

and they were not put off by what they didn't like. Commercial stations could not afford to take the risk of playing music which may cause their listeners to turn to another station. Having identified their audience they must cater to its taste or risk alienating it. The music Radio B played could not be integrated into existing commercial station programme formats. Surveys had showed that there was a demand and the station produced a large number of letters and petitions to the Tribunal which had arisen out of a series of announcements on air about the forthcoming hearing.

He said that the advertising was primarily directed to students and was in the nature of a service to listeners and advertisers more than a commercial operation. He cited the Auckland Savings Bank extensively advertising its campus branch on the station. Other advertisers were suppliers and retailers who offered a student discount and those who provided service of special interest to the students such as speed reading and speed typing courses. The station also advertised concerts by band groups "who play our type of music". The advertising budget of \$20,000 was miniscule compared with Radio I and Hauraki. The advertising content had been consistently held well below the 4 minutes per hour permitted by previous authorisations.

Mr Brady said that Radio B provided a training ground for radio from which commercial radio stations had greatly benefited.

With regard to technical considerations he said that the Hobson Bay transmitter operated at 250w and the station had voluntarily offered to reduce its power to 100w on receipt of any complaints from Hauraki or Radio I which could be substantiated. No complaints had been received from them or from any member of the public. He understood that no complaint had been lodged with the Post Office.

In cross-examination Mr Brady said he could see a time in the future when a warrant application might be made but the Association could not support and run a full time station as the students are engaged in full time study at the same time. The station had chosen 1404 kHz having had this assigned to them by the Post Office on a previous application. The aim of the station was to provide for students and music for a student audience. It was directed to students and others listened because they liked the music which was a vital ingredient of the station. The programme material was directed to Auckland University and Auckland Technical Institute students. The station did not carry any national advertising.

Evidence was also given along similar lines by Mr Andrew Dickens the present station manager.

For the applicant, Mr Dormer amended the application to provide for a series of 28 days, namely—for the first term, 30 May to 27 June, 28 June to 26 July and 27 to 14 August; in respect of the second period from 15 September to 1 October, from 2 October to 29 October and from 30 October to 27 November.

The Tribunal had an opportunity to read some of the letters that had been sent to the station and the Tribunal. While such letter writing can be orchestrated and petitions need to be taken with a certain amount of reserve, it was obvious from reading the letters that the feelings towards the station were strong and reasoned. The reader could be pardoned for thinking that both commercial and non-commercial operators in Auckland should be alarmed at the disillusionment that occurs among some thinking young adults about the lack of stimulation in the music presented in mass appeal commercial formats.

Contrary to the original submission made by Radio I Ltd. the Tribunal has previously considered the implications for broadcasting of extensive broadcasting by student radio stations. (Decision 3/81).

The Tribunal accepts the evidence put forward by the applicant. The Tribunal is satisfied after hearing this evidence that the application ought to be granted in the public interest. Not only is the service desirable, it is filling the needs of a section of the community and the impact on other stations is not such as to outweigh those considerations. Indeed no evidence of any possible commercial impact was produced other than by the applicant who referred to the station receiving recognition of its existence in a McNair survey which was not produced to the Tribunal.

The audience for such a station will be self-limiting providing the station continues properly to serve its student audience. In a previous decision (3/81) we said:

"Let it first be said that the Tribunal has encouraged student radio and has been disappointed that the provisions made in the Act which arose out of their own submissions for a more permanent form of authorisation or warrant have never been used by the student unions. We are not clear why. It is unfortunate that a number of

applications have to be considered from some of the universities every year when it should only be necessary to consider one from each.

"It also needs to be said that the Tribunal does not regard such stations as general broadcasting stations providing a service to a young audience. Every application has to be treated on its merits and the student association applications are invariably put forward to provide a service to students. Any wider purpose invites the examination of the application on a commercial basis akin to a warrant application. It would have to be decided the extent to which the station should be in competition with those holding existing warrants which carry continuous transmission responsibilities and obligations to provide a number of other services to the community. "University student association stations provide a worthwhile service to students. We do not consider that broadcasting by these stations should necessarily be confined only to periods such as orientation and we believe it would be better for such stations to have a more flexible approach as to hours of broadcast and the maximum number of hours per annum to develop services and provide for the needs of the university students without the need for several formal premeditated applications each year."

The evidence in this case points to the Students Association in Auckland conducting a station which is providing a good service to a specialist audience in accordance with its resources which would not justify an application for a full time commercial warrant. It is clear that the invitation from the Independent Broadcasters Association to make such an application is by no means an indication that it would meet with the support of the commercial operators in that city. It is rather an effort to try and have the proposals of the broadcasters at Auckland University adjudged on a full commercial warrant basis. The nature of their broadcasts and the limitations they place on themselves mean that their purpose is to broadcast to their own audience at specific times to suit that audience and not as a general broadcasting station.

The short term broadcasting procedure as provided for in the 1979 Amendment Act provides an ideal situation for the control and licensing of a student station. It gives an opportunity once a year for a hearing such as the present one to take place, for the personnel who change from time to time to be notified and for the station to remain sensitive to criticism and complaints.

The Tribunal considers the procedure exactly appropriate to the type of operation conducted.

We must say that it may well be that in serving their particular audience they will have some impact on other stations in the area. We have referred to this in previous decisions.

We have to remind private operators that the prime consideration of the Tribunal in such matters must be the interests of the public and not the commercial and fiscal interests of the proprietors of commercial radio stations.

That they may lose some small part of their audience follows from the authorisation of any broadcasting concurrent with the broadcasting from warranted stations. That some enterprising students might partly fill a gap in commercial radio services in Auckland should be a matter of congratulation for the system, not the basis of an attempt to stultify student broadcasting or to confine it to a self-financing training scheme for commercial radio.

The application has been granted for the purpose of providing an entertainment and information service to students of Auckland University. Advertising is limited to 4 minutes per hour.

The Registrar was directed to issue accordingly with the following conditions:

- (a) The holder of this authorisation shall comply with the requirements of the Act and all regulations issued thereunder.
- (b) Unless otherwise approved in writing by the Tribunal the holder of this authorisation shall comply with all rules issued by the Tribunal.
- (c) The holder of this authorisation is required to reduce power or cease transmissions at the direction of the Post Office at any time should harmful interference result from transmissions.
- (d) The holder of this authorisation shall maintain a programme log and an advertising schedule and shall keep copies of any scripts used. The log, schedule and scripts to be available to the Tribunal if so called upon within 6 months.