

## Whitebait Fishing (West Coast) Amendment Regulations 2000

Pursuant to sections 48 and 48A of the Conservation Act 1987, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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### 1 Title

- (1) These regulations are the Whitebait Fishing (West Coast) Amendment Regulations 2000.
- (2) In these regulations, the Whitebait Fishing (West Coast) Regulations 1994<sup>1</sup> are called “the principal regulations”.

### 2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

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<sup>1</sup> SR 1994/66

### **3 Interpretation**

Regulation 2 of the principal regulations is amended by revoking the definition of the term **screen**, and substituting the following definition:

“**screen** means a metallic or fabric gauze material that does not impede the flow of water and is capable of being used in such a way as to divert the movement of whitebait into a net, and includes any supporting frame.”

### **4 Use of screens and diversions**

Regulation 8(1) of the principal regulations is amended by revoking paragraph (ba), and substituting the following paragraph:

“(ba) use a screen or screens whose total length exceeds 3 m in fishing for whitebait otherwise than from a licensed structure; or.”

### **5 Fishing for whitebait from or near structures**

(1) Regulation 12(2) of the principal regulations is amended by inserting, after the word “regulations”, the words “(other than the Mokihinui River)”.

(2) Regulation 12 of the principal regulations is amended by adding the following subclause:

“(3) No person fishing for whitebait in the Mokihinui River may fish within 40 m of any licensed structure from which any other person is fishing, whether on the same or opposite bank as the licensed structure, unless the person is fishing from another licensed structure.”

### **6 Offences**

Regulation 19 of the principal regulations is amended by revoking paragraph (c), and substituting the following paragraph:

“(c) takes whitebait otherwise than in accordance with any conditions imposed by the Director-General under regulation 20(3).”

**7 Mokihinui River added to Schedule 2**

Schedule 2 of the principal regulations is amended by inserting, immediately before the word “Orowaiti”, the word “Mokihinui”.

Marie Shroff,  
Clerk of the Executive Council.

**Explanatory Note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force 28 days after their notification in the *Gazette*, amend the Whitebait Fishing (West Coast) Regulations 1994 as follows:

- *regulation 3* substitutes a new definition of **screen** that now effectively includes unframed floating or **floppy** screens:
- *regulation 4* amends regulation 8(1) of the principal regulations, which currently prohibits the use of 1 or more screens with a total length exceeding 3 m. The substituted *paragraph (ba)* reinstates an earlier exemption from this requirement for persons fishing from licensed structures:
- *regulations 5 and 7* insert the Mokihinui River into Schedule 2 of the principal regulations, as a river where special conditions apply, and as with other rivers named in the Schedule provide a 40 m clearance zone around licensed structures within which other persons may not fish while the structure is being used. Due to the density of licensed structures on the Mokihinui River however, the new *regulation 12(3)* provides that this prohibition will not apply on that river to persons fishing from another licensed structure that is within the 40 m radius:
- *regulation 6* cures a drafting error, in that it was not previously clear which of 2 identically numbered provisions in regulation 19 was revoked by amending legislation in 1995.