

DECISION

The applicant applied for a renewal of the warrant issued to it on 30 June 1970, renewed pursuant to section 78 of the Broadcasting Act 1973 for a period of 5 years and for a period of 3 years by Tribunal Decision 11/80 and amended by Tribunal Decision 13/82.

A Notice of Objection was filed on behalf of Radio Pacific Limited and the Northern Journalists Union ("NJU") also indicated its interest in the application. Stereo FM Limited wrote to the Registrar in July claiming an interest in the application but was not represented at the hearing. Metropolitan FM Limited did not file any Notice of Objection and was represented at the hearing only to the extent of questioning briefly about the development of AM Stereo and the significant needs and interests of the public which the applicant believes its station will serve over the next 5 year period. The warrant fell due for renewal on 30 June 1983. The application for renewal was filed within the stipulated time. Public notice was given and the station was required to advertise the application for renewal 10 times over a period of 1 week in June. Evidence was given that this was done.

The application for renewal of the warrant is made pursuant to section 81 of the Broadcasting Act 1976. That section provides that every application for a renewal of warrant shall be granted unless the Tribunal is of the opinion that grounds exist for the revocation of the warrant, and, unless there has been a breach of any condition of the warrant, the renewal shall be granted for the same period as the original term of the warrant.

Condition 8 of the warrant AM/43 states that the applicant may continue to provide the services and follow the basic format of its programmes as at 11 June 1982. This qualifies clause 7 which says there shall be no substantial departure from the basic format intended to be provided at the time of the grant of the warrant. Clause 8 was inserted after an application for amendment of the warrant following substantial changes by the applicant which resulted in its warrant being renewed for only 3 years in 1980. Mr Bryers indicated that Radio Hauraki was well aware of the criticism made of it at the hearing and since then the applicant has advised the Tribunal of all changes in format.

In September 1982 the applicant advised the Tribunal that it had changed the emphasis of its news broadcasts. In March 1983 it advised that upgrading of news broadcasts had taken place and in May 1983 it advised various changes in its broadcasting pattern relating to the backgrounding of current issues, consumer reports, film reviews, the inclusion of "golden oldies" in the music broadcast on Saturday nights and extra news services.

Finally on 3 April 1983 the applicant advised that it had reached an agreement with Radio Avon to take their network news on a trial basis. It also advised a reduction in the length of the 5 p.m. news bulletin and the cessation of the BBC news at 5 a.m. These are all fairly minor changes to the basic format. There has been no significant departure from the June 1982 format.

Evidence in support of the application was given by Mr M. Friedlander, the Chairman of Directors of Hauraki Enterprises Ltd., Mr M. A. Wall, a Director of Hauraki Enterprises Ltd. until 31 March 1983 and Mr J. A. McCready, the Executive Director of Hauraki Enterprises Ltd. and Station Manager of Radio Hauraki. Mr N. Horrocks, the News Editor for Radio I gave evidence when called by Mr Callagher.

Mr Friedlander's evidence related to financial aspects of the operation of Hauraki Enterprises Ltd. and included his view that the recent improved sales performance is likely to continue. It is occurring because Radio Hauraki now has its own market research division which has enabled specification of audience needs.

Mr Wall's evidence was directed at Hauraki's greater awareness of its responsibilities in the area of news and sports information and its proposals for continuing to reach the required standard in these areas. Both he and Mr Friedlander referred to the networking of news, which was the basis of the NJU's objection and will be referred to later.

Mr McCready gave detailed evidence of the present programmes, which are in the same format as existed in June 1982. He gave details of the programming policy and the present services provided including the networking arrangements and concentrated particularly on the present news service, and the journalistic staff.

