

Reprint  
as at 19 May 2016



# Freshwater Fisheries Regulations 1983

(SR 1983/277)

David Beattie, Governor-General

## Order in Council

At the Government House at Wellington this 19th day of December 1983

Present:

His Excellency the Governor-General in Council

Pursuant to the Fisheries Act 1983, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

### Contents

	Page
1 Title and commencement	4
2 Interpretation	4
2A Sports fish defined for the purposes of Act	8
3 Application of regulations	8
<b>Part 1</b>	
<b>Licences</b>	
4 Classes and forms of licences	8
4A Special licences	8

---

#### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**These regulations are administered by the Department of Conservation.**

5	Form of licences <i>[Revoked]</i>	9
6	Area of availability of licences <i>[Revoked]</i>	9
6A	Tourist fishing licences <i>[Revoked]</i>	9
7	Term of licences <i>[Revoked]</i>	9
8	Issue of licences	9
9	Restrictions on issue of licences	10
10	Application for licences	10
11	Verification of licences	10
12	Licences not transferrable	10
13	Cancellation of licences	10
14	Licence fees	11
14A	Fees exclusive of goods and services tax <i>[Revoked]</i>	11
15	Reduction or waiver of fees	11
16	Expenditure of licence fees	11
17	Payments to Consolidated Account <i>[Revoked]</i>	12
18	Payments to Island Councils <i>[Revoked]</i>	12
19	No right of entry on land	12
<b>Part 2</b>		
<b>Obligations of persons fishing</b>		
20	Obligation of anglers to give name and address and to produce licence or identification	12
21	Restriction on taking fish from or near fish traps	12
<b>Part 3</b>		
<b>Marked fish</b>		
22	No unauthorised marking of sports fish	13
23	Notifying details of marked fish taken	13
<b>Part 4</b>		
<b>Storage and smoking of sports fish</b>		
24	Register for sports fish	14
25	Details to be attached to sports fish	14
26	No gifts of sports fish	15
27	Maximum weight of sports fish	15
<b>Part 5</b>		
<b>Canning of sports fish</b>		
28	No unauthorised canning of sports fish	15
29	No payment for canning sports fish	15
30	No sale of canned sports fish	16
31	No trading of sports fish for canned sports fish	16
32	Marking cans of sports fish	16
33	No interference with marked cans of sports fish	16
34	No false marking of canned sports fish	16
35	Marking cans before parting with them	17

36	No fishing while holding unmarked cans	17
37	Maximum weight of canned sports fish	17
38	Maximum daily quantity for transport of canned sports fish	17
39	Possession of canned sports fish	17
40	No canned sports fish in public eating house	18

**Part 6**  
**Fish passage**

41	Scope	18
42	Culverts and fords	19
43	Dams and diversion structures	19
44	Requirement for a fish facility	19
45	Adequate water	20
46	Required maintenance or repair	20
47	Damage	21
48	Alterations	21
49	Inspection of fish facilities	21
50	Protection of fish	21

**Part 7**  
**Use of electric fishing machines**

51	Authority required for use of electric fishing machines	21
52	Operation of electric fishing machines <i>[Revoked]</i>	22
53	Authorised use of electric fishing machines <i>[Revoked]</i>	23
54	Certificates of approval of electric fishing machines <i>[Revoked]</i>	23
55	Marking of electric fishing machines <i>[Revoked]</i>	23
56	Certificates to be carried and produced <i>[Revoked]</i>	23
57	Amendment, etc, of certificates <i>[Revoked]</i>	23

**Part 7A**  
**Fishing competitions relating to sports fish**

57A	Fishing competitions require approval of Fish and Game Council	23
57B	Applications	23
57C	Matters to be considered by Council	24
57D	Powers of Council	24
57E	Holder to comply with provisions of approval	25
57F	Rental	25

**Part 8**  
**Management**

58	Authorised introduction of indigenous or exotic species	25
59	Restricted authority to liberate fish or ova	25
60	General authority to liberate fish or ova	26
61	Restricted authority to introduce indigenous or exotic fish or ova	26
62	Transfer of sports fish	26
63	Transfer of live aquatic life	27

64	No unauthorised catching or keeping of certain fish	27
65	Control of noxious fish	27
66	No fish refuse on banks	28
67	Possession of mounted specimens	28

#### **Part 8A**

#### **European carp, Japanese koi**

67A	Licences to harvest fish	28
67B	Recreational fishing	29
67C	Containment areas to be established	29

#### **Part 9**

#### **Faunistic reserves**

68	Faunistic reserves	30
----	--------------------	----

#### **Part 10**

#### **Indigenous fish**

69	No taking of grayling	30
70	No killing of indigenous fish	30
71	Taking of indigenous fish	31

#### **Part 11**

#### **Offences, defences, and penalties**

72	Offences and penalties	31
73	Defences	31

#### **Part 12**

#### **Savings**

74	Savings	32
----	---------	----

#### **Schedule 1**

33

#### **Schedule 2**

33

#### **Licences and fees**

*[Revoked]*

#### **Schedule 3**

34

#### **Species of noxious fish**

## **Regulations**

### **1 Title and commencement**

- (1) These regulations may be cited as the Freshwater Fisheries Regulations 1983.
- (2) These regulations shall come into force on 1 January 1984.

### **2 Interpretation**

- (1) In these regulations, unless the context otherwise requires,—

**Act** means the Conservation Act 1987

**area of jurisdiction of the Fish and Game Council for Auckland** means the area defined as the Auckland Acclimatisation District in a notice published in the *Gazette* of 1925 at page 749

**artificial fly** shall be deemed to include any lure of feather, fur, wool, or other material of any kind customarily used in the making of artificial flies; but shall not include any lure in the tying of which lead or other weight has been incorporated unless the hook incorporated in that lure does not exceed 14 mm in length (exclusive of the eye) and the gape of the hook does not exceed 6 mm

**artificial minnow** shall be deemed to include spoonbait, any feather lure in the tying of which lead or other weight has been incorporated to facilitate the casting or sinking of the lure, and any lure which incorporates a spinning device or a device to impart a wobbling or irregular motion to the lure

**assembled rod** means a rod that is assembled from butt to tip, together with a line and lure attached

**canning**, in relation to fish, includes the preservation by heat or other treatment of fish in sealed cans or jars; and **can** has a corresponding meaning

**commercial freezing chamber** means any freezing chamber, including any cool store, refrigeration works, or freezing or cooling device, situated in or on any cannery, plant, or premises (not being a private dwellinghouse) where sports fish are or have been in the preceding 6 months frozen, canned, or otherwise preserved or treated or stored

**commercial smokehouse** means any smokehouse, including any fish-preparation room, salting room, or drying room adjacent to or forming part of that smokehouse, situated in or on any plant or premises (not being a private dwellinghouse) where sports fish are or have been in the preceding 6 months canned, or otherwise preserved or treated or stored

**dam** means any structure designed to confine, direct, or control water, whether permanent or temporary; and includes weirs

