

1960/92



## THE ROTORUA TROUT FISHING REGULATIONS 1960

COBHAM, Governor-General  
ORDER IN COUNCIL

At the Government House at Wellington this 22nd day of June 1960

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.

### REGULATIONS

#### ANALYSIS

##### PART I—PRELIMINARY

1. Title, commencement, and expiration
2. Interpretation
3. Application

##### PART II—LICENCES

###### *Issue of Licences*

4. Kinds of licences
5. Issuing officers
6. Applications for licences
7. Issue of licences
8. Licence to be signed by holder
9. Licence fees
10. Refund of licence fees
11. Replacement of lost or damaged licences

###### *Rights, Duties, and Restrictions Under Licences*

12. Rights to fish conferred by licences
13. Licences not to confer right of entry on land
14. Licences not transferable
15. Tagged trout
16. Fishing without licence prohibited
17. Effect of licences under other regulations
18. Anglers to give name and address, and produce licence, etc.

##### PART III—RESTRICTIONS ON TIMES AND METHODS OF FISHING

###### *Restrictions on Times of Fishing*

19. Fishing prohibited between 11 p.m. and 5 a.m.
20. Fishing in close season prohibited

###### *Restrictions on Methods of Fishing*

21. One rod and running line only to be used
22. Methods prohibited
23. Lures and baits prohibited

###### *Restrictions on Fish that may be Taken*

24. Bag limit for rainbow trout
25. Size limit
26. Disposal of undersized fish
27. Taking of fish from fish traps, etc.

###### *Restrictions on Places of Fishing*

28. Certain lures and baits unlawful in certain waters
29. Restrictions on use of boats
30. Fishing in certain places prohibited

##### PART IV—POLLUTION OF WATERS

31. Casting of sawdust, etc., prohibited
32. Casting of rubbish prohibited
33. Leaving fish, cleanings, etc., prohibited

## PART V—WRONGFUL POSSESSION AND DEALING

- 34. Possession in close season
- 35. Sale of trout prohibited
- 36. Keeping live trout in captivity

## PART VI—STORAGE OF FISH IN FREEZING CHAMBERS

- 37. Trout not to be deposited in freezing chamber during close season
- 38. Storage of trout during close season
- 39. Register of trout stored in freezing chamber
- 40. Manager to give information to ranger
- 41. Maximum weight of trout that may be stored

## PART VII—CANNING OF TROUT

- 42. Restrictions on canning of trout
- 43. No fee to be paid for canning of trout
- 44. Sale of canned trout prohibited
- 45. Cans to be marked
- 46. Person not to continue fishing until cans marked
- 47. Maximum weight of canned trout permitted
- 48. Consignment of canned trout
- 49. Possession of canned trout
- 50. Canned trout not to be served in hotels, etc.

## PART VIII—COMMERCIAL SMOKEHOUSES

- 51. Duties of manager of commercial smokehouse
- 52. Trout in commercial smokehouse to be labelled
- 53. Giving of trout as consideration for smoking prohibited

## PART IX—INDIGENOUS FISH

- 54. Taking of grayling prohibited
- 55. Taking of other indigenous fish

## PART X—LIBERATION OF FISH

- 56. Fish not to be liberated without authority

## PART XI—FAUNISTIC RESERVES

- 57. Faunistic reserves

## PART XII—MISCELLANEOUS

- 58. Disturbing spawning redds, etc., of trout
- 59. Licences to Maoris in Arawa District
- 60. Exemptions
- 61. Taking of fish for scientific or other purposes
- 62. Taking of fish for purposes of pisciculture
- 63. Offences and penalty
- 64. Seizure of fish illegally taken, etc.
- 65. Disposal of property seized
- 66. Disposal of forfeited gear and tackle
- 67. Court may cancel licence of convicted person
- 68. Court may disqualify convicted person from obtaining licence
- 69. Authority for dispensing with close season
- 70. Revocations Schedules

## PART I—PRELIMINARY

**1. Title, commencement, and expiration**—(1) These regulations may be cited as the Rotorua Trout Fishing Regulations 1960.

(2) These regulations shall come into force on the 1st day of July 1960.

(3) These regulations shall expire with the 30th day of June 1961.

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

“Canning”, in relation to trout, includes the preservation of trout in sealed cans or jars; and “can” has a corresponding meaning:

“Close season” means, in respect of any part of the district, the portion of any year which is not included in the open season for that part:

“Commercial smokehouse” means any smokehouse in respect of which a fee is charged for the smoking of trout, or any smokehouse available with or without additional charge to the paying

- guests of any angling camp, angling lodge, or boardinghouse; and includes any fish preparation room, salting room, or drying room adjacent to or forming part of a smokehouse:
- “Day” means a day computed from midnight to midnight:
- “District” means the Rotorua Trout Fishing District as described in the First Schedule hereto:
- “Fish” means all fish, whether indigenous or not, and the young, fry, ova, and spawn of any fish; and includes any part of a fish:
- “Freezing chamber” means any freezing chamber, cool store, or refrigerating works; and includes any freezing device situated in any cannery or other plant or premises (not being a private dwellinghouse) where any trout is frozen, canned, or otherwise preserved or treated or stored:
- “Issuing officer” means any person authorised to issue licences under these regulations:
- “Landmark” means a black and orange ringed post having at the top an arrow pointing in the direction of a prohibited area:
- “Licence” means a licence to fish for trout issued under these regulations:
- “Open season” means—
- (a) In respect of Lake Rotorua, the 1st day of July in any year to the 30th day of June in the year next following (both days inclusive):
  - (b) In respect of rivers and streams in the district flowing into Lake Rotorua or Lake Waikaremoana, the 1st day of December in any year to the 30th day of June in the year next following (both days inclusive):
  - (c) In respect of all other waters in the district, the 1st day of October in any year to the 30th day of June in the year next following (both days inclusive):
- “Ranger” means any officer appointed for the purposes of Part II of the Fisheries Act 1908:
- “Secretary” means the Secretary for Internal Affairs; and “his appointee”, in relation to the Secretary, means any person authorised in writing by the Secretary to act on his behalf in respect of all matters or in respect of any specified matter arising under these regulations:

“Trout” means brown trout or rainbow trout.

