

Version  
as at 28 October 2021



## Rotoaira Trout Fishing Regulations 1979 (SR 1979/38)

Keith Holyoake, Governor-General

### Order in Council

At the Government Buildings at Wellington this 5th day of March 1979

Present:

The Right Hon B E Talboys presiding in Council

Pursuant to Part 1 of the Maori Purposes Act 1959 (as amended by sections 9 and 10 of the Maori Purposes Act 1977), His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**These regulations are administered by Te Puni Kōkiri.**

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## **Regulations**

### **1 Title and commencement**

- (1) These regulations may be cited as the Rotoaira Trout Fishing Regulations 1979.
- (2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

### **2 Interpretation**

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

**Act** means Part 1 of the Maori Purposes Act 1959 (as amended by sections 9 and 10 of the Maori Purposes Act 1977)

**adjoining waters forming part of the Lake** means—

- (a) the Poutu inflow, being the water between Lake Rotoaira and the Poutu Dam; and
- (b) the waters forming part of the Wairehu Canal for a distance of approximately 685 metres from Lake Rotoaira to the first hurdle; and
- (c) the waters between Lake Rotoaira and the Tokaanu intake tunnel; and
- (d) the waters that from time to time cover lands adjoining Lake Rotoaira resulting from any rise in the level of the lake

**canning**, in relation to trout, includes the preservation of trout in sealed cans or jars; and **can** has a corresponding meaning

**close season** means the portion of any year which is not included in the open season

**commercial smokehouse** means any smokehouse in respect of which a fee is charged for the smoking of trout, or any smokehouse available with or without additional charge to the paying guests of any angling camp, angling lodge, or boardinghouse; and includes any fish-preparation room, salting room, or drying room adjacent to or forming part of a smokehouse

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

**entry permit** means an entry permit issued by or on behalf of the Trustees under section 4 of the Act

**the Lake** means the body of water known as Lake Rotoaira; and includes the adjoining waters forming part of the Lake

**landmark** means a black and yellow post

**licence** or **trout-fishing licence** means a current licence to fish for trout issued under the Taupo Trout Fishing Regulations 1971 (SR 1971/66)

**open season** means 1 September in any year to 30 June in the year next following (both days inclusive)

**permit holder** includes any person to whom a permit has been issued, notwithstanding the expiration or other determination of the permit

**permit officer** means any person duly appointed in manner hereinafter provided to issue entry permits

**the Rotoaira Trust** means the trust created by the Maori Land Court on 6 December 1956 in respect of Lake Rotoaira

**stipendiary ranger** means an employee of the Ministry of Agriculture and Fisheries or Department of Internal Affairs who holds a warrant of appointment as an officer under section 79 of the Fisheries Act 1908 or as a ranger under the Wildlife Act 1953

**the Trustees** means the Trustees of Lake Rotoaira appointed by the Maori Land Court on 6 December 1956, pursuant to section 438 of the Maori Affairs Act 1953; and includes their successors; and also includes the committee of management of any body corporate incorporated under Part 22 of that Act to which the powers and duties of the Trustees may at any time be assigned

**warden** means a warden appointed by the Trustees under section 7 of the Act.

- (2) For the purposes of these regulations, a person who is fishing shall be deemed to be fishing both at the place where he is fishing and also at any place reached by his line or lure.
- (3) For the purposes of these regulations, any fish in the possession of any person in the near vicinity of the Lake shall be deemed to have been taken from the Lake unless the contrary is proved.

### **3 Application of regulations**

Except where these regulations otherwise provide or the context otherwise requires, these regulations shall apply only with respect to the Lake and to any fish in or taken or deemed to have been taken from the Lake.

## **Part 1 Entry permits**

### **4 Issue of entry permit**

Subject to these regulations, the Trustees shall have complete discretion as to the issue of entry permits entitling the holders thereof to enter in and upon the Lake and to fish for or take trout or other fish of any kind in or from the Lake.

