, I had in fact forgotten until I saw this entry. In the last few days I have strained my recollection to see if I could carry the matter further, but am unable to do so. Until yesterday afternoon, when I first saw this entry, I had been unable to recollect from which of three sources I had received the message. I cannot tell you from whom. The message did not come from the Minister in Charge of Civil Aviation. The message did not come from the Acting Prime Minister. At the time I was satisfied with where it came from in accordance with what I passed on to my Operations Room. I had no reason to doubt the authenticity of the message and just relayed it to Operations Room. In fairness to myself, my Director, Mr. Gibson, was concerned in the search and rescue operations, and I was not. I was dealing with the administration of all the other matters in my branch, leaving him free to attend to the search matter, and, as far as this message was concerned, it can be summarized by saying I passed the message on and probably dismissed it from my mind." In cross-examination by Mr. Leicester he was asked whether he took it originally, and to that he answered "Yes." Asked whether he felt satisfied when he took it it was an authentic message from the Prime Minister's Department, he answered, "I had no reason to doubt its authenticity or origin." Questioned as to whether his impression was that by the message members of rescue parties were to be instructed not to give information to the press, he answered "No," and that to the best of his recollection the message referred only to the actual location of wreckage by the ground party and condition of the bodies.

The Superintendent of Police says that, in taking the message, he understood the result of ground operations referred to the recovery of bodies, which would be the result of ground-party operations, and that in copying the message from his notes of the telephone communication on a pad he left out the words "ground search party" and put in "recovery of bodies, &c." In cross-examination, when asked whether, in typing out the words "Prime Minister's Department have instructed Air Department" he had made a personal check with the Prime Minister's Department, he replied that he

had not done so, and that he had no discussion with any member of that Department during the day about any phase of the matter. He said he could think of only two occasions that he had a call from the Prime Minister's Department with a message. To the question as to whether, in his message, in the words used ("concerning recovery of bodies, &c."), the "&c." was invented by him to mean work that was incidental to recovery of bodies, he answered, "Purely bringing out of bodies and possible state of mutilation." To the question, "If a member of the rescue party was informed that he must give no information of any kind whatever to the press under threat of arrest, would your Department in Wellington be party to any such instruction?", his answer was "No." Behind the whole thing was, in my mind, the facts were to be given to Mr. Nash and National Airways. It is customary to inform the next-of-kin before the bald facts are given to the newspapers." To the question, "As far as you know, were any members of the police instructed to withhold from the press information other than that which might have to do with the recovery of bodies?", he answered "No."

The Director of Civil Aviation, Mr. Gibson, said that he was aware of the message shown in the log having been received from Mr. Scott at 4 minutes to 3 and conveyed to the Superintendent of Police. "At that time I knew nothing of the message until it was drawn to my attention a couple of days ago, nor is that surprising, because Civil Aviation activity in this search ceased on the Friday morning, and the Deputy Director, who was extremely busy with other matters, did not think it was of sufficient importance to mention it. Apart from the instruction given to Mr. Hayman on the 28th October to allow an opportunity of notifying the relatives, my Department gave no instructions for withholding news from the press that I know of." In cross-examination by Mr. Leicester, he was asked whether he had an understanding with the Acting Prime Minister that on the plane being found he was the one to make the announcement; he answered, "No, there was no understanding." To the question as to whether he understood from the Acting Prime Minister or his Department he desired to make the announcement, he answered, "No. The only understanding was that National Airways Corporation was to be given an opportunity of notifying the next-of-kin before the information was broadcast, and we would comply with a request from the Acting Prime Minister that he himself would like to know personally."

While it is unfortunate that Mr. Scott cannot recall who it was that telephoned to him, its only importance in this inquiry is the effect it had, if any, on ground operations at Ohakune, Karioi, or Covern's Mill. At Ohakune it was received by Constable Phillips and was put on his file. He says he regarded it merely as a message to be recorded as received, not to be passed on, and that he neither passed it on to any one nor made use of it. A reporter, Mr. Ellis, who was in Constable Phillips' room, took the liberty of looking at the Constable's file and read it. Whether or not Mr. Ellis used his knowledge thus gained and sent it to his own newspaper in support of allegations that the Prime Minister's Department had issued instructions that news should be withheld from the press, I do not know. Mr. Wall, who was the author of the Press Association report, did not see it, and does not directly rely upon it in support of his allegations that Wellington was imposing secrecy on the disclosure of information analogous to that imposed in wartime. In this inquiry, however, it has been used to support the inferences Mr. Wall drew from hearing a telephone conversation Constable Phillips was engaged in when Mr. Wall was in his room, and his account of a statement he said was made to him by Flight Lieutenant Jacobsen that he could give him no information because high authorities had ordered information was not to be given out, and that he, Wall, should apply to Wellington for information if he wanted information. It has also been used to support allegations that restrictions on their activities in the pursuit of information were imposed by Wellington.

In my opinion, a fair construction of the message was given it by the Police Commissioner, who sent on his version of what had been telephoned to him—namely, that it referred to recovery of bodies and their condition, and on that construction was proper and indeed necessary.

In view of the evidence it is not possible for me to make any definite finding as to how Mr. Scott received the instruction he says he did. Fortunately, however, the actual passing on of the information was not of great importance, and, indeed, so far as it referred to the finding of the bodies, was quite proper. The importance of the message entirely depends upon the effect it had on the release of general information from those engaged in ground operations. Taken as a whole, although, according to some of the reporters, it was used as an excuse by police and Service authorities for refusing information, and opportunities for getting it, to the reporters, the Service authorities and police assert that such control as they exercised over the activities of reporters was due in the interests of order and the requirements of search, quite independent of express authority to either place restrictions in the way of reporters or withhold information from them.

It is quite certain that the actual contents of the message as received by Constable Phillips at Ohakune and noted by him were not disclosed by him to any reporter, police, or Service authority at Ohakune or farther afield. Constable Phillips, who received the message at Ohakune, said that when he received that message he communicated it to no one but just put it on the file with other messages. He said he did not realize he was required to communicate the message to any one, knowing that the Air Department had direct communication with the Army authorities and that it had come from the Air Department. He thought, he said, the airport would communicate direct, and as all messages to and fro on such occasions come to the police, he considered it was passed to him for information purposes only. He said further, "I knew that my advance party on the mountain had a direct line communication through Army Department and they would receive that message through that source. I did not communicate this message to Senior Sergeant Taylor on the mountain-side. There was no communication at that time, nor did I communicate it to Constable Roscoe at Horopito, nor to the military authorities, and, in short, to no one." He went on to say that on the Saturday, after he had spoken to Mr. Madden, Acting Commissioner of Police, a pressman, a Mr. Steere, followed and had conversation with Mr. Madden about the *Post* report. He said he knew it was about the report because the conversation took place in his presence, and Mr. Steere made reference to the difficulties that had arisen so far as pressmen were concerned "trying to dissociate himself with that report more or less and some of his friends."

Mr. Ellis, a reporter employed by the *Taranaki Daily News*, said that he arrived at Ohakune shortly after midnight on the Friday night and was at the police-station there on the Sunday writing out some notes. He said there was a message exposed alongside. He read it, although it was on the police file. He said the message was, "No information is to be released to the public until it has been received by Prime Minister's Department." He said it formed part of the file, but was not on the top of file. The file was one of those bulldog clip files and the file was open. I think it was clear this was Constable Phillips' note of the message phoned to him.

Mr. Wall, the Press Association agent responsible for the Press Association message, said that while he was at the police-station at Ohakune, Sergeant Taylor instructed Constables Auld and Phillips that no information was to be given out whatever, and that included press. He said, "I immediately told Sergeant Taylor I was the only press representative present and as such was prepared to co-operate with them in any way whatsoever re despatch of information provided we received it." Sergeant Taylor denied that he gave such instructions. To the question "Did you give instructions to Constables Auld and Phillips that no information was to be given out by them?", he answered, "Definitely not"; and Constable Phillips does not mention any such instructions.

Subsequently Wall left for Cown's Mill with Sergeant Carlyon, followed the first search party up the mill area and was there when Army and police party from Wanganui arrived. Sergeant Carlyon, he said gave him all the information about his own party and their intentions and told him his best method of obtaining information was to remain where he was alongside the military van, through which all messages would have to come. He said that the Sergeant advised him not to go up the mountain as all information from there would have to come to the van, and as he needed to be near telegraphic facilities nothing was to be gained by going up the mountain. Facilities for news would be available if he stayed by the van and that if I stayed in Cown's Mill there would be no restriction on obtaining information as it came in. That was the impression he said he gained. Shortly after 4 o'clock he went to Karioi, where Flight Lieutenant Jacobsen was in charge. "Jacobsen," he says, "knew I was a pressman and told me we were not permitted on the field and no information could be given out, that it would come through the Publicity Section of the Prime Minister's Department. He did not say where instructions to exclude the press from the field came from. He said these were his orders, and 'I hope you understand the position, but I had to take my orders.' I took it that was explanation of the fact that on the previous day I had been on the flying-field with him for some considerable time and he had given me free information regarding the number of planes in use and where they were going." He said in the evening he retired to the police-station at Ohakune, where other press reporters had already arrived. When there, Auld took a call on the phone from Wellington. In the course of the call there was reference by Auld to Prime Minister's Department and National Broadcasting Service. He says he heard only one reference to the Prime Minister's Department, but there was a double reference to the National Broadcasting Service, in which he took down a telephone number. He says that when Auld had taken the message he turned to those in the station and said, in effect, he was sorry he could not give information as it all had to go to Wellington.

