



**THE WHITEBAIT FISHING REGULATIONS 1964,
AMENDMENT NO. 2**

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 7th day of June 1967

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

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

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Whitebait Fishing Regulations 1964, Amendment No. 2, and shall be read together with and deemed part of the Whitebait Fishing Regulations 1964* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the seventh day after the date of their notification in the *Gazette*.

2. Interpretation—(1) Regulation 2 of the principal regulations (as amended by regulation 2 of the Whitebait Fishing Regulations 1964, Amendment No. 1) is hereby further amended by inserting, after the definition of the term “take”, the following definition:

“‘Temporary stand’ means a jetty or similar construction temporarily erected for the purpose of enabling the person in whose name the site of the jetty or construction is registered under Part VII of these regulations to fish for whitebait:”.

(2) The said regulation 2 is hereby further amended by adding, as subclause (2), the following subclause:

“(2) These regulations shall not be construed so as to render unlawful the erection of any jetty or other structure or construction by the holder of a licence for that purpose under the Foreshore Licence Regulations 1960* or by any other person authorised by any other enactment.”

3. Whitebait fishing prohibited in certain places—Regulation 9 of the principal regulations is hereby amended by adding the following proviso:
“Provided that this regulation shall not be construed as prohibiting any person from fishing or taking whitebait within 1 chain of any structure in respect of which a valid licence is in force under the Foreshore Licence Regulations 1960* unless that structure causes or is likely to cause whitebait to shoal.”

4. Regulating the setting of nets—(1) Regulation 13 of the principal regulations is hereby amended by revoking subclause (2), and substituting the following subclause:

“(2) Where any person has set a net on one side of the bank of any river, channel, or stream, no other person shall—

“(a) Except in the case of nets used from a site registered under regulation 32 of these regulations, use or set any net from a point at or near the point from which the first-mentioned net was set in such a manner as to cause it to lie in the water abreast or approximately abreast of that first-mentioned net and as to cause one of the nets to be further from the bank than the other net:

“(b) Use or set from the opposite bank any net which is less than 10 yards from the net set from the first-mentioned bank.”

(2) Regulation 14 of the principal regulations (as amended by regulation 3 of the Whitebait Fishing Regulations 1964, Amendment No. 1) is hereby further amended by revoking subclause (2).

(3) Regulation 3 of the Whitebait Fishing Regulations 1964, Amendment No. 1 is hereby consequentially revoked.

5. Structures to be no longer erected in certain rivers—The principal regulations are hereby further amended by revoking regulations 27, 28, 29, and 30.

6. Temporary stands—(1) Regulation 31 of the principal regulations is hereby amended by omitting the words “or structure”.

(2) Regulation 32 of the principal regulations is hereby amended by omitting the words “stand or structure” wherever they appear, and substituting in each case the words “temporary stand”.

(3) Regulation 35 of the principal regulations (as amended by regulation 5 of the Whitebait Fishing Regulations 1964, Amendment No. 1) is hereby further amended by omitting the words “stand or structure” wherever they appear, and substituting in each case the words “temporary stand”.

(4) Regulation 35 of the principal regulations is hereby further amended by adding the following paragraph:

“(r) The person constructing the temporary stand shall at all times be the occupier for the purposes of the Occupiers Liability Act 1962.”

7. New First Schedule substituted—The principal regulations are hereby further amended by revoking the First Schedule, and substituting the First Schedule set out in the Schedule to these regulations.

SCHEDULE

Reg. 5

NEW FIRST SCHEDULE TO THE PRINCIPAL REGULATIONS

“FIRST SCHEDULE

Regs. 31 and 32

WEST COAST (SOUTH ISLAND) RIVERS AND STREAMS, OR TRIBUTARIES OF THOSE RIVERS OR STREAMS, ON WHICH REGISTERED SITES ARE PERMITTED IN THE TIDAL PORTION ONLY IF THEY ARE IN ACCORDANCE WITH THE PROVISIONS OF PART VII OF THESE REGULATIONS

	River	District
Orowaiti River	Westport
Taramakau River	Greymouth
Arahura River	} Hokitika
Hokitika River (proper)	
Totara River	} Ross
Mikonui River	
Waitaha River	
Wanganui River	
Poerua River	
Whataroa River	} Whataroa
Waitangi-Taona River	
Salt Water Creek	
Karangarua River	
Manakai-Aua River	
Hunts Beach	
Jacobs River	} Haast”
Mahitahi River	
Ohinamaka River (Black River)	
Paringa River	
Moeraki River (Blue)	
Waia River (Maori)	
Haast River	
Okuru River	
Turnbull River	
Waiatoto River	
Arawata River	
Cascade River	
Awarua River	
Hollyford River	
Kaipo River	

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.

Regulation 2 defines a “temporary stand” for the purposes of the principal regulations, and also makes it clear that the principal regulations do not render unlawful the erection of any structure pursuant to a licence issued under the Foreshore Licence Regulations 1960 or pursuant to any other enactment.

Regulation 3 is intended to make it clear that no one is prohibited from fishing or taking whitebait within 1 chain of any structure for which a licence is in force under the Foreshore Licence Regulations 1960 unless that structure causes or is likely to cause whitebait to shoal.

Regulation 4 is intended to clarify the existing regulations 13 and 14 in so far as they prohibit the setting of a net near another net already set.

Regulation 5 revokes the regulations in the principal regulations which authorise the erection of stands in the tidal portions of the Tarawera, Kaituna, and Rangitaiki Rivers in the Bay of Plenty, in the Taieri River in Otago, and in the Maitaia River in Southland.

Regulation 6 substitutes the expression "temporary stand" in Part VII of the principal regulations for the words "stand or structure". The person constructing any such stand is deemed to be the occupier for the purposes of the Occupiers Liability Act 1962.

Regulation 7 substitutes a new First Schedule in the principal regulations. The substituted Schedule prescribes a new district for registration of temporary stands under Part VII of the principal regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 8 June 1967.

These regulations are administered in the Marine Department.