



## THE FRESHWATER FISHERIES REGULATIONS 1983

DAVID BEATTIE, Governor-General

### ORDER IN COUNCIL

At the Government House at Wellington this 19th day of December  
1983

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Fisheries Act 1983, 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 1983.

(2) These regulations shall come into force on the 1st day of January 1984.

**2. Interpretation**—(1) In these regulations, unless the context otherwise requires,—

“Act” means the Fisheries Act 1983;

“Acclimatised fish” means fish specified in the First Schedule to these regulations;

- “Adult licence” means a licence other than a junior licence:
- “Artificial fly” shall be deemed to include any lure of feather, fur, wool, or other material of any kind customarily used in the making of artificial flies; but shall not include any lure in the tying of which lead or other weight has been incorporated unless the hook incorporated in that lure does not exceed 14 mm in length (exclusive of the eye) and the gape of the hook does not exceed 6 mm:
- “Artificial minnow” shall be deemed to include spoonbait, any feather lure in the tying of which lead or other weight has been incorporated to facilitate the casting or sinking of the lure, and any lure which incorporates a spinning device or a device to impart a wobbling or irregular motion to the lure:
- “Assembled rod” means a rod that is assembled from butt to tip, together with a line and lure attached:
- “Canning”, in relation to fish, includes the preservation by heat or other treatment of fish in sealed cans or jars; and “can” has a corresponding meaning:
- “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:
- “Dam” means any structure designed to confine, direct, or control water, whether permanent or temporary; and includes weirs:
- “Day” means a day computed from midnight to midnight:
- “Diversion structure” means any structure designed to divert or abstract natural water from its natural channel or bed whether permanent or temporary:
- “Electric fishing machine” means any device, engine, or machine designed or used for the taking or killing by means of electric current of any species of fish or for the production of electronarcosis of any species of fish; but does not include any non-movable electrical device erected in any waters for the purpose of preventing or controlling the movement of fish:
- “Fish facility” means any structure or device, including any fish pass or fish screen inserted in or by any water course or lake, to stop, permit, or control the passage of fish through, around, or past any dam or other structure impeding the natural movement of fish upstream or downstream:
- “Fish pass” means any structure providing passage through or over any barrier to their passage:
- “Fish screen” means any device whether moving or stationary designed to impede or stop the passage of fish:
- “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 on the 1st day of October of the relevant season:

“Licence” means a licence to fish for acclimatised fish issued under these regulations:

“Limit bag” means the maximum number of acclimatised fish which may be taken pursuant to these regulations or any District Anglers Notice by any one person in any one day:

“Officer” means a Fishery Officer:

“Open season” means the period from the 1st day of October in any year to the 30th day of April in the year next following (both days inclusive) during which fishing for acclimatised fish is generally permitted, unless otherwise specified in any District Anglers Notice:

“Remedial works” means any structures, channel modifications, or water flow provided to offset the effect of a dam or diversion structure:

“Rotorua District” means the district described in the First Schedule to the Rotorua Trout Fishing District Anglers Notice 1983:

“Size”, in relation to any fish, means the total length from the tip of the nose to the tip of the tail:

“Size limit” means the minimum size of fish which may be taken pursuant to these regulations or to any District Anglers Notice:

“Southern Lakes District” means the district described in the First Schedule to the Southern Lakes District Anglers Notice 1983:

“Special Act” means the Maori Land Amendment and Maori Land Claims Adjustment Act 1926:

“Taupo District” means the district described in the Taupo District Order 1983, made pursuant to section 14 (8) of the Special Act:

“Tourist fishing licence” means a licence issued pursuant to regulation 6 of these regulations to a *bona fide* overseas tourist:

“Trout” includes char of any species:

“Undersized fish” means a fish of a smaller size than the minimum prescribed by these regulations or by any District Anglers Notice for the taking of fish.

(2) For the purposes of these regulations and of any District Anglers Notice, a person fishing shall be deemed to be fishing both at the place from where he is fishing and also at any place reached by his line or lure.

(3) For the purposes of these regulations, the waters of any district shall be deemed to include the mouth of every river or stream, and the mouth of every river or stream shall be deemed to include every outlet thereof and the seashore between those outlets and the waters of the sea or of any harbour lying within a distance of 500 metres from any place where at low tide the waters of a river or stream meet the waters of the sea or of any harbour.

**3. Application of these regulations**—(1) Part VII (Fish Passage) and Part VIII (Use of Electric Fishing Machines) of these regulations shall apply throughout New Zealand.

