



**THE WHITEBAIT FISHING (WEST COAST) REGULATIONS 1994,
AMENDMENT NO. 2**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 3rd day of July 1995

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 48 and 48A of the Conservation Act 1987, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

1. Title and commencement
2. Interpretation
3. Closed season
4. Hours of fishing
5. Whitebait nets

6. Use of screens and diversions
 7. Fishing gear
 8. Fishing for whitebait from or near structures
 9. Schedules amended
 10. Revocations
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Whitebait Fishing (West Coast) Regulations 1994, Amendment No. 2, and shall be read together with and deemed part of the Whitebait Fishing (West Coast) Regulations 1994* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 15th day of August 1995.

2. Interpretation—Regulation 2 of the principal regulations is hereby amended by revoking the definition of the term “warranted officer”.

3. Closed season—Regulation 4 of the principal regulations is hereby amended—

- (a) By omitting the expression “1st day of November”, and substituting the expression “15th day of November”;
- (b) By omitting the expression “14th day of August”, and substituting the expression “31st day of August”.

4. Hours of fishing—The principal regulations are hereby amended by revoking regulation 6, and substituting the following regulation:

“6. No person shall fish for whitebait,—

“(a) If the fishing occurs during any period for the time being prescribed by Order in Council under section 4 (1) of the Time Act 1974 when the time for general purposes in New Zealand is one hour in advance of New Zealand standard time, between the hours of 9 p.m. on any day and 6 a.m. on the next day:

“(b) In any other case, between the hours of 8 p.m. on any day and 5 a.m. on the next day.”

5. Whitebait nets—Regulation 7 of the principal regulations is hereby amended by revoking subclause (2), and substituting the following subclauses:

“(2) No person shall use 2 or more whitebait nets at the same time.

“(3) No person shall use a whitebait net from any licensed structure while another whitebait net is being used (whether by that person or any other person) from that licensed structure.”

6. Use of screens and diversions—(1) Regulation 8 (1) of the principal regulations is hereby amended by inserting, after subclause (b), the following subclause:

“(ba) Use a screen or screens in fishing for whitebait unless the total length of the screen or screens does not exceed 3 m; or”.

(2) Regulation 8 (2) (b) of the principal regulations is hereby amended—

(a) By omitting the expression “adjcent”, and substituting the word “adjacent”;

(b) By inserting, after the words “to any net”, the words “or screen”.

7. Fishing gear—Regulation 9 of the principal regulations is hereby amended by revoking subclauses (4) and (5), and substituting the following subclause:

“(4) Every person fishing for whitebait on one or more occasions on any day shall remove all his or her fishing gear (other than a licensed structure) from the water—

“(a) At the cessation of fishing on each occasion; or

“(b) Not later than 8 p.m. (or not later than 9 p.m. during any period referred to in regulation 6 (a) of these regulations) on the same day,—

whichever is the earlier.”

8. Fishing for whitebait from or near structures—The principal regulations are hereby amended by revoking regulation 12, and substituting the following regulation:

“12. (1) No person fishing for whitebait in any river shall—

“(a) Fish for whitebait from any unlicensed structure; or

“(b) Place or use any net on or from any licensed structure unless the net is placed or used in a straight line, either from the up stream or down stream edge of the licensed structure; or

“(c) Set any screen beyond the outer edges of any licensed structure.

“(2) No person fishing for whitebait in any river specified in the Second Schedule to these regulations shall fish within 40 m of any licensed structure from which any other person is fishing, whether on the same or opposite bank as that licensed structure.”

9. Schedules amended—(1) The First Schedule to the principal regulations is hereby amended by revoking paragraphs (c), (d), and (e), and substituting the following paragraphs:

“(c) The south bank of the Hokitika River from a point 500 m down stream from the State highway 6 bridge to the sea:

“(d) The area known as the Hapuka River (including any tributary stream of the Hapuka River) that extends to the sea on the south bank and to the Okuru lagoon on the north bank:”.

(2) The First Schedule to the principal regulations is hereby amended by adding the following paragraphs:

“(1) Baker Creek (a tributary of the Karamea River estuary):

“(m) Blackwater Creek (to within 200 m of the tide gate at Kongahu Swamp):

“(n) Bradshaws (Martins) Creek (a tributary of the Buller River):

“(o) Bullock Creek (a tributary of the Porarari River):

“(p) All tributaries of the Punakaiki River:

“(q) Ounatai Lagoon (a tributary of the Waitaha River):

“(r) Oneone Creek (a tributary of the Wanganui River):

“(s) Hikimutu Lagoon (a tributary of the Poerua River):

“(t) Crikey Creek (a tributary of the Haast River):

“(u) Nolans Creek (a tributary of the Okuru River):

“(v) Collier Creek (a tributary of the Turnbull River).”

(3) The Third Schedule to the principal regulations is hereby amended by omitting the word “Orawaiti”, and substituting the word “Orowaiti”.

10. Revocations—(1) Regulations 19(c) and 21 of the principal regulations are hereby revoked.

(2) The Whitebait Fishing (West Coast) Regulations 1994, Amendment No. 1 are hereby revoked.

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

These regulations, which come into force on 15 August 1995, amend the Whitebait Fishing (West Coast) Regulations 1994.

Regulation 2 revokes the definition of the term “warranted officer” as it is now obsolete.

Regulation 3 amends regulation 4 of the principal regulations to establish a new season from 1 September to 14 November (inclusive).

Regulation 4 revokes and replaces regulation 6 of the principal regulations to change the hours when persons are permitted to fish during daylight saving time. Fishing is prohibited between 9 p.m. and 6 a.m. when daylight saving time is being observed but is still prohibited between 8 p.m. and 5 a.m. at other times.

Regulation 5 amends regulation 7 of the principal regulations to—

- (a) Clarify that a person may not lawfully fish with 2 or more nets at the same time; and
- (b) Provide that only 1 net may lawfully be used from a licensed structure at any time.

Regulation 6 amends regulation 8 of the principal regulations to—

- (a) Provide that screens must not exceed 3 m in length; and
- (b) Prohibit the use of diversionary devices on or adjacent to any screen.

Regulation 7 revokes subclauses (4) and (5) of regulation 9 of the principal regulations and replaces subclause (5). Subclause (4) is replaced by *regulation 6 (1)* of these regulations. Subclause (5) relates to the obligation to remove fishing gear at the cessation of fishing. Formerly, the regulation merely required the fisher to remove all of his or her fishing gear at the cessation of fishing on the particular day, but not later than 8 p.m. The new regulation requires that the gear be removed when fishing ceases on a particular occasion on any day and retains the 8 p.m. rule. Accordingly a fisher who fishes for whitebait on several occasions on the same day must remove his or her fishing gear when each occasion ends and no such removal can be later than 8 p.m. (or 9 p.m. during daylight saving).

Regulation 8 revokes and replaces regulation 12 of the principal regulations. The object of the new provision is to make the first 3 conditions of the former regulation of general application rather than apply them only to the rivers specified in the Second Schedule to those regulations.

Regulation 9 amends the First Schedule (areas where whitebait fishing is prohibited) and the Third Schedule (rivers where back-pegs are to be located) to principal regulations.

Regulation 10 effects consequential revocations.

Issued under the authority of the Acts and Regulations Publication Act 1989.

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These regulations are administered in the Department of Conservation.