

Serial Number 1940/48.



THE QUINNAT SALMON REGULATIONS 1940.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 13th day of
March, 1940.

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.

PART I.—PRELIMINARY.

1. These regulations may be cited as the Quinnat Salmon Regulations 1940.
2. These regulations shall come into force on the day following notification thereof in the *Gazette*.*
3. In these regulations, unless inconsistent with the context,—
 - “The said Act” means the Fisheries Act, 1908, and includes the amendments thereof :
 - “Minister” means the Minister of Marine, and includes any person acting by or under the authority of such Minister :
 - “The Secretary for Marine” means the Secretary to the Marine Department :
 - “Holder of a license” means the person named therein as the holder thereof :
 - “Netting” includes the taking of fish by means of a set-net, seine-net, hauling-net, pound-net, and trap (constructed whether of wire or twine).
4. These regulations shall apply throughout New Zealand.
5. Except as hereinafter expressly provided to the contrary, these regulations shall be subject to the Fresh-water Fisheries Regulations 1936.†
6. The respective regulations referred to in the First Schedule hereto are revoked.

* See end note.

† Statutory Regulations 1936-7, Serial number 1936/36, page 119.

7. All licenses and generally all Acts of authority and all other documents, matters, acts, and things which originated or had effect under any regulations hereby revoked and are of continuing force at the time of the coming into force of these regulations shall enure for the purposes of these regulations as if they had originated under these regulations, and shall, where necessary, be deemed to have so originated.

PART II.—REQUIREMENT OF LICENSE.

8. No person shall fish for, take, or kill, or attempt to fish for, to take, or to kill, any quinnat salmon unless he is the holder of—

- (i) A salmon-netting license issued under these regulations ; or
- (ii) A salmon sea license issued under these regulations ; or
- (iii) A license in that behalf issued under the Fresh-water Fisheries Regulations 1936 ; or
- (iv) A license issued under some other regulations enabling him in that behalf.

9. No person shall for purposes of sale fish for, take, or kill, or attempt to fish for, to take, or to kill, any quinnat salmon or sell or offer for sale or agree to sell any quinnat salmon taken or killed by him unless he is the holder of—

- (i) A salmon-netting license issued under these regulations ; or
- (ii) A salmon sea license issued under these regulations ; or
- (iii) A salmon angler's sale license issued under these regulations.

10. No person shall fish for, take, or kill any quinnat salmon otherwise than in accordance with the terms and conditions contained in or attaching to the exercise of a license of which he is the holder.

11. Nothing in the last three preceding regulations shall apply to a person acting as assistant to the holder of a license upon an occasion on which the holder of the license is personally present.

12. No person shall sell or offer for sale, or agree to sell, any quinnat salmon taken otherwise than under the authority of a license and in accordance with the terms and conditions contained in or attaching to the exercise of such license.

13. Nothing in Regulations 8 and 10 hereof shall affect any person fishing for, taking, or killing, or attempting to fish for, to take, or to kill, any quinnat salmon pursuant to the provisions of Regulation 44 hereof or in exercise of any rights referred to in sections 88 and 90 of the said Act.

14. Any person fishing in any waters and taking a quinnat salmon and not being the holder of a license authorizing him so to do shall immediately return it alive with as little injury as possible into the water from which it was taken.

PART III.—APPLICATION FOR AND ISSUE OF LICENSE.

15. The issue of licenses shall be in the discretion of the Minister.

16. Every person making application for a license shall furnish to the Secretary for Marine his true full name, address, and calling or occupation, and shall see that such name, address, and calling or occupation are correctly set out in the license when it is issued to him.

17. In the consideration of applications for netting licenses precedence shall be given to those of *bona fide* wholetime professional fishermen.

18. The Secretary for Marine shall not be bound to entertain any application for a netting license not received by the 30th day of November next preceding the open season to which it relates.

19. Every license shall be issued under the hand of the Secretary for Marine, and shall be in such one of the forms set out in the Second Schedule hereto as may be applicable or to the effect thereof.

20. No license shall be issued until the appropriate fee set out in the Third Schedule hereto has been paid.

21. Every person applying for a salmon angler's sale license and claiming to be the holder of a whole-season license under the Fresh-water Fisheries Regulations 1936 shall produce such whole-season license to the Secretary for Marine or his representative before the salmon angler's sale license is delivered to him.

