

Justice

Broadcasting Act 1976

Decision No. 10/88

Reference No.: BRO 128/87
BRO 133/87

In the matter of the Broadcasting Act 1976, and in the matter of: 1. An application for a Short-term Broadcasting Authorisation by Victoria University of Wellington Students' Association Incorporated (Radio Active).
2. An application for a Short-term Broadcasting Authorisation by University of Canterbury Students' Association Inc.:

Chairman: B. H. Slane.

Member: Robert Boyd-Bell.

Reasons for a Decision

Dated at Auckland this 31st day of March 1988.

Background

Each of the applicants has previously held short-term broadcasting authorisations to broadcast a service to students during the academic year and for a short period at either end of that year.

Specifically, the Victoria application was:

1. To provide a news, information and entertainment service for tertiary students attending Victoria University of Wellington.
2. To provide an opportunity for tertiary students to gain skills related to the operations of a radio station.
3. To provide an easily accessible forum for the wider community to learn about on-campus activities.

The period applied for was continuous from 17 January to 10 December 1988, broadcasting 18 hours per day on weekdays and 24 hours per day at weekends.

The Canterbury application was for the period 17 January to 4 December 1988, similarly broadcasting 18 hours per day on weekdays and 24 hours per day at weekends.

The three main functions proposed were:

1. Coverage of student and university news and information.
2. Presentation of community information to students.
3. Provision of an alternative music station.

The applicants have each year tended to seek both to increase the number of hours and to extend the number of days on which they broadcast.

After considering all the student radio applications made for 1988, the Tribunal indicated that it would not approve broadcasts in 1988 which commenced earlier than 8 weeks from the conclusion of the applicants' previous year's broadcasts.

Both applicants have asked for the reasons for the decision.

Reasons

Over a period of several years, university student radio stations have been granted the privilege of being able to broadcast under a short-term broadcasting authorisation for a series of 28-day broadcasts not exceeding one year in total (as provided for in the Act).

This has been a distinctive feature of broadcasting in New Zealand and has been encouraged by the Tribunal.

Previous decisions explain the history, nature and development of student broadcasting to date and we do not intend to reiterate them in this decision. (See decisions 3/81, 11/82, 12/82, 4/86, and 8/87) However, in view of the steadily increasing periods of broadcast sought by student

applicants, and specifically the extensions into January sought by these applicants, the Tribunal has examined the policy implications of continually extending the student radio broadcast year.

The university teaching year traditionally starts around the beginning of March and finishes with examinations in October and November.

The university student radio stations originally began broadcasting with a focus on enrolment and orientation activities in Term 1, and have progressively extended their broadcasts through the year until mid-November or December.

The student stations generally include among their functions the provision of news, information and entertainment services to students together with some opportunity for students to gain radio skills. To a lesser degree, the stations offer some non-students an opportunity to be better informed regarding student and university life. The stations have also established a reputation for offering alternative music in their programmes, claiming a more varied and less "commercial" sound than most other stations. They also play a much higher proportion of New Zealand contemporary recorded music than other stations.

The stations have been authorised by the Tribunal to serve their student audience. While the Tribunal accepts that there is some additional non-student audience attached to student radio, the stations are not primarily authorised as alternative music stations.

Among the applications received from all the New Zealand university students' associations at the end of 1987 regarding proposed broadcasts in 1988, three included extensive periods of broadcast during the summer months when the universities are not in full session.

In the case of the Auckland station, the extended period was sought for the express purpose of assisting in the establishment of some extensive "access" broadcasting in Auckland. In effect the station ceased to have a predominantly student oriented programme for the mid-summer period.

But there was not such distinction in the case of the two applicants who have sought these reasons. They simply sought to begin broadcasting in mid-January and cited in support of their applications their wish to provide a job-search service for students, an accommodation guide and pre-enrolment social contact.

While these reasons may have some validity, the Tribunal does not consider them sufficiently important to justify a start-up date six weeks before the university teaching year commences. At that time of the year the student population is still scattered and we consider that the stations might well, in practice, be serving their non-student "eavesdropping" audience as much as, if not more than, the students themselves.

However, we do not want too rigidly to define the periods of broadcast as local conditions may favour earlier or later starts and finishes in any year.

Having regard to all the circumstances, the Tribunal determined that authorisations for university student radio stations would not generally be granted for a period longer than 44 weeks in any one year.

Further, we have determined that broadcasting in each year should not commence earlier than 8 weeks after the cessation of broadcasting in the previous year.

Such a period (44 weeks) is enough to cover the university year from enrolment through until the final examinations are over. It also allows for some flexibility in that, if the students wish to commence broadcasting in mid-January, they may apply to do so providing some compensatory reduction in total number of days broadcast has taken place at the end of the previous year.

The Tribunal notes some concern from the applicants that they received short notice regarding the reduction of the hours they