



**THE FISHERIES (SOUTH-EAST AREA COMMERCIAL FISHING)
REGULATIONS 1986, AMENDMENT NO. 4**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 30th day of October 1989

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 89 of the Fisheries Act 1983, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 4, and shall be read together with and deemed part of the Fisheries (South-East Area Commercial Fishing) Regulations 1986* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of December 1989.

2. Interpretation—The principal regulations are hereby amended by revoking regulation 2, and substituting the following regulation:

“2. (1) In these regulations, unless the context otherwise requires,—

“ ‘Anchovy’ means the fish *Engraulis australis*:

“ ‘Basking shark’ means the fish of the species *Cetorhinus maximus*:

“ ‘Black coral’ means a coelenterate of the order *Antipatharia*:

“ ‘Black shark’ means the fish of the species *Dalatias licha*:

“ ‘Blue mussel’ means the shellfish *Mytilus edulis aoteanus*:

“ ‘Cardinal fish’ means the fish of the species *Epigonus telescopus*, *Howella brodiei*, *Rosenblattia robusta*, or *Epigonus lenimen*:

“ ‘Cats eye’ means shellfish of the *Lunella* spp.:

“ ‘Chatham Islands rock lobster fishery’ means the rock lobster fishery bounded by all that area of New Zealand fisheries waters enclosed by a line commencing at the point 40° 25’ S and 178° W on the outer limits of the exclusive economic zone; then proceeding along the outer limits of the zone to the point 51° 50’ S and 174° 35’ E; then proceeding in a straight line to the point 50° 55’ S and 173° 50’ E; then proceeding along the outer limits of the zone to the point 48° 15’ S and 174° E; then proceeding in a straight line to the point of commencement:

“ ‘Chatham Islands Shellfish Fishery’ means the shellfish fishery within the following waters:

“(a) All those waters contained within Hanson Bay bounded by a line commencing at Okawa Point (at 43° 46.2’ S and 176° 14.3’ W); then proceeding in a south-south-westerly direction to Manukau Point (at 44° 02.0’ S and 176° 19.6’ W); then in a northerly direction along the mean high water mark to the point of commencement:

“(b) All those waters contained within an area bounded by a line commencing at Okawa Point (at 43° 46.2’ S and 176° 14.3’ W); then in an easterly direction to a point which bisects the territorial sea (at 43° 46.3’ S and 175° 55.1’ W); then along the boundary of the territorial sea in a south-easterly and south-westerly direction to a point (at 44° 01.0’ S and 175° 33.5’ W); then due west to Manukau Point (at 44° 02.0’ S and 176° 19.6’ W); then along a straight line to the point of commencement:

“(c) All those waters contained within an area bounded by a line commencing at Manukau Point (at 44° 02.0’ S and 176° 19.6’ W); then due east along latitude 44° 01.0’ S to a point which bisects the territorial sea (at 44° 02.0’ S and 175° 33.5’ W);

*S.R. 1986/219

Amendment No. 1: S.R. 1986/254

Amendment No. 2: S.R. 1988/105

Amendment No. 3: S.R. 1988/320

then along the boundary of the territorial sea in a southerly and westerly direction to a point (at 44° 24.0'S and 176° 37.8'W); then due north to Cape L'Eveque (at 44° 07.1'S and 176° 37.8'W); then in an easterly and northerly direction along the mean high water mark to the point of commencement:

“(d) All those waters contained within an area bounded by a line commencing at Point Somes (at 43° 50.5'S and 176° 52.6'W); then due west to a point which bisects the territorial sea boundary (at 43° 50.4'S and 177° 16.2'W); then in a south-easterly direction along the boundary to a point (at 44° 24.0'S and 176° 37.8'W); then due north to Cape L'Eveque (at 44° 07.1'S and 176° 37.8'W); then in a northerly direction along the mean high water mark to Point Durham (at 44° 00.6'S and 176° 40.7'W); then in a north-westerly direction to the point of commencement:

