

Reprint  
as at 3 February 2020



## Taupo Fishery Regulations 2004 (SR 2004/135)

Silvia Cartwright, Governor-General

### Order in Council

At Wellington this 24th day of May 2004

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to sections 48 and 48A of the Conservation Act 1987 and section 14 of the Maori Land Amendment and Maori Land Claims Adjustment Act 1926, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

### Contents

		Page
1	Title	3
2	Commencement	3
3	Application	3
4	Interpretation	3
	<i>Restrictions on fishing</i>	
5	Fishing prohibited in certain waters [ <i>Revoked</i> ]	5
6	Restriction on taking fish from or near control apparatus	5

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#### 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.**

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<i>Licences</i>		
7	Classes and forms of licences	6
8	Issue of licences	6
9	Licence to be signed by licence holder	6
10	Licence fees	6
11	Replacement of licences	7
12	Licences not transferable	7
13	Unauthorised amendment of licences prohibited	7
14	Licence conditions	7
15	Right of way over land	8
16	Licence not otherwise to confer right of entry on land	8
17	Operator not to permit unlicensed persons to fish for trout from commercial vessel	8
<i>Circumstances under which fishing is authorised</i>		
18	Prohibitions relating to trout fishing <i>[Revoked]</i>	8
19	Anglers to give name and address, and produce licence	8
20	Restrictions on methods of fishing <i>[Revoked]</i>	9
21	Restriction on lures <i>[Revoked]</i>	9
22	Restriction on use of boats <i>[Revoked]</i>	9
23	Tagged trout	9
<i>Bag and size limits</i>		
<i>[Revoked]</i>		
24	Bag and size limits <i>[Revoked]</i>	10
<i>Storage and smoking of trout</i>		
25	Register for trout	10
26	Details to be attached to trout	10
27	No gifts of trout	11
28	Maximum number of trout	11
<i>Offences and penalties</i>		
29	Offences and penalties	11
<i>Taupo Fishery Advisory Committee</i>		
30	Taupo Fishery Advisory Committee continued	12
31	Functions of Committee	12
32	Members to hold office at pleasure	13
33	Chairperson of Committee	13
34	Meetings	13
35	Other persons who may attend meetings	13
36	Servicing of Committee	14
37	Travelling allowances and expenses	14

	<i>General provisions</i>	
38	Taking of fish for piscicultural, scientific, or other purposes	14
39	Keeping live trout in captivity	15
40	Taking, possession, or sale of indigenous fish and smelt	15
41	Control of noxious fish	16
	<i>Miscellaneous</i>	
42	Fishing competitions	17
43	Revocation	17
	<b>Schedule 1</b>	17
	<b>Restrictions on lures</b>	
	<i>[Revoked]</i>	
	<b>Schedule 2</b>	17
	<b>Species of noxious fish</b>	
	<b>Schedule 3</b>	18
	<b>Angling organisations</b>	

## **Regulations**

### **1 Title**

These regulations are the Taupo Fishery Regulations 2004.

### **2 Commencement**

These regulations come into force on 1 July 2004.

### **3 Application**

- (1) These regulations apply only in the Taupo District.
- (2) These regulations apply subject to the provisions about the issue of licences in section 14(9)(c) of the Maori Land Amendment and Maori Land Claims Adjustment Act 1926.

### **4 Interpretation**

- (1) In these regulations, unless the context otherwise requires,—  
**commercial freezing chamber** means any freezing chamber (including any cool store, refrigeration works, or freezing or cooling device)—
  - (a) situated in or on any plant or premises (not being a private dwelling-house); and
  - (b) in which trout are or have been in the preceding 6 months frozen or otherwise preserved, treated, or stored

**commercial smokehouse** means any smokehouse (including any fish preparation room, salting room, or drying room adjacent to or forming part of the smokehouse)—

- (a) situated in or on any plant or premises (not being a private dwelling-house); and
- (b) in which trout are or have been in the preceding 6 months smoked, preserved, treated, or stored

