

(7) For the avoidance of doubt it is hereby declared that nothing in these regulations excepts sound-radio warrants issued in respect of frequency modulation broadcasting stations from the application of subsections (3) to (5) of section 71 of the Act."

Mr O'Brien's argument on the correct interpretation of regulation 14A was compelling.

We accept that 3ZM's AM warrant would otherwise have had to be surrendered within 4 years if the Corporation had not indicated that was prepared to surrender the warrant. We cannot accept that it was the intention of the regulations to require a warrant holder who was an applicant to divest itself of all commercial AM warrants held by that warrant holder in that area. Nor do we consider that is what the regulation says. The use of the singular "warrant" indicates that it is the 3ZM AM warrant which has to be surrendered.

The simulcasting is of short duration continuing for promotional reasons only it will be permitted.

It will be a condition of the grant of the warrant to the BCNZ for 3ZM that the AM warrant be surrendered from the commencement of broadcasting by 3ZM-FM. The Tribunal will grant a 90 day authorisation for the existing 3ZM operation. We consider this more appropriate than granting a FM warrant with a supplementary AM warrant for such a short period.

Radio Avon Ltd. may have needed to have consents in relation to directors having a directorship in more than one company.

However, the directorships proposed do not appear to create a problem.

Conclusion—The Tribunal considers the BCNZ application the best of the four. It had the least disadvantages and was viable.

Of the other 3 only the *Canterbury FM* application clearly commended itself. We consider the advantages of this applicant as an additional station outweighed the disadvantages which were primarily the effect on the existing stations—section 80 (b) and (c). For the reasons given the *Mainland FM* and *Music 90 FM* proposals were not as attractive.

Mainland FM would serve an audience on FM which 3ZM could better serve.

Music 90 FM had weaknesses which we have alluded to and its viability was doubtful.

For these reasons, and those given earlier in this decision, the Tribunal grants the BCNZ and *Canterbury FM* applications and declines the *Radio Avon* and *Mainland FM* applications.

Conditions:

We have decided not to rule on timing at this stage for commencement of FM broadcasting. The successful applicants may make submissions. Normally we would have left the parties to make their own pace but 2 other considerations may apply—

- (1) The BCNZ is to provide facilities for co-siting. Negotiations may take time and should not put *Canterbury FM* at a disadvantage.
- (2) Existing stations will be affected by the new entrant. It could be argued that 3ZM should be able to start on FM at the same time as, or earlier than, *Canterbury FM*.

A condition may be inserted to deal with these matters after hearing submissions, if the parties cannot agree.

Otherwise the usual conditions will apply including:

- (1) An identical definition of coverage objectives
- (2) Hours as applied for
- (3) Simulcasting of 3ZM AM-FM for 3 months
- (4) Adherence to promised formats
- (5) The usual clauses for networking and technical standards for *Canterbury FM*.
- (6) Warrants will lapse if not taken up within 18 months or such further time as the Tribunal may approve.
- (7) News media ownership in *Canterbury FM* (see earlier reference).
- (8) The initial term of the warrants will be 3 years.

Co-opted Member—The Tribunal co-opted Mr Henshall as a person whose qualifications or experience was likely, in the opinion of the Tribunal, to be of assistance to the Tribunal in dealing with the application. He took part in the hearing and the deliberations of the Tribunal but the decision is that of the permanent members.

Dated the 15th day of July 1985.

Signed for the Tribunal:

B. H. SLANE, Chairman.

District Anglers (Southern Lakes Acclimatisation District) Notice 1985

PURSUANT to section 71 of the Fisheries Act 1983, the Department of Internal Affairs hereby gives the following District Anglers Notice.

NOTICE

1. Title and Commencement—This notice may be cited as the District Anglers (Southern Lakes Acclimatisation District) Notice 1985, and shall come into force on 1 September 1985.

2. Interpretation—(1) In this notice, unless the context otherwise requires—

"Boat" includes a launch or other vessel; and also includes any canoe, punt, or raft, and any aircraft or hovercraft on the surface of the water;

"District" means the Southern Lakes Acclimatisation District;

"Foulhook", in relation to any acclimatised fish, means to take the acclimatised fish with a hook otherwise than through the mouth;

"Landmark" means a black and yellow ringed post;

"Lure" means any natural or artificial fly, any natural or artificial minnow, any natural or artificial worm, any artificial crustacean, rodent, mollusc, creeper, huhu or matai grub;

"Natural fly" includes spiders and insects; but does not include anything the use of which is prohibited by subclause (1) of clause 5 of this notice;

"Take" and all references thereto includes taking, fishing for, catching, killing, or pursuing by any means or device; and also includes the attempt to take;

(2) Words and expressions in this notice which are defined in the Fisheries Act 1983 or the Freshwater Fisheries Regulations 1983 shall unless the context otherwise requires have the meanings so defined.

3. Open season—(1) Except as provided in subclause (2) and subclause (3) of this clause fishing for acclimatised fish by licence holders shall be permitted during the open season which shall be—

- (a) In respect of all rivers and streams flowing into Lakes Hawea, Wanaka, Wakatipu, Te Anau, Manapouri, Monowai, Hauroko, Poteriteri, and Hakapoua, and the lower Waiau River from Pearl Harbour to the eastern boundary of the district (excluding that part dealt with in subparagraph (d) (iii) of this subclause), or into any lake draining into those lakes, and the tributaries of those rivers and streams, except the Waiau River, from the 1st day of November in any year to the 31st day of May in the next succeeding year (both days inclusive);
- (b) In respect of Lakes Hawea, Wanaka (excluding that part dealt with in paragraph (d) (i) of this subclause), Wakatipu (excluding those parts dealt with in paragraphs (d) (ii) and (iv) of this subclause), Hayes, Te Anau, Manapouri, Monowai, Hauroko, Poteriteri and Hakapoua, from the 1st day of September in any year to the 31st day of August in the next succeeding year (both days inclusive);
- (c) In respect of Diamond Creek between its confluence with the Rees River (as indicated by a black and white striped marker post) and its outflow from Reid Lake, from the 1st day of November in any year to the 31st day of March in the next succeeding year (both days inclusive);
- (d) In respect of all other waters in the district, including the Waiau River between Lakes Te Anau and Manapouri, Mill Creek (excluding that part dealt with in subparagraph (vi) of this paragraph), and the hydro-electric outfall from Lake Manapouri into Deep Cove, Doubtful Sound, but excluding those waters dealt with in subclause (2) and subclause (3) of this clause and the following waters;
 - (i) That portion of Lake Wanaka which lies within 150 metres of any part of the launch wharf at the township of Wanaka;
 - (ii) Queenstown Bay, Lake Wakatipu, inside a straight line drawn from the outermost point of the Tourist Park to the point where the south bank of One Mile Creek meets Lake Wakatipu;
 - (iii) That portion of the Waiau River which lies within 100 metres of any part of the wharf at the Fiordland Travel Company's Tourist Centre on the Waiau River, Lake Manapouri;
 - (iv) That portion of Lake Wakatipu that lies within 100 metres of any part of the wharf in Black Bay (commonly known as the Walter Peak Jetty);