“(e) All those waters contained within an area bounded by a line commencing at Point Durham (at 40° 00.6'S and 176° 40.7'W); then proceeding along a line in a westerly direction to Point Somes (at 43° 50.5'S and 176° 52.6'W); then in an easterly, south-south-easterly and south-south-westerly direction along the mean high water mark to the point of commencement:

“(f) All those waters contained within an area bounded by a line commencing at Somes Point (at 43° 50.5'S and 176° 52.6'W); then due west to a point which bisects the territorial sea boundary (at 43° 50.4'S and 177° 16.2'W); then in a northerly and easterly direction along the boundary of the territorial sea to a point (at 43° 24.0'S and 176° 37.6'W); then due south to Cape Young (at 43° 41.3'S and 176° 37.6'W); then in a southerly and westerly direction along the mean high water mark to the point of commencement:

“(g) All those waters contained within an area bounded by a line commencing at Cape Young (at 43° 41.6'S and 176° 37.6'W); then due north to a point on the boundary of the territorial sea (at 43° 24.0'S and 176° 37.6'W); then along the boundary of the territorial sea in an easterly and southerly direction to a point (at 43° 32.0'S and 176° 20.9'W); then due south to Matarakau (at 43° 44.1'S and 176° 20.9'W); then in a westerly direction along the mean high water mark to the point of commencement:

“(h) All those waters contained within an area bounded by a line commencing at Matarakau (at 43° 44.1'S and 176° 20.9'W); then due north to a point that intersects the boundary of the territorial sea (at 43° 32.0'S and 176° 20.9'W); then along the boundary of the territorial sea in an easterly and southerly direction to a point (at 43° 46.3'S and 175° 55.1'W); then in a westerly direction to Okawa Point (at 43° 46.2'S and 176° 14.3'W); then in a northerly and westerly direction along the mean high water mark to the point of commencement:

“‘Cockle’ means the mollusc *Chione (Austrovenus) stutchburyi*:

“‘Cod-end’ means that end part of a net which is normally closed during fishing and is capable of holding fish while in the water; and includes, in respect of a net—

- “(a) Carried on a vessel not exceeding 10 m overall length, not less than the last 3 m of net:
- “(b) Carried on a vessel 10 m or more but less than 20 m overall length, not less than the last 5 m of net:
- “(c) Carried on a vessel 20 m or more but less than 30 m overall length, not less than the last 10 m of net:
- “(d) Carried on a vessel 30 m or more but less than 40 m overall length, not less than the last 15 m of net:
- “(e) Carried on a vessel 40 m or more overall length, not less than the last 20 m of net:
- “ ‘Commercial fisherman’ means any person who has a fishing permit issued under section 63 of the Fisheries Act 1983 entitling the person to take any species or class of fish, aquatic life, or seaweed; and includes—
- “(a) Any person who is engaged in any capacity on a New Zealand fishing vessel; and
- “(b) Any person, whether or not on board any fishing vessel, who takes any fish, aquatic life, or seaweed for the purposes of sale:
- “ ‘Conger eel’ means the fish of the species *Conger verreauxi*, *Gnathophis spp.*, or *Pseudoxenomystax spp.*:
- “ ‘Consumer Pack’ means a container which—
- “(a) Contains only whole rock lobsters or whole rock lobster tails; and
- “(b) Does not exceed 1 kg in net weight; and
- “(c) When sold, is sealed with an unbroken seal; and
- “(d) Is inscribed with the words ‘Crayfish Consumer Pack’, ‘Crayfish (Tails) Consumer Pack’, ‘Rock Lobster Consumer Pack’, or ‘Rock Lobster (Tails) Consumer Pack’, as the case may be, and the name of the proprietor of the packing house, the location of the packing house, and the net weight of the rock lobster or rock lobster tails in the pack; and
- “(e) Is packed at a licensed fish packing house situated in Otago:
- “ ‘Cooks turban’ means the shellfish *Cookia sulcata*:
- “ ‘Danish seine net’ means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with or attached to the net) that—
- “(a) Has a buoyancy system on the top edge; and
- “(b) Is weighted on the bottom edge; and
- “(c) Is operated, without the use of any horizontal net opening device, by surrounding any fish and being drawn over the bed of any waters, or through any waters, to one or more vessels:
- “ ‘Day’ means a period of 24 hours computed from midnight to midnight:
- “ ‘Deepwater crab’ includes the southern spider crab (*Jacquiniotis edwardsii*), the southern stone crab (*Lithodes murrayi*), and the red swimming crab of the Genus *Nectocarcinus*:
- “ ‘Dog cockle’ means the shellfish *Glycymeris laticostata*:
- “ ‘Drag net’ or ‘beach seine net’ means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with, or attached to, the net) that—
- “(a) Has a buoyancy system on the top edge; and

