

We note in passing that the use of a violent rugby incident in the opening "tease" of the news programme appeared singularly inappropriate. The accompanying text read:

"New questions about payment as the Cavaliers tour of South Africa nears its end."

The "tease" was not designed to refer to Mr Ralston's report at all, but to the previous item in the news during which TVNZ rugby commentator Keith Quinn was interviewed regarding the tenacity with which the Rugby Union was investigating claims that the Cavalier team members had received substantial payments for touring South Africa.

The Tribunal could identify nothing in that item which justified the use of that specific incident in the programme opening, noting clause 3 of Appendix A in the Television Programme Rules relating to the portrayal of violence:

"The representation of violence in news and information programmes should be strictly in accordance with the importance of the event and to the degree essential to the integrity and completeness of the item."

The complaint is upheld to the extent that the report was commentary not fact and the distinction was not made readily apparent to viewers in terms of Television Programme Rule 5.1 (a).

The Tribunal believes TVNZ News should consider very carefully the extent to which such "perspective pieces" should be included within the more "factual" style of the 6.30 news. To the extent that this is done, the distinction must be made readily apparent to viewers.

In Decision No. 6/87 the Tribunal has recently requested the Corporation to hold videotape records of all news and current affairs coverage of South Africa for a period of 6 months.

In Decision No. 7/87 the Tribunal has requested the Rules Committee to review the provisions of Television Programme Rule 8.2.

In the same decision the Tribunal has requested the Corporation to revise its procedures for monitoring coverage of controversial matters.

Those requests are reiterated in the context of this decision.

The complaint is upheld in part.

#### *Co-Opted Members:*

The Tribunal co-opted Messrs Brian W. Stephenson and Hiwi Tauroa as persons whose qualifications and experience were likely to be of assistance in dealing with this complaint. They took part in the deliberations of the Tribunal but the decision, in accordance with the Act, is that of the permanent members.

Signed for the Tribunal

B. H. SLANE, Chairman.

Decision No. 8/87  
BRO 113/86

#### *Before the Broadcasting Tribunal*

In the matter of the Broadcasting Act 1976, and in the matter of an application by OTAGO UNIVERSITY STUDENTS' ASSOCIATION (INC) for a short term broadcasting authorisation for Dunedin.

*Chairman:* B. H. Slane

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

Dated the 31st day of March 1987.

#### REASONS FOR DECISION

THE applicant applied for a short term broadcasting authorisation to establish an FM station for a series of broadcasts commencing 15 February 1987 and continuing until 15 November 1987 with normal hours from midnight to 1 a.m. and 7 a.m. to midnight.

In addition, on Saturdays and Sundays the station would broadcast continuously.

The purpose of the station (called "Radio One") was to cater for Otago University students.

The applicant was utilising a provision in the Act which caters particularly well for university student stations providing under the short term authorisation provisions of the Act permission to operate a low powered station directed to a specific audience, namely the students at the university. The application is made for the university year and a new application has to be made annually.

Previously broadcasts have taken place from a transmission point on the top of the Hocken Building, part of the university campus.

In the present application an alternative site 630 metres higher on Mount Cargill was applied for as well as the Hocken Building site. The applicant said:

"The site which is most preferred is Mount Cargill."

The applicant said two sites were applied for so that Radio One could commence broadcasting regardless of problems which may arise with the establishment of their facilities at Mount Cargill. Once Radio One's antenna system, remote control and telemetry system, and studio to transmitter link were operational, Radio One's transmitter would be installed at Mount Cargill and the Hocken Building site would be rendered superfluous.

Mount Cargill is the site of the Television New Zealand transmitters for Television One and Television Two. The resulting coverage from transmissions will be to cover all of central Dunedin and the signal would extend to surrounding areas.

The applicant proposed an increase in transmitter power from that previously used and a change of site to give extensive cover. The applicant said it would enable it to comply with what it thought was a Post Office directive that all FM transmitters should be co-sited. We discuss that later.

The applicant said it would have a specific interest in Dunedin North, North East Valley, Leath Valley, City Rise and Maori Hill where the great proportion of out of town students resided. It also wished to broadcast to local students who reside in South Dunedin, Roslyn, and the beach area. It would also like to be able to broadcast to students residing in the Helensburgh Heights Hostel at Wakari and sought to provide a service to other people in the Dunedin area who would like to listen to the station.

In support of the higher power, the applicant also quotes NZPO specifications RB20 as to the signal standards required for FM stereo broadcast into urban areas.

#### *Reasons for Decision:*

The application in all other respects was approved as applied for but the transmission power and site were approved as for the previous year. The applicant has asked for reasons for that decision. These written reasons do not therefore include all the other considerations which led to the grant.

The assumption that student stations were encouraged to have full power transmitters on major transmission sites to cover metropolitan areas appears to be based on a misconception of their role and the nature of the application being made.

This is supported by the applicant's statements in support, such as the desirability of raising the signal strength and the definition of the coverage area.

It is also demonstrated by the applicant's views:

"Radio One recognises that initially short term broadcasting authorisations for FM stations will be approved on the basis of low transmitter power from low level sites providing a very limited coverage area and intended to serve a community purpose. We believe that Radio One should be granted permission to broadcast from the Mount Cargill site because:

1. The 'initial' period for STBA's has passed. Radio One has held STBA's for FM operation since February 1984.
2. Using a 300 watt base power is still a relatively low power when compared to the size of transmitters a commercial operation would be using.
3. A high level site such as Mount Cargill is justified in Radio One's circumstances because of the very hilly terrain upon which most of Dunedin is sited. The low level site Radio One is presently utilising is sited on top of a ten-storey high building which in turn is sited at the bottom of a valley. From this position we are unable to clear the crest of the hills to the west nor penetrate very far into the valleys radiating from the gardens area.

Perhaps the city most comparable to Dunedin for its hills is Wellington. Radio Active transmits from Tinakori Hill, a Post Office transmission site, but still has many dead or grey areas. Mount Cargill is really the only available site similar to Tinakori Hill. . . .

4. The antenna system Radio One anticipates using on Mount Cargill is directional. The major lobe produced by this antenna system is aimed at Dunedin City. We are not attempting to broadcast with an omni-directional antenna. Radio One's coverage aims are limited to Dunedin."

The applicant also reiterated its purpose is not to generate profits.

The applicant anticipated that changes in the legislation may result in a more permanent environment for student radio stations.

Student radio stations have been encouraged by the Tribunal since it obtained legislation to enable consecutive 28 day periods of broadcasts for up to one year to be granted without the need to apply for a permanent warrant. The Tribunal has in previous decisions set out the advantages of this approach.