**Committee** means the Taupo Fishery Advisory Committee continued under regulation 30

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

**Department** means the Department of Conservation

**Director-General** means the Director-General of Conservation

**issuing officer** means a person authorised to issue licences under these regulations

**licence** means a licence to take trout issued in accordance with these regulations

**Minister** means the Minister of Conservation

**officer** means a warranted officer within the meaning of the Conservation Act 1987

**take** includes—

- (a) taking, fishing for, catching, killing, or pursuing by any means or device; and
- (b) attempting to take

**Taupo District** means the district described in the Taupo District Order 1983

**trout** includes—

- (a) char of any species; and
- (b) any hybrid of any trout or char; and
- (c) any trout whether alive or dead, and any part of a trout.

- (2) For the purposes of these regulations, a person who is fishing is to be treated as fishing—

- (a) at the place from where he or she is fishing; and
- (b) at any place reached by his or her line and lure.

Regulation 4(1) **artificial fly**: revoked, on 1 July 2016, by regulation 4 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

Regulation 4(1) **artificial lure**: revoked, on 1 July 2016, by regulation 4 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

Regulation 4(1) **boat**: revoked, on 1 July 2016, by regulation 4 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

Regulation 4(1) **fly fishing**: revoked, on 1 July 2016, by regulation 4 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

Regulation 4(1) **foulhook**: revoked, on 1 July 2016, by regulation 4 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

Regulation 4(1) **landmark**: revoked, on 1 July 2016, by regulation 4 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

Regulation 4(1) **length**: revoked, on 1 July 2016, by regulation 4 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

Regulation 4(1) **lure**: revoked, on 1 July 2016, by regulation 4 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

Regulation 4(1) **natural fly**: revoked, on 1 July 2016, by regulation 4 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

Regulation 4(1) **open season**: revoked, on 1 July 2016, by regulation 4 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

Regulation 4(1) **strike indicator**: revoked, on 1 July 2016, by regulation 4 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

### *Restrictions on fishing*

Heading: replaced, on 1 July 2016, by regulation 5 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

## **5 Fishing prohibited in certain waters**

*[Revoked]*

Regulation 5: revoked, on 1 July 2016, by regulation 6 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

## **6 Restriction on taking fish from or near control apparatus**

- (1) A person must not take any fish in or from any water which is within 100 m of any net, trap, pound net, electrical device, or other contrivance—
  - (a) erected or placed for the purpose of preventing or controlling the movement of fish; and
  - (b) used by any person for—
    - (i) the purposes of the protection, management, enhancement, or conservation of fish; or
    - (ii) other authorised purposes.
- (2) A person who contravenes this regulation commits an infringement offence and is liable to—
  - (a) an infringement fee of \$400; or
  - (b) a fine imposed by a court not exceeding \$800.

Regulation 6(2): inserted, on 3 February 2020, by regulation 40 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

## *Licences*

### **7 Classes and forms of licences**

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

### **8 Issue of licences**

- (1) Licences may be issued only by persons authorised in writing by the Director-General.
- (2) Licences may be issued in electronic or non-electronic form.
- (3) An applicant for a licence must provide his or her full name, date of birth, and usual address to the person issuing the licence.
- (4) A person issuing licences must, when required by the Director-General, do any or all of the following:
  - (a) return all unissued licences:
  - (b) return the butts of all issued licences:
  - (c) remit, to the Director-General, any licence fees not already remitted.
- (5) Subclause 4(a) and (b) does not apply to licences issued in an electronic form.

Regulation 8: replaced, on 1 July 2016, by regulation 7 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

### **9 Licence to be signed by licence holder**

- (1) A licence does not take effect until the holder has signed his or her usual signature in the space provided for the purpose on the licence.
- (2) Subclause (1) does not apply to licences issued in an electronic form.

Regulation 9(2): inserted, on 1 July 2016, by regulation 8 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

### **10 Licence fees**

- (1) The fees fixed by notice in the *Gazette* for a licence must be paid and received for the licence.
- (2) The appropriate fee must be paid to the issuing officer before the issue of the licence.
- (3) A person commits an infringement offence if the person, with the intention of obtaining a licence for a fee lower than the fee set by notice in the *Gazette*, makes any false representation to an issuing officer as to the age of himself or herself or of any other person or as to whether or not he or she or any other person is attending school full time as a pupil.
- (4) Despite subclause (1), the Director-General may issue a licence to a person either for no fee or for a reduced fee that the Director-General approves.