### **5 Permit officers**

The following persons shall be permit officers for the purposes of these regulations, namely:

- (a) any Trustee;
- (b) any other person appointed in writing by the Trustees to be a permit officer.

### **6 Applications for entry permit**

- (1) Applications for entry permits shall be made personally or in writing to a permit officer, and shall state the period for which the permit is desired and shall be accompanied by the amount of the fee payable for the permit for the period for which the permit is desired.
- (2) Where entry is required for the purposes of fishing, there shall be produced together with the application the current trout-fishing licence issued to the person by whom or on whose behalf application for the entry permit is made.

## **7 Kinds of entry permits**

- (1) Entry permits shall be of 4 kinds, namely:
  - (a) annual entry permits, having a currency for the full period of 12 months from and including the date on which the permit is granted:
  - (b) monthly entry permits, having a currency of 1 calendar month from and including the date on which the permit is granted:
  - (c) weekly entry permits, having a currency for the week in respect of which the entry permit is granted. For the purposes of this paragraph a week shall be deemed to commence at the time and on the day of issue and to end at the same time on the same day on the following week:
  - (d) daily entry permits, having a currency for the day specified in the permit.
- (2) Notwithstanding anything in subclause (1), the Trustees may at any time issue or cause to be issued permits covering periods other than those specified in that subclause.

## **8 Fees for entry permits**

*[Revoked]*

Regulation 8: revoked, on 28 October 2021, by regulation 140 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

## **9 Form of entry permit**

- (1) Every entry permit shall be issued under the hand of a permit officer and shall set out the period for which the permit is granted.
- (2) Every entry permit for the purposes of fishing shall generally be in form 1 of the Schedule.
- (3) Every entry permit for purposes other than fishing shall generally be in form 2 of the Schedule.
- (4) No entry permit shall have any effect or validity until the holder thereof has verified it by signing his usual signature clearly and legibly in the space provided for the purpose on the permit.
- (5) Where the form or scope of an entry permit is altered during the currency of a permit already issued, that existing permit may be revoked in the manner provided in regulation 12 and a new permit in the new form issued in substitution.

## **10 Permit not transferable**

No entry permit shall be transferable, and no person shall assign, transfer, or make over to any other person any entry permit, or any rights conferred upon him by any entry permit.

**11 Permit to be produced**

Every holder of an entry permit shall on demand produce his permit to the Trustees or any of them or to any warden, stipendiary ranger, constable, officer of the Department of Internal Affairs, or permit officer.

**12 Revocation of permit**

Where, pursuant to section 4(5)(c) of the Act, any entry permit is revoked, notice in writing of the revocation, signed by a Trustee or warden or permit officer, shall be given to the holder of the permit, and the notice may be served either by delivering it to the holder personally or by forwarding it by registered post addressed to the holder at his usual or last known place of abode in New Zealand, and upon service of the notice the entry permit shall become void and of no effect.

**13 Permit holder liable for damage caused by breach of conditions**

Every entry permit holder shall, without affecting any liability he may have incurred for a breach of these regulations, be liable for any damage suffered by any person through the breach.

**14 Evidence of permit**

The production of a duplicate copy of an entry permit signed by a permit officer shall, until the contrary is proved, be sufficient evidence that the entry permit was duly issued to the person named therein and that that person thereupon became a permit holder within the meaning of these regulations.

**15 Refund of permit fees**

If through no fault of his own a person who has paid the prescribed fee for an entry permit is unable to use the permit, or in any case in which there are special circumstances which in the opinion of the Trustees render a refund of the fee advisable, the Trustees may, in their absolute discretion, refund the fee or part thereof to that person. In that event that person shall, before the refund is made, surrender the permit to the Trustees.

**16 Replacement of lost or mutilated permit**

If any person to whom an entry permit has been issued under these regulations proves to the satisfaction of the Trustees or their appointee, by such evidence as the Trustees or their appointee require, that the entry permit or copy of the entry permit has been lost or mutilated or has become illegible, then, on payment of a fee prescribed by the Trustees, he may at any time during the currency of the permit obtain from the Trustees or their appointee a copy of the permit certified as being a true copy, and that copy shall be available for all purposes for which the original permit could have been available under the Act and these regulations.