**day** means a day computed from midnight to midnight

**diversion structure** means any structure designed to divert or abstract natural water from its natural channel or bed whether permanent or temporary

**Eastern Fish and Game Region** means the region having that name and defined by notice in the *Gazette*, 1990, at page 1861; and includes all alterations to the boundaries of the region that are for the time being in force pursuant to section 26A(1)(c) of the Act

**electric fishing machine** means any device, engine, or machine designed or used for the taking or killing by means of electric current of any species of fish or for the production of electronarcosis of any species of fish; but does not include any non-movable electrical device erected in any waters for the purpose of preventing or controlling the movement of fish

**fish facility** means any structure or device, including any fish pass or fish screen inserted in or by any water course or lake, to stop, permit, or control the passage of fish through, around, or past any dam or other structure impeding the natural movement of fish upstream or downstream

**fish pass** means any structure providing passage through or over any barrier to their passage

**fish screen** means any device whether moving or stationary designed to impede or stop the passage of fish

**licence** means a licence to take sports fish issued in accordance with these regulations and in accordance with a notice in the *Gazette*

**limit bag** means the maximum number of sports fish which may be taken pursuant to these regulations or any District Anglers Notice by any one person in any 1 day

**officer** means a warranted officer within the meaning of the Act

**open season** means the period from 1 October in any year to 30 April in the year next following (both days inclusive) during which fishing for sports fish is generally permitted, unless otherwise specified in any District Anglers Notice

**remedial works** means any structures, channel modifications, or water flow provided to offset the effect of a dam or diversion structure

**size**, in relation to any fish, means the total length from the tip of the nose to the tip of the tail

**size limit** means the minimum size of fish which may be taken pursuant to these regulations or to any District Anglers Notice

**special Act** means the Maori Land Amendment and Maori Land Claims Adjustment Act 1926

**sports fish** means fish specified in Schedule 1

**Taupo District** means the district described in the Taupo District Order 1983, made pursuant to section 14(8) of the special Act

**tourist fishing licence** means a licence issued pursuant to regulation 6A to a bona fide overseas tourist to fish for sports fish

**trout** includes char of any species, and any hybrid of any trout or char; and includes any trout whether alive or dead, and any part of a trout

**undersized fish** means a fish of a smaller size than the minimum prescribed by these regulations or by any District Anglers Notice for the taking of fish.

- (2) For the purposes of these regulations and of any District Anglers Notice, a person fishing shall be deemed to be fishing both at the place from where he is fishing and also at any place reached by his line or lure.
- (3) For the purposes of these regulations, the waters of any district shall be deemed to include the mouth of every river or stream, and the mouth of every river or stream shall be deemed to include every outlet thereof and the seashore

between those outlets and the waters of the sea or of any harbour lying within a distance of 500 m from any place where at low tide the waters of a river or stream meet the waters of the sea or of any harbour.

Regulation 2(1) **Act**: substituted, on 27 September 1990, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

Regulation 2(1) **acclimatised fish**: revoked, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 2(1) **adult licence**: revoked, on 1 October 1997, by regulation 2(1)(a) of the Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176).

Regulation 2(1) **area of jurisdiction of the Fish and Game Council for Auckland**: inserted, on 10 April 1990, pursuant to section 39(1)(c) of the Conservation Law Reform Act 1990 ((1990 No 31).

Regulation 2(1) **Auckland Acclimatisation District**: revoked, on 10 April 1990, pursuant to section 39(1)(c) of the Conservation Law Reform Act 1990 ((1990 No 31).

Regulation 2(1) **commercial freezing chamber**: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 2(1) **commercial smokehouse**: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 2(1) **Eastern Fish and Game Region**: inserted, on 27 September 1990, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

Regulation 2(1) **Island Council**: revoked, on 27 September 1990, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

Regulation 2(1) **junior licence**: revoked, on 1 October 1997, by regulation 2(1)(b) of the Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176).

Regulation 2(1) **licence**: substituted, on 1 October 1997, by regulation 2(2) of the Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176).

Regulation 2(1) **limit bag**: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 2(1) **new participant**: revoked, on 1 October 1997, by regulation 2(1)(c) of the Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176).

Regulation 2(1) **officer**: substituted, on 27 September 1990, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

Regulation 2(1) **open season**: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 2(1) **Rotorua District**: revoked, on 27 September 1990, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

Regulation 2(1) **Southern Lakes District**: revoked, on 27 September 1990, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

Regulation 2(1) **sports fish**: inserted, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 2(1) **tourist fishing licence**: substituted, on 19 October 1984, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 1 (SR 1984/259).

Regulation 2(1) **tourist fishing licence**: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 2(1) **trout**: substituted, on 19 October 1984, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 1 (SR 1984/259).

Regulation 2(1) **young adult**: revoked, on 1 October 1997, by regulation 2(1)(c) of the Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176).

## 2A Sports fish defined for the purposes of Act

For the purposes of the Act it is hereby declared that the species of fish specified in Schedule 1 are sports fish.

Regulation 2A: inserted, on 19 September 1985, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 3 (SR 1985/222).

Regulation 2A heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 2A: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

## 3 Application of regulations

- (1) Regulation 2A, Parts 6, 7, and 9, and Schedule 1 apply throughout New Zealand.
- (2) The rest of these regulations apply throughout New Zealand other than in the Taupo District.

Regulation 3: replaced, on 19 May 2016, by regulation 4 of the Freshwater Fisheries Amendment Regulations 2016 (LI 2016/81).

# Part 1 Licences

## 4 Classes and forms of licences

Licences issued to take sports fish must be in the forms and for the classes fixed by notice in the *Gazette*.

Regulation 4: substituted, on 1 October 1997, by regulation 3 of the Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176).

## 4A Special licences

- (1) The Minister may authorise any Fish and Game Council to issue special licences of the following kinds:
  - (a) authorising the holder to take sports fish for education, investigative research, or the carrying out of trials or experiments involving any vessel, gear, or apparatus capable of being used in connection with the taking of sports fish:
  - (b) authorising any disabled person, within the meaning of the Disabled Persons Employment Promotion Act 1960, to take sports fish by any means that would otherwise be unlawful:
  - (c) authorising the holder to take sports fish for any other purpose approved by the Minister.
- (2) In considering an application to issue a special licence under this regulation, a Council shall have regard to the following:
  - (a) any sports fish and game management plans approved for its region under section 17M of the Act:



- (b) any relevant national policy of the New Zealand Fish and Game Council and any relevant general policy that has been approved under the Act:
- (c) the potential the proposal has for adverse impact on the sports fishery.
- (3) Every such special licence shall specify the waters within the Council's jurisdiction in which the holder is permitted to take sports fish.
- (4) Every such special licence may be revoked by the issuing Council by notice in writing to the holder.
- (5) A Council shall give reasons in writing to the holder if it revokes a special licence granted to the holder under this regulation.
- (6) All fish taken pursuant to this section shall be disposed of as the Council directs, or as may be specified in the licence.

Regulation 4A: inserted, on 27 September 1990, by regulation 3 of the Freshwater Fisheries Regulations 1990, Amendment No 9 (SR 1990/209).

