

1963/96



THE ROTORUA TROUT FISHING REGULATIONS 1963

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 10th day of June 1963

Present:

THE RIGHT HON. KEITH HOLYOAKE, C.H., PRESIDING IN COUNCIL

PURSUANT to the Fisheries Act 1908, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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PART I—PRELIMINARY

1. **Title, commencement, and expiration**—(1) These regulations may be cited as the Rotorua Trout Fishing Regulations 1963.

(2) These regulations shall come into force on the 1st day of July 1963.

(3) These regulations shall expire with the 30th day of June 1968.

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 yellow ringed post:

“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 flowing into Lake Rotorua or Lake Waikaremoana (but excluding that part of the Hopu-rahine River from its source to the main Rotorua-Wairoa highway bridge which crosses this river at the head of the falls), 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 the Tiniroto Lakes,—

(i) During the year ending with the 30th day of June 1964, the 1st day of October 1963 to the 30th day of June 1964 (both days inclusive):

(ii) After the 30th day of June 1964, the 1st day of July in any year to the 30th day of June in the year next following (both days inclusive):

(d) 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 includes his deputy; 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—Subject to the provisions of regulation 14 hereof, these regulations shall have force and effect only in the waters and places comprised in the district.

PART II—LICENCES

4. 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 current licence issued under these regulations for which the prescribed fee has been paid.

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

- (a) A whole-season licence, which 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:
- (b) A monthly licence, in which the second day named shall be a day not later than one calendar month after the day preceding the first day named therein:
- (c) A weekly licence, in which the second day named shall be a day not later than six days after the first day named therein, so that if the first day named is a Tuesday the second shall be the following Monday:
- (d) A day licence.

6. 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.

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

8. Issue of licences—All licences shall be issued under the hand of an issuing officer, and, in the case of a whole-season or monthly or weekly licence, shall be generally in form 1 in the Second Schedule hereto, and, in the case of a day licence, shall be generally in form 2 in that Schedule.

9. 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.

10. 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.

11. Issue of licence on compassionate grounds—Notwithstanding the provisions of regulation 10 hereof, it shall be lawful for the Secretary or his appointee to issue a licence to any person either for no fee or for such reduced fee as the Secretary approves, where in the sole discretion of the Secretary adequate compassionate grounds are shown.

12. 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.

13. 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.

14. Rights to fish conferred by licences—(1) Subject to the conditions and restrictions imposed by Parts III and IV of these regulations and to regulation 37 hereof, the holder of a whole-season, monthly, weekly, or day licence may fish for, take, and kill trout in any part of the district between the first and last days specified in the licence (both days inclusive) or on the day specified in the licence, as the case may be, except in the following waters:

- (a) The Te Wairoa Stream between the waterfall and Lake Tarawera:
- (b) The Wairua Stream, which flows into Lake Tarawera:
- (c) The following springs or streams, or parts thereof, which flow into Lake Rotorua:
 - (i) The Waiowhiro Stream and its tributaries:
 - (ii) The Hamurana Stream and springs upstream from the main-road bridge:
 - (iii) The Awahou Stream and its tributaries upstream from the main-road bridge:
 - (iv) The Waiohewa Stream:
 - (v) The Waikuta Stream:
 - (vi) The Waingaehe Stream.

(2) The holder of a current whole-season, monthly, weekly, or day licence may, during the open season in those waters, fish for, take, and kill trout in the waters and from the bank of that portion of the Mohaka River that lies within the Hawke's Bay Acclimatisation District and is opposite the boundary between that district and the Rotorua Trout Fishing District in accordance with all regulations in force at that place at that time.

(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 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.

15. 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.

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

17. Effect of licences under other regulations—These regulations shall apply throughout the Rotorua Trout Fishing District:

Provided that—

(a) Any person who is the holder of a current licence issued under the Freshwater Fisheries Regulations 1951* by the Hawke's Bay Acclimatisation Society, not being a winter-season licence issued under the Hawke's Bay (Winter Season and Fisheries Experimental Waters) Regulations 1963†, and whose principal, permanent, or only place of residence lies within 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—

(i) 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 that district and the Hawke's Bay Acclimatisation District:

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

(b) Any person who is the holder of a current licence issued pursuant to the Taupo Trout Fishing Regulations 1963‡ may fish for, take, and kill trout—