The NJU's objection was based on their belief that Radio Hauraki is not complying with conditions 7 and 8 of its warrant because of the way in which the networking of news through Radio Avon has been introduced. They feel the introduction of networking has been responsible for the reduction in locally originated news, the non-replacement of 3 journalists and the replacement of a highly graded junior with a cadet. An example of what Mr Callagher referred to as "the sub-standard service currently being provided by Hauraki Enterprises" was cited, although no actual evidence of it was produced by the NJU. Mr Callagher made comparisons with news services provided by other Auckland stations and the number of journalists employed by those stations and concluded that the only way which Radio Hauraki could comply with the terms of its warrant would be by employing more journalists.

Mr McCready gave some supplementary evidence in reply to the NJU's submissions. He stated there has been a reduction of only 2 journalists since June 1982 and said it was certainly partly because of networking, and also was in line with the overall staff reductions at Radio Hauraki because of the stricter control of overheads which was now necessary. Mr McCready had investigated the incident referred to by Mr Callagher and gave evidence to the effect that the mistake was not as serious as the NJU alleged and that the conclusions drawn by the NJU were incorrect.

Mr McCready also gave evidence in direct contradiction to several of the statements made in the NJU's submission which had not been supported by evidence. He stated his belief that the NJU's submission is based on the erroneous assumption that quantity of news staff necessarily leads to quantity of news broadcast. The reason for Radio Hauraki entering into networking arrangements was to improve the quality of service to listeners. A small private radio station does not have sufficient resources to report on all important items of news throughout the country.

The Tribunal is not prepared to insert a condition relating to journalistic staff. We do not think that is the Tribunal's business. What the Tribunal must be concerned with is output and standards in relation to news obligations.

However, we are concerned at the possibility of inadequate weekend news coverage. Networking should not result in a reduction of news coverage. It should enhance the service. The network depends on its subscribers supplying stores from their areas.

Mr McCready indicated that there are no plans to change the basic format or content of the programmes although he confirmed that the company is interested in AM stereo and is investigating in that field. In reply to a question from Mr Impey, Mr McCready, confirmed that Radio Hauraki is not a talk back station, although there are talk back inserts in the evening programme. He stated that an application for warrant amendment would indeed have to be made if Hauraki wished to introduce much more talk back.

The applicant's evidence established that the station has complied with the conditions imposed by the Tribunal as to its programmes and news and sports services since the last renewal 3 years ago. There was no evidence of the Tribunal to the contrary.

Decision

The warrant holder is entitled to have the warrant renewed. In the absence of any breach of any condition of the warrant there is no ground for renewing the warrant for less than the maximum period of 5 years.

The warrant is renewed accordingly for a period of 5 years from 30 June 1983.

Dated the 30th day of March 1984.

Signed for the Tribunal:

B. H. SLANE, Chairman.

Decision No. 3/84
BRO 10/83

Before the Broadcasting Tribunal

IN the matter of the Broadcasting Act 1976 and in the matter of an application by RADIO PACIFIC LIMITED for amendment of sound radio warrant AM-50 1XP:

Chairman: B. H. Slane.

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

Hearing: At Auckland 1 and 24 August 1983.

Counsel: B. G. Impey for Radio Pacific Ltd.
S. P. Bryers for Hauraki Enterprises Ltd.
R. E. Bartleet for Radio I Ltd.

INTERIM DECISION

Granting the warrant 1XP to Radio Pacific Ltd. (Decision No. 1/78), the Tribunal imposed a number of conditions, 3 of which were subsequently modified by the High Court pursuant to undertakings given by Mr G. W. J. Dryden. Undertakings given to the High Court and to the Tribunal by Mr Dryden now constitute conditions of the warrant under section 71A (1) (c) (formerly section 71 (2) (c) Broadcasting Act 1976.

Conditions 4 (b) reads:

That the station concentrate the majority of its time to providing informational programmes that serve the needs set out in page 30 of its application, from paragraph 3.2.15 to 3.2.25 inclusive.

The needs set out on page 30 read as follows:

"(i) The need of Auckland and South Auckland's 800,000 people to develop as an understanding, multi-cultural society.