

Serial Number 1939/199.



**THE ROTORUA TROUT-FISHING REGULATIONS 1939.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 4th day of October, 1939.

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, doth hereby make the following regulations.

REGULATIONS.

1. These regulations may be cited as the Rotorua Trout-fishing Regulations 1939.
2. These regulations shall come into force on the 11th day of October, 1939.

INTERPRETATION.

3. In these regulations, if not inconsistent with the context,—
  - “ Under-Secretary or his appointee ” means the Under-Secretary for the time being of the Department of Internal Affairs, or any one authorized in writing by such Under-Secretary to act on his behalf for all the purposes of these regulations or any particular purpose, as the case may be :
  - “ License ” means a license to fish for trout issued under these regulations :
  - “ Open season ” means the period from the 1st day of November in any year to the 14th day of May in the next following year (both days inclusive) :
  - “ Close season ” means the portion of any year which is not included in the open season as hereby defined :
  - “ The district ” means the waters and places described in the Second Schedule hereto.
4. These regulations shall have force and effect only in the waters and places described in the Second Schedule hereto.
5. In so far as any regulations heretofore made and now in force are inconsistent with or repugnant to these regulations the same shall be deemed to be subject to these regulations.
6. The respective regulations referred to in the First Schedule hereto are revoked.

## ISSUE OF LICENSES.

7. The following licenses to fish for trout in the district may be issued :—

- (a) A whole-season license.
- (b) A weekly license.
- (c) A day license.

8. Applications for licenses shall be made to the Under-Secretary or his appointee.

9. All licenses shall be issued under the hand of the Under-Secretary or his appointee and shall be generally in the form set forth in the Third Schedule hereto.

10. The Under-Secretary or his appointee may refuse to issue a license to any person who within the previous two years has been convicted of any breach of the provisions of any Act relating to fishing for trout or of any regulation made thereunder.

## LICENSE FEES.

11. The respective fees for licenses shall be those set out in the following table :—

Class of Person to whom License is issued.	Whole-season License.	Weekly License.	Day License.
	£ s. d.	s. d.	s. d.
Male person sixteen years of age and over	1 5 0	10 0	3 6
Women and persons under sixteen years of age	0 10 0	5 0	3 6

12. The foregoing fees shall be paid to the Under-Secretary or his appointee prior to the issue of the respective licenses.

13. Every person is guilty of an offence against these regulations who, with a view to obtaining any license for a fee lower than the respective fee payable under Regulation 11 hereof, makes any false representation to the Under-Secretary or his appointee as to the age of himself or of any other person.

## RIGHTS AND RESTRICTIONS UNDER LICENSES.

14. The holder of a whole-season license may fish for trout in any part of the district during the whole of the open season in respect of which the license is issued, but every such license shall be for one season only and shall expire at the close of the open season in respect of which it was issued.

15. The holder of a weekly, or day license may fish for trout in any part of the said district within the open season during or in respect of which the same is issued between the first and last days set out in the license (both days inclusive) or on the day set out in the license, as the case may be.

16. Every license 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 license the holder thereof shall not be authorized to fish in any place during the close season in that place.

17. No license shall confer any right of entry upon the land of any person without his consent.

18. No license shall be transferable or be deemed to authorize any person to fish other than the person named therein.

19. Every person taking any trout having affixed thereto a metal tag impressed with the letters "I.A." shall forthwith deliver such tag to the Conservator of Fish and Game at Rotorua, or a ranger, together with a statement in writing signed by him setting out—

- (a) The date on which such trout was taken ;
- (b) The place at which it was taken ;
- (c) Its weight in pounds ;
- (d) Its length in inches from nose to tip of tail ; and
- (e) The number marked on the tag.

#### FISHING WITHOUT A LICENSE.

20. No person shall fish for, take, or kill trout within the district unless he is the holder of a license issued under these regulations, except as provided by Regulations 43, 44, or 45 hereof.