**17 Rights of permit holders**

- (1) The holder of an entry permit for the time being in force shall be entitled to enter and remain in or upon the Lake for the purposes specified in the permit.
- (2) Subject to the Act and to these regulations, the holder of an entry permit for the time being in force authorising him to enter on the Lake for the purpose of fishing who is also the holder of a trout-fishing licence for the time being in force shall be entitled to fish for and take trout in the Lake within the open season during or in respect of which the permit is issued between the first and last days set out in the permit (both days inclusive) or, in the case of a daily permit, on the day set out in the permit.
- (3) Every entry permit shall be subject to the special limits and restrictions set out in these regulations or otherwise imposed by law, and, notwithstanding the terms of any permit, the holder shall not be authorised to fish in the Lake during the close season.
- (4) Nothing in subclause (2) shall authorise the holder of an entry permit to fish for trout in the Lake in any period during which fishing has been lawfully prohibited pursuant to regulation 30.

**18 Tagged trout**

- (1) Any angler taking any trout from the Lake bearing a tag or distinguishing device shall either cause the trout and tag or device to be delivered to the Conservator of Wildlife at Rotorua or to a ranger under the Taupo Trout Fishing Regulations 1971 (SR 1971/66), or shall forthwith deliver to the Conservator of Wildlife at Rotorua or to such a ranger full particulars in writing of the tag or distinguishing device, the place where and the date when the fish was taken, and, if it is reasonably possible so to do, the weight and length of the fish.
- (2) No person shall mark any living trout by attaching thereto a tag or other distinguishing device or by clipping or removing a fin or fins, except with the written consent of the Conservator of Wildlife at Rotorua.

**19 Anglers to give name and address, and produce permit, etc**

- (1) Every person fishing for trout or in possession of fishing gear in or in the near vicinity of the Lake shall, on demand of any Trustee, warden, stipendiary ranger, or constable, or of any person producing a current entry permit, give his true name and place of residence, and, on the like demand, produce and show to any such Trustee, warden, stipendiary ranger, constable, or person his entry permit and trout-fishing licence, and the contents of his creel or bag and any lure or bait in his possession.
- (2) The holder of a current entry permit when fishing for trout in the Lake or in possession in or in the near vicinity of any such place of an assembled fishing rod or gear suitable for fishing for trout shall, on demand of any Trustee, warden, stipendiary ranger, or constable, make or give legibly and clearly a speci-

men signature for comparison with the signature of the holder on the entry permit required under regulation 9(4).

## **Part 2**

### **Restrictions on times and methods of fishing**

#### *Restrictions on times of fishing*

#### **20 Fishing prohibited between certain hours**

No person shall fish for, take, or kill trout between the hours of 11 pm and 5 am.

#### **21 Fishing in close season**

No person shall fish for, take, or kill trout or in any way injure or disturb trout in any part of the Lake during the close season.

#### *Restrictions on methods of fishing*

#### **22 One rod and line only to be used**

No person shall fish for, take, or kill trout otherwise than with 1 rod and line; but a landing net may be used to secure any trout caught with any such rod and line.

#### **23 Methods prohibited**

No person shall fish for, take, or kill trout with, or use for the purpose of taking or killing trout,—

- (a) any cross-line or hand-line fishing; or
- (b) strokehauling or any foulhooking gear; or
- (c) any gaff or any spear or similar instrument; or
- (d) any set rod or line; or
- (e) any wire line; or
- (f) any form of spoonbait having attached thereto more than 1 hook; or
- (g) any other unsportsmanlike device; or
- (h) any net or netting:

provided that this regulation shall not forbid the use of a landing net pursuant to regulation 22.

