



**THE FISHERIES (SOUTH-EAST AREA COMMERCIAL FISHING)
REGULATIONS 1986, AMENDMENT NO. 8**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 26th day of August 1991

Present:

THE HON. D. C. MCKINNON PRESIDING IN COUNCIL

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

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 8, 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 28th day after the date of their notification in the *Gazette*.

*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

Amendment No. 4: S.R. 1989/322

Amendment No. 5: S.R. 1990/339

Amendment No. 6: S.R. 1991/58

Amendment No. 7: S.R. 1991/108

2. Interpretation—(1) The principal regulations are hereby amended by revoking regulation 2 (as substituted by regulation 2 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 4 and amended by regulation 2 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 7), and substituting the following regulation:

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

“‘Act’ means the Fisheries Act 1983:

“‘Albacore tuna’ means a fish of the species *Thunnus alalunga*:

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

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

“‘Bigeye tuna’ means a fish of the species *Thunnus obesus*:

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

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

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

“‘Butterfish’ means a fish of the species *Odax pullus* (commonly known as greenbone) or a fish of the species *Odax cyanollis*:

“‘Cardinalfish’ means a fish of the species *Epigonus telescopus*, *Howella brodiei*, *Rosenblattia robusta*, or *Epigonus lewini*:

“‘Catseye’ means a shellfish of the Genus *Lunella* spp.:

“‘Chatham Islands rock lobster fishery’ means the rock lobster fishery within 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); 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 a 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 *Nectocarcinus*, *Jacquiniotia edwardsii*, family *Lithodidae*, *Leptomithrax spp.*, and *Paromola petterdi*:
- “‘Dog cockle’ means the shellfish *Glycymeris laticostata*:
- “‘Dolphinfish’ means a fish of the species *Coryphaena hippurus*:
- “‘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:
- “ ‘Durvillea’ means a seaweed of the Genus *Durvillea*:
- “ ‘Ecklonia radiata’ means the seaweed *Ecklonia radiata*:
- “ ‘Eel’ means the short-finned eel (*Anguilla australis*) and the long-finned eel (*Anguilla dieffenbachii*):
- “ ‘Flying fish’ means a fish of the family *Exocoetidae*:
- “ ‘Frostfish’ means a fish of the species *Lepidopus caudatus*:
- “ ‘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:
- “ ‘Garfish’ means the fish (also commonly known as piper) that has the scientific name *Hyporhamphus ihi*:
- “ ‘Ghost shark’ means a fish of the species *Hydrolagus novaezelandiae*; and includes any other *Hydrolagus* spp.:
- “ ‘Gracilaria’ means a seaweed of the Genus *Gracilaria*:
- “ ‘Green mussel’ means the shellfish *Perna canaliculus*:
- “ ‘Hagfish’ means the common hagfish, or the blind eel that has the scientific name *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*:
- “ ‘Jack mackerel’ means the fish that has the scientific name *Trachurus* spp.:
- “ ‘Jellyfish’ means a coelenterate of the Order *Hydrozoa*:
- “ ‘Kahawai’ means a fish of the species *Arripis trutta*:
- “ ‘Kina’ means an echinoderm of the species *Evechinus chloroticus*:
- “ ‘King clam’ means a shellfish of the Genus *Panopea*:
- “ ‘Lamprey’ means a fish of the species *Geotria australis*:
- “ ‘Leatherjacket’ means a 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 (including any virgin paua), the greatest overall length of the shell measured on a plane parallel to the ventral surface of the paua:
- “‘Lessonia’ means a seaweed of the Genus *Lessonia*:
- “‘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 Pacifica Fishing Limited (Fish Packing House Licence No. 201):
- “‘Limpet’ means a shellfish of the Genus *Cellana* or *Notoacmea*:
- “‘Longfinned eel’ means a fish of the species *Anguilla dieffenbachi*:
- “‘Longimactra’ means a shellfish of the species *Longimactra elongata*:
- “‘Macrocystis’ means a seaweed of the Genus *Macrocystis*:
- “‘Mako shark’ means a 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 the crustacean *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 a 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 that has the scientific name *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*) and yellow foot paua (*Haliotis australis*); but does not include 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:
- “Porphyra’ means a seaweed of the Genus *Porphyra*:
- “Pterocladia’ means a seaweed of the Genus *Pterocladia*:
- “Queen scallop’ means the mollusc *Chlamys delicatula*:
- “Ray’s bream’ means a fish of the species *Brama brama*:
- “Red coral’ means a hydrocoral of the Order *Stylasterina*:
- “Red rock crab’ means a crab of the species *Plagusia carpense*:
- “Ribaldo’ means a fish of the species *Mora moro*:
- “Rock lobster’ means the fish that has the scientific name *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 a fish of the species *Scomberesox saurus*:
- “Scallop’ means the mollusc *Pecten novaезelandiae*:
- “Scampi’ means a crustacean of the species *Metanephropus challengeri*:
- “Sea cucumber’ means a holothurian of the Genus *Stichopus*:
- “Sea egg (other than kina)’ means an echinoderm of the species *Centrostephanus rogersii*, commonly known as the purple urchin, or of the Genus *Pseudechinus*:
- “Sea hare’ means a mollusc of the Order *Aplysiomorpha dactylomela*:
- “Sea horse’ means a fish of the species *Hippocampus abdominalis*:
- “Sea perch’ means a fish of the Genus *Helicolenus*:
- “Sea slug’ means a 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:
- “Shortfinned eel’ means a fish of the species *Anguilla australis*:
- “Silverside’ means a fish of the species *Argentina elongata*:
- “Skate and ray’ means a skate of the Genus *Raja*, *Bathyraja*, or *Arhynchabotis* or a ray of the Genus *Dasyatis*, *Myliobatis*, *Mobula*, *Torpedo* or *Typhlonarke*:
- “Skipjack tuna’ means a fish of the species *Katsuwonus pelamis*:
- “Snapper’ means the fish that has the scientific name *Chrysophrys auratus*:
- “Southern bluefin tuna’ means the fish that has the scientific name *Thunnus maccoyi*:

- “‘Spiny dogfish’ means a fish of the species *Squalus acanthias*:
 “‘Spiny sea dragon’ means a fish of the species *Solegnathus spinosissimus*:
 “‘Sponge’ means an animal of the Phylum *Porifera*:
 “‘Sprat’ means a fish of the Genus *Sprattus*:
 “‘Squid’ means—
 “(a) The shellfish, commonly known as arrow squid, that has the scientific name *Nototodarus spp.*; and
 “(b) The shellfish, commonly known as broad squid, that has the scientific name *Sepioteuthis bilineata*:
 “‘Squid jigging’ means any type of fishing method for taking squid using a line:
 “‘Stokell-smelt’ means a fish that has the scientific name *Stokellia anisodon*:
 “‘Sunset’ means a shellfish of the Genus *Gari*:
 “‘Surf clam’ means a shellfish of the Genus *Mactra*, *Spisula*, *Dosinia*, or *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 a 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 on 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 a fish of the species *Latris lineata*:
 “‘Tuatua’ means the shellfish *Paphies subtriangulata*:
 “‘Ulva’ means a seaweed of the Genus *Ulva*:
 “‘Undaria’ means a seaweed of the Genus *Undaria*:
 “‘Venerupis’ means a shellfish of the Genus *Venerupis largillierti*:
 “‘Virgin paua’ means the shellfish that has the scientific name *Haliotis virginea*:
 “‘Whelk’ means a 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 known as whitebait:
 “‘Wrasse’ means any fish of the family *Labridae*:
 “‘Yellow-eyed mullet’ means a fish of the species *Aldrichetta forsteri*, also known as herring:
 “‘Yellowfin tuna’ means a fish of the species *Thunnus albacares*:
 “‘Zostera’ (also known as eel grass or sea-grass) means a seaweed of the Genus *Zostera*.

