



**FISHERIES (SOUTHLAND AND SUB-ANTARCTIC AREAS
AMATEUR FISHING) AMENDMENT REGULATIONS 1999**

SIAN ELIAS, Administrator of the Government

ORDER IN COUNCIL

At Wellington this 14th day of June 1999

Present:

HER EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL

PURSUANT to section 89 of the Fisheries Act 1983 and section 297 of the Fisheries Act 1996, Her Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, makes the following regulations.

ANALYSIS

1. Title and commencement
2. Application
3. Interpretation

4. Maximum daily number of fish
5. Offences
6. Revocation

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 1999, and are part of the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991* (“the principal regulations”).

*S.R. 1991/57

Amendment No. 1: S.R. 1993/289

Amendment No. 2: S.R. 1994/173

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

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

“2. These regulations apply in respect of all persons taking or possessing any fish to which these regulations relate, other than commercial fishers taking or possessing fish under a permit, licence, quota, or other authorisation issued or granted under the Act or any regulations made under the Act.”

3. Interpretation—Regulation 3 of the principal regulations is amended by inserting, before the definition of the term “barracouta”, the following definition:

“ ‘Act’ means the Fisheries Act 1983 or the Fisheries Act 1996:”.

4. Maximum daily number of fish—The principal regulations are amended by revoking regulation 4, and substituting the following regulation:

“4. (1) The following table sets out the maximum daily number of particular species of fish that may be taken or possessed in accordance with subclauses (2) and (3):

Species					Maximum Daily Number
Barracouta	...	...	...	...	—
Blue cod	...	...	...	...	—
Blue moki	...	...	...	...	15
Bluenose	...	...	...	...	—
Blue shark	...	...	...	...	1
Bronze shark	...	...	...	...	1
Butterfish	...	...	...	...	15
Elephant fish	...	...	...	...	5
Flatfish	...	...	...	...	—
Grey mullet	...	...	...	...	—
Hammerhead shark	...	...	...	...	1
Kahawai	...	...	...	...	15
Lamprey	...	...	...	...	—
Ling	...	...	...	...	—
Mako shark	...	...	...	...	1
Marblefish	...	...	...	...	—
Marlin	...	...	...	...	1
Porbeagle shark	...	...	...	...	1
Quinnat salmon	...	...	...	...	2
Red cod	...	...	...	...	—
Red gurnard	...	...	...	...	—
Red moki	...	...	...	...	15
Rig	...	...	...	...	5
School shark	...	...	...	...	5
Seven gilled shark	...	...	...	...	1
Skate ray	...	...	...	...	5
Snapper	...	...	...	...	—
Spiky dog	...	...	...	...	15

Species						Maximum Daily Number
Stargazer	...	...	...	...	...	—
Tarakihi	...	...	...	...	...	15
Thresher shark	...	...	...	...	...	1
Trevally	...	...	...	...	...	—
Trumpeter	...	...	...	...	...	15
Warehou	...	...	...	...	...	15
White pointer	...	...	...	...	...	1
Wrasse	...	...	...	...	...	—

“(2) No person may, on any day,—

“(a) Take from within the Southland and Sub-Antarctic Fishery Management Areas any fish in excess of the maximum daily number specified in respect of that fish in the table set out in subclause (1); or

“(b) Possess more than the specified maximum daily number of any such fish in those areas; or

“(c) Possess more than the specified maximum daily number of any such fish taken from within those areas.

“(3) No person may, on any day,—

“(a) Take from within the Southland and Sub-Antarctic Fishery Management Areas more than 30 fish to which the table set out in subclause (1) applies; or

“(b) Possess more than 30 of any such fish in those areas; or

“(c) Possess more than 30 of any such fish taken from within those areas.

“(4) No person may, on any day,—

“(a) Take from within the Southland and Sub-Antarctic Fishery Management Areas a total quantity of hapuku/bass and kingfish exceeding 5; or

“(b) Possess a total quantity of hapuku/bass and kingfish exceeding 5 in those areas; or

“(c) Possess a total quantity of hapuku/bass and kingfish exceeding 5 taken from within those areas.

“(5) No person may, on any day,—

“(a) Take from within the Southland and Sub-Antarctic Fishery Management Areas more than 3 kingfish; or

“(b) Possess more than 3 kingfish in those areas; or

“(c) Possess more than 3 kingfish taken from within those areas.

“(6) No person may, on any day,—

“(a) Take more than 15 blue cod from within those waters of Paterson Inlet lying inside a straight line drawn from Ackers Point (at 46° 53.85'S and 168° 09.76'E) to Bulls Point on Stewart Island (at 46° 55.26'S and 168° 11.45'E); or

“(b) Possess more than 15 blue cod in those waters; or

“(c) Possess more than 15 blue cod taken from within those waters.”

5. Offences—Regulation 7 of the principal regulations is amended by inserting, after subclause (1), the following subclause:

“(1A) Where, on or after 1 June 2002, any person is convicted of any offence against these regulations for which the specified maximum penalty is a fine of \$5,000, that person is liable on that conviction to a fine not exceeding \$10,000 if, in the period of 3 years preceding the date of that conviction, that person has been convicted of any offence against any regulations made under the Act for which the specified maximum penalty was a fine of \$5,000.”

6. Revocation—Regulation 3 of the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No. 2 is 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 28 days after the date of their notification in the *Gazette*, amend the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991.

Regulation 2 revokes and replaces regulation 2 of the principal regulations, which relates to the application of those regulations. The new provision ensures that the principal regulations apply to the possession of fish as well as the taking of fish.

Regulation 3 inserts into regulation 3 of the principal regulations a definition of the term “Act”. The term includes the Fisheries Act 1996 as well as the Fisheries Act 1983.

Regulation 4 substitutes a new *regulation 4* in the principal regulations, which allows a person to take, on any day, a limited number of fish from an area, be in possession of that number of fish while in that area, or be in possession of that limited number of fish if they have been taken from that area. The principal reason for replacing regulation 4 is to make it consistent with the corresponding regulation in the other regional amateur fisheries regulations.

Regulation 5 amends regulation 7 of the principal regulations (which relates to offences) to provide that,—

- on or after 1 June 2002, a person who has reoffended within a period of 3 years is liable on conviction to a fine of \$10,000; and
- the penalty for repeat offenders applies only to offences carrying a maximum fine of \$5,000.

Regulation 6 effects a consequential revocation.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 17 June 1999.

These regulations are administered in the Ministry of Fisheries.