#### **24 Lures and baits prohibited**

(1) No person shall, in fishing for trout, use—

- (a) any lure or bait other than artificial fly or artificial minnow, or some form of spoonbait:

- (b) any artificial fly containing feathers of any species of bird absolutely protected under the Wildlife Act 1953:
  - (c) any form of natural bait whether alive or dead:
  - (d) any lure or bait otherwise than upon a running line attached to a rod and reel:
  - (e) with any lure or bait, any medicated or chemical preparation whatever other than any preparation used solely for the purpose of floating a dry artificial fly:
  - (f) any artificial fly having more than 1 hook or having a multiple hook:
  - (g) any artificial lure or bait which weighs more than 40 g. For the purposes of this paragraph any weight (whether of metal or any other substance) used in conjunction with any lure or bait to facilitate its casting or sinking shall be deemed to form part of the lure or bait.
- (2) For the purpose of this regulation—
- (a) artificial fly shall be deemed to include any lure of feather, fur, wool, or similar material, in the tying of which no lead or other weight has been incorporated to facilitate the casting or sinking of the lure:
  - (b) 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.
- (3) No person shall, in fishing for trout, use any artificial minnow or form of spoonbait in the Wairehu Canal.

## **25 Trolling prohibited**

No person shall fish for trout by the method of trolling in any part of the Lake demarcated by coloured markers or landmarks, and reference to any such parts shall be incorporated in the entry permit issued under regulation 4.

### *Restrictions on fish that may be taken*

## **26 Bag limit**

- (1) No person shall on any one day take more than 10 trout, exclusive of trout dealt with pursuant to regulation 27(2), and no person shall continue to fish for trout on any day on which he has already taken 10 trout, exclusive of trout dealt with under regulation 27(2), whether such trout are killed or not:

provided that the Trustees may from time to time, by notice, alter the daily limits prescribed by this regulation. No such alteration may fix a daily limit in excess of the limit for the time being fixed in respect of the Taupo Trout Fishing District by the Taupo Trout Fishing Regulations 1971 (SR 1971/66).

- (2) A notice made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (3) The notice takes effect on the day after it is published under the Legislation Act 2019 or any later date specified in it.

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**Legislation Act 2019 requirements for secondary legislation made under this regulation**

<b>Publication</b>	The maker must publish it in the <i>Gazette</i>	LA19 ss 73, 74(1)(a), Sch 1 cl 14
<b>Presentation</b>	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the secondary legislation.*

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Regulation 26(1): amended, on 28 October 2021, by regulation 141(1) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Regulation 26(1): amended, on 28 October 2021, by regulation 141(2) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Regulation 26(2): inserted, on 28 October 2021, by regulation 141(3) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Regulation 26(3): inserted, on 28 October 2021, by regulation 141(3) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

## 27 Size limit

- (1) No person shall take or kill in any manner whatever any trout that does not exceed 35 cm in length from nose to tip of tail, or be in possession of any trout that does not exceed that length:  

provided that the Trustees may from time to time by notice fix a size limit that differs from that fixed by this subclause, but the limit so fixed shall be the same as that for the time being fixed in respect of the Taupo Trout Fishing District by the Taupo Trout Fishing Regulations 1971 (SR 1971/66).
- (1A) A notice made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (1B) The notice takes effect on the day after it is published under the Legislation Act 2019 or any later date specified in it.
- (2) Every person taking a trout which does not exceed 35 cm in length from nose to tip of tail shall, unless it appears to be affected by disease, immediately return it alive into the water from which it was taken, and if it appears to be affected by disease, or is dead when taken, shall dispose of it by burial to a depth of not less than 15 cm below the level of the surrounding ground.

**Legislation Act 2019 requirements for secondary legislation made under this regulation**

<b>Publication</b>	The maker must publish it in the <i>Gazette</i>	LA19 ss 73, 74(1)(a), Sch 1 cl 14
<b>Presentation</b>	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the secondary legislation.*

Regulation 27(1): amended, on 28 October 2021, by regulation 142(1) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Regulation 27(1): amended, on 28 October 2021, by regulation 142(2) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Regulation 27(1A): inserted, on 28 October 2021, by regulation 142(3) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Regulation 27(1B): inserted, on 28 October 2021, by regulation 142(3) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

**28 Taking of fish from fish traps, etc**

No person shall take any fish from any net, trap, pound net, or other contrivance used by any person for the purposes of acclimatisation, propagation, pisciculture, or scientific investigation, or for scientific or other purposes pursuant to regulation 50 or regulation 51, or shall in any way interfere with or damage any such net, trap, pound net, or contrivance.

