



THE WHITEBAIT FISHING REGULATIONS 1981,
AMENDMENT NO. 1

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 10th day of August 1981

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.

ANALYSIS

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| <ul style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Close season 4. Defence to having whitebait in close season 5. Setting nets | <ul style="list-style-type: none"> 6. More than one net allowed at certain registered sites 7. Restrictions on use of boats for fishing 8. Applications for fishing sites 9. Fishery officer may seize whitebait and gear 10. Amendment of Schedules 11. Transitional provision |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Whitebait Fishing Regulations 1981, Amendment No. 1, and shall be read together with and deemed part of the Whitebait Fishing Regulations 1981* (hereinafter referred to as the principal regulations).

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

2. Interpretation—(1) Regulation 2 (1) of the principal regulations is hereby amended by inserting, in the definition of the term “tidal portion” after the word “stream”, the words “, river, estuary, or other waters”.

(2) The said regulation 2 (1) is hereby further amended by omitting the words “young fry” from paragraph (b) of the definition of the term “whitebait”, and substituting the words “young or fry”.

3. Close season—Regulation 4 (d) of the principal regulations is hereby amended by omitting the expression “31st day of November”, and substituting the expression “30th day of November”.

4. Defence to having whitebait in close season—Regulation 6 of the principal regulations is hereby amended by omitting the words “where it was taken”, and substituting the words “from which it was taken”.

5. Setting nets—Regulation 11 (2) of the principal regulations is hereby amended by omitting the words “on one side of the bank”, and substituting the words “from one bank”.

6. More than one net allowed at certain registered sites—Regulation 13 of the principal regulations is hereby amended by inserting, after the word “may”, the words “(except in the Orowaiti River or in Hunts Creek)”.

7. Restrictions on use of boats for fishing—Regulation 16 of the principal regulations is hereby amended by adding, as subclause (2), the following subclause:

“(2) Notwithstanding subclause (1) (d) of this regulation, the Director-General may, upon application in writing and subject to such conditions as he thinks fit, authorise the applicant or the person for whom the application is made to use a boat for the purpose of taking whitebait if he is satisfied that the applicant or that person, because of infirmity or chronic disability, is unable to fish for whitebait without such use.”

8. Applications for fishing sites—The principal regulations are hereby amended by revoking regulation 22 (b), and substituting the following paragraph:

“(b) Any person classified as a preferential applicant shall, if he makes an application on a form supplied by the Ministry of Agriculture and Fisheries for the purpose so that it is received by the fishery officer on or before the first Monday in July before the commencement of each open season, have the site he applied for allocated to him and registered in his name if the site was the site fished by the applicant in the immediately preceding open season and is available pursuant to regulation 21 of these regulations:”.

9. Fishery officer may seize whitebait and gear—The principal regulations are hereby amended by revoking regulation 31 (1), and substituting the following subclause:

“(1) It shall be lawful for any fishery officer to seize and take possession of—

“(a) All whitebait which he has reason to believe has been unlawfully taken:

“(b) All nets, receptacles, gear, and other apparatus which he has reason to believe has been used in contravention of these regulations—

whether or not the owner or user is present when the seizure is made.”

10. Amendment of Schedules—(1) The First Schedule to the principal regulations is hereby amended by inserting, before the item relating to the Taramakau River, the following item:

“Orowaiti River As determined by the fishery officer and noted on the certificate of registration for each site”.

(2) The said First Schedule is hereby further amended by omitting from the column relating to the maximum length of stands in respect of Jacobs River the expression “9m”, and substituting the expression “18m”.

(3) The Second Schedule to the principal regulations is hereby amended by adding the following clause:

“8. The area of about 2.428 hectares known as Kongahu Swamp located north of Granite Creek to the east of the main road to Karamea township and approximately 6.5 km south of that township.”

11. Transitional provision—Notwithstanding the dates by which applications for a fishing site are to be made under regulation 22 of the principal regulations, for the purpose of making applications in 1981 in respect of the Orowaiti River (as added to the schedule of permitted areas by regulation 10 (1) of these regulations) it shall be sufficient compliance with the said regulation 22 if preferential applicants have applied by Wednesday the 19th day of August 1981 and other applicants by Wednesday the 26th day of August 1981.

C. J. HILL,
Acting for 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 amend the Whitebait Fishing Regulations 1981. The main amendments—

- (a) Clarify the position of a preferential applicant in respect of a registered fishing site:
- (b) Authorise the Director-General to permit persons who are infirm or disabled to use a boat when fishing for whitebait:
- (c) Reinstate the Orowaiti River (near Westport) as a place where sites may be set aside for whitebait fishing:
- (d) Add the Kongahu Swamp to the schedule of areas closed to fishing for conservation purposes.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 13 August 1981.

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