



**THE FISHERIES (WEST COAST WHITEBAIT FISHING) NOTICE
1984**

PURSUANT to section 89 of the Fisheries Act 1983, the Fisheries (Commercial Fishing) Regulations 1983, and the Fisheries (Amateur Fishing) Regulations 1983, the Director-General of Agriculture and Fisheries hereby gives the following notice.

ANALYSIS

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| <ol style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Application 4. Gear and method restrictions on all whitebait fishing 5. Fishing for whitebait subject to special conditions | | <ol style="list-style-type: none"> 6. Taking of whitebait prohibited during certain times 7. Taking of whitebait prohibited from certain areas 8. Rivers to remain in their natural state 9. Dumping of whitebait prohibited 10. Revocation Schedules |
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NOTICE

1. Title and commencement—(1) This notice may be cited as the Fisheries (West Coast Whitebait Fishing) Notice 1984.

(2) This notice shall come into force on the 1st day of September 1984.

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

“Act” means the Fisheries Act 1983:

“Confluence” means the place where any river, stream, or estuary or other water meets any other river, stream, or estuary or other water having a separate source and a permanent and visible flow:

“Fishing gear” means any vessel, net, line, pot, trap, screen, apparatus, device, or thing which is capable of being used for the purposes of taking fish:

“Licensed structure” means a structure licensed by the Ministry of Transport pursuant to the Harbours Act 1950:

“Net” means any contrivance, instrument, or device used or suitable for use for taking whitebait:

“Open season” means that period in a year not prescribed under clause 6 of this notice as being the period during which the taking of whitebait is prohibited:

“River” or “stream” means the waters of the river or stream, as the case may be:

“Screen” means a flat portable frame covered with a metallic or fabric gauze material that does not impede the flow of water:

“Tidal portion” includes all parts of a stream, river, estuary, or other waters where the water level fluctuates with the tide:

“Whitebait” means those fish commonly called whitebait, being—

(a) The young or fry of the following *Galaxias* species:

(i) *Galaxias maculatus* (inanga):

(ii) *Galaxias brevipinnis* (koaro):

(iii) *Galaxias argenteus* (giant kokopu):

(iv) *Galaxias postvectis* (short-jawed kokopu):

(v) *Galaxias fasciatus* (banded kokopu); and

(b) The young or fry of the fish of which the scientific name is *Retropinna retropinna*.

(2) Words and expressions defined in the Fisheries Act 1983 shall, unless the context otherwise requires, have the meanings so defined.

3. Application—This notice shall apply to all waters and places on the West Coast of the South Island from Heaphy Bluff (at 40° 59' S and 172°06' E) to Puysegur Point (at 46° 09' S and 166°36' E).

4. Gear and method restrictions on all whitebait fishing—(1) No person shall, while fishing for whitebait on any river or stream where the taking of whitebait is for the time being allowed,—

- (a) Use or possess any whitebait net that has a net mouth in excess of 4.5 m in circumference or perimeter measured around the inside of the net frame, and in no case shall the frame material exceed 12 cm in width:
- (b) Use or possess any whitebait net which has an overall length greater than 3.5 m:
- (c) Set or use any fishing gear that exceeds more than one-third of the width of a river or stream at that place at that time:
- (d) Except as provided in clause 5 (1) (b) of this notice, set or use more than one whitebait net at any time:
- (e) Place outside a whitebait net any wing, deflector, or other contrivance which may divert whitebait into any net:
- (f) Place any net in such a manner that it constitutes a wing or deflector:
- (g) Use a screen or screens in fishing for whitebait unless the total length of the screen or screens is 3 m or less and the screen or screens are used only from the waters' edge at the site being fished:
- (h) Use a groyne, shingle bank, or stone wall constructed from the bank or in the bed of a river or stream whereby whitebait may be diverted into a net; but, without conferring any right of access, this provision shall not prohibit fishing from the main wharf and protection works in the Buller, Grey, and Hokitika Rivers:
- (i) Use any device, contrivance, wing, or deflector that tends to prevent or divert the movement of whitebait up or down stream other than a screen that complies with and is used in accordance with this notice:
- (j) Use any fishing vessel, except that the Director-General may, upon application in writing and subject to such conditions as he thinks fit, authorise the applicant or the person for whom the application is made to use a fishing vessel for the purpose of taking whitebait if he is satisfied that the applicant or that person, because of infirmity or chronic disability, is unable to fish for whitebait without using a fishing vessel:

- (k) Fish within 20 m of any tide gate, flood gate, confluence, culvert, bridge, or bridge pier.
- (2) Every person who sets or uses a whitebait net shall remain within 10 m of any such net.
- (3) No person shall fish for or take whitebait other than from the tidal portion of any river or stream.
- (4) Any person fishing for whitebait shall remove all fishing gear (other than a licensed structure) from the water at the cessation of fishing, and not later than 8 p.m.