## **5 Form of licences**

*[Revoked]*

Regulation 5: revoked, on 1 October 1997, by regulation 6(a) of the Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176).

## **6 Area of availability of licences**

*[Revoked]*

Regulation 6: revoked, on 1 October 1997, by regulation 6(a) of the Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176).

## **6A Tourist fishing licences**

*[Revoked]*

Regulation 6A: revoked, on 1 October 1997, by regulation 6(a) of the Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176).

## **7 Term of licences**

*[Revoked]*

Regulation 7: revoked, on 1 October 1997, by regulation 6(a) of the Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176).

## **8 Issue of licences**

- (1) Whole season licences shall be issued upon request being made to any Fish and Game Council within the meaning of the Conservation Act 1987 or authorised agent in a district where there is an open season.
- (2) Part season licences may be issued at the discretion of the Fish and Game Council within the meaning of the Conservation Act 1987.

Regulation 8(1): amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 8(2): amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

**9 Restrictions on issue of licences**

- (1) No Fish and Game Council within the meaning of the Conservation Act 1987 shall issue or cause to be issued a licence at any place outside the boundaries of its district, and no person shall verify any licence issued in breach of this regulation.
- (2) No person shall canvass or seek to induce any person outside the boundaries of any Fish and Game Council within the meaning of the Conservation Act 1987 to obtain a licence issued by that Council.

Regulation 9(1): amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 9(2): amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

**10 Application for licences**

Every applicant for a licence shall furnish his full name, address, and occupation to the person to whom the application is made.

**11 Verification of licences**

- (1) Every licence shall before issue be verified by the signature of the manager of the Fish and Game Council by which the licence is issued or by the signature of some other person authorised by the Fish and Game Council.
- (2) Except as provided in subclause (3), no licence shall have any effect or validity until the holder has verified it by signing the holder's usual signature legibly and clearly in the space provided for the purpose on the licence.
- (3) Where any licence has been issued under subclause (1) but the holder has not yet received the licence, that licence is valid and effective from date of issue for the period specified in the licence, notwithstanding that the holder has not complied with subclause (2).

Regulation 11: substituted, on 1 October 1995, by regulation 3 of the Freshwater Fisheries Regulations 1983, Amendment No 18 (SR 1995/178).

**12 Licences not transferrable**

No licence shall be transferrable.

**13 Cancellation of licences**

- (1) Any society may accept and cancel any licence it has issued, and may refund to the former holder of the licence the whole or any part of the fee paid.
- (2) Any society, which is satisfied that a licence has been lost or mutilated and, in the case of mutilation, on surrender of the licence to the society, may issue in its place a duplicate licence. Every duplicate licence shall have the same force and effect as the original licence.

## 14 Licence fees

The fees fixed by notice in the *Gazette* for a licence must be paid and received for that licence.

Regulation 14: substituted, on 1 October 1997, by regulation 4(1) of the Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176).

## 14A Fees exclusive of goods and services tax

*[Revoked]*

Regulation 14A: revoked, on 1 July 1988, by regulation 2(2) of the Freshwater Fisheries Regulations 1983, Amendment No 6 (SR 1988/122).

## 15 Reduction or waiver of fees

Notwithstanding the provisions of a *Gazette* notice fixing fees for different classes of licences, it shall be lawful for any Fish and Game Council within the meaning of the Conservation Act 1987 to issue a licence to any person either for no fee or for such reduced fee as the Council approves.

Regulation 15: amended, on 1 October 1997, by regulation 5 of the Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176).

Regulation 15: amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

## 16 Expenditure of licence fees

All sums received by a Fish and Game Council within the meaning of the Conservation Act 1987 in respect of licence fees under these regulations shall be spent within the district of the society receiving them; but nothing in this regulation shall prevent—

- (a) the payment to the New Zealand Fish and Game Council of any levy determined by that Council under section 26C(1)(f) of the Conservation Act 1987;
- (b) the making of payments towards the reasonable and proper operation of any regional or national organisation of Fish and Game Councils within the meaning of the Conservation Act 1987;
- (c) subject to paragraph (b) above, any expenditure in the area of jurisdiction of any 1 or more Fish and Game Councils for that area made with the prior consent of the Minister for a freshwater fisheries purpose:

provided that nothing in this regulation shall apply to licence fees received by the Department of Conservation.

Regulation 16: amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 16(a): substituted, on 1 July 1990, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 8 (SR 1990/136).

Regulation 16(b): amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 16(c): amended, on 10 April 1990, pursuant to section 39(1)(c) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 16 proviso: amended, on 1 April 1987, by section 65(3) of the Conservation Act 1987 (1987 No 65).

## **17 Payments to Consolidated Account**

*[Revoked]*

Regulation 17: revoked, on 1 July 1990, by regulation 4(1) of the Freshwater Fisheries Regulations 1983, Amendment No 8 (SR 1990/136).

## **18 Payments to Island Councils**

*[Revoked]*

Regulation 18: revoked, on 1 July 1990, by regulation 4(1) of the Freshwater Fisheries Regulations 1983, Amendment No 8 (SR 1990/136).

## **19 No right of entry on land**

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

# **Part 2**

## **Obligations of persons fishing**

## **20 Obligation of anglers to give name and address and to produce licence or identification**

Every person taking sports fish or in possession of a rod or gear suitable for taking sports fish shall, on the demand of any officer,—

- (a) give that person's true names and place of residence; and
- (b) produce and show the contents of that person's creel or container and any live bait in that person's possession; and
- (c) where regulation 11(3) applies, produce identification showing that person's true name, place of residence, and signature; or
- (d) in any other case, produce that person's licence and make or give legibly and clearly a specimen signature for comparison with the signature on the licence.

Regulation 20: substituted, on 1 October 1995, by regulation 4 of the Freshwater Fisheries Regulations 1983, Amendment No 18 (SR 1995/178).

## **21 Restriction on taking fish from or near fish traps**

No person shall—

- (a) take any fish from; or
- (b) interfere with or damage; or
- (c) take any sports fish in or from any water that is within 100 m of—

any net, trap, pound net, electrical device, or other contrivance erected or placed for the purpose of preventing or controlling the movement of sports fish and used by any person for the purposes of acclimatisation, propagation, or management, or for scientific or other purposes authorised by a Fish and Game Council within the meaning of the Conservation Act 1987.

Regulation 21: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 21: amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 21: amended, on 19 September 1985, by regulation 3 of the Freshwater Fisheries Regulations 1983, Amendment No 3 (SR 1985/222).

Regulation 21(c): amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 21(c): substituted, on 19 September 1985, by regulation 3 of the Freshwater Fisheries Regulations 1983, Amendment No 3 (SR 1985/222).

### **Part 3**

#### **Marked fish**

#### **22 No unauthorised marking of sports fish**

No person shall mark any living sports fish or attach or insert a tag or other distinguishing device or clip or remove a fin or fins, except with the written consent of the Director-General or of the Fish and Game Council within the meaning of the Conservation Act 1987 of the district.