(2) These regulations, except Parts VII and VIII, shall apply throughout New Zealand except in the Taupo District.

## PART I

## LICENCES

**4. Classes of licences**—There may be issued in respect of any acclimatisation district the several classes of licence which are specified in the Second Schedule to these regulations.

**5. Form of licences**—Every licence shall be in a form approved by the Director-General for the purpose.

**6. Area of availability of licences**—(1) A whole season licence issued under these regulations shall be available throughout New Zealand except in the Rotorua District or the Taupo District; and a licence issued in those districts shall be available only in the District which issued it.

(2) A monthly licence may be issued under these regulations, but only in the Rotorua District and Southern Lakes District, and shall only be available in the District which issued it.

(3) A weekly licence issued under these regulations shall be available throughout New Zealand except in the Rotorua District or the Taupo District; and a licence issued in those districts shall be available only in the District which issued it.

(4) A day licence shall be available only in respect of the District for which it is issued.

(5) Tourist fishing licences shall be available for one month anywhere in New Zealand.

(6) Notwithstanding subclauses (1), (2), (3), and (4) of this regulation, the holder of any licence for the time being current issued by the Hawke's Bay Acclimatisation Society, and whose principal, permanent, or only place of residence lies within the Hawke's Bay Acclimatisation district may, during the open season, fish for, take, or kill acclimatised fish in the following waters of the Rotorua District:

- (a) In the waters or from the bank of that portion of the Mohaka River downstream from and including its junction with the Mangatainoka River which lies within the Rotorua District:
- (b) In the Waipunga, Te Hoe, and Ripia Rivers.

**7. Term of licences**—(1) The first operative day of a licence shall be no earlier than the day on which the licence is issued (where the licence is issued during the open season) or not earlier than the first day of the next open season (where the licence is issued during a closed season).

(2) A weekly licence shall be valid for 7 days.

**8. Issue of licences**—(1) Whole season licences shall be issued upon request being made to any acclimatisation society or authorised agent in a district where there is an open season.

(2) Part season licences may be issued at the discretion of the acclimatisation society.

**9. Restrictions on issue of licences**—(1) No acclimatisation society shall issue or cause to be issued a licence at any place outside the boundaries of its district, and no person shall verify any licence issued in breach of this regulation.

(2) No person shall canvass or seek to induce any person outside the boundaries of any acclimatisation society to obtain a licence issued by that society.

**10. Application for licences**—Every applicant for a licence shall furnish his full name, address, and occupation to the person to whom the application is made.

**11. Verification of licences**—Every licence shall before issue be verified by the signature of the secretary of the society by which the licence is issued or by the signature of some other person authorised by the society.

(2) No licence shall have any effect or validity until the holder has verified it by signing his usual signature legibly and clearly in the space provided for the purpose on the licence.

**12. Licences not transferrable**—No licence shall be transferrable.

**13. Cancellation of licences**—(1) Any society may accept and cancel any licence it has issued, and may refund to the former holder of the licence the whole or any part of the fee paid.

(2) Any society, which is satisfied that a licence has been lost or mutilated and, in the case of mutilation, on surrender of the licence to the society, may issue in its place a duplicate licence. Every duplicate licence shall have the same force and effect as the original licence.

**14. Licence fees**—There shall be paid and taken for licences issued under these regulations the appropriate fees set out in the Second Schedule to these regulations.

**15. Reduction or waiver of fees**—Notwithstanding the provisions of these regulations prescribing fees for different classes of licences, it shall be lawful for any acclimatisation society to issue a licence to any person either for no fee or for such reduced fee as the society approves.

**16. Expenditure of licence fees**—All sums received by an acclimatisation society in respect of licence fees under these regulations shall be spent within the district of the society receiving them; but nothing in this regulation shall prevent—

- (a) The making of the payments to the Consolidated Account prescribed under regulation 17 of these regulations;
- (b) The making of payments towards the reasonable and proper operation of any regional or national organisation of acclimatisation societies;
- (c) Subject to paragraph (b) above, any expenditure in the district of any one or more societies made with the prior consent of the Minister for a freshwater fisheries purpose;

Provided that nothing in this regulation shall apply to licence fees received by the Department of Internal Affairs.