21. A general license to fish for trout and other acclimatized fish in every acclimatization district issued pursuant to the Fresh-water Fisheries Regulations 1936 shall not entitle the holder to fish for trout or other acclimatized fish in the district ; and a general license as aforesaid shall not be required to entitle a person holding a license under these regulations to fish for, take, or kill trout in the district to which these regulations relate.

22. 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 license, give his true name and place of residence, and on the like demand, produce and show to such ranger, constable, officer, or person his license and the contents of his creel or bag and the lure or bait used by him for taking catching, or killing trout.

#### RESTRICTIONS ON TIMES OF FISHING.

23. No person shall fish for, take, or kill trout during the period between the hours of 11 p.m. and 5 a.m.

24. 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.

#### RESTRICTIONS ON METHODS OF FISHING.

25. No person shall fish for, take, or kill trout otherwise than with one rod and line ; but a landing-net may be used to secure any trout caught with such rod and line.

26. No person shall in fishing for trout use—

- (i) Any lure or bait other than the natural or artificial fly or natural or artificial minnow, or some form of spoon bait, or any small indigenous fish, or grasshopper, or beetle, or spider, or insect, the use of which is not otherwise forbidden by these regulations ;
- (ii) Any artificial fly containing feathers of the matuku or kiwi :

- (iii) As a lure or bait the shell-fish koura, or worms, or the creeper, or the huhu or matai grub, or fish-roe :
- (iv) Any lure or bait otherwise than upon a running line attached to a rod and reel :
- (v) 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.

**27.** No person shall fish for, take, or kill trout with, or use for the purpose of taking or killing trout, any set rod or line ; or any net ; provided that this clause shall not forbid the use of a landing-net as described in Regulation 25 hereof.

**28.** No person shall fish for, take, or kill trout with, or use for the purpose of taking or killing trout, any cross-line or hand-line fishing, stroke-hauling, or any other unsportsmanlike device.

#### RESTRICTIONS ON FISH THAT MAY BE TAKEN.

**29.** No person shall on any one day take or kill more than ten trout, and no person shall continue to fish for trout on any day on which he has already taken or killed ten trout, exclusive of trout dealt with pursuant to Regulation 31 hereof.

**30.** No person shall fish for, take, or kill in any manner whatever or intentionally have in his possession, any trout which does not exceed 14 in. in length from nose to tip of tail.

**31.** Every person taking a trout which does not exceed 14 in. in length from nose to tip of tail shall, unless it appears to be affected by disease, immediately return it alive into the water from which it was taken, and if it appears to be affected by disease, or is dead when taken, shall dispose of it by burial.

**32.** No person shall fish for, take, or kill in any manner whatever, or have in his possession, any salmon, salmon-parr, or smolts, or the ova, young, or fry of any salmon in any stage whatever.

**33.** Every person taking any of the fish referred to in the last preceding clause hereof by accident or otherwise shall immediately return it alive into the water from which it was taken.

**34.** No person shall take any fish from or in any way interfere with or damage any net, trap, pound-net, or other contrivance used by any officer of the Government for the purpose of catching any fish for the purposes of acclimatization or propagation or for scientific or other purposes.

#### LOCAL RESTRICTIONS.

**35.** (1) No person shall in fishing for trout in any place to which this regulation applies use :—

- (i) Any lure or bait other than an artificial fly :
- (ii) Any spinning fly, or fly with a spinning attachment, whether such fly be an artificial fly or not :
- (iii) Any lead or weight on or in connection with a line.

(2) (a) 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 such boat is securely anchored at both ends, or from any boat less than 18ft. in length unless such boat is securely anchored at one end.

(b) No person shall fish from a boat in that portion of the Kaituna River at Okere Falls which is between the northern end of the wharf-landing and the bridge over the rapids.

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

- (i) Every part of Lake Roto-iti lying within 200 yards of that portion of the lake-shore which commences at a point 300 yards north of the Tapuaeharuru Stream and extends thence in a southerly and westerly direction to a point 300 yards north-north-west of Haupara Stream, and every stream, spring, and river flowing into or from that part of that lake :
- (ii) The Ohau Channel and that portion of Lake Roto-iti within a radius of 200 yards shore to shore from the centre of the meeting-line of that channel and the lake mentioned :
- (iii) Every part of Lake Rotorua lying within 200 yards of the shore, and every stream, spring, and river flowing into such lake :
- (iv) Every stream, spring, and river flowing into or from the lakes and portions of lakes hereinafter mentioned, and the waters of such lake lying within a radius of 200 yards shore to shore from the centre of the meeting-line of every such stream, spring, or river, and the lake into or from which it flows.