Regulation 22 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 22: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 22: amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

#### **23 Notifying details of marked fish taken**

Any angler taking during the open season any sports fish bearing a tag or distinguishing device shall either cause the fish and tag or device to be delivered to the Fish and Game Council within the meaning of the Conservation Act 1987 of the district in which it was taken or to the nearest office of the Ministry or shall forthwith deliver to that Council or Ministry office full particulars in writing of the tag or distinguishing device, the place where and date when the fish was taken, and, if it is reasonably possible so to do, the weight and length of the fish.

Regulation 23: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 23: amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

## Part 4

### Storage and smoking of sports fish

Part 4 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

#### 24 Register for sports fish

- (1) No manager or person in charge of any commercial freezing chamber or commercial smokehouse shall receive any sports fish for any purpose or have any sports fish in any such premises unless on the day of and at the time of deposit he makes or causes to be made correctly in a book kept on the premises for that purpose the entries in respect of the sports fish mentioned in subclause (2), and unless he permits any officer to enter any such premises at all reasonable times and to inspect any fish therein and to inspect and copy any entries from that book.
- (2) The entries to be made in accordance with subclause (1) are as follows:
  - (a) the date and time of deposit of the fish on the premises:
  - (b) the number and species of fish:
  - (c) the total weight of fish:
  - (d) the name and address of the owner of the fish:
  - (e) the number and the district of issue of the licence (if any) of the owner of the fish:
  - (f) the address (if any) to which the fish are to be forwarded.
- (3) Any book compiled under this regulation shall be retained for at least 6 months after the making of the last entry therein.

Regulation 24 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 24(1): amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

#### 25 Details to be attached to sports fish

No person shall place or permit to be placed or kept in any commercial freezing chamber or commercial smokehouse any sports fish to which there is not affixed or tied a label on which are legibly written the following particulars:

- (a) the name and address of the owner of the fish:
- (b) the date on which the fish were deposited on the premises.

Regulation 25 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 25: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

**26 No gifts of sports fish**

No person shall give and no manager or person in charge of any commercial freezing chamber or commercial smokehouse shall receive any sports fish in exchange or as a full or partial consideration for the storage or any preservation or treatment of any sports fish.

Regulation 26 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 26: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

**27 Maximum weight of sports fish**

No licence holder or other person shall deposit, and no manager or person in charge of any commercial freezing chamber or commercial smokehouse shall accept for deposit, in any such premises, sports fish if the licence holder or other person already has an aggregate weight of 50 kg of any such fish deposited in the premises.

Regulation 27 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 27: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

**Part 5**  
**Canning of sports fish**

Part 5 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

**28 No unauthorised canning of sports fish**

No person shall can any sports fish except in accordance with the provisions of these regulations, and no person shall be in possession of any such fish so preserved contrary to the provisions of these regulations.

Regulation 28 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 28: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

**29 No payment for canning sports fish**

No fee shall be paid to or accepted by any person, and no consideration shall be given to or accepted by any person, for the canning of any sports fish.

Regulation 29 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 29: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

**30 No sale of canned sports fish**

No sports fish preserved in any can and no can containing sports fish shall be sold.

Regulation 30 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 30: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

**31 No trading of sports fish for canned sports fish**

No person shall trade, exchange, give, or receive sports fish for cans containing sports fish or for empty cans.

Regulation 31 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 31: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

**32 Marking cans of sports fish**

No person shall can sports fish unless as soon thereafter as may be practicable on the same day the person canning the fish paints in oil paint or engraves on each can clearly and correctly the name of the licence holder who caught the fish, the number and district of issue of his licence, and the date and place where the fish was caught.

Regulation 32 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 32: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

**33 No interference with marked cans of sports fish**

No person shall deface, obliterate, or alter any particulars painted or engraved on any can which contains sports fish.

Regulation 33 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 33: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

**34 No false marking of canned sports fish**

No person shall paint or engrave on a can containing sports fish any incorrect or misleading information.

Regulation 34 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 34: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).



**35 Marking cans before parting with them**

No person shall give away or in any way dispose of any can containing sports fish unless the can is marked in accordance with the provisions of regulation 32.

Regulation 35: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

**36 No fishing while holding unmarked cans**

No person shall continue to fish on any day when he has in his possession any can containing sports fish on which the particulars required by regulation 32 have not been painted or engraved.

Regulation 36: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

**37 Maximum weight of canned sports fish**

No person shall have in his possession or at his disposal more than 50 kg gross weight of canned sports fish, the weight to include the weight of cans and their contents:

provided that no more than 23 kg gross weight of canned sports fish may be processed in the Southern Lakes District or the Rotorua District.

Regulation 37 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 37: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 37 proviso: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 37 proviso: amended, on 19 September 1985, by regulation 4 of the Freshwater Fisheries Regulations 1983, Amendment No 3 (SR 1985/222).

**38 Maximum daily quantity for transport of canned sports fish**

No person shall post or consign or cause to be conveyed by land, water, or air on any one day a quantity of canned sports fish exceeding in aggregate weight of cans and contents 23 kg.

Regulation 38 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 38: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

**39 Possession of canned sports fish**

Any canned sports fish shall be deemed to be in possession of the person whose name and licence number are painted or engraved on the can while that person is in any launch or motor vehicle in which the can is found or in any dwellinghouse, hut, tent, encampment, or caravan of which that person is the sole occupant or one of the occupants.

Regulation 39 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 39: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

#### 40 No canned sports fish in public eating house

No manager or person in charge of any hotel, boardinghouse, or restaurant shall serve, allow, or cause to be served, or in any way supply to any guest of that hotel, boardinghouse, or restaurant any meal consisting wholly or in part of canned sports fish.

Regulation 40 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 40: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

### Part 6 Fish passage

Part 6 heading: substituted, on 19 October 1984, by regulation 3(2) of the Freshwater Fisheries Regulations 1983, Amendment No 1 (SR 1984/259).

#### 41 Scope

- (1) This Part shall apply to every dam or diversion structure in any natural river, stream, or water.
- (2) For the purposes of these regulations **dam or diversion structure** shall not include—
  - (a) any net, trap, or structure erected and used solely for the purpose of taking or holding fish in accordance with the provisions of the Act, or of these regulations:
  - (b) any dam constructed on dry or swampy land or ephemeral water courses for the express purpose of watering domestic stock or providing habitat for water birds:
  - (c) any water diversion not being incorporated into or with a dam, that is solely and reasonably required for domestic needs or for the purposes of watering domestic stock and that empties, without dead ends, into any viable fish habitat:
  - (d) any structure authorised by a Regional Water Board not requiring a water right that in no way impedes the passage of fish.
- (3) For the purposes of this Part, the term **occupier** includes the owner of any land when there is no apparent occupier; and also includes any person doing any work by contract for the occupier.