**17. Payments to Consolidated Account**—(1) There shall be paid into the Consolidated Account by every society 15 percent of the aggregate fees chargeable for fishing licences issued by the society in respect of any financial year commencing after the commencement of these regulations, but the Director-General may, by a notice published in the *Gazette*, impose a surcharge on any licence fee or fees, and that the revenue from any such surcharge shall not be taken into account by acclimatisation societies in determining their contribution to the Consolidated Account pursuant to this regulation.

(2) All money payable pursuant to subclause (1) of this regulation in respect of any licence issued during a financial year of any society shall be paid into the Consolidated Account not later than 3 months after the end of that financial year.

(3) Any payment to the Consolidated Account under these regulations may be made by lodging it to the credit of the Public Account at any bank where payments to the credit of the Public Account are authorised to be made, and forwarding the bank receipt to the Director-General.

**18. Payments to Island Councils**—(1) Each acclimatisation society shall pay to its respective Island Council in respect of each licence issued by it such sum as may be specified by the Director-General in the *Gazette*; but this provision shall not apply to the Department of Internal Affairs unless otherwise agreed to between the Department and the Island Council.

(2) Where a society has issued a licence pursuant to regulation 15 of these regulations, it may reach agreement with the Island Council as to the reduced sum which shall be paid to that Council, or may agree that no payment at all shall be made.

(3) 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.

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

- (a) In making grants to acclimatisation societies 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, whether by way of grant to individual societies or otherwise.

**19. No right of entry on land**—No licence shall confer any right of entry upon the land of any person without his consent.

## PART II

### OBLIGATIONS OF PERSONS FISHING

**20. Anglers to give name and address, and produce licence**—Every person taking acclimatised fish or in possession of a rod or gear suitable for taking acclimatised fish shall, on the demand of any Officer,—

- (a) Give his true names and place of residence, and, on the like demand, produce and show to any such Officer his licence and the contents of his creel or container and any lure or bait in his possession;
- (b) Make or give legibly and clearly a specimen signature for comparison with the signature of the holder on the licence required under regulation 11 of these regulations.

**21. Restriction on taking fish from or near fish traps**—No person shall—

- (a) Take any fish from; or
- (b) Interfere with or damage; or
- (c) Take any acclimatised fish in or from any water which is within 100 m of any net, trap, pound net, electrical device, or other contrivance erected or placed for the purpose of preventing or controlling

the movement of acclimatised fish and used by any person for the purposes of acclimatisation, propagation, or management, or for scientific or other purposes authorised by an acclimatisation society.

### PART III

#### MARKED FISH

**22. No unauthorised marking of acclimatised fish**—No person shall mark any living acclimatised fish or attach or insert a tag or other distinguishing device or clip or remove a fin or fins, except with the written consent of the Director-General or of the acclimatisation society of the district.

**23. Notifying details of marked fish taken**—Any angler taking during the open season any acclimatised fish bearing a tag or distinguishing device shall either cause the fish and tag or device to be delivered to the acclimatisation society of the district in which it was taken or to the nearest office of the Ministry or shall forthwith deliver to that society or Ministry office full particulars in writing of the tag or distinguishing device, the place where and date when the fish was taken, and, if it is reasonably possible so to do, the weight and length of the fish.

### PART IV

#### STORAGE AND SMOKING OF ACCLIMATISED FISH

**24. 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 and species 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:
- (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.

**25. 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.



**26. 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.

**27. 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.

## PART V

### CANNING OF ACCLIMATISED FISH

**28. No unauthorised canning of acclimatised fish**—No person shall can any acclimatised fish except in accordance with the provisions of these regulations, and no person shall be in possession of any such fish so preserved contrary to the provisions of these regulations.

**29. No payment for canning acclimatised fish**—No fee shall be paid to or accepted by any person, and no consideration shall be given to or accepted by any person, for the canning of any acclimatised fish.

**30. No sale of canned acclimatised fish**—No acclimatised fish preserved in any can and no can containing acclimatised fish shall be sold.

**31. No trading of acclimatised fish for canned acclimatised fish**—No person shall trade, exchange, give, or receive acclimatised fish for cans containing acclimatised fish or for empty cans.

**32. Marking cans of acclimatised fish**—No person shall can acclimatised fish unless as soon thereafter as may be practicable on the same day the person canning the fish paints in oil paint or engraves on each can clearly and correctly the name of the licence holder who caught the fish, the number and district of issue of his licence, and the date and place where the fish was caught.

**33. No interference with marked cans of acclimatised fish**—No person shall deface, obliterate, or alter any particulars painted or engraved on any can which contains acclimatised fish.

