

"The warrant holder shall not substantially depart from the basic format and content of its proposed programmes or the type or extent of the services intended to be provided at the time of the grant of the warrant without the prior consent of the Broadcasting Tribunal and subject to any conditions that the Tribunal might impose in the public interest."

The mixed polarisation to be used will be slant.

Allocations of frequencies will be made after the parties have had the opportunity to make representations to the Tribunal.

The Tribunal acknowledges the assistance it has received from counsel for all the parties who co-operated in the adequate exchange of information and evidence before the hearings, and who assisted the Tribunal in endeavouring to reduce the time taken for the hearing. The Tribunal has been substantially aided by very full and clear submissions.

Dated the 30th day of July 1982.

For the Tribunal:

B. H. SLANE, Chairman.

Direction to Broadcasting Tribunal in Connection with the Development in New Zealand of a Frequency Modulation (FM) Broadcasting Service

To the Broadcasting Tribunal

PURSUANT to section 68 (1) of the Broadcasting Act 1976, I, Warren Cooper, the Minister of Broadcasting—

(1) Give you notice that the Government has considered your report to me on the Development of Frequency Modulation Broadcasting in New Zealand; and

(2) Give you notice that it is part of the general policy of the New Zealand Government in relation to broadcasting—

(a) That a frequency modulation (FM) broadcasting service be developed as an integral part of sound-radio broadcasting in New Zealand; and

(b) That frequency modulation (FM) broadcasting be introduced in New Zealand without delay; and

(c) That the Broadcasting Corporation of New Zealand should, by the use of frequency modulation (FM) broadcasting, extend its Concert Programme to provincial areas which radio reception of that programme is not at present satisfactory; and

(d) That the Broadcasting Corporation of New Zealand should, as its resources permit, progressively convert the YC stations (which are the stations from which its Concert Programme is transmitted) to frequency modulation (FM) broadcasting; and

(e) That short-term frequency modulation (FM) broadcasting authorisations be authorised under section 76 of the Broadcasting Act 1976 for community purposes; and

(f) That, outside the larger urban areas, local groups should be encouraged to establish locally owned radio broadcasting stations (on a commercial or non-commercial basis or on a basis that is partly commercial and partly non-commercial) to relay programmes from other warrant holders as well as to develop some elements of local broadcasting for limited periods; and

(g) That the development envisaged in paragraph (f) of this clause should be facilitated by networking arrangements that permit local programming as well as a choice of network programmes; and

(h) That except where, without simulcasting, an economically viable service to an area would not be feasible for many years and except as provided in paragraph (i) of this clause, simulcasting by AM and FM stations covering the same areas should not be permitted; and

(i) That simulcasting of news, current affairs, special events, and simulcasting with television should be permitted; and

(j) That holders of warrants in respect of existing stations shall be permitted to hold warrants or interests in warrants in respect of FM broadcasting stations; and

(k) That applications by newspaper companies for sound-radio warrants in respect of FM broadcasting stations should be considered on their merits together with applications of other applications; and

(3) Give you notice that, included within the recommendations in respect of which the Government has still to formulate its general policy, are the recommendation set out on pages 11 to 15 of your report and numbered (2), (9), (43), (45), (46), (47), (55), (56), (57), (58), and (59); and

(4) In pursuance of the general policy of the Government as outlined in clause (2), direct that you shall,—

(a) Call without delay for applications for sound-radio warrants in respect of 2 commercial frequency modulation broadcasting stations to be established in Auckland; and

(b) Invite prospective applicants for sound-radio warrants in respect of commercial frequency modulation broadcasting stations to be established in areas outside Auckland to file with you notice of intention to apply for such warrants; and

(c) After considering any representations made by prospective applications, establish the order for warrant hearings having regard to the notices of intention received; and

(d) Thereafter call progressively for applications for sound-radio warrants in respect of commercial frequency modulation broadcasting stations to be established in areas outside Auckland; and

(5) In pursuance of that policy, direct that you shall, in carrying out the direction contained in clause (4), note that—

(a) Frequency modulation broadcasting should be developed first in the band 88–93 MHz, and then in the band 94–100MHz as other services are cleared; and

(b) The frequency assignment plan, which is to be based on 50 kHz channel spacing, is to be prepared and maintained by the Post Office; and

(c) Channel spacing is to be reviewed in 1986; and

(d) It is to be a principle, in relation to the frequency assignment plan, that some frequencies are to be kept unassigned to permit later developments in FM broadcasting that may not be foreseen at present; and

(e) A frequency is not to be assigned to any frequency modulation broadcasting station or amplitude modulation broadcasting station simply because that frequency is available; and

(f) As a general principle and subject to paragraph (g) of this clause, the recommendations of the International Telecommunication Unions' International Consultative Committee on Radio (CCIR) on signal strength standards for reception should be the basis for determining coverage objectives and the effective radiated power of proposed frequency modulation transmitters; and

(g) You may, in consultation with the Post Office, vary the standards referred to in paragraph (f) of this clause where you consider it necessary but, in making any such variation, you shall have regard to the importance of conserving frequencies and of avoiding interference with other services; and

(h) Subject to paragraph (l) of this clause, FM transmitters should be co-sited, where practicable, with television transmitters; and

(i) Where co-siting is not practicable and paragraph (l) of this clause does not apply, siting of an FM transmitter within approximately one kilometre of a television transmitter is to be preferred; and

(j) As a general principle medium and high powered FM transmitters should be located at efficient transmission sites outside urban areas; and

(k) It is envisaged that where difficulties arise between a warrant holder and the Broadcasting Corporation of New Zealand in establishing a mutually acceptable co-siting agreement, the difficulties should be settled by arbitration; and

(l) Low-powered transmitters need not be co-sited with television transmitters; and

(m) The location of transmitters not co-sited shall be chosen with regard to achieving compatibility with other services and efficient use of FM broadcasting frequencies; and

(n) The same sense slant polarisation shall be used for all FM broadcasting but you may, in your discretion, permit a different type of mixed polarisation if it is justified for any particular transmission; and

(6) Hereby revoke the notice which was dated the 23rd day of February 1981 and which was given to you under section 68 (1) of the Broadcasting Act 1976*.

Dated this 27th day of October 1981.

WARREN COOPER, Minister of Broadcasting.

*Gazette, 1981, p. 415