#### **42 Culverts and fords**

- (1) Notwithstanding regulation 41(2)(d), no person shall construct any culvert or ford in any natural river, stream, or water in such a way that the passage of fish would be impeded, without the written approval of the Director-General incorporating such conditions as the Director-General thinks appropriate.
- (2) The occupier of any land shall maintain any culvert or ford in any natural river, stream, or water (including the bed of any such natural river, stream, or water in the vicinity of the culvert or ford) in such a way as to allow the free passage of fish:

provided that this requirement shall cease if the culvert or ford is completely removed or a written exemption has been given by the Director-General.

#### **43 Dams and diversion structures**

- (1) The Director-General may require that any dam or diversion structure proposed to be built include a fish facility:  
provided that this requirement shall not apply to any dam or diversion structure subject to a water right issued under the provisions of the Water and Soil Conservation Act 1967 prior to 1 January 1984.
- (2) Any person proposing to build such a dam or diversion structure shall notify the Director-General and forward a submission seeking the Director-General's approval or dispensation from the requirements of these regulations, shall supply to the Director-General such information as is reasonably required by the Director-General to assist him in deciding his requirements (including plans and specifications of the proposed structure and any proposed fish facility).
- (3) Should the Director-General consider that the information supplied is inadequate, he shall, within 28 days, advise the applicant as to what further information is required.

#### **44 Requirement for a fish facility**

- (1) If, in the opinion of the Director-General, a fish facility is required or dispensation from such a requirement is acceptable, the Director-General shall as soon as practical but in no case longer than 6 months if a fish facility is required from the date of receiving all information required, or 3 months where a fish facility is not required from the date of receiving all information required, forward his written requirement or dispensation to whomsoever made the submission.
- (2) Where in the opinion of the Director-General a fish facility is required he shall specify what is required to enable fish to pass or stop the passage of fish, and while not limiting this general requirement may specify—
  - (a) the type, general dimensions, and general design of any fish pass to be utilised:

- (b) the type, general dimensions, general design, and placement of any fish screen utilised.
- (3) Subject to the Resource Management Act 1991 and any determination under that Act, the Director-General may specify—
  - (a) the type and placement of any water intake to be utilised where fish screens are not required:
  - (b) the flow of water through any fish pass and the periods of the day and year when the pass must be operational:
  - (c) the volume, velocity, and placement of additional water to attract migrating fish to any fish pass:
  - (d) the type and scope of any remedial works in connection with any fish screen or fish pass to enable fish to approach the structure or to be returned to the normal course of the water channel:
  - (e) the volume or relative proportion of water that shall remain downstream of any dam or diversion structure and the period of day or year that such water flows shall be provided.
- (4) Every approval given by the Director-General shall expire 3 years from the date of issue if the construction of the dam or diversion structure is not completed, or such longer time as he may allow.
- (5) The manager of every dam or diversion structure in connection with which a fish facility is provided shall at all times keep such fish facility in good and satisfactory repair and order, so that fish may freely pass and return at all times or are prevented from passing as specified under these regulations.

Regulation 44(3): amended, on 1 October 1991, pursuant to section 361(1) of the Resource Management Act 1991 (1991 No 69).

#### **45 Adequate water**

The manager of every dam or diversion structure in connection with which a fish facility is provided shall, subject to the Resource Management Act 1991 and any relevant determination under that Act, maintain a flow of water through or past such fish facility sufficient in quantity to allow the facility to function as specified at all times or periods specified; but no person shall be liable for a breach of this regulation due to drought, flood, or other sources beyond his control if the default is made good as soon as reasonably possible.

Regulation 45: amended, on 1 October 1991, pursuant to section 361(1) of the Resource Management Act 1991 (1991 No 69).

#### **46 Required maintenance or repair**

The Director-General may serve notice in writing to the manager of any fish facility notifying him of any defects or want of repair in such fish facility and

requiring him within a reasonable time to be therein prescribed to remove any defect or make such repairs as may be required:

provided that nothing in this regulation shall affect the liability of a manager under regulation 44.

**47 Damage**

No person shall wilfully injure or damage any fish facility.

**48 Alterations**

No person shall, without the written consent of the Director-General, make a structural alteration in any fish facility.

**49 Inspection of fish facilities**

Any officer may at all reasonable times enter upon any fish facility and upon any remedial works or upon the land bordering such fish facility or remedial works for the purpose of their inspection.

**50 Protection of fish**

No person, other than an officer acting in his official capacity, shall take or attempt to take any fish on its passage through a fish facility, or place any obstruction therein or within a radius of 50 m of any point of a fish facility, or shall within a radius of 50 m of any point of a fish facility use any contrivance whereby fish may be impeded in any way in freely entering or passing through or passing by a fish facility except as may be provided by the Director-General in writing to the manager of the fish facility.

## **Part 7**

### **Use of electric fishing machines**

Part 7: substituted, on 1 August 1993, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 14 (SR 1993/153).

**51 Authority required for use of electric fishing machines**

- (1) Except as provided in subclause (2), no person shall use an electric fishing machine for the taking of freshwater fish except with—
  - (a) a written authority issued by the Fish and Game Council for the fish and game region in which the waters fished are situated; and
  - (b) a written authority issued by the Director-General.
- (2) Subclause (1) shall not apply to—
  - (a) an employee of a Fish and Game Council who uses an electric fishing machine in waters within the region of the Council pursuant to an authority issued by the Council; or

- (b) an officer or employee of the Department of Conservation authorised by the Director-General to use an electric fishing machine.
- (3) The Fish and Game Council and the Director-General, respectively,—
  - (a) may issue an authority under subclause (1) on such conditions as may be specified in the authority; and
  - (b) may, at any time, in writing vary any of the conditions of the authority.
- (4) Every person who holds an authority under subclause (1) shall comply with the conditions imposed under subclause (3).
- (5) The Fish and Game Council may withdraw an authority issued by the Council and the Director-General may withdraw an authority issued by him or her, under subclause (1), where the holder breaches any condition imposed under subclause (3).
- (6) Every withdrawal of an authority shall be notified in writing to the holder of the authority.
- (7) Any person may appeal to the Minister—
  - (a) against a refusal by the Fish and Game Council to issue an authority under subclause (1)(a); or
  - (b) against a refusal by the Director-General to issue an authority under subclause (1)(b); or
  - (c) against the imposition by the Director-General or the Fish and Game Council, in accordance with subclause (3)(a), of any conditions of an authority; or
  - (d) against the variation by the Director-General or the Fish and Game Council, in accordance with subclause (3)(b), of any conditions of an authority; or
  - (e) against the withdrawal by the Director-General or the Fish and Game Council of any authority issued under subclause (1),—and the Minister may confirm, modify, or reverse the decision.

Regulation 51: substituted, on 1 August 1993, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 14 (SR 1993/153).

Regulation 51(7): substituted, on 1 October 1995, by regulation 5 of the Freshwater Fisheries Regulations 1983, Amendment No 18 (SR 1995/178).

## 52 Operation of electric fishing machines

*[Revoked]*

Regulation 52: revoked, on 1 August 1993, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 14 (SR 1993/153).

**53 Authorised use of electric fishing machines**

*[Revoked]*

Regulation 53: revoked, on 1 August 1993, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 14 (SR 1993/153).