- (5) A person who commits the infringement offence referred to in subclause (3) is liable to—
- (a) an infringement fee of \$600; or
  - (b) a fine imposed by a court not exceeding \$1,200.

Regulation 10(3): amended, on 3 February 2020, by regulation 41(1) of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Regulation 10(5): inserted, on 3 February 2020, by regulation 41(2) of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

## **11 Replacement of licences**

A holder of a whole-season licence may, at any time during the period specified in the licence, obtain from the Director-General a replacement licence free of charge if he or she proves to the satisfaction of the Director-General that,—

- (a) in relation to a licence issued in an electronic form, the licence has been deleted or has otherwise become no longer usable for subsequent reference;
- (b) in relation to a licence issued in a non-electronic form, the licence has been lost or mutilated or become illegible.

Regulation 11: replaced, on 1 July 2016, by regulation 9 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

## **12 Licences not transferable**

A licence is not transferable to a person who is not named in the licence to take trout.

## **13 Unauthorised amendment of licences prohibited**

- (1) A person, except an issuing officer, must not amend a licence.
- (2) A person must not intentionally falsify or intentionally omit any information that may, under these regulations, be specified in a licence.
- (3) A person who contravenes this regulation commits an infringement offence and is liable to—
  - (a) an infringement fee of \$600; or
  - (b) a fine imposed by a court not exceeding \$1,200.

Regulation 13: replaced, on 1 July 2016, by regulation 10 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

Regulation 13(3): inserted, on 3 February 2020, by regulation 42 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

## **14 Licence conditions**

The right to take trout under a licence is limited to—

- (a) the period specified in the licence; and
- (b) the part of the Taupo District specified in the licence; and

- (c) the boat (if any) specified in the licence.

Regulation 14: replaced, on 1 July 2016, by regulation 11 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

## **15 Right of way over land**

Every licence issued in respect of the Taupo District is to be treated as if it were a special licence within the meaning of section 14(4)(b) of the Maori Land Amendment and Maori Land Claims Adjustment Act 1926, and the provisions of section 14 of that Act apply accordingly.

## **16 Licence not otherwise to confer right of entry on land**

- (1) A licence does not confer any right of entry upon the land of any person without his or her consent.
- (2) This regulation applies subject to regulation 15.

## **17 Operator not to permit unlicensed persons to fish for trout from commercial vessel**

- (1) A person who operates a commercial ship on Lake Taupo, or who causes or permits a ship to be operated on Lake Taupo, must not permit any other person to fish for trout from the ship unless the other person has the right to take trout under a licence.
- (2) In this regulation, **commercial ship** has the same meaning as in the Maritime Transport Act 1994.
- (3) A person who contravenes subclause (1) commits an infringement offence and is liable to—
  - (a) an infringement fee of \$800; or
  - (b) a fine imposed by a court not exceeding \$1,600.

Regulation 17(1): amended, on 1 July 2016, by regulation 12 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

Regulation 17(3): inserted, on 3 February 2020, by regulation 43 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

### *Circumstances under which fishing is authorised*

## **18 Prohibitions relating to trout fishing**

*[Revoked]*

Regulation 18: revoked, on 1 July 2016, by regulation 13 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

## **19 Anglers to give name and address, and produce licence**

- (1) Every person taking trout or in possession of a rod or gear suitable for taking trout must, if required to do so by an officer,—

- (a) give his or her full name and place of residence, and, if also required to do so by the officer, produce and show to the officer his or her licence and the contents of his or her creel or container and any lure or bait in his or her possession:
  - (b) make or give legibly and clearly a specimen signature for comparison with the signature of the holder on the licence required under regulation 9.
- (2) A person who contravenes this regulation commits an infringement offence and is liable to—
- (a) an infringement fee of \$400; or
  - (b) a fine imposed by a court not exceeding \$800.

