



**THE FRESHWATER FISHERIES REGULATIONS 1983,
AMENDMENT NO. 3**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 3rd day of September
1985

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 2(1), 89, and 90 of 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.

ANALYSIS

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| <ol style="list-style-type: none"> 1. Title and commencement 2. "Acclimatised fish" defined for purposes of Act 3. Restriction on taking fish from or near fish traps 4. Maximum weight of canned acclimatised fish 5. Operation of electric fishing machines | | <ol style="list-style-type: none"> 6. Authorised use of electric fishing machines 7. Certificates to be carried and produced 8. Authorised introduction of indigenous or exotic species 9. Transfer of acclimatised fish 10. Transfer of live aquatic life 11. Amendment to First Schedule 12. Increase in licence fees Schedule |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Freshwater Fisheries Regulations 1983, Amendment No. 3, and shall be read together with and deemed part of the Freshwater Fisheries Regulations 1983* (hereinafter referred to as the principal regulations).

*S.R. 1983/277
Amendment No. 1: S.R. 1984/259
Amendment No. 2: S.R. 1985/142

(2) This regulation and regulation 12 of these regulations shall come into force on the day after the date of the notification of these regulations in the *Gazette*.

(3) Except as provided in subclause (2) of this regulation, these regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

2. “Acclimatised fish” defined for purposes of Act—The principal regulations are hereby amended by inserting, after regulation 2, the following regulation:

“2A. For the purposes of the Act it is hereby declared that the species of fish specified in the First Schedule to these regulations are acclimatised fish.”

3. Restriction on taking fish from or near fish traps—Regulation 21 of the principal regulations is hereby amended by revoking paragraph (c), and substituting the following paragraph and words:

“(c) Take any acclimatised fish in or from any water that 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.”

4. Maximum weight of canned acclimatised fish—Regulation 37 of the principal regulations is hereby amended by omitting from the proviso the words “, Rotorua, or Taupo Districts”, and substituting the words “District or the Rotorua District”.

5. Operation of electric fishing machines—Regulation 52 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) No electric fishing machine shall be used for the taking of fish unless the machine is accompanied by,—

“(a) In the case of equipment where the power source and control mechanism are carried by the primary user, 2 operators holding current certificates of competency issued by the Director-General under regulation 51 of these regulations:

“(b) In the case of boat-mounted equipment, a number of operators to be specified by the Director-General, all of whom shall hold current certificates of competency issued by the Director-General under regulation 51 of these regulations:

“(c) In all other cases, 3 operators holding current certificates of competency issued by the Director-General under regulation 51 of these regulations—

and in every case one of the operators shall be a person designated by the Director-General as a senior operator.”

6. Authorised use of electric fishing machines—Regulation 53 (1) of the principal regulations is hereby amended by omitting the words “an officer”, and substituting the words “a person”.

7. Certificates to be carried and produced—(1) Regulation 56 of the principal regulations is hereby amended by omitting from subclauses (1) and (2)(b) the words “any officer under the Act”, and substituting the words “any Officer or any officer or employee of the Ministry authorised by the Director-General”.

(2) Regulation 56 of the principal regulations is hereby further amended by omitting from subclause (2)(c) the word “officer”, and substituting the word “person”.

8. Authorised introduction of indigenous or exotic species—Regulation 58 of the principal regulations is hereby amended by omitting the words “or platyhelminth worm”, and substituting the words “platyhelminth worm, or oligochaete worm”.

9. Transfer of acclimatised fish—Regulation 62 (1) of the principal regulations is hereby amended by deleting the expression “regulation 83”, and substituting the words “regulation 61 of these regulations”.

10. Transfer of live aquatic life—The principal regulations are hereby amended by revoking regulation 63, and substituting the following regulation:

“63. (1) No person shall, without the written authority of the Director-General, transfer any live freshwater aquatic life from any island being part of New Zealand to any other island being part of New Zealand.

“(2) The Director-General shall not give his authority for any transfer involving acclimatised fish or fish ova that are to be placed, liberated, or introduced into any lake, river, or stream 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.”

11. Amendment to First Schedule—The First Schedule to the principal regulations is hereby amended by inserting, after the words “For the purposes of”, the words “the Act and”.

12. Increase in licence fees—(1) The principal regulations are hereby amended by revoking the Second Schedule, and substituting the new Second Schedule as set out in the Schedule to these regulations.

(2) The Freshwater Fisheries Regulations 1983, Amendment No. 2 are hereby consequentially revoked.

SCHEDULE

Reg. 12

NEW SECOND SCHEDULE TO PRINCIPAL REGULATIONS

"SECOND SCHEDULE

1. Fees for general licence: Such licences if whole season or weekly are available throughout New Zealand except in the Rotorua and Taupo Districts. Day licences are available only in the District of issue.

| First Column | Second Column | Third Column | Fourth Column |
|-----------------|------------------|------------------------|-------------------------|
| Number of Class | Class of Licence | Fee for Adult Licences | Fee for Junior Licences |
| 1 | Whole season | \$ 27.50 | \$ 5.50 |
| 2 | Weekly | 11.00 | No such licence |
| 3 | Day | 4.50 | 2.00 |

2. Fees for Rotorua District Licence.

| First Column | Second Column | Third Column | Fourth Column |
|-----------------|------------------|------------------------|-------------------------|
| Number of Class | Class of Licence | Fee for Adult Licences | Fee for Junior Licences |
| 1 | Whole season | \$ 20.00 | \$ 4.00 |
| 2 | Monthly | 13.00 | No such licence |
| 3 | Weekly | 9.50 | No such licence |
| 4 | Day | 3.50 | 1.00 |

3. Fees for Southern Lakes District Licence.

| First Column | Second Column | Third Column | Fourth Column |
|-----------------|------------------|------------------------|-------------------------|
| Number of Class | Class of Licence | Fee for Adult Licences | Fee for Junior Licences |
| 1 | Whole season | \$ 25.00 | \$ 5.00 |
| 2 | Monthly | 13.00 | No such licence |
| 3 | Weekly | 10.00 | No such licence |
| 4 | Day | 4.00 | 2.00 |

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.

The principal changes made by these regulations are:

- The term “acclimatised fish” is defined for the purposes of the Act (*regulation 2*);
- The requirements relating to the numbers of operators of electric fishing machines who must hold certificates of competency are tightened (*regulation 5*);
- Liberation of oligochaete worm is prohibited without the consent of the Director-General (*regulation 8*);
- The present prohibition on the transfer of live indigenous fish between islands is extended to apply to all live freshwater aquatic life (*regulation 10*);
- The fees for general licences are increased. Fees for Rotorua District and Southern Lakes District licences are not increased (*Schedule*).

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 5 September 1985.

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