“(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*.”

(2) The following regulations are hereby revoked:

- (a) Regulation 2 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 4:
- (b) The Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 7.

3. New regulations substituted—The principal regulations are hereby amended by revoking regulation 11A (as inserted by regulation 4 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 4), and substituting the following regulations:

“11A. **Totally prohibited species**—No commercial fisherman shall take any black coral or any 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 any of those waters.

“11AA. **Targeting of certain fish, aquatic life, and seaweed prohibited, unless specially authorised**—(1) Subject to subclause (2) of this regulation, no commercial fisherman shall take—

- “(a) From the waters of quota management area 3 any fish, aquatic life, or seaweed specified in clause 1 of Part A, or in Part B, of the following Table; or
- “(b) From the waters of quota management area 4 any fish, aquatic life, or seaweed specified in clause 1 or clause 2 of Part A, or in Part B, of the following Table,—

or be in possession of any such fish, aquatic life, or seaweed if it has been taken from those waters.

“(2) Notwithstanding subclause (1) of this regulation, but subject to the Act and any regulations made under the Act, a commercial fisherman may take any fish, aquatic life, or seaweed specified in the Table set out in subclause (5) of this regulation from the waters of quota management area 3 or quota management area 4, or be in possession of any such fish, aquatic life, or seaweed, if—

- “(a) The fish, aquatic life, or seaweed is taken by the commercial fisherman as an inevitable consequence of the lawful taking of any other species or class of fish, aquatic life, or seaweed under the authority of a current fishing permit held by the commercial fisherman; or
- “(b) In the case of any fish, aquatic life, or seaweed specified in Part A of the Table, the Director-General has, under subclause (3) of this regulation, authorised the commercial fisherman to take that fish, aquatic life, or seaweed as a target species.

“(3) Subject to the Act and any regulations made under the Act, the Director-General may, on receipt of an application in writing from a commercial fisherman, authorise the commercial fisherman to take as a target species any fish, aquatic life, or seaweed specified in Part A of the Table set out in subclause (5) of this regulation, and the Director-General may give any such authorisation either unconditionally or subject to such conditions as the Director-General thinks fit to impose.

“(4) Any authorisation given under subclause (3) of this regulation may at any time be withdrawn or cancelled by the Director-General by notice in writing to the commercial fisherman named in the authorisation.

“(5) The species and classes of fish, aquatic life, and seaweed to which subclause (1) of this regulation applies are as follows:

“PROHIBITED TARGET SPECIES

Part A—Prohibited Unless Specially Authorised

1. *Prohibited in both QMA 3 and QMA 4:*

| | | |
|------------------|---------------------|------------------|
| Blue mussel | Long-finned eel | Sea horse |
| Catseye | Longimactra | Sea slug |
| Cockle | Macrocystis | Sea tulip |
| Cooks turban | Mud crab | Short-finned eel |
| Deepwater crab | Mud snail | Sponge |
| Dog cockle | New Zealand cancer | Stockell-smelt |
| Durvillea | crab | Sunset |
| Ecklonia radiata | Oyster | Surf clam |
| Gracilaria | Pipi | Tuatua |
| Green mussel | Porphyra | Ulva |
| Hagfish | Pterocladia | Undaria |
| Horse mussel | Red rock crab | Venerupis |
| Jellyfish | Scallop | Virgin paua |
| Kahawai | Scampi | Whelk |
| King clam | Sea cucumber | Zostera |
| Lamprey | Sea egg (other than | |
| Lessonia | kina) | |
| Limpet | Sea hare | |

2. *Prohibited in QMA 4 only:*

Dredge oyster
Kina
Munida
Queen scallop

Part B—Totally Prohibited as Target Species

| | | |
|-------------------|---------------|------------------|
| 1. Named species: | Anchovy | Pilchard |
| | Basking shark | Ray's bream |
| | Black shark | Ribaldo |
| | Cardinal fish | Saury |
| | Conger eel | Silverside |
| | Frost fish | Spiny sea dragon |
| | Garfish | Sprat |
| | Ghost shark | Thresher shark |
| | Leatherjacket | Trumpeter |
| | Mako shark | Wrasse |
| | Octopus | |

2. Any other fish, aquatic life, or seaweed, not being—

- (a) Fish, aquatic life, or seaweed that is subject to a quota management system; or
- (b) Fish, aquatic life, or seaweed specified in regulation 11A or regulation 11AB of these regulations; or
- (c) Fish, aquatic life, or seaweed specified in Part A of this Table.