(2) For the purposes of these regulations, a person who is 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. Application**—These regulations shall have force and effect only in the waters and places comprised in the district.

## PART II—LICENCES

### *Issue of Licences*

**4. Kinds of licences**—The following licences to fish for trout in the district may be issued—

- (a) A whole-season licence:
- (b) A half-season licence:
- (c) A weekly licence:
- (d) A day licence.

**5. Issuing officers**—Any person authorised in writing in that behalf by the Secretary or his appointee shall be an issuing officer for the purpose of these regulations, and shall have power to issue licences and charge therefor the fees herein provided.

**6. Applications for licences**—Applications for licences shall be made to an issuing officer.

**7. Issue of licences**—All licences shall be issued under the hand of an issuing officer, and, in the case of a whole-season or half-season or weekly licence or a licence for more days than one, shall be generally in form 1 in the Second Schedule hereto, and, in the case of a one-day licence, shall be generally in form 2 in that Schedule.

**8. Licence to be signed by holder**—No licence shall have any effect or validity until the holder thereof has verified the same by signing his usual signature clearly and legibly in the space provided for the purpose on the licence.

**9. Licence fees**—(1) There shall be paid and taken for licences issued under these regulations the appropriate fees set out in the Third Schedule hereto.

(2) The appropriate fee shall be paid to the issuing officer before the issue of the licence.

(3) Every person commits an offence against these regulations who, with a view to obtaining any licence for a fee lower than the appropriate fee payable under subclause (1) of this regulation, makes any false representation to an issuing officer as to the age of himself or of any other person or as to whether or not he or any other person is attending school full time.

**10. Refund of licence fees**—If through no fault of his own a person who has paid the prescribed fee for a licence is unable to use the licence, or in any case in which there are special circumstances which in the opinion of the Secretary render a refund of the fee advisable, the Secretary may, in his absolute discretion, direct that the fee shall be refunded to that person. In that event that person shall, before the refund is made, surrender the licence to the Secretary.

**11. Replacement of lost or damaged licences**—If any person to whom a licence has been issued under these regulations proves to the satisfaction of the Secretary or his appointee, by such evidence as the Secretary or his appointee requires, that any licence or copy of a licence has been lost or mutilated or become illegible, he may at any time during the currency of the licence, on payment of a fee of 2s. 6d., obtain from the Secretary or his appointee a copy of the licence certified as being a true copy, and that copy shall be available for all purposes for which the original licence could have been made available under these regulations.

#### *Rights, Duties, and Restrictions Under Licences*

**12. Rights to fish conferred by licences**—(1) The holder of a whole-season licence may fish for, take, and kill trout in any part of the district during the whole of the open season for that part of the district. A whole-season licence shall come into force on the date of its issue and shall expire with the next 30th day of June:

Provided that a whole-season licence issued during the month of June in any year shall come into force on the 1st day of July in that year and shall expire with the 30th day of June in the next succeeding year.

(2) The holder of a half-season or weekly or day licence may fish for, take, and kill trout in any part of the district within the open season for that part between the first and last days set out in the licence (both days inclusive) or on the day set out in the licence, as the case may be:

Provided that in the case of a half-season licence the first day named therein shall be a day not earlier in the open season than the 1st day of January or the day on which the licence is issued (whichever of those days is the later), and the second day named therein shall be the last day of the current open season.

(3) Every licence shall be subject always to the special limits and restrictions set out in these regulations or otherwise imposed by law, and, notwithstanding the terms of any licence, the holder thereof shall not be authorised to fish in any place during the close season in that place.

**13. Licences not to confer right of entry on land**—No licence shall confer any right of entry upon the land of any person without his consent.

**14. Licences not transferable**—No licence shall be transferable or be deemed to authorise any person other than the person named therein to fish.

**15. Tagged trout**—(1) Any angler taking any trout bearing a tag or distinguishing device shall either cause the trout and tag or device to be delivered to the Conservator of Wildlife at Rotorua or to a ranger or an issuing officer, or shall forthwith deliver to the Conservator of Wildlife at Rotorua or to a ranger or issuing officer 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, sex, and length of the fish.

(2) No person shall mark any living trout by attaching thereto a tag or other distinguishing device or by clipping or removing a fin or fins, except with the written consent of the Secretary.

**16. Fishing without licence prohibited**—Except as provided in regulation 17 hereof, no person shall fish for, take, or kill trout within the district unless he is the holder of a licence issued under these regulations for which the prescribed fee has been paid.

**17. Effect of licences under other regulations**—(1) Subject to the provisions of subclause (2) of this regulation, a general licence to fish for, take, or kill trout and other acclimatised fish in every acclimatisation district issued pursuant to the Freshwater Fisheries Regulations 1951\* shall not entitle the holder to fish for, take, or kill trout or other acclimatised fish in the Rotorua Trout Fishing District; and a general licence as aforesaid shall not be required to entitle a person holding a licence under these regulations to fish for, take, or kill trout in the Rotorua Trout Fishing District.