(i) 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:

*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

Amendment No. 5: S.R. 1960/142

Amendment No. 6: S.R. 1962/152

†S.R. 1963/56

‡S.R. 1963/97

(ii) In the waters or from the bank of that portion of the Rangitaiki River which lies upstream from the main Napier-Taupo highway bridge:

(iii) In the waters or from the bank of that portion of the Mohaka River and its tributaries which lie upstream from the confluence of the Mohaka River with the Waipunga River (including the confluence of those rivers),—
subject to compliance by him with all the provisions of these regulations in force at that time with respect to those places:

- (c) Any person who is the holder of a current tourist fishing licence issued pursuant to section 83A of the Fisheries Act 1908 (as inserted by section 2 of the Fisheries Amendment Act 1962) may fish for, take, and kill trout in the district during the open season, subject to compliance by him with all the provisions of these regulations in force at that time with respect to the waters in which he is fishing.

PART III—LIABILITIES OF PERSONS FISHING

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

(1) Every person fishing for trout or in possession of fishing gear suitable for fishing for trout 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 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 9 hereof.

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 trout in any part of the district during the close season for that part.

21. **Fishing in certain waters prohibited**—No person shall at any time fish for, take, or kill trout or in any way injure or disturb trout in any of the waters specified in subclause (1) of regulation 14 hereof.

22. **Disturbing spawning redds, etc., of trout**—No person shall, otherwise than in accordance with these regulations,—

(a) Intentionally disturb or damage spawning redds; or

(b) Have in his possession the eggs or larvae of trout taken from any such redds.

PART IV—RESTRICTIONS ON METHODS OF FISHING, LURES, AND USE OF BOATS

Restrictions on Methods of Fishing

23. 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.

24. Restrictions on use of set rods—No person, unless he is fishing from a boat of which he is the sole occupant, shall fish for, take, or kill trout with a set rod.

25. Possession of more than one assembled rod on boat prohibited—No person who is fishing for trout with a rod and running line from a boat shall have in his possession more than one rod assembled ready for fishing.

26. 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, lead, or metal-cored line; or
- (d) Any cross line, paravane, "otter", or hand line; or
- (e) Any hook which has a distance greater than $\frac{1}{2}$ in. between the point and the nearest part of the shank or hook; or
- (f) Any lure having attached thereto more than one hook; or
- (g) Any lure having attached thereto any multiple hook; or
- (h) Any net or other unsportsmanlike device; or
- (i) More than two lures:

Provided that this regulation shall not forbid the use with artificial fly as defined in regulation 27 hereof of a dropper having only one hook (not being a multiple hook) or the use of a landing net pursuant to regulation 23 hereof:

Provided also that wire, lead, and metal-cored lines may be used by any person fishing in the waters or from the bank of Lake Rotoma or of all those parts of Lake Okataina or Lake Tarawera which lie outside 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 either of those lakes.

Restrictions on Lures

27. "Artificial fly" and "artificial minnow" defined—In regulations 28 to 30 hereof—

"Artificial fly" includes any lure of feather, fur, wool, or other material of any kind whatsoever customarily used in the making of artificial flies, in the tying of which no lead or other weight has been incorporated to facilitate the casting or sinking of the lure:

"Artificial minnow" includes spoonbait, any 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.

28. Lures and baits prohibited—Subject to the provisions of regulations 29 and 30 hereof, no person shall, in fishing for trout, use—

- (a) Any lure or bait other than the natural fly or grasshopper or beetle or spider or insect or artificial fly or artificial minnow:
- (b) Any artificial fly containing the feathers of any species of bittern or kiwi:
- (c) With any lure or bait any medicated or chemical preparation other than a preparation used solely for the purpose of floating a dry artificial fly:
- (d) Any mollusc, or the freshwater crayfish (koura), or worms, or the creeper, or the huhu or matai grub, or fish roe, or any artificial replica of any of the things specified in this paragraph:

Provided that the shell of any mollusc may be used in the preparation of an artificial minnow.

29. Artificial minnow limited as to weight in certain waters—No person shall, in fishing for trout, use an artificial minnow in any water in which the use of artificial minnow is not prohibited, if the lure (including any weight, whether of metal or any other substance, used in conjunction with the lure to facilitate its casting or sinking) weighs more than $1\frac{1}{2}$ oz. avoirdupois:

Provided that this regulation shall not apply to any person fishing in the waters or from the bank of Lake Rotoma or of all those parts of Lake Okataina, or Lake Tarawera which lie outside 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 either of those lakes.