Regulation 19(2): inserted, on 3 February 2020, by regulation 44 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

## **20 Restrictions on methods of fishing**

*[Revoked]*

Regulation 20: revoked, on 1 July 2016, by regulation 14 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

## **21 Restriction on lures**

*[Revoked]*

Regulation 21: revoked, on 1 July 2016, by regulation 14 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

## **22 Restriction on use of boats**

*[Revoked]*

Regulation 22: revoked, on 1 July 2016, by regulation 14 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

## **23 Tagged trout**

- (1) A person must not, except with the prior written authority of the Director-General, mark any living trout by—
- (a) attaching to it a tag or other distinguishing device; or
  - (b) clipping or removing a fin or fins.
- (2) A person who contravenes this regulation commits an infringement offence and is liable to—
- (a) an infringement fee of \$400; or
  - (b) a fine imposed by a court not exceeding \$800.

Regulation 23(2): inserted, on 3 February 2020, by regulation 45 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

*Bag and size limits**[Revoked]*

Heading: revoked, on 1 July 2016, by regulation 15 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

**24 Bag and size limits***[Revoked]*

Regulation 24: revoked, on 1 July 2016, by regulation 15 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

*Storage and smoking of trout***25 Register for trout**

- (1) A manager or person in charge of any commercial freezing chamber or commercial smokehouse must not receive any trout or have any trout on the premises, unless the following details are kept in a record on the premises as a register for trout under this regulation:
  - (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.
- (2) A manager or person in charge of any commercial freezing chamber or commercial smokehouse must retain registers compiled under subclause (1) for at least 6 months after the date of the last entry.
- (3) An officer may enter, at all reasonable times, any such premises in order to inspect any fish on the premises and to inspect and copy any entries from the register.
- (4) A person who contravenes subclause (1) or (2) commits an infringement offence and is liable to—
  - (a) an infringement fee of \$400; or
  - (b) a fine imposed by a court not exceeding \$800.

Regulation 25: replaced, on 3 February 2020, by regulation 46 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

**26 Details to be attached to trout**

- (1) A person must not place or permit to be placed or kept in any commercial freezing chamber or commercial smokehouse any trout unless there is affixed or tied to the trout a label on which is legibly written—

- (a) the name and address of the owner of the fish; and
  - (b) the date on which the fish were deposited on the premises.
- (2) A person who contravenes this regulation commits an infringement offence and is liable to—
- (a) an infringement fee of \$400; or
  - (b) a fine imposed by a court not exceeding \$800.

Regulation 26(2): inserted, on 3 February 2020, by regulation 47 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

## **27 No gifts of trout**

- (1) A person must not give, and a manager or person in charge of any commercial freezing chamber or commercial smokehouse must not receive, any trout in exchange or as a full or partial consideration for the storage or any preservation or treatment of any trout.
- (2) A person who contravenes this regulation commits an infringement offence and is liable to—
- (a) an infringement fee of \$800; or
  - (b) a fine imposed by a court not exceeding \$1,600.

Regulation 27(2): inserted, on 3 February 2020, by regulation 48 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

## **28 Maximum number of trout**

- (1) A person must not deposit, and a manager or person in charge of any commercial freezing chamber or commercial smokehouse must not accept for deposit, in those premises, trout if the person already has a total of 12 trout deposited in the premises.
- (2) A person who contravenes this regulation commits an infringement offence and is liable to—
- (a) an infringement fee of \$400; or
  - (b) a fine imposed by a court not exceeding \$800.

Regulation 28(2): inserted, on 3 February 2020, by regulation 49 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

### *Offences and penalties*

## **29 Offences and penalties**

- (1) A person who contravenes regulation 40 commits an offence and is liable on conviction to a fine not exceeding \$5,000.
- (2) A person who commits an offence against regulation 6, 23, 25, 26, or 39 is liable on conviction to a further fine not exceeding \$10 for each fish in respect of which the offence was committed.

