

period required for the lodging of such application and to grant the application. There appeared to be no need for an oral hearing having regard to the nature and period of broadcast and the reasons for objection.

The application was to broadcast for a fortnight. The Tribunal had considered previously some questions in relation to student association short-term authorisations which were set out in a decision 3/81. The grant of the application would be consistent with the decision given in respect of those applications.

The Tribunal has conducted an inquiry into FM broadcasting and produced a report to the Minister of Broadcasting. That report has substantially been adopted by the Government and short-term broadcasting authorisations for FM purposes were contemplated in the report. That recommendation was specifically endorsed and incorporated in the direction of the Minister of Broadcasting to the Tribunal.

The FM broadcasts are non-commercial and although the applicant has stated some wider purpose the authorisation will only be issued on the basis of the station providing an entertainment and information service to students during capping and other campus activities. So long as the station fulfills that purpose the information broadcast will tend to confine the audience generally to those involved in or interested in student activities. It is unlikely that a station oriented to a student audience of this kind will attract a mass audience. Indeed the style and the information directed to a student audience is likely to prove much less appealing to those outside the student environment and would be positively off-putting to those whose education is much more limited.

There is no evidence that FM broadcasts of this kind attract a significantly large audience and this broadcast would be an opportunity to assess any such audience. The short nature of the authorisation gives an opportunity for an appraisal of the decision at a later stage in respect of any further applications. Although the applicant would be entitled to apply for a series of authorisations under legislation (which was passed in contemplation of student broadcasting requirements) the grant of this application does not prevent a consideration of any future application on its merits.

With regard to the specific objections of the private warrant holder, we have dealt with the first one.

We consider the submission that 2XS has indicated an interest in FM broadcasting in the future, as a ground for denying any short-term broadcasting authorisations for FM in the area is completely misfounded. First it presumes that only that company has a right to be considered in relation to the broadcasting of programmes in the FM mode. Secondly it ignores the direction from the Minister of Broadcasting and the report of the Tribunal on the introduction of FM broadcasting. Thirdly, there has been nothing to prevent Station 2XS applying for a short-term broadcasting authorisation if it wished to provide an FM service for any specific community purpose on a non-commercial basis.

With regard to the third objection we refer to the place of student broadcasting in our decision referred to above. We do not believe we need to expand on that, but we remain willing to consider on their merits any objections that might be raised to grants of short-term broadcasting authorisations, particularly where some objection can be taken on the grounds of past performance of the station.

We do, however, remind objectors who see a competitive situation arising that their espousal of the virtues of competition should be borne in mind beyond the date of the grant of their own warrant applications.

No argument was put forward that the grant of the application would do any harm to the existing warrant holders. Indeed the indication is given that this particular application is not being objected to on the third ground for any particular reason other than the policy decision of the warrant holder in the area to start objecting to student applications in future.

In all the circumstances the Tribunal considers it is in the public interest after taking all factors into account that this authorisation be approved for a period of 2 weeks.

For the Tribunal:

B. H. SLANE, Chairman.

Dated the 23rd day of July 1982.

Decision No. 11/82
BRO 18/82

Before the Broadcasting Tribunal

IN THE MATTER of the Broadcasting Act 1976, and IN THE MATTER of an application by AUCKLAND UNIVERSITY STUDENTS' ASSOCIATION INC. for a short term broadcasting authorisation:

B. H. Slane, Chairman, Lionel R. Sceats, member.

Counsel:

A. Dormer—for the Applicant.

B. Hudson—for the Broadcasting Corporation of New Zealand.

B. G. Impey—for the Independent Broadcasters' Association Inc.

REASONS FOR DECISION

THE applicant applied for a short term broadcasting authorisation to permit broadcasts during the second term at the University from 30 May to 14 August 1982 and during the third term from 5 September to 27 November 1982.

It was proposed that the station (known as Radio B) would broadcast from 1600 hours until 0100 hours on the following morning on weekdays and from 0700 to 0100 hours on the following day on Saturdays and Sundays.

The total maximum hours of broadcasts for the 2 periods stated above would be 891 and 972 respectively—a total of 1863 hours. The proposed station would be used to provide information to staff and students of the University, to promote the activities of clubs and societies and welfare and other services available to students, to promote cultural events that have relevance to the audience, to provide a progressive and alternative music programme, to feature and promote original New Zealand music, to provide specialist music programmes such as jazz, blues, reggae and ethnic music, and to provide an outlet for advertisers who offer products or services of relevance to the audience.

The station has broadcast previously under short term authorisations.

An advertised public sitting was held at the request of Radio I Ltd. which proposed to object to the application. Part of the objection was on technical grounds which we will refer to later.

The principal objection was on a matter of principle that the authorisation would establish broadcasting over periods extending over the greater part of the year with a significant commercial content.

Radio I Ltd. subsequently withdrew its objection and did not appear at the hearing.

However the Independent Broadcasters Association appeared as an objector but did not formally oppose the grant. In effect Mr Impey appeared on behalf of other private warrant holders who he said supported student radio as a training ground and had supported Radio B in practical ways. The IBA wanted policy to be laid down by the Tribunal rather than to prevent Radio B from going to air. It was concerned about a series of short term authorisations and suggested the station should apply for a full time warrant rather than use a backdoor method. He submitted that there was a blurring of aims and suggested that consideration should be given to the FM mode.

Evidence was given in support of the application by Michael Brady, a former station manager, who traced the history of student radio which had developed to the stage where the station had broadcast for the whole of the first term carrying advertisements. He said that the present thinking of the station was that having provided a service which had met with an enthusiastic response from both students and the relatively small but clearly identifiable wide audience, it saw itself as being more than a fringe attempt at commercial radio operated for the amusement of the participants. He saw it as a valuable service to be extended and improved.

Mr Brady said the staff was voluntary and only managers and assistant managers received an honorarium of \$20 per week during authorisations. The maximum period any staff member was likely to be with the station was 4 years and managers held office for no longer than 2 years. The transitional nature of staff and changes in personnel led to the evolution of new ideas and new formats and also created a degree of uncertainty as to the future directions of the station, so the Auckland University Student's Association was not in a position to give undertakings or commitments relating to the nature or size of its operation for more than a year in advance. The flexibility permitted by the short term authorisation procedure was ideally suited to the station's operation because it permitted change in development but allowed the Tribunal to review the station's operations from year to year. Mr Brady outlined the information services provided, the alternative music played and the promotion of New Zealand artists and labels.

He claimed that as a non-profit making and essentially non-commercial venture Radio B was not in the ratings game. It could afford to take risks with locally produced or alternative music which the majority of listeners in the age group might dislike. Listeners to Radio B expected a mixed bag