- “(b) Is weighted on the bottom edge; and
 “(c) Is operated by surrounding any fish and being drawn over the bed of any waters or through any waters to the shore:
- “ ‘Dredge’ means a device towed on or over or capable of being towed on or over the seabed primarily for the collection of shellfish; and includes a box dredge or ring bag dredge:
- “ ‘Eel’ means the short-finned eel (*Anguilla australis*) and the long-finned eel (*Anguilla dieffenbachii*):
- “ ‘Fyke net’ means any trap net (set with or without leaders or wings) with the trap section having single or multiple throats and supported by hoops or rings, with the leaders or the net being held in position by poles or anchoring devices or by both poles and anchoring devices:
- “ ‘Frost fish’ means the fish of the species *Lepidopus caudatus*:
- “ ‘Garfish’ means the fish (also commonly known as piper), the scientific name of which is *Hyporhamphus thi*:
- “ ‘Ghost shark’ means the fish of the species *Hydrolagus novaezelandiae*; and includes any other *Hydrolagus* spp.:
- “ ‘Green mussel’ means the shellfish *Perna canaliculus*:
- “ ‘Hagfish’ means the common hagfish, or blind eel of which the scientific name is *Eptatretus cirrhatus*:
- “ ‘Hand-gathering’ includes shore picking, diving, hand digging for shellfish, and hand cutting of seaweed, but does not include diving using underwater breathing apparatus:
- “ ‘Hinaki trap’ means any trap capable of taking eels:
- “ ‘Horse mussel’ means the shellfish *Atrina zelandica*:
- “ ‘Kina’ means the shellfish of which the scientific name is *Evechinus chloroticus*, also commonly known as the sea egg; and includes the purple urchin, of which the scientific name is *Centrostephanus rogersi*; and also includes the sea egg of the Genus *Pseudechinus*:
- “ ‘King clam’ means the shellfish of the Genus *Panopea*:
- “ ‘Lamprey’ means the fish of the species *Geotria australis*:
- “ ‘Leatherjacket’ means the fish of the species *Parika scaber*:
- “ ‘Length’, unless otherwise specified, means—
- “(a) In relation to any rock lobster tail, its length from the posterior side of the calcified bar on the under side of the first segment to the tip of the telson of the tail fan, measured, by using a measuring device, in a middle straight line along the under side or ventral side with the tail laid flat using no more pressure applied to the rock lobster tail or measuring device than will hold the pin of the measuring device against the posterior side of the first calcified bar and will cause the ventral surface of the tail to just touch the measuring device:
- “(b) In relation to any finfish, its length from the tip of the nose to the posterior end of the middle ray of the tail fin:
- “(c) In relation to any scallop or queen scallop, the greatest diameter of the shell:
- “(d) In relation to any paua, the greatest overall length of the shell measured on a plane parallel to the ventral surface of the paua:
- “ ‘Licensed fish packing house’ means Sanford South Island (Fish Packing House Licence No. 5), Globe Export Fisheries Limited (Fish Packing House Licence No. 51), Otakou Fisheries Limited

(Fish Packing House Licence No. 91), and Skeggs Foods Limited (Fish Packing House Licence No. 87 and Fish Packing House Licence No. 201):