\*S.R. 1951/15

Amendment No. 1: S.R. 1951/200

Amendment No. 2: S.R. 1952/185

Amendment No. 3: S.R. 1955/177

Amendment No. 4: S.R. 1957/178

(2) Notwithstanding anything in regulation 16 hereof or in sub-clause (1) of this regulation, any person, being the holder of a licence for the time being current issued under the Freshwater Fisheries Regulations 1951\* by the Hawke's Bay Acclimatisation Society and whose principal, permanent, or only place of residence is in the Hawke's Bay Acclimatisation District, may, during the open season in that portion of the Rotorua Trout Fishing District, fish for, take, and kill trout—

(a) In the waters or from the bank of that portion of the Mohaka River that lies within the last-mentioned district and is opposite the boundary between the district and the Hawke's Bay Acclimatisation District:

(b) In the Waipunga and Ripia Rivers,—  
subject to compliance by him with all the provisions of these regulations in force at that time at those places.

(3) Notwithstanding anything in regulation 16 hereof or in sub-clause (1) of this regulation, any person, being the holder of a licence for the time being current issued under the Freshwater Fisheries Regulations 1951\* by the Gisborne - East Coast Acclimatisation Society and whose principal, permanent, or only place of residence is in the Gisborne - East Coast Acclimatisation District, may, during the open season in the Rotorua Trout Fishing District for those waters, fish for, take, and kill trout in the Ruakituri River (including all tributaries of that river), subject to compliance by him with all the provisions of these regulations in force at that time at that place.

(4) A licence to fish for, take, and kill trout in the Taupo Trout Fishing District issued pursuant to the Taupo Trout Fishing Regulations 1960†, shall not entitle the holder to fish for, take, or kill trout in the Rotorua Trout Fishing District; and shall not be required to entitle a person holding a licence under these regulations to fish for, take, or kill trout in the Rotorua Trout Fishing District:

Provided that the holder of such a licence for the time being current may, during the open season in the Rotorua Trout Fishing District for those waters fish for, take, and kill trout in the waters or from the bank of that portion of the Waikato River that lies between the Huka Falls and the Waimahana Bridge at Mihi, subject to compliance by him with all the provisions of these regulations in force at that place at that time.

### **18. Anglers to give name and address, and produce licence, etc.—**

(1) Every person fishing for trout or in possession of fishing gear shall, on the demand of any ranger, constable, officer of the Department of Internal Affairs, or of any person producing a current licence for the district, give his true name and place of residence, and, on the like demand, produce and show to any such ranger, constable, officer, or person his licence and the contents of his creel or bag and any lure or bait in his possession.

(2) The holder of a current licence when fishing for trout or in possession of an assembled fishing rod and gear suitable for fishing for trout shall, on demand of any ranger, constable, or officer of the

\*S.R. 1951/15

Amendment No. 1: S.R. 1951/200

Amendment No. 2: S.R. 1952/185

Amendment No. 3: S.R. 1955/177

Amendment No. 4: S.R. 1957/178

†S.R. 1960/93

Department of Internal Affairs, make or give legibly and clearly a specimen signature for comparison with the signature of the holder on the licence required under regulation 8 hereof.

### PART III—RESTRICTIONS ON TIMES AND METHODS OF FISHING

#### *Restrictions on Times of Fishing*

**19. Fishing prohibited between 11 p.m. and 5 a.m.**—No person shall fish for, take, or kill trout during the period between the hours of 11 p.m. and 5 a.m.

**20. Fishing in close season prohibited**—No person shall fish for, take, or kill trout or in any way injure or disturb the same in any part of the district during the close season for that part.

#### *Restrictions on Methods of Fishing*

**21. One rod and running line only to be used**—No person shall fish for, take, or kill trout otherwise than with one rod and running line; but a landing net may be used to secure any trout caught with any such rod and running line.

**22. Methods prohibited**—No person shall fish for, take, or kill trout with, or use for the purpose of taking or killing trout—

- (a) Any strokehauling or foulhooking gear; or
- (b) Any gaff; or
- (c) Any wire line; or
- (d) Any form of spoonbait having attached thereto more than one hook or any multiple hook; or
- (e) Any net or other unsportsmanlike device:

Provided that this regulation shall not forbid the use of a landing net pursuant to regulation 21 hereof.

**23. Lures and baits prohibited**—(1) No person shall, in fishing for trout, use—

- (a) Any lure or bait other than the natural or artificial fly or artificial minnow, or some form of spoonbait, or grasshopper, or beetle, or spider, or insect, the use of which is not otherwise forbidden by these regulations:
- (b) Any artificial fly containing feathers of any species of bittern or kiwi:
- (c) As a lure or bait any mollusc or the freshwater crayfish (koura), or worms, or the creeper, or the huhu or matai grub, or fish roe:

Provided that the shell of the mollusc paua may be used in the manufacture of artificial minnows:

- (d) With any lure or bait any medicated or chemical preparation whatever, other than any preparation used solely for the purpose of floating a dry artificial fly:
- (e) Any artificial fly having more than one hook or having a multiple hook:
- (f) Any artificial minnow or spoonbait or feathered lure which weighs more than  $1\frac{1}{2}$  oz avoirdupois. For the purposes of this paragraph any weight (whether of metal or any other substance) used in conjunction with any lure to facilitate its casting or sinking shall be deemed to form part of the lure.

- (2) For the purpose of this regulation and of regulation 28 hereof—
- (a) Artificial fly shall be deemed to include any lure of feather, fur, wool, or similar material, in the tying of which no lead or other weight has been incorporated to facilitate the casting or sinking of the lure:
  - (b) 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 to impart a wobbling or irregular motion to the lure.

