

ALLOCATION OF NON-COMMERCIAL RADIO FREQUENCY 106.1 FM AT MT KAUKAU

Purpose

- 1 The Ministry for Culture and Heritage (MCH) set up a panel to consider the allocation of an FM radio frequency at 106.1 FM, Mt Kaukau. The frequency has been reserved by the Government for non-commercial community broadcasting purposes.
- 2 This report outlines the process and records the decision that was reached by the panel after consideration of the applications.
- 3 The successful applicant will be offered a radio licence subject to an agreement with the Crown. The Ministry of Business, Innovation and Employment (MBIE) will then transfer the licence to the successful applicant.

Background

Calls for expressions of interest

- 4 The available frequency was 106.1 FM at Mt Kaukau, Wellington. The frequency can be allocated for a maximum of 25 years, the duration of the current management right which expires on 2 April 2031.
- 5 On 3 November 2015, MCH called for expressions of interest in the frequency. Calls were placed on the MCH website as well as in the Hutt News and the Independent Herald, Wellington. Advice was also sent to five parties from the MCH database who had previously expressed interest in obtaining a radio frequency in the Wellington area.
- 6 Applications from four applicants were received by the closing date of 11 December 2015:
 - Atiawa Toa FM Ltd
 - Hutt Community Radio and Audio Archives Charitable Trust
 - Valley FM Charitable Trust
 - Wellington Access Radio Society Incorporated

Consideration of the applications

- 7 On 26 January 2016, the panel met to consider the applications. The panel was comprised of Carrie Cooke, Manager, Media Policy, MCH (Chair), Jane Wrightson, Chief Executive, NZ On Air and Brian Pauling, an independent contractor with an extensive background in media as a broadcaster, academic and researcher. MCH staff member, Rick Julian, Senior Adviser, Media Policy also attended the meeting to advise the panel and prepare this report.

8 The applications had previously been assessed by panellists against the Government's non-commercial broadcasting policy using the objectives set out in the Regional and Community Broadcasting Framework (RCBF). A copy of the RCBF is attached to this report.

9 In considering the applications, the panel focussed on both the objectives in the RCBF and the following statement of priorities for the allocation of frequencies:

- New community access-type radio services or existing community services seeking to extend coverage compromised for technical reasons
- Existing non-commercial community services prepared to exchange AM for FM
- New services for communities of interest whose needs are otherwise not adequately met by existing services in the locality.

10 Based on the objectives in the RCBF and the priorities above, the panel agreed to apply the following allocation criteria. Would the application, if approved:

- Promote local broadcasting services which support, among other things, local and regional character and identity and democratic and civic participation among regional and local populations (**local broadcasting**)?
- Promote innovation and a diverse range of content and formats that reflect audience identities and cater for their interests (**diversity**)?
- Facilitate wide technical, cultural and social access to broadcasting (**accessibility**)?
- Provide for long-term developments affecting broadcasting (**future-proofing**)?

11. It was noted that the final criterion was difficult to assess given the quickly changing media environment but that the ability of applicants to adapt in the short term would be a consideration.

12. One applicant had requested that their application be heard in person but the panel did not consider this to be necessary as they believed they had all the information they needed to make a decision. If one applicant was afforded the opportunity to be heard it would have to be extended to them all. The panel agreed that it would limit itself to considering all the applications on the papers as lodged. This approach had been advised to the applicants at the outset and subsequently confirmed when the applicant repeated its request to be heard.

The Applicants

Atiawa Toa FM Ltd

13. The panel's conclusion was that this application fell short of the requirements. The application provided only basic information and lacked supporting information, providing the panel with little grounds on which to support this application over the others under consideration.
14. These considerations notwithstanding, in the panel's opinion, the application was outside the framework for a genuine community access station and would warrant more consideration as an iwi Māori station, under the auspices of Te Puni Kōkiri.

Conclusion

15. The panel concluded that the Atiawa Toa application could be excluded from further consideration.

Valley FM Charitable Trust

16. Panellists noted there was a concerning lack of detail on how this newly-formed entity would go about delivering a genuine broad-brush community service. It seemed to rely to a significant degree on having a relationship with Wellington Access Radio which would supply much of the new station's programming. There was no evidence to support this outcome and the panel was not convinced of its deliverability.
17. Given there was an application from Wellington Access Radio directly, the panel was unconvinced of the value of the proposal as a separate station.
18. The proposal was considered to lack detail. At the very least it should have been able to provide a sample programme schedule and demonstrate clear thinking about the audiences it expected to serve. The provision of BBC World Service programming was cited: the panel noted this type of programming should be seen as a gap filler supporting a clear schedule of locally made material. A combination of BBC and retransmission of Wellington Access Radio content did not warrant the support of a separate station and insufficient evidence was given on further content that would be provided.
19. The applicant did not articulate a broad community access vision, with its community focus limited to the older demographic, relying on Wellington Access radio programming to serve other community interests.

Conclusion

20. Valley FM was considered a start-up applicant, essentially offering a continuation of what Hutt Community Radio was offering (including using their equipment) but relying heavily on Wellington Access assistance to provide a broad spectrum of content.

21. The panel concluded that at this stage of its development the proposal from Valley FM was of lesser range, quality and scope than two other applications and accordingly excluded Valley FM from further consideration.