“11AB. **Species that may be taken subject to competitive or individual quotas, method restrictions, etc.**—Subject to the Fisheries Act 1983, any regulations or notice made under that Act, and any conditions that the Director-General imposes under that Act or under any such regulation or notice, a commercial fisherman may, where and to the extent that a current fishing permit held by the commercial fisherman so authorises, take—

“(a) From the waters of quota management area 3 any fish, aquatic life, or seaweed specified in the first column or the second column of the following Table; and

“(b) From the waters of quota management area 4 any fish, aquatic life, or seaweed specified in the first column of the following Table,—

and may be in possession of any such fish, aquatic life, or seaweed so taken:

“FISH, AQUATIC LIFE, AND SEAWEED THAT MAY BE TAKEN SUBJECT TO COMPETITIVE OR INDIVIDUAL QUOTAS, METHOD RESTRICTIONS, ETC.

| <i>Species that May be Taken from Both QMA 3 and QMA 4</i> | <i>Species that May be Taken from QMA 3 only</i> |
|--|--|
| Albacore tuna | Butterfish |
| Bigeye tuna | Kina |
| Jack mackerel | Munida |
| Paddle crab | Queen scallop |
| Skipjack tuna | Sea perch |
| Southern bluefin tuna | Skate and ray |
| Yellowfin tuna | Spiny dogfish |
| | Yellow eyed mullet” |

4. Paddle crab season and quotas—Regulation 11I of the principal regulations (as inserted by regulation 4 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 4) is hereby amended by adding the following subclause:

“(2) Where the Director-General is satisfied in respect of any fishing year that 50 tonnes of paddle crab have been taken from the waters of quota management area 4 for the purpose of sale, the Director-General shall give 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 that notice) after which no commercial fisherman may take any paddle crab from those waters during that fishing year.”

5. New regulations inserted—The principal regulations are hereby amended by inserting, after regulation 11j (as inserted by regulation 4 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 4), the following regulations:

“11JA. **Butterfish season and quotas**—Where the Director-General is satisfied in respect of any fishing year that 30 tonnes of butterfish 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 butterfish from those waters during that fishing year.

“11j. **Seaperch season and quotas**—Where the Director-General is satisfied in respect of any fishing year that 1000 tonnes of seaperch have been taken from the waters of quota management area 3 for the purpose of sale, the Director-General shall give 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 that notice) after which no commercial fisherman may take any seaperch from those waters during that fishing year.

“11j. **Skate and ray season and quotas**—Where the Director-General is satisfied in respect of any fishing year that 900 tonnes of skates and rays have been taken from the waters of quota management area 3 for the purpose of sale, the Director-General shall give 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 that notice) after which no commercial fisherman may take any skates and rays from those waters during that fishing year.

“11j. **Spiny dogfish season and quotas**—Where the Director-General is satisfied in respect of any fishing year that 4075 tonnes of spiny dogfish have been taken from the waters of quota management area 3 for the purpose of sale, the Director-General shall give 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 that notice) after which no commercial fisherman may take any spiny dogfish from those waters during that fishing year.”

6. Restrictions on fishing methods—The principal regulations are hereby amended by revoking regulation 11k (as inserted by regulation 4 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 4), and substituting the following regulation:

“11k. (1) No commercial fisherman shall take any blue mussel, catseye, cockle, cooks turban, dog cockle, dredge oyster, green mussel, horse mussel, kina, king clam, limpet, longimactra, mudsnail, pacific oyster, paua, pipi, rock oyster, sea cucumber, sea egg (other than kina), sea slug, sea tulip, sponge, sunset, surf clam, tuatua, virgin paua, whelk, or venerupis from the waters of quota management area 3 or quota management area 4 by any method other than handgathering, unless that other method is specifically authorised by a fishing permit.