- “ ‘Limpet’ means the shellfish of the Genus *Cellana* or *Notoacmea*:
- “ ‘Mako shark’ means the fish of the species *Isurus oxyrinchus*:
- “ ‘Measuring device’ in relation to the length of a rock lobster tail, means a device supplied by the Director-General and consisting of a rigid metal bar with a pin set in it:
- “ ‘Mud crab’ means the crustacean *Helice crassa* and *Hemiplax hirtipes*:
- “ ‘Mud snail’ means the shellfish *Amphibola crenata*:
- “ ‘Munida’ means the crustacean *Munida gregaria*:
- “ ‘Net’ includes any net capable of being used to take fish; but does not include a whitebait net:
- “ ‘New Zealand cancer crab’ means the crustacean of the species *Cancer novaezelandiae*:
- “ ‘Octopus’ means the shellfish *Octopus maorum*:
- “ ‘Open season’ means that period of a year not prescribed as a closed season:
- “ ‘Otago Concession Area’ means those waters lying seaward of the mean high-water mark between a straight line drawn from the Waitaki River South Head Aero Beacon (at 44° 56.1’ S and 171° 08’ E) on a true compass bearing of 135°; and a straight line drawn from Nugget Point Lighthouse (at 46° 27’ S and 169° 49’ E) on a true compass bearing of 135°; and within New Zealand fisheries waters:
- “ ‘Otago Concession Buffer Zone’ means the waters of the sea lying seaward of the mean high-water mark between a straight line drawn from Nugget Point Lighthouse (at 46° 27’ S and 169° 49’ E) on a true compass bearing of 135°; and a straight line drawn from Long Point (at 46° 34.1’ S and 169° 34.1’ E) on a true compass bearing of 135°:
- “ ‘Otter board’ means any device, including a paravane, used or capable of being used to keep a net or a trawl net open:
- “ ‘Overall length’ means the length of a vessel measured by a straight middle line from the extreme forward end to the extreme aft end of the hull of the vessel:
- “ ‘Oyster’ includes the kinds of molluscs known as *Saccostrea glomerata* (formerly known as *Crassostrea glomerata* or *Saxostrea glomerata*) and *Crassostrea gigas*, commonly known as the rock oyster and Pacific oyster respectively; and *Tiostrea lutaria* (formerly known as *Ostrea lutaria*), commonly known as the dredge oyster:
- “ ‘Paddle crab’ means the crab of which the scientific name is *Ovalipes catharus*:
- “ ‘Pair trawling’ means using a trawl net that is towed or hauled through the water by more than one vessel:
- “ ‘Paua’ includes ordinary paua (*Haliotis iris*), yellow foot paua (*Haliotis australis*), and virgin paua (*Haliotis virginea*):
- “ ‘Pilchard’ means the fish *Sardinops neopilchardus*:
- “ ‘Pipi’ means the shellfish *Paphies australis*:
- “ ‘Place or port of domicile’, in relation to any fishing vessel, means the place or port at which the vessel is based and from which fishing is substantially carried out, as specified in the fishing