The lakes and portions of lakes referred to in this paragraph are—

- (a) That portion of Lake Roto-iti not comprised in the areas described in paragraphs (i) and (ii) hereof ;
  - (b) Lake Rotoehu ;
  - (c) Lake Rotoma ;
  - (d) Lake Rotokakahi ;
  - (e) Lake Okataina :
- (v) Lake Tarawera, and every stream, spring, or river flowing into such lake and the Tarawera River or outlet from the lake for an approximate distance of three miles to the Falls :
- (vi) The Kaituna River from Lake Roto-iti to a landmark approximately three miles downstream from that lake :
- (vii) The Taahunaatara and Whangapoa Streams :
- (viii) That part of the Whakatane River lying between a point where it is joined by the Otapora Stream and a point one mile downstream from the confluence of the Owaka Stream with the said Whakatane River :
- (ix) That part of the Waimana River lying between its confluence with the Whakatane River and the point of its divergence from the Whakatane-Opotiki Road at the foot of Douglas Hill :
- (x) That part of the Waimana River lying between the point where it is joined by the Wai-iti Stream and a point seven miles downstream therefrom at the top end of the Tahora Flats :

- (xi) That part of the Waioeka River from where such river is intersected by the boundary between the Rotorua and East Coast Acclimatization Districts to its confluence with the Opato River :
- (xii) That portion of the Whirinaki River lying between its confluence with the Rangitaiki River and a land-mark approximately one mile above the bridge crossing such river on the main Galatea Estate - Te Teko Road :
- (xiii) The Pakahi Stream from its confluence with the Otara Stream to its source :
- (xiv) The Te Waiti Stream from its confluence with the Pakahi Stream to its source :
- (xv) That part of the Ruakituri River lying between its confluence with the Manga-rewarewa River at Erepeti and its confluence with the Mokokomuka River at the northern boundary of S.G.R. 84 :
- (xvi) The Waikaretaheke River :
- (xvii) The Hopuruahine, Mokau, and Aniwaniwa Rivers, and the waters of Lake Waikaremoana within a radius of 400 yards shore to shore from the respective centres of the meeting-line of each of the said rivers and the said lake :
- (xviii) Those portions of the Waikato River between the Huka Falls and the Pueto Stream and between the point where the Whangapoa Stream enters the said river and a land-mark approximately two miles and a half below the bridge at Atiamuri :
- (xix) The Waipunga River from its confluence with the Mohaka River to its source.

**36.** Nothing herein contained or contained in any license issued under these regulations shall be deemed to authorize any person to fish for, take, or kill trout in or from the Wairoa Stream between the Waterfalls and Lake Tarawera.

#### POLLUTION OF WATERS.

**37.** No person shall cast or throw into any lake, river, stream, or other waters, or shall allow to flow into or place near the bank or margin of any lake, river, stream, or other waters any sawdust or sawmill refuse, lime, sheep-dip, flaxmill refuse, or any other matter or liquid that is poisonous or harmful to fish: Provided that nothing herein contained shall extend to prohibit the depositing in any such waters of debris from any mining claim.

**38.** No person shall cast, throw, or place, or permit to be cast, thrown, or placed, any dead fish or any cleanings, offal, or other parts of fish into or in any water wherein there are trout, or leave any fish or the cleanings, offal, or other parts of fish unburied on the bank or margin of any such water.

#### WRONGFUL POSSESSION AND DEALING.

**39.** (1) Save as provided in clause (2) hereof, no person shall in any part of the district have any trout in his possession during any close season except during the first five days thereof :

(2) Any license-holder may, during the open season for trout in any place, deposit in any freezing-chamber trout lawfully taken by the license-holder, and the manager or person in charge of such chamber may have such trout in his possession until delivered to the license-holder as hereinafter provided, and the license-holder may thereafter have such trout in his possession for a reasonable time for purposes of consumption or export thereof.

