

(4) *Waikato University Student Union Inc.*

This application is for the period 16 February until 23 November 1986. Hours for weekday broadcasts will be from 7 a.m. until midday and 4 p.m. until 1 a.m., with weekend broadcasts from 9 a.m. through to 1 a.m. Weekday hours during Orientation, Capping, No Ordinary Weeks and the last week of broadcast will be 7 a.m. to 1 a.m., and the holiday periods' hours will be midday to 1 a.m. (a period of 12 weeks out of the total 40 weeks).

For the same reasons this application is granted.

Dated the 31st day of January 1986.

Signed for the Tribunal:

B. H. SLANE, Chairman.

Decision No. 11/82

BRO. 18/82

*Before the Broadcasting Tribunal*

IN the matter of the Broadcasting Act 1976, and in the matter of an application by AUCKLAND UNIVERSITY STUDENTS' ASSOCIATION INC. for a short term broadcasting authorisation:

*Chairman:* B. H. Slane.

*Member:* L. R. Sceats.

*Counsel:* A. Dormer—for the Applicant.

B. Hudson—for the Broadcasting Corporation of New Zealand.

B. G. Impey—for the Independent Broadcasters' Association Inc.

REASONS FOR DECISION

The applicant applied for a short term broadcasting authorisation to permit broadcasts during the second term at the University from 30 May to 14 August 1982 and during the third term from 5 September to 27 November 1982.

It was proposed that the station (known as Radio B) would broadcast from 1600 hours until 0100 hours on the following morning on weekdays and from 0700 to 0100 hours on the following day on Saturdays and Sundays.

The total maximum hours of broadcasts for the two periods stated above would be 891 and 972 respectively—a total of 1863 hours. The proposed station would be used to provide information to staff and students of the University, to promote the activities of clubs and societies and welfare and other services available to students, to promote cultural events that have relevance to the audience, to provide a progressive and alternative music programme, to feature and promote original New Zealand music, to provide specialist music programmes such as jazz, blues, reggae and ethnic music, and to provide an outlet for advertisers who offer products or services of relevance to the audience.

The station has broadcast previously under short term authorisations.

An advertised public sitting was held at the request of Radio I Ltd. which proposed to object to the application. Part of the objection was on technical grounds which we will refer to later.

The principal objection was on a matter of principle that the authorisation would establish broadcasting over periods extending over the greater part of the year with a significant commercial content.

Radio I Ltd. subsequently withdrew its objection and did not appear at the hearing.

However, the Independent Broadcasters Association appeared as an objector but did not formally oppose the grant. In effect Mr Impey appeared on behalf of other private warrant holders who he said supported student radio as a training ground and had supported Radio B in practical ways. The IBA wanted policy to be laid down by the Tribunal rather than to prevent Radio B from going to air. It was concerned about a series of short term authorisations and suggested the station should apply for a full time warrant rather than use a backdoor method. He submitted that there was a blurring of aims and suggested that consideration should be given to the FM mode.

Evidence was given in support of the application by Michael Brady, a former station manager, who traced the history of student radio which had developed to the stage where the station had broadcast for the whole of the first term carrying advertisements. He said that the present thinking of the station was that having provided a service which had met with an enthusiastic response from both students and the relatively small but clearly identifiable wide audience, it saw itself as being more than a fringe attempt at commercial radio operated for the amusement of the participants. He saw it as a valuable service to be extended and improved.

Mr Brady said the staff was voluntary and only managers and assistant managers received an honorarium of \$20 per week during authorisations. The maximum period any staff member was likely to be with the station was 4 years and managers held office for no longer than 2 years. The transitional nature of staff and changes in personnel led to the evolution of new ideas and new formats and also created a degree of uncertainty as to the future directions of the station, so the Auckland University Students' Association was not in a position to give undertakings or commitments relating to the nature or size of its operation for more than a year in advance. The flexibility permitted by the short term authorisation procedure was ideally suited to the station's operation because it permitted change in development but allowed the Tribunal to review the station's operations from year to year. Mr Brady outlined the information services provided, the alternative music played and the promotion of New Zealand artists and labels.

He claimed that as a non profit making and essentially non commercial venture Radio B was not in the ratings game. It could afford to take risks with locally produced or alternative music which the majority of listeners in the age group might dislike. Listeners to Radio B expected a mixed bag and they were not put off by what they didn't like. Commercial stations could not afford to take the risk of playing music which may cause their listeners to turn to another station. Having identified their audience they must cater to its taste or risk alienating it. The music Radio B played could not be integrated into existing commercial station programme formats. Surveys had showed that there was a demand and the station produced a large number of letters and petitions to the Tribunal which had arisen out of a series of announcements on air about the forthcoming hearing.

He said that the advertising was primarily directed to students and was in the nature of a service to listeners and advertisers more than a commercial operation. He cited the Auckland Savings Bank extensively advertising its campus branch on the station. Other advertisers were suppliers and retailers who offered a student discount and those who provided service of special interest to the students such as speed reading and speed typing courses. The station also advertised concerts by band groups "who play our type of music." The advertising budget of \$20,000 was miniscule compared with Radio I and Hauraki. The advertising content had been consistently held well below the 4 minutes per hour permitted by previous authorisations.

Mr Brady said that Radio B provided a training ground for Radio from which commercial radio stations had greatly benefited.

With regard to technical considerations he said that the Hobson Bay transmitter operated at 250 watts and the station had voluntarily offered to reduce its powers to 100 watts on receipt of any complaints from Hauraki or Radio I which could be substantiated. No complaints had been received from them or from any member of the public. He understood that no complaint had been lodged with the Post Office.

In cross-examination Mr Brady said he could see a time in the future when a warrant application might be made but the Association could not support and run a full time station as the students are engaged in full time study at the same time. The station had chosen 1404 kHz having had this assigned to them by the Post Office on a previous application. The aim of the station was to provide for students and music for a student audience. It was directed to students and others listened because they liked the music which was a vital ingredient of the station. The programme material was directed to Auckland University and Auckland Technical Institute students. The station did not carry any national advertising.

Evidence was also given along similar lines by Andrew Dickens the present station manager.

For the applicant, Mr Dormer amended the application to provide for a series of 28 days, namely—for the first term, 30 May to 27 June, 28 June to 26 July and 27 July to 14 August; in respect of the second period from 15 September to 1 October, from 2 October to 29 October and from 30 October to 27 November.

The Tribunal had an opportunity to read some of the letters that had been sent to the station and the Tribunal. While such letter writing can be orchestrated and petitions need to be taken with a certain amount of reserve, it was obvious from reading the letters that the feelings towards the station were strong and reasoned. The reader could be pardoned for thinking that both commercial and non-commercial operators in Auckland should be alarmed at the disillusionment that occurs among some thinking young adults about the lack of stimulation in the music presented in mass appeal commercial formats.

Contrary to the original submission made by Radio I Ltd., the Tribunal has previously considered the implications for broadcasting of extensive broadcasting by student radio stations. (Decision 3/81).

The Tribunal accepts the evidence put forward by the applicant. The Tribunal is satisfied after hearing this evidence that the application ought to be granted in the public interest. Not only is