**54 Certificates of approval of electric fishing machines**

*[Revoked]*

Regulation 54: revoked, on 1 August 1993, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 14 (SR 1993/153).

**55 Marking of electric fishing machines**

*[Revoked]*

Regulation 55: revoked, on 1 August 1993, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 14 (SR 1993/153).

**56 Certificates to be carried and produced**

*[Revoked]*

Regulation 56: revoked, on 1 August 1993, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 14 (SR 1993/153).

**57 Amendment, etc, of certificates**

*[Revoked]*

Regulation 57: revoked, on 1 August 1993, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 14 (SR 1993/153).

**Part 7A**

**Fishing competitions relating to sports fish**

Part 7A: inserted, on 27 September 1990, by regulation 5 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

**57A Fishing competitions require approval of Fish and Game Council**

No fishing competition in respect of sports fish shall be held unless it has been approved in writing by the Fish and Game Council having jurisdiction over the waters concerned.

Regulation 57A: inserted, on 27 September 1990, by regulation 5 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

**57B Applications**

- (1) Every application for approval of a fishing competition shall specify the following particulars:
  - (a) the water or waters in respect of which it is proposed to hold the competition:
  - (b) the dates on which the competition will be held:
  - (c) the anticipated number of entrants:

- (d) the classes, and respective fees (if any), of entry:
  - (e) the categories of competition for which prizes will be offered:
  - (f) the kinds and values of prizes to be offered:
  - (g) details of procedures to be followed by the applicant to ensure that all entrants hold a current fishing licence and are aware of the provisions of the relevant District Anglers Notice:
  - (h) details of the kind of catch or scientific data (if any) to be collected during the competition and provided to the Fish and Game Council:
  - (i) details of proposed actions (if any) to be taken by the applicant to reduce the impact of the competition on fish stocks or the habitat:
  - (j) the rules of the competition:
  - (k) the purposes for which any profits are proposed to be used.
- (2) Every Fish and Game Council shall notify the Director-General of each application it receives under this Part.

Regulation 57B: inserted, on 27 September 1990, by regulation 5 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

#### **57C Matters to be considered by Council**

In considering an application under this Part, a Fish and Game Council shall have regard to the following:

- (a) any sports fish and game management plans approved for its region under section 17M of the Act:
- (b) any relevant national policy of the New Zealand Fish and Game Council and any relevant general policy that has been approved under the Act:
- (c) the potential for any significant impact on the sports fishery or the habitat, and on the recreational opportunities for anglers:
- (d) any views expressed in writing by the Director-General, or his or her nominee.

Regulation 57C: inserted, on 27 September 1990, by regulation 5 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

#### **57D Powers of Council**

- (1) A Fish and Game Council may—
- (a) approve an application under this Part:
  - (b) require an application to be modified to include such provisions as the Council considers necessary or desirable for the management or protection of the fishery or habitat:
  - (c) decline an application.
- (2) If a Council declines an application, it shall give to the applicant in writing the reasons for its decision.



- (3) Any applicant may appeal to the New Zealand Fish and Game Council against a decision of a Fish and Game Council to decline the applicant's application; and the New Zealand Fish and Game Council may confirm, modify, or reverse the decision appealed against.

Regulation 57D: inserted, on 27 September 1990, by regulation 5 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

**57E Holders to comply with provisions of approval**

- (1) Every person who holds an approved fishing competition under this Part shall, so far as is practicable, comply with the provisions of the application in respect of which the approval has been given.
- (2) A Fish and Game Council may revoke its approval of an application if the holder fails to comply with subclause (1).

Regulation 57E: inserted, on 27 September 1990, by regulation 5 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

**57F Rental**

Where a Fish and Game Council approves a fishing competition under this Part and an entrance fee is charged by the holder, the holder shall be liable to pay to the Council a rental of \$40, plus \$5 for each participant aged 16 years or over and \$2 for each participant aged under 16 years.

Regulation 57F: inserted, on 27 September 1990, by regulation 5 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

## **Part 8 Management**

**58 Authorised introduction of indigenous or exotic species**

No person or Fish and Game Council within the meaning of the Conservation Act 1987 shall, without the written authority in that behalf of the Director-General, place, liberate, or introduce into any lake, river, or stream any indigenous or exotic species of mollusca, crustacea, protozoa, insecta, or of annelid, nematode, platyhelminth worm, or oligochaete worm.

Regulation 58: amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 58: amended, on 19 September 1985, by regulation 8 of the Freshwater Fisheries Regulations 1983, Amendment No 3 (SR 1985/222).

**59 Restricted authority to liberate fish or ova**

No person shall liberate any fish or fish ova of any description whatever in the waters of any lake, river, or stream within any area of jurisdiction of the Fish and Game Council for that area without the prior written consent of the Fish and Game Council within the meaning of the Conservation Act 1987 of that area.

Regulation 59: amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 59: amended, on 10 April 1990, pursuant to section 39(1)(c) of the Conservation Law Reform Act 1990 (1990 No 31).

## **60 General authority to liberate fish or ova**

No person shall liberate any fish or fish ova of any description whatever in the waters of any lake, river, or stream, not being part of an area of jurisdiction of the Fish and Game Council for that area, without the prior written consent of the Director-General.

Regulation 60: amended, on 10 April 1990, pursuant to section 39(1)(c) of the Conservation Law Reform Act 1990 (1990 No 31).

## **61 Restricted authority to introduce indigenous or exotic fish or ova**

- (1) No person or Fish and Game Council within the meaning of the Conservation Act 1987 shall, without the written authority of the Director-General, place, liberate, or introduce into any lake, river, or stream any fish or fish ova of any species whatsoever which the person or Council cannot show to the satisfaction of the Director-General to be already present in that lake, river, or stream.
- (2) For the purposes of this regulation, that portion of any river or stream above any waterfall or dam shall be deemed to be a separate river or stream from that portion of the river or stream below the waterfall or dam.

Regulation 61(1): amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

## **62 Transfer of sports fish**

- (1) Notwithstanding regulation 61 no person shall, without the written authority of the Director-General, transfer any sports fish or fish ova from any lake, river, or stream of any catchment and place, liberate, or introduce such sports fish or fish ova into any lake, river, or stream of any other catchment.
- (2) For the purposes of this regulation any lake, river, or stream that is permanently interconnected by an artificial waterway, that provides passage for fish, shall be deemed to be part of the same catchment:

provided that the Director-General shall not authorise such transfers of fish or fish ova without the written agreement of the Fish and Game Council or Councils within the meaning of the Conservation Act 1987 that administer the waters of the catchment into which the transfer is to be made.

Regulation 62 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 62(1): amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 62(1): amended, on 19 September 1985, by regulation 9 of the Freshwater Fisheries Regulations 1983, Amendment No 3 (SR 1985/222).