**29 Fishing near fish traps, etc**

No person shall knowingly fish for, take, kill, or disturb trout within 100 m of any net, trap, pound net, or other contrivance specified in regulation 28.

*Other restrictions***30 Trustees may prohibit fishing in certain waters**

- (1) The Trustees may from time to time, by notice, prohibit the fishing for trout in the Lake or in any specified portion or portions thereof for any specified period or periods.
- (2) Any such prohibition may be an absolute prohibition against fishing or may be a prohibition against fishing in any particular manner.
- (3) Any such prohibition may in like manner be cancelled by the Trustees.
- (4) In the case of an absolute prohibition against fishing in the whole of the Lake, the Trustees shall, on application in writing by the holder of a current entry permit, refund to him a proportionate part of the entry fee already paid, having regard to the proportion of the open season during which the prohibition is in force.
- (5) A notice made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

- (6) The notice takes effect on the day after it is published under the Legislation Act 2019 or any later date specified in it.

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**Legislation Act 2019 requirements for secondary legislation made under this regulation**

**Publication** The maker must publish it in the *Gazette* LA19 ss 73, 74(1)(a),  
Sch 1 cl 14

**Presentation** It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019 LA19 s 114, Sch 1  
cl 32(1)(a)

**Disallowance** It may be disallowed by the House of Representatives LA19 ss 115, 116

*This note is not part of the secondary legislation.*

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Regulation 30(1): amended, on 28 October 2021, by regulation 143(1) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Regulation 30(1): amended, on 28 October 2021, by regulation 143(2) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Regulation 30(5): inserted, on 28 October 2021, by regulation 143(3) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Regulation 30(6): inserted, on 28 October 2021, by regulation 143(3) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

### 31 Use of boats

- (1) No person shall cause or permit any launch, boat, or other vessel, whether propelled by mechanical power or not, to travel at a speed exceeding 8 km an hour upon the Lake within 200 m of the shore or, except in case of emergency, within 200 m from any other launch, boat, or vessel from which fishing is taking place.
- (2) No person shall fish for trout from an unanchored boat in those portions of Lake Rotoaira contained within arcs of circles having a radius of 300 m from the centre of the mouth or mouths of all waters entering or leaving the said lake.
- (3) No person shall take on the Lake or use thereon any launch, boat, or other vessel, whether propelled by mechanical power or not, of a greater length than 6 m.
- (4) No person shall fish from any launch, boat, or vessel which is within a closer distance than 30 m from any other launch, boat, or vessel from which fishing is taking place.

## Part 3 Pollution of waters

### 32 Pollution of waters

No person shall—

- (a) cast, or allow to flow into, or place on or near the bank or margin of any waters, any sawdust or sawmill refuse, lime (other than agricultural or

- slaked lime), sheep dip, flaxmill refuse, oil, chlorinated hydrocarbon pesticides, or any other matter or liquid poisonous or harmful to fish; or
- (b) cast, throw, or place, or permit to be cast, thrown, or placed, any bottles, cans, rubbish, refuse, or material or substance of any kind on or into any waters or on any river bed or on to the bank or margin of any waters or river bed; or
  - (c) leave any fish or the cleanings, offal, or other parts of fish on the bank or margin of any waters wherein there are trout, unless the fish, cleanings, offal, or other parts are buried to a depth of not less than 15 cm below the level of the surrounding ground.

