



THE FRESHWATER FISHERIES REGULATIONS 1951,
AMENDMENT NO. 16

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 26th day of May 1980

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Fisheries Act 1908, His Excellency the Governor-General, 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. 16, and shall be read together with and deemed part of the Freshwater Fisheries Regulations 1951* (hereinafter referred to as the principal regulations).

*S.R. 1951/15 (Reprinted with Amendments Nos. 1 to 13: S.R. 1976/191)
Amendment No. 14: (Revoked by S.R. 1977/268)
Amendment No. 15: S.R. 1977/268

(2) Subject to regulation 19 (3) of these regulations, these regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

2. Interpretation—(1) Regulation 2 (1) of the principal regulations is hereby amended by revoking the definition of the term “acclimatised fish” (as amended by regulation 2 of the Freshwater Fisheries Regulations 1951, Amendment No. 13), and substituting the following definition:

“‘Acclimatised fish’ means brown trout (*Salmo trutta*), rainbow trout (*Salmo gairdneri*), the American brook trout or char (*Salvelinus fontinalis*), the lake trout or char (*Salvelinus namaycush*), the Atlantic salmon (*Salmo salar*), the quinnat or chinook salmon (*Oncorhynchus tshawytscha*), the sockeye salmon (*Oncorhynchus nerka*), the perch (*Perca fluviatilis*), the catfish or brown bullhead (*Ictalurus nebulosus*), the mosquito fish (*Gambusia affinis*), and tench (*Tinca tinca*); and includes the young, fry, ova, and spawn, and any part of any such fish; but does not include salmon preserved in cans and imported into New Zealand:”.

(2) The said regulation 2 (1) is hereby further amended by inserting, in the definition of the term “canning” after the word “preservation”, the words “by heat treatment”.

(3) The said regulation 2 (1) is hereby further amended by revoking the definition of the term “commercial smokehouse” (as amended by regulation 3 (a) of the Freshwater Fisheries Regulations 1951, Amendment No. 11), and substituting the following definitions:

“‘Commercial freezing chamber’ means any freezing chamber, including any cool store, refrigeration works, or freezing or cooling device, situated in or on any cannery, plant, or premises (not being a private dwellinghouse) where acclimatised fish are or have been in the preceding 6 months frozen, canned, or otherwise preserved or treated or stored:

“‘Commercial smokehouse’ means any smokehouse, including any fish-preparation room, salting room, or drying room adjacent to or forming part of that smokehouse, situated in or on any plant or premises (not being a private dwellinghouse) where acclimatised fish are or have been in the preceding 6 months canned, or otherwise preserved or treated or stored:”.

(4) The said regulation 2 (1) is hereby further amended by inserting, in their appropriate alphabetical order, the following definitions:

“‘Adult licence’ means a licence other than a junior licence:

“‘Assembled rod’ means a rod that is assembled from butt to tip, together with a line and lure attached:

“‘Island Council’ means, as the case may require, the Council of either the North Island or South Island Acclimatisation Societies established by the Council of North Island Acclimatisation Societies Regulations 1959* and the Council of South Island Acclimatisation Societies Regulations 1978† respectively:

“‘Junior licence’ means a licence issued to a person under 16 years of age:”.

*S.R. 1959/73

†S.R. 1978/281

(5) Regulation 2 of the Freshwater Fisheries Regulations 1951, Amendment No. 13, and regulation 3 (a) of the Freshwater Fisheries Regulations 1951, Amendment No. 11, are hereby consequentially revoked.

3. Application—Regulation 4 of the principal regulations is hereby amended by deleting the words “subclause (2)”, and substituting the words “subclause (1)”.

4. Licences and fees—(1) The principal regulations are hereby amended by revoking the First Schedule (as amended by regulation 19 of the Freshwater Fisheries Regulations 1951, Amendment No. 15), and substituting the new First Schedule as set out in the First Schedule to these regulations.

(2) Regulation 19 of the Freshwater Fisheries Regulations 1951, Amendment No. 15 is hereby consequentially revoked.

5. Form of licences amended—(1) The principal regulations are hereby amended by revoking the Second Schedule (as substituted by regulation 2 (2) of the Freshwater Fisheries Regulations 1951, Amendment No. 2), the Third Schedule, and the Fourth Schedule, and substituting the new Second Schedule and Third Schedule as set out in the Second Schedule to these regulations.