Wall was, of course, called by counsel representing the Journalists' Association, and from the evidence he gave in chief I cannot find any information that he had that would justify the statement he sent by telegram on Friday night to the Press Association. He had been to Karioi on previous days, and on his own account was willingly given all the information about flights taking place from there. His evidence in chief related almost entirely to his experiences on the Friday—that is, the day he sent his Press Association message. In cross-examination he was closely examined as to where he got information that would justify the statements of his message. In reply he cited the conversation with Flight Lieutenant Jacobsen, which he had not referred to in his examination in chief. The following questions and answers are, I think, illuminating:—

- Q. Let us turn to the message, which is one of the earlier exhibits. The message, the first sentence, reads "A system of almost wartime secrecy" [*Reads from Exhibit D*] ". . . Department." Who stated it was on instructions from Prime Minister's Department?
- A. Flight Lieutenant Jacobsen.
- Q. When did he state that?
- A. When I called Karioi in afternoon. Would you read first part of message again? [*Counsel reads message again.*]
- Q. Who stated it was on instructions from Prime Minister's Department?
- A. It would be Flight Lieutenant Jacobsen.
- Q. Who was it?
- A. I am not able to recollect with exactness wording used in various conversations. At time I sent message out it was carefully corrected and noted. Only person who had made reference during that day to Prime Minister's Department to me was Flight Lieutenant Jacobsen.
- Q. In answer to Mr. Leicester you said Flight Lieutenant Jacobsen did not say where instructions to exclude press from field came from. Is that correct?
- A. No, my memory must have been at fault there. The original message is correct. In answer to Mr. Leicester's previous question my memory must have been at fault. Original message of Press Association entirely correct. If I may, I would amend my answer to Mr. Leicester in the light of the Press Association message.

- Q. It is obvious both your answer to Mr. Leicester and statement in Press Association message could not both be correct ?
- A. So it appears.
- Q. You now desire to say that it was Flight Lieutenant Jacobsen who stated it was on instructions from Prime Minister's Department that what you call a system of almost wartime secrecy was instituted ?
- A. Flight Lieutenant was only one who referred to Prime Minister's Department to me that day.
- Q. That is not a complete answer to my question. Do you say it was Flight Lieutenant Jacobsen who informed you that the Prime Minister's Department had given instructions which resulted in what you call a system of almost wartime secrecy ?
- A. Yes.
- Q. Although not more than twenty minutes ago you had overlooked or forgotten that ?
- A. I have said, and I still say, that at this distance of over two months I do not know exact position and do not recall exact wording of conversations, but the original message was correct.
- Q. You cannot recall exact conversation. Can you on your oath to-day tell this Commission it was Flight Lieutenant Jacobsen who told you that the Prime Minister's Department had given instructions for what you term a system of almost wartime secrecy ?
- A. Jacobsen was only person I spoke to at airfield.
- Q. Just address your mind to precise question I asked you. Do you, giving evidence to-day, say that it was Flight Lieutenant Jacobsen, who informed you that under instructions from Prime Minister's Department this system of "almost wartime secrecy" was instituted ?
- A. Flight Lieutenant Jacobsen's words to me were not framed in same way as that message. Said he had had his instructions and said information to go to Prime Minister's Department. I took it that was where his instructions came from.
- Q. Is statement in Press Association message "on instructions it was stated from Prime Minister's Department" an assumption you made ?
- A. No, it is not an assumption.
- Q. Follows from your last statement.
- A. No, it is not an assumption.
- Q. I will go on with the message : "To-day when the Press Association representative called at the Karioi landing-ground he was informed . . . all press representatives were to be excluded from ground and no information given to them."
- A. Yes, that is right.
- Q. Did Jacobsen at any stage specifically refer to press representatives ?
- A. Yes.
- Q. Did not Jacobsen say that the Karioi field was closed to all civilians ?
- A. No ; said out of bounds to press. I recollect it was a phrase he used.
- Q. "Any information," it was stated, "will be issued through Publicity Section of Prime Minister's Department." Do you attribute that also to Jacobsen ?
- A. Yes.
- Q. I want you to pause for a moment, Mr. Wall. Do you say that Flight Lieutenant Jacobsen referred to the Publicity Section of the Prime Minister's Department ?
- A. Yes.
- Q. Were you present here when Mr. Jacobsen gave his evidence ?
- A. No.
- Q. Read a report of it ?
- A. No, not other than newspaper reports. They are accurate, of course—not necessarily complete.
- Q. I want to put to you one passage in Flight Lieutenant Jacobsen's evidence at page 110. [*Counsel reads from page 110 of evidence.*] "At the same time I would like to mention that until such time as I was called to this inquiry I did not know there was a Publicity Section of the Prime Minister's Department." Flight Lieutenant Jacobsen has told us that. I was going on to put to you what appears in more than one passage of Mr. Jacobsen's evidence (page 110, middle of page : "I think I referred him to either the Air Department or the Prime Minister's Department"). Did Flight Lieutenant Jacobsen make any reference to the Publicity Section of the Prime Minister's Department ?
- A. If that is contained in the Press Association message, Sir, he must have.
- Q. Otherwise the message is wrong, isn't it ?
- A. But the message is not wrong.
- Q. But if he didn't, the message is wrong ?
- A. It would be if he didn't.
- Q. You know, or do you, that the reference in your Press Association message to the Publicity Section of the Prime Minister's Department was taken up by quite a number of newspapers in their editorial comments ; strong indignation was expressed that news should be channelled through the Publicity Section of the Prime Minister's Department ?
- A. I have not read leading articles specifically referring to Publicity Section of Prime Minister's Department.

- Q. I just want to recall what was said. [*Editorial of Dominion of 2nd November read by counsel ; Taranaki Herald of 30th October—passages of editorial read ; Greymouth Evening Star, of 2nd November : Hawera Star, 1st November.*]
- Q. Now, you realize, don't you, that it was the reference in your message to the Publicity Section of the Prime Minister's Department that caused a good deal of indignation in press ?
- A. Not aware that specifically Publicity Section. Understood general attempt to channel news that caused indignation.
- Q. I am suggesting to you that the words " Publicity Section " were your gloss on what you were told by Jacobsen ?
- A. I say definitely, Sir, they were not.
- Q. [*Counsel continues reading from Press Association message.*] In sending that message, did you intend to imply that news of the discovery of the wreckage was deliberately withheld to allow Mr. Nash to make announcement in the House ?
- A. I simply stated the facts as I knew them. I intend no implication.
- Q. Then what was your purpose in mentioning matter ?
- A. We were under difficulties relating to getting news ; I was giving facts, and that was one of the facts as I saw it there at the time.
- Q. You intended no implication that the news had been withheld for two hours deliberately ?
- A. No.
- Q. You are aware that in the editorial comment following the sending of your message newspapers referred to the intentional withholding of news from wreckage for two hours ?
- A. That is a fact, and the comment is newspapers comments on fact : I am not concerned with that.
- Q. The message goes on : " Instructions were also issued to the police from Wellington to-night that no information relating to to-morrow's activities was to be given except direct to the Prime Minister's Department in Wellington. What was basis for that statement ?
- A. The message Constable Auld received in police-station, Ohakune, some time on Friday night. I cannot recall the exact time.
- Q. Let me recall your evidence then. This is at page 174. [*Counsel reads from page 174 : " I was present . . . to Wellington ".*] Is the account you gave in your evidence of what you heard of Constable Auld's phone call a complete account ?
- A. Not necessarily complete, but at this stage I speak some months after these happenings. Cannot recall in detail, but what I put in Press Association message at that time was checked and is correct.
- His Honour :* Who checked it ?
- A. Checked by myself.
- Mr. Cleary :* Where do you tell us to-day that instructions came from the police at Ohakune on the Friday night that no information relating to to-morrow's activities was to be given except to Prime Minister's Department, Wellington ?
- A. There must have been—
- Q. " Must have been," otherwise statement is quite wrong.
- A. The statement is not wrong, Sir.
- Q. Having sent this message to Wellington by telegraph, who decides on its promulgation there ?
- A. That I do not know.
- Q. Do you know who decided to promulgate this particular message as a Press Association message ?
- A. No, I do not know.
- Q. Did you, with your talk with Hewitt or Muir or any one else in the Press Association, suggest that any check should be made to confirm the facts stated in your message before promulgated ?
- A. No, it is not my position to suggest to my superiors what should be done.
- Q. Is the answer, No ?
- A. The answer is, No. I did not suggest it.
- Q. Did it cross your mind as to whether there should be confirmation made of the statements ?
- A. So far as facts I stated myself I thought no further confirmation necessary.
- Q. Did either of these gentlemen, Hewitt or Muir, say anything about confirming or checking message before released ?
- A. Not that I can recollect.
- Q. You have told us your recollection of conversations is not very good, but give particular attention to this one, please. Was any mention made by any one in the course of your conversations with Wellington relating to your first Press Association message as to the advisability of checking with any of the authorities as to correctness of allegations ?
- A. Authorities or Departments in Wellington ?
- Q. Was any reference made by any one to a question as to advisability produce or necessity of checking any of these allegations ?
- A. I do recollect Hewitt asking me was I sure of facts, and I told him I was.
- Q. But no reference to any question of checking facts ? Isn't it a common practice for one to read in the paper some statement reflecting upon a person, institution, or Department, and in the same paper to read, upon above being referred to person, &c., the following—
- A. That is common, but it is equally common for it to follow the day after.

Q. That is what I mean by checking or confirming, suggesting it would be prudent for Press Association to ascertain the views of those against whom they were making these allegations before they were broadcast. Was anything said by any one on that?

A. Not that I can recall. It would not be, for the reason that it did not concern me.

Q. This is your first Press Association message?

A. May I explain, Sir?

Q. Please answer my question.

A. I think when in Tauranga I sent out Press Association messages there.

Q. How many?

A. I can't recall, but not first occasion on which I have sent Press Association messages. I might explain Press Association Office, Wellington, being headquarters, would not discuss with me, an agent in the field, whether they thought it necessary to refer a story to Departments in Wellington.

