



THE FRESH-WATER FISHERIES (OTAGO) REGULATIONS 1945

C. L. N. NEWALL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 29th day of August, 1945

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

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

REGULATIONS

PRELIMINARY

1. These regulations may be cited as the Fresh-water Fisheries (Otago) Regulations 1945.

2. These regulations shall come into force on the 2nd day of September, 1945.

3. Terms used herein shall have the same meaning as in the Fresh-water Fisheries Regulations 1936* (hereinafter called the general regulations).

4. The respective regulations for trout-fishing in the Otago Acclimatization District (hereinafter referred to as the district)† set out in the table subjoined to this regulation are revoked.

Table of Revoked Regulations

Date of Order in Council.	Short Title.	Published in Statutory Regulations	
		Serial Number.	Page.
3rd November, 1937 ..	The Trout-fishing (Otago) Regulations 1937	272/1937	969
7th September, 1938 ..	The Trout-fishing (Otago) Regulations 1937, Amendment No. 1	1938/109	497
6th October, 1938 ..	The Trout-fishing (Otago) Regulations 1937, Amendment No. 2	1938/131	597
20th September, 1939..	The Trout-fishing (Otago) Regulations 1937, Amendment No. 3	1939/185	770
11th September, 1940..	The Trout-fishing (Otago) Regulations 1937, Amendment No. 4	1940/245	768
10th September, 1941..	The Trout-fishing (Otago) Regulations 1937, Amendment No. 5	1941/158	505

* Statutory Regulations 1936-37, Serial number 36/1936, page 119.

Amendment No. 1 : Statutory Regulations 1936-37, Serial number 190/1937, page 713 (revoked by Serial number 1939/112).

Amendment No. 2 : Statutory Regulations 1939, Serial number 1939/112, page 594.

Amendment No. 3 : Statutory Regulations 1942, Serial number 1942/285, page 687.

Amendment No. 4 : Statutory Regulations 1942, Serial number 1942/327, page 798.

† For boundaries see the Animals Protection Warrant 1945, *Gazette*, 26th July, 1945, Vol. II page 945.

OPEN SEASON

5. Whole-season licenses to fish for trout and other acclimatized fish issued by the Otago Acclimatization Society or any other acclimatization society under the general regulations shall entitle the holder to fish in the district for trout and other acclimatized fish from the 1st day of October in any year to the 30th day of April in the year next following, both days inclusive.

6. Half-season licenses, monthly licenses, weekly licenses, day licenses, and single river licenses issued by the Otago Acclimatization Society shall entitle the holder to fish during the period set out in the license, but subject always to the provisions of the last preceding regulation hereof.

DISTRICT RESTRICTIONS

7. No person shall in fishing for trout or other acclimatized fish in the district use any bait or lure other than the following: natural fly, artificial fly, insects, fish, worms, creepers, maggots, caterpillars, frogs, tadpoles, artificial fish, devon, or spoon.

8. (1) No person shall in natural-bait fishing within the district use—

- (a) More than two sets of bait :
- (b) A set of bait having more than two hooks :
- (c) Any treble hook :

(2) No person shall in fly-fishing within the district use—

- (a) More than three flies or lures :
- (b) Any fly or lure having more than one hook.

(3) No person trolling within the district with a lure of artificial fish, devon, or spoon shall use a line carrying more than one of such lures, or use together with such lure any other lure or bait.

(4) No person shall in trolling within the district use—

(a) Any artificial fish, devon, or spoon having thereto attached more than three treble hooks :

(b) More than one fish with two treble hooks and one single hook attached :

(c) The contrivance known as "Stewart tackle".

9. No person shall within the district use any rod to fish for, take, or kill acclimatized fish unless he is in actual attendance in person within a radius of 50 ft. from the rod.

10. No person shall troll for trout or other acclimatized fish in any waters in the district from any boat fitted with or having attached thereto any mechanical means of propulsion.

11. No person shall within the district take more than twenty fish in any one day, and no person shall within the district continue to fish on any day on which he has already taken or killed twenty fish :

Provided, however, that this regulation shall not apply to any angling competition duly authorized by the Otago Acclimatization Society.