- permit for the time being in force in respect of the vessel; and 'domiciled' has a corresponding meaning:
- "Place or port of registry", in relation to a registered fishing vessel, means the place or port at which the fishing vessel is registered pursuant to section 57 of the Act:
- "Queen scallop" means the mollusc *Chlamys delicatula*:
- "Rays bream" means the fish of the species *Brama brama*:
- "Red coral" means a hydrocoral of the Order *Stylasterina*:
- "Red rock crab" means the crab of the species *Plagusia carpense*:
- "Ribaldo" means the fish of the species *Mora moro*:
- "Rock lobster" means the fish of which the scientific name is *Jasus edwardsii*, commonly known as the spiny or red rock lobster:
- "Rock lobster pot" means any pot, whether baited or not, which is capable of catching or holding rock lobsters; and includes any other device capable of catching, holding, or storing rock lobsters:
- "Saury" means the fish of the species *Scomberesox saurus*:
- "Scallop" means the mollusc *Pecten novaезelandiae*:
- "Sea cucumber" means a Holothurian of the Genus *Stichopus*:
- "Sea horse" means the fish of the species *Hippocampus abdominalis*:
- "Sea perch" means the fish of the Genus *Helicolenus*:
- "Sea slug" means the shellfish of the species *Aphysia dactylomela*:
- "Sea tulip" means the Ascidian *Pyura pachydermatina*:
- "Set net" includes a gill net, drift net, trammel net, or any other sort of net which acts by enmeshing, entrapping, or entangling any fish:
- "Silverside" means the fish of the species *Argentina elongata*:
- "Skate" means a skate of the Genus *Raja*, *Bathyraja* or *Arhynchobotis*; and includes a ray of the Genus *Dasyatis*, *Myliobatis*, *Mobula*, *Torpedo*, or *Typhlonarke*:
- "Snapper" means the fish of which the scientific name is *Chrysophrys auratus*:
- "Spiky dogfish" means the fish of the species *Squalus acanthias*:
- "Spiny sea dragon" means the fish of the species *Solegnathus spinosissimus*:
- "Sponge" means the animal of the Phylum *Porifera*:
- "Sprat" means the fish of the Genus *Sprattus*:
- "Squid" means—
- (a) The shellfish, commonly known as arrow squid, which has the scientific name *Nototodarus* sp; and
- (b) The shellfish, commonly known as broad squid, which has the scientific name *Sepioteuthis bilineata*:
- "Squid jigging" means any type of fishing method for taking squid using a line:
- "Stokell-smelt" means the fish of which the scientific name is *Stokellia anisodon*:
- "Surf clam" means shellfish of the Genus *Mactra*, *Spisula*, *Dosinia*, *Basina*, or of the species *Paphies donacina*:
- "Surrounding net" includes a drag net, Danish seine net, drum seine net, purse seine net, lampara net, and all modes of fishing whereby fish are encircled:
- "Thresher shark" means the fish of the species *Alopias vulpinus*:

“ ‘Trawl net’ means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with or attached to the net) that—

“(a) Has a buoyancy system in the top edge; and

“(b) Is weighted on the bottom edge; and

“(c) Is operated by being drawn over the bed of any waters or through any waters by one or more vessels underway—
but does not include a Danish seine net:

“ ‘Trumpeter’ means the fish of the species *Latris lineata*:

“ ‘Tuatua’ means the shellfish *Paphies subtriangulata*:

“ ‘Whelk’ means the shellfish of the Genus *Struthiolaria*, *Cominella*, *Haustrum*, *Buccinulum*, *Lepsiella*, or *Taron*:

“ ‘Whitebait net’ means any net, contrivance, instrument, or device used or capable of being used to take the fish commonly called whitebait:

“ ‘Wrasse’ means any fish of the family *Labridae*:

“ ‘Yellow-eyed mullet’ means the fish of the species *Aldrichetta forsteri*, also known as herring.

“(2) In these regulations, a reference to a named quota management area is a reference to the area of that name as defined in the Second Schedule to the Fisheries (Quota Management Areas, Total Allowable Catches, and Catch Histories) Notice 1986*.”

3. New regulations relating to use of nets inserted—The principal regulations are hereby amended by inserting, after regulation 3, the following regulations:

“**3A. Commercial use of surface nets**—(1) No commercial fisherman shall set any net in the waters of quota management area 3 or quota management area 4 if the upper edge of the net is within 2 metres of the surface, unless the distance from the top of the net to its bottom is no more than 50 times greater than the relevant net mesh size and that commercial fisherman remains within 100 metres of the net while it is set.

“(2) For the purpose of subclause (1) of this regulation, ‘relevant net mesh size’ means the minimum legally permitted mesh size for the fish the commercial fisherman is fishing for.

“**3B. Whitebait net may be used to take Stokell-smelt**—Notwithstanding regulation 21 of the Fisheries (Commercial Fishing) Regulations 1986, it shall be lawful to take Stokell-smelt from the waters of quota management area 3 by using a whitebait net.”

