



**THE FRESHWATER FISHERIES REGULATIONS 1983,
AMENDMENT NO. 9**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 27th day of August 1990

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 48 and 48A of the Conservation Act 1987, 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, Amendment No. 9, and shall be read together with and deemed part of the Freshwater Fisheries Regulations 1983* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

2. Interpretation—Regulation 2 (1) of the principal regulations is hereby amended by revoking the definitions of the terms “Act”, “Island Council”, “Officer”, “Rotorua District” (as substituted by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No. 1), and “Southern Lakes District” (as so substituted), and substituting, in their appropriate alphabetical order, the following definitions:

“The Act” means the Conservation Act 1987:

“‘Eastern Fish and Game Region’ means the region having that name and defined by notice in the *Gazette*, 1990, at page 1861; and includes all alterations to the boundaries of the region that are for the time being in force pursuant to section 26A (1) (c) of the Act:

“‘Officer’ means a warranted officer within the meaning of the Act.”.

3. Special licences—The principal regulations are hereby amended by inserting, after regulation 4, the following regulation:

“4A. (1) The Minister may authorise any Fish and Game Council to issue special licences of the following kinds:

“(a) Authorising the holder to take sports fish for education, investigative research, or the carrying out of trials or experiments involving any vessel, gear, or apparatus capable of being used in connection with the taking of sports fish:

“(b) Authorising any disabled person, within the meaning of the Disabled Persons Employment Promotion Act 1960, to take sports fish by any means that would otherwise be unlawful:

“(c) Authorising the holder to take sports fish for any other purpose approved by the Minister.

“(2) In considering an application to issue a special licence under this regulation, a Council shall have regard to the following:

“(a) Any sports fish and game management plans approved for its region under section 17M of the Act:

“(b) Any relevant national policy of the New Zealand Fish and Game Council and any relevant general policy that has been approved under the Act:

“(c) The potential the proposal has for adverse impact on the sports fishery.

“(3) Every such special licence shall specify the waters within the Council’s jurisdiction in which the holder is permitted to take sports fish.

*S.R. 1983/277

Amendment No. 1: S.R. 1984/259

Amendment No. 2: S.R. (Revoked by S.R. 1985/222)

Amendment No. 3: S.R. 1985/222

Amendment No. 4: S.R. 1986/197

Amendment No. 5: S.R. (Revoked by S.R. 1988/122)

Amendment No. 6: S.R. 1988/122

Amendment No. 7: S.R. 1989/128

Amendment No. 8: S.R. 1990/136

“(4) Every such special licence may be revoked by the issuing Council by notice in writing to the holder.

“(5) A Council shall give reasons in writing to the holder if it revokes a special licence granted to the holder under this regulation.

“(6) All fish taken pursuant to this section shall be disposed of as the Council directs, or as may be specified in the licence.”

4. Area of availability of licences—Regulation 6 of the principal regulations is hereby amended—

- (a) By omitting the words “Rotorua District” wherever they occur, and substituting in each case the words “Eastern Fish and Game Region”:
- (b) By omitting from subclause (2) the words “and Southern Lakes District”:
- (c) By revoking subclause (6) and also subclause (7) (as added by regulation 4 (2) of the Freshwater Fisheries Regulations 1983, Amendment No. 1).

5. New Part relating to fishing competitions inserted—The principal regulations are hereby amended by inserting, after Part VII, the following Part:

“PART VIIA

“FISHING COMPETITIONS RELATING TO SPORTS FISH

“57A. **Fishing competitions require approval of Fish and Game Council**—No fishing competition in respect of sports fish shall be held unless it has been approved in writing by the Fish and Game Council having jurisdiction over the waters concerned.

“57B. **Applications**—(1) Every application for approval of a fishing competition shall specify the following particulars:

- “(a) The water or waters in respect of which it is proposed to hold the competition:
- “(b) The dates on which the competition will be held:
- “(c) The anticipated number of entrants:
- “(d) The classes, and respective fees (if any), of entry:
- “(e) The categories of competition for which prizes will be offered:
- “(f) The kinds and values of prizes to be offered:
- “(g) Details of procedures to be followed by the applicant to ensure that all entrants hold a current fishing licence and are aware of the provisions of the relevant District Anglers Notice:
- “(h) Details of the kind of catch or scientific data (if any) to be collected during the competition and provided to the Fish and Game Council:
- “(i) Details of proposed actions (if any) to be taken by the applicant to reduce the impact of the competition on fish stocks or the habitat:
- “(j) The rules of the competition:
- “(k) The purposes for which any profits are proposed to be used.

“(2) Every Fish and Game Council shall notify the Director-General of each application it receives under this Part of these regulations.

“57C. **Matters to be considered by Council**—In considering an application under this Part of these regulations, a Fish and Game Council shall have regard to the following:

“(a) Any sports fish and game management plans approved for its region under section 17M of the Act:

“(b) Any relevant national policy of the New Zealand Fish and Game Council and any relevant general policy that has been approved under the Act:

“(c) The potential for any significant impact on the sports fishery or the habitat, and on the recreational opportunities for anglers:

“(d) Any views expressed in writing by the Director-General, or his or her nominee.

“57D. **Powers of Council**—(1) A Fish and Game Council may—

“(a) Approve an application under this Part of these regulations:

“(b) Require an application to be modified to include such provisions as the Council considers necessary or desirable for the management or protection of the fishery or habitat:

“(c) Decline an application.