Q. You mean that it a matter they would decide themselves?

A. Exactly.

It is advisable now to compare the answers given by Mr. Wall with the evidence of Flight Lieutenant Jacobsen, who on the 27th October was put in charge of the Air Force detachment at Karioi Airfield and remained there in charge until the 31st October. He says the purpose of the detachment at Karioi was to service aircraft based upon the small airfield there, to receive reports and transmit them to Wellington, to obtain all debriefing reports from crews and forward them to Wellington. An Air Force radio van was on the airfield at all times operated by himself and two Air Force wireless operators. After the discovery of the wreckage, the detachment at Karioi had a further duty of arranging for dropping of supplies to parties on the mountain. After the discovery of the wreckage an Army wireless van arrived at the airfield. It was supplied by the Army at Waiouru. He says that on Thursday, the 28th, he was visited at Karioi by a pressman who wanted to know exactly what the Air Force were doing. "I told him we were just there to carry out search operations and that is where the conversation finished, after asking if the pressman would have a cup of tea, which was accepted. The pressman then asked permission to use the telephone. I granted it, but am not sure to whom he telephoned." It is not suggested the pressman was Mr. Wall. On the Friday morning, he says, he did not handle the report from the Dakota as to the sighting of possible wreckage at 8.40 in the morning, but says that, in discussion with the Operations Office at Ohakea, and the members of the crews, not in an official capacity, it transpired that the report of finding wreckage about 8.40 was very doubtful. He subsequently handled the report from the Auster shortly after 10, and at 6 minutes past 10 transmitted the report to Squadron Leader Robbins at Air Control by telephone. He expected the finding of the plane would result in an influx of visitors to his airfield, and on his own responsibility issued an order placing the airfield out of bounds to all civilians. The reasons he gave for this instruction satisfied me that this was a wise order. In the course of the morning, and after closing his airfield to civilians, he says he had a conversation with Squadron Leader Robbins as to the release of information to the press, and the substance of that talk was that the Squadron Leader instructed him not to make any statements to the press, as all vital information as to the state of bodies, &c., had first to be conveyed to the next-of-kin through the Prime Minister's Department. "This," he said, "I naturally would not have done anyway, as to me all signals were of a Service nature, and personnel of His Majesty's Forces are not permitted by King's Regulations to grant interviews or make statements to the press." He says that, apart from the conversation with Squadron Leader Robbins at approximately 10 minutes to 11 on Friday morning, he received no instructions whatever touching on his dealings with the press, and that his order closing his airfield to civilians, which was given before his conversation with the Squadron Leader, was no more directed against the press than any one else. Late on the Friday afternoon he said he was again visited by the same pressman who had seen him on the previous day. He said he was then engaged in handling messages for the necessary organization for supply dropping on the following day, and had the greatest difficulty in receiving messages from Horopito by

receiving radio telephone, a condition that persisted until a temporary telephone-line was fully installed late on Sunday. Mr. Wall apparently asked him for news. He does not remember the exact words of his answer, but imagines it was something like this: "Sorry, old man, I have been instructed by Air Department that I cannot give the press any information." If he remembered rightly, he enlarged on this by saying that if Wall contacted the Information Section of the Air Department he would be given all the latest information. On that afternoon he also had a telephone call from a reporter. It was quite late, almost evening, but he does not recollect who the reporter was, to whom he gave a like reply in no uncertain terms when he said he wanted information. This reporter asked him if it was worthwhile his driving through to Taumarunui to see him and was told it was wasting time and that the airfield was out of bounds. He says that he remained on duty till about 2 o'clock the following morning. After that telephone call he says he had no further calls from press reporters. In cross-examination, when he was asked whether he had any instructions at any time from the Prime Minister's Department that he was either not to give information to the press or to withhold that information until Mr. Nash was personally advised, he said the only instruction he had was, as he had already mentioned, that which came direct from Squadron Leader Robbins, and that indeed he had no further instructions of any kind save those in regard to supplying of food by air. Asked whether he told a reporter at about 4 o'clock on Friday afternoon he must get his information from the Publicity Section of the Prime Minister's Department, he answered "No," and to emphasize this answer said that until he was called to give evidence he did not know there was a Publicity Section of the Prime Minister's Department. To the question, "If Mr. Wall swears that you said, 'If you want any information you can get it from Publicity Section of Prime Minister's Department; I hope you understand the position. I have to take my orders,'" he answered, "I don't know the exact wording of what I said, but I did not refer to Publicity Department." To the question, "Might you have told him to get it from the Prime Minister's Department?", his answer was, "I think I referred him either to the Air Department or the Prime Minister's Department." To the question, "If you mentioned the Prime Minister's Department to him as a source of possible information, did you have some instruction that the Prime Minister's Department would release information to the press?", his answer was, "No, I had no instructions to that effect." To the question, "What caused you to mention the Prime Minister's Department as a possible source of information?", he answered, "The information I had given to Robbins was going to be relayed to the Prime Minister's Department. That was the text of the message he gave me. That was the text of the instructions he gave me." To the question, "Did you understand from conversation with Squadron Leader Robbins that all information was to be sent to the Prime Minister's Department through Air Department?", the answer was, "That is more or less the impression I gained." He went on: "I would like to enlarge on that. It was obvious to me that next-of-kin are primary consideration in such disasters, and it was obvious the Prime Minister's Department were going to handle all telegrams notifying next-of-kin. That is Air Force procedure, so I presumed the same thing applied here." To the question, "From your discussion with Robbins, wasn't it clear that such information as the press would require was to come through the Prime Minister's Department?", the answer was, "Not entirely. I appreciated that primarily it would be for the next-of-kin, and once they had been notified I presumed general news to all simultaneously through either Air Department or Prime Minister's Department." To the question, "Until there was that release through Air or Prime Minister's Department was news to be withheld?" the answer was, "I would give no news whatsoever." In reply to Mr. Stevenson, counsel for the press, and the question as to whether he would pass on his instruction from Robbins to Horopito or to the mountain, he answered, "I do not think so. It was a personal request from Squadron Leader Robbins to myself." To a further question, "Are you sure you did not pass it on?" he answered, "I can say practically certainly that I did not pass it forward."

Wall's Press Association message sent out on Friday night could not have been founded on what happened on the Saturday following. It was despatched at a time when no search party had returned from the mountain, and when there was no news as to the fate of the occupants of the plane. The incidents therefore on the Saturday, which I will refer to next, can have had no influence on the composition of the Press Association message.

I listened to the evidence of both of them with great care, and if there is a conflict between them as to what took place or what was said in their conversation, and I have to prefer the evidence of one rather than that of the other, I prefer the evidence of Flight Lieutenant Jacobsen. In coming to that conclusion I think it fair to recollect that Wall was a pressman seeking for information from an officer busily engaged in dealing with the coming and going of aircraft and the remission of messages from farther afield to headquarters of the Air Department in Wellington. Jacobsen was bound by Service regulations not to disclose the contents of those messages and told Wall, who one might expect to be aware of that Service condition, that he was bound by his Service not to disclose information. It is not uncommon for a man who is busily engaged to lose patience if he is pestered by reporters, and Jacobsen, after repeated efforts by Wall to obtain information, may have lost his. Jacobsen, in telling Wall that he could get his message from the Air Department in Wellington, or the Prime Minister's Department in Wellington, went, I think, as far as he could probably do. His doing so does not imply that he had instructions of any kind from Wellington, either the Air Department or the Prime Minister's Department, in regard to news. All he knew was that all messages being remitted by him were remitted to Wellington. That he received instructions from Wellington not to disclose information to the press is difficult to suppose, and in any case he denies that he received such instructions. Wall relies on a conversation he was not supposed to hear that Constable Phillips was holding with some person, unknown to Wall, in Wellington. His message, on his own showing, could not have been founded on anything that took place before Friday, for up to that time he says he was willingly given all information that he asked for. That information, related to search operations before the plane was located. The Press Association message therefore cannot, I think, be termed a fair objective account of conditions obtaining in the area he visited on Friday, the 29th October. His statement that it was known in Wellington at 8.40 that when he called at Karioi landing-ground as from this morning instructions had been issued by Air Department, Wellington, they were to be excluded from the ground and no information given them, is, in my opinion, not correct. Flight Lieutenant Jacobsen says that directly he knew of the finding of the plane he put the Karioi landing-ground out of bounds to all people, and did this because he expected an influx of visitors and planes, and that children and others using the ground would be a source of danger to themselves and planes. No instructions from Wellington came about the ground. Flight Lieutenant Jacobsen says that he did it on his own initiative and on the grounds of safety. I do not question that his reason for closing this small ground was not a wise precaution to ensure safety and prevent accidents to planes and public. Flight Lieutenant Jacobsen says that he had no instructions not to give any information. His reason for not giving information was as he disclosed to Wall—namely, that Service regulations prevented him doing it. That information was to be issued through the Publicity Section of the Prime Minister's Department did not, Flight Lieutenant Jacobsen says, come from him, nor in as much as he was unaware that there was a Publicity Section in the Prime Minister's Department, could anything he said lead to the inference that information would come through the Publicity Section of the Prime Minister's Department. Wall's statement that the missing plane was discovered at 8.40, as was immediately known to Air Control, is incorrect. In his statement that "Instructions were issued to police personnel from Wellington to-night that no information relating to to-morrow's activities was to be given except direct to Prime

Minister's Department in Wellington" he only inferred from the telephone conversation he heard Constable Phillips engaged in. I am anxious not to be unjust to Wall. It has been essential to inquire the source and extent of the knowledge he had before him when he sent his Press Association message. I thought his evidence in chief unsatisfactory, and it was not till cross-examined it appeared that a great part of the information he relied upon he attributed to conversation with Flight Lieutenant Jacobsen. Indeed, not till pressed could he remember who it was that gave him the information. I have already indicated that his statement that it was known to the authorities at 8.40 that the location of the plane was discovered was a mis-statement of fact. To questions put to Wall as to whether he considered certain criticism in the press warranted, he replied that that was comment and not his affair, but the plain implication of his own words is that authorities in Wellington had deliberately imposed a plan to delay, withhold, and obstruct information to the press. The press itself, as shown by subsequent criticism, treated the message as involving this implication. I set out the wording of the telegram which was subsequently published:—