## **Part 4**

### **Wrongful possession and dealing**

#### **33 Sale of trout prohibited**

- (1) No person shall sell or expose or offer for sale or buy or attempt to buy or have in his possession for purposes of sale any trout, or any part of any trout, or fish for, take, or kill, for purposes of sale, any trout.
- (2) No person shall give or receive any trout in compensation or as a consideration or by way of exchange for anything done, or for any service rendered, or for any materials or things supplied.

#### **34 Keeping live trout in captivity**

No person shall obtain or shall keep in captivity any live trout for purposes of public exhibition, except with the prior consent in writing of the Secretary for Internal Affairs, and except in compliance with such conditions as the Secretary may lay down as to rights of inspection of the fish by wardens or stipendiary rangers and as to the welfare of the fish.

## **Part 5**

### **Freezing chambers and smokehouses**

#### **35 Duties of person in charge of freezing chamber or smokehouse**

- (1) No person in charge of any freezing chamber or smokehouse shall receive any trout for the purpose of freezing or smoking that trout, or have any trout in any freezing chamber or smokehouse, unless he makes or causes to be made correctly in a register kept for that purpose the entries in respect of trout specified in subclause (3).
- (2) The person in charge of any freezing chamber or smokehouse shall permit any stipendiary ranger to enter the freezing chamber or smokehouse at all reasonable times and to inspect any trout therein and to inspect and copy any entries from the register.

- (3) The entries to be made in accordance with the provisions of subclause (1) are as follows:
- (a) the date of receipt of the trout:
  - (b) the number of trout:
  - (c) the name and address of the owner of the trout:
  - (d) the number of the licence (if any) of the owner of the trout.

**36 Restriction on number of trout that may be deposited in freezing chamber or smokehouse**

No person shall on any one day accept for deposit from any one person, any rainbow trout in excess of the bag limit prescribed by regulation 26.

**37 Giving of trout as consideration for smoking prohibited**

No person shall give, and no manager or person in charge of a commercial smokehouse shall receive, any trout in exchange or as a full or partial consideration for the smoking of any trout.

## **Part 6 Canning of trout**

**38 Restrictions on canning of trout**

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

**39 No fee to be paid for canning of trout**

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 trout.

**40 Sale of canned trout prohibited**

- (1) No trout preserved in any can and no can containing trout shall be sold.
- (2) No person shall trade, exchange, give, or receive trout for cans containing trout or for empty cans.

**41 Cans to be marked**

- (1) No person shall can trout unless as soon thereafter as may be practicable on the same day the person canning the trout paints in oil paint or engraves on each can clearly and correctly the name of the permit holder who caught the trout, the numbers of his trout-fishing licence and entry permit, and the date and place where the trout was caught.
- (2) No person shall deface, obliterate, or alter any particulars painted or engraved on any can which contains trout.

- (3) No person shall paint or engrave on a can containing trout any incorrect or misleading information.
- (4) No person shall give away or in any way dispose of any can containing trout, unless the can is marked in accordance with the provisions of subclause (1).

**42 Person not to continue fishing until cans marked**

No person shall continue to fish on any day when he has in his possession any can containing trout on which the particulars required by regulation 41(1) have not been painted or engraved.

**43 Maximum weight of canned trout permitted**

No person shall have in his possession or at his disposal more than 25 kg gross weight of canned trout, the weight to include the weight of cans and their contents.

**44 Consignment of canned trout**

No person shall post or consign or cause to be conveyed by land, water, or air on any one day a quantity of canned trout exceeding in aggregate weight of cans and contents 25 kg.

**45 Possession of canned trout**

Any canned trout shall be deemed to be in possession of the person whose name and licence number and entry permit number are painted or engraved on the can while that person is in any launch, boat, other vessel, 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 and in which the can is found.

**46 Canned trout not to be served at hotels, etc**

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 trout.

## **Part 7**

### **Miscellaneous provisions**

**47 Taking of indigenous fish**

- (1) No person shall fish for, take, or kill in any manner whatever any species of whitebait, any crustacea of the genus *Paranephrops* (commonly called freshwater crayfish or koura), or any other fish indigenous to New Zealand, or the ova, young, or fry of any such whitebait, crustacea, or other fish as aforesaid in any stage whatsoever, or intentionally have in his possession or sell any such

whitebait, crustacea, or other fish or the ova, young, or fry thereof taken or killed in the district.

