

The applicant saw the radio station as having a twofold function: providing services for students and providing an alternative to mass market radio for Aucklanders with differing interests and tastes, the majority of whom are students. Five of the 8 stated objections cover services specifically aimed at students.

A large number of letters were directed to the Tribunal from listeners which, to say the least, indicated a loyal and committed following which disdained much of the mass audience mainstream programming epitomised by other stations including IZM.

The Broadcasting Corporation wrote again on 10 December 1985 as follows:

"Further to my letter of 18 October 1985, it is considered desirable (particularly in view of the response contained with your letter of 8 November) to clarify the Corporation's view and position.

"The Corporation at all times upholds and supports the specified student aims of University student radio stations. In this case the Corporation, while not opposing this short-term application, wished to raise objections to and comment on some points of that application.

"I would be pleased if you would forward a copy of this letter to the applicant for its information."

The BCNZ had clearly opposed the application and still requests a shortening of hours previously broadcast by eliminating weekend coverage and requests a reduction in advertising, unless the Tribunal holds an oral hearing.

On a number of occasions objectors to student applications have raised the bogey that the applicant does not have to go through the same procedures as a commercial warrant applicant.

The Tribunal has set out the considerations it takes into account in student applications. Decision 11/82 will be reissued by the Registrar with this decision.

When the Broadcasting Act was first passed in 1976 there was provision for authorisations for up to 28 days. The Broadcasting Amendment Act 1979 extended the powers of the Tribunal to permit a series of short term broadcasts each for a period not exceeding 28 days during a period not exceeding 1 year, in all.

One of the purposes of this amendment was to permit student applications to be dealt with annually rather than repetitively through a number of separate 28 day applications.

The Tribunal considers that for student applications this procedure is the most appropriate. With a shifting student population and frequent changes of management it is inappropriate for a student station to contemplate an application for a permanent warrant unless it is employing full time permanent executive staff.

The stations are generally of much lower power than warranted stations.

Furthermore, the present procedure is in fact stricter than the warrant procedure, in that the applicant has no right of renewal at all, whereas a warrant holder has a perpetual right of renewal subject to a review on every third renewal if it is an FM station.

Therefore the student stations have to lodge applications annually and other operators or anyone else can raise objections as the Corporation has in this case. The stations have a far greater incentive to abide by the terms of the authorisation and to maintain standards because a new application has to be approved each year, not a renewal.

On the other hand it would be quite ridiculous, in terms of resources, to be having full formal hearings for a number of student applications in a number of centres each year unless there were serious objections.

The Tribunal therefore generally deals with applications on the basis of written submissions.

It is important however that the students bear in mind the limitations of their authorisations. If they wish to become full time commercial broadcasters seeking a commercial market and to obtain the permanency of a warrant then somewhat different standards will be applied to such applications than are applied to the present applications which are made each year.

Although the Corporation has withdrawn its objection and there is no other objection, it is appropriate to deal with the matters it has raised, since the Tribunal indicated to the parties that it would approve an authorisation along similar lines to the ones granted for 1985.

On a full consideration of the matter the Tribunal has now decided to grant the application for the extended hours as made. In doing so it has taken into account the matters raised in the objection.

For 1985 the applicant applied for an FM station. The site on the top of a city hotel was not a high site but it was not a low site either. The power applied for was 500 watts but only 100 watts was certified by the Post Office. The applicant accepted this to avoid confrontation with other Auckland stations intending to make applications for FM authorisations. Signal coverage allowed the station to serve only a proportion of its members.

The applicant said it would investigate the possibility of broadcasting from a site in the Waitakeres, as soon as additional frequencies and finance were available in 1987 or 1988. The station however had raised a loan to set itself up with FM transmission equipment instead of replacing its AM equipment and some hardship would have been involved in refusing the FM application.

No guarantee could be given in respect of short term authorisation that the frequency would be made available again. It might have to be surrendered at some time.

The Post Office has indicated its willingness again to certify the station at 100 watts which indicates that there were no serious problems encountered with the transmission. It is clear however that further assignments may need to be made in 1986 and this short term authorisation will not necessarily have priority over other services for frequency assignment.

The station has progressed over the past 11 years to the point where strong reasons would have to be given to justify restricting services to students. If the station attracts wider audiences by providing alternative music (as distinct from setting out to adopt a format and style directly competitive with commercial warrant-holders) we can see no result adverse to the public interest.

In the case of IZM when the station transferred to limited sponsorship it had an opportunity to provide public service broadcasting free from commercial objectives. It has eschewed that role and continued with a commercial type format and broadcast music for most of its broadcast hours.

It is therefore surprising that it should seek to limit the student station, unless it was because of the embarrassment caused by the student station fulfilling some needs which ought to have been met by public radio. The BCNZ should be encouraging diversity and innovation in other radio stations if it sees its own role as serving different interests. It already has a dominant position in Auckland radio and it seems remarkable to the Tribunal that it should have endeavoured to have the student station's transmitters turned off at weekends.

The revenue of the student station is miniscule compared with the total revenue of the Auckland market. The Tribunal accepts that it provides a good advertising service for certain advertisers, probably attracting a proportion of revenue which would not otherwise be spent on radio.

The Tribunal considers it appropriate that university students should be encouraged in radio endeavours. It is widely acknowledged that the experience gained by young student broadcasters has been usefully employed in the industry.

The station provides a service to those whose special music needs are satisfied only by a variety of music offered to them at convenient hours. Commercial interests do not adequately meet these needs and this merely emphasises that there are needs outside mass audience formats waiting to be served.

Two commercial stations have written indicating support for this application. No doubt the applicant would be even more encouraged if the commercial radio stations in Auckland were actually to assist and support or even help finance the student station as an indication of their commitment to broadcasting outside their profit centred activities.

The application will be granted as applied for.

It should be understood that the availability of the FM frequency is subject to other demands on the FM band and the applicant cannot be assured of this availability for the full period authorised.

(2) *Victoria University of Wellington Students Association Inc.*

The Victoria University of Wellington Students Association application this year seeks an extension of hours to enable broadcasting between 10 a.m. and 4 p.m. on weekdays during the whole period from 16 February to 7 December. This was permitted for a limited period last year.

Having regard to the service offered, the recent performance and the fact that there has been no objection to the application, and also bearing in mind some of the considerations which relate to Auckland University Students Association application, the Tribunal grants the application as applied for.

(3) *Massey University Students Association Inc.*

This application is for 18 hours per day, broadcasting from 7 a.m. until 1 a.m. during the period 16 February 1986 until 18 October 1986.

The previous year's application was for 7 a.m. to 1 a.m. for the earlier part of the year, and 4 p.m. to 1 a.m. weekdays and 7 a.m. to 1 a.m. on weekends from 11 August to 28 September.

The same comments made in relation to the Victoria University of Wellington Students Association Inc's application apply here. There have been no objections to the application, considering the service offered and their recent performance, the Tribunal grants the application as applied for.