Regulation 62(2) proviso: amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

### **63 Transfer of live aquatic life**

- (1) No person shall, without the written authority of the Director-General, transfer any live freshwater aquatic life from any island being part of New Zealand to any other island being part of New Zealand.
- (2) The Director-General shall not give his authority for any transfer involving sports fish or fish ova that are to be placed, liberated, or introduced into any lake, river, or stream without the written agreement of the Fish and Game Council or Councils within the meaning of the Conservation Act 1987 that administer the waters of the catchment into which the transfer is to be made.
- (3) Nothing in this regulation shall apply to the transfer of any ornamental tropical fish or goldfish that has been bred and kept only in an artificial aquarium or artificial pond.

Regulation 63: substituted, on 19 September 1985, by regulation 10 of the Freshwater Fisheries Regulations 1983, Amendment No 3 (SR 1985/222).

Regulation 63(2): amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 63(2): amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 63(3): added, on 22 August 1986, by regulation 3 of the Freshwater Fisheries Regulations 1983, Amendment No 4 (SR 1986/197).

### **64 No unauthorised catching or keeping of certain fish**

No person shall, except with the prior consent in writing of the Fish and Game Council within the meaning of the Conservation Act 1987 for the district within which it is proposed to catch or keep the fish and except in compliance with such conditions as the Council may lay down—

- (a) obtain or keep in captivity any live sports fish or any mosquito fish (*Gambusia affinis*).
- (b) *[Revoked]*

Regulation 64: amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 64(a): amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 64(a): amended, on 22 August 1986, by regulation 4(a) of the Freshwater Fisheries Regulations 1983, Amendment No 4 (SR 1986/197).

Regulation 64(b): revoked, on 22 August 1986, by regulation 4(b) of the Freshwater Fisheries Regulations 1983, Amendment No 4 (SR 1986/197).

### **65 Control of noxious fish**

- (1) Subject to subclause (2) and to Part 8A, no person shall have in his possession or under his control, or rear, raise, hatch, or consign any of those species (including subspecies, hybrids, and variations of those species) specified in Schedule 3 (in this regulation referred to as noxious fish).

- (2) The Director-General may authorise in writing any person to have in his possession any noxious fish. Any such authorisation may contain such conditions as the Director-General considers necessary and any such conditions may be varied in writing at any time.
- (3) Every authority under this regulation may be revoked by the Director-General at any time and, upon revocation, the species of noxious fish the subject of the authority may, after 24 hours notice given to the holder of the revoked authority, be taken without payment or other compensation by an officer authorised in that behalf and destroyed or otherwise dealt with in such manner as the Director-General may direct.

Regulation 65(1): amended, on 27 September 1990, by regulation 6 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

#### **66 No fish refuse on banks**

No person shall leave any fish, or any cleanings or offal from fish, lying unburied on the bank or margin of any waters.

#### **67 Possession of mounted specimens**

Notwithstanding any provision of these regulations, it shall be lawful for any person to be in possession of any mounted specimen of sports fish, and for any Fish and Game Council within the meaning of the Conservation Act 1987, museum, university, research institution, or fisheries research worker at any time to be in possession of any sports fish whether fresh or preserved.

Regulation 67: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 67: amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

## **Part 8A**

### **European carp, Japanese koi**

Part 8A: inserted, on 27 September 1990, by regulation 7 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

#### **67A Licences to harvest fish**

- (1) The Director-General may issue licences authorising the harvesting of European carp or Japanese koi (*Cyprinus carpio*), and any subspecies, hybrids, and variations of that species.
- (2) The holder of a current licence issued under this regulation shall, subject to subclause (3) and to the Fisheries Act 1983 and the Act, be entitled to do all or any of the following:
  - (a) take European carp or Japanese koi from the waters of the containment area specified in the licence, or from such of those waters as may be so specified:

- (b) transfer such fish to any processing plant:
  - (c) process such fish:
  - (d) sell the flesh of such fish.
- (3) Every licence issued under this regulation shall be subject to such conditions as the Director-General thinks fit to impose.
  - (4) Every licence issued under this regulation may be revoked by the Director-General at any time and, upon revocation, any fish taken under the licence may, after 24 hours notice given to the holder of the revoked licence, be taken without payment or other compensation by an officer authorised in that behalf and destroyed or otherwise dealt with in such manner as the Director-General may direct.
  - (5) If the Director-General revokes a licence issued under this regulation, he or she shall give to the holder in writing the reasons for his or her decision.
  - (6) The holder may appeal to the Minister against a decision of the Director-General to revoke the holder's licence; and the Minister may confirm, modify, or reverse the decision appealed against.
  - (7) Nothing in regulation 65 shall apply to anything authorised under this regulation.

Regulation 67A: inserted, on 27 September 1990, by regulation 7 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

#### **67B Recreational fishing**

- (1) Subject to such conditions as may be specified in the notice given in respect of the waters under regulation 67C, any person may take any European carp or Japanese koi from the waters of any containment area if the fish is taken for subsistence or personal use only.
- (2) All fish taken in accordance with subclause (1) shall be immediately killed by the person who has taken the fish.

Regulation 67B: inserted, on 27 September 1990, by regulation 7 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

#### **67C Containment areas to be established**

The Director-General, by notice in the *Gazette*,—

- (a) shall establish and describe containment areas for the purposes of this Part:
- (b) may specify conditions applicable in respect of the taking of European carp or Japanese koi from any containment area:
- (c) may specify the waters of any containment area from which such fish may be taken:
- (d) may specify the purposes for which such fish may be taken from any specified waters of any containment area:

- (e) may prohibit the taking of such fish from any specified waters of any containment area.

Regulation 67C: inserted, on 27 September 1990, by regulation 7 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

## **Part 9**

### **Faunistic reserves**

#### **68 Faunistic reserves**

The Minister may from time to time, by notice in the *Gazette*, declare any water or waters to be a faunistic reserve, whereupon in respect of any such water so declared, in addition to restrictions on the transfer to and release into waters of fish and other forms of aquatic life imposed by these regulations, it shall be unlawful for any person without the consent in writing of the Director-General, given solely for purposes of scientific investigation,—

- (a) to take, injure, or kill any fish or any form of live aquatic mollusca, crustacea, protozoa, insecta, or worms:
- (b) to be in possession of any fish or any form of aquatic mollusca, crustacea, protozoa, insecta, or worms taken from that water:
- (c) to introduce or plant any form of aquatic plant.

## **Part 10**

### **Indigenous fish**

#### **69 No taking of grayling**

No person shall intentionally fish for, take, or kill grayling or fish of the genus *Prototroctes*, and any person unintentionally taking or killing any grayling or any such fish shall forthwith convey or cause it to be conveyed to an officer of the Fish and Game Council within the meaning of the Conservation Act 1987 for the district within which the grayling was killed, and shall give to that officer full particulars of the time and place of the capture of the grayling.

Regulation 69: amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

#### **70 No killing of indigenous fish**

- (1) No person shall in any water intentionally kill or destroy indigenous fish.
- (2) No person, having taken indigenous fish from any water, shall leave the fish upon the bank or shore of any stream or lake, except where such indigenous fish is used in accordance with any provisions of a District Anglers Notice relating to lures.