**34. No false marking of canned acclimatised fish**—No person shall paint or engrave on a can containing acclimatised fish any incorrect or misleading information.

**35. Marking cans before parting with them**—No person shall give away or in any way dispose of any can containing acclimatised fish unless the can is marked in accordance with the provisions of regulation 32 of these regulations.

**36. No fishing while holding unmarked cans**—No person shall continue to fish on any day when he has in his possession any can containing acclimatised fish on which the particulars required by regulation 32 hereof have not been painted or engraved.

**37. Maximum weight of canned acclimatised fish**—No person shall have in his possession or at his disposal more than 50 kg gross weight of canned acclimatised fish, the weight to include the weight of cans and their contents:

Provided that no more than 23 kg gross weight of canned acclimatised fish may be possessed in the Southern Lakes, Rotorua, or Taupo Districts.

**38. Maximum daily quantity for transport of canned acclimatised fish**—No person shall post or consign or cause to be conveyed by land, water, or air on any one day a quantity of canned acclimatised fish exceeding in aggregate weight of cans and contents 23 kg

**39. Possession of canned acclimatised fish**—Any canned acclimatised fish shall be deemed to be in possession of the person whose name and licence number are painted or engraved on the can while that person is in any launch or motor vehicle in which the can is found or in any dwelling-house, hut, tent, encampment, or caravan of which that person is the sole occupant or one of the occupants.

**40. No canned acclimatised fish in public eating house**—No manager or person in charge of any hotel, boardinghouse, or restaurant shall serve, allow, or cause to be served, or in any way supply to any guest of that hotel, boardinghouse, or restaurant any meal consisting wholly or in part of canned acclimatised fish.

## PART IV

### FISH PASSAGE

**41. Scope**—(1) This part of these regulations shall apply to every dam or diversion structure in any natural river, stream, or water.

(2) For the purposes of these regulations “dam or diversion structure” shall not include—

- (a) Any net, trap, or structure erected and used solely for the purpose of taking or holding fish in accordance with the provisions of the Act, or of these regulations:
- (b) Any dam constructed on dry or swampy land or ephemeral water courses for the express purpose of watering domestic stock or providing habitat for water birds:
- (c) Any water diversion not being incorporated into or with a dam, that is solely and reasonably required for domestic needs or for the purposes of watering domestic stock and that empties, without dead ends, into any viable fish habitat:
- (d) Any structure authorised by a Regional Water Board not requiring a water right that in no way impedes the passage of fish.

(3) For the purposes of this Part of these regulations, the term “occupier” includes the owner of any land when there is no apparent occupier; and also includes any person doing any work by contract for the occupier.

**42. Culverts and fords**—(1) Notwithstanding regulation 41 (2) (d) of these regulations, no person shall construct any culvert or ford in any natural river, stream, or water in such a way that the passage of fish would be impeded, without the written approval of the Director-General incorporating such conditions as the Director-General thinks appropriate.

(2) The occupier of any land shall maintain any culvert or ford in any natural river, stream, or water (including the bed of any such natural river, stream, or water in the vicinity of the culvert or ford) in such a way as to allow the free passage of fish:

Provided that this requirement shall cease if the culvert or ford is completely removed or a written exemption has been given by the Director-General.

**43. Dams and diversion structures**—(1) The Director-General may require that any dam or diversion structure proposed to be built include a fish facility:

Provided that this requirement shall not apply to any dam or diversion structure subject to a water right issued under the provisions of the Water and Soil Conservation Act 1967 prior to the 1st day of January 1984.

(2) Any person proposing to build such a dam or diversion structure shall notify the Director-General and forward a submission seeking the Director-General's approval or dispensation from the requirements of these regulations, shall supply to the Director-General such information as is reasonably required by the Director-General to assist him in deciding his requirements (including plans and specifications of the proposed structure and any proposed fish facility).

(3) Should the Director-General consider that the information supplied is inadequate, he shall, within 28 days, advise the applicant as to what further information is required.

**44. Requirement for a fish facility**—(1) If, in the opinion of the Director-General, a fish facility is required or dispensation from such a requirement is acceptable, the Director-General shall as soon as practical but in no case longer than 6 months if a fish facility is required from the date of receiving all information required, or 3 months where a fish facility is not required from the date of receiving all information required, forward his written requirement or dispensation to whomsoever made the submission.

(2) Where in the opinion of the Director-General a fish facility is required he shall specify what is required to enable fish to pass or stop the passage of fish, and while not limiting this general requirement may specify—

(a) The type, general dimensions, and general design of any fish pass to be utilised:

(b) The type, general dimensions, general design, and placement of any fish screen utilised.

