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Indigenous People's Broadcasting: Prospects For Development From The Marketplace Approach To Broadcasting Regulation In New Zealand

By

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Abstract

New Zealand is a country that is in transition from a government regulated economy to a market regulated economy. Part of this market-liberal trend is the deregulation of the broadcasting industry in New Zealand. This paper examines briefly the current broadcasting regulatory environment in New Zealand. A brief outline of the struggle by the indigenous Maori people (tangatawhenua) of New Zealand (Aotearoa) and the current status of Maori broadcasting is developed. Three recommendations are made to other Asian and Australasian nations based on this brief analysis: 1) Get language and culture provisions into your broadcasting acts, 2) Make seed money available to production companies, and 3) Link education with cultural promotion.

Note:

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Introduction

In New Zealand it is the year of the Maori language. During this year special attention is being paid to the important contribution that the language and culture of the indigenous people's of the land (tangatawhenua) has on the whole structure of New Zealand society. This short paper outlines the New Zealand broadcasting market in general terms, examines briefly the requirement by law to promote the Maori language using broadcasting, and then make general recommendations based on the New Zealand experience.

Background to New Zealand media market

New Zealand is a country in transition from heavy government regulation to a market based economy. During the decade of the 1980's plans were laid for the wholesale removal of governmental market controls and the implementation of market based regulatory schemes in formally publicly held corporations. Fisheries, port authorities, transportation industries, and electricity cooperatives have all undergone significant privatization and deregulation.

In 1989 the Broadcasting act was passed by Parliament (New Zealand Statutes, pp 689-739). This act embodies the deregulatory and restructuring scheme for the radio and television industry. These plans are being implemented in the 1990's, and the business opportunities engendered by these plans are significant. Significant also are the risks. This paper examines the impact that these regulations are having on television broadcasting in New Zealand.
Currently, New Zealand is a country with twelve television stations. There are three national television broadcast stations: Channel 1, Channel 2 and Channel 3. Channel 1 began broadcasting regularly in the Auckland area in 1960 (Bateman, 1992, p. 502). By 1961 Channel 1 had 18 hours of programming per week. In 1974 Channel 2 came on air. In 1987 TV-3 brought a third channel to the national market. Since 1986, Sky television has offered three other channels on a pay basis by broadcast, charging a monthly fee of $50.00 for a descrambling unit attached to each home receiver. In 1994 Sky added two more channel selections (New Zealand Yearbook, 1995, p. 270). In addition to these nine channels, in the past five years three regional broadcast stations have evolved: Canterbury television, Auckland television and Coast to Coast television.

There are two national radio stations. Currently 150 AM and 288 FM frequencies are registered in New Zealand.

**Broadcasting act of 1989**

The 1989 act created within the Ministry of Commerce a Minister of Communications Division. The Communications Division is "headed by a General Manager, and is divided into 3 groups; Telecommunications, broadcasting and Postal Policy; radio spectrum policy; and radio frequency service" (Directory of Official Information, 1991, pp. 68-9). A separate corporation was established, "Broadcast Communications Limited," to provide "telecommunications and broadcasting facilities and services" (p. 52). This separate corporation was formed to meet the New Zealand government's emerging philosophy of "user pays" for government services. Broadcast Communications Limited has as its current clientele: TVNZ Ltd, TV3, Sky Network, Canterbury Television, Singapore Broadcasting Corporation, and NZ on Air. Operations staff are located throughout the country providing "operational and maintenance services to broadcasting and telecommunications clients" (p. 52).
Charged with the oversight of the Minister of Commerce and the regulation of the broadcasting industry, The Broadcast Commission exists to perform a variety of industry oversight functions:

a) to reflect and develop New Zealand identity and culture by
   i) promoting programmes about New Zealand and New Zealand interests; and
   ii) promoting Maori language and Maori culture; and

b) to maintain and, where the commission considers that it is appropriate, extend the coverage of television and sound radio broadcasting to New Zealand communities that would otherwise not receive a commercially viable signal; and

c) To ensure that a range of broadcasts is available to provide for the interests of
   i) women; and
   ii) Children; and
   iii) Personals with disabilities; and
   iv) Minorities in the community including ethnic minorities; and

d) To encourage the establishment and operation of archives of programmes that are likely to be of historical interest in New Zealand—by making funds available, on such terms and condition as the Commission thinks fit, for
   i) Broadcasting; and

f) The production of programmes to be broadcast; and

g) The archiving of programs (Broadcasting Act, 1989, p. 705)