12. (1) For the purposes of this regulation, the term "undersized fish" means—

- (i) In respect of perch in or taken from any waters within the district, a perch which does not exceed 6 in. from tip of nose to tip of tail :

- (ii) In respect of salmon and trout in or taken from the following waters, namely :—
- (a) Water of Leith ;
 - (b) Waitati Stream and its branches and tributaries ;
 - (c) Evansdale Stream and its branches and tributaries,—
- a salmon or trout which does not exceed 9 in. from tip of nose to tip of tail :
- (iii) In respect of salmon and trout in or taken from that portion of the Mataura River that lies within the district, a salmon or trout which does not exceed 11 in. from tip of nose to tip of tail ;
- (iv) In respect of salmon and trout in or taken from the Tomahawk Lagoons, a salmon or trout which does not exceed 12 in. from tip of nose to tip of tail ;
- (v) In respect of salmon and trout in or taken from any waters within the district not expressly described in this clause, a salmon or trout which does not exceed 10 in. from tip of nose to tip of tail.

(2) No person shall within the district intentionally fish for, take, or kill, in any manner whatever, an undersized fish.

(3) Every person taking in or from any waters within the district an undersized fish shall immediately return it alive with as little damage or hurt as possible into the water from which it was taken.

(4) No person shall within the district intentionally have in his possession an undersized fish.

13. No person shall within the district put, stake, set, drag, draw, or place, or allow to be put, staked, set, dragged, drawn, or placed, for any purpose whatsoever any net of any description except a landing-net or hand-net in any lake, river, stream, or dam, or within the mouth of any river or stream :

Provided that nothing herein contained shall prevent the placing or using of any net other than a stake-net in such of the parts of the rivers and waters mentioned in the Schedule hereto as are within the district, or prevent the taking of fish in accordance with any regulations made under the Fisheries Act, 1908.

14. No person shall use in fishing for eels in the district any hook that is smaller than 4/0 (old numbers), nor shall such person use any gut or gut substitute attached to the hook :

Provided that this regulation shall not apply on any river within a mile of the sea by water from low-tide mark.

15. (1) During the month of April in each year no person shall, in fishing for trout in the Water of Leith, use—

(a) Any method other than fly fishing :

(b) Any fly attached to a hook larger than No. 9 (new number) or No. 6 (old number) :

(c) Any weights whatsoever on any line or fly.

(2) During the month of April in each year no person shall, on any one day, take or kill from the Water of Leith more than three acclimatized fish, and no person shall continue to fish for acclimatized fish in the Water of Leith on any day on which he has already taken or killed therefrom three acclimatized fish.

16. During the period from one hour after sunset to one hour before sunrise no person shall fish with live bait for trout in the Mahinerangi Dam.

PENALTY

17. The penalty for any breach of these regulations shall be a fine not exceeding £50.

SCHEDULE

NETTING LIMITS

(a) In the mouth of the Waihemo and Pleasant Rivers or in such rivers within one mile by water from the mouth or entrance thereof.

(b) In the mouth of the Waikouaiti River or in such river below the place at which the railway from Christchurch to Dunedin crosses the said river.

(c) In the mouth of the Waitati River below a straight line drawn from a point at Michies Crossing to a point at the south-west extremity of Rabbit Island, which points are indicated by white posts having marked thereon "Netting Limits."

(d) In the mouth of the Taieri River and from the mouth of the said river up to the traffic bridge of the Main South Road.

(e) In the mouth of the Tokomairiro River and in that portion of the said river on the lower side of a straight line drawn from a white post fixed at high-water mark at a point known as the Iron Standard to a point marked by a white post on the opposite side of the river, as shown on a plan marked M.D. No. 4410, deposited in the office of the Marine Department at Wellington.

(f) In the waters of the Owaka River below a straight line drawn across the river from the dividing-line between Sections 3 and 11, Block VIII, of Glenomaru Survey District, such limit being marked on the eastern shore of the river by a post painted white bearing the words "Netting Limit," as shown on plan marked M.D. 4562 No. 1, deposited in the office of the Marine Department at Wellington.

(g) In the mouth of Catlins River, in the said river, and in the waters of Catlins Lake below a straight line drawn from White's Point on the northern shore of the Catlins Lake to Glass Point on the southern shore of such lake, the northern end of such line being marked by a post having painted thereon the words "Netting Limit," as shown on plan marked M.D. 4562 No. 1, deposited in the office of the Marine Department at Wellington.

(h) In the mouth or entrance of the Tahakopa River below the place where the traffic bridge crosses the said river at Papatowai.

(j) In the mouth or entrance of the Tautuku River below a line drawn in a south-westerly direction from the southernmost point of the scenic reserve lying between Tautuku River and Tautuku Bay to a point on the right bank of the estuary immediately below the ford, which points are indicated by white posts placed on the river-bank and having marked thereon "Netting Limits."

C. A. JEFFERY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 30th day of August, 1945.

These regulations are administered in the Marine Department.