

1970/101



**THE FRESHWATER FISHERIES REGULATIONS 1951,
AMENDMENT NO. 11**

—
RICHARD WILD, Administrator of the Government
ORDER IN COUNCIL

At the Government House at Wellington this 25th day of May 1970

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL

PURSUANT to the Fisheries Act 1908, His Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Freshwater Fisheries Regulations 1951, Amendment No. 11, and shall be read together with and deemed part of the Freshwater Fisheries Regulations 1951* (hereinafter referred to as the principal regulations).

(2) Regulation 8 of these regulations and the Schedule to these regulations shall come into force on the 1st day of October 1970.

(3) Except as provided in subclause (2) of these regulations, these regulations shall come into force on the seventh day after the date of their notification in the *Gazette*.

2. Storage of fish in freezing chambers—The principal regulations are hereby amended—

- (a) By omitting from regulation 64 the words “trout or” where they first occur;
- (b) By omitting from regulation 64 the words “trout or acclimatised fish, other than quinnat salmon”, and substituting the words “acclimatised fish”;
- (c) By omitting from regulation 65 the words “trout or other acclimatised fish, except quinnat salmon”, and substituting the words “acclimatised fish”;

*S.R. 1951/15 (Reprinted with Amendments Nos. 1 to 8: S.R. 1964/196)
Amendment No. 9: S.R. 1965/170
Amendment No. 10: S.R. 1966/208

- (d) By omitting from regulation 65 the words "trout or such other", and substituting the word "such":
- (e) By omitting from regulation 66 the words "trout or other acclimatised fish, except quinnat salmon", and substituting the words "acclimatised fish":
- (f) By omitting from regulation 66 the words "trout or other" where they secondly occur:
- (g) By omitting from regulation 67 the words "trout or other":
- (h) By omitting from regulation 68 the words "trout or other acclimatised fish, other than quinnat salmon", and substituting the words "acclimatised fish":
- (i) By omitting from the first column of the Seventh Schedule the word "Trout", and substituting the words "Acclimatised Fish".

3. Commercial smokehouses—The principal regulations are hereby further amended—

- (a) By omitting from the definition of the term "commercial smokehouse" in subclause (1) of regulation 2 the word "trout", and substituting the words "acclimatised fish":
- (b) By omitting from subclause (1) of regulation 82 the word "trout" wherever it occurs, and substituting in each case the words "acclimatised fish":
- (c) By omitting from regulation 83 the words "trout (other than fresh or wet salted trout)", and substituting the words "acclimatised fish":
- (d) By omitting from paragraph (a) of regulation 83 and also from paragraph (c) the word "trout", and substituting in each case the words "acclimatised fish":
- (e) By omitting from regulation 84 the word "trout" wherever it occurs, and substituting in each case the words "acclimatised fish".

4. Pollution of waters—The principal regulations are hereby further amended by revoking regulation 103, and substituting the following regulation:

"103. (1) No person shall cast or throw into any waters or discharge or cause to be put or discharged into or placed near the bank or margin of any waters any sawdust or sawmill refuse, lime (other than agricultural or slaked lime), sheep dip, flaxmill refuse, oil, chlorinated hydrocarbon pesticide, or any other substance to such an extent as to cause the waters to be poisonous or injurious to fish or the spawning grounds of fish or the food of fish.

"(2) Every person commits an offence who does any act in contravention of this regulation, and is liable on summary conviction to a fine not exceeding \$2,000, and, in the case of a continuing offence, to a further fine not exceeding \$20 for every day on which the offence has continued."

5. Depositing of debris from mining claim—Regulation 105 of the principal regulations is hereby revoked.

6. Penalties—The principal regulations are hereby further amended by revoking regulation 112, and substituting the following regulation:

“112. (1) Every person commits an offence who does any act in contravention of or fails to comply with any provision of these regulations.