System of almost wartime secrecy over reports from scene of air disaster was instituted to-day by Air Department Wellington on instructions it was stated from Prime Minister's Department (stop) Earlier in week when midst publicity was wanted to get information Air Force and police personnel were free to offer press fullest co-operation in way of information (stop) To-day when Press Association representative called at Karioi landing-ground he was informed that as from this morning instructions had been issued by Air Department Wellington that all press representatives were to be excluded from ground and no information given them (stop) Any information it was stated would be issued through Publicity Section, Prime Minister's Department (stop) Karioi landing-ground is public landing-ground used by Ruapehu Aero Club and taken over during war for Air Force use (stop) The missing plane was discovered to-day at 8.40 fact which was immediately known to Air Control but no information was given until after announcement by Nash in House at 10.30 a.m. (stop) At 11 a.m. National Broadcasting Service repeated announcement and added that ground party had left when in fact it did not leave until 2 p.m. this afternoon (stop) Similarly to-night broadcast of progress report made on ground party and establishment of second party at Blyth Hut which is miles from scene of crash and when in fact no party has left for Blyth Hut up to midnight (stop) Instructions were also issued to police personnel from Wellington to-night that no information relating to to-morrow's activities was to be given except direct to Prime Minister's Department Wellington. End.

Mr. Wall said that before sending the message he checked it. His checking, however, consisted, as far as could be ascertained, merely in re-reading it. In my opinion, Mr. Wall was reckless in making the charges he did. The charges were grave and, in my opinion, on the evidence, entirely unwarranted.

I pass now to the individual complaints of pressmen that information was withheld from them, and they were prevented getting news after information that the plane had been located was made public through the Acting Prime Minister's statement in Parliament at about 10.45 a.m.

The so-called incidents that occurred in the course of ground operations were fortuitous and the significance and construction to be placed on them can only be properly estimated when they cease to be regarded as steps in a preconceived plan and as evidence consistent with the design of a plan conceived in Wellington. I think it true, as stated by counsel for the Crown, that the different outlook of a body of men whose object was to obtain news and the outlook of those men, consisting of Service personnel and volunteers, who organized and undertook the strenuous task of reaching the plane and bringing back the bodies of the victims of the disaster was likely to provoke a certain degree of friction and indeed unpleasantness. One reporter only volunteered to go with a search party to the plane and assist as a carrier in bringing back bodies. None of the reporters who were present when a call was made for those willing to go forward and provide relief for some of these tired men came forward as volunteers, and I think that if reporters had volunteered for this service they would have obtained all the material and atmosphere they required for their stories, and friction would not have arisen.

The clearest conception of the circumstances under which these incidents arose, is obtained, I think, not from the epitomes given by counsel in their addresses, but from the statements in their own language of the police officers in control, of what they had to do and how they organized their task. I therefore set out extracts from the evidence they gave.

Sergeant Taylor, Chief Sergeant of Police at Taumarunui, was sent on Friday morning to Ohakune to take charge of police activities in connection with the expedition to the plane and the recovery of the bodies. He says, "On arrival at Ohakune at about 1 o'clock arrangements for parties to be got together had been started, and about 1.30 a force of about one hundred men left Ohakune for Horopito, and reached what is known as Cowern's Mill at about 2 p.m. This body consisted of police, Army signallers, Army personnel, and a large number of volunteers. At Cowern's Mill the transport was left, and from there they proceeded to Cascade Plateau, which was made a forward camp. To reach it they had to go four to five miles along a tramway track, then about the same distance through bush, crossing the Sulphur Stream about half a dozen times. This plateau is not a clearing on the mountain-side, but a large space is clear with overgrown scrub or dead scrub all over the place. They arrived there about 5.30. The last party arrived about 8.30. Sergeant Carlyon and his party of police arrived about nightfall and further Army personnel and Forestry people arrived about the same time. Although food had been dropped by plane, food was in somewhat short supply. The party of one hundred or more men spent the night in the open and in rain with two blankets apiece and no shelter. It rained all night. Food for breakfast did not arrive before the first party set out. At 5.30 there was no sign of a plane, but the guides set out before the sun got on the snow. About eighty men set out without breakfast. I remained at the plateau with certain other men with a reserve of Forestry, Army, and police. Before the men set out I addressed them. I told them that some of them were experienced trampers and would probably reach the plane before the police, but they were to touch nothing until the arrival of the police party. The Inspector of Aircraft Accidents, Wing Commander Kean, accompanied this party. I had been asked by Wing Commander Kean to give instructions to the party to touch nothing when they reached the plane. I made reference as to the way in which information might be given to the party, told them all to give information to me. A Mr. Christie, of the *Taranaki Daily News*, had volunteered his services, and I sent him up with the advance party. A radio transmitting-set was sent with the party. At Ohakune there was an Army Signals Corps with a van for the equipment. They had a van at Cowern's Mill so that the party at the plane had a transmitting-set, at the plateau there was a receiving and transmitting equipment, and again at Karioi Airfield. At 9.30 I received word that the party had reached the plane. That was by radio. A number of the party dropped out for various reasons and returned to the plateau, about forty of them. Conditions were too hard for them. Most of these men who returned without getting to the plane went on to Horopito. At 11 o'clock by radio I received a message from the plane that the first body was on the way down. Shortly after this, between 11.15 and 11.30, I saw the party of pressmen arrive—about ten, both reporters and photographers—I knew most of them. One or two were dressed quite O.K. for the mountain. I told them they could go no farther forward. They would remain in camp and get what information they liked there. I told them all I knew at that time. I could not let them go forward. Our own parties were returning and there was only the one track down from that particular route. It was a bad time. They were not equipped, I had no guide to send with them, and for their own safety and our convenience I kept them where they were. Apart from that they had the run of the camp as far as I was concerned. I think they had food there. These ten reporters remained at the plateau about three hours, I would say; maybe longer. I was engaged at the camp; bodies coming in had to be identified as quickly as possible. While the pressmen were still there the bodies started to arrive, the first at about a quarter to twelve. That was the body of the child.

Followed at intervals the other bodies at periods varying from half an hour to one hour until about 5.30 the twelve bodies that had been found were there. The photographer called Hill was at the plateau camp. At the time I did not know his name. I saw the incident between Mr. Hill and Sergeant Carlyon, and was called across about three or four seconds after it happened. I then learned from Sergeant Carlyon that he had reprimanded Hill for taking a photograph. I agreed with the action Sergeant Carlyon took. I saw the body he photographed, and I think it would have been better left unphotographed. I told Mr. Hill not to break camp again. He actually went farther forward than he was entitled to, in my opinion. No other photographer made that break. By the break I mean going farther up the track from the plateau. I put them on their honour when I told them not to go farther forward. They could have gone and probably I would not have missed them. The men who were returning to the plateau bringing the bodies back were absolutely done; no other word for it. Some of them had been without food for about thirty hours. I had to send out reliefs from base camp, and even those men were crying out for relief. We had no one else to send, so that about 2.30 we had to call for volunteers. Pressmen were still there then. None of them volunteered. They were equipped to go as far as the snow-line. There were a number of messages passing from wireless transmitting-set at plane to the plateau. There must have been hundreds. Similarly from the plateau to Horopito. I myself was largely concerned with the work of receiving and transmitting. I transmitted messages only to see authentic messages went out. My messages were from the base camp. I don't know what messages were sent out from Horopito. While on the plateau I received no message as to information given to Mr. Nash or Prime Minister's Department or National Airways Corporation at all. I saw the message first when I returned to Horopito. That is the first I knew of it—that is, on the Sunday. While on the plateau or engaged in the search I received no instruction restricting issue of information to press. Had the reporters been there at the time Mr. Christie was there I would have sent them up, too. The *Wanganui Herald*, 1st November, referring to my prohibition of the reporters going farther forward than the plateau, says reason given by me that an instruction forbidding newspaper men to go to the scene of the crash had been received from Air Department. I had received no instruction whatever and had given no such reason. I did remark they may have trodden on somebody's toes. That was said in relation to some request made to me by Wing Commander Kean. He was there at the time. *Herald* also states I answered questions and gave answers freely. All information at that time in my possession was given to them, but at that time I had very little information. It was not until about 5.30 that the bulk of the information came down from the crash-site. By that time some of the reporters had left the plateau, but at the same time I told some of the reporters that they had nothing to worry about, that Mr. Christie was up there and I had no doubt he would tell them everything he knew which was more than I knew at that time. Christie would get back to the plateau, I should say, at about 2 or 2.30. I know he was very tired and almost all in. Further to reference made in the *Herald* that I gave information freely, I have a letter from the *Taranaki Daily Herald* from the managing editor (the letter was the thanks for co-operation and was handed in). I know Mr. Ellis, a pressman, personally. He was on the staff of the *Taranaki Daily News*, the paper which gave this letter. He was stationed in Taumarunui with Mr. Christie and was recently transferred to New Plymouth. On the Saturday at the plateau Mr. Ellis was not told by me he could be given no information. In reply to a question I told Mr. Ellis he had nothing to worry about, but his offside was up at the plane and would have full details. Mr. Snedden from the *New Zealand Herald* was there at the time and a few others.

