

It was proposed to the Tribunal, that the warrant should have imposed in it certain programme conditions to ensure that the station did not continue to compete with exactly the same programming as before. It was also submitted that the allotted frequency should be reviewed.

That there should be a certain distrust of the motives of the Corporation in this respect reflects partly a history of suspicion by the private industry that IZM was being used to improve the position of IZB in the commercial market. It also reflected the fact that the application made did not truly accept the direction of the Minister of Broadcasting or the recommendations that had been made to him by the Broadcasting Tribunal in the FM Report. Radio New Zealand considered that the station might still try to compete commercially with a proposed generous time limit of 6 minutes per hour put forward by the Corporation.

For a number of reasons the Tribunal does not consider it appropriate at this stage to impose any such conditions. First the Tribunal accepts that in the context of this application, it would not be appropriate to impose a condition without notice being given to the applicant and submissions or evidence heard from the applicant. Secondly, it considers it unlikely that the Corporation will continue to disregard the realities. It can hardly sustain the sort of budgeting which would be necessary to provide a competitive commercial station in Auckland in return for no substantial commercial revenue.

Furthermore, Radio New Zealand cannot continue as a public broadcaster to deny the possibility of moving away from a strictly formatted, commercially oriented operation designed to maximise ratings and revenue when neither will be of major concern. Rather we believe that Radio New Zealand will see new opportunities for using the frequency to the best advantage for the people of Auckland. This is not to say that the station should not engage in any broadcasting which will be attractive and enjoy a large listenership.

But it is no secret that to a substantial extent such audiences are attracted by the commercial sound. Hence the careful research as to music tastes to maintain listenership for mainstream music for the age group sought after. There are also the constant promotions and competitions with prizes intended to maintain listening to the station for personal gain as well as for entertainment. It would be surprising if the Corporation, for instance, continued to offer substantial prizes in competitions simply for the purpose of getting people to listen to the station when that would only have a marginal effect as far as the revenue was concerned.

There may indeed be a settling down period. If the Tribunal considers the station is performing a destabilising role in relation to the commercial market, the Tribunal could consider amending the warrant on its own motion, if that was necessary in the public interest.

The Tribunal does not consider that, on this application, it can in any way deal with the allocation of frequencies.

Stereo FM urged that the application be declined rather than granted with conditions. The amendment, they submitted, needed a good working over. Mr Rutledge was concerned that a warrant holder may apply for an amendment but be faced with, and have to argue about, detailed provisions without notice. The Tribunal did not accept that this was a reason for refusing the application.

In fact no other amendments or new conditions are being imposed. The applicant and the other parties will have an opportunity to comment on the wording of the amendment. In substance the application is granted and the level of limited sponsorship defined.

The Tribunal has therefore determined that the application should be granted. Instead of the proposed wording, "Yes, but restricted to limited sponsorship" the Tribunal finds preferable:

"No, except for limited sponsorship."

There will be endorsed on the warrant the following:

"The definition of limited sponsorship for this warrant shall be:

Sponsorship is a payment directly or indirectly to the warrant holder in consideration for the broadcast identification of the sponsor or his product or service.

Payment includes—

- (a) A contribution of any kind to the revenue of the station or the warrant holder, and
- (b) A contribution to the cost of a specific programme, a series of programmes or a time period of programming of the station or of the warrant holder.

Sponsor is the person or persons, company or body corporate identified or whose product or service is identified for such payment in a broadcast.

Limited Sponsorship means—

1. The broadcast of an announcement of the name of the sponsor or its products in accordance with this clause.

2. An announcement may include:

- (a) The name, places of business, postal address and telephone number of the sponsor.
- (b) A concise description of the business of the sponsor in general terms.
- (c) The name of any product or service.

3. An announcement may not include—

- (a) Sound effects or music.
- (b) Any statement or words indicating the price, quality or value of the goods or services of the sponsor.
- (c) Any statement of the standing or reputation of the sponsor.
- (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.
- (e) More than 25 words.

4. Not more than—

- (a) Six sponsorships announcements of 10 words or less, and
 - (b) Four sponsorship announcements of more than 10 words (but not more than 25 words)
- shall be broadcast in each hour.

5. The announcements shall otherwise comply with the Radio Rules and Standards and any rules made by the Tribunal.

6. Any announcement or class of announcement from time to time be approved by the Tribunal.

7. No announcement shall be broadcast after 0600 hours on Sundays, Good Friday, Christmas Day and Anzac Day. When Anzac Day does not fall on a Sunday, sponsorship announcements are permitted from 1300 hours to midnight.

As the wording and the definition has not been canvassed with the parties the Tribunal has made this an interim decision. It will be open to any party to make submissions on the wording (but not the substance) of the amendment.

We have given some thought to the date the amendment should come into force. The Corporation, pursuant to the direction applied to have the amendment come into force on the date when the first commercial FM station begins broadcasting.

While that indicates the timing, it lacks certainty and we believe some time should be given for terminating existing advertising arrangements, planning new formats and seeking sponsorship. We consider about 2 months is desirable. By then one, and possibly both, FM stations should be broadcasting. The amendment will come into effect on 1 June.

Co-opted Member—Mr M. J. Henshall was co-opted as a person whose qualifications and experience would be of assistance to the Tribunal in dealing with application. He took part in the hearing and the deliberations of the Tribunal, but the decision is that of the permanent members.

Dated the 18th day of March 1983.

Signed for the Tribunal:

B. H. SLANE, Chairman.

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Private Schools Conditional Integration Act 1975

PURSUANT to section 10 of the Private Schools Conditional Integration Act 1975, notice is given that 2 integration agreements have been signed between the Minister of Education and the proprietors of the following primary schools.

St Joseph's School, Kelvin Street, Timaru.

St Joseph's School, Fereday's Road, Leeston.

The said schools will enter into the State education system in accordance with the provisions of the Private Schools Conditional Integration Act 1975, with effect from 31 March 1983.

Copies of the integration agreements are available for inspection without charge by any member of the public at the Department of Education, Head Office, Government Buildings, Lambton Quay, Wellington and at regional offices.

Dated at Wellington this 30th day of March 1983.

J. S. JOLLIFF, for Director-General of Education.

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Private Schools Conditional Integration Act 1975

PURSUANT to section 10 of the Private Schools Conditional Integration Act 1975, notice is given that 3 integration agreements have been signed between the Minister of Education and the proprietors of the following primary schools.

St Joseph's School, Great North Road, Grey Lynn, Auckland.

St Joseph's School, Waitaruke, Northland.