4. New regulations inserted—The principal regulations are hereby amended by inserting, after regulation 11, the following heading and regulations:

“General Prohibitions, Restrictions, and Quotas

“**11A. Taking of certain fish and aquatic life prohibited**—(1) No commercial fisherman shall take from the waters of quota management area 3 or quota management area 4 any fish or aquatic life specified in Part A or Part B of the following table, or be in possession of any such fish or aquatic life if it has been taken from either of these waters:

"Prohibited Fish and Aquatic Life"

Part A	Part B
Anchovy	Blue mussel
Basking shark	Cats eye
Black shark	Cockle
Blue shark	Cooks turban
Cardinal fish	Deepwater crab
Conger eel	Dog cockle
Frost fish	Green mussel
Garfish	Horse mussel
Ghost shark	King clam
Hagfish	Limpet
Lamprey	Mud crab
Leatherjacket	Mud snail
Mako shark	New Zealand cancer crab
Pilchard	Octopus
Rays bream	Paua (except <i>Haliotis iris</i> and <i>Haliotis australis</i>)
Ribaldo	Pipi
Saury	Queen scallop
Sea perch	Red rock crab
Silverside	Sea cucumber
Skate	Sea horse
Spiny sea dragon	Sea slug
Sprat	Sea tulip
Thresher shark	Sponge
Trumpeter	Stokell-smelt
Wrasse	Surf clam
	Tuatua
	Whelk

"(2) No commercial fisherman shall take any oyster or scallop from the waters of quota management area 3, or be in possession of any oyster or scallop if it has been taken from those waters.

"(3) No commercial fisherman shall take any black coral or red coral from the waters of quota management area 3 or quota management area 4, or be in possession of any such coral if it has been taken from either of those waters.

"(4) No commercial fisherman shall take any butterfly or yellow-eyed mullet from the waters of quota management area 4, or be in possession of any such fish if it has been taken from the waters.

"(5) No commercial fisherman shall take any munida or paddle crab from the waters of quota management area 4, or be in possession of any munida or paddle crab, if it has been taken from those waters.

"(6) Notwithstanding subclauses (1) and (4) of this regulation, any fish or aquatic life specified in Part A of the table set out in subclause (1) or specified in subclause (4) of this regulation may be taken by a commercial fisherman if it is caught by that fisherman as an inevitable consequence of the lawful taking of any fish or aquatic life of a species or class under the authority of a current fishing permit held by that fisherman.

"(7) Notwithstanding subclauses (1), (2), and (5) of this regulation but subject to the Fisheries Act 1983 and any other regulations made under

that Act, the Director-General may, on receipt of an application in writing, authorise any commercial fisherman to take for sale any fish or aquatic life specified in Part B of the table set out in subclause (1) or specified in subclause (2) or subclause (5) of this regulation, and the Director-General may give such authorisation either conditionally or unconditionally.

“11b. **Yellow-eyed mullet season and quotas**—Where the Director-General is satisfied in respect of any fishing year that 100 tonnes of yellow-eyed mullet have been taken from the waters of quota management area 3, for the purpose of sale, the Director-General shall give public notice of that fact by such means as the Director-General considers appropriate, and shall specify in that notice a date (being a date later than the publication of the notice) after which no commercial fisherman may take any yellow-eyed mullet from those waters during that fishing year.

“11c. **Kina season and quotas**—Where the Director-General is satisfied in respect of any fishing year that 100 tonnes of kina have been taken from the waters of quota management area 3, for the purpose of sale, the Director-General shall give public notice of that fact by such means as the Director-General considers appropriate, and shall specify in that notice a date (being a date later than the publication of the notice) after which no commercial fisherman may take any kina from those waters during that fishing year.