- (2) No person who has authority under the Maori Land Amendment and Maori Land Claims Adjustment Act 1926 to take koura or indigenous fish shall take them by any method other than the traditional method in use as at the time that Act was passed.

**48 Fish not to be liberated without authority**

No person shall, without the written authority of the Secretary for Internal Affairs, liberate, or introduce in or into the Lake any indigenous or exotic species of mollusca, crustacea, protozoa, insecta or of annelid nematode, or platyhelminth worm, or any fish or fish ova of any description:

provided that the Trustees shall be entitled from time to time to release trout ova or fry therein.

**49 Disturbing spawning grounds, etc**

- (1) No person shall, without having first obtained an authority in writing from the Secretary for Internal Affairs, or otherwise in accordance with these regulations,—
- (a) disturb or damage spawning grounds; or
  - (b) disturb the bed, bank, or margin of any stream, river, or other water adjacent to any spawning grounds; or
  - (c) have in his possession the eggs or young of trout taken from any spawning ground.
- (2) Every person who commits a breach of subclause (1) commits a further offence if he neglects or refuses to repair the damage to any spawning grounds, or to the bed, bank, or margin of any stream, river, or other water adjacent to any spawning grounds occasioned by the breach when requested to do so by the Trustees.

**50 Taking of fish for scientific or other purposes**

Regulations 19 to 29, and regulation 47 shall not apply to officers of the Department of Internal Affairs or of the Ministry of Agriculture and Fisheries or to the Trustees taking, fishing for, or catching fish or taking ova for the purposes of acclimatisation or propagation or for scientific or other purposes, nor to any fish or ova in the possession of any such officers or of the Trustees for any of those purposes.

**51 Taking of fish for purposes of pisciculture**

- (1) Notwithstanding anything to the contrary in these regulations, the Trustees, or any person authorised in writing in that behalf by the Secretary for Internal Affairs, may, by any method whatsoever, fish for, take, or kill fish or take ova from the Lake at any time, whether during the open season or the close season,

for the purposes of pisciculture or scientific investigation, and may have in their or his possession fish or ova taken for those purposes.

- (2) Notwithstanding anything to the contrary in these regulations, any officer of the Department of Internal Affairs or any officer of the Ministry of Agriculture and Fisheries acting in either case in the course of his official duties and with the written authority of the Secretary for Internal Affairs, may take fish in the Lake for purposes of pisciculture or scientific investigations, by the use of narcotic or poisonous matter or liquid or any electrical device to stupefy or kill the fish, and may have in his possession fish so taken for those purposes.

## **52 Offences**

Every person commits an offence who does any act in contravention of or fails to comply with any provision of these regulations.

## **53 Penalty for offences**

Every person who commits an offence against these regulations is liable on conviction to a fine not exceeding \$100.

Regulation 53: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

## **54 Seizure of fishing gear, etc**

- (1) Any warden, constable, or stipendiary ranger who has reasonable grounds for suspecting that any nets, gear, tackle, or other apparatus have been or are being used in any fishing in breach of the Act or these regulations, or that any cans contain fish taken or canned in breach of the Act or these regulations, may seize the same, whether on shore or in any vessel or boat; and, pending the trial of any person on a charge in respect of a breach of the Act or these regulations, the articles seized shall be retained by the Trustees.
- (2) Upon the conviction of that person, the articles seized shall be disposed of by delivery to any person appointed by the Trustees to receive the same, or as the court directs, but if the charge is dismissed, or if no proceedings for the offence in respect of which they were seized are taken against any person within 6 months after the seizure, they shall be returned to the person last in possession of the articles.