“(2) Every person who commits an offence against these regulations for which no penalty is provided elsewhere than in this regulation is liable on summary conviction to a fine not exceeding \$300, and—

“(a) In the case of an offence against any of the following regulations, namely—regulations 44A, 51, 52, 53, 54, 55, 56, 59, 60, 64, 65, 85, 87, 92, and 97 of these regulations, to a further fine not exceeding \$5 for each fish in respect of which the offence was committed; and

“(b) In the case of a continuing offence against regulation 97 of these regulations, to a further fine not exceeding \$5 for each day on which the offence has continued.”

7. Forfeited gear and tackle—Regulation 115 of the principal regulations is hereby amended by adding the following proviso:

“Provided that where the prosecution was commenced on the information of an officer of a registered acclimatisation society, the forfeited gear and tackle shall be disposed of by the Secretary for Marine to that acclimatisation society for the purposes of sale and may be sold by that society, and the proceeds of sale shall be paid into its funds and applied for the purposes of the society.”

8. Licence fees—(1) The principal regulations are hereby further amended by revoking the First Schedule (as substituted by regulation 6 (1) of the Freshwater Fisheries Regulations 1951, Amendment No. 6), and substituting the First Schedule set out in the Schedule to these regulations.

(2) Regulation 6 of the Freshwater Fisheries Regulations 1951, Amendment No. 6, and the Schedule to those regulations are hereby revoked.

SCHEDULE
NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS
"FIRST SCHEDULE
LICENCES AND FEES

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>	<i>Fourth Column</i>	<i>Fifth Column</i>	<i>Sixth Column</i>
Number of Class	Class of Licence	Area of Availability	Fee for Men of 17 Years of Age and Over Unless Attending School Full Time	Fee for Women of 17 Years of Age and Over Unless Attending School Full Time	Fee for Persons Under 17 Years of Age or Attending School Full Time
1	Whole-season ..	As provided by regulation 11	\$ 6.00	\$ 3.00	\$ 1.00
2	Half-season ..	District of issue ..	4.50	2.25	1.00
3	Monthly	District of issue ..	3.00	1.50	1.00
4	Weekly	District of issue ..	2.00	1.00	1.00
5	Day	District of issue ..	0.75	0.50	0.30
6	Single-river or single-water	Waters described in licence	3.00	1.50	1.00"

P. J. BROOKS,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations amend the Freshwater Fisheries Regulations 1951.

Regulations 2 and 3 extend to all acclimatised fish (including salmon) the provisions of the principal regulations relating to the storage of fish in freezing chambers and to commercial smokehouses.

Regulation 4 replaces the former regulation 103 relating to the pollution of waters. The new regulation 103 specifies additional pollutants, such as oil and chlorinated hydrocarbon pesticides, and increases the maximum penalty to the amount permitted by section 83 (2A) of the Fisheries Act 1908 (as inserted by section 3 (1) of the Fisheries Amendment Act 1969), namely, a fine of \$2,000, with a further fine of \$20 for each day in the case of continuing offences.

Regulation 5 revokes regulation 105 of the principal regulations, which provides that nothing in Part XVI (relating to the pollution of waters) shall extend to prohibit the depositing in any waters of debris from any mining claim.

Regulation 6 replaces regulation 112 of the principal regulations, relating to penalties for offences, and fixes new maximum penalties of the amounts permitted by section 83 (2) (i) of the Fisheries Act 1908 (as substituted by section 20 of the Fisheries Amendment Act 1968).

Regulation 7 provides that gear and tackle that are forfeited to the Crown on the conviction of an offender shall, in cases where the prosecution was undertaken by a registered acclimatisation society, be disposed of to that society for the purposes of sale, and the proceeds of sale shall be paid into its funds and applied for the purposes of the society.

Regulation 8 substitutes a new scale of licence fees. The new fees are to come into force on 1 October 1970.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 28 May 1970.

These regulations are administered in the Marine Department.