“(2) If a Council declines an application, it shall give to the applicant in writing the reasons for its decision.

“(3) Any applicant may appeal to the New Zealand Fish and Game Council against a decision of a Fish and Game Council to decline the applicant’s application; and the New Zealand Fish and Game Council may confirm, modify, or reverse the decision appealed against.

“57E. **Holders to comply with provisions of approval**—(1) Every person who holds an approved fishing competition under this Part of these regulations shall, so far as is practicable, comply with the provisions of the application in respect of which the approval has been given.

“(2) A Fish and Game Council may revoke its approval of an application if the holder fails to comply with subclause (1) of this regulation.

“57F. **Rental**—Where a Fish and Game Council approves a fishing competition under this Part of these regulations and an entrance fee is charged by the holder, the holder shall be liable to pay to the Council a rental of \$40, plus \$5 for each participant aged 16 years or over and \$2 for each participant aged under 16 years.”

6. Control of noxious fish—Regulation 65 (1) of the principal regulations is hereby amended by inserting, after the words “subclause (2) of this regulation”, the words “and to Part VIII A of these regulations”.

7. New Part relating to European carp, Japanese koi inserted—The principal regulations are hereby amended by inserting, after regulation 67, the following new Part:

“PART VIII A

“EUROPEAN CARP, JAPANESE KOI

“67A. **Licences to harvest fish**—(1) The Director-General may issue licences authorising the harvesting of European carp or Japanese koi (*Cyprinus carpio*), and any subspecies, hybrids, and variations of that species.

“(2) The holder of a current licence issued under this regulation shall, subject to subclause (3) of this regulation and to the Fisheries Act 1983 and the Act, be entitled to do all or any of the following:

“(a) Take European carp or Japanese koi from the waters of the containment area specified in the licence, or from such of those waters as may be so specified:

“(b) Transfer such fish to any processing plant:

“(c) Process such fish:

“(d) Sell the flesh of such fish.

“(3) Every licence issued under this regulation shall be subject to such conditions as the Director-General thinks fit to impose.

“(4) Every licence issued under this regulation may be revoked by the Director-General at any time and, upon revocation, any fish taken under the licence may, after 24 hours notice given to the holder of the revoked licence, 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.

“(5) If the Director-General revokes a licence issued under this regulation, he or she shall give to the holder in writing the reasons for his or her decision.

“(6) The holder may appeal to the Minister against a decision of the Director-General to revoke the holder's licence; and the Minister may confirm, modify, or reverse the decision appealed against.

“(7) Nothing in regulation 65 of these regulations shall apply to anything authorised under this regulation.

“67B. **Recreational fishing**—(1) Subject to such conditions as may be specified in the notice given in respect of the waters under regulation 67C of these regulations, any person may take any European carp or Japanese koi from the waters of any containment area if the fish is taken for subsistence or personal use only.

“(2) All fish taken in accordance with subclause (1) of this regulation shall be immediately killed by the person who has taken the fish.

“67C. **Containment areas to be established**—The Director-General, by notice in the *Gazette*,—

“(a) Shall establish and describe containment areas for the purposes of this Part of these regulations:

“(b) May specify conditions applicable in respect of the taking of European carp or Japanese koi from any containment area:

“(c) May specify the waters of any containment area from which such fish may be taken:

“(d) May specify the purposes for which such fish may be taken from any specified waters of any containment area:

“(e) May prohibit the taking of such fish from any specified waters of any containment area.”

8. Offences and penalties—Regulation 72 of the principal regulations is hereby amended by adding the following subclauses:

“(2) Every person commits an offence against these regulations who contravenes, or fails to comply with, any of regulations 20, 21, 22, 24 to 38, 40, 42, 43 (2), 44 (5), 45, 47, 48, 50, 57A, 57E (1), 58 to 66, 67B (2), and 68 to 71 of these regulations.

“(3) Every person commits an offence against these regulations who fails to comply with any requirement made by the Director-General under regulation 43 (1) or regulation 44 (1) of these regulations.

“(4) Every person commits an offence against these regulations who contravenes, or fails to comply with, any conditions imposed under regulation 67A or regulation 67C of these regulations.”

9. First Schedule amended—The First Schedule to the principal regulations is hereby amended by omitting paragraph (b), and substituting the following paragraph:

“(b) Rainbow trout (*Oncorhynchus mykiss*, formerly known as *Salmo gairdneri*);”.

10. Third Schedule amended—The Third Schedule to the principal regulations is hereby amended by omitting the words “European carp, Japanese koi”, and substituting the words “Live European carp, live Japanese koi (including their live or viable eggs, milt, and ova)”.

MARIE SHROFF,
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, which come into force 28 days after the date of their notification in the *Gazette*, amend the Freshwater Fisheries Regulations 1983.

The principal purposes of these regulations are as follows:

- (a) To establish a licensing system that allows European carp or Japanese koi to be harvested:
- (b) To allow recreational fishing for such fish:
- (c) To provide for containment areas to be established for such purposes:
- (d) To provide for special licences to be issued by Fish and Game Councils:
- (e) To regulate fishing competitions relating to sports fish:
- (f) To specify those breaches of the principal regulations that constitute offences:
- (g) To make amendments that are consequential upon the provisions of the Conservation Law Reform Act 1990.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 30 August 1990.
These regulations are administered in the Department of Conservation.