- (3) A person who commits an offence, other than an infringement offence, for which no penalty is provided elsewhere than in this regulation is liable on conviction to a fine not exceeding \$5,000.

Regulation 29: replaced, on 3 February 2020, by regulation 50 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

### *Taupo Fishery Advisory Committee*

#### **30 Taupo Fishery Advisory Committee continued**

- (1) This regulation continues the advisory user group known as the Taupo Fishery Advisory Committee and established by the Minister under the Taupo Fishing Regulations 1984.
- (2) The Taupo Fishery Advisory Committee consists of the following members:
- (a) 8 members appointed by the Minister from persons nominated by the organisations specified in Schedule 3:
  - (b) 1 member to represent the Tuwharetoa Maori Trust Board and to be appointed by the Minister on advice from the Board:
  - (c) 1 member appointed by the Minister to represent national angling interests:
  - (d) 1 member to represent the New Zealand Fish and Game Council and to be appointed by the Minister on advice from the Council:
  - (e) 1 member appointed by the Minister to represent the appropriate Conservator of the Department.
- (3) The members appointed under subclause (2)(a), (b), and (c) have voting rights at meetings of the Committee, and the other members of the Committee are entitled to speak at meetings of the Committee but are not entitled to vote on any question.

#### **31 Functions of Committee**

The functions of the Committee are—

- (a) to advocate Taupo sport fishing interests:
- (b) to facilitate communication between the Department and anglers:
- (c) to keep anglers informed on matters affecting their interests:
- (d) to foster ethical standards of angling behaviour:
- (e) to consider and advise the Department on freshwater and sport fishing matters within the Taupo District:
- (f) to make any representations that it sees fit to the Minister, or to the Department or any other government agency or other organisation, on matters affecting the Taupo Fishery, including national and regional policy statements, management strategies, and management plans:

- (g) to liaise with the New Zealand Fish and Game Council on matters of mutual interest relating to sports fish.

### **32 Members to hold office at pleasure**

Members of the Committee hold office at the pleasure of the Minister.

### **33 Chairperson of Committee**

- (1) The members of the Committee must elect one of their number to be Chairperson of the Committee for the term that the members think fit.
- (2) The Chairperson must preside at all meetings of the Committee at which he or she is present.
- (3) If the Chairperson is absent from any meeting of the Committee, the members present must appoint one of their number to be the Chairperson of that meeting.

### **34 Meetings**

- (1) Meetings of the Committee must be held at least 3 times a year at the times and places that the Committee or the Chairperson appoints and the first meeting in each financial year must be called the annual general meeting of the Committee.
- (2) The Chairperson may at any time call a special meeting of the Committee, and must call a special meeting if requested in writing by any 3 or more voting members to do so.
- (3) At any meeting of the Committee, 4 of the voting members constitute a quorum and no business is to be transacted at any meeting unless a quorum is present.
- (4) Every question before the Committee must be decided by a majority of the voting members present and proper minutes must be kept of proceedings.
- (5) At any meeting of the Committee, the Chairperson has a deliberative vote, and, in the case of an equality of votes, also has a casting vote.
- (6) Subject to these regulations, the Committee may regulate its procedure in the manner that it thinks fit.

### **35 Other persons who may attend meetings**

- (1) The Committee may allow persons who are not members of the Committee to attend meetings of the Committee.
- (2) The Conservator of the Tongariro-Taupo Conservancy of the Department is entitled to attend and speak at any meeting of the Committee, but is not entitled to vote on any question.
- (3) Not more than 4 persons representing the Tuwharetoa Maori Trust Board are entitled to attend and speak at meetings of the Committee to provide support for the member representing the Board, but are not entitled to vote on any question.

**36 Servicing of Committee**

The Department must provide secretarial services to the Committee.

**37 Travelling allowances and expenses**

- (1) The Director-General must reimburse—
  - (a) the actual and reasonable travelling and accommodation expenses incurred by voting members of the Committee in respect of their service as members of the Committee;
  - (b) half of the actual and reasonable travelling and accommodation expenses incurred by the member representing the New Zealand Fish and Game Council in respect of his or her service as a member of the Committee.
- (2) No member of the Committee is entitled to any remuneration in respect of his or her service as a member of the Committee.