Hutt Community Radio and Audio Archives Charitable Trust

22. It was suggested that the proposal from Hutt Community Radio was a relatively narrow content scope, of a type formerly found on regional commercial radio. There is a focus on popular music, again a hallmark of older provincial commercial radio format. This kind of programming, often run by radio enthusiasts, is now often found on LPFM. While some parts of the local community have been, or would be, served by Hutt Community Radio, it would not be as comprehensively as the Wellington Access Radio option.
23. There is a lack of separation between governance and management which is a principle tenet of community access radio (and good governance). In the Hutt Community Radio structure, trustees also hold roles in the broadcast operation as programme directors, studio operations managers and programme makers.

24. [S9\(2\)\(b\)\(ii\)](#)

the financial projections in the application seemed overly ambitious. It would need proper central government or local government support to survive as a community station and, in a time of limited funding, NZ On Air was not in a position to fund two competing stations in one area.

25. The panel agreed it was important to have a community access station in a region but it was debatable that two were needed. The provision of community radio services in this instance should be viewed from a greater Wellington perspective.
26. On balance it was considered there was no evidence that Hutt Community Radio could successfully achieve a funding stream that would ensure its future. Programming proposals were not persuasive and, on the evidence of the last five years, capability issues were also a serious concern.

Conclusion

27. The panel concluded that a combination of past issues with Hutt Radio and a less than persuasive vision for the future counted against the applicant. While they could potentially improve current performance with mentoring and guidance it was more likely that this would take more of a commercial path which was not what a community radio licence was about.
28. In the face of strong competition from Wellington Access Radio it was decided not to support this application at this time.

Wellington Access Radio Society Incorporated

29. In the panel's view, this was the strongest application. It was the first of the community access broadcasters and it has always been required to share a licence or airtime with other broadcasters. Wellington Access would be strengthened by the allocation of an FM licence.
30. Wellington Access [S9\(2\)\(b\)\(ii\)](#) seems stable and functional at present, with a strong station manager and Board Chair.
31. Overall, the application was professional and persuasive in its presentation. The programme schedule is fully community-focussed with diverse community interests producing and presenting programmes on air.
32. One issue was seen to not be one of capability but one of its ability to reach its current communities of interest as well as its new communities in the Hutt Valley. Would the allocation of an FM licence and the relinquishment of the AM licence compromise audience reach?
33. The panel expressed concern that a 500 watt FM transmitter on Mt Kaukau may be deficient in terms of signal reach, namely that pockets of Wellington, the Hutt Valley and the Porirua basin may be in shadow and unable to receive Wellington Access Radio broadcasts. The question of transmitter power may be prescribed by the engineering requirements of the reserved frequency but this can be offset by installing repeater transmitters separate from the main transmitter. This is an issue that will need to be investigated further.
34. The question of programming was also a potential concern, particularly how Wellington Access Radio intended to add Hutt Valley-focussed programming, as well as the effect on Samoa Capital Radio programming which currently uses a substantial chunk of airtime on Wellington Access Radio's AM frequency, broadcasting from its own separate studios. The panel thought it very important that Wellington Access Radio showed a strategic and sensitive commitment to including Hutt Valley programme makers to enable the station to genuinely be a greater Wellington service.

Conclusion

35. The panel agreed that Wellington Access Radio was clearly the strongest applicant but that there were four issues that would need to be addressed if it was granted the licence:
- The future use of its AM frequency
 - The power of the FM transmitter - its geographic coverage and audience reach
 - How Wellington Access will serve Hutt Valley communities – its response to Hutt Community Radio losing its frequency and local programming being lost

- The future of Samoa Capital Radio programming.

Decision

36. It was agreed that the Wellington Access Radio Society Incorporated was the strongest applicant and should be granted the licence, subject to it implementing the FM operation within 12 months and addressing the issues above and reporting on them to MCH within that time period.
37. Wellington Access Radio will be permitted to maintain its AM licence for a maximum of 12 months and continue broadcasting on that licence while it resolves the matters at issue. Wellington Access Radio will be advised that the AM frequency will be returned to the Crown at the end of the period.
38. The panel's expectation is that as close to current and/or desirable coverage as possible of its current AM coverage should be preserved with its future FM operation and Wellington Access Radio is expected to report to MCH on how it expects to achieve this.
39. Given Wellington Access Radio will now be expected to serve a larger Hutt Valley community, Wellington Access Radio will also be required to report on how it will achieve this, including the possible provision of a local office or studio facilities.
40. As far as the Samoa Capital Radio issue is concerned the panel agrees there is merit in MCH convening an early meeting of interested parties (including Radio Spectrum Management) to discuss the future options.

Next steps

41. MCH will advise the Minister of Broadcasting that it has made a decision.
42. A communications strategy will be developed, including alerting Hutt Valley mayoralty and local MPs.
43. The applicants will then be informed of the outcome of their applications and the successful applicant will be advised of what it needs to do to finalise a broadcasting licence agreement with MCH. When the licence agreement has been finalised, MBIE will be asked to transfer the licence to the broadcaster.
44. As part of the communications strategy, once the applicants have been informed of the allocation decision, details will be posted on the MCH website.

Carrie Cooke
Manager, Media Policy
Ministry for Culture and
Heritage
(Chair)

Jane Wrightson
Chief Executive
NZ On Air

Brian Pauling
Independent Contractor