## 71 Taking of indigenous fish

Nothing in regulation 70 shall be construed as a restriction on the taking of whitebait, or eels, or other indigenous fish for the purposes of scientific research or for purposes of human consumption, or as affecting the operation of any other regulations which restrict the taking of any indigenous fish:

provided that no person shall sell or trade or have in his possession for the purposes of sale or trade any freshwater crayfish or koura (*Paranephrops* sp.)

## Part 11 Offences, defences, and penalties

### 72 Offences and penalties

- (1) Every person who commits an offence against these regulations for which no penalty is provided elsewhere than in this regulation is liable on conviction to a fine not exceeding \$5,000.
- (2) Every person commits an offence against these regulations who contravenes, or fails to comply with, any of regulations 20, 21, 22, 24 to 38, 40, 42, 43(2), 44(5), 45, 47, 48, 50, 51(1), 51(4), 57A, 57E(1), 58 to 66, 67B(2), and 68 to 71.
- (3) Every person commits an offence against these regulations who fails to comply with any requirement made by the Director-General under regulation 43(1) or regulation 44(1).
- (4) Every person commits an offence against these regulations who contravenes, or fails to comply with, any conditions imposed under regulation 67A or regulation 67C.

Regulation 72(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Regulation 72(2): added, on 27 September 1990, by regulation 8 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

Regulation 72(2): amended, on 1 August 1993, by regulation 3 of the Freshwater Fisheries Regulations 1983, Amendment No 14 (SR 1993/153).

Regulation 72(3): added, on 27 September 1990, by regulation 8 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

Regulation 72(4): added, on 27 September 1990, by regulation 8 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

### 73 Defences

- (1) It shall be a defence to any person charged with taking or having in possession any fish in breach of these regulations if such person proves that on taking the same, he is in the act of immediately returning it to the water from where it was taken, with as little injury as possible.
- (2) Where any person is charged with being unlawfully in possession of more than the maximum number of fish as specified by these regulations or in a District Anglers Notice, it shall be a defence if he shows beyond reasonable doubt that

the number of fish in his possession in excess of the maximum permitted number was not taken in breach of these regulations.

## **Part 12**

### **Savings**

#### **74 Savings**

- (1) All licences and generally all acts of authority, documents, matters, acts, and things which originated under any regulations revoked by the Act and which are of continuing effect at the time of the commencement of these regulations shall enure for the purposes of these regulations as if they had originated under the corresponding provisions of these regulations, and shall, where necessary, be deemed to have so originated, and all local regulations made under the Act or any other authority in that behalf shall until revoked continue to have the same force and effect as they would have had had these regulations not been made.
- (2) All matters and proceedings commenced under any of the regulations hereby revoked, and pending or in progress at the commencement of these regulations, may be continued, completed, and enforced under these regulations.



## Schedule 1

r 2(1)

For the purposes of the Act and these regulations, **sports fish** means—

- (a) Brown trout (*Salmo trutta*):
- (b) Rainbow trout (*Oncorhynchus mykiss*, formerly known as *Salmo gairdneri*):
- (c) American brook trout or char (*Salvelinus fontinalis*):
- (d) Lake trout or char (*Salvelinus namaycush*):
- (e) Atlantic salmon (*Salmo salar*):
- (f) Quinnat or chinook salmon (*Oncorhynchus tshawytscha*):
- (g) Sockeye salmon (*Oncorhynchus nerka*):
- (h) Perch (*Perca fluviatilis*):
- (i) Tench (*Tinca tinca*):
- (j) Rudd (*Scardinius erythrophthalmus*) found or taken in the area of jurisdiction of the Fish and Game Council for Auckland—

and includes any hybrid and the young, fry, ova, and spawn, and any part of any such fish; but does not include salmon preserved in cans and imported into New Zealand.

Schedule 1: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Schedule 1: amended, on 19 September 1985, by regulation 11 of the Freshwater Fisheries Regulations 1983, Amendment No 3 (SR 1985/222).

Schedule 1 paragraph (b): substituted, on 27 September 1990, by regulation 9 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

Schedule 1 paragraph (j): added, on 22 August 1986, by regulation 5(1) of the Freshwater Fisheries Regulations 1983, Amendment No 4 (SR 1986/197).

Schedule 1 paragraph (j): amended, on 10 April 1990, pursuant to section 39(1)(c) of the Conservation Law Reform Act 1990 (1990 No 31).

## Schedule 2

### Licences and fees

[Revoked]

Schedule 2: revoked, on 1 October 1997, by regulation 6(a) of the Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176).

### Schedule 3

#### Species of noxious fish

r 65

<b>Scientific Name</b>	<b>Common Name</b>
<i>Clarias batrachus</i>	Walking catfish
<i>Cyprinus carpio</i>	Live European carp, live Japanese koi (including their live or viable eggs, milt, and ova)
<i>Esox lucius</i>	Pike
<i>Pygocentrus</i> spp.	Piranha
<i>Rooseveltiella</i> spp.	Piranha
<i>Serrasalmus</i> spp.	Piranha
<i>Scardinius erythrophthalmus</i>	Rudd (other than within the area of jurisdiction of the Fish and Game Council for Auckland)
<i>Tilapia</i> spp.	Tilapia
<i>Sarotherodon</i> spp.	Tilapia

Schedule 3 *Cyprinus carpio*: amended, on 27 September 1990, by regulation 10 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

Schedule 3 *Scardinius erythrophthalmus*: amended, on 10 April 1990, pursuant to section 39(1)(c) of the Conservation Law Reform Act 1990 (1990 No 31).

Schedule 3 *Scardinius erythrophthalmus*: amended, on 22 August 1986, by regulation 5(2) of the Freshwater Fisheries Regulations 1983, Amendment No 4 (SR 1986/197).

P G Millen,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 21 December 1983.

## Reprints notes

### 1 *General*

This is a reprint of the Freshwater Fisheries Regulations 1983 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### 2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### 3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### 4 *Amendments incorporated in this reprint*

Freshwater Fisheries Amendment Regulations 2016 (LI 2016/81)  
Criminal Procedure Act 2011 (2011 No 81): section 413  
Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176)  
Freshwater Fisheries Regulations 1983, Amendment No 18 (SR 1995/178)  
Freshwater Fisheries Regulations 1983, Amendment No 14 (SR 1993/153)  
Resource Management Act 1991 (1991 No 69): section 361(1)  
Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209)  
Freshwater Fisheries Regulations 1983, Amendment No 8 (SR 1990/136)  
Conservation Law Reform Act 1990 (1990 No 31): section 39(1)  
Freshwater Fisheries Regulations 1983, Amendment No 6 (SR 1988/122)  
Conservation Act 1987 (1987 No 65): section 65(3)  
Freshwater Fisheries Regulations 1983, Amendment No 4 (SR 1986/197)  
Freshwater Fisheries Regulations 1983, Amendment No 3 (SR 1985/222)  
Freshwater Fisheries Regulations 1983, Amendment No 1 (SR 1984/259)