*General provisions***38 Taking of fish for piscicultural, scientific, or other purposes**

- (1) Despite anything to the contrary in these regulations, the persons specified in subclause (2) may, for the purposes of pisciculture, scientific investigation, acclimatisation or propagation, or any other purposes,—
  - (a) take by any means any fish from any waters in the Taupo District at any time; and
  - (b) have in his or her possession fish taken for those purposes.
- (2) The persons are—
  - (a) any person with the prior written authority of the Director-General or his or her appointee; or
  - (b) any officer of the Department acting in the course of his or her official duties.
- (3) The Director-General or his or her appointee may authorise persons who are disabled (within the meaning of the Disabled Persons Employment Promotion Act 1960) for the purposes of recreation to take sports fish by any means that would otherwise be unlawful.
- (4) Despite anything to the contrary in these regulations, a person who has the prior written authority of Te Kotahitanga o Ngāti Tūwharetoa may for cultural purposes—
  - (a) take trout from a designated raceway at the Tongariro National Trout Centre at any time; and
  - (b) have that trout in his or her possession.
- (5) In subclause (4),—

**cultural purposes—**

- (a) includes significant Ngāti Tūwharetoa hui, tangi, and other occasions; but
- (b) does not include any commercial purpose

**designated raceway** means a raceway designated by the Director-General or his or her appointee

**Te Kotahitanga o Ngāti Tūwharetoa** has the meaning given to it by section 12 of the Ngāti Tūwharetoa Claims Settlement Act 2018.

Regulation 38(4): inserted, on 19 December 2018, by section 204(2) of the Ngāti Tūwharetoa Claims Settlement Act 2018 (2018 No 55).

Regulation 38(5): inserted, on 19 December 2018, by section 204(2) of the Ngāti Tūwharetoa Claims Settlement Act 2018 (2018 No 55).

**39 Keeping live trout in captivity**

- (1) A person must not obtain or keep in captivity any live trout for any purpose, unless the person—
  - (a) has the prior written authority of the Director-General; and
  - (b) complies with any conditions that the Director-General may impose.
- (2) A person who contravenes this regulation commits an infringement offence and is liable to—
  - (a) an infringement fee of \$400; or
  - (b) a fine imposed by a court not exceeding \$800.

Regulation 39(2): inserted, on 3 February 2020, by regulation 51 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

**40 Taking, possession, or sale of indigenous fish and smelt**

- (1) A person must not take, possess, or sell—
  - (a) any crustacean of the genus *Paranephrops* (commonly called freshwater crayfish or koura); or
  - (b) any other fish indigenous to New Zealand (except any fish of the genus *Galaxias* (whitebait), any lamprey, and eel); or
  - (c) smelt; or
  - (d) the ova, young, or fry of the fish specified in paragraphs (a) to (c).
- (1A) A person who contravenes subclause (1) commits an infringement offence and is liable to—
  - (a) an infringement fee of \$400; or
  - (b) a fine imposed by a court not exceeding \$800.
- (1B) Subclause (1A) does not prevent the prosecution of, and conviction for, a contravention of subclause (1).
- (2) However,—

- (a) members of the Tuwharetoa tribe are authorised to fish for, and catch for their own use, any fish in Lake Taupo that are indigenous to that lake, subject to the conditions set down in section 14(2) of the Maori Land Amendment and Maori Land Claims Adjustment Act 1926; and
  - (b) any member of the Tuwharetoa tribe may fish for, and catch for his or her own use, smelt in Lake Taupo and the Tokaanu Tailrace during the smelt fishing season, subject to any conditions set down by the Director-General under section 26ZL of the Conservation Act 1987, if the Tuwharetoa Maori Trust Board authorises that member to fish for smelt during that smelt fishing season.
- (3) If the Tuwharetoa Maori Trust Board authorises a member of the Tuwharetoa tribe under subclause (2)(b), it must inform that member that the authorisation—
- (a) is subject to any conditions set down by the Director-General under section 26ZL of the Conservation Act 1987; and
  - (b) applies to a specified smelt fishing season; and
  - (c) expires at the end of that specified smelt fishing season.
- (4) An authorisation given to a member of the Tuwharetoa tribe under subclause (2)(b) takes effect when the Tuwharetoa Maori Trust Board advises the Director-General, in writing, of the particulars of that authorisation, including, but not limited to,—
- (a) the name, birth date, address, phone number (if any), and email address (if any) of that member:
  - (b) any conditions, restrictions, or limitations on that authorisation.

