

Decision No. 17/81
BRO 32/81

Before the Broadcasting Tribunal

IN the matter of the Broadcasting Act 1976, and in the matter of an application by Otago Radio Association Incorporated to amend its sound radio warrant 4XD to extend the hours of transmission:

B. H. Slane, Chairman,
Lionel R. Sceats, Member,
Janet C. Somerville, Member.

Hearing at Dunedin 24 August 1981.

DECISION

The present hours of 4XD are 1800-2230 hours on Wednesdays, Thursdays and Saturdays and 0900-1200 and 1800-2230 hours on Sundays.

The association applied to amend its sound radio warrant to permit its hours of transmission to be 1800-2300 hours daily from Mondays to Saturdays inclusive and 0900-1200 and 1800-2300 hours on Sundays commencing Sunday 4 October 1981 so there would be broadcasting on another three evenings a week. There was no opposition to the application.

The applicant referred to comments made on the renewal of its broadcasting warrant on 23 July 1980 (Decision 8/80) when the Tribunal stated "We would like to see you work towards an extension of hours when you have got your technical house in order."

The Association said it now had its technical house in order though it would require exemption from the technical rules 8.1 (b) and 8.1 (g) relating to a standby power generating plant and an alternative route for programmes from the studios to the transmitters. An emergency programme supply source by using a tape recorder was installed.

The Tribunal is prepared to continue the exemption from the rules in those two respects.

The association said it had had a heartening response to an evening programme of "family music" given on 4 May 1981, pursuant to a short-term broadcasting authorisation.

Arrangements have been made for additional personnel to cover the extended hours being applied for. Action had been taken to reduce dependence on foreign religious programmes and increased activity in local programmes is contemplated.

Among projected programmes 4XD notice board will be continued and extended and arrangements for university originated programmes were well advanced. Technical compatibility with the university equipment would enable programmes to be recorded by the university and played by the station. A regular soccer programme was scheduled and a lost and found service. The association submitted proposed programme content for all its programmes under the extended hours.

Financial support had been consolidated in the last 5 months and income would be derived from members' annual subscriptions. The Association at present had 246 financial members, 57 of whom had joined the association within the last 9 months. A considerable increase in membership was projected within the next 12 months or so from the commencement of the extended hours. The association also hoped to compensate for the drop in income from overseas programmes by some form of acknowledgment for financial help within programmes.

The Tribunal has concluded that the extension of hours is desirable in the public interest, that it will have no economic effect on other stations or on broadcasting services provided by the corporation in the public interest. The programme appears to be developing some community support and to provide services which, in many cases, are complementary to those provided by other stations. The determination with which the association has recovered from a financial set-back and the way in which the station has brought itself up to technical standards, are an indication of the financial and commercial ability of the applicant and the likelihood of the applicant carrying on the proposed service satisfactorily.

There is one matter that does concern the Tribunal. It does appear appropriate for some acknowledgment to be made of financial assistance given in the production of programmes. It does not appear appropriate that such an acknowledgment should include any advertisement for products or services. The present rules regarding acknowledgments of sponsorship are unsatisfactory and the Tribunal has asked the Rules Committee to consider amendments. The present rules apply to commercial references on Sundays over commercial stations—not to commercial references on non-commercial stations.

The difficulty lies in the definition of an advertising programme as "a programme or part of a programme intended to promote the interests of any person, or to promote any product or service for the commercial advantage of any

person, and for which, in either case, payment is made, whether in money or otherwise." Clearly a payment would be made and the question to be decided was whether the programme or the reference to the company in the programme would promote the interests of that company or its product or service.

Unless the definition of advertising programme is changed in the Act, the station may have formally to apply to have the conditions relating to advertising changed if it wishes to broadcast a limited form of advertising, namely the acknowledgment of the assistance of a company which at present could be interpreted as an advertising programme.

The Tribunal will therefore grant the application for the extended hours and the warrant will be amended accordingly from 4 October 1981.

Dated the 29th day of September 1981.

For the Tribunal.

B. H. SLANE, Chairman.

Private Schools Conditional Integration Act 1975

PURSUANT to section 10 of the Private Schools Conditional Integration Act 1975, notice is given that the following 3 schools will enter into the State education system in accordance with the provisions of the Private Schools Conditional Integration Act 1975, with effect from 16 September 1981.

St. Peter Chanel School, Convent Road, Otaki.

St. Francis Xavier School, Main Road, Tawa.

Holy Family School, 167 Mungavin Avenue, Porirua East.

A copy of each integration agreement is available for inspection at the Department of Education, Head Office, Government Building, Wellington.

Dated at Wellington this 16th day of September 1981.

A. E. HINTON, for Director-General of Education.

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

PURSUANT to section 221A of the Sale of Liquor Act 1962, as amended by section 22 (14) of the Sale of Liquor Amendment Act 1976, I, John Fraser Robertson, Secretary for Justice, hereby give notice that the Wairarapa Licensing Committee on 18 September 1981 made an order authorising variations of the usual hours of trading for the licensed premises known as the Marquis of Normanby Hotel, Carterton.

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

- (a) On any Monday and Tuesday—Opening at 9 o'clock in the morning and closing at 8 o'clock in the evening.
- (b) On any Wednesday, Thursday, Friday and Saturday—Opening at 11 o'clock in the morning and closing at 10 o'clock in the evening.

Dated at Wellington this 1st day of October 1981.

J. F. ROBERTSON, Secretary for Justice.

(Adm. 2/72/5)

The Insurance Companies' Deposits Act 1953—Proposed Release of Deposits

THE National Employers Mutual General Insurance Association Ltd. has given notice to the Public Trustee that it has ceased to carry on in New Zealand the class of insurance business designated as class 2 in the First Schedule to the above-mentioned Act and that it proposes to withdraw pursuant to section 19 of such Act the deposit which has been made by it with the Public Trustee.

The Public Trustee therefore gives notice pursuant to section 19 (3) of the above-mentioned Act that being satisfied that all liabilities of the said company in New Zealand in respect of such insurance business have been fully paid or provided for he proposes to release to the company on or after the 30th day of October 1981 the deposit made with him by the company.

Any objections to the release of the deposits should be lodged with the Public Trustee at the Public Trust Office, Lambton Quay, Wellington 1, on or before the 30th day of October 1981.

Dated at Wellington this 21st day of September 1981.

N. W. CURRIE, Deputy Public Trustee.