(3) Subject to the Water and Soil Conservation Act 1967 and any determination under that Act, the Director-General may specify—

(a) The type and placement of any water intake to be utilised where fish screens are not required:

(b) The flow of water through any fish pass and the periods of the day and year when the pass must be operational:

(c) The volume, velocity, and placement of additional water to attract migrating fish to any fish pass:

(d) The type and scope of any remedial works in connection with any fish screen or fish pass to enable fish to approach the structure or to be returned to the normal course of the water channel:

- (e) The volume or relative proportion of water that shall remain downstream of any dam or diversion structure and the period of day or year that such water flows shall be provided.
- (4) Every approval given by the Director-General shall expire 3 years from the date of issue if the construction of the dam or diversion structure is not completed, or such longer time as he may allow.
- (5) The manager of every dam or diversion structure in connection with which a fish facility is provided shall at all times keep such fish facility in good and satisfactory repair and order, so that fish may freely pass and return at all times or are prevented from passing as specified under these regulations.

**45. Adequate water**—The manager of every dam or diversion structure in connection with which a fish facility is provided shall, subject to the Water and Soil Conservation Act 1967 and any relevant determination under that Act, maintain a flow of water through or past such fish facility sufficient in quantity to allow the facility to function as specified at all times or periods specified; but no person shall be liable for a breach of this regulation due to drought, flood, or other sources beyond his control if the default is made good as soon as reasonably possible.

**46. Required maintenance or repair**—The Director-General may serve notice in writing to the manager of any fish facility notifying him of any defects or want of repair in such fish facility and requiring him within a reasonable time to be therein prescribed to remove any defect or make such repairs as may be required:

Provided that nothing in this regulation shall affect the liability of a manager under regulation 44 of these regulations.

**47. Damage**—No person shall wilfully injure or damage any fish facility.

**48. Alterations**—No person shall, without the written consent of the Director-General, make a structural alteration in any fish facility.

**49. Inspection of fish facilities**—Any Officer may at all reasonable times enter upon any fish facility and upon any remedial works or upon the land bordering such fish facility or remedial works for the purpose of their inspection.

**50. Protection of fish**—No person, other than an Officer acting in his official capacity, shall take or attempt to take any fish on its passage through a fish facility, or place any obstruction therein or within a radius of 50 m of any point of a fish facility, or shall within a radius of 50 m of any point of a fish facility use any contrivance whereby fish may be impeded in any way in freely entering or passing through or passing by a fish facility except as may be provided by the Director-General in writing to the manager of the fish facility.

## PART VII

### USE OF ELECTRIC FISHING MACHINES

**51. Certificates of competency**—(1) No person shall operate any electric fishing machine unless he has a certificate of competency issued by the Director-General on an approved form, which shall be issued subject to such conditions as the Director-General thinks fit.

- (2) No certificate of competency shall be issued to—
- (a) Any person under 18 years of age;
  - (b) Any person who has not attended a training course on the use of electric fishing machines, and who has not passed any examination which may be required.
- (3) The certificate of competency shall be signed by the person to whom it is issued before it becomes valid.
- (4) The Director-General may suspend any certificate of competency where—
- (a) In his opinion, the operator is not using or maintaining the machine in a safe manner; or
  - (b) The holder suffers any physical injury which affects his ability to safely operate an electric fishing machine,—
- but the certificate may be reinstated if the Director-General is satisfied that such action has been taken that the holder is now competent to operate the machine in a safe manner, or he receives a medical certificate stating that the holder is once more physically able to operate a machine in safety.
- (5) The Director-General may refuse to issue or may cancel any certificate of competency if he is satisfied that the person to whom it relates should not be permitted to operate and maintain an electric fishing machine in the interests of general safety.
- (6) Where the holder of a certificate of competency becomes a committed patient or a special patient of a hospital under the Mental Health Act 1969, his certificate of competency shall be deemed to be cancelled.

**52. Operation of electric fishing machines**—(1) No electric fishing machine shall be used for the taking of fish unless accompanied by a minimum of 2 operators holding certificates of competency issued under these regulations, one of which shall be designated by the Director-General as a senior operator, and one other person who need not be certified:

Provided that one of the certified operators shall not take part in actual fishing operations but shall act as a safety observer.

