

1976/218

**THE ROTORUA TROUT FISHING REGULATIONS 1971,
AMENDMENT NO. 5**

EDWARD DENIS BLUNDELL, Governor-General

By his Deputy, RICHARD WILD

ORDER IN COUNCIL

At the Government House at Wellington this 2nd day of August 1976

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL BY HIS DEPUTY 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.

ANALYSIS

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| 1. Title and commencement | 9. Restrictions on use of boats |
| 2. Meaning of "open season" | 10. Pollution of waters |
| 3. Replacement of lost or damaged licences | 11. Taking, possession, or sale of indigenous fish |
| 4. Licences not transferable | 12. Fish not to be liberated without authority |
| 5. Fishing in close season prohibited | 13. Rotorua Trout Fishing District |
| 6. Fishing prohibited between certain hours | 14. Increased licence fees |
| 7. Disturbing spawning grounds, etc. | 15. Revocations |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Rotorua Trout Fishing Regulations 1971, Amendment No. 5, and shall be read together with and deemed part of the Rotorua Trout Fishing Regulations 1971* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 9th day of August 1976.

*S.R. 1971/64

Amendment No. 1: S.R. 1971/265

Amendment No. 2: S.R. 1973/18

Amendment No. 3: S.R. 1973/216

Amendment No. 4: S.R. 1974/4

2. Meaning of "open season"—Regulation 2 (1) of the principal regulations (as amended by regulation 5 of the Rotorua Trout Fishing Regulations 1971, Amendment No. 2) is hereby further amended by inserting, after paragraph (b) of the definition of "open season", the following new paragraph:

"(ba) In respect of the waters between the landmarks at the Lake Tarawera Outlet and the falls approximately 2.5 km downstream from the Outlet, the 1st day of October in any year to the 31st day of May in the year next following (both days inclusive):".

3. Replacement of lost or damaged licences—Regulation 8 of the principal regulations is hereby amended by inserting, before the word "licence" wherever it appears, the words "whole-season".

4. Licences not transferable—Regulation 11 of the principal regulations is hereby amended by adding the following subclause:

"(2) No person, except a person authorised to issue licences under regulation 6 of these regulations, shall in any way amend anything appearing on the face of a licence."

5. Fishing in close season prohibited—Regulation 12 of the principal regulations is hereby amended by adding the following subclause:

"(2) No person, during any close season for the Ohau Channel, shall take trout from those waters of Lake Rotorua which lead into the Ohau Channel and which are inwardly bounded by landmarks."

6. Fishing prohibited between certain hours—Regulation 13 of the principal regulations is hereby amended—

(a) By adding, after the expression "5 a.m.", the words "or, when New Zealand daylight time applies, midnight and 6 a.m.":

(b) By inserting, after the word "midnight" in the proviso, the words "or, when New Zealand daylight time applies, 1 a.m."

7. Disturbing spawning grounds, etc.—Regulation 15 of the principal regulations is hereby amended by adding the following subclause:

"(2) Every person who commits a breach of subclause (1) of this regulation commits a further offence if he neglects or refuses to repair the damage to any spawning grounds, or to the bed, bank, or margin of any stream, river, or other water adjacent to any spawning grounds occasioned by the breach when requested to do so by the Conservator of Wildlife."

8. Restrictions on methods of fishing—Regulation 16 (1) of the principal regulations is hereby amended by inserting, after paragraph (h), the following paragraph:

"(ha) Any outrigger or similar device; or".

9. Restrictions on use of boats—(1) Regulation 18 (2) of the principal regulations is hereby amended by omitting from paragraph (b) the word "only:", and substituting the words "only; or".

(2) The said regulation 18 (2) is hereby further amended by adding the following paragraph:

“(c) That portion of Lake Rotomahana lying east of a line between the normal sites of 2 landmarks adjacent to the area known commonly as ‘the landing’.”.

(3) The Fourth Schedule to the principal regulations is hereby consequentially amended by inserting in column 1 of clause (1), after paragraph (d), the following paragraph:

“(da) That portion of Lake Rotomahana lying east of a line between the normal sites of 2 landmarks adjacent to the area known commonly as ‘the landing’.”.