*Restrictions on Fish that may be Taken*

**24. Bag limit for rainbow trout**—(1) No person shall on any one day take and kill more than eight trout, exclusive of trout dealt with under regulation 26 hereof, and no person shall continue to fish on any day on which he has already taken and killed eight trout, exclusive of trout dealt with under regulation 26 hereof.

(2) In this regulation the term “trout” means rainbow trout (*Salmo gairdnerii*).

**25. Size limit**—No person shall intentionally take or kill in any manner whatever or have in his possession any trout which, if it is taken in the district in any river or stream which flows into the Bay of Plenty, does not exceed 12 in. in length, or, if it is taken in any other water in the district, does not exceed 14 in. in length.

**26. Disposal of undersized fish**—Every person taking a trout which does not exceed 12 in. in length, if taken in any river or stream flowing into the Bay of Plenty, or 14 in. in length, if taken in any other water in the district, shall immediately return it into the water from which it was taken, and, notwithstanding anything in regulation 33 hereof, whether it is alive or dead.

**27. Taking of fish from fish traps, etc.**—No person shall take any fish from any net, trap, pound net, or other contrivance used by any person for catching any fish for the purposes of acclimatisation, propagation, pisciculture, or scientific investigation, or for scientific or other purposes pursuant to regulation 62 hereof, or shall in any way interfere with or damage any such net, trap, pound net, or contrivance.

*Restrictions on Places of Fishing*

**28. Certain lures and baits unlawful in certain waters**—(1) No person shall, in fishing for trout in any place to which this regulation applies, use—

- (a) Any lure or bait other than a natural fly, grasshopper, beetle, spider, or insect, or an artificial fly consisting solely of a single metal hook dressed in accordance with accepted practice so as to become an artificial fly and without the addition of any weight to either the hook or other part:
- (b) Any spinning fly or fly with a spinning attachment, whether the fly be an artificial fly or not:
- (c) Any wire line, or any line manufactured or treated in such a manner as to increase the rate of sinking of the line:



- (d) Anything made from lead, glass, wood, plastic, or any other material attached to a line for the purpose of facilitating casting or to increase the rate of sinking of the line.

(2) No person shall, in fishing for trout in any place to which this regulation applies, fish from any boat measuring 18 ft or more in length unless the boat is securely anchored at both ends, or from any boat less than 18 ft in length unless the boat is securely anchored at one end.

- (3) This regulation shall apply to the following places:

- (a) The Ohau Channel:

- (b) Every stream, spring, or river flowing into or from lakes and portions of lakes mentioned in paragraph (c) of this subclause, and all waters contained within the arc of a circle having a radius of 300 yards round the centre of the mouth or mouths of every stream, spring, or river flowing into or out of the lake:

- (c) The lakes and portions of lakes referred to in paragraph (b) of this subclause are—

- (i) Lake Rotorua:

- (ii) Lake Rotoiti:

- (iii) Lake Rotoehu:

- (iv) Lake Tarawera:

- (v) Lake Okataina:

- (vi) Lake Rotokakahi:

- (d) The Kaituna River from Lake Rotoiti to the site of a landmark approximately 3 miles down stream from the lake:

- (e) The Horomanga River from its confluence with the Rangitaiki River:

- (f) Lakes Kaitawa and Whakamarino:

- (g) The Hopurauhine, Mokau, and Aniwaniwa Rivers, and the waters of Lake Waikaremoana contained within the arc of a circle having a radius of 300 yards around the centre of the mouth or mouths of those rivers as indicated by landmarks in those river mouths:

- (h) The Ruakituri and its tributaries from its confluence with the Hangaroa River upstream to the Waitangi Falls.

**29. Restrictions on use of boats**—No person shall fish for trout from a boat in the following places—

- (a) The Ohau Channel:

- (b) That portion of Lake Rotoiti that is within a radius of 100 yards shore to shore from the centre of the meeting line of the Ohau Channel and Lake Rotoiti:

- (c) That portion of Lake Rotorua that is within a radius of 100 yards shore to shore from the centre of the outlet of Lake Rotorua into the Ohau Channel:

- (d) The Kaituna River upstream from the bridge over the rapids to a right line drawn at right angles across the river from the northern end of the Okere Wharf, which is adjacent to the Rotorua - Te Puke main highway:

- (e) Those portions of the homestead arm of Lake Rerewhakaaitu and the Mangakino Stream contained within a line between the normal sites of two landmarks on the opposite sides of the homestead arm of Lake Rerewhakaaitu and the source of the Mangakino Stream.

**30. Fishing in certain places prohibited**—No person shall fish for, take, or kill trout by any means whatsoever in or from—

- (a) The Te Wairoa Stream between the waterfalls and Lake Tara-wera:
- (b) The Wairua Stream:
- (c) Any water which is within 50 yards of any net, trap, pound net, or other contrivance used by any person for catching fish for the purposes of acclimatisation, propagation, pisciculture, or scientific investigation, or for scientific, or other purposes pursuant to regulation 62 hereof.

#### PART IV—POLLUTION OF WATERS

**31. Casting of sawdust, etc., prohibited**—No person shall cast or throw into any lake, river, stream, or other waters, or shall allow to flow into or place near any bank or margin of any lake, river, stream, or other waters, any sawdust or sawmill refuse, lime, sheep dip, flaxmill refuse, or oil or any other matter or liquid that is noxious, poisonous, or injurious to fish:

Provided that nothing in this regulation shall extend to prohibit the depositing in any such waters of debris from any mining claim.

**32. Casting of rubbish prohibited**—No person shall cast, throw, or place, or permit to be cast, thrown, or placed, any rubbish or refuse or material of any kind into any waters or on any river bed or on or onto the bank or margin of any waters or river bed.