When the twelve bodies had been brought in Friday afternoon some hundred men remained on the plateau for the night. On Sunday early the work of transporting bodies to Horopito commenced, and I left the plateau at 6.15 a.m. I was the last party

out. About six to eight men per body were detailed to transport the bodies from forward camp to Horopito rail-head. The bodies reached Horopito (that is, Cowern's Mill) about 11 o'clock Sunday morning. On the Saturday afternoon quite a number of messages passed trying to ascertain how many bodies had been recovered, and there was considerable confusion as to whether twelve or thirteen bodies were recovered. I did not know till shortly after 5 p.m. that only twelve bodies had been recovered. It was reported at some stage that thirteen bodies had been recovered. I know I myself made out a message stating that thirteen bodies had been recovered, but before it was transmitted I received redirection from an Army signals officer that only twelve had been flashed down from the plane. The message was amended to read "twelve" and was radiod for that number. Apart from the incident between Sergeant Carlyon and the photographer, Mr. Hill, I understood there was some friction or misunderstanding between Sergeant Carlyon and McMillan, of the *Star*. That is the only instance I know of. I have no direct knowledge. In cross-examination he said that the Investigator of Accidents, Wing Commander Kean, who was at the plateau, only requested him not to allow anybody to go near the plane till the arrival of himself or the police. He appeared very much against the pressmen. Asked in cross-examination whether he did not say to the body of pressmen when they arrived words to this effect, "Sorry, old chaps, you can't go any farther forward, you seem to have annoyed Air Department," he answered, "The words I used were, 'Sorry, old chaps, you cannot go farther ahead; you seem to have trodden on somebody's toes.'" To the question, "If men returning from the search plane had said to these pressmen that they had instructions they were to give no information whatever, did those instructions come from you," he answered, "Possibly they did for this reason: there were men who were reporters coming from the direction of the plane that had never been near it. They were a relief body. My opinion was that information should be given to me as I was in charge and I would give information to the press myself as authentic." To the question, "Was that stand taken of your own volition or as an instruction from anyone else," he said, "I received no official instruction from any one."

He says he did not threaten any one with arrest. He gave no instructions that members of parties returning to Cowern's Mill should not give information to the press. He considered that was their own business after they left the camp-site. "Did you at any time give instructions to Constables Auld and Phillips that no information should be given by them?" "Definitely not." "Did you hear Wing Commander Kean give instructions as to withholding information as to time watches of passengers had stopped on plane?" "Yes." When he returned to Cowern's Mill he became aware that pressmen were indignant with some one over instructions which had been given to rescue parties to withhold information; he heard them talking amongst themselves. They were not too happy about it. On the plateau he said there was a certain amount of bottled-up feeling over the difficulty of getting news by pressmen. Certain questions were put to him; he answered, "Certain newspapers run an 8 o'clock edition, and I think the crux of the matter was these pressmen wanted to make a scoop. The information was not there till about 5 o'clock. No way of getting it out other than from radio-grams. I felt that was the whole crux of the matter. The 8 o'clock edition was going to miss."

Sergeant Carlyon, of Wanganui, on instructions, went to Ohakune district to assist in rescue operations and to attend to an inquest and all matters in connection therewith. He says he reached the plateau late on Friday night, after dark. Senior Sergeant Taylor, with the main body, was already there. The following morning—that is, Saturday—the main party went on to the plane; he remained to organize volunteers and make arrangements for provisioning. There was an incident concerning pressmen McMillan which occurred after the body of the child arrived, about 12.30 or 1 o'clock. Some men who had returned from the wreck informed him that stretcher-bearers were coming down a different track from that on which they had gone in, that they were very fatigued

and a relief was wanted. He called out in a loud voice for twelve volunteers. Four, including two policemen, volunteered. I went over to the military camp and secured eight servicemen. When the child's body arrived I instructed the stretcher-bearers to go over to the fire where I had tea ready for them and get some food. I remained at the place referred to as the morgue by Sergeant Taylor. When I returned to the fire I observed Mr. McMillan, who I did not know at that time, interviewing one of the men who had brought down the child's body. I then saw him; he was against the bush at the very edge of the camp, and I said, "Are you a reporter?" and he said he was. Then I said, "You had better get your information from Sergeant Taylor," and to the stretcher-bearer I said, "If you have brought any information from the plane give it to Sergeant Taylor." He took no more notice of the reporter or the stretcher-bearer. He heard the instructions Sergeant Taylor addressed the party when they went out early in the morning, and it was with those instructions in mind he spoke to the stretcher-bearer. He said, "I have read accounts in the newspapers allegedly dealing with this incident. If that is the incident referred to, it is misrepresented in the papers. I did not tell the reporter that he would be sent away if he asked any questions or anything like that. When I told Mr. McMillan that if he wanted any information he should see Sergeant Taylor, he said he had seen Sergeant Taylor." In the published report it is stated thereafter (after this incident) the reporter was shadowed. Sergeant Carlyon when this was put to him, said, "He was certainly not shadowed by me or any one I know of." He said volunteers were needed to go up to the track where bodies were being brought out to assist stretcher-bearers coming off the snow. Pressmen were present when the call for volunteers was made. Asked about the incident when one of the bodies was being brought into the plateau that occurred between Mr. Hill and a photographer, he said it was when the first body was being brought in, the first adult after the child. He said that there was a movement of press photographers towards the body. He said he ordered them to stay where they were and not photograph the bodies. He then went up to meet the body to direct it to be carried towards trees near the camp. "I found there was a photographer coming down with the bodies. I asked him if he had photographed the body, and he said, 'Yes, I have.' I said, 'You had better submit that photograph for approval before publishing, and I will take your name and address.' He gave the name as M. J. Hill, c/o *Photo News*." He said various photographs had been taken by photographers and pressmen at the plateau. "My reason for interfering when this body was being brought in was that the men who came down asking for relief informed me the bodies were badly mutilated both in head and limbs, and I was afraid the photographs might disclose injuries and the circumstances under which they were being carried out which of necessity was rather crude, and the men were very fatigued. While on the plateau I received no instruction whatsoever except the general instructions given to the whole party by Sergeant Taylor, which were to the effect that if any of the party reached the plane before the police or Wing Commander Kean, they were not to touch anything but to wait till the arrival of the police or Wing Commander Kean so they could go and get certain information which was required by Air Department for inquiry referring to watches and instruments." He added, "There were no instructions regarding photographs, and my reason for taking that attitude was just common decency and to spare relatives from seeing anything that was distressing. I had no instructions as to withholding of information from the press definitely." This Sergeant denied that he told McMillan that if he asked any more questions he would be sent away from the camp.

Constable Roscoe was sent from Wanganui to Ohakune area on Friday. He got to Cowern's Mill at 4.45 on Friday and stayed there Friday night. Colonel Pleasants and Traffic Inspector Wilson had a discussion as to desirability of controlling the area. Inspector Semple, from Wellington, also arrived. They were all of opinion a patrol should be placed on the road from Cowern's Mill during the week-end; sightseers would

be arriving. The constable made arrangements to close the road on the Sunday from Railway to Covern's Mill. Early on Saturday morning received instructions from Sergeant Taylor at about 6 a.m., by radio message, to remain where I was. Colonel Pleasants arrived on Saturday morning about 9. Sightseers and other people had been arriving since 7.30. They started going up the track, including women. I told women they would not be allowed up there. I told the men if they would assist the search party they could go up, and they said they would go up and help with scrub-cutting gang when they arrived. None of these people before Colonel Pleasants came said they were pressmen. The women he stopped going up the track went out of the grounds and went away in a lorry. They were from some tramping club. On Colonel Pleasants arrival a message was conveyed to him that a message had been received through Prime Minister's Department that he was to take full charge of operations at Covern's Mill. A sentry was placed at the gate. Colonel Pleasants and I had a talk as to necessity of passes or permits to be issued. Constable Phillips, of Ohakune, was telephoned that he should write permits giving authority for persons to enter the mill. During the morning some people arrived—some had tickets and were admitted; others did not have passes and were refused by the sentry. During the morning I had occasion to ask people to move away from the radio van. I was asked by Lieutenant Child and by Captain Slade-Jones to take that step. The people I asked to move away were both pressmen and civilians. During the morning I saw pressmen in the radio van. I actually saw pressmen with earphones up to their ears. This took place in the morning before dinner-time. When pressmen did not go away from the van I again went to them and requested him and his mate to go away. I believe this man's name is Wall and he runs a paper at Raetihi. I asked him to leave a second time. He said to me, "What authority have you anyway?" I said, "I am working under instruction of the Army, who are working in conjunction with the police, and I represent the police." He said, "The way they are running things any one would think there was a bloody war on." I said, "Anyway, have you a pass to come into this area?" He said, "Why, this is private property, anyway." I said, "If you haven't a pass and refuse to keep away from these vans as instructed you are liable to be arrested." He said, "Is this a secret service." I said, "Yes, very secret." Then he walked away, and I left him. He never produced a pass to me or said who he was, but I heard after he was a pressman. The pressman said to me, "That is just what I wanted to know. I just wanted to get things right." That was after I said to him it was very secret.

It was published in the *Auckland Star* on 1st November that I told, apparently Mr. McMillan, that I had received instructions from Wellington that no pressman was to approach the mountain. This is definitely an untruth. I had received no such instruction from Wellington. I met Mr. McMillan in Taumarunui the day previous, as a matter of fact. I knew him to be a pressman, and he was not stopped by or ordered by me to do anything. He could please himself what he did. The report says I refused the pressmen permission to move on. At no time did I tell the press they were not to move on. As a matter of fact, there are pressmen in this room I told if they wanted to interview anybody they could go up the track and interview them. While at Horopito I received no message from Constable Phillips that information was to be withheld until communicated to the National Airways Corporation and Mr. Nash. I received no instructions from any one at any time while at Horopito requesting me to withhold information from the press. I was concerned in no attempts to place restrictions on the press at Horopito apart from the general request that all people entering the mill were to have passes. Later on the Saturday a pressman informed me he had been having a conversation with Wellington. This occurred round about lunch-time. I could not place the pressman. He said he was a representative of the Press Association and that he had been in telephone communication with the Prime Minister's Department, Wellington, about the obstruction of the press from receiving information at Covern's Mill or in the vicinity of the mountain. He told me he had received word no ban was

to be placed on the press. I said to him, "You can please yourself, but I've instructions from the Army that no persons are to be hanging round the radio van." He said, "What about interviewing people coming down off the mountain?" I said, "You can please yourself."

