

commercial type advertising. We could possibly consider this aspect again at a later date. Therefore this decision will also be an interim one.

The Broadcasting Corporation made 4 submissions.

The first was that with 7 digit telephone numbers, the name and address could exceed 10 words. It proposed that the address or telephone number should be defined as counting as no more than 3 words, regardless of length.

As we would expect that each sponsorship announcement would include the name of the sponsor there is considerable merit in the Corporation's argument. The address and telephone number of the sponsor will therefore be defined as counting as not more than 3 words, regardless of length.

The second submission was that it was unreasonable to restrict in paragraph 3 (a) sound effects or music. On balance the Tribunal has rejected the submission. The Tribunal considers the restriction is legally valid and that it is important that sponsorship announcements should not appear to be conventional commercial advertising.

The third submission from the Corporation was that paragraph 3 (d) which reads:

"(d) Any attempt to persuade or induce the listener to purchase particular goods or services or to attend at the place of business of the sponsor"

was restrictive. It would prevent a sponsor announcing that free tickets to an entertainment, or that particulars of interest rates on deposits, or entry forms for a contest or competition were available at its place of business.

The Tribunal agrees that the restriction would so apply and confirms that that is its intention. They go beyond being sponsorship announcements.

In its fourth submission the Corporation asked the Tribunal to permit some flexibility in sponsorship announcements. It sought the right to broadcast up to 15 sponsorship announcements in an hour, provided that a maximum average of not more than 10 an hour are broadcast on any advertising day. We are not persuaded this is necessary or desirable.

The Tribunal has, in other contexts, heard the argument before about average content per hour and believes that it seldom has any real relevance. If there is to be a control on content, it has to be based on a maximum per hour. The maximum number of sponsorship announcements will remain as stated.

If, after a period, the Corporation wishes to renew its application in this respect, it will be reconsidered in the light of, and with evidence of, the style and nature of announcements being broadcast.

We emphasise that the intention was that the character of the station should change from commercial to non-commercial but with limited sponsorship to help gain some financial support. The purpose is not to encourage a limited range of normal commercials. The spirit in which the Corporation has approached that aspect could affect any relaxation of the conditions, including the maximum number permitted.

Dated the 5th day of September 1983.

Signed for the Tribunal,

B. H. SLANE, Chairman.

*The Standards Act 1965—Standard Specification Proposed for Revocation*

NOTICE is hereby given that under-mentioned New Zealand standard specification has been recommended for revocation pursuant to the provisions of the Standards Act 1965.

Any person who may be affected by the proposal to revoke this standard specification, and who wishes to object to its revocation, is invited to submit comments to the Standards Association of New Zealand, Private Bag, Wellington, not later than 21 October 1983.

**Number and Title of Specification**

NZS 4101:1974 Recommendations for space provision for fitments, appliances, and storage in domestic kitchens.

Dated at Wellington this 8th day of September 1983.

DENYS R. M. PINFOLD,  
Director, Standards Association of New Zealand.

(S.A. 114/2/6)

Decision No. 14/83  
Bro. 19/83, 20/83

*Before the Broadcasting Tribunal*

IN the matter of the Broadcasting Act 1976, and in the matter of applications by NORTHERN TELEVISION LIMITED and CTV TELEVISION LIMITED for a warrant to broadcast television programmes:

B. H. Slane, Chairman; L. R. Sceats, Member; A. E. Wilson, Member.

*Counsel:* H. Sargisson for CTV Television Limited; J. G. Miles and Mr B. R. Latimour for Northern Television Limited; B. Hudson for the Broadcasting Corporation of New Zealand; H. B. Rennie for the New Zealand Public Service Association Inc.

DECISION

THESE applications were called on Tuesday, 2 August 1983. Mrs Sargisson on behalf of CTV Television Limited ("CTV") and Mr Miles on behalf of Northern Television Limited ("Northern"), sought leave to withdraw their respective applications for a warrant to broadcast television programmes. Leave was granted.

Mr Rennie advised that in the circumstances the Public Service Association had no submissions to make.

The Tribunal was informed the applications were withdrawn because the terms required by the BCNZ for the use of its transmission facilities were unacceptable to either applicant.

Mrs Sargisson then made an application for an award of costs against the BCNZ pursuant to section 67C Broadcasting Act 1976. Under subsection (1) the Tribunal may in any proceedings order any party to pay to any other party such costs and expenses (including expenses of witnesses) as are reasonable, and may apportion any such costs between the parties or any of them in such manner as it thinks fit. It was her submission that the BCNZ was a party to the proceedings because it gave written notice to the Tribunal of its wish to appear at the hearing.

That notice was given on 11 July 1983, immediately after the preliminary hearing on the question of confidentiality of the applications.

Apart from this letter the BCNZ's involvement in these applications to the Tribunal has been limited to its appearance at this hearing. It was not notified of either the preliminary hearing relating to the financial statements of the company or the initial meeting when the procedural timetable was settled, and did not attend either. It was Mr Hudson's submission that the BCNZ was not a party to the proceedings. His letter of 11 July stated "To avoid any misunderstanding, I confirm the Corporation will be represented at this hearing" and was written just 2 working days after the preliminary hearing on confidentiality.

Mr Miles also applied for costs.

"Party" is not defined in the Broadcasting Act 1976. Mrs Sargisson submitted that section 11 of the Commissions of Inquiry Act 1908, was a useful aid to interpretation. Section 61 (5) of the Broadcasting Act 1976, excluded the application of that section to proceedings before the Tribunal but, as there was no other definition it was an appropriate guideline. She submitted that a wide interpretation was contemplated and that the Corporation's position was within such a definition.

However, the Corporation has taken no formal steps in these proceedings and the only involvement was the letter of 11 July and Mr Hudson's appearance at this hearing.

Our conclusion is that the Broadcasting Corporation was not a party and therefore we have no power to award costs against it.

If we had decided that the Corporation was a party, we might well have required some evidence on oath of the costs incurred and of the circumstances between the Corporation and the applicants.

We were informed that repeated applications for estimates of costs had been made from a date earlier than the date of the Ministerial direction 16 February 1983 by CTV. We were also informed by the Corporation that if had inquired in March for information which it said was needed before the costs could be assessed.

It was said that the applicants did not reply until May and June 1983 respectively. The Corporation's decision was made at the board meeting in July.

It does seem however remarkable to us that, when such applications are to be made, the Corporation is unable to give any sort of information at all at any stage except a final assessed figure. It must have known at an early stage that the figures that were coming out of its calculations were going to have dramatic effect on the economics of the proposed broadcasting. Yet nothing was divulged. Some better procedure needs to be established by the Corporation to avoid this sort of situation.

In the circumstances we are not in a position to give any final judgment on the respective conduct of the parties and are not required to.