**33. Leaving fish, cleanings, etc., prohibited**—No person shall leave any fish or the cleanings, offal, or other parts of fish on the bank or margin of any waters wherein there are trout unless the fish, cleanings, offal, or other parts are buried to a depth of not less than 6 in. below the level of the surrounding ground.

#### PART V—WRONGFUL POSSESSION AND DEALING

**34. Possession in close season**—No person shall in any part of the district have any trout in his possession during any close season for that part:

Provided that it shall be a defence to the person charged with a breach of this regulation if he proves—

- (a) That the trout was fresh, frozen, or smoked trout lawfully taken during the open season, and that not more than one calendar month had elapsed since the end of the open season in that part of the district within which the trout had been taken; or
- (b) That the trout had been taken and canned lawfully during the open season and had been preserved in cans or jars marked in accordance with the provisions of these regulations, and that not more than one calendar month had elapsed from the end of the open season in the part of the district within which the trout had been taken; or
- (c) That the trout had been taken for purposes of pisciculture or scientific research in accordance with the provisions of these regulations; or

- (d) That the trout had been taken pursuant to statutory authority, and had not been removed from the part of the district within which the trout had been taken during the close season for trout in that part of the district.

**35. Sale of trout prohibited**—(1) No person shall sell or expose or offer for sale or buy or attempt to buy or have in his possession for purposes of sale any trout or any part of any trout, or fish for, take, or kill, for purposes of sale, any trout.

(2) No person shall give or receive any trout in compensation or as a consideration or by way of exchange for anything done, or for any service rendered, or for any materials or things supplied.

**36. Keeping live trout in captivity**—No person shall obtain or shall keep in captivity any live trout for purposes of public exhibition, except with the prior consent in writing of the Secretary, and except in compliance with such conditions as the Secretary may lay down as to rights of inspection of the fish by rangers and as to the welfare of the fish.

#### PART VI—STORAGE OF FISH IN FREEZING CHAMBERS

**37. Trout not to be deposited in freezing chamber during close season**—No manager or person in charge of a freezing chamber shall, during the close season for trout in the part of the district where the trout was taken, deposit or accept for deposit in the freezing chamber any trout, except with the consent in writing of the Conservator of Wildlife at Rotorua given from time to time in respect of any specified fish or parcel of fish.

**38. Storage of trout during close season**—No manager or person in charge of a freezing chamber shall hold or retain in the freezing chamber any trout for more than one month after the end of the open season for trout in the part of the district where the trout was taken.

**39. Register of trout stored in freezing chamber**—Every manager or person in charge of a freezing chamber in which trout are from time to time deposited shall keep on the premises a register thereof in the form set out in the Fourth Schedule hereto, and shall make in respect of the trout deposited therein appropriate entries in the first five columns of the register on the day of deposit and the appropriate entry in the sixth column on the day of delivery, and shall retain the register for at least six months after the making of the last entry therein.

**40. Manager to give information to ranger**—Every manager or person in charge of a freezing chamber in which from time to time trout are deposited shall, whenever required, furnish any ranger with full particulars of all trout deposited therein, and shall permit any such ranger at all reasonable times to enter the chamber and inspect any trout therein and to inspect and make copies of entries in any register kept for the purposes of these regulations.

**41. Maximum weight of trout that may be stored**—No licence holder or other person shall deposit, and no manager or person in charge of a freezing chamber shall accept for deposit, any trout in any freezing chamber, if the licence holder or other person already has an aggregate weight of 1 cwt of trout deposited in the chamber.

## PART VII—CANNING OF TROUT

**42. Restrictions on canning of trout**—No person shall can any trout except in accordance with the provisions of these regulations, and no person shall be in possession of any trout so preserved contrary to the provisions of these regulations.

**43. No fee to be paid for canning of trout**—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 trout.

**44. Sale of canned trout prohibited**—(1) No person shall sell trout preserved in any can or any can containing trout.

(2) No person shall trade, exchange, give, or receive trout for cans containing trout or for empty cans.

**45. Cans to be marked**—(1) No person shall can trout, unless as soon thereafter as may be practicable on the same day the person canning the trout paints in oil paint or engraves on each can clearly and correctly the name of the licence holder who caught the trout, the number of his licence, and the date and place where the trout was caught.

(2) No person shall deface, obliterate, or alter any particulars painted or engraved on any can which contains trout.

(3) No person shall paint or engrave on a can containing trout any incorrect or misleading information.

(4) No person shall give away or in any way dispose of any can containing trout, unless the can is marked in accordance with the provisions of subclause (1) of this regulation.

**46. Person not to continue fishing until cans marked**—No person shall continue to fish on any day when he has in his possession any can containing trout on which the particulars required by subclause (1) of regulation 45 hereof have not been painted or engraved.

**47. Maximum weight of canned trout permitted**—No person shall have in his possession or at his disposal more than 50 lb gross weight of canned trout, the weight to include the weight of cans and their contents.

**48. Consignment of canned trout**—No person shall post or consign or cause to be conveyed by land, water, or air on any one day a quantity of canned trout exceeding in aggregate weight of cans and contents 50 lb.

**49. Possession of canned trout**—Any canned trout 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 dwellinghouse, hut, tent, encampment, or caravan of which that person is the sole occupant, or one of the occupants.

**50. Canned trout not to be served in hotels, etc.**—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 trout.

## PART VIII—COMMERCIAL SMOKEHOUSES

**51. Duties of manager of commercial smokehouse**—(1) No manager or person in charge of any commercial smokehouse shall receive any trout for the purpose of being smoked or have any trout in any such smokehouse, unless he makes or causes to be made correctly in a book kept in the smokehouse for that purpose the entries in respect of the trout mentioned in subclause (2) of this regulation, and unless he permits any ranger to enter the smokehouse 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 the provisions of subclause (1) of this regulation are as follows:

- (a) The date of the receipt of the fish at the smokehouse;
- (b) The number of fish;
- (c) The name of the owner of the fish;
- (d) The address of the owner of the fish;
- (e) The number 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.