“11d. **Taking of kina prohibited in certain areas**—No commercial fisherman shall take any kina from any of the following waters, or be in possession of any kina if it has been taken from any of those waters:

“(a) *Nugget Point to Kaka Point*—All those waters lying within half a nautical mile seaward of the mean high water mark of that part of the coast between Nugget Point Lighthouse (at 46° 27'S and 169° 49'E) and Kaka Point (at 46° 21.6'S and 169° 46.9'E);

“(b) *Cape Saunders to Taiaroa Heads*—All those waters lying within half a nautical mile seaward of the mean high water mark of that part of the coast between Cape Saunders Lighthouse (at 45° 53'S and 170° 43.8'E) and Taiaroa Head Lighthouse (at 45° 46.5'S and 170° 43.6'E);

“(c) *Shag River to Moeraki Point*—All those waters lying within half a nautical mile seaward of the mean high water mark of that part of the coast between Shag River (at 45° 30.4'S and 170° 46.3'E) and Moeraki Point (at 45° 21.5'S and 170° 51.5'E);

“(d) *Lookout Bluff to Waianakarua River*—All those waters lying within half a nautical mile seaward of the mean high water mark of that part of the coast between Lookout Bluff (at 45° 16.5'S and 170° 51.5'E) and Waianakarua River (at 45° 15'S and 170° 46.3'E);

“(e) *Bridge Point to All Day Bay*—All those waters lying within half a nautical mile seaward of the mean high water mark of that part of the coast between Bridge Point (at 45° 13.5'S and 170° 53'E) and the southern end of All Day Bay (at 45° 13.1'S and 170° 53'E);

“(f) *Cape Wanbrow to Oamaru Breakwater*—All those waters lying within half a nautical mile seaward of the mean high water of that part of the coast between Cape Wanbrow (at 45° 07.4'S and

170° 59'E) and Oamaru Breakwater (at 45° 06.7'S and 170° 58.8'E).

“11E. Munida season and quotas—(1) Where the Director-General is satisfied in respect of any fishing year that 500 tonnes of munida have been taken from the waters of quota management area 3, for the purpose of sale, the Director-General shall give public notice of that fact by such means as the Director-General considers appropriate, and shall specify in that notice a date (being a date later than the publication of the notice) after which no commercial fisherman may take any munida from those waters during that fishing year.

“(2) No commercial fisherman shall take any munida from the waters of quota management area 3 during the period commencing on the 1st day of November in any year and ending with the close of the 31st day of January in the next year.

“11F. Closed oyster season in Chatham Islands Shellfish Fishery—No commercial fisherman shall take any oyster from the waters of the Chatham Islands Shellfish Fishery during the period commencing on the 1st day of August in any year and ending with the close of the last day of February in the next year, or be in possession of any oyster if it has been taken from those waters during any such period.

“11G. Prohibitions relating to dredging for scallops—(1) No commercial fisherman shall dredge for scallops in the waters of quota management area 3 or quota management area 4 between the hours commencing at 8 p.m. on any day and ending at 6 a.m. on the next day.

“(2) No commercial fisherman shall use any tine on any dredge when dredging for scallops in quota management area 3 or quota management area 4.

“11H. Queen scallop season and quotas—(1) Where the Director-General is satisfied in respect of any fishing year that 750 tonnes of queen scallop have been taken from the waters of quota management area 3, for the purpose of sale, the Director-General shall give public notice of that fact by such means as the Director-General considers appropriate, and shall specify in that notice a date (being a date later than the publication of the notice) after which no commercial fisherman may take any queen scallop from those waters during that fishing year.

“(2) No commercial fisherman shall take or be in possession of any queen scallop that has a shell of less than 50 mm in length.

“(3) No commercial fisherman shall take any queen scallop from the waters of quota management area 4, or be in possession of any queen scallop if it has been taken from those waters.

“11I. Paddle crab season and quotas—Where the Director-General is satisfied in respect of any fishing year that 100 tonnes of paddle crab have been taken from the waters of quota management area 3, for the purpose of sale, the Director-General shall give public notice of that fact by such means as the Director-General considers appropriate, and shall specify in that notice a date (being a date later than the publication of the notice) after which no commercial fisherman may take any paddle crab from those waters during that fishing year.