Constable Roscoe says, when the pressman was objecting to his refusing permission without a pass and the pressman said it was private property, he did not, when asked what his authority was, say "I will throw you out or put you under arrest." He says he never said anything of the sort. When it was put to him that "The two reporters swear to that," he answered, "They can swear what they like; I say it is an untruth."

The Deputy Commissioner of Police, Mr. Madden, said that on Saturday he had a conversation with Constable Phillips at Ohakune early in the morning over the phone. The constable had phoned him and asked for authority to close the track up from Horopito to the mountain as they expected there would be many sightseers and others about the place and they were afraid they would impede the search party and also they might be going up the mountain and be lost and cause further trouble. He did not give an immediate answer; decided to mention the matter to the Acting Prime Minister, who was Acting Minister of Police. He rang up the Minister, and he agreed that the local police and Army authorities should be given authority to take whatever steps they thought necessary in the direction of controlling part of the mountain-track. He then telephoned Constable Phillips that information. He says on the Saturday morning following those conversations Mr. Nash communicated with him about a Press Association message which had appeared in the paper that morning. Mr. Nash said that complaint had been made to him that there was some obstruction to the press in carrying out its duty in obtaining news and so forth at the scene of the search. He said it was not intended that the press should be impeded in any way in carrying out their ordinary duties, and he asked me to get in touch with the police at Ohakune and inform them the pressmen were to be permitted to go up the mountain-track if they wished and to carry out ordinary inquiries in regard to getting news of search operations. Mr. Nash made it quite clear there was to be no interference with the press. I had no previous knowledge there had been any. I told him so. I told him that complaints had been made to the Acting Prime Minister, and I told him that the authority for closing the track did not apply in respect of pressmen, who should be allowed to use the track and should not be interfered with in any way in carrying out their work. Constable Phillips explained the steps which had been taken for closing the track and issuing of permits. After speaking to Constable Phillips much later that night I spoke to a pressman who was in the police-station at Ohakune. Later that night he also had a conversation with a pressman in the station. I cannot recollect the name of the pressman. The substance of my conversation with him was that I asked him what was the trouble with regard to the press, and he said that as far as Ohakune was concerned there was no trouble whatsoever, that they were very grateful to the police there for what they had done for them and the facilities they had afforded them. In the instructions given by me to Constable Phillips on the Saturday morning authorizing the controlling of the Cowern's Mill area there was no mention whatever of the press; none at all. My Department at no time originated any instruction as to withholding information from the press. I am not aware that there was any understanding expressed or implied that information should be withheld from the press as to the discovery of the wreck, in order that it should be first announced in Parliament.

The letters sent by the *Taranaki Daily News* to Senior Sergeant Taylor and Constable Phillips are in identical terms as follows:—

Relative to the recent search for the airliner Kaka and subsequent rescue operations I desire to express to you on behalf of our literary staff our deep appreciation of the co-operation and assistance you rendered our reporters. Although we experienced difficulties elsewhere our men have told me that no one could have been more helpful than you were, not only on this occasion but at many previous times and I want to assure you that we are very grateful for your help.

The letters are signed by D. F. C. Saxton, managing editor.

I turn now to an outline of the actual complaints the reporters gave evidence of.

Ellis, Henry John, of "Taranaki Daily News": This is the reporter who read the message Constable Phillips had on his file. He got as far as the plateau, didn't mind being told not to go further as Christie, of his paper, was up with the search party, but says that Sergeant Taylor, when he told him this, said, "I'm sorry, chaps, but you seem to have annoyed somebody at Air Department."

Hetherington, David William, "Taranaki Daily News": He is the chief reporter. He said what they hoped for was a story from the pilot who sighted the wreckage. He couldn't obtain that information from Karioi. He didn't arrive at Taumarunui till after 6 p.m. on the Friday. He met his colleague, Mr. Ellis, there, who told him that he could not obtain the information and told him it was no use going to Karioi for interviews. Next day, about 9.30 a.m., he went to Ohakune and saw Constables Auld and Phillips. After some discussion he got a pass to go to Cowern's Mill. When he got to Cowern's Mill he entered the yard, and Mr. Semple, of the Transport Department, advised Mr. Steer, of *Wanganui Chronicle*, and himself to keep away from the radio van. A similar instruction was given by a soldier. While standing some distance from the radio van and other trucks a man arrived who was apparently one of the searchers. He could not say whether he was a soldier, but sought to interview him. Captain Slade-Jones interrupted him and said that no interviewing could be done in the yard. He questioned Captain Slade-Jones on the value of the pass or permit that had been issued by the police. He replied that it was to admit him to the track. He next asked Captain Slade-Jones whether the ban applied to Army personnel only. Captain Slade-Jones replied that he could do nothing about it. He had his instruction from Colonel Pleasants, and Colonel Pleasants had his from higher up, and, with emphasis, very much higher up. Later he and Mr. Steere asked Captain Slade-Jones if he could give any information about the part the Army had played in the search operations. Captain Slade-Jones said that Colonel Pleasants was the only officer who could do so. Mr. Hetherington's complaint is that he was prevented from interviewing civilians in the yard. Shortly after 6 p.m. he was told there was no restriction on interviewing searchers. In cross-examination he said that if the man he wanted to interview was a soldier he wouldn't complain at not being able to interview him.

Mr. Hill, employee "Photo News": At the plateau on the Saturday. Met Senior Sergeant Taylor and overheard him telling other reporters that no reporters or photographers were allowed to the wreckage. He said, "I went some 200 yards past the camp towards the wreckage and took photographs of bearers returning. That photograph was taken at such an angle that no bodies or parts of bodies would be seen." The photograph produced. He said, "I was questioned by Sergeant Carlyon, who said that there had been instructions from the Prime Minister's Department that photographs could not be taken. I told him I had taken a party coming through rough country and there was no sign of body in photograph. He told me to submit the photograph to police before publishing it. I declined. He took my name and address and told me not to leave camp without permission from him." From cross-examination it appeared that many photographs were taken quite openly.

McClenaghan, "Taranaki Daily News," says he arrived at Ohakune Police-station at about 5.30 on the Friday, where Constable Auld and Constable Phillips did all they could to assist him, but they told them—that is, he and other reporters—information received had to be telephoned to Wellington before it could be released to reporters. He went on to Cowern's Mill on the Saturday and saw some members of the first search party coming down from the mountain. He and two other reporters approached them for information, but they were not prepared to give any at all. They said they had taken up that attitude because they had been instructed by police officials on the mountain not to give information. He said you could usually distinguish those who were Army

personnel, and he is almost certain these men were civilians. He saw one of them again next day—that would be Sunday—and he was then in civilian clothes. These men declared most emphatically that they would not discuss any of their experiences on the mountain. He was unaware at this time of the message coming through shortly after 6 on the Saturday that there was to be no restriction on them interviewing.

McCrone, reporter, "*Southern Cross*," on the 26th October was assigned to do a special article on the work of the Air Control Centre in connection with search for the missing aircraft. He went to Air Search Headquarters in Wellington on the Tuesday. He said, "My main objection was that I was not allowed into the Air Search Control room and it prevented me doing the special article." He said that was the only criticism he had. On Friday, the day the aircraft was discovered, he went to Ohakune as sole representative of *Southern Cross* to cover the recovery operations. He got to Ohakune about 3.30 on Saturday morning, and was told by Constables Auld and Phillips that he could join a rescue party leaving at 7 o'clock on Saturday morning. He was fully equipped for the particular job, had food for three days, and sleeping-bag and waterproof gear. He arrived at Plateau Camp shortly after 11 and reported to Senior Sergeant Taylor; told him he wanted to go to the scene of the crash. Senior Sergeant Taylor told him he was sorry he could not let him go. Senior Sergeant Taylor said to Ellis and himself they must have annoyed somebody in Air Department because instructions had come through no reporters allowed on scene of crash. Senior Sergeant Taylor, when asked if any reporters had gone up to the scene of the crash, said, "No reporters are allowed to go on." Later he discovered that Christie, of *Taranaki Daily News*, was actually up there. He protested to Wing Commander Kean, and as a routine check asked if he had any information for the press, and he said, "No information," and in very heated words criticized the way the press in New Zealand had handled the crash story that week. He asked what time the aircraft clock stopped, but Kean would not tell him, and a large number of other persons also refused. He says that just before he left at about 4 Sergeant Taylor approached Ellis, of the *Daily News*, and himself asking if they would go up the mountain and act as stretcher-bearers. He took that to mean that they could not have objections to their going up as stretchers-bearers, but there was some obstruction to stop us reporting. He gave us a general view of search recovery operations from 9 that morning. He heard by radio news that no restrictions were to be placed in the way of reporters interviewing returning stretcher-bearers. In answer to Mr. Cleary he said he was not personally interfered with in any way in interviewing returning stretcher-bearers. When he was asked, "Is it correct that you yourself met with no obstruction in interviewing returning stretcher-bearers?" he said, "I was able to get, not through help of the police or anybody else, a considerable amount of news from returning stretcher-bearers."