**52. Trout in commercial smokehouse to be labelled**—No person shall place or permit to be placed or kept in any commercial smokehouse any trout (other than fresh or wet salted trout) 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 trout;
- (b) The number of the licence (if any) of the owner; and
- (c) The date on which the trout were received at the smokehouse.

**53. Giving of trout as consideration for smoking prohibited**—No person shall give, and no manager or person in charge of a commercial smokehouse shall receive, any trout in exchange or as a full or partial consideration for the smoking of any trout.

## PART IX—INDIGENOUS FISH

**54. Taking of grayling prohibited**—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 the Conservator of Wildlife at Rotorua, or to any ranger, and shall give to the conservator or ranger full particulars of the time and place of the capture of the grayling or other fish.

**55. Taking of other indigenous fish**—Subject to the provisions of section 88 (2) of the Maori Purposes Act 1931, no person shall in any lake in the district, whether natural or artificial, or in any tributary of any such lake or in the Ohau Channel, fish for, take, or kill in any manner whatever any species of whitebait, any crustacea of the genus *Paranephrops* (commonly called freshwater crayfish or koura), or any other small fish indigenous to New Zealand, or the ova, young, or fry of any such whitebait, crustacea, or other fish as aforesaid in any stage whatsoever, or intentionally have in his possession or sell any such whitebait, crustacea, or other fish or the ova, young, or fry thereof, taken or killed in any such waters.

## PART X—LIBERATION OF FISH

56. **Fish not to be liberated without authority**—No acclimatisation society or person shall, without the written authority of the Secretary, place, liberate, or introduce in or into any lake, river, stream, or other waters within the district any indigenous or exotic species of mollusca, crustacea, protozoa, insecta, or of annelid, nematode, or platyhelminth worm, or any fish or fish ova of any description.

## PART XI—FAUNISTIC RESERVES

57. **Faunistic reserves**—The Minister of Marine may from time to time, by notice published 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 Secretary of Marine, given solely for the 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 XII—MISCELLANEOUS

58. **Disturbing spawning redds, etc., of trout**—No person shall otherwise than in accordance with these regulations intentionally disturb or damage the spawning redds or the eggs or larvae of trout or have in his possession the eggs or larvae of trout.

59. **Licences to Maoris in Arawa District**—These regulations shall be read subject to the special provisions as to issue of licences and as to the rights of the holders of those licences in section 2 of the Fisheries Amendment Act 1908.

60. **Exemptions**—These regulations shall be read subject to the exemptions set out in sections 88 and 90 of the Fisheries Act 1908.

61. **Taking of fish for scientific or other purposes**—Regulations 16 to 21, 23, 28, and 34 hereof shall not apply to officers of the Department of Internal Affairs or of the Marine Department taking, fishing for, or catching fish for the purposes of acclimatisation or propagation or for scientific or other purposes, nor to any fish in the possession of any such officer as aforesaid for any of those purposes.

62. **Taking of fish for purposes of pisciculture**—(1) Notwithstanding anything to the contrary in these regulations, any person authorised in writing in that behalf by the Secretary may, by any method whatsoever, fish for, take, or kill fish from any waters in the district at any time, whether during the open season or the close season, for the purposes of pisciculture or scientific investigation, and may have in his possession fish taken for any such purpose.

(2) Notwithstanding anything to the contrary in these regulations, any officer of the Department of Internal Affairs or of the Marine Department, acting in each case in the course of his official duties and with the written authority of the Secretary, may take fish in any waters within the district for the purposes of pisciculture or scientific investigation by the use of narcotic or poisonous matter or liquid to stupefy or kill the fish, and may have in his possession fish so taken for those purposes.

**63. Offences and penalty**—Every person commits an offence who does any act in contravention of or fails to comply with any provision of these regulations, and is liable on summary conviction to a fine not exceeding £50.

**64. Seizure of fish illegally taken, etc.**—Any constable or ranger may—

- (a) Seize any fish illegally taken or had in possession or which he reasonably believes to be illegally taken or had in possession:
- (b) Seize any bag, container, or other article (including any coat or similar article of clothing) that is being used for the purpose of carrying any fish illegally taken or had in possession or that he reasonably believes is being so used.

**65. Disposal of property seized**—Any fish seized under the powers conferred by regulation 64 hereof and any other property seized under the powers conferred by section 80 of the Fisheries Act 1908 shall be retained by the Secretary or his appointee pending the trial of any person for the offence in respect of which the property was seized, and shall be disposed of as follows:

- (a) On the conviction of any person for any such offence, the fish or other property shall be disposed of in such manner as the Secretary directs in order to give effect to the provisions as to forfeiture in section 84 of the Fisheries Act 1908:
- (b) If in any such proceedings the charge is dismissed or if no such proceedings are commenced within six months after the seizure, the fish or other property shall be returned to the person last in possession thereof.

**66. Disposal of forfeited gear and tackle**—Where in the discretion of the Court forfeiture of gear and tackle used by a person convicted of a breach of these regulations would be inequitable and the gear or tackle is of a kind which could lawfully be used by anglers for taking trout, the Court may recommend to the Secretary the return of the gear or tackle or any portion of it to the person last in possession thereof either immediately or after any stated interval, and the Secretary shall thereupon dispose of any such gear or tackle in accordance with the recommendation of the Court. Subject to the foregoing provisions of this regulation, all gear and tackle forfeited under section 84 of the Fisheries Act 1908 shall be disposed of as the Secretary directs.