30. Certain lures and baits prohibited in certain waters—(1) No person shall, in fishing for trout in any of the waters specified in subclause (2) of this regulation, use any lure or bait other than the natural fly or grasshopper or beetle or spider or insect or artificial fly (to which no spinning attachment, nor anything made from lead, glass, wood, plastic, or other material to facilitate casting or to increase the rate of sinking of the line, has been added).

(2) The waters referred to in subclause (1) of this regulation are as follows:

- (a) The Ohau Channel:
- (b) Every stream, spring, or river flowing into or out of Lake Rotorua, Lake Rotoiti, Lake Rotoehu, Lake Tarawera, Lake Okataina, or Lake Rotokakahi:

Provided that nothing in this paragraph shall apply with respect to the Tarawera River below the site of a landmark approximately $1\frac{1}{2}$ miles downstream from its outlet from Lake Tarawera, or to the Kaituna River below the site of a landmark approximately 3 miles downstream from its outlet from Lake Rotoiti:

- (c) All waters of any of the lakes referred to in paragraph (b) of this subclause 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 any of those lakes:

- (d) The Horomanga River:
- (e) Lakes Kaitawa and Whakamarino:
- (f) The Waioeka River between its junction with the Opato Stream and its junction with the Wairata Stream, and the tributaries of that portion of the Waioeka River:
- (g) The Opato Stream and its tributaries:
- (h) The Hopuruahine, Aniwanui, and Mokau Rivers and their tributaries, and the waters of Lake Waikaremoana contained within the arc of a circle having a radius of 300 yards around the centre of the mouths of those rivers, as indicated by landmarks in those river mouths:
- (i) The Ruakituri River and its tributaries from its confluence with the Hangaroa River upstream to the Waitangi Falls:
- (j) The Hangaroa River and its tributaries:
- (k) The Wharekopae River and its tributaries.

Restrictions on Use of Boats

31. Fishing from boats prohibited in certain waters—No person shall fish for trout from a boat in the following places:

- (a) The Ohau Channel, and all those portions of Lakes Rotoiti and Rotorua that are within a radius of 100 yards from the centre of the meeting lines of the Ohau Channel and those lakes:
- (b) 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:
- (c) 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.

32. Fishing from unanchored boats prohibited in certain waters—No person shall fish for trout from any boat in any of the waters specified in paragraphs (b) to (k) of regulation 30 hereof, unless the boat is securely anchored at one end only.

PART V—BAG AND SIZE LIMITS

33. 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 35 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 35 hereof.

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

34. 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 or in any of the Tiniroto Lakes, 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.

35. 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 in any of the Tiniroto Lakes, 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 43 hereof, whether it is alive or dead.

PART VI—PISCICULTURE AND SCIENTIFIC INVESTIGATION

36. 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, or pisciculture, or for scientific or other purposes pursuant to regulation 39 hereof, or shall in any way interfere with or damage any such net, trap, pound net, or contrivance.

37. Taking of fish within 50 yards of fish traps, etc.—No person shall fish for, take, or kill trout by any means whatsoever in or from 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, or pisciculture, or for scientific or other purposes pursuant to regulation 39 hereof.

38. 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 an officer of the Department of Internal Affairs, or shall forthwith deliver to the Conservator of Wildlife at Rotorua or to an officer of the Department of Internal Affairs 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.

39. 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.

40. Taking of fish for scientific or other purposes—Regulations 4, 18 to 25, 26 (c), regulation 26 (h) (so far as it relates to the use of nets), and regulations 28 to 37, 44, 64, and 65 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 pisciculture or for scientific or other purposes, nor to any fish in the possession of any such officers as aforesaid for any of those purposes.

PART VII—POLLUTION OF WATERS

41. 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.

42. 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.

43. 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 VIII—WRONGFUL POSSESSION AND DEALING

44. 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.

45. Sale of trout prohibited—(1) Except for the purpose of pisciculture, 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.

46. Keeping live trout in captivity—No person shall obtain or shall keep in captivity any live trout for any purpose, 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 IX—STORAGE OF FISH IN FREEZING CHAMBERS

47. 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.