(2) Regulation 10 of the principal regulations (as amended by regulation 3 of the Freshwater Fisheries Regulations 1951, Amendment No. 15) is hereby amended by omitting the words “, Third, and Fourth”, and substituting the words “and Third”.

(3) Regulation 2 (2) of the Freshwater Fisheries Regulations 1951, Amendment No. 2 is hereby consequentially revoked.

6. Area of availability of licences—(1) Regulation 11 of the principal regulations is hereby amended—

(a) By omitting from subclause (1) the words “or in the Southern Lakes Acclimatisation District”:

(b) By revoking subclause (2) (as substituted by regulation 2 (1) of the Freshwater Fisheries Regulations 1951, Amendment No. 2):

(c) By revoking subclause (2A) (as inserted by regulation 2 of the Freshwater Fisheries Regulations 1951, Amendment No. 7):

(d) By revoking subclause (4):

(e) By omitting from subclause (5) the words “, or the Southern Lakes Fishing Regulations 1971”:

(f) By revoking subclause (9) (as amended by regulation 4 (b) of the Freshwater Fisheries Regulations 1951, Amendment No. 15):

(g) By revoking subclause (10) (as amended by regulation 4 (c) of the Freshwater Fisheries Regulations 1951, Amendment No. 15).

(2) Regulation 2 (1) of the Freshwater Fisheries Regulations 1951, Amendment No. 2, regulation 2 of the Freshwater Fisheries Regulations 1951, Amendment No. 7, and regulation 4 of the Freshwater Fisheries Regulations 1951, Amendment No. 15, are hereby consequentially revoked.

7. Duration of availability of licences altered—Regulation 12 of the principal regulations is hereby amended—

- (a) By omitting from subclause (1) the words “other than a half-season licence”;
- (b) By revoking subclauses (2), (3), and subclause (5).

8. Compassionate licence needs no longer to be endorsed—The principal regulations are hereby amended by revoking regulation 20.

9. Licence fees—(1) Regulation 22 of the principal regulations (as amended by regulation 5 (4) of the Freshwater Fisheries Regulations 1951, Amendment No. 3) is hereby amended by omitting the words “fourth, fifth and sixth”, and substituting the words “third and fourth”.

(2) Regulation 5 (4) of the Freshwater Fisheries Regulations 1951, Amendment No. 3, is consequentially revoked.

10. Payments to Island Councils—(1) The principal regulations are hereby amended by revoking regulation 28A (as substituted by regulation 3 of the Freshwater Fisheries Regulations 1951, Amendment No. 6), and substituting the following regulation:

“28A. (1) Each acclimatisation society shall pay to its respective Island Council—

- “(a) The sum of \$2.00 in respect of each adult licence issued by it for a whole season;
- “(b) The sum of \$1.00 in respect of each adult licence issued by it for a week;
- “(c) The sum of \$0.50 in respect of each junior licence issued by it;
- “(d) No sum or such reduced sum as may be agreed with the Island Council in respect of each licence issued by it for no fee or a reduced fee pursuant to regulation 19 of these regulations.

“(2) All sums payable under subclause (1) of this regulation shall be paid by an acclimatisation society within 2 months after the end of that financial year of the society during which any relevant licence was issued.

“(3) All amounts received by an Island Council under this regulation may be applied by that Council—

- “(a) In making grants to acclimatisation societies within its area of jurisdiction for the purpose of ranging and management of freshwater fisheries;
- “(b) In reimbursing expenditure incurred by the Crown under arrangements made by the Council;
- “(c) For any other purpose in relation to freshwater fisheries research, investigation, and management within its area of jurisdiction, whether by way of grant to individual societies or otherwise.”

(2) The following regulations are hereby consequentially revoked:

- (a) Regulation 28B (as inserted by regulation 3 of the Freshwater Fisheries Regulations 1951, Amendment No. 5), and regulations 28c and 28d (as inserted by regulation 3 of the Freshwater Fisheries Regulations 1951, Amendment No. 8) of the principal regulations;
- (b) Regulation 3 of the Freshwater Fisheries Regulations 1951, Amendment No. 5:

- (c) Regulation 3 of the Freshwater Fisheries Regulations 1951, Amendment No. 6:
 (d) Regulation 3 of the Freshwater Fisheries Regulations 1951, Amendment No. 8.

