

the north, with cattle, sheep and deer farming and the developing horticultural industry shared by both areas.

Submissions in support of the application were made by the Waitomo District Council on whose behalf Councillor T. C. C. O'Fee referring to the inadequate reception, welcomed a signal originating from Te Kuiti for a major part of the day as bringing a coherent King Country service to the people of the northern part of the region. He said the establishment of the station would assist Te Kuiti and Otorohanga business communities to meet the demands of modern marketing and general retailing techniques. The station would fulfil important Civil Defence needs and would assist in the development of a sub-regional identity compatible with the creation of the Waikato United Council areas.

He pointed out that the only community newspaper circulating in the Te Kuiti and Otorohanga areas was what he described as the "excellent Waitomo News" which is published twice weekly. However the newspaper was not printed for about 4 weeks over the Christmas/New Year period. The Council believed the establishment of a local radio station would be vital to the development of an effective industrial promotion strategy.

J. D. Stanbury, Recreation Officer for the Council, said he had found that the twice weekly newspaper was not sufficient to get through to the age groups in rural areas he hoped to involve when he became Recreation Officer in 1980. School holiday and recreation events were difficult to promote and preparing and distributing posters for shop windows had been time consuming. Cancellations had been difficult to communicate.

No station covered the area in total or with regular clarity and impromptu events had had to be turned away from the town because of the unavailability of an instant advertising medium.

Many of the visitors to the Waitomo village and its world famous caves were New Zealanders who could be further interested in the region if they knew of local places of interest, coming events and businesses while motoring in the region.

He believed businesses were reluctant to advertise on outside stations because of the lack of impact locally.

This was taken up by A. R. Johnston, a furnishing retailer, who pointed out that local people listened to the advertisements of competitors on Hamilton stations but the cost of those advertisements was too high for local businesses. He believed that people would listen to a local station and it would lead to the retention of the business in the town which would be of benefit to it. He estimated he would increase his expenditure of \$18,000 on advertising each year by about \$5,000-\$7,000 if the time was available on a local station.

C. M. Loewenthal, a chartered accountant in public practice at Otorohanga, detailed his involvement in community affairs. He said that the twin towns of Otorohanga and Te Kuiti served by one newspaper had empathy for each other and a local station would encourage further useful joining of the 2 towns.

As chairman of the King Country Regional Development Council he said he was dismayed by the apparent disincentives to King Country growth such as the lack of a King Country identity because only 2 quasi Government authorities covered the King Country as such. The provision of a radio station for the northern area combined by the existing Taumarunui station would give the area a sense of its own identity.

He also referred to the removal of services in the area and the fact that more than 400 people attended a meeting concerned with the threatened closure of the Otorohanga Maternity Hospital and some other local issues. The establishment of a station would be a move against this disturbing trend.

Considerations

The Tribunal considered the application in the light of section 80 and is satisfied that the service is desirable in the public interest. It will improve the service to listeners in the area who have been underserved by radio. It will bring to the Waitomo district many of the benefits outlined by witnesses.

There was no evidence that there would be any economic effect on the establishment of any other station, including any services provided by the Corporation.

The needs of the locality will be served by providing a greater local input and providing a focal point for local activity.

The Broadcasting Corporation has experience of conducting such stations as this, notably in nearby Taumarunui. The Tribunal is satisfied that the applicant is likely to carry on the proposed service satisfactorily.

No survey information was provided in the evidence.

The proposal does not use the whole of the power potential of the frequency assigned but the Tribunal is satisfied both that this will be adequate for the objectives of the station and no more than is necessary to achieve those objectives.

The existence of the station will provide another local news service in addition to the radio, television and print services already provided in the area.

The Tribunal will make it a condition of the warrant that the station broadcast a locally originated programme not less than 3 hours daily on average each week on weekdays and 2 hours on Saturdays. There will be no requirement for local origination on public holidays. The station will be free to extend the broadcast hours for locally originated programmes.

Advertising will be limited to periods of local origination and when linked with 1ZU or 1ZH or the community station network.

No advertising will be permitted during links with the national programme. The warrant will set out the non-commercial hours and forbid advertising during those hours.

However, in order to make provision for special broadcasts which may be commercially warranted and locally justified, or because of international events covered by commercial radio, the warrant will contain a condition allowing the Corporation to vary those provisions for broadcasts provided notification is given to the Tribunal.

Any permanent changes to the commercial/non-commercial mix will require amendment to the warrant.

Decision

The application is granted.

The following conditions will apply:

1. The warrant will lapse if the station is not ready to broadcast within 18 months or such later date as the Tribunal may decide.
2. Advertisements shall not be broadcast after 6 a.m. on Sundays, on Christmas Day, on Good Friday and on Anzac Day. When Anzac Day does not fall on a Sunday, advertising is also permitted from 1300 hours to 2400 hours.
3. Subject to the exceptions set out in condition 4, advertising will not be permitted from 1230 hours to 1400 hours Monday to Friday and from 1000 hours to 1200 hours on Saturday.
4. Subject to condition 2, advertisements may be broadcast during periods totalling not more than 40 hours each year commencing from the date of the issue of the warrant but advertising shall not be broadcast while the National Programme is being relayed.
5. The warrant holder shall, unless exempted by the Tribunal, conform to and maintain the technical standards and rules as formulated by the Broadcasting Corporation of New Zealand in consultation with the Independent Broadcasters Association (N.Z.) Inc., including the furnishing of such technical returns as may from time to time be required by these rules and standards.
6. The warrant holder shall not substantially depart from the basic format and content of its proposed programmes or the type or the extent of the services intended to be provided at the time of the grant of the warrant without the prior consent of the Broadcasting Tribunal and subject to any conditions that the Tribunal might impose in the public interest.

The warrant will issue when the station is ready to commence broadcasting.

Co-opted Member

M. J. Henshall was co-opted as a person whose qualifications and experience were likely to be of assistance to the Tribunal in determining the application. He took part in the hearing and the deliberations of the Tribunal but the decision is that of the permanent members.

Dated the 11th day of July 1984.

Signed for the Tribunal:

B. H. SLANE, Chairman.

Decision No. 15/84

Bro. 33/83

Bro. 44/84

Bro. 74, 75/83

Before the Broadcasting Tribunal

CORRIGENDUM

IN the matter of the Broadcasting Act 1976 and in the matter of an application by (1) FOVEAUX RADIO LIMITED for consent to networking; (2) RADIO AVON LIMITED for consent to networking; (3) RADIO OTAGO LIMITED for consent to networking;

Chairman: B. H. Slane.

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

Hearing: Christchurch, 27 October 1983.