



# SUPPLEMENT

TO THE

# NEW ZEALAND GAZETTE

OF

THURSDAY, 5 JULY 1984

*Published by Authority*

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WELLINGTON: MONDAY, 9 JULY 1984

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*Notice Under the Regulations Act 1936*

PURSUANT to the Regulations Act 1936, notice is hereby given of the making of regulations as under:

Authority for Enactment	Title or Subject-matter	Serial Number	Date of Enactment	Cash Price	Postage and Packaging
Higher Salaries Commission Act 1977	Parliamentary Superannuation Determination (No. 2) 1984	1984/187	5/7/84	40c	75c

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P. D. HASSELBERG, Government Printer.

*Direction to Broadcasting Tribunal in Connection With Private Television Broadcasting*

To the Broadcasting Tribunal

PURSUANT to section 68 (1) of the Broadcasting Act 1976, I, Ian John Shearer, the Minister of Broadcasting,—

(1) Give you notice that the Government has considered your report on Regional Private Television, which you made to me in March 1984; and

(2) Give you notice that it is part of the general policy of the New Zealand Government in relation to broadcasting—

(a) That regional private television be developed in New Zealand without delay; and

(b) That there be four regions based on the major centres of population, namely—

(i) Region 1, comprising the Auckland and Northland areas;

(ii) Region 2, comprising the Waikato and Bay of Plenty areas;

(iii) Region 3, comprising the Wellington, Manawatu, Hawke's Bay, and Wairarapa areas;

(iv) Region 4, comprising the Canterbury, Otago, and Southland areas; and

(c) That, notwithstanding anything in paragraph (b) of this clause,—

(i) The boundaries and names of the 4 regions shall be determined from time to time by you; and

(ii) The initial determination of the boundaries and names of the regions shall be determined by you after you have considered applications for television warrants to service the 4 regions; and

(d) That in each of the 4 regions there should be effective coverage by private television stations; and

(e) That any application for a television warrant may be made on the basis of the use of the VHF band (where practicable) or of the UHF band or of both; and

(f) That, where the total number of shares held by a person in a company that holds a television warrant or a television programme warrant carry the right to exercise or control the exercise of more than 5 percent of the total voting power that can be exercised at any general meeting of that company, the total number of shares that that person may hold in any other company that holds a television warrant or a television programme warrant shall not carry the right to exercise or control the exercise of more than 30 percent of the total voting power than can be exercised at any general meeting of that other company; and

(g) That, contrary to recommendations 8.22 and 8.23 in your report, there should be no limitation on the shares that a company that publishes a newspaper or a company that holds a sound-radio warrant or a sound-radio programme warrant may hold in a company that holds a television warrant or a television programme warrant; and

(h) That every applicant for a television warrant in respect of a region shall indicate in the application the manner in which and the period or periods within which the applicant is to service the region; and

(i) That where the holder of a television warrant in respect of a region does not intend to service any part of the region within the period of 3 years beginning with the date of the issue of the warrant—

(i) That holder shall not be deemed to have any rights in respect of that part of the region; and

(ii) That holder shall, if any other person obtains a television warrant in respect of that part of the region and if that person so requests, be obliged to make available to that person, on reasonable terms, for broadcasting to that part of the region, programmes that the holder is broadcasting to the part of the region serviced by the holder; and

(j) That a company, independent of—

(i) The Corporation; and

(ii) The holders of television warrants in respect of the private television stations in the 4 regions; and

(iii) Companies that publish newspapers; and

(iv) Companies that hold sound-radio warrants or sound-radio programme warrants,—

(hereinafter called the independent news company), be authorised, by a television programme warrant, to broadcast, in each of the 4 regions, a news programme, covering national news, international news, and current affairs; and

(k) That, where the total number of shares held in a company by one or more of the following companies, namely—

(i) Any company that publishes a newspaper;

(ii) Any company that holds a sound-radio warrant or a sound-radio programme warrant,—

carries the right to exercise or control the exercise of more

than 30 percent of the voting power at any general meeting of the company, that company shall not be independent for the purposes of paragraph (j) of this clause; and

(l) That, where a majority of the directors of a company also hold one or more of the following offices, namely—

(i) Office as a director of a company that publishes a newspaper;

(ii) Office as a director of a company that is a holding company of a company that publishes a newspaper;

(iii) Office as a director of a company that is a subsidiary of a company that publishes a newspaper,—

that company shall not be independent for the purposes of paragraph (j) of this clause unless that majority exists with the consent of you, the Tribunal; and

(m) That, where any person who holds office as a director of a company also holds one or more of the following offices, namely—

(i) Office as a director of a company that publishes a newspaper or a company that holds a sound-radio warrant or a sound-radio programme warrant;

(ii) Office as a director of a company that is the holding company of a company that publishes a newspaper or of a company that holds a sound-radio warrant or a sound radio programme warrant;