11. Prohibition against cross lines and "otters" removed—(1) Regulation 41 (a) of the principal regulations is hereby amended by omitting the words "cross line," and the word "'otter',".

(2) Regulation 42 of the principal regulations is hereby amended by omitting the words "cross line," and the word "'otter',".

12. Prohibition against possession or control of spear gun—The principal regulations are hereby amended by revoking subclause (1) of regulation 42A (as added by regulation 6 of the Freshwater Fisheries Regulations 1951, Amendment No. 15), and substituting the following subclauses:

"(1) No person shall, when taking any acclimatised fish or when in possession of any acclimatised fish, have in his possession or under his control any spear gun or any pointed missile (other than a bullet) which is propelled by means of any mechanical or explosive device.

"(1A) Where any person is charged with an offence under subclause (1) of this regulation, it shall be a defence to the charge if the defendant proves that the spear gun or pointed missile in his possession or under his control was not used in taking the acclimatised fish."

13. Restriction on use of lights revoked—The principal regulations are hereby amended by revoking regulation 47.

14. Authorised fishing gear—Regulation 50 (a) of the principal regulations is hereby amended by omitting the words "consisting of only one piece".

15. New Part IX substituted—(1) The principal regulations are hereby amended by revoking Part IX, and substituting the following Part:

"PART IX—STORAGE AND SMOKING OF ACCLIMATISED FISH

"64. **Register for acclimatised fish**—(1) No manager or person in charge of any commercial freezing chamber or commercial smokehouse shall receive any acclimatised fish for any purpose or have any acclimatised fish in any such premises unless on the day of and at the time of deposit he makes or causes to be made correctly in a book kept on the premises for that purpose the entries in respect of the acclimatised fish mentioned in subclause (2) of this regulation, and unless he permits any officer to enter any such premises at all reasonable times and to inspect any fish therein and to inspect and copy any entries from that book.

"(2) The entries to be made in accordance with subclause (1) of this regulation are as follows:

"(a) The date and time of deposit of the fish on the premises:

"(b) The number of fish:

"(c) The total weight of fish:

"(d) The name and address of the owner of the fish:

"(e) The number and the district of issue of the licence (if any) of the owner of the fish; and

"(f) The address (if any) to which the fish are to be forwarded.

“(3) Any book compiled under this regulation shall be retained for at least 6 months after the making of the last entry therein.

“65. **Details to be attached to acclimatised fish**—No person shall place or permit to be placed or kept in any commercial freezing chamber or commercial smokehouse any acclimatised fish to which there is not affixed or tied a label on which are legibly written the following particulars:

“(a) The name and address of the owner of the fish:

“(b) The date on which the fish were deposited on the premises.

“66. **No gifts of acclimatised fish**—No person shall give and no manager or person in charge of any commercial freezing chamber or commercial smokehouse shall receive any acclimatised fish in exchange or as a full or partial consideration for the storage or any preservation or treatment of any acclimatised fish.

“67. **Maximum weight of acclimatised fish**—No licence holder or other person shall deposit, and no manager or person in charge of any commercial freezing chamber or commercial smokehouse shall accept for deposit, in any such premises, acclimatised fish if the licence holder or other person already has an aggregate weight of 50 kg of any such fish deposited in the premises.”

(2) The following regulations are hereby consequentially revoked:

- (a) Part XI of the principal regulations (as amended by regulation 3 of the Freshwater Fisheries Regulations 1951, Amendment No. 11):
- (b) The Seventh Schedule to the principal regulations (as amended by regulation 2 (i) of the Freshwater Fisheries Regulations 1951, Amendment No. 11, and regulation 9 (2) of the Freshwater Fisheries Regulations 1951, Amendment No. 15):
- (c) Regulations 2 and 3 of the Freshwater Fisheries Regulations 1951, Amendment No. 11:
- (d) So much of the Second Schedule to the Freshwater Fisheries Regulations 1951, Amendment No. 13 as relates to regulation 68 of the principal regulations:
- (e) Regulation 9 of the Freshwater Fisheries Regulations 1951, Amendment No. 15.