**67. Court may cancel licence of convicted person**—Where any person commits an offence against these regulations, the Court in its discretion may, instead of inflicting a fine or in addition to such a fine, declare void and of no effect any licence of that person or may order the impounding of any such licence for a stated period; and during that period of impounding the licence shall be void and of no effect.

**68. Court may disqualify convicted person from obtaining licence—**Where any person commits an offence against these regulations, the Court in its discretion may, instead of or in addition to any other penalty, make an order prohibiting the issue of a licence to that person for any period not exceeding two years; and the person in respect of whom any such order is made shall not apply for or otherwise obtain any licence during that period. Any licence obtained by any such person during that period shall be void and of no effect.

**69. Authority for dispensing with close season—**It is hereby declared that the provisions of these regulations so far as they do not provide for a close season in Lake Rotorua have been enacted on the written application of the Secretary for Internal Affairs under section 93 (2) of the Fisheries Act 1908, the Department of Internal Affairs being the acclimatisation society for the Rotorua Acclimatisation District of which the Rotorua Trout Fishing District forms a part.

**70. Revocations—**(1) The regulations specified in the Fifth Schedule hereto are hereby revoked.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the revocation of any provision by these regulations shall not affect any document made or any thing whatsoever done under the provision so revoked or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the revocation and could have been made or done under these regulations, shall continue and have effect as if it had been made or done under the corresponding provision of these regulations and as if that provision had been in force when the document was made or the thing was done.

---

## SCHEDULES

---

Reg. 2 (1)

### FIRST SCHEDULE

#### DESCRIPTION OF ROTORUA TROUT FISHING DISTRICT

ALL that area in the Auckland, Gisborne, Hawke's Bay, and Wellington Land Districts, bounded by a line commencing at a point on the sea coast in the Bay of Plenty in line with the south-western boundary of Whangaparaoa No. 1 Block; thence to and along that boundary, the western boundary of the Whangaparaoa No. 3A Block, and the western and south-western boundaries of Waikura No. 2 Block to Pakira Trig. Station; thence along right lines to Whanakaoa Trig. Station to Kapua Trig. Station, to Arowhana Trig. Station, to Tuanui-o-te-Kahakaha Trig. Station; thence along a right line passing through Trig. Station 140 to the Motu River; thence up the Motu River and the Whakapaupakihi Stream to its source; thence along a right line to Trig. Station 149A; thence along a right line to Trig. Station Pokaikiri; thence along the north-western boundaries of Section 2, Block V, Motu Survey District, Sections 2, 1, and 4, Block IX, Motu Survey District, and Sections 3 and 2, Block XII, Moanui Survey District, S.G.R.'s 90 and 89, and that



FIRST SCHEDULE—*continued*

boundary produced to a point in line with the western boundary of Tahora 2c 3, Section 2 Block; thence to and along that boundary to Trig. Station Te Wana; thence south-easterly generally to and along the summit of the watershed between the Hangaroa and Ruakituri Rivers passing through or near Trig. Stations RI, RV, 50 (Kahunui), Kairanga, Kou, Te Aitangaamahaki, M and K to the confluence of the Hangaroa and Ruakituri Rivers; thence along a right line to the sea coast at Paritu (Block XIII, Paritu Survey District); thence southerly along high water mark of the sea to the southernmost point of the Mahia Peninsula; thence along high water mark, Hawke Bay, to the mouth of the Mohaka River; thence to and up the middle of the Mohaka River to a point in line with Trig. Stations 68A and 65A; thence along that line to said Trig. Station 65A; thence westerly along a right line to Trig. Station 26, Tawaki Tohunga, in Block XII, Mangamaire Survey District; thence south-westerly along a right line to Trig. Station 27; thence westerly along a right line to Trig. Station 28, Manukaiapu; thence north-easterly along a right line to Ruapehu Trig. Station; thence north-easterly along a right line to Paretaitonga Trig. Station; thence towards the north-east along a right line to Ngauruhoe Trig. Station; thence northerly along a right line to Tongariro Trig. Station; thence north-easterly along a right line in the direction of the mouth of the Waihi Stream, Lake Taupo, to the Wanganui River; thence down the middle of that river to the western boundary of the Waione Block, and northerly along that boundary to Maungaku Trig. Station; thence northerly along a mountain range passing through Haukungaroa, Motere, Tuhingamata, and Weraroa Trig. Stations to Pureora Trig. Station; thence north-easterly along a right line to Trig. Station 1778, Pukeroa, in Block XIV, Ranginui Survey District; thence north-easterly generally along the watershed to the south of the Karamarama Stream, and passing between the Mangatete Stream and the Waione Stream and between the Waiteti Stream and the Mangakino Stream to Trig. Station 1771 in Block I, Whakamaru Survey District; thence easterly along a right line to the dam site at Maraetai on the Waikato River; thence north-easterly along a right line to Trig. Station 1002 in Block XV, Patetere South Survey District; thence due easterly along a right line to its intersection with a right line from Trig. Station 1390, Pureora, to Trig. Station Puwhenua; thence north-easterly along the last mentioned right line to Trig. Station Puwhenua; thence north-westerly along a right line in the direction of Weraiti Trig. Station to a point due west from Otanewainuku Trig. Station in Block XVI, Otanewainuku Survey District; thence due east along a right line to that trig. station, and again due east along that line produced to a point due south of Trig. Station J<sub>i</sub> in Block IV, Waihi South Survey District; thence along a right line running due north through Trig. Station J<sub>i</sub> aforesaid to high water mark of the Bay of Plenty; thence south-easterly and north-easterly along the aforesaid high water mark to a point in line with the south-western boundary of Whangaparaoa No. 1 Block, the point of commencement; and including White and Whale Islands and the Ru Rimu Rocks.