PART IV.—KINDS AND EFFECTS OF LICENSES.

22. The following licenses may be issued under these regulations :—

- (i) A salmon-netting license :
- (ii) A salmon sea license :
- (iii) A salmon angler's sale license.

23. Subject to Part V of these regulations, the holder of a license issued under these regulations may fish for, take, and kill quinnat salmon under the authority of such license only from and including the 1st day of January (or any later date on which the license may be issued, being a date prior to the 15th day of May), until and including the 15th day of May next ensuing or until and including the last day of the open season for quinnat salmon in the place where the holder is fishing.

24. The holder of a license issued under these regulations may sell any quinnat salmon taken by him at any time being not later than the expiration of seven days after the last day on which such salmon might lawfully be taken by him under the authority of his license, but not at any time after the expiration of the seven days aforesaid.

25. The authority conferred by any license shall be subject always to the express restrictions of these regulations and any other regulations that may be applicable, and generally to the provisions of the said Act.

26. Subject to Part V of these regulations, a salmon-netting license shall authorize the holder to fish for, take, and kill quinnat salmon in inland waters, including the sea within a radius of 500 yards from any place where at low tide the waters of a river or stream meet the waters of the sea or of any harbour, and in no other place.

27. Subject to Part V of these regulations, a salmon-netting license shall authorize the holder to fish for, take, and kill quinnat salmon by means of a set-net, seine-net, hauling-net, pound-net, or trap (constructed whether of wire or of twine), and by no other means.

28. A salmon angler's sale license shall authorize the holder to fish for, take, and kill quinnat salmon in any waters with one rod and line only, and by no other means.

29. A salmon sea license shall authorize the holder to fish for, take, and kill quinnat salmon in territorial waters of the sea outside a radius of 500 yards from any place where at low tide the waters of a river or stream meet the waters of the sea or of any harbour, and in no other place.

30. A salmon sea license shall authorize the holder to fish for, take, and kill quinnat salmon only when fishing from a vessel duly licensed under the provisions of Part I of the said Act, and on no other occasion.

31. A salmon sea license shall authorize the holder to fish for, take, and kill quinnat salmon by any means by which sea-fish in general may lawfully be taken from the licensed vessel from which the holder is fishing, and by no other means.

32. No license shall be transferable or be deemed to authorize any person to fish other than the person named therein as holder.

33. Every license shall be subject to the condition that upon conviction of the holder for any offence against the said Act or any regulations made thereunder the license shall thereupon become void and of no effect, and the license shall on demand by any officer of the Marine Department be surrendered to such officer, and the Secretary for Marine or any person acting under his authority shall be entitled to demand and receive and cancel the license.

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

PART V.—RESTRICTIONS ON FISHING FOR SALMON.

35. (a) No person shall fish for, take, or kill quinnat salmon by netting between midnight of Friday in any week and midnight of the Sunday following.

(b) No person shall fish for, take, or kill quinnat salmon by netting in the waters of the Waimakariri River above a straight line between the sign-posts erected on each bank of the river and marked "salmon-netting limits".

(c) No person shall fish for, take, or kill quinnat salmon by any means whatsoever after the 30th day of April in any year in that portion of the Waitaki River lying above a straight line drawn from Strachan Railway-station to the post marked "Salmon-fishing limit" placed on the opposite side of the river.

36. No person shall fish for, take, or kill quinnat salmon by any means whatsoever after the 31st day of March in any year in any of the waters defined in the Fourth Schedule hereto.

37. No person shall fish for, take, or kill quinnat salmon with a set-net the mesh of which is less than 6 in. between knot and knot of opposite corners or with a net which is of any other kind than a set-net and the mesh of which is less than 4 in. between knot and knot of opposite corners.

38. No person shall fish for, take, or kill quinnat salmon with any net of a length greater than 80 yards.

39. No person shall fish for quinnat salmon by netting within 20 chains from any net or trap already in use belonging to the holder of a license under these regulations.

40. The Minister may in his discretion limit the number of nets or traps which may be used in any area, and may at any time order the holder of a license to remove any net or trap if in the opinion of the Minister it is necessary or advisable to do so, and upon receiving any such order the holder of a license shall forthwith comply with the same.

PART VI.—DUTIES OF LICENSEE.