This organizational entity is primarily concerned with public interest, non-commercial broadcasting.
Cable

Telecom of New Zealand, the sole domestic telephone company in New Zealand, announced in January 1993 that they were going to experiment with a cable system in two neighbourhoods in Auckland in November 1993. About 600 homes were expected to participate in the cable introduction (New Zealand Herald, January 18, 1993, p. 3). In association with Sky Television, Telecom is testing television programming delivery, teletext, and improved telephone services using a fibre optics network (Peter Haworth, January 20th, 1993).

Perhaps the greatest fear engendered by the programming potential that cable represents is the fear of foreign programming. The Canadian and Australian experiences figure prominently in government reports examining the efficacy of cable to the New Zealand market (Royal Commission of Inquiry, 1986). It was felt that the Canadian example especially demonstrates the danger they viewed inherent in cable implementation. In Canada "...cable channels operate in a virtually deregulated environment showing very little Canadian content" (Royal Commission of Inquiry, p. 37). Of greatest concern to the Royal Commission in its examination of the potential impact of the proliferation of T.V. viewing channels was the promotion of the cultural hegemony of the United Kingdom and the United States.

According to the 1986 report of the Royal Commission of inquiry "cable as a delivery system is uneconomic in the New Zealand context and would alter the structure and viability of broadcasting as we know it" (p. 38). Cable was deemed as uneconomic because of the large geographic dispersion of the population of New Zealand. Cable, it was believed, would only be appropriate for the large metropolitan areas.
Maori broadcasting

To understand the role of Maori in contemporary New Zealand culture several observations need to be made. In 1840 some 400 Maori chiefs signed a treaty with the United Kingdom. The Treaty of Waitangi, as it has come to be called, was written in both English and Maori with many subsequent legal confusions arising from differences in interpretations of the treaty. In 1871 the treaty was nullified in a High Court in Wellington. In 1975 the Treaty of Waitangi Act reinstated the treaty to legal precedence (For a discussion of these and other related issues see Mulgan, 1989). Since that time, successive New Zealand governments have struggled to interpret the impact of the treaty regarding land seized from Maori without compensation during land wars in the mid 19th century and the right of Maori to maintain their own sovereignty (rangatiritanga) among other things. A judicial panel has been established to rule (but not to enforce) on Maori grievances extending from violations of the treaty since 1840. There is no statute of limitations for these claims. As can be anticipated, there has been much controversy regarding treaty claims.

As you will note from the 1989 Broadcasting act, a specific provision is made for the promotion of Maori language using the mass media. This law is a key innovation that has resulted in some positive steps being taken to promote Maori culture and language using the vehicle of mass media. There are nearly 500,000 people of Maori decent in the total population of 3.5 million in New Zealand. Of those 500,000 it is estimated that only 50,000 are fluent speakers of Maori (i.e. able to hold an argument in Maori). There is a real question as to whether the Maori language with so few fluent speakers left can remain a viable human language.

The first Maori broadcast in New Zealand was not until 1942 when Wiremu Parker
announced once a week the list of Maori killed during WWII (Fox, 1989, p. 487). It would be 1978, Fox notes, before a Pacific language radio station would finally be established in Auckland (p. 488). In 1983 a Maori language television news broadcast would begin on T.V. 1: *Te Karere*. Since 1991 a Sunday morning Maori Language programme, *Marae*, has also been broadcast.

Two key legal actions were required for this emergence of Maori language in television broadcasting. These legal actions were taken as a result of Treaty of Waitangi claims. In 1985 *Nga Kaiwhakapumau i te Reo*, a Wellington based Maori language board, would take a claim to the Waitangi Tribunal to seek Crown support of the Maori language (Fox, p. 489). In 1991 a High Court decision would solidify Maori right of access to the airwaves. The best outlines of the entire attempt by Maori people to get promotion of their language by the Crown through the vehicle of mass media are written by Helen Wilson (1991, 1993).

