

(iii) The licensee is authorised to carry mail, papers and parcels.

Dated at Wellington this 30th day of March 1987.

J. MOIR, Secretary.

No. 5A Transport District Licensing Authority.

Transport Licensing Authority Sitting

PURSUANT to the Transport Act 1962 as amended by the Transport Amendment Act No. 2, 1983, the No. 5B Transport District Licensing Authority (W. O'Brien), gives notice of the receipt of the following applications and will hold a public sitting to receive evidence or representations, whether submitted in writing or presented in person for or against the granting of them in the Family Court Room, Department of Justice, Church Lane, Napier, commencing Wednesday, 29 April 1987 at 9.30 a.m. Applicants must be present or represented. All documents for alteration must be handed in at the sitting.

A5B/87/18 Henry Cooney Hastings. Amend Taxicab Service Licence No. 15970 by deleting special condition (1) and substituting the following:

The age of the vehicle to be used in the operation of this licence shall be 7 years or less, on purchase or transfer of the vehicle, such vehicle may be operated up to the age of 10 years, only the age common to both cases shall be that reckoned from the year in which the vehicle was initially registered.

A5B/87/21 Maxwell Royce Campbell, Napier. Transfer Taxicab Service Licence No. 8685 from Edward Robert Woolman, Napier. One Public Hire Cab Authority, Napier.

Dated at Wellington this 30th day of March 1987.

J. MOIR, Secretary.

No. 5B Transport District Licensing Authority.

Decision No. 4/87
BRO 55/86

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 short-term broadcasting authorisation to broadcast *Sports Roundup* (Radio New Zealand):

Chairman: B. H. Slane.

Member: Robert Boyd-Bell.

Hearing: 5 February 1987.

Counsel: B. Hudson for Broadcasting Corporation of New Zealand, B. H. Giles for Independent Broadcasters Association.

DECISION

The Application

The Broadcasting Corporation of New Zealand applied for a short-term broadcasting authorisation for a series of broadcasts on AM stations 1YC, 2YC, 3YC, 4YC and 4ZG. The application also sought authorisations for short-term broadcasts on other non-commercial (or National Radio) transmitters which relay excerpts of *Sports Roundup* in areas not well covered by the YC transmitters. The periods sought were from 1 December 1986 to 1 November 1987.

There were two main aspects to the application.

The first related to *Sports Roundup* as an established programme format of summer sports broadcasting centred on cricket but covering a wide variety of sport principally by direct broadcasts from venues and usually with specialist commentary.

The second was for a winter sports version which had not previously been attempted.

It should be noted that *Sports Roundup* is one of two major exceptions to the programme pattern of the YC stations. Generally they broadcast the *Concert Programme*, a non-commercial serious programme of fine music and some spoken material which has a small but devoted following. The other exception is parliamentary broadcasts which are broadcast by 2YA Wellington, but because of daytime coverage limitations are during the day relayed in Auckland and Dunedin by the YC stations, supplanting the *Concert Programme*.

In its application the BCNZ pointed out that in a Ministerial statement of Government policy published on 14 August 1985, the tribunal was notified that Government policy was that "following the conversion of the *Concert Programme* to FM, the YC-AM stations should, except when they are broadcasting the proceedings of Parliament, be permitted to broadcast advertising programmes."

The corporation said it was committed to a conversion programme subject to tribunal hearings and decisions. However the corporation did not then state (although it was later confirmed in evidence) that it would *not* proceed with YC-FM coverage in specific areas unless it obtained parallel ZM-FM warrants.

The effect of the present application would be to permit advertising on YC stations during *Sports Roundup* without the prior qualification of converting all YC transmitters to FM, as envisaged by the Ministerial policy of 14 August 1985.

1YC and 4YC have not been "converted" to FM. The *Concert Programme* FM transmitters in Wellington, Christchurch, Waikato, Hawke's Bay and Manawatu do not carry *Sports Roundup* or Parliament, being separately authorised by the tribunal to continue a music programme.

The extent of the proposed *Sports Roundup* programmes would vary. During the summer the hours would be between 10 a.m. and 7 p.m. with occasional extensions to 10 p.m. Winter hours would be shorter, usually 1 p.m. to 5 p.m. or 7 p.m. but all the times could vary according to the start times of national championships. The number of days on which each programme would occur would vary according to the scheduling of sporting events including overseas tours. The maximum number of hours which were sought for 12 months was 2744.

The Broadcasting Corporation had also applied for a short-term broadcasting authorisation for a period of up to 28 days from the end of December to the end of January. The tribunal declined that application but set down this application for a longer series of broadcasts for a hearing on 5 February 1987.

Background

The BCNZ previously applied for advertising to be permitted on *Sports Roundup* and this had been dealt with by the tribunal in 1981 (decision 16/81) and had been declined for the reasons set out in that decision.

Subsequently the corporation applied for permission to broadcast advertising on the YC stations both in *Sports Roundup* and the *Concert Programme*.

In 1984 (decision 16/84) the tribunal granted the application by the BCNZ to permit advertising on both *Sports Roundup* and the *Concert Programme* (but not for parliamentary broadcasts) for a limited period of 5 years and on certain conditions. The purpose of that application was to provide revenue for the corporation to accelerate the establishment of VHF-FM transmissions of the *Concert Programme* to a number of areas in New Zealand progressively.

In its 1981 report on FM broadcasting the tribunal recommended the development of VHF-FM transmission of the *Concert Programme*. Transmitters were subsequently established in the Waikato, Hawke's Bay, Wellington, Canterbury and Manawatu. Decisions are pending on applications for New Plymouth and Nelson. The tribunal recommended that coverage commence first in areas which had been receiving a less than satisfactory service from the medium frequency transmitters broadcasting on AM from the 4 metropolitan centres and that had been carried into Government policy.

Later the corporation secured the support of the Government for a policy that the *Concert Programme* should be developed in conjunction with the development of a ZM commercial young adult FM service.

That service has been approved for Wellington, Christchurch and Palmerston North and decisions are pending for New Plymouth and Nelson.

In its 1984 decision the tribunal had actually approved the development of FM broadcasting of the *Concert Programme* at 9 main transmitter sites. Two (Te Aroha and Mount Erin) were granted and timetables and proposals for any simulcasting were to be filed. The corporation took the position that it was not prepared to establish *Concert Programme* FM transmitters beyond Hawke's Bay and Waikato/Bay of Plenty if it was not permitted commercial ZM-FM transmitters at the same centres at the same time, unless it was otherwise directed.

Applications by the corporation to convert 1ZM from its non-commercial status with limited sponsorship to full commercial status and for an FM warrant were being heard by the tribunal when the hearings were stopped by an interim injunction from the High Court sought by another party. A final injunction has restrained the tribunal from continuing the hearing unless it called for and dealt with all warrant applications for the Auckland area in a continuous series of hearings. The tribunal has not yet been able to deal with such matters in the manner laid down by the High Court because of its workload.

The present situation then is that the YC-FM *Concert Programme* is being broadcast on FM in the Waikato, Hawke's Bay, Wellington, Canterbury and Manawatu.