McMillan, senior reporter, "*Auckland Star*," arrived at Cowern's Mill at 7.30 on Saturday morning. He drove into the yard, but was told he must put his car out on the road, and that he could go no farther towards the mountain. However, he decided to go up the mountain, and went up a track. He met some people returning from the search and sought information from them. They declined, saying, "We cannot tell you chaps anything," or words to that effect. Shortly afterwards they reached the plateau forward camp and were there when the first body arrived. He was speaking to Mr. Godfrey, of Ohakune, when Sergeant Carlyon came over and asked who they were. He told him he was a pressman. On hearing that Sergeant Carlyon warned Godfrey to say no more, then turned to me and said, "If you ask any more questions we will have to send you away from camp. The Air Force doesn't want any information out about this. That is Government instruction." He went back to Horopito and phoned his paper of these facts. At about 6 o'clock that day he spoke to Captain Slade-Jones, who told him the restriction on pressmen had shortly before been lifted. "Until then as far as I knew," he said, "that restriction had been imposed by someone—that is, the restriction interviewing rescuers, civilian, or soldier."

Steer, chief reporter, "*Wanganui Chronicle*," arrived at Ohakune Police-station at 3 o'clock on Friday and left for Cowern's Mill shortly afterwards. He says any experiences he spoke of were those at Cowern's Mill as he did not go up the mountain and was not equipped for hiking. Apparently he left Cowern's Mill, and when preparing to return there on Saturday morning found it was necessary to get a permit to go to Cowern's Mill. He said, "Constable Phillips, at Ohakune, said, 'I'm sorry you can't go there this morning. The military have pickets up. He inferred that some morbid sight-seers, including women, had attempted to go there, and some sort of control was necessary.'" He got a permit at about 11 and went on to Cowern's Mill. There he met Traffic Inspector J. H. B. Semple, whom he knew very well. He gave him a friendly tip, as he put it, not to go near the radio van and also said, "Tell any of your chaps not to start the engines of their cars because these radio sets in the mountain had been up there twenty-four hours or more, the batteries are getting a bit run down, and there was interference with cars moving around the yard." He said he hoped that within a short time men would come down from the mountain and they could get first-hand stories of conditions, but while waiting approached an Army officer and asked if he could have some information for publication on the part played by the Army in organizing and assisting ground operations. I said to him, "You people appear to be doing a very good job of work," and I suggested they should be given some credit for that. However, they said they could not speak to the press, the only Army officer who could give information was the Commanding Officer, Colonel Pleasants, who at that time was not at Cowern's Mill. Our main task was to get news from the mountain. About a quarter to four he met a party of about six men. One said to me, "We got to the plane at 9.15," and I said it was tough going. What he said I can't remember. No further conversation because an Army officer came up and said, "Stop, that is prohibited." He said no interviews were to be given in the yard. The man who was asked to give information did not look like a soldier. I was particularly careful not to approach Army, Navy, or Air Force personnel. The Army officer I since recognize as Captain Slade-Jones. He said his instructions were those received from his Commanding Officer by some high authority. I couldn't swear that he mentioned Mr. Nash by name. I've always thought at the time he said Mr. Nash. In the report I wrote of the incident that night I referred to the Prime Minister or his Department. Although I can't remember actually, he did say from some one high up. Mr. Nash was the highest possible authority I could think of. I heard Mr. Hetherington seeking to ascertain from an Army officer his authority to prevent us interviewing civilians. He got no direct reply. Constable Roscoe was standing by. He was in plain clothes. There was at that time reference made to instructions received *re* interviewing returning search parties. Two men who said they had been operating a radio officially, not just amateurs listening in, told a group of pressmen, of whom I was one, that a message had been received that no restrictions were to be placed on reporters."

In conclusion, Mr. Steer claimed that there was a form of censorship exercised at Cowern's Mill, and, as far as the press was concerned, he could see no reason for it. Mr. Cleary, in cross-examination, asked this witness what were the facts on which he said censorship was imposed. His answer was, "I was prevented for the best part of two hours from doing the work which my paper sent me there to do. Next question was, "Prevented by whom, in what way, on how many occasions from doing what work?" Answer was, "By Army officer, who told us emphatically that no interviews were permitted in that yard, and that yard used in the general sense then embraced a fairly large paddock." He said he was quite satisfied with that answer and didn't want to add to it.

Whitfield: This senior reporter, *New Zealand Herald*, arrived at Cowern's Mill after 9 o'clock on Saturday morning and was told he could not enter without a permit from Ohakune. He saw Colonel Pleasants, who would not waive the necessity of obtaining a permit, but insisted he should return to Ohakune to obtain one, a journey

of some eighteen miles. Colonel Pleasants would not give him any information about Army's part in rescue operations. When the first mountain party returned he was again at Cowern's Mill. He is certain that four of them were civilians, and from them he sought information as to their experience in the mountain, and they said, "Sorry, there is nothing doing." He asked what he meant by "Nothing doing," and one explained that the Sergeant at the advance station plateau had instructed them to give no information whatsoever to the press. I told them they were free citizens and no police officer had authority to issue such an instruction. They still declined to say anything. Captain Slade-Jones, who was in the vicinity, came up and said the camp area was Army territory and he could not interview any one there. He said he didn't question Captain Slade-Jones' authority to prevent him interviewing Army personnel, but it didn't extend to civilians. Captain Slade-Jones said it applied to everybody, patted his pocket, and said, "I have this authority here." I said I would take up the matter with Wellington, and asked him to show his authority. He refused. I telephoned Auckland, suggested the chief reporter should get in touch with Mr. Nash, and advise him that a police officer at the advance base had instructed civilians to say nothing to the press. He said that he found later that the editor, Mr. Munro, had telephoned Mr. Nash. Shortly before 6 o'clock he said the police constable at Cowern's Mill advised him that a message had been received on the radio from Mr. Nash's Department stating that there was to be no interference, that members of the press should be permitted to interview—I think the words were—members of the recovery party.

The Army's accounts of the matters raised by reporters' complaints are set out in the evidence of Lieutenant-Colonel Pleasants, Commandant of the Waiouru Camp, and Captain Slade-Jones. His evidence is that the assistance of the military at Waiouru was offered to the police if required. On the morning the plane was discovered at about 11 o'clock he was asked if he would now provide assistance. Assistance was provided in the form of transport to take search parties from Ohakune and the provision of wireless sets and operatives. Approximately fifty to sixty Army personnel gave assistance to work on the mountain-side. He went up to Cowern's Mill because some difficulty had arisen about communications and he wanted to see if anything could be done to improve the situation of the radio van. While there he saw Constable Roscoe and a Transport Department official. The yard where the radio van was parked, although not very congested, was very narrow and vehicles were restricted in movement, so that although not crowded a few places that could be used by vehicles were occupied. In conversation with Constable Roscoe and the Transport Department official both expressed concern that at the week-end there would be a large number of sightseers, that there would be danger of their going up the mountain, possibly being lost if the weather turned bad, and to prevent that some form of control should be adopted. As it appeared Cowern's Mill would be the base for people going up and coming down and that hot food should be provided for those returning from the mountain, a cook-house was set up. A cook obtained field cookers and food sent forward. I appointed Captain Slade-Jones to be in charge of all Army personnel in that area and co-operate with Constable Roscoe in any action required. He (Colonel Pleasants) left Cowern's Mill in the evening, called at police-station at Ohakune, and there discussed with Constable Phillips the matter of controlling the area around Cowern's Mill, saying that he fully agreed with Constable Roscoe and the Traffic Inspector that an effort should be made to control that area. I undertook to provide the personnel for that duty. I told Constable Phillips I had no authority to take these steps, and he should see that authority was given to me to take action as proposed. That was Friday evening. On Saturday morning he returned to Ohakune and saw Constable Phillips at approximately 8 to 8.30. Constable Phillips advised him that the requisite authority to put control scheme into operation at Cowern's Mill had been obtained. He then proceeded to Cowern's Mill. On arrival there he received a message confirming what Constable Phillips had told him. Apparently it

had been telephoned on to Cowern's Mill by Constable Phillips before he had seen me. I appointed a sentry on the gate with instructions to admit no one who had not a pass provided by the Ohakune police. I remained at Cowern's Mill for some time until approximately 10.30 to 11. Our radio van was then in use. It was operated by Lieutenant Childs. I had occasion to ask two men who had told me they were pressmen to move away from the van. They had previously asked him if there would be any information released from there. I told them no, but what information came down from the mountain was being passed direct to the Air Force at Karioi and moved on to Air Traffic Control. They inquired if it was going to Wellington for issue from the Prime Minister's Department. I replied that I knew nothing of it, I was only concerned with passing it to Air Traffic Control. Again they approached when I was near the radio van and stood listening. I went up to them and said, "I'm sorry, but I am afraid I must ask you to leave the area." They questioned my authority to say so, and I informed them that I had been given authority to control the area as I understood from the Prime Minister's Department. If they went to Ohakune the police would decide whether or not they should come into the area and would give them passes to do so. They expressed surprise that the police could overrule the Army, but I pointed out that I was merely acting in that area for the police. They stated they would go to Ohakune, ring Wellington, and get it fixed. I told them the Ohakune police were issuing the authority to come into the area. They left. This incident took place about 9.30. I later learned when I returned in the afternoon—I was handed a message, which I now have, that pressmen could use Ohakune track. It was delivered to Captain Slade-Jones some time in the morning after I left. I have that message. It reads: "From Constable Auld. Will you contact Colonel Pleasants and advise him that he and his Department has advised that the reporters are to be permitted to use Horopito Track. They have been issued with passes by police at Ohakune." From the time I was there till I left again at approximately 7 p.m. I think I saw some twenty or thirty men return. There were a number of pressmen round the mill, a very large number; I would say there were fifteen or twenty. To my knowledge there was no restriction placed on their interviewing men coming down the track. They were asked not to interview soldiers; otherwise there was no restriction. Either myself or Captain Slade-Jones had asked them not to interview soldiers. Captain Slade-Jones had been instructed to do so. One reporter asked if he could see copies of messages which had been radiod from the plane. My reply to that was, "No, that information is confidential until it reaches Air Traffic Control." I was not aware of any instruction that could be construed as requiring information to be withheld from the press. The decision to withhold information which was passed about the crash through our wireless link was mine. I considered it was information which would affect a Court of inquiry and therefore should not be discussed or used by any one until that had taken place. Likewise the request that Army personnel be not interviewed was given by me in pursuance of regulations which state Army personnel will not give interviews to the press. Save for the fact I was prepared to disclose contents of messages passing through our military radio van, and save for request that the press not interview Army personnel, there was no restriction that I was aware of placed on the press at Cowern's Mill. Nothing came from any authority within my knowledge requiring any restriction to be placed upon them. The original decision to control the area was for reasons of keeping order and preventing people bringing harm to themselves by going up the mountain. That was my sole reason. My reason in keeping wireless messages passing through our military van confidential was that I conceived that to be ordinary military practice.