41. The holder of a license issued under these regulations shall, on the expiry of such license, or on departure from the fishing-grounds, whichever first happens, forthwith remove any net, trap, or stakes used by him for taking quinnat salmon.

42. Every holder of a license issued under these regulations taking any trout, and not being the holder of a license authorizing him so to do, shall immediately return it alive with as little injury as possible into the waters from which it was taken.

43. Every licensee shall forward to the Secretary for Marine, in such form and at such time as may be prescribed, returns of all salmon taken by him pursuant to these regulations.

PART VII.—MISCELLANEOUS.

44. No person shall, without the consent of the Minister first obtained, export from New Zealand any quinnat salmon.

45. Notwithstanding anything hereinbefore contained, any person authorized in writing in that behalf by the Secretary for Marine may fish for, take, or kill quinnat salmon from any waters during the close season for the purposes of pisciculture or scientific investigation, and may have in his possession fish taken for such purposes.

46. Any person committing a breach of these regulations shall be liable to a fine not exceeding £50.

SCHEDULES.

FIRST SCHEDULE.

REGULATIONS REVOKED.

Date of Order in Council.	Published in <i>Gazette</i> .	
	Year.	Page.
8th April, 1918	1918	1011
8th May, 1922	1922	1321
30th March, 1926	1926	921
4th October, 1926	1926	2865
10th January, 1927	1927	6
29th January, 1929	1929	349
16th March, 1931	1931	633
14th January, 1932	1932	103
28th February, 1933	1933	425
14th December, 1934	1934	4341

SECOND SCHEDULE.

[Form No. 1.]

SALMON-NETTING LICENSE.

THE holder of this license [*Name in full*], of [*Address and occupation or calling*], having paid the sum of five pounds, is hereby authorized to take for sale quinnat salmon from inland waters from the day of, 19.., until the 15th day of May, 19.., or the last day of the open season for quinnat salmon in the place where the holder is fishing by means of set-net, seine-net, hauling-net, pound-net, or trap, subject to all regulations for the time being in force relating to the taking of quinnat salmon for sale.

Dated at Wellington, this day of, 19...

.....
Secretary for Marine.

[Form No. 2.]

SALMON SEA LICENSE.

THE holder of this license [*Name in full*], of [*Address and occupation or calling*], having paid the sum of one pound, is hereby authorized to take for sale quinnat salmon from territorial waters of the sea outside a radius of 500 yards from any place where at low tide the waters of a river or stream meet the waters of the sea or of any harbour from a vessel duly licensed under Part I of the Fisheries Act, 1908, from the day of, 19.., until the 15th day of May, 19.., subject to all regulations for the time being in force relating to the taking of quinnat salmon for sale.

Dated at Wellington, this day of, 19...

.....
Secretary for Marine.

[Form No. 3.]

SALMON ANGLER'S SALE LICENSE.

THE holder of this license [*Name in full*], of [*Address and occupation or calling*], having paid the sum of two pounds (*or one pound and being the holder of a whole-season license under the Fresh-water Fisheries Regulations 1936*), is hereby authorized to take for sale quinnat salmon from inland waters from the day of, 19.., until the 15th day of May, 19.., or the last day of the open season for quinnat salmon in the place where the holder is fishing by means of one rod and line only, subject to all regulations for the time being in force relating to the taking of quinnat salmon for sale.

Dated at Wellington, this day of, 19...

.....
Secretary for Marine.

THIRD SCHEDULE.

SCALE OF FEES FOR SALMON LICENSES.

	£
For a salmon-netting license	5
For a salmon sea license	1
For a salmon angler's sale license	2
But to a holder of a whole-season license under the Fresh-water Fisheries Regulations 1936	1

FOURTH SCHEDULE.

WATERS IN WHICH QUINNAT-SALMON FISHING IS PROHIBITED AFTER THE 31ST DAY OF MARCH IN EACH YEAR.

1. The Rakaia River, in all those waters above the Gorge Bridge.
2. The Rangitata River, above the creek known as Raule's Creek, in the mouth of the Rangitata Gorge.
3. The Waitaki River, between a line running in a south-easterly direction from a point on the left bank about 500 yards below the mouth of the Hakataramea River, as indicated by a notice board marked "salmon-fishing limit", to the Upper Waitaki traffic bridge between Hakataramea and Kurow.
4. The Hakataramea River.

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

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette*: 20th day of March, 1940.
These regulations are administered in the Marine Department.