“(2) No commercial fisherman shall take any cancer crab, deepwater crab, mudcrab, paddle crab, red rock crab, octopus, or hagfish from the waters of quota management area 3 or quota management area 4 by any methods other than handgathering or the use of a pot (not being a rock lobster pot), unless that method is specifically authorised by a fishing permit.

“(3) No commercial fisherman shall take any seaperch, skate or ray, or spiny dogfish from the waters of quota management area 3 by any methods other than trawling or handlining, unless that method is specifically authorised by a fishing permit.

“(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.

“(5) 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.”

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 the 28th day after the date of their notification in the *Gazette*, amend the Fisheries (South-East Area Commercial Fishing) Regulations 1986.

Regulation 2 revokes regulation 2 of those regulations, which is the interpretation provision, and substitutes a new regulation 2 with the following substantive differences from the existing regulation:

- (a) 32 new definitions of various species and classes of fish and aquatic life are inserted; and
- (b) New definitions are substituted for the existing definitions of the terms “deepwater crab”, “kina”, “paua”, and “skate”.

Regulation 3 revokes regulation 11A of the principal regulations, which prohibits the taking of certain fish and aquatic life, and substitutes 3 new regulations that “grade” the level of prohibition in relation to all species and classes of fish and aquatic life.

The new *regulation 11A* repeats the existing total prohibition on the taking of black or red coral from quota management areas 3 and 4.

The new *regulation 11AA* lists in Part A of the Table in *subclause (5)* fish, aquatic life, and seaweeds that may not be taken by a commercial fisherman from quota management area 3 or quota management area 4 as target species other than under a special authorisation given by the Director-General under *subclause (3)*.

Part B of the Table lists fish, aquatic life, and seaweeds that may not be taken at all as target species. Included in this list are all fish, aquatic life, and seaweeds that are not subject to a quota management system or are not listed in Part A of the Table or in the new *regulations 11A* and *11AB*.

The new *regulation 11AB* lists fish, aquatic life, and seaweeds that may be taken in quota management areas 3 and 4 without restriction other than those already imposed by or under the Act or any fishing permit in relation to competitive quotas, individual quotas, methods of fishing, and so on.

Regulation 4 adds to *regulation 11I* of the principal regulations a new *subclause (2)* that provides for a commercial quota for paddle crabs in quota management area 4. Where the Director-General is satisfied that 50 tonnes of paddle crabs have been taken from that area in any fishing year, the Director-General may by public notice specify a date after which no commercial fisherman may take any paddle crabs from that area during the remainder of the fishing year.

Regulation 5 inserts new *regulations 11JA* to *11JD* into the principal regulations to provide for commercial quotas in quota management area 3 for butterfish, seaperch, skates and rays, and spiny dogfish. The Director-General may by public notice specify a date after which no commercial fisherman may take those species from quota management area 3 for the remainder of a fishing year where the Director-General is satisfied, respectively for each species, that—

- (a) 30 tonnes of butterfish have been taken from that area (*regulation 11JA*);
- (b) 1000 tonnes of sea perch have been taken from that area (*regulation 11JB*);
- (c) 900 tonnes of skates and rays have been taken from that area (*regulation 11JC*);
- (d) 4075 tonnes of spiny dogfish have been taken from that area (*regulation 11JD*).

Regulation 6 revokes regulation 11K of the principal regulations, which sets out restrictions on fishing methods for certain species, and substitutes a new *regulation 11K* that (a) includes extra species within the current restrictions, and (b) provides a new limitation on the taking of

any sea perch, skate or ray, or spiny dogfish by any method other than trawling or handlining, unless otherwise specifically authorised by a fishing permit.

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