Regulation 40(1A): inserted, on 3 February 2020, by regulation 52 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Regulation 40(1B): inserted, on 3 February 2020, by regulation 52 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

#### 41 Control of noxious fish

- (1) A person must not have in his or her possession or under his or her control, or rear, raise, hatch, or consign any of the species (including subspecies, hybrids, and variations of those species) specified in Schedule 2 (**noxious fish**).
- (1A) A person who contravenes subclause (1) commits an infringement offence and is liable to—
  - (a) an infringement fee of \$800; or
  - (b) a fine imposed by a court not exceeding \$1,600.
- (2) However, the Director-General may authorise in writing any person to have in his or her possession any noxious fish. An authorisation may contain any conditions that the Director-General considers necessary, and the 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, on revocation, the species of noxious fish that are 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 any manner that the Director-General may direct.

Regulation 41(1A): inserted, on 3 February 2020, by regulation 53 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

### *Miscellaneous*

#### **42 Fishing competitions**

- (1) A person must not promote, organise, or participate in a fishing competition where an entry fee is charged or where a total prize value exceeding \$5,000 is offered unless the competition has been approved in writing by the Director-General.
- (2) An approval given under subclause (1) may be given subject to any conditions that the Director-General considers appropriate to protect the sustainability of the trout populations and overall angling values.
- (3) A person who contravenes subclause (1), or any conditions imposed by the Director-General under subclause (2), commits an infringement offence and is liable to—
- (a) an infringement fee of \$600; or
  - (b) a fine imposed by a court not exceeding \$1,200.

Regulation 42(3): inserted, on 3 February 2020, by regulation 54 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

#### **43 Revocation**

The Taupo Fishing Regulations 1984 (SR 1984/347) are revoked.

## **Schedule 1 Restrictions on lures**

*[Revoked]*

rr 20(3), 21(2)

Schedule 1: revoked, on 1 July 2016, by regulation 17 of the Taupo Fishery Amendment Regulations 2016 (LI 2016/82).

## **Schedule 2 Species of noxious fish**

r 41

**Scientific name**  
*Clarias batrachus*

**Common name**  
Walking catfish

<b>Scientific name</b>	<b>Common name</b>
<i>Cyprinus carpio</i>	European carp, Japanese koi
<i>Esox lucius</i>	Pike
<i>Pygocentrus</i> spp.	Piranha
<i>Rooseveltiella</i> spp.	Piranha
<i>Sarotherodon</i> spp.	Tilapia
<i>Scardinius erythrophthalmus</i>	Rudd
<i>Serrasalmus</i> spp.	Piranha
<i>Tilapia</i> spp.	Tilapia

### Schedule 3 Angling organisations

r 30(2)(a)

Advocates for the Tongariro River Inc  
 Motuoapa Fishing and Boating Club  
 New Zealand Professional Fishing Guides' Association  
 Taupo Commercial Launchmen's Association  
 Taupo Fishing Club  
 Tongariro & Lake Taupo Anglers' Club  
 Tongariro National Trout Centre Society  
 Waitahanui Angling Improvement Association

Diane Morcom,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.  
 Date of notification in *Gazette*: 27 May 2004.

## **Reprints notes**

### **1    *General***

This is a reprint of the Taupo Fishery Regulations 2004 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***

Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326): Part 3

Ngāti Tūwharetoa Claims Settlement Act 2018 (2018 No 55): section 204

Taupo Fishery Amendment Regulations 2016 (LI 2016/82)