## **55 Court may recommend return of seized gear, etc**

Where in the discretion of the court forfeiture of gear and tackle used by a person convicted of an offence against the Act or these regulations would be inequitable, and the gear or tackle is of a kind which could lawfully be used by anglers for taking trout in the Lake, the court may recommend to the Trustees the return of the gear or tackle or any portion of it to the person last in possession thereof either immediately or after any stated interval, and the Trustees shall thereupon dispose of any such gear or tackle in accordance with the recommendation of the court. Subject to the foregoing provisions of this regula-

tion, all gear and tackle forfeited under section 84 of the Fisheries Act 1908 shall be disposed of as the Secretary for Internal Affairs directs.

## Schedule

### Form 1

#### Entry and fishing permit

r 9(2)

[*year/year*] season

Fee \$[*amount*]

No:

Permit to enter Lake Rotoaira and to fish and take fish from Lake Rotoaira and adjoining waters forming part of the Lake, in the Wellington Land District, between Lake Rotoaira and the Poutu Dam, and issued pursuant to Part 1 of the Maori Purposes Act 1959 (as amended by sections 9 and 10 of the Maori Purposes Act 1977) and the Rotoaira Trout Fishing Regulations 1979.

The holder of this entry permit [*full name*] of [*full address, occupation*] is hereby authorised to enter in and upon Lake Rotoaira and to fish and take fish from Lake Rotoaira from [*date*] to [*date*] (both days inclusive) *or on* [*date*] (*delete whichever does not apply*).

The holder of this permit is not entitled to enter upon the Lake for the purpose of fishing in any period during which the Trustees have, by notice, prohibited fishing.

#### ***General information***

- (1) This entry permit does not authorise fishing in or upon the Lake unless the holder of the permit also holds a current trout-fishing licence issued pursuant to the Taupo Trout Fishing Regulations 1971 and pursuant to the condition of issue of that licence.
- (2) The expression “adjoining waters forming part of the Lake” is defined in the regulations as—
  - (a) the Poutu inflow, being the water between Lake Rotoaira and the Poutu Dam; and
  - (b) the waters forming part of the Wairehu Canal for a distance of approximately 685 metres from Lake Rotoaira to the first hurdle; and
  - (c) the waters between Lake Rotoaira and the Tokaanu intake tunnel; and
  - (d) the waters that from time to time cover lands adjoining Lake Rotoaira resulting from any rise in the level of the Lake.
- (3) [*Other general information as required by the Trustees*].

Time of issue:

Dated at: [*place, date*]

Signature of permit holder:

Signature of issuing officer:

Schedule form 1: amended, on 28 October 2021, by regulation 144 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Form 2  
Entry permit

r 9(3)

***(For purposes other than fishing)***

No:

Permit to enter Lake Rotoaira. Issued pursuant to Part 1 of the Maori Purposes Act 1959 (as amended by sections 9 and 10 of the Maori Purposes Act 1977) and the Rotoaira Trout Fishing Regulations 1979.

The holder of this entry permit [*full name*] of [*full address, occupation*] is hereby authorised to enter in and upon Lake Rotoaira from [*date*] to [*date*] (both days inclusive) *or* on [*date*] for the purposes of [*specify*].

***General information***

- 1 Receipt is acknowledged of payment of entry permit fee of \$[*amount*].
- 2 The holder is not entitled to fish or take fish of any kind from the Lake nor to enter any land not vested in the Rotoaira Trustees.
- 3 [*Other general information as required by the Trustees*].

Time of issue:

Dated at: [*place, date*]

Signature of permit holder:

Signature of issuing officer:

Form 3  
Freezing chamber and smokehouse register

r 35

<b>Number of trout</b>	<b>Weight</b>	<b>Number of depositor's trout-fishing licence and entry permit</b>	<b>Name of licence and permit holder</b>	<b>Date of deposit</b>	<b>Date of delivery</b>	<b>Remarks</b>
		Licence No: Permit No:				

P G Millen,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 8 March 1979.

## Notes

### **1** *General*

This is a consolidation of the Rotoaira Trout Fishing Regulations 1979 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2** *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3** *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248): Part 11  
Criminal Procedure Act 2011 (2011 No 81): section 413