(3) Every license-holder placing trout in a freezing-chamber as aforesaid shall forthwith deliver to the Conservator of Fish and Game, Rotorua, a written statement of the following particulars:—

- (i) His full name and postal address :
- (ii) The number of his license :
- (iii) The address and name of the freezing-chamber :
- (iv) The date of deposit of the fish :
- (v) The number of fish deposited :
- (vi) The aggregate weight of fish deposited.

(4) No license-holder shall deposit trout in freezing-chambers so that he has at any one time more than an aggregate weight of one hundredweight of fish so deposited.

(5) No manager or person in charge of a freezing-chamber shall deliver any trout received therein under clause (2) hereof except to the license-holder or to his order and except upon the written authority of the Conservator of Fish and Game, Rotorua.

(6) Every manager or person in charge of a freezing-chamber in which trout are received under clause (2) hereof shall keep on the premises a register thereof in the form set out hereunder, and shall allow any ranger, constable, or officer of the Department of Internal Affairs to inspect the register at all reasonable times and to make copies of any entries therein, and shall make on the day of the deposit of any trout appropriate entries in respect thereof in the first five columns of the register and on the day of delivery of any trout an appropriate entry in the sixth column of the register, and shall retain every such register for not less than six months after the making of the last entry therein.

FREEZING-CHAMBER REGISTER.

Number of Trout.	Weight.	No. of Depositor's License.	Name of License-holder.	Date of Deposit.	Date of Delivery.	Remarks.

40. No person shall buy, sell, or expose or offer for sale any trout or any part thereof or, for the purpose of obtaining for sale, fish for, take, or kill any trout.

41. (a) No person shall have in his possession any trout or part thereof if the same is received by him for the purpose of being smoked in the course of his business, unless he makes in a book kept for that purpose the entries hereinafter mentioned relative to such trout,

and permits any ranger, constable, or officer of the Department of Internal Affairs to enter any premises where any such trout are or are believed to be, and to inspect and copy such book at all reasonable times.

(b) The entries required to be made as aforesaid shall be—

- (i) Date of receipt of fish :
- (ii) Number of fish received :
- (iii) Name of owner of fish :
- (iv) Address of owner of fish :
- (v) Number of fishing license (if any) of owner of fish :
- (vi) Address to which fish are to be delivered or forwarded.

#### LIBERATION OF FISH.

42. No acclimatization society or person shall liberate any fish of any description whatever in any lake, river, stream, or other waters within the district without the written consent of the Under-Secretary of the Department of Internal Affairs having been first obtained.

#### EXEMPTION.

43. These regulations shall be read subject to the special provisions as to issue of licenses and as to the rights of the holders of such licenses contained in section 2 of the Fisheries Amendment Act, 1908, and in section 121 of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1913, respectively.

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

45. Regulations 20, 21, 22, 23, 24, 25, 27, 35, and 39 hereof shall not apply to officers of the Marine Department or to officers of the Department of Internal Affairs taking, fishing for, or catching fish for the purposes of acclimatization or propagation or for scientific or other purposes, nor to any fish in the possession of such officers as aforesaid for any of the said purposes.

#### PENALTIES.

46. The penalty for the breach of any of these regulations shall be a fine of not less than £2 nor more than £50.

47. If any person is convicted of an offence against these regulations, the license (if any) held by the offender shall thereupon become void and shall be returned to the Under-Secretary or his appointee; and every license issued under these regulations shall be deemed to be subject to the condition that such license shall become void on conviction of the licensee of an offence against these regulations.

48. Any fish unlawfully taken and the baskets or other receptacles thereof and also all nets, gear, tackle, and other apparatus used in any unlawful fishing, whether found on shore or in any vessel or boat, which articles are by section 84 of the Fisheries Act, 1908, declared to be forfeited, may, pending the conviction of any person on a charge of unlawfully taking such fish or a charge of unlawful fishing, be retained by an officer of the Department of Internal Affairs, and upon dismissal of such charge shall be returned to the person last in possession of such articles, and upon conviction of such person on such charge as aforesaid shall be disposed of by delivery to the Under-Secretary or his appointee.