10. Pollution of waters—Regulation 38 (1) (a) of the principal regulations is hereby amended by omitting the words “Except under any authority conferred by the Water and Soil Conservation Act 1967.”.

11. Taking, possession, or sale of indigenous fish—Regulation 46 of the principal regulations is hereby amended by adding the following subclause:

“(2) No person shall take koura or any indigenous fish when using any underwater breathing apparatus.”

12. Fish not to be liberated without authority—Regulation 47 of the principal regulations is hereby amended by inserting, after the word “introduce”, the words “or attempt to place, liberate, or introduce”.

13. Rotorua Trout Fishing District—(1) The principal regulations are hereby further amended by revoking the First Schedule (as substituted by regulation 11 of the Rotorua Trout Fishing Regulations 1971, Amendment No. 2, and amended by regulation 2 of the Rotorua Trout Fishing Regulations 1971, Amendment No. 3), and substituting the First Schedule set out in the First Schedule to these regulations.

(2) Regulation 3 of the principal regulations is hereby consequentially amended by inserting, after paragraph (a) of the proviso, the following paragraph:

“(aa) A person who is the holder of a current licence issued under the Freshwater Fisheries Regulations 1951 by the Waimarino Acclimatisation Society or the Wellington Acclimatisation Society, and whose principal, permanent, or only place of residence lies within the Waimarino Acclimatisation District or, as the case may be, the Wellington Acclimatisation District, may take trout from that area of the Moawhango watershed (including the Tongariro Power Development diversions) that lies within the Rotorua Trout Fishing District.”.

(3) Regulation 9 of the principal regulations is hereby consequentially amended by inserting, after subclause (2), the following subclause:

“(2A) The holder of a current licence may, during the open season in those waters, take trout—

“(a) In the waters or from the bank of the Waitangi Stream and its tributaries which lie within the Waimarino Acclimatisation District:

“(b) In the waters or from the bank of the Hautapu Stream and its tributaries which lie within the Wellington Acclimatisation District.”.

14. Increased licence fees—The principal regulations are hereby further amended by revoking the Third Schedule (as substituted by regulation 5 of the Rotorua Trout Fishing Regulations 1971, Amendment No. 4), and substituting the Third Schedule set out in the Second Schedule to these regulations.

15. Revocations—The following regulations are hereby consequentially revoked:

(a) Regulation 11 of and the First Schedule to the Rotorua Trout Fishing Regulations 1971, Amendment No. 2:

(b) The Rotorua Trout Fishing Regulations 1971, Amendment No. 3:

(c) Regulation 5 of and the Schedule to the Rotorua Trout Fishing Regulations 1971, Amendment No. 4.

SCHEDULES

Reg. 13 FIRST SCHEDULE

NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS

Reg. 2 (1) “FIRST SCHEDULE

“DESCRIPTION OF ROTORUA TROUT FISHING DISTRICT

ALL that area in the South Auckland, Gisborne, Wellington, and Hawke's Bay Land Districts bounded by a line commencing at the middle of the mouth of the Mohaka River in Block XIII, Waihua S.D., and proceeding up the middle of that river to a point in line with Trig. Station 68A in Block XIII, Kaweka S.D., and Trig. Station 65A in Block XXI, Kaweka S.D.; thence southerly along a right line to the said Trig. Station 65A; thence westerly along right lines to Trig. Station 26 Tauwhekewhango, in Block XII, Mangamaire S.D., to Trig. Station 27 Motumatai, in Block XV, Mangamaire S.D., and to Trig. Station 23 Kaimanawa (Three Kings), in Block V, Motupuha S.D., along a right line in the direction of Trig. Station Pouapoto in Block V, Moawhango S.D., to the middle of the Moawhango River, along a right line to Trig. Station D Makahikatoa in Block I, Moawhango S.D., and along a right line due west to a right line between Trig. Station Tunutara in Block

