

*The Royal Commission on Broadcasting*

It now appears likely that the report of the Royal Commission will be available and published before the Tribunal hears final submissions.

*TV3—Inflation Factor*

The Tribunal is not required to make any decision on this matter. It is sufficient to note however that it appears to be based on a misunderstanding of the remarks made by the Chairman.

*Section 81 (4)*

The Tribunal has been urged by Mr Baragwanath for ESTV to exercise a power under section 81 (4) during the currency of the BCNZ's television warrants of its own motion to amend the terms and conditions of the BCNZ television warrants or to add any new terms and conditions which in its opinion are necessary in the public interest.

The Tribunal does not consider it appropriate to give reasons now but simply states that it does not, at this stage, intend to take the action urged by Mr Baragwanath.

*Technical*

The Tribunal does not take up the invitation issued by the BCNZ to reconvene the working party with agreed terms of reference to investigate another low impact plan.

*Co-opted Members*

The co-opted members took part in the consideration of the matters discussed but, in accordance with the Act, the decision is that of the permanent members.

Signed for the Tribunal:

B. H. SLANE, Chairman.

There was no opposition to the application.

Evidence was given in support by Mr R. G. Davis and Mr K. K. Rossiter.

The Tribunal heard the evidence, including a lengthy description of the activities of the station and sees no reason why the application should not be granted. It is certainly in the public interest that the service should continue. No other commercial station provides a service to the area.

The Tribunal is satisfied that this mini station, with support from 2ZP, is providing a useful service to its broadcast area.

The Tribunal is also satisfied, having heard the evidence, that there would have been renewal of the warrant on the basis of the evidence filed if the renewal had been applied for at the appropriate time.

The Registrar has been directed to rectify the endorsement for a relay station on the 2ZP warrant. This has already been attended to.

Before the 2ZH warrant was granted on 12 December 1979 the BCNZ applied to extend the hours of all commercial stations 24 hours. The application was granted after the warrant had been issued for 2ZH. It is therefore appropriate to issue the new warrant for 24 hours service. Otherwise the Tribunal grants the application on the same terms and conditions as the previous warrant AM-34. The warrant dates from 1 April 1986.

Dated the 9th day of September 1986.

Signed for the Tribunal:

B. H. SLANE, Chairman.

Decision No. 17/86

*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 a commercial amplitude modulation sound radio warrant at Hawera:

*Chairman:* B. H. Slane.

*Members:* Ann E. Wilson and Robert Boyd-Bell.

*Hearing:* At New Plymouth, 1 April 1986.

*Counsel:* J. J. McGrath and G. R. Rowe for the applicant.

## DECISION

THE Broadcasting Corporation of New Zealand (BCNZ) was the holder of AM warrant 34 in respect of 2ZH Hawera for 5 years expiring 31 December 1984. The BCNZ inadvertently failed to apply for renewal of the warrant before the warrant expired.

Regulation 16 Broadcasting Regulations 1977 (S.R. 1977/11) provides that every application for renewal of a warrant should be made to the Tribunal not less than 28 clear days before the date on which the warrant expires. Where the Tribunal is satisfied that failure to make any such application within the specified period is due to justifiable mistake or other reasonable cause, it may accept an application made at any time before the expiration of the warrant.

Evidence was given to the Tribunal that the failure to apply for the renewal was the result of a misunderstanding within the BCNZ. For a number of years the Hawera station had operated as a relay station on the warrant AM-38 for 2ZP New Plymouth. At some stage the warrant was endorsed in those terms and it remained so endorsed despite the subsequent grant of a separate warrant for the Hawera station. When in 1982 the 2ZP warrant was renewed, the BCNZ was under the impression that because of the endorsement, the Hawera arrangements were consequentially renewed. When the error was discovered by the BCNZ in 1985 the Tribunal's secretariat accepted some responsibility on the basis that the endorsement should not have remained on the warrant.

An application was initially made in June 1985 to renew the expired warrant but was not accepted by the Tribunal on the basis that an application filed after the warrant had expired could not be considered or granted.

Accordingly, applications for short-term broadcasting authorisations were filed and granted and the most recent of these is due to expire on 21 April 1986.

The application for a fresh warrant for Hawera has been lodged to restore the status quo as it stood prior to the expiry of the previous warrants. Although the BCNZ is planning some extension of services in the area, the Tribunal considered that it was appropriate that the situation be regularised first.

Decision No. 16/86  
Com. 2/85

*Before the Broadcasting Tribunal*

IN the matter of the Broadcasting Act 1986 and in the matter of a complaint by M. F. Stoker against Radio Pacific:

*Chairman:* B. H. Slane.

*Member:* Ann E. Wilson.

*Co-opted members:* Mervyn S. Aked and John W. Carlisle.

## DECISION

IN February 1985 Mr M. F. Stoker filed a complaint with the Tribunal alleging that Radio Pacific's [Pacific] time signals every hour on the hour were delayed during talkback programmes by between 6 and 7 seconds. He said this had been happening from December 1983 up until the date of his complaint.

Approximately a year earlier, in January 1984, Mr Stoker had written to the Tribunal about the same matter. At that time his concern was for Radio Pacific's broadcasts during 1983.

He advised the Tribunal that in December 1983 Pacific had changed the format to five 1 kHz pips at 1 second intervals with the fifth lengthened to about 1 second. He understood the purpose of the change was to make Radio Pacific's pips readily distinguishable from the accurate time signals broadcast by Radio New Zealand (RNZ). However he felt the time of the broadcast was still very inaccurate and that the new format still had the generally accepted sequence and sound of an official time signal.

He was concerned that these transmissions could be mistaken for accurate time signals by reception within the northern part of New Zealand during the day and over a much larger area of New Zealand, and possibly even overseas, at night. His concern was that this could result in confusion, navigational errors, and bring the New Zealand Time Standard into disrepute among users of accurate time.

He asked the Tribunal to request Radio Pacific to either stop broadcasting the time signals or make the necessary technical modifications to ensure that their accuracy was equal to that of the New Zealand Time Service. He enclosed a table showing errors in transmission during December 1983 and January 1984.

This letter was referred to Radio Pacific. The reply confirmed Mr Stoker's belief that the change in pips had been made to distinguish between Radio Pacific's signals from BCNZ signals. Mr D. Lowe, of Radio Pacific, advised that he had discussed the matter with the superintendent of the Seismological Observatory in Wellington and stated that, to the best of his knowledge, no official time pips equated with those now heard on Radio Pacific.

Mr Lowe said he would not be in favour of Radio Pacific ceasing to broadcast their time pips for several reasons, and he felt that the audio signals were sufficiently different to make it highly unlikely that Radio Pacific could cause problems in regard to navigation or time.