

*Co-opted Member*

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

Dated the 20th day of December 1984.

Signed for the Tribunal:

B. H. SLANE, Chairman.

Decision No. 28/84  
BRO 137/84

*Before the Broadcasting Tribunal*

IN the matter of the Broadcasting Act 1976, and in the matter of applications by SUN BROADCASTERS LIMITED for a short term broadcasting authorisation at Taupo:

*Chairman:* B. H. Slane.

*Members:* Lionel R. Sceats, Ann E. Wilson.

## REASONS FOR DECISION

The applicant's governing director, J. C. Burnside, was to have overall responsibility for the establishment of the station which was to be managed by Paul Harrisman who worked with Radio Taupo, Goldfields Radio and other stations. Mr Burnside is a journalist working for the Taupo Weekender. He said the aim of the station was to promote Taupo. It would provide an alternative station for both visitors and residents of Taupo.

It was proposed to broadcast from 4 December 1984 to 28 January 1985 from 6 a.m. to midnight, Monday to Friday and for 24 hours on Saturdays and Sundays. The music was to be commercial popular music through to classics. The company was to be funded by \$8,000 cash on hand to cover initial expenditure, but it was expecting that advertising revenue of \$50,000 would cover total costs of \$44,000, including wages for five staff of \$8,000.

Radio New Zealand submitted that the application should be refused. It was an attempt by an entrepreneurial group who saw short term broadcasting as a quick way to make money with scant consideration for the long term effect on the radio listener. It suggested that the Tribunal should examine the quality and nature of the proposed alternative station. The family programme offered was of a programme music mix which was unlikely to succeed and the information segments offered less than those already provided by 1ZA Taupo.

Taupo at present has a choice of 1ZA and a National Programme repeater, 1YT, both of which broadcast 24 hours a day for 365 days a year.

The Corporation submitted that with an investment of only \$8,000 the applicant would wrest \$50,000 from the available Taupo advertising pool. It was anticipated that the applicant would have to take a large proportion of the revenue from the existing Radio New Zealand service to earn \$1,042 per commercial day.

The Corporation said that 25 percent of the annual income for their station 1ZA, was taken during the peak holiday period, December and January.

The Corporation had experienced short term authorisations previously. They had had an effect on the Corporation's returns from the Taupo station.

*Decision*

The Tribunal was given no confidence from the applicant's supporting material and additional material sent later that the operation would be satisfactorily conducted. No specific experience, for instance, was stated for the manager.

The Tribunal does not accept from the programming material supplied that a successful format had been devised or that the station would provide so desirable an alternative service that it ought to be granted an authorisation despite the effect on the Corporation.

The revenue implications were considerable for the Corporation and the Tribunal would want to be satisfied that the merits of the application outweighed the disadvantages accruing to the Corporation's revenue.

The Tribunal has given a number of decisions on this type of application. Those who apply should not regard the matter as an automatic right and should consider the factors the Tribunal is required to take into account and those which it has referred to in past decisions.

For instances, the applicant wishes to broadcast from 3 December. The Tribunal has made it clear in other decisions that it would be unlikely to grant an application for commercial broadcasting before 17 December. This would make the economics of the proposition at least doubtful.

The Tribunal does not consider the applicant had made out a case for the grant of the short term broadcasting authorisation.

The application was declined.

Dated the 20th day of December 1984.

Signed for the Tribunal:

B. H. SLANE, Chairman.

*Revoking Declaration of State Highway and Declaring Public Highway to be State Highway*

PURSUANT to section 11 of the National Roads Act 1953, the National Roads Board, acting with the written approval of the Minister of Works and Development, gives notice that the State Highway described in the First Schedule below is revoked, and that the public highway described in the Second Schedule below is declared to be a State Highway, within the meaning and for the purpose of the National Roads Act.

## FIRST SCHEDULE

No. 1 State Highway (Awanui - Bluff)—That portion of State Highway No. 1 between Kawakawa and Kamo as described in the Second Schedule to that notice as published in the *Gazette*, 14 July 1966, No. 42, at page 1106.

## SECOND SCHEDULE

*General Description of State Highway*

No. 1 State Highway (Awanui - Bluff)—That portion of highway between Kawakawa and Kamo extending through Hikurangi via the Hikurangi Bypass.

*Detailed Description of State Highway in Towns**Hikurangi—No. 1 State Highway*

From the northern boundary of the Town District, southwards along King Street for approximately 0.9 kilometres, then southwards along the Hikurangi Bypass for approximately 2.3 kilometres to the southern boundary of the Town District.

Dated at Wellington this 22nd day of January 1985.

Signed on behalf and by direction of the National Roads Board.

R. K. THOMSON, Secretary.

(72/1/1/1, D.O. 2/20/3)

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## FIRST SCHEDULE

ALL those sections of State Highway No. 20 in the Boroughs of Mount Roskill and Onehunga as described in Part II of the Schedule to the notice declaring public highways to be State Highways published in the *Gazette*, 3 October 1968, page 1708; and also that section of State Highway No. 20 in the City of Manukau being Coronation Road from the northern boundary of the city southwards for approximately 1.6 kilometres to its junction with the Mount Roskill - Wiri Motorway.

## SECOND SCHEDULE

*Detailed Description of State Highways in Towns—North Island**Mount Roskill—No. 20 State Highway*

From the junction of Mount Albert Road and Pah Road along Pah Road in a southerly direction and Queenstown Road to the junction of Queenstown Road and Beachcroft Avenue at the boundary with the Borough of Onehunga.

*Onehunga—No. 20 State Highway*

From the western boundary of the Borough of Onehunga along Beachcroft Avenue generally in a south-easterly direction for approximately 200 metres and then along the public highway and the Mount Roskill - Wiri Motorway to the southern boundary of the Borough including the motorway ramps and connections to and from Queenstown Road, Beachcroft Avenue, Gloucester Park and Neilson Street.