Excepting thereout the Taupo Trout Fishing District as described in the First Schedule to the Taupo Trout Fishing Regulations 1960.\*

SECOND SCHEDULE

Reg. 7

Form 1

FORM OF WHOLE SEASON OR HALF SEASON OR WEEKLY LICENCE OR LICENCE FOR MORE DAYS THAN ONE

Rotorua Trout Fishing Licence

LICENCE TO FISH

Under the Fisheries Act 1908 and its Amendments, and under the Rotorua Trout Fishing Regulations 1960

THE holder of this licence, [Surname and initials], of [Town or rural district], is hereby authorised to fish for trout within any part of the district affected by the above regulations between the dates or during the period shown hereon, subject to the above Acts and to all regulations made thereunder for the time being in force in the said district.

|                              |         |                  | Amount Paid |
|------------------------------|---------|------------------|-------------|
| Whole season                 | .....   | .....            |             |
|                              |         | } Man            | .....       |
|                              |         | } Woman or child | .....       |
| Half Season. Available from— |         |                  |             |
| ..... day of                 | 19..... | } Man            | .....       |
| to                           |         |                  |             |
| ..... day of                 | 19..... | } Woman or child | .....       |
| ..... weeks. Available from— |         |                  |             |
| ..... day of                 | 19..... | } Man            | .....       |
| to                           |         |                  |             |
| ..... day of                 | 19..... | } Woman or child | .....       |
| ..... days. Available for—   |         |                  |             |
| ..... day of                 | 19..... | } .....          | .....       |
| to                           |         |                  |             |
| ..... day of                 | 19..... |                  |             |

Time of issue:.....a.m./p.m.

Date of issue:.....

.....  
Authorised Agent.

.....  
Signature of Licence Holder  
(not valid until signed).

SECOND SCHEDULE—*continued*

## Form 2

## FORM OF ONE DAY FISHING LICENCE

Reg. 7

*Rotorua Fishing Licence*

## ONE DAY

5s.

THE holder of this licence is hereby authorised to fish for trout in the Rotorua Trout Fishing District on the day indicated below between the hours of 5 a.m. and 11 p.m.

Date available:.....

Time of issue:.....a.m./p.m.

Date of issue:.....

(Agent's Signature or Stamp)

(Licence Holder's Signature)

Address: [*Town or rural district only*].

## NOT VALID UNTIL SIGNED BY THE HOLDER

This licence is issued under the Fisheries Act 1908 and amendments and under the Rotorua Trout Fishing Regulations 1960.

NOTE—This licence is *not* transferable.

## THIRD SCHEDULE

## LICENCE FEES

Reg. 9 (1)

| Class of Persons to Whom Licences are Issued  | Whole Season Licence |    |    | Half Season Licence |    |    | Weekly Licence |    |    | Day Licence |    |    |
|---|----------------------|----|----|---------------------|----|----|----------------|----|----|-------------|----|----|
|   | £                    | s. | d. | £                   | s. | d. | £              | s. | d. | £           | s. | d. |
| (a) Women, girls (irrespective of age), and boys under the age of seventeen years or attending school full time ..... | 1                    | 5  | 0  | 0                   | 12 | 6  | 0              | 7  | 6  | 0           | 5  | 0  |
| (b) Men, and boys of seventeen years of age and over unless attending school full time .....                          | 2                    | 10 | 0  | 1                   | 5  | 0  | 0              | 15 | 0  | 0           | 5  | 0  |

## FOURTH SCHEDULE

## FREEZING CHAMBER REGISTER

Reg. 39

| Number of Trout | Weight | Number of Depositor's Licence | Name of Licence Holder | Date of Deposit | Date of Delivery | Remarks |
|-----------------|--------|-------------------------------|------------------------|-----------------|------------------|---------|
|                 |        |                               |                        |                 |                  |         |

## FIFTH SCHEDULE

Reg. 70 (1)

REGULATIONS REVOKED

| Title   | Serial Number |
|---|---------------|
| The Rotorua Trout Fishing Regulations 1951<br>(Reprinted with Amendments Nos. 1 to 5,<br>S.R. 1955/189) | 1951/36       |
| The Rotorua Trout Fishing Regulations 1951,<br>Amendment No. 1  | 1951/228      |
| The Rotorua Trout Fishing Regulations 1951,<br>Amendment No. 3  | 1953/124      |
| The Rotorua Trout Fishing Regulations 1951,<br>Amendment No. 4  | 1954/203      |
| The Rotorua Trout Fishing Regulations 1951,<br>Amendment No. 5  | 1955/164      |
| The Rotorua Trout Fishing Regulations 1951,<br>Amendment No. 6  | 1956/170      |
| The Rotorua Trout Fishing Regulations 1951,<br>Amendment No. 7  | 1957/207      |

T. J. SHERRARD,  
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 some changes the Rotorua Trout Fishing Regulations 1951 and the amendments of those regulations. They come into force on the 1st day of July 1960 and expire with the 30th day of June 1961.

The principal changes are—

- (a) There is to be no close season in Lake Rotorua.
- (b) The open season for rivers and streams flowing into Lakes Rotorua and Waikaremoana is to be from 1 December to 30 June.
- (c) The open season for other waters in the district is to be from 1 October to 30 June
- (d) There is to be no bag limit for brown trout. The bag limit for rainbow trout is to be eight.
- (e) There are miscellaneous changes relating to methods of fishing and the lures and baits that may be used in certain places.
- (f) There is a new scale of licence fees.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 23 June 1960.

These regulations are administered in the Department of Internal Affairs.