

Import Control Exemption Notice (No. 7) 1982

PURSUANT to regulation 17 of the Import Control Regulations 1973*, the Minister of Trade and Industry hereby gives notice as follows:

1. (a) This notice may be cited as the Import Control Exemption Notice (No. 7) 1982.
- (b) This notice shall come into force on the 1st day of July 1982.

2. Goods of the classes specified and for the purposes of the Customs Tariff falling within the Tariff item in the First Schedule hereto imported from and being the produce or manufacture of any country, are hereby exempted from the requirement of a licence under the said regulations.

3. The exemption from the requirement of a licence under the said regulations in respect of the goods of the classes set forth in the Second Schedule hereto, included in the exemption notice shown in the Second Schedule is hereby withdrawn.

FIRST SCHEDULE

EXEMPTION CREATED

Classes of Goods

Tariff Item	
Ex 61.11.009.11A	Infants, bibs in the piece longitudinally hemmed on one or both sides as to represent three or more articles and requiring fabrication additional to cutting.

SECOND SCHEDULE

EXEMPTION WITHDRAWN

Classes of Goods

Date of Exempting Notice

Tariff Item		
Ex 61.11.009.09K	Babies' bibs in the piece longitudinally hemmed on one or both sides as to represent three or more articles and requiring fabrication additional to cutting.	16 December 1980 (Supplement to the <i>Gazette</i> of 22 December 1980)

Dated at Wellington this 22 day of June 1982.

HUGH TEMPLETON, Minister of Trade and Industry.

*S.R. 1973/86

Decision No. 7/82 BRO 22/82
Before the Broadcasting Tribunal

IN THE MATTER of the Broadcasting Act and IN THE MATTER of an application by the BROADCASTING CORPORATION OF NEW ZEALAND for a short-term broadcasting authorisation for a series of broadcasts on warrants BRO 1, 2, 3, and 4 (Television One):

B. H. Slane, Chairman; Lionel R. Sceats, Member; Murray J. Henshall, Deputy Member.

Appearances: B. Hudson for the Applicant, B. H. Giles and B. G. Impey for Alternative Television Network Ltd., J. G. Miles for Northern Television Ltd., J. de Bres for the New Zealand Public Service Association Inc.

DECISION

Application—The Corporation applied for an authorisation to permit the broadcast of advertisements on an otherwise non-commercial day during a 1 hour programme supplied to it by Northern Television Ltd. for transmission by the applicant over Network One on weekdays. As Friday is a day on which advertising is not permitted in respect of the warrants for Network One, application was made to broadcast commercials between 1100 and 1200 hours on Fridays commencing on 25 June and concluding on 17 December 1982.

Parties—Alternative Television Network Ltd. (ATN), Northern Television Ltd. (Northern Television) and the New Zealand Public Service Association Inc. (PSA) claimed an interest in the proceedings.

The Broadcasting Corporation (BCNZ) objected to standing being given to ATN and the PSA.

The Tribunal had the benefit of full submissions from Mr Hudson and Mr Giles. We concluded that it was in each case in the public interest that in this hearing standing should be given to each of the parties who sought it.

Northern Television is the proposed contractor for the programme in which the advertisements would appear and would, in fact, supply the advertisements for transmission.

ATN had been an applicant for leasing television time and had an interest in commencing television broadcasting which was one of its objects.

The PSA represents the employees of the BCNZ who have a special interest in the arrangements for advertising on Television New Zealand.

Mr Hudson submitted that the Commissions of Inquiry Act was modified in its application to the Tribunal in this case by the provisions of section 76 of the Broadcasting Act which defined those who were entitled to be parties to the application.

In each case we decided that under section 4A Commissions of Inquiry Act 1908 it was appropriate that standing should be given to each of the parties. (The Tribunal is deemed to be a Commission of Inquiry under section 61 (5), Broadcasting Act 1976.)

We also accepted Mr Giles' argument that the Tribunal may regulate its own procedures and that at law his client was entitled to standing regardless of the Commissions of Inquiry Act.

The Tribunal considers that although regulation 15 (5), Broadcasting Regulations 1977 (S.R. 1977/4), does not apply to short-term authorisations, the public interest in this case requires that those who may be affected or who have a special interest in the subject matter of the hearing, should have the right to appear and be heard.

Production of Contract—ATN applied for an order under section 4C, Commissions of Inquiry Act 1908 (as inserted by section 4, Commissions of Inquiry Amendment Act 1980), for the production of the agreement entered into between the Corporation and Northern Television for the supply of the hour long programme.

It was submitted that the contract was relevant to the application by the Corporation, that the agreement constituted a right to participate in the benefit of a warrant and therefore the application was not in an appropriate form, that it would clarify the issues, that it was needed for the presentation of ATN's case, that it had a bearing on the applicability of section 76 and that ATN would be entitled to subpoena a copy.

The Tribunal was informed that there was no contract in existence although a draft contract has been prepared and submitted to Northern Television. Negotiations were contingent in part on the outcome of the application. If the application failed then the terms of the arrangements contemplated would have to be reconsidered and there was accordingly no final agreement between the parties which could be produced.

Mr Hudson emphasised that it was an application by the Corporation to broadcast commercials for one hour in what would otherwise be a non-commercial day and that the Tribunal must be satisfied that the production of the draft contract would assist in the determination of the issue—viz, whether advertising programmes can be included during the broadcast of 1 hour's duration each Friday morning for a period of 6 months.

The BCNZ submitted that in any event there was no foundation for the assertion that the arrangements constituted a sharing of the benefit of the warrant in terms of section 82 (1). That section provided that if a warrant holder acted in breach of the section he was deemed to have committed a breach of the conditions of his warrant. If that occurred then it was open to the Tribunal to institute the procedure set out in section 83 (3) and (4). That was a separate exercise in the submission of the Corporation, which would have to be undertaken in accordance with the procedures set out in section 78 and regulation 15, Broadcasting Regulations 1977. The Corporation also objected on the grounds of commercial confidentiality, that ATN was embarking on a fishing expedition, and that there would be difficulty in producing any agreement because the terms had not been settled between the parties.