(iii) Office as a director of a company that is a subsidiary of a company that publishes a newspaper or of a company that holds a sound-radio warrant or a sound-radio programme warrant,—

that company shall not be independent for the purposes of paragraph (j) of this clause unless that person holds office with the consent of you, the Tribunal; and

(n) That, subject to paragraphs (k), (p), and (r) of this clause, not only persons who hold warrants but also other persons may hold shares in the independent news company; and

(o) That, where broadcasts from private television stations are made by means of the teletext system, the national and international news content of those broadcasts shall be supplied by the independent news company; and

(p) That the independent news company be independent of any joint body established, by the holders of warrants in respect of private television stations, for the purpose of purchasing programmes or arranging common scheduling of broadcasts; and

(q) That conditions of warrants in respect of private television stations shall ensure,—

(i) By requiring each warrant holder to have the same shareholding in the independent news company; or

(ii) By requiring each warrant holder to have a shareholding determined by the application of an appropriate formula based on the size of the station's audience or on the amount of the station's advertising revenue; or

(iii) By such other requirement as you, the Tribunal, consider appropriate,—

that the independent news company is not dominated by the warrant holders in respect of television stations in any one of the 4 regions; and

(r) That, notwithstanding anything in paragraph (q) of this clause, where the total number of shares held in any company by warrant holders in respect of private television stations in any one of the 4 regions carry the right to exercise or control the exercise of more than 30 percent of the total voting power that can be exercised at any general meeting of the company by all persons who hold shares in the company and who are holders of warrants in respect of private television stations, that company shall not be independent for the purposes of paragraph (j) of this clause; and

(s) That, notwithstanding recommendation 5.20 (4) in your report, but subject to paragraph (u) of this clause, programme distribution systems of private television stations be provided, both within regions and between regions, only by the Post Office; and

(t) That, notwithstanding recommendation 5.21 (5) of your report, warrant holders in respect of private television stations be not permitted to establish their own programme distribution systems within regions or between regions; and

(u) That, where off-air pickup is used for programme distribution by the holder of a warrant in respect of a private television station, that off-air pickup be provided by the holder of the warrant; and

(3) In pursuance of the general policy of the Government as outlined in clause (2), direct that you shall—

(a) Call simultaneously without delay (from persons other than the Corporation) for applications for television warrants for—

(i) A television station or stations, with or without relay stations, to service Region 1, comprising the Auckland and Northland areas;

(ii) A television station or stations, with or without relay stations, to service Region 2, comprising the Waikato and Bay of Plenty areas;

- (iii) A television station or stations, with or without relay stations, to service Region 3, comprising the Wellington, Manawatu, Hawke's Bay, and Wairarapa areas;
- (iv) A television station or stations, with or without relay stations, to service Region 4, comprising the Canterbury, Otago, and Southland areas; and
- (b) In calling for those applications, indicate that—
- (i) The Poverty Bay area may be included in either Region 2 or Region 3;
- (ii) The Taranaki area may be included in either Region 2 or Region 3;
- (iii) The Nelson area and the Blenheim area may be included in either Region 3 or Region 4;
- (iv) The area on the West Coast of the South Island may be included in either Region 3 or Region 4; and
- (c) In calling for those applications, require applicants to indicate in their applications their proposals with regard to the networking of the private television stations in the 4 regions; and
- (d) Give the applicants for the television warrants not less than 110 days to file their applications and supporting schedules; and
- (e) Allow the usual period of 60 days for pre-hearing procedures; and
- (f) Hear all the applications in one series of sittings; and
- (g) Where the Corporation is using a translator on a VHF band for the broadcasting of programmes of Television New Zealand and the use of that VHF band for the purposes of broadcasts from a regional television station would require the Corporation to cease using the VHF band for that translator, not grant an application for a warrant in respect of that regional television station unless the applicant first undertakes to meet—
- (i) The costs of reinstating that translator so that it will, on the UHF band, provide coverage of the same standard as that previously enjoyed (which costs shall include the cost of the installation of any receiving equipment which is required to receive broadcasts from the translator); and
- (ii) Such part, as you, the Tribunal considers just, of the cost of any transmitting equipment which is required for the purposes of the translator and which will enable the translator to provide coverage of the same standard as that previously enjoyed; and
- (h) Make it a condition of each television warrant granted in respect of a television station that services a region or part of a region and which is granted to a person (other than the Corporation) that the holder of the warrant make adequate provision for the broadcasting from that television station by an independent news company (acting under the authority of a television programme warrant) of a news programme covering national news, international news, and current affairs; and
- (4) In pursuance of that policy, direct that you shall, in carrying out the direction contained in clause (3), note that I am prepared to give my permission, under section 70 (3) of the Broadcasting Act 1976, to the issue of the television warrants and the television programme warrant required to implement that policy.

Dated this 6th day of July 1984.