## SCHEDULES.

FIRST SCHEDULE.  
REGULATIONS REVOKED.

Regulations.	Published in <i>Gazette</i> .		
	Year.	Page.	
The Rotorua Trout-fishing Regulations 1929 .. .. .	1929	2636	
The Rotorua Trout-fishing Regulations 1929, Amendment No. 1	1930	2003	
The Rotorua Trout-fishing Regulations 1929, Amendment No. 2	1931	2915	
The Rotorua Trout-fishing Regulations 1929, Amendment No. 3	1932	2070	
The Rotorua Trout-fishing Regulations 1929, Amendment No. 4	1933	2505	
The Rotorua Trout-fishing Regulations 1929, Amendment No. 5	1934	3144	
The Rotorua Trout-fishing Regulations 1929, Amendment No. 6	1935	2668	

  

Regulations.	Published in Statutory Regulations.		
	Year.	Serial Number.	Page.
The Rotorua Trout-fishing Regulations 1929, Amendment No. 7	1936-37	43/1936	151

## SECOND SCHEDULE.

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 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 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 its intersection by a line running from Mangatapere Trig. Station to Maungapohatu Trig. Station; thence along a right line running between Maungapohatu and Puketapu Trig. Stations to its intersection with the Ruakituri River in Block VII, Tuahu Survey District; thence down the Ruakituri River to the northern boundary-line of S.G.R. No. 84; thence along the northern boundaries of S.G.R. No. 84 and the northern and south-eastern boundaries of Section 1, Block VIII, Tuahu Survey District, to the Gisborne-Waikaremoana Road; thence north-easterly along the middle of that road to Bushy Knoll Road; thence along the middle of Bushy Knoll Road to the western boundary of Section 2, Block IX, Hangaroa Survey District; thence along the western boundaries of

Sections 2 and 5, Block IX aforesaid, to the north-western boundary of Tauwharetoi 4B Block; thence along the north-western and north-eastern boundaries of that block, and the south-western and south-eastern boundaries of Tauwharetoi No. 3A Block to the Hangaroa River; thence down the middle of the Hangaroa River to its confluence with the Ruakituri River; 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, Manukaiaapu; 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 Ngaruhoe 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 Haukunganua, Motere, Tuhingamata, and Weraroa Trig. Stations to Pureora Trig. Station, and thence north-easterly along a right line to Puwhenua Trig. Station; 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 J1 in Block IV, Waihi South Survey District; thence along a right line running due north through Trig. J1 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 Rima Rocks.

Excepting thereout the district defined by Order in Council made on the 8th day of October, 1926, enacting the Taupo Trout-fishing Regulations, 1926.

### THIRD SCHEDULE.

[Class of person to whom license is issued.]

[Class of license issued.]

Under the Fisheries Act, 1908, and its amendments; and under the Rotorua Trout-fishing Regulations 1939.

THE holder of this license [Name in full], of [Address], [Calling or occupation], having this day paid the sum of . . . . . is hereby authorized to fish for trout with one rod and line only within any part of the district affected by the above-entitled regulations during any portion of the period from the . . . . . day of . . . . . 19., to the . . . . . day of . . . . ., 19., or in the case of a day license on the . . . . . day of . . . . ., 19., which may be included in the open season in such part of the said district, subject to the above-mentioned Acts, and to all regulations made thereunder for the time being in force in the said district.

Dated at . . . . ., this . . . . . day of . . . . ., 19..

NOTES.—(1) The said district consists approximately of the Rotorua Acclimatization District, exclusive of Lake Taupo and all rivers and streams flowing into that lake and the Waikato River between Lake Taupo and the Huka Falls.

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(2) Detailed description of district is set out in the above-entitled regulations.

C. A. JEFFERY,  
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 5th day of October, 1939.

These regulations are administered by the Department of Internal Affairs.