SCHEDULE—*continued*

XII, Karioi S.D., and Trig. Station N Ruapehu, in Block XI, Ruapehu S.D.; thence north-westerly along the right line, aforesaid, to Trig. Station N Ruapehu, and along right lines to Trig. Station H Paretaitonga, in Block XI, Ruapehu S.D., and to Trig. Station C Hauhungatahi, in Block V, Ruapehu S.D.; thence northerly along a right line to a point in the middle of the Whakapapa River distant 200 metres downstream from the Whakapapa-Mangatepopo Tunnel Intake in Block IX, Tongariro S.D., along a right line to a point in the middle of the Okupata Stream distant 200 metres downstream from the Okupata drop-shaft of the aforesaid tunnel in Block VII, Tongariro S.D., down the middle of the Okupata Stream to the middle of the Wanganui River and up the middle of that river to a point in line with the western boundary of Waione Block XIV, Maungaku S.D.; thence northerly to and along that boundary to Trig. Station 1545 Maungaku, in Block X, Maungaku S.D.; thence northerly along the summit of the Hauhungaroa Range passing through Trig. Stations 1711 Hauhungaroa, in Block XIV, Puketapu S.D., Motere, in Block V, Puketapu S.D., 2019 Tuhingamata, in Block II, Puketapu S.D., and 2016 Werarua, in Block XI, Hurakia S.D., to Trig. Station 1390 Pureora, in Block III, Hurakia S.D.; thence north-westerly along a right line to Pukeroa Trig. Station in Block XIV, Ranginui S.D.; thence north-easterly along the watershed between the Waiteti and the Mangakino Streams to Trig. Station Taupaki in Block I, Whakamaru S.D.; thence easterly along a right line to Maraetai Dam on the Waikato River in Block II, Whakamaru S.D.; thence north-easterly along a right line to Trig. Station 1002 in Block XV, Patetere South S.D.; thence due east to a right line between Pureora Trig. Station aforesaid and Puwhenua Trig. Station in Block VII, Tapapa East S.D.; 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 S.D., to a point due west of Otanewainuku Trig. Station in Block XVI, Otanewainuku S.D.; thence due east through Otanewainuku Trig. Station to a point due south of Trig. Station JI in Block IV, Waihi South S.D.; thence due north through Trig. Station JI to the mean low-water mark of the sea; thence easterly and southerly along the mean low-water mark, crossing the mouths of all harbours and rivers, to the point of commencement, including Rurima Rocks, Whale Island, White Island, and all other adjacent islands.”

SCHEDULE—*continued*

Reg. 14

SECOND SCHEDULE

NEW THIRD SCHEDULE TO PRINCIPAL REGULATIONS

Reg. 7

"THIRD SCHEDULE

LICENCE FEES

Class of Persons to Whom Licenses are Issued	Whole-season Licence	Monthly Licence	Weekly Licence	Day Licence
	\$	\$	\$	\$
(a) Adults, and any child of 16 years of age or over, unless attending school full time as a pupil	10.00	5.00	2.00	1.00
(b) Children under 16 years of age or attending school full time as a pupil	2.00	No Special Licence	No Special Licence	0.50"

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations make miscellaneous amendments to the Rotorua Trout Fishing Regulations 1971.

Regulation 2 declares the open season for the water between the Lake Tarawera Outlet and the falls 2.5 km downstream from the Outlet.

Regulation 3 provides that a replacement licence for a licence that is lost or damaged can now only be obtained in respect of a whole-season licence.

Regulation 4 makes it an offence to unlawfully alter a licence.

Regulation 5 prohibits fishing in the areas adjacent to the Ohau Channel during the close season for the Ohau Channel.

Regulation 6 makes adjustments to the fishing hours when daylight saving is in force.

Regulation 7 provides that it is an offence not to repair damage caused to a spawning ground.

Regulation 8 prohibits the use of outriggers in fishing for trout.

Regulation 9 prohibits the taking of trout from a boat in a prescribed part of Lake Rotomahana.

Regulation 10 removes an exception to the provisions relating to the pollution of waters.

Regulation 11 prohibits the taking of koura or indigenous fish when using underwater breathing apparatus.

Regulation 12 prohibits the attempted liberation of certain fish and water creatures.

Regulation 13 redefines the area of the Rotorua Trout Fishing District.

Regulation 14 increases licence fees (except the fee payable for a weekly licence).

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 5 August 1976.

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