5. Fishing for whitebait subject to special conditions—(1) No person fishing for whitebait from the rivers listed in the First Schedule to this notice shall—

- (a) Fish from any structure or possess any whitebait taken from any structure, unless that structure is licensed by the Ministry of Transport pursuant to the Harbours Act 1950:
- (b) Use more than 2 whitebait nets:
- (c) Place or use nets on any licensed structure unless the mouths of the nets all face the same direction:
- (d) Place or use nets on any licensed structure unless the nets are placed or used in a straight line, either from the upstream or downstream edge of the licensed structure:
- (e) Use a hand-held scoop net on any licensed structure where any other net is being set or used:
- (f) Fish within 40 m of any licensed structure from which any other person is fishing, whether on the same or opposite bank as that structure:
- (g) Fish from any licensed structure erected within 40 m of any existing licensed structure.
- (2) Notwithstanding clause 4 (1) (g) of this notice, on those rivers listed in the First Schedule to this notice 2 or more screens may be used at a licensed structure if they are placed only in each of the spaces between the nets authorised to be used on the licensed structure and between the nearest net and the waters' edge with a minimum of 3 m of screen in each space; but where screens are used in the space between the waters' edge and the nearest net, the combined length of the screens in that space shall not exceed 3 m in length.

6. Taking of whitebait prohibited during certain times—(1) The taking or possession of whitebait from all waters and places on the West Coast of the South Island is prohibited during the period commencing with the 15th day of November in any year and expiring with the 31st day of August in the year following (both days inclusive).

(2) No person shall fish for whitebait during an open season between the hours of 8 p.m. and 5 a.m.

7. Taking of whitebait prohibited from certain areas—No person shall take or possess any whitebait taken from the places listed in the Second Schedule to this notice.

8. Rivers to remain in their natural state—Nothing in this notice shall be construed so as to permit any person fishing for whitebait to interfere with, or alter, or modify the natural bed or banks of any river, channel, or stream, or to fish where such beds or banks have been so interfered with, altered, or modified.

9. Dumping of whitebait prohibited—No person shall discard or dump in the open any whitebait or fish taken when fishing for whitebait.

10. Revocation—The Fisheries (South Island Whitebait Conservation Areas) Notice 1983* is hereby revoked.

*S.R. 1983/304

SCHEDULES

C1. 5

FIRST SCHEDULE

WHITEBAIT FISHING SUBJECT TO SPECIAL CONDITIONS ON CERTAIN RIVERS

The rivers from which the taking of whitebait is subject to special conditions are as follows:

Orowaiti River
Taramakau River
Hokitika River (proper)
Wanganui River
Waitangi-Taona River
Jacobs River
Karangarua River
Paringa River
Moeraki River (Blue)
Haast River
Okuru River
Turnbull River
Waitoto River
Arawata River
Cascade River
Awarua River
Ohinemaka River
Hollyford River.

SECOND SCHEDULE

Cl. 6

WHITEBAIT FISHING PROHIBITED FROM SPECIFIED AREAS

The places from which the taking of whitebait is prohibited are as follows:

- (a) The Mahinapua Creek to the south side of the Hokitika River, and any tributary thereof, including Lake Mahinapua and any stream running into that lake; and including the south bank of the Hokitika River from a point 20 m upstream of the entrance of Mahinapua Creek to the sea:
- (b) Fisherman's Creek on the south bank of the Hokitika River and any tributary thereof:
- (c) The area known as the Hapuka River (including the south bank of the Turnbull River) from a point 20 m upstream from the Hapuka River to the sea:
- (d) Any tributary stream of the Waiatoto River and the waters of the Waiatoto River above the mean high-water mark:
- (e) The north bank of the Cascade River between a point 20 m upstream from Old Man Creek to the sea, and including Old Man Creek:
- (f) The area known as Barn Creek on the Cascade River, and any tributary stream thereof:
- (g) All rivers, streams, and tributaries thereof which flow to the sea in Fiordland between Yates Point in the north and Puysegur Point in the south:
- (h) The area of about 2.428 hectares known as Kongahu Swamp located north of Granite Creek to the east of the main road to Karamea township and approximately 6.5 km south of that township:
- (i) Awarua River above the New Zealand Forest Service swing bridge.

Dated at Wellington this 13th day of August 1984.

M. J. BELGRAVE,
Assistant Director-General of Agriculture and Fisheries.

EXPLANATORY NOTE

This note is not part of the notice, but is intended to indicate its general effect.

This notice imposes restrictions on whitebait fishing on the West Coast of the South Island. On specified rivers, 2 nets may be used, but on all other rivers fishing must be done with one net. A closed season is also set by the notice, and no-fishing areas are set aside for conservation purposes.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 16 August 1984.

This notice is administered in the Ministry of Agriculture and Fisheries.