

Radio New Zealand applied for an authorisation to permit advertising during the Monday to Saturday hours on which the Concert Programme had previously been broadcast.

As far as the 2ZK application is concerned, the Tribunal was in effect permitting advertising. If the Tribunal had refused the application the station would not have re-broadcast the non-commercial programming of the BCNZ. In fact, for programme purposes, it is clear the station would have continued to broadcast a popular music programme without commercials. We do not see that that situation in the short term was of any advantage to other stations.

The Tribunal did not consider it appropriate at that stage to consider the application for a series of authorisations to supersede the existing authorisations and considered it more appropriate to extend the existing authorisation because that was in effect what was needed to preserve the existing situation pending the decision on the YC applications.

The correct course to be followed was for the Corporation to await the YC decision and then to have applied for an amendment to the warrant 2ZK.

Dated the 24th day of August 1984.

Signed for the Tribunal:

B. H. SLANE, Chairman.

Decision No. 19/84

Bro. 76-84/84

Before the Broadcasting Tribunal

IN the matter of the Broadcasting Act 1976 and in the matter of an application by the BROADCASTING CORPORATION OF NEW ZEALAND for short term broadcasting authorisations (Television 1 and Television 2—Teletext):

Chairman: B. H. Slane.

Members: L. R. Sceats and A. E. Wilson.

DECISION

THE Broadcasting Corporation of New Zealand has applied for the authorisations in connection with its Teletext service. This service is broadcast as part of the television transmissions of Television 1 and Television 2. The service can only be received by those who have receivers which are adapted to decode the signal or who have had their receivers so adapted.

The service consists of a number of "pages" which can be viewed on the screen with or without the broadcast programme of the television service. The pages are selected by the viewer although in some cases a sequential system provides that the pages are automatically "turned over" in a sequence limited to the category chosen.

The choice of information sought can be wide ranging and in New Zealand is built around the service to the disabled.

Teletext can also provide sub-titles for programmes for which they have been so prepared but the sub-titles are only viewed by those who wish to select them on the Teletext. It is also possible to select an instant news service which flashes news items on the television viewer's screen as soon as the news is available on the Teletext computer.

It seems that advertising is likely to take 2 forms. There will be pages which are clearly advertising and will provide either brand or identification or market information for shoppers, or users of services.

There will also be the use of logos in connection with some information services of a non-commercial kind such as sports results.

The difficulty the Corporation has is that the normal rules as to advertising do not properly apply to Teletext for which it seems likely special rules will have to be prepared.

Each television network is non-commercial for 2 days a week. The Corporation considers Teletext bound by these limitations on their warrants and there appears to be a little doubt about that. What however creates the difficulty is that the software is not at present available to permit the deletion of advertising material on each channel on 2 days a week.

The use of advertising in Teletext raises some different issues from that of broadcasting generally. It can be argued that the Teletext service is more akin to a newspaper or magazine. The obtrusiveness of the advertising pages therefore is no more than might be encountered by a person reading say a Sunday newspaper on Sunday or a Saturday newspaper on Saturday. If the person chooses not to read the advertisements then the person does not need to dial the advertising pages.

The position is a little different in relation to information services where a brand name or logo would be presented in conjunction with that information. A stronger case can be made for the removal of that material on the days on which advertising is not permitted.

This raises the issue of whether the situation is different for Sundays which are generally advertising free on radio and television. The non-commercial policy frees the viewer from the obtrusiveness of advertising and, perhaps, encourages non-commercial scheduling of programmes. But if the non-shopping pages can be viewed without advertising on Sundays, should the advertising pages for shoppers not be available if they want them?

At this stage these issues have not been argued before us but we raise them merely to indicate that the position is not identical with broadcast radio or television programmes where if advertising is allowed it is almost impossible to escape.

The Corporation has sought short term broadcasting authorisation for up to 12 months to permit 7 days per week advertising in connection with the service.

The Tribunal's decision is that in the first instance it will grant the approval for a period of 4 months during which it will be possible to assess the situation and an application can be made at the expiration of 3 months for a further extension if the Corporation wishes to seek that.

At that stage the Tribunal would want to have information about the availability of software and some detailed argument particularly in relation to the differentiation between an advertiser providing information about his goods or services and the placing of a logo or advertising material inside or alongside other information of a non-commercial nature which might be dialled by the viewer.

Dated the 23rd day of August 1984.

Signed for the Tribunal:

B. H. SLANE, Chairman.

New Zealand Railways Corporation—Schedule of Civil Engineering and Building Contracts—\$20,000 or More in Value

Name of Contract	Name and Address of Contractor	Amount of Contract \$	Date Advised
Raupunga: supply of ballast	Timber Transport Limited, care of McCulloch Menzies, P.O. Box 100, Wairoa	180,300	10/10/83

H. G. PURDY, General Manager.