The net effect of the Treaty of Waitangi Tribunal hearing and the subsequent High Court decision would be that Maori have a right to airwave access. As a direct result there are now 24 Iwi-based (tribal-based) radio stations 23 of which broadcast on frequencies reserved by government for the promotion of Maori language and culture (New Zealand Yearbook 1995, p. 268). Prior to 1988-89 there was only one station.

In 1993 an amendment to the Broadcasting act produced *Te Reo Whakapua i Irirangi* better known as *Te Mangai Paho* to allocate public funding for Maori broadcasting. Now that a specific agency exists and will begin operations 1 January 1996, further strides forward in the production of Maori based and Maori language programming can be expected.

Although Maori television broadcasting appears to be locked out of primetime
programming, there are some bright spots on the horizon. A 13-part Maori language drama, *Te Kai A Te Rangatira*, will start on July 25, 1995 (Sunday News, June 11 1995).

**Recommendations from the New Zealand experience**

*Get language and culture provisions into your broadcasting acts.* The specific provision for promotion of Maori language and culture has many historical origins which this paper does not seek to develop in any detail (namely the Treaty of Waitangi). As little as two decades ago, the speaking of Maori language at schools in New Zealand was prohibited. The transformational process that the culture has sustained in these past two decades is nothing short of extraordinary. It will take extraordinary effort to get similar promotional provisions into the broadcasting acts of your respective countries. Debnam (1990) argues that the production of many laws in New Zealand, including broadcasting, is a result of adversarial politics rather than reasoned action. It would therefore be unlikely that specific provision for minority language groups in a nation's broadcasting acts would occur in nations where adversarial politics do not exist.

*Make seed money available to production companies.* According to the current proposed New Zealand Governmental budget, fees of $2 million dollars will be generated to support Maori broadcasting administration. That is a very small sum in an industry where the entire New Zealand broadcast administration budget is $28 million dollars (see *Estimates of appropriations for the Government of New Zealand*, 1995). *New Zealand on Air*, the primary governmental broadcasting production agency, has a total budget of $50.7 million dollars for the production of television programmes; $23.4 million for national radio; and $7.7 million on Maori radio (*New Zealand Yearbook*, 1995, p. 268). In stark contrast is gross revenue for TVNZ which
operates channels one and two; $373 million dollars in 1994 (New Zealand Yearbook, 1995, p. 269). But at least a commitment has been made. As you will note, the strides forward that have been made in New Zealand, especially since the late 1980s, have been made with relatively little money.

Link education with cultural promotion. The new 13 part Maori language drama mentioned earlier was developed to meet the needs of a language education course at the University of Waikato in Hamilton, New Zealand and to promote the Maori language. These kinds of programme developments will continue to be very difficult in New Zealand because of the climate for deregulation, the selling of formerly public owned assets, and the introduction of the element of free market competition into all sectors of the society. And there is a great deal of criticism of Te Mangai Paho by Maori regarding the funding of Maori broadcasting (See Te Maori News, 1994) but there has been support as well. The key for minority language groups in your nations will be to develop the educational value of the culture as a means of convincing governments of the value for funding.

Conclusion

Although the New Zealand market is small, only 3.5 million total population for the country, there is a great deal of growth possible in the Maori broadcasting sector of the economy. Te Mangai Paho has as its goal by 1996 to have 50% of Maori broadcasting to be in all Maori language. Thus much work needs still to be done to insure the continued promotion of Maori language through the mass media. Three recommendations are made here to other Asian and Australasian nations based on this brief analysis: 1) Get language and culture provisions into your broadcasting acts, 2) Make seed money available to production companies, and 3) Link education with cultural promotion. New Zealand broadcast regulations were born in a climate of
adversarial politics. In a nation not characterized by a similar political situation, strong advocacy of minority language groups will need to come from other sectors of the society.
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