I. J. SHEARER, Minister of Broadcasting.

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*The Securities Transfer (Authorised Public Securities Dealers) Notice 1984*

PURSUANT to section 2 of the Securities Transfer Act 1977, the Minister of Finance hereby gives the following notice.

NOTICE

**1. Title and commencement**—(1) This notice may be cited as the Securities Transfer (Authorised Public Securities Dealers) Notice 1984.

(2) This notice shall come into force on the day after the date of its publication in the *Gazette*.

**2. Authorised public securities dealers**—The persons named in the Schedule to this notice are hereby approved as public securities dealers for the purposes of the Securities Transfer Act 1977.

**3. Revocations**—The following notices are hereby revoked, namely,—

- (a) The Authorised Public Securities Dealers Notice 1981\*;
- (b) The Authorised Public Securities Dealers Notice 1981, Amendment No. 1†;
- (c) The Authorised Public Securities Dealers Notice 1981, Amendment No. 2‡.

SCHEDULE

AUTHORISED PUBLIC SECURITIES DEALERS Cl. 2

A.G.C. Merchant Securities Limited.  
 A.P.A. Discount Corporation Limited.  
 A.M.P. Discount Corporation (N.Z.) Limited.  
 Auric Securities Limited.  
 Barclays Short Term Investments Limited.  
 BNZ Finance Discount Co. Limited.  
 Broadbank Corporation Limited.  
 CBA Merchant Finance Limited.  
 Challenge Corporate Services Limited.  
 Equiticorp Securities Limited.  
 General Bills Limited.  
 Indosuez New Zealand Limited.  
 Leadenhall Investments Limited.  
 Marac Corporation Limited.  
 N.Z.I. Securities Limited.  
 Reserve Bank of New Zealand.  
 South Pacific Merchant Finance Limited.  
 UDC Mercantile Securities Limited.  
 United Building Society.

Dated this 4th day of July 1984.

R. D. MULDOON, Minister of Finance.

\**Gazette*, 1981, p. 3056

†*Gazette*, 1982, p. 3388

‡*Gazette*, 1983, p. 1939

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*Direction to Broadcasting Corporation of New Zealand in Connection with the use of its Micro-wave Facilities by the Holders of Warrants in Respect of Private Television Stations*

To the Broadcasting Corporation of New Zealand

WHEREAS section 17 (3) (a) of the Broadcasting Act 1976 specifically empowers the Broadcasting Corporation of New Zealand to establish, install, erect, alter, reconstruct, operate, and maintain, among other things, micro-wave facilities: And whereas section 17 (3) (d) of the Broadcasting Act 1976 specifically empowers the Broadcasting Corporation of New Zealand to make provision for the use of its micro-wave facilities by private broadcasters: And whereas it is part of the general policy of the New Zealand Government in relation to broadcasting that regional private television be developed in New Zealand without delay: And whereas that policy requires that there be effective coverage by private television stations in each of the 4 regions proposed: And whereas that policy requires the establishment of an independent news company, which is to be authorised, by a television programme warrant, to broadcast, in each of the 4 regions, a news programme, covering national news, international news, and current affairs: And whereas such coverage, and, in particular, the broadcasting of the news programme, will require that the holders of warrants in respect of private television stations in the 4 regions form or join in forming, or enter or be or become members of, a network of such holders of warrants, or some other association or organisation of holders of such warrants formed for the purpose of making arrangements for the broadcasting, by 2 or more private television stations linked for the purpose, of programmes or advertisements: And whereas a network, being provision of a programme by broadcast on 2 or more television stations linked for the purpose, will require, both within regions and between regions, the use of micro-wave facilities or of satellite bearers or of other high capacity transmission systems: NOW, THEREFORE, pursuant to section 20 (1) of the Broadcasting Act 1976 (as enacted by section 4 (1) of the Broadcasting Amendment Act 1982), I, Ian John Shearer, the Minister of Broadcasting—

(1) Give you notice that it is part of the general policy of the New Zealand Government in relation to broadcasting—

- (a) That regional private television be developed in New Zealand without delay; and
- (b) That, in each of the 4 regions proposed, there should be effective coverage by private television stations; and

- (c) That an independent news company be authorised, by a television programme warrant, to broadcast, in each of the 4 regions, a news programme, covering national news, international news, and current affairs; and
- (d) That to the extent that the coverage referred to in paragraph (b) of this clause and the broadcasting of the news programme referred to in paragraph (c) of this clause require networking and the use of micro-wave facilities or of satellite bearers or of other high capacity transmission systems, those micro-wave facilities or satellite bearers or other high capacity transmission systems shall be provided only by the Post Office; and

(2) In pursuance of the general policy of the Government as outlined in clause (1), direct that you shall not make provision for the use of your micro-wave facilities or satellite bearers or other high capacity transmission systems by the holders of television warrants or television programme warrants in respect of private television stations.

Dated this 6th day of July 1984.

I. J. SHEARER, Minister of Broadcasting.