48. 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.

49. 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.

50. 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.

51. Maximum weight of trout that may be stored—No person (whether a licence holder or not) 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 first-mentioned person already has an aggregate weight of 1 cwt of trout deposited in the chamber.

PART X—CANNING OF TROUT

52. 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.

53. 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.

54. 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.

55. 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.

56. 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 55 hereof have not been painted or engraved.

57. 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.

58. 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.

59. 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.

60. 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 XI—COMMERCIAL SMOKEHOUSES

61. 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.

62. 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.

63. 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 XII—INDIGENOUS FISH

64. 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.

65. 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 XIII—LIBERATION OF FISH

66. 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 XIV—FAUNISTIC RESERVES

67. 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 for 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 XV—OFFENCES AND PENALTIES

68. 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.

69. 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.

70. Disposal of property seized—Any fish seized under the powers conferred by regulation 69 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.

71. 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.

72. Court may cancel licence of convicted person—Where any person commits an offence against these regulations, the Court in its discretion, instead of inflicting a fine or in addition to such a fine, may 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.

73. Court may disqualify convicted person from obtaining licence—Where any person commits an offence against these regulations, the Court in its discretion, instead of or in addition to any other penalty, may 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.

PART XVI—MISCELLANEOUS PROVISIONS

74. 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.

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

76. 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 or in the Tiniroto Lakes, have been enacted on the written application of the Secretary 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.

77. Revocations—The regulations specified in the Fifth Schedule hereto are hereby revoked.

SCHEDULES

Reg. 2 (1)

FIRST SCHEDULE

DESCRIPTION OF THE ROTORUA TROUT FISHING DISTRICT

ALL that area in the South Auckland, Gisborne, and Hawke's Bay Land Districts, bounded by a line commencing at the middle of the mouth of the Mohaka River and proceeding up the middle of that river to a point in line with Trig. Stations 68A and 65A in Kaweka Survey District; thence southerly along a right line to the said Trig. Station 65A; thence westerly along right lines in succession to and from Trig. Stations Tauwheke te Whango in Block XII, Mangamaire Survey District, Motumatai in Block XV, Mangamaire Survey District, Manukaiapu in Block XV, Kaimanawa Survey District, and Ruapehu in Block XI, Ruapehu Survey District; thence northerly along a right line to Pare-taitonga Trig. Station, and along a right line to Ngauruhoe Trig. Station; thence northerly along a right line to Tongariro Trig. Station; thence northerly along a right line in the direction of the mouth of the Waihi Stream to the middle of the Wanganui River; thence north-westerly down the middle of that river to a point in line with the western boundary of Waione Block in Blocks X and XIV, Maungaku Survey District; thence northerly to and along that boundary to Maungaku Trig. Station; thence northerly along the summit of the Hauhungaroa Range passing over Hauhungaroa, Motere, Tuhingamata, and Weraroa Trig. Stations to Pureora Trig. Station in Block III, Hurakia Survey District; thence north-westerly along a right line to Pukeroa Trig. Station in Block XIV, Ranginui Survey District; thence north-easterly along the watershed between the Waiteti Stream and Mangakino Stream to Taupaki Trig. Station in Block I, Whakamaru Survey District; thence easterly along a right line to Maraetai Dam on the Waikato River; thence north-easterly along a right line to Trig. Station 1002 in Block XV, Patetere South Survey District; thence due east to a right line between Pureora Trig. Station aforesaid and Puwhenua Trig. Station in Block III, Tapapa East Survey District; thence north-easterly along that right line to Puwhenua Trig. Station; thence north-westerly along a right line in the direction of Te Weraiti Trig. Station in Block IV, Opoutihi Survey District, to a point due west of Otanewainuku Trig. Station in Block XVI, Otanewainuku Survey District; thence due east through Otanewainuku Trig. Station to a point due south of Trig. Station JI in Block IV, Waihi South Survey District; thence due north through Trig. Station JI to the

FIRST SCHEDULE—*continued*

high-water mark of the sea; thence easterly and southerly along the high-water mark to the point of commencement; together with White and Whale Islands and Rurima Rocks.

Excepting thereout the Taupo Trout Fishing District, as described in the Taupo Trout Fishing Regulations 1963.

