

Dec. No. 19/82
Bro. 37/82, 38/82

Before the Broadcasting Tribunal

IN the matter of the Broadcasting Act 1976, and in the matter of applications by Radio Rhema Inc. for short-term broadcasting authorisations at Timaru and Dunedin:

B. H. Slane, Chairman; Lionel R. Sceats, Member.

REASONS FOR DECISION

THE applicant is a warrant holder in respect of a non-commercial broadcasting station at Christchurch (3XG), with a relay station in Wellington.

The applicant applied for two authorisations; one to broadcast from Timaru and the other from Dunedin from 18 October to 12 December 1982. The total number of hours of broadcast would be 1008. In other respects the applications varied.

The Timaru application was to relay the programme of the Christchurch station during the whole of its hours of operation from 0600 to 2400 hours daily. The costs of the broadcast was estimated at \$11,856. The station would broadcast on 594 kHz on a power of 400 watts from a transmitter in Seadown. The purpose of the application was to test public reaction within the Timaru district to its broadcasts; to fulfil requests from people in South Canterbury for a Christian programme in their area; to satisfy the commitment of such people to the society over a long period of time without receiving any direct benefit.

The applicant pointed out that Radio Rhema could only be received at night in the area and that it had a large number of enthusiastic members in Timaru. There is only one permanent transmitter in the area.

The Dunedin application would be for the same hours but would include 4 hours of local programme generated in Dunedin on weekdays between 0900 and 1100 hours and between 1600 and 1800 hours. The local programme would consist of music, local news, interviews, information, public service announcements and spoken material by local people.

The expected cost was \$12,401. The station would broadcast on 1305 kHz at a proposed power of 990 watts from a transmitter at Highcliff. The application was for the following purposes: to test public reaction within the Dunedin district to its broadcast; to give Dunedin people an opportunity of judging the station's programmes for themselves; to enable the local broadcasts to be made; for the benefit of more than 200 active financial members in Dunedin; to fulfil requests for a broadcast into the southern part of the South Island by supporters who had not received any direct benefit.

In support, the society said the response from previous short-term broadcasts in other parts of New Zealand had been good and had encouraged it to widen its efforts to enable a greater number of New Zealanders to receive its signal should they wish to. The society proposed to carry out an audience survey to help determine the public response to the concept of Christian broadcasting in their area.

The Tribunal received a letter of opposition from the warrant holder for 4XD a non-commercial station in Dunedin. The Broadcasting Corporation did not oppose the application but commented on it. After discussing the objections of 4XD with the applicant informally, the Tribunal decided to grant the Timaru application and to decline to grant the Dunedin application. The Tribunal indicated it would give reasons in writing for its decision.

It is appropriate first to discuss the general nature of these applications. The applicant has previously had short-term authorisations in Wellington, Auckland and Nelson. In each case the applications were not opposed. In each case the applicant used the broadcasts to survey audience reaction as well as to promote its membership and support in the area and to encourage a demand for its type of programming.

Until now the Tribunal has thought it not unreasonable for the society to gauge support for its broadcasts in each area. It is no secret, however, that the society plans to make applications for stations or relay stations in a number of cities and town in New Zealand.

The Tribunal considers that the purpose of providing a short-term authorisation in these circumstances is coming to an end for this applicant. While it has been prepared to grant the Timaru application, which was not opposed, the length of the authorisation and the lack of any connection with any community purpose means that the application basically has to fall on the other grounds for approval. The first of these is the supply of programmes to its members in the area. We do not consider generally that this is a justification for a lengthy period of authorisation but express no opinion on special very short broadcasts for that purpose, possibly in connection with some local event or festival.

As to fulfilling the demands of people in the area, we would not consider an authorisation justifiable on those grounds unless there was proven to be a substantial proportion of the community who would require this service or seek to have it instituted. The demand is not satisfied by short-term broadcasts and if there is a need to be fulfilled, the applicant should make the application for a permanent service to the area and have that judged on its merits and having regard to the best utilisation of frequencies in New Zealand.

As to the testing of public reaction, the Tribunal considers that with the Timaru broadcast it will have had sufficient opportunity to get reactions to its broadcasts on a short-term basis in a range of New Zealand cities of various sizes and unless there is some special reason the Tribunal does not consider this an adequate ground on its own for short-term authorisations.

The Timaru application is approved.

In the case of Dunedin, where there are 5 permanent stations (4 of them full time), the Tribunal was concerned at the effect the broadcast may have on station 4XD. This station already broadcasts a good deal of Christian material so the audience in the area is not deprived of a radio service incorporating Christian broadcasting. The Tribunal appreciates that Radio Rhema considers it has a special type of Christian broadcasting to present, but as far as the needs of the community are concerned, they are to some extent met by the 4XD content.

More important than that is that this station is dependent on public support, has an identity with Christian broadcasting, and has been improving its performance in relation to its audience in recent times. The development of the station would be hampered by the intrusion at this stage of an outside broadcaster who would be able to bring considerable resources to bear and considerable publicity to its own short-term activity and perhaps diminish support for the local station.

Furthermore, a lengthy period is proposed, presumably so that surveys can be carried out, and this further would effect station 4XD.

The Tribunal notes in the applications, a greater concern by the applicant for the development of its own broadcasting activities rather than a simple concern to serve public needs in each area. The Tribunal has to be concerned with wider issues than the development of Radio Rhema's services outside Christchurch. The Tribunal considered the applicant had not made out a case for a lengthy short-term authorisation in the Dunedin area. It also considered that the effect on the other station outweighed any benefit of bringing its programme material into the area.

We should state that in dealing with the application we have accepted the statements by Radio Rhema as to the factual position regarding its application and the reception of its signal in the Dunedin area. In view of the reasons for the decision we did not consider it necessary in this case, to hear formal evidence from witnesses.

The application for Timaru is granted. The application for Dunedin is declined.

The applicant is required to file, as a condition of the authorisation for Timaru, a statement of the number of financial members in the area as at 1 September 1982.

Dated the 28th day of October 1982.

Signed for the Tribunal:

B. H. SLANE, Chairman.

Indecent Publications Tribunal

I, Patrick John McKone, Comptroller of Customs, give notice that I have applied to the Indecent Publications Tribunal for decisions as to whether the books described below are indecent or not, or for decisions as to their classifications.

- Title: *The Love of Two Women*.
Author: Peter Barry.
Publisher: Eurasia Distributors.
- Title: *100 Years of Erotica*.
Author: Paul Aratow.
Publisher: Bell Publishing Co.
- Title: *Boy No. 58*.
Author: —
Publisher: COQ International
- Title: *Escort Vol. 2, No. 7*.
Author: —
Publisher: Paul Raymond Publications Ltd.
- Title: *The Best of Escort*.
Author: —
Publisher: Paul Raymond Publications Ltd.