16. **Maximum weight of canned acclimatised fish**—Regulation 78 of the principal regulations (as amended by regulation 5 of the Freshwater Fisheries Regulations 1951, Amendment No. 13) is hereby amended by omitting the expression “23 kg”, and inserting the expression “50 kg”.

17. **Unlawful possession in closed season**—(1) Regulation 88 of the principal regulations is hereby amended by revoking paragraph (b) (as amended by regulation 10 of the Freshwater Fisheries Regulations 1951, Amendment No. 15), and substituting the following paragraph:

“(b) That the acclimatised fish was lawfully taken during the open season; or”.

(2) The said regulation 88 is hereby further amended by revoking paragraph (c), and substituting the following paragraph:

“(c) That the acclimatised fish was lawfully taken during the open season and had been preserved in cans or jars in accordance with these regulations; or”.

- (3) The said regulation 88 is hereby further amended—
- (a) By omitting from paragraph (d) the word “research”, and substituting the word “investigation”:
- (b) By revoking paragraph (e) and paragraph (g).
- (4) Regulation 10 of the Freshwater Fisheries Regulations 1951, Amendment No. 15, is hereby consequentially revoked.

18. Restricted authority to introduce indigenous or exotic species—Regulation 96 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) No person or acclimatisation society shall, without the written authority of the Director-General of Agriculture and Fisheries, place, liberate, or introduce into any lake, river, or stream any fish or fish ova of any species whatsoever which the person or society cannot show to the satisfaction of the Director-General to be already present in that lake, river, or stream.”

19. Control of noxious fish—(1) The principal regulations are hereby amended by adding, after regulation 97 but before the heading “PART XIV—FAUNISTIC RESERVES”, the following regulation:

“97A. (1) Subject to subclause (2) of this regulation, no person shall have in his possession or under his control, or rear, raise, hatch, or consign any of those species (including subspecies, hybrids, and variations of those species) specified in the Tenth Schedule to these regulations (in this regulation referred to as noxious fish).

“(2) The Director-General may authorise in writing any person to have in his possession any noxious fish. Any such authorisation may contain such conditions as the Director-General considers necessary, and any such conditions may be varied in writing at any time.

“(3) Every authority under this regulation may be revoked by the Director-General at any time and, upon revocation, the species of noxious fish the subject of the authority may, after 24 hours notice given to the holder of the revoked authority, be taken without payment or other compensation by an officer authorised in that behalf and destroyed or otherwise dealt with in such manner as the Director-General may direct.”

(2) The principal regulations are hereby further amended by adding, as the Tenth Schedule, the Schedule set out in the Third Schedule to these regulations.

(3) Regulation 97A of the principal regulations (as added by subclause (1) of this regulation) shall come into force 4 months after the commencement of these regulations.

20. Offences and penalties—Regulation 112 (2) of the principal regulations is hereby amended—

- (a) By omitting from paragraph (a) the words “and 97”, and substituting the words “97, and 97A”:
- (b) By inserting in paragraph (b) after the expression “97”, the words “or regulation 97A”.

SCHEDULES

Reg. 4 (1) FIRST SCHEDULE

NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS

"FIRST SCHEDULE

Reg. 9 LICENCES AND FEES

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>	<i>Fourth Column</i>
Number of Class	Class of Licence	Fee for Adult Licence	Fee for Junior Licence
1	Whole-season	\$ 12.00	\$ 3.00"
2	Weekly	4.50	

Reg. 5 (1) SECOND SCHEDULE

NEW SECOND AND THIRD SCHEDULES TO PRINCIPAL
REGULATIONS

Reg. 10 "SECOND SCHEDULE

WHOLE-SEASON LICENCE

LICENCE TO FISH

The Fisheries Act 1908 and its Amendments

THE holder of this licence, [*Name in full*], of [*Address*], [*Calling or occupation*], having this day paid the appropriate fee, is hereby authorised to fish for acclimatised fish, subject to the above Act and its regulations, in every part of New Zealand (except the Rotorua Acclimatisation District and Taupo waters) during any portion of the period from the 1st day of October [*Year*] to the 30th day of September [*Year following*], within the open season in the place where the holder is fishing.

Dated at this day of 19.....

Agent or Secretary, Acclimatisation Society.

Signature of Licensee (not valid until signed).