SECOND SCHEDULE

Form 1

Reg. 8

FORM OF WHOLE-SEASON OR MONTHLY OR WEEKLY LICENCE

Rotorua Trout Fishing Licence

MEN'S WHOLE-SEASON LICENCE TO FISH

Under the Fisheries Act 1908 and its Amendments, and under the Rotorua Trout Fishing Regulations 1963

THE holder of this licence [*Surname and initials*] of [*Full postal address*] 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.

Available from to (both days inclusive).

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

Date of issue

Signature of licence holder
(not valid until signed)

.....
(Authorised Agent)

[NOTE—"Women's" or "Children's" may be substituted for "Men's" in the above form, and "Monthly" or "Weekly" may be substituted for "Whole Season", as appropriate.]

Form 2

Reg. 8

FORM OF DAY FISHING LICENCE

Rotorua Trout Fishing Licence

MEN'S DAY LICENCE TO FISH

Under the Fisheries Act 1908 and its Amendments, and under the Rotorua Trout Fishing Regulations 1963

THE holder of this licence [*Surname and initials*] of [*Full postal address*] is hereby authorised to fish for trout within any part of the district affected by the above regulations on the date shown hereon, subject to the above Acts and to all regulations made thereunder for the time being in force in the said district.

Date available

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

Date of issue

Signature of licence holder
(not valid until signed)

.....
(Authorised Agent)

[NOTE—"Women's" or "Children's" may be substituted for "Men's" in the above form, as appropriate.]

Reg. 10 (1)

THIRD SCHEDULE

LICENCE FEES

Class of Person to whom Licences are Issued	Whole-season Licence	Monthly Licence	Weekly Licence	Day Licence
(a) Men, and boys of 17 years of age or over, unless attending school full time	£ s. d. 2 10 0	£ s. d. 1 5 0	£ s. d. 0 15 0	£ s. d. 0 5 0
(b) Women, and girls of 17 years of age or over, unless attending school full time	1 5 0	0 12 6	0 7 6	0 3 6
(c) Persons under 17 years of age or attending school full time	0 7 6	No special licence	No special licence	0 2 6

Reg. 41

FOURTH SCHEDULE

FREEZING CHAMBER REGISTER

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

Reg. 77

FIFTH SCHEDULE

REGULATIONS REVOKED

Title	Serial Number
The Rotorua Trout Fishing Regulations 1960	1960/92
The Rotorua Trout Fishing Regulations 1960, Amendment No. 1	1960/153
The Rotorua Trout Fishing Regulations 1960, Amendment No. 1	1961/70

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 amendments the Rotorua Trout Fishing Regulations 1960 and the amendments of those regulations.

The most important changes are the following.

In regulation 2, there are some changes in the open season. In the upper reaches of the Hopuruahine River the open season will commence on 1 October instead of 1 December, and as from 1 July 1964 there will be no close season in the Tiniroto Lakes.

Regulation 5 includes provision for monthly licences instead of the present half-season licences.

Regulation 11 is new, and provides for the issue of licences, without fee or at a reduced fee, on compassionate grounds.

Regulation 14 (c) prohibits fishing at all times in certain streams entering Lake Rotorua.

In regulation 17, provision is made authorising the holders of Taupo licences to fish in the upper reaches of the Rangitaiki and Mohaka Rivers.

Regulation 24, is new, and prohibits the use of set rods in boats, except in the case of a person who is the sole occupant of the boat.

Regulation 25 is new, and prohibits the possession by any person fishing from a boat of more than one assembled rod.

Regulation 26 includes new provisions as to prohibited methods of fishing, particularly in relation to paravanes, lead lines and metal-cored lines, and hook sizes.

Regulation 29 includes a new provision that the weight limits for artificial minnow are not to apply in Lake Rotoma and parts of Lakes Okataina and Tarawera

Regulation 30 alters existing provisions as to waters in which fly fishing only is permitted.

Regulation 32 alters the existing provisions as to fishing from anchored boats in certain waters, and omits the present requirement that boats of 18 ft or more in length must be anchored at both ends.

Regulation 34 includes a new provision fixing a size limit of 12 in. for trout taken from the Tiniroto Lakes.

Regulation 45 includes a provision authorising the sale of trout for the purpose of pisciculture.

The Third Schedule prescribes a new scale of licence fees.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 13 June 1963.

These regulations are administered in the Department of Internal Affairs.