Captain Slade-Jones said that he was present when an incident took place near the army wireless van somewhere about the middle of the day which involved Constable Roscoe. He heard voices raised in front of the wireless van and looked round to see what it was all about. Constable Roscoe told him he had had a slight altercation with a pressman and he had threatened to arrest him and if there was any more of the same

sort of abuse he would put that threat into action. During Saturday I was asked by pressmen for information. I replied that as pressmen they should know that nobody in uniform is allowed to grant interviews to the press any more than we are allowed to write to the press. I gave no instructions that the pressmen were not to interview civilians.

If he told a pressman that he had instructions from Colonel Pleasants—that is, instructions that pressmen were not to go up the track, and he had these instructions from higher up, those words would not have any relation as to whether or not pressmen would be allowed to go forward from the yard. During the day I was asked by Lieutenant Childs (the operator of the radio in the van) to keep people away from the wireless van, several times. He placed no restrictions on pressmen interviewing any one but servicemen. I received instructions from no one to place restrictions on pressmen at all. He received no instructions from the Air Headquarters regarding release of information from the mountain.

According to Senior Sergeant Taylor, the last of the bodies reached the plateau late on Saturday afternoon. The message that no restrictions were to be placed in the way of press reporters came through shortly after 6 p.m.

Counsel for the press, Mr. Stevenson, admitted that an instruction to withhold news concerning the state of the bodies and their identification should be withheld till after next-of-kin had been communicated with was proper. Mr. Smith, editor of the *Evening Post*, admitted that till the next-of-kin were notified the news should be withheld, but thought a request to the press to withhold it would have been sufficient. Mr. Smith admitted that there might have been too many reporters sent up. The Army authorities say that their instructions as conveyed to inquirers that information could not be given out applied to Service personnel only. The police officials say they had no direct instructions at all to withhold information from press. Sergeant Taylor gave his reasons, which I consider wise, for preventing other than searchers going up the track from the plateau. The period during which the movements of reporters were in any way restricted was the period during which bodies were being brought into the plateau and being identified. No civilian volunteer of the search parties who went to the plane was called to say that he desired to give information to the press or any one else. The Acting Prime Minister, on being communicated with by Mr. Munro, editor of the *New Zealand Herald*, on being informed, I assume, that Mr. Munro was told that reporters were being obstructed in obtaining news, immediately apparently told the police to order that reporters were not to be obstructed.

Counsel for the reporters, Mr. Leicester, attempted to raise the level of what are somewhat petty complaints to the ground of a fight for the constitutional and traditional rights of the press. I think the evidence must have fallen far short of his expectations. It is true some of the reporters seemed to think they were entrusted with the cause of freedom of the press, but, while subject to certain restrictions which are well known, the press has the right to publish any news that comes into their possession and comment on all matters of public interest. The press or its employees have no more right to demand news than any member of the public has. Conversely, the press has no right to demand that any other person shall withhold news. Mr. Smith, of the *Evening Post*, whose opinion must be respected, said that the right to publish news demanded as a corollary the right to get news.

Substantially the complaints relate to alleged restraint placed upon civilians, against divulging information, forbidding the use of the track from the plateau and denial of entry to Cower's Mill and the holding of interviews there. No estimate was given, I think, of the number of Service personnel and volunteers who went to the plane. Colonel Pleasants said he thought there were some sixty Service personnel working on the mountain-side and there may have been as many civilian volunteers. It was agreed

by Mr. Stevenson, counsel for the press, and by Mr. Smith, Editor of the *Evening Post*, that it was proper that information relating to identification and condition of the bodies found should not be made public till time had been given to communicate with next-of-kin. Mr. Smith suggested it was not necessary to withhold the information from the press, but that they should be trusted not to make publication till opportunity had been given of communicating with the next-of-kin. That was, in the circumstances of a disaster in this remote area, even if desirable, probably impossible. The incidents referred to occurred before the last of the bodies reached the plateau, and in fact the public received all the news available as soon as it could properly be made public. That it might have been released after the deadline of some evening papers may have occasioned them at least some disappointment. I think it clear that the public interest did not suffer in any respect at all from any of the restrictions imposed by the authorities, whether or no the instructions not to give information applied to civilian volunteers as well as to Service personnel. I find it difficult to reconcile conflicting statements as to the words actually used in many of the conversations recorded. I am satisfied that Flight Lieutenant Jacobsen was justified in placing the Karioi Airfield out of bounds to ensure safety, that Colonel Pleasants was justified in doing likewise with the Cown's Mill area, and that they obtained authority for their action. I am satisfied also that Sergeant Taylor was justified in restricting the use of the track from the plateau to the requirements of search parties going to the mountain and bearers bringing back the bodies. More importance seems to be attached to what was said, or might have been said, as to who gave orders for these restrictions. Reporters seem to me to have rather over-emphasized their recollection of words used relating to supposed instructions from the Prime Minister's Department or the Air Department, without at the same time having a clear recollection as to whether they were speaking to soldiers or civilians, or the particular point reached in the conversation recorded. To me it appeared there was a tendency on the part of reporters to make their case justify, if possible, subsequent editorial comment indicting the Acting Prime Minister and the Air Department of attempting to channel information away from the press to the Publicity Department of the Prime Minister's Department. I am satisfied that neither Colonel Pleasants nor Captain Slade-Jones instructed volunteers going to or returning from the mountain that they were not to disclose information. They certainly instructed Service personnel that they were not entitled to grant interviews or give information to any one. I think from a military point of view the instruction to reporters that interviews were not to take place in the area controlled at Cown's Mill referred to as the yard was permissible. The removal of pressmen from the precincts of the radio van was, on the evidence given, unquestionably justified. That Colonel Pleasants was bound not to give information of messages passed from the plane to that van to be forwarded to the Air Department or the Prime Minister's Department in Wellington is again, I think, unquestionable. It seems that Sergeant Taylor did instruct that no information was to be given by those returning from the plane regarding the bodies and details of wreckage. It is possible that Sergeant Taylor's instructions may have been interpreted as binding on volunteers as well as Service personnel, and covered more than mere information as to the condition and identification of the bodies, and it may even be that the police official under him at the plateau overstated the position if he warned reporters not to question members of the returning parties. Those on the spot, and aware of the general circumstances, may have wondered if any interference or control at all was necessary. The account of the circumstances confronting Sergeant Taylor does, I think, adequately explain the insistent need of control and discipline if the operations entrusted to his control were to be efficiently carried out in a decent and fitting manner.

Counsel for the Journalists' Association, Mr. Leicester, opened his case as if the reporters were championing the cause of freedom of the press and the freedom of the individual. If that was their belief, they chose a series of incidents to support their cause much too insignificant, in my opinion, to sustain the burden. In their evidence

some of them, at least, spoke of their rights and the right of the press to have information handed out to them. The freedom of the press to publish news and to comment upon it, and the importance of preserving that right, has never been questioned. The press can publish any news they obtain, but they have no more right to demand that news be made available to them than any other member of the public. Mr. Smith, of the *Evening Post*, whose opinion I naturally respect, said that the right to obtain news was a necessary corollary to the right to publish news, otherwise the freedom of the press was illusory. That, I think, is not correct, and at any rate the press have never attempted to establish as an unquestionable right, the right to a hand-out of news in the possession of any person or body, public or private. That public bodies will be forced by public opinion to allow the press access to information on matters of public interest I can well believe, but even that is subject to a qualification that if decency or public interest requires postponement of publication of news, public opinion will insist that publication is postponed till those requirements are satisfied. I venture to doubt that public opinion will agree that this discretion should be delegated to the press, which, after all, is primarily interested in publication.

Regarding the incidents of delay and obstruction objectively they appear to me somewhat trivial, and I think altogether too much has been made of them by reporters who, accustomed to vantage points provided for them, and news handed to them in well-furnished locations, were somewhat disgruntled when they had to face a complete lack of arrangement for press reporting in the Ruapehu area.

I now set out the questions I have to answer and my answers to them :—

(1) Whether, having regard to all the conditions and circumstances surrounding the finding of the Electra aircraft and the recovery of the bodies therefrom, there was any undue or improper withholding of information from, or the imposition of any undue or improper restrictions upon press reporters in obtaining information and photographs for the purpose of publication by the newspapers they represented.

Answer : I find no undue delay or obstruction in the circumstances.

(2) If so, by whose orders or directions was such information withheld or restrictions imposed ?

Answer : In view of my answer to the first question, no answer is required to this question.

(3) Whether arising out of the present inquiry it is expedient or practicable to lay down any general principles as to the privileges or freedom or obligations of the press in similar circumstances.

Answer : To this question my answer is that the circumstances of this particular inquiry and the evidence taken at it have not raised any matter that renders it expedient or practicable to lay down any general principles as to the privileges or freedom or obligations of the press in any circumstances.

[L.S.]

HAROLD F. JOHNSTON, Commissioner.

Dated at Wellington, this 31st day of January, 1949.

Approximate Cost of Paper.—Preparation, not given; printing (1,158 copies), £70.

By Authority: J. E. WILSON, Acting Government Printer, Wellington.—1949.
Price 1s. 3d.]