"THIRD SCHEDULE

Reg. 10

WEEKLY LICENCE

LICENCE TO FISH

The Fisheries Act 1908 and its Amendments

THE holder of this licence, [*Name in full*], of [*Address*], [*Calling or occupation*], having this day paid the appropriate fee, is hereby authorised to fish for acclimatised fish, subject to the above Act and its regulations, in every part of New Zealand (except the Rotorua and Southern Lakes Acclimatisation Districts and Taupo waters) during any portion of the period from the 1st day of October [*Year*] to the 30th day of September [*Year following*] during any portion of the period from the day of 19....., to the day of 19....., within the open season in the place where the holder is fishing.

Dated at this day of 19.....

Agent or Secretary, Acclimatisation Society.

Signature of Licensee (not valid until signed)."

THIRD SCHEDULE

Reg. 19 (2)

TENTH SCHEDULE ADDED TO PRINCIPAL REGULATIONS

"TENTH SCHEDULE

Reg. 97A

SPECIES OF NOXIOUS FISH

Scientific Name	Common Name
<i>Clarias batrachas</i>	Walking catfish
<i>Cyprinus carpio</i>	European carp, Japanese koi
<i>Esox lucius</i>	Pike
<i>Pygocentrus</i> spp.	Piranha
<i>Rooseveltiella</i> spp.	Piranha
<i>Serrasalmus</i> spp.	Piranha
<i>Scardinius erythrophthalmus</i>	Rudd
<i>Tilapia</i> spp.	Tilapia
<i>Sarotherodon</i> spp.	"Tilapia"

P. G. MILLEN,
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.

Regulation 2 (1) substitutes a new definition of acclimatised fish. The definition corrects various descriptions of fish and omits any reference to rudd. The rudd has been transferred to a new category called noxious fish—see regulation 19.

Regulation 2 (2)–(4) makes miscellaneous amendments to the interpretation provisions.

Regulation 3 amends the application provision, and clears the way for whole season licences to be available in the Southern Lakes District without having to obtain a separate licence—see regulation 6.

Regulation 4 reduces the number of classes of different licences that may be issued—see the First Schedule to the regulations.

Regulation 5 amends the form in which licences are to be issued, consequent on the reduction in the number of classes.

Regulation 6 extends the area of availability of use of a whole-season licence in the South Island.

Regulation 7 makes a consequential amendment.

Regulation 8 removes the requirement that a licence issued on compassionate grounds is to be endorsed as such.

Regulation 9 makes a consequential amendment.

Regulation 10 increases the amounts payable to the Council of North or South Island Acclimatisation Societies, and consolidates in one regulation the provisions previously contained in regulations 28B, 28C, and 28D of the principal regulations.

Regulation 11 removes the prohibition on using cross lines or “otters” when fishing.

Regulation 12 makes it clear that the prohibition against possessing a spear gun or pointed missile when fishing applies only in relation to acclimatised fish, and does not apply to the possession of bullets. A defence to a charge brought under the regulation is also provided.

Regulation 13 removes the prohibition on using certain artificial lights when fishing for eels or other indigenous fish.

Regulation 14 extends the general prohibition on using a one-piece rod longer than 3.4 m to the use of any rod longer than 3.4 m.

Regulation 15 consolidates, with slight amendment, the provisions relating to the storage and smoking of acclimatised fish at present contained in Parts IX and XI of the principal regulations.

Regulation 16 increases, from 23 kg to 50 kg, the maximum weight of canned acclimatised fish that may be had in possession.

Regulation 17 makes various amendments to regulation 88 of the principal regulations (which relates to the possession of acclimatised fish during a close season).

Regulation 18 strengthens the provisions relating to the release of fish or fish ova into fresh waters.

Regulation 19 introduces the concept of noxious fish. Noxious fish are those species specified in the Tenth Schedule to the principal regulations. (The Schedule is added by subclause (2) of this regulation.) Noxious fish can only be kept pursuant to the written authority of the Director-General. The authority may be revoked at any time, and the noxious fish, after 24 hours notice, seized and disposed of without compensation or payment. A transitional period of 4 months is allowed before the new requirements come into force.

Regulation 20 adds offences relating to noxious fish to the list of offences to which penalties apply.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 29 May 1980.

These regulations are administered in the Ministry of Agriculture and Fisheries.