(2) Nothing in subsection (1) of this regulation shall limit the use of unqualified persons assisting in the electric fishing operation if such persons do not operate the electric fishing machine, and comply with all relevant provisions in this Part of these regulations.

(3) All operators holding a certificate of competency shall abide by, and conform with, the rules of safety issued from time to time by the Director-General and delivered to the operator by an officer of the Ministry.

**53. Authorised use of electric fishing machines**—(1) Notwithstanding any provision of these regulations, no person, except an officer authorised by the Director-General shall use an electric fishing machine for the taking of fish, except with the written permission of the acclimatisation society for the acclimatisation district in which the waters fished are situated.

(2) Where the acclimatisation society refuses to give the permission referred to in subclause (1) of this regulation, the society shall notify that fact to the Director-General. On receipt of that notification, the Director-General shall ascertain the grounds for the refusal and shall report that refusal and the grounds thereof to the Minister, who, if he is satisfied that the grounds for refusing permission are unreasonable, may issue the permission.

**54. Certificates of approval of electric fishing machines**—(1) Every electric fishing machine shall be subject to a certificate of approval issued by the Director-General. The certificate, unless otherwise specified, shall be valid for a period of 12 months.

(2) A certificate of approval shall be issued only in respect of an electric fishing machine which the Director-General is satisfied has been manufactured in accordance with specifications laid down by, and constructed by, a person or manufacturer approved by him.

(3) Before issuing any certificate of approval, the Director-General may require that the electric fishing machine shall be tested by such person or organisation as he specifies. The cost of such a test shall be borne by the applicant for the certificate.

(4) The Director-General may at any time revoke or amend any certificate of approval if he believes that such action is necessary in the interests of safety of the operator and persons in the vicinity of the machine during its operation or in the interests of the well-being of fish populations.

(5) The Director-General may at any time require that any electric fishing machine in respect of which a certificate of approval is in force shall be produced for inspection. On notification in writing being given to the owner of the electric fishing machine of the requirement to produce it for inspection the certificate shall be deemed to be suspended until the Director-General or other officer of the Ministry authorised by him, has endorsed the certificate to the effect that an inspection has been made and the certificate is again in force.

(6) The Director-General may issue any certificate of approval subject to any conditions as he may require. Any such conditions may be revoked, amended, or added to at any time by the Director-General by advice in writing to the owner of the machine.

(7) The owner of an electric fishing machine in respect of which a certificate of approval is in force shall, on disposal of the machine to any other person, notify the Director-General in writing of the disposal, giving the full name and residential address of such other person, not less than 14 clear days before handing over the machine to the new owner.

(8) The new owner referred to in subclause (7) of this regulation shall, on taking possession of the electric fishing machine, forthwith notify the Director-General in writing of that fact and of his intentions as to the use of the machine and the name or names of the person or persons holding valid certificates of competency proposed as operators.

(9) Where any electric fishing machine in respect of which a certificate of approval is or has at any time been in force is disposed of by being dismantled, destroyed, or broken down into component parts, the owner shall notify the Director-General of that fact, and any certificate of approval for that machine then in force shall be deemed to be cancelled.

**55. Marking of electric fishing machines**—(1) The owner of an electric fishing machine in respect of which a certificate of approval has been issued shall have marked on the machine in indelible characters or by such means and on such component parts as the Director-General may require, such marks as will identify to the satisfaction of the Director-General the machine and its component parts as being the machine to which the certificate of approval relates.

(2) No person shall operate an electric fishing machine without the machine and its component parts being marked in accordance with this regulation.

(3) No person shall remove, deface, obliterate, or otherwise interfere with any identification mark required to be displayed pursuant to this regulation.

**56. Certificates to be carried and produced**—(1) Every person operating an electric fishing machine shall on the demand of any officer under the Act—

- (a) Produce for inspection his certificate of competency; and
  - (b) Give a specimen of his signature if required to do so; and
  - (c) Give his correct surname, Christian names, and place of residence.
- (2) Every person operating an electric fishing machine shall—
- (a) Carry with him or conveniently near him when operating the machine the certificate of approval issued in respect of the machine; and
  - (b) On the demand of any officer under the Act, produce that certificate for inspection at any time while the machine is being operated or being assembled or transported preparatory to being operated; and
  - (c) On the demand of any such officer, give his correct surname, Christian names, and place of residence.

(3) Where pursuant to any provision of this regulation any person is required to produce any certificate and he is unable to do so at the time of that requirement, he shall be deemed to have complied with that requirement if, within 7 days, he produces the certificate to that person or to any other person specified by the person requiring its production.