“11J. Taking certain paddle crabs prohibited—(1) No commercial fisherman shall take from the waters of quota management area 3 or quota management area 4 any paddle crab—

“(a) That is carrying any external eggs; or

“(b) From which any of the external eggs have been removed by artificial means; or

“(c) From which the egg-bearing appendages have been removed; or

“(d) That has a carapace width of less than 75 mm at its widest point.

“(2) No commercial fisherman shall be in possession of any such paddle crab if it has been taken from either of the waters referred to in subclause (1) of this regulation.

“11K. **Restrictions on fishing methods**—(1) No commercial fisherman shall take any blue mussel, cockle, cooks turban, dog cockle, green mussel, kina, king clam, limpet, mud snail, New Zealand cancer crab, paua, pipi, sea cucumber, sea slug, sea tulip, sponge, surf clam, tuatua, or whelk from the waters of quota management area 3 or quota management area 4 by any means other than hand-gathering, unless that other method is specifically authorised by a fishing permit.

“(2) No commercial fisherman shall use any methods other than hand-gathering or the use of a pot (not being a rock lobster pot) to fish for any deepwater crab, mud crab, paddle crab, red rock crab, octopus, or hagfish in the waters of quota management area 3 or quota management area 4.

“(3) Nothing in subclause (2) of this regulation shall apply to any commercial fisherman who is lawfully fishing for any rock lobster in either of those waters.

“(4) No commercial fisherman shall take any fish by means of trolling in those waters of quota management area 3 lying within 1 nautical mile of the mean high water mark of any land adjacent to the waters of that area.

“11L. **Restrictions on use of nets and dredges**—(1) No commercial fisherman shall use any trawl net, set net, Danish seine net, purse seine net, or drag net to take any fish or aquatic life from the waters of quota management area 3 or quota management area 4, unless that method of netting is specifically authorised by a fishing permit held by that commercial fisherman.

“(2) No commercial fisherman shall use any dredge to take any fish or aquatic life from the waters of quota management area 3 or quota management area 4, unless that method is specifically authorised by a fishing permit held by that commercial fisherman.

“11M. **Taking eels from waters of National Parks restricted**—(1) No commercial fisherman shall use a fyke net to take any eel from the waters of any National Park within quota management area 3 or quota management area 4.

“(2) For the purposes of this regulation, ‘National Park’ means any area declared to be a National Park pursuant to the provisions of the National Parks Act 1980.”

5. Offences—Regulation 12 (1) of the principal regulations is hereby amended by inserting, after the expression “4 to 8”, the expression “, or regulations 11A to 11M”.

6. Revocation—Regulation 2 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 2 is hereby consequentially revoked.

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 on 1 December 1989, amend the Fisheries (South-East Area Commercial Fishing) Regulations 1986.

Regulation 2 substitutes new definitions.

Regulation 3 inserts new regulations 3A and 3B, which restrict the use of surface nets and allow stokell-smelt to be taken with a whitebait net.

Regulation 4 inserts new regulations 11A to 11M.

Regulation 11A prohibits the taking of specified fish and aquatic life.

Regulation 11B provides for a yellow-eyed mullet season.

Regulation 11C provides for a kina season.

Regulation 11D prohibits the taking of kina in specified areas.

Regulation 11E provides for a munida season.

Regulation 11F prohibits the taking of oysters from the Chatham Islands Shellfish Fishery during the period commencing 1 August in any year and ending on the last day of February in the next year.

Regulation 11G prohibits dredging for scallops during the hours of 8 p.m. to 6 a.m.

Regulation 11H provides for a queen scallop season.

Regulation 11I provides for a paddle crab season.

Regulation 11J prohibits the taking of certain paddle crabs.

Regulation 11K restricts the method by which specified fish and aquatic life may be taken.

Regulation 11L restricts the use of nets and dredges.

Regulation 11M prohibits the use of a fyke net to take eels from National Park waters.

Regulations 5 and 6 effect consequential amendments.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 2 November 1989.

These regulations are administered in the Ministry of Agriculture and Fisheries.