**57. Amendment, etc., of certificates**—Every person holding a certificate issued under these regulations shall, on receipt of notification in writing from the Director-General or other authorised officer of the Ministry that the certificate is required for amendment, endorsement, or cancellation, forthwith surrender the certificate to the Director-General or other officer.

## PART VIII

### MANAGEMENT

**58. Authorised introduction of indigenous or exotic species**—No person or acclimatisation society shall, without the written authority in that behalf of the Director-General, place, liberate, or introduce into any lake, river, or stream any indigenous or exotic species of mollusca, crustacea, protozoa, insecta, or of annelid, nematode, or platyhelminth worm.

**59. Restricted authority to liberate fish or ova**—No person shall liberate any fish or fish ova of any description whatever in the waters of any lake, river, or stream within any acclimatisation district without the prior written consent of the acclimatisation society of that district.

**60. General authority to liberate fish or ova**—No person shall liberate any fish or fish ova of any description whatever in the waters of any lake, river, or stream, not being part of an acclimatisation district, without the prior written consent of the Director-General.

**61. Restricted authority to introduce indigenous or exotic fish or ova**—(1) No person or acclimatisation society shall, without the written authority of the Director-General, 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.

(2) For the purposes of this regulation, that portion of any river or stream above any waterfall or dam shall be deemed to be a separate river or stream from that portion of the river or stream below the waterfall or dam.

**62. Transfer of acclimatised fish**—(1) Notwithstanding regulation 83 no person shall, without the written authority of the Director-General, transfer any acclimatised fish or fish ova from any lake, river, or stream of any catchment and place, liberate, or introduce such acclimatised fish or fish ova into any lake, river, or stream of any other catchment.

(2) For the purposes of this regulation any lake, river, or stream that is permanently interconnected by an artificial waterway, that provides passage for fish, shall be deemed to be part of the same catchment:

Provided that the Director-General shall not authorise such transfers of fish or fish ova without the written agreement of the acclimatisation society or societies that administer the waters of the catchment into which the transfer is to be made.

**63. Transfer of live indigenous fish**—No person shall, without the written authority of the Director-General, transfer any live indigenous freshwater fish from one island being part of New Zealand to any other island being part of New Zealand.

**64. No unauthorised catching or keeping of certain fish**—No person shall, except with the prior consent in writing of the acclimatisation society for the district within which it is proposed to catch or keep the fish and except in compliance with such conditions as the society may lay down—

(a) Obtain or keep in captivity any live acclimatised fish or any mosquito fish (*Gambusia affinis*) or catfish or brown bullhead (*Ictalurus nebulosus*):

(b) Catch or have in possession for the purposes of sale or trade any catfish or brown bullhead (*Ictalurus nebulosus*).

**65. Control of noxious fish**—(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 Third 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.

**66. No fish refuse on banks**—No person shall leave any fish, or any cleanings or offal from fish, lying unburied on the bank or margin of any waters.



**67. Possession of mounted specimens**—Notwithstanding any provision of these regulations, it shall be lawful for any person to be in possession of any mounted specimen of acclimatised fish, and for any acclimatisation society, museum, university, research institution, or fisheries research worker at any time to be in possession of any acclimatised fish whether fresh or preserved.

## PART IX

### FAUNISTIC RESERVES

**68. Faunistic reserves**—The Minister may from time to time, by notice in the *Gazette*, declare any water or waters to be a faunistic reserve, whereupon in respect of any such water so declared, in addition to restrictions on the transfer to and release into waters of fish and other forms of aquatic life imposed by these regulations, it shall be unlawful for any person without the consent in writing of the Director-General, given solely for purposes of scientific investigation,—

- (a) To take, injure, or kill any fish or any form of live aquatic mollusca, crustacea, protozoa, insecta, or worms:
- (b) To be in possession of any fish or any form of aquatic mollusca, crustacea, protozoa, insecta, or worms taken from that water:
- (c) To introduce or plant any form of aquatic plant.

## PART X

### INDIGENOUS FISH

**69. No taking of grayling**—No person shall intentionally fish for, take, or kill grayling or fish of the genus *Prototroctes*, and any person unintentionally taking or killing any grayling or any such fish shall forthwith convey or cause it to be conveyed to an officer of the acclimatisation society for the district within which the grayling was killed, and shall give to that officer full particulars of the time and place of the capture of the grayling.

**70. No killing of indigenous fish**—(1) No person shall in any water intentionally kill or destroy indigenous fish.

(2) No person, having taken indigenous fish from any water, shall leave the fish upon the bank or shore of any stream or lake, except where such indigenous fish is used in accordance with any provisions of a District Anglers Notice relating to lures.

**71. Taking of indigenous fish**—Nothing in regulation 70 of these regulations shall be construed as a restriction on the taking of whitebait, or eels, or other indigenous fish for the purposes of scientific research or for purposes of human consumption, or as affecting the operation of any other regulations which restrict the taking of any indigenous fish:

Provided that no person shall sell or trade or have in his possession for the purposes of sale or trade any freshwater crayfish or koura (*Paranephrops* sp.)

## PART XI

### OFFENCES, DEFENCES, AND PENALTIES

**72. Offences and penalties**—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 \$5,000.

**73. Defences**—(1) It shall be a defence to any person charged with taking or having in possession any fish in breach of these regulations if such person proves that on taking the same, he is in the act of immediately returning it to the water from where it was taken, with as little injury as possible.

(2) Where any person is charged with being unlawfully in possession of more than the maximum number of fish as specified by these regulations or in a District Anglers Notice, it shall be a defence if he shows beyond reasonable doubt that the number of fish in his possession in excess of the maximum permitted number was not taken in breach of these regulations.

## PART XII

### SAVINGS

**75. Savings**—(1) All licences and generally all acts of authority, documents, matters, acts, and things which originated under any regulations revoked by the Act and which are of continuing effect at the time of the commencement of these regulations shall enure for the purposes of these regulations as if they had originated under the corresponding provisions of these regulations, and shall, where necessary, be deemed to have so originated, and all local regulations made under the Act or any other authority in that behalf shall until revoked continue to have the same force and effect as they would have had had these regulations not been made.

(2) All matters and proceedings commenced under any of the regulations hereby revoked, and pending or in progress at the commencement of these regulations, may be continued, completed, and enforced under these regulations.

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## SCHEDULES

Reg. 2 (1)

### FIRST SCHEDULE

For the purposes of these regulations, “acclimatised fish” means—

- (a) Brown trout (*Salmo trutta*):
- (b) Rainbow trout (*Salmo gairdneri*):
- (c) American brook trout or char (*Salvelinus fontinalis*):
- (d) Lake trout or char (*Salvelinus namaycush*):
- (e) Atlantic salmon (*Salmo salar*):
- (f) Quinnat or chinook salmon (*Oncorhynchus tshawytscha*):
- (g) Sockeye salmon (*Oncorhynchus nerka*):
- (h) Perch (*Perca fluviatilis*):
- (i) Tench (*Tinca tinca*)—

and includes any hybrid and 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.

## SECOND SCHEDULE

Regs. 4, 14

## LICENCES AND FEES

1. General licence available throughout New Zealand except in the Rotorua District and the Taupo District.

| <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 Licences | Fee for Junior Licences |
|                     |                      | \$                     | \$                      |
| 1                   | Whole season         | 20.00                  | 5.00                    |
| 2                   | Weekly               | 10.00                  | -                       |
| 3                   | Day                  | 4.00                   | 1.50                    |

2. Rotorua District licence available only in the Rotorua District.

| <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 Licences | Fee for Junior Licences |
|                     |                      | \$                     | \$                      |
| 1                   | Whole season         | 18.00                  | 3.50                    |
| 2                   | Monthly              | 12.00                  | No special<br>licence   |
| 3                   | Weekly               | 8.50                   |                         |
| 4                   | Day                  | 3.00                   |                         |

3. Southern Lakes District licence available throughout New Zealand except in the Rotorua District and the Taupo District.

| <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 Licences | Fee for Junior Licences |
|                     |                      | \$                     | \$                      |
| 1                   | Whole season         | 20.00                  | 5.00                    |
| 2                   | Monthly              | 13.00                  | No special<br>licence   |
| 3                   | Weekly               | 10.00                  |                         |
| 4                   | Day                  | 4.00                   |                         |

Reg. 65

THIRD SCHEDULE  
SPECIES OF NOXIOUS FISH

| Scientific Name                    | Common Name                 |
|------------------------------------|-----------------------------|
| <i>Clarias batrachus</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 consolidate, with minor amendments, the Freshwater Fisheries Regulations 1951, the Fish Pass Regulations 1947, and the Electric Fishing Machines Regulations 1971, and their amendments.

Issued under the authority of the Regulations Act 1936.

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