



**THE FISHERIES (SOUTHLAND AND SUB-ANTARCTIC AREAS  
COMMERCIAL FISHING) REGULATIONS 1986**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 2nd day of September 1986

Present:

THE RIGHT HON. G. W. R. PALMER PRESIDING 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.

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## REGULATIONS

**1. Title, commencement, and application**—(1) These regulations may be cited as the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986.

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

**2. Interpretation**—In these regulations, unless the context otherwise requires,—

“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:

“Culching” means the process of sorting, either manually or mechanically, the catch from an oyster dredge:

“Day” means a period of 24 hours computed from midnight to midnight:

“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:

“Foveaux Strait Dredge Oyster Fishery” means the oyster fishery in Foveaux Strait within New Zealand fisheries waters, bounded—

(a) To the west, by a straight line drawn from Oraki Point in Block 2, Longwood Survey District (at 46°23.6'S and 167°52.52'E) to the easternmost point of Centre Island (at 46°27.7'S and 167°51.3'E); then by mean high-water mark to Centre Island Lighthouse (at 46°27.8'S and 167°50.6'E); then by a straight line to the northernmost point of Codfish Island (at 46°45.2'S and 167°36.6'E); then by a straight line to North Red Head on the northwest coast of Stewart Island (at 46°44.8'S and 167°42.4'E); and

(b) To the east, by a straight line drawn from Slope Point in Block 9, Waikawa Survey District (at 46°40.5'S and 169°0'E) to the East Cape on Stewart Island (at 47°0.9'S and 168°13.8'E):

“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, 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:

“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:

“Open season” means that period of a year not prescribed as a closed season:

“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:

“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:

“Rock lobster” means the fish of which the scientific names are *Jasus edwardsii* (commonly known as the spiny or red rock lobster), and *Jasus verreauxi* (commonly known as the packhorse or green rock lobster):

“Rock lobster pot” means any pot, whether baited or not, which is capable of catching or holding rock lobster; and includes any other device capable of catching, holding, or storing rock lobster.

## PART I

### SOUTHLAND AREA

#### *Total Prohibition*

**3. All fishing methods prohibited in Milford Sound**—No commercial fisherman shall take any fish by any fishing method in Milford Sound or nearby waters, being the waters of Milford Sound and all those waters in the vicinity of Milford Sound lying inside a straight line drawn from St. Anne’s Point (at 44°34.45’ S and 167°47.1’ E) to Stipe Point (at 44°32.37’ S and 167°48.8’ E).

#### *Trawling*

**4. Trawling prohibited in Foveaux Strait**—No commercial fisherman shall use a trawl net at any time before the 1st day of March 1987 in the waters of Foveaux Strait enclosed by straight lines drawn from Stirling Point Light (at 46°36.8’ S and 168°21.6’ E) to Dog Island Lighthouse (at 46°39.2’ S and 168°24.6’ E); then to a position at 46°39.4’ S and 168°32.6’ E; then to Seal Rocks (at 46°45.1’ S and 168°32.6’ E); then to the eastern side of Green Island (at 46°46.4’ S and 168°35.0’ E); then to the southeastern side of Bench Island (at 46°55.0’ S and 168°15.0’ E); then to the Bullers Point on Stewart Island (at 46°55.6’ S and 168°12.1’ E); then along the northeastern

coast of Stewart Island to Black Rock Point (at 46°41.0'S and 167°52.1'E); then to Steep Head on the south coast of the South Island (at 46°31.1'S and 168°13.7'E); then along the coast in an easterly direction to the point of commencement.

#### *Rock Lobsters*

**5. Tailing at sea permitted in specified area**—(1) Notwithstanding regulation 30 of the Fisheries (Commercial Fishing) Regulations 1986\*, it shall be lawful for the holder of a current southern rock lobster controlled fishery licence to tail at sea in the uncooked state any rock lobster taken from that part of the sea lying seaward of the mean high-water mark between a line following a true compass bearing of 135° from Long Point (at 46°34.1'S and 169°34.1'E) to the outer boundary of the exclusive economic zone; then along that boundary to meet a line following a true compass bearing of 315° from the south of Bruce Bay (Heretanewha Point) at 43°34.5'S and 169°34.7'E to the outer boundary of the exclusive economic zone.

(2) No commercial fisherman shall take or be in possession of any rock lobster or any rock lobster tail taken from that part of the sea described in subclause (1) of this regulation unless the tail is 152 mm or more in length.

#### *Oysters*

**6. Closed areas**—No commercial fisherman shall take any oyster or have in his possession any oyster taken from the following waters:

- (a) Those waters of the Ministry of Agriculture and Fisheries research area which lie inside straight lines drawn from North Head on Ruapuke Island (at 46°44.3'S and 168°31.9'E) to Seal Rock (at 46°45.2'S and 168°35.7'E); then to the westernmost point of Green Island (at 46°46.2'S and 168°34.1'E); then to West Point on Ruapuke Island (at 46°46.4'S and 168°32.8'E); then along the mean high-water mark to the point of commencement:
- (b) Those waters of Patersons Inlet lying inside a straight line drawn from Ackers Point (at 46°53.8'S and 168°09.8'E) to Sprat Point on Bench Island (at 47°54.2'S and 168°14.4'E); then along the mean high-water mark to the southwesternmost point on Bench Island (at 46°54.9'S and 168°13.9'E); then by straight line to East Cape on Stewart Island (at 47°00.9'S and 168°13.8'E); then along the mean high-water mark to the point of commencement:
- (c) Those waters of Port William lying inside a straight line drawn from West Head (at 46°50.4'S and 168°05.6'E) to Bob's Point on Stewart Island (at 46°51.4'S and 168°07.7'E).

**7. Oyster quota**—(1) There shall be a seasonal limit of 115 000 sacks of oysters to be taken from the Foveaux Strait Dredge Oyster Fishery in any fishing year.

(2) For the purposes of this regulation, a sack of oysters shall not exceed a maximum weight of 79 kg, sack inclusive.

**8. Oyster size limit**—No commercial fisherman shall have in possession any dredge oyster that can be passed through a rigid circular metal ring having a clear inside diameter of 58 mm or less.

**9. Permitted times**—No commercial fisherman shall dredge for oysters in the Foveaux Strait Dredge Oyster Fishery within the hours between sunset on any day and sunrise on the following day.

**10. Oyster dredges**—(1) Notwithstanding regulation 53 of the Fisheries (Commercial Fishing) Regulations 1986\* or any other regulations made pursuant to the Fisheries Act 1983 relating to shellfish dredges, any commercial fisherman may have or permit to be on board any fishing vessel used by the fisherman and licensed to fish in the Foveaux Strait Dredge Oyster Fishery not more than 2 dredges at any one time, and each dredge may have a bar or bit not exceeding 3.35 m in length.

(2) No commercial fisherman shall carry any dredge or permit any dredge to be carried on board any fishing vessel during any period closed to the taking of oysters in the Foveaux Strait Dredge Oyster Fishery without the prior approval of a Fishery Officer.

**11. Culching**—Every commercial fisherman shall ensure that—

- (a) The culching of oysters is done at sea and in the area from which the oysters were taken;
- (b) All undersize oysters are returned to the sea as soon as practicable.

**12. Opening oysters**—No person on board or engaged on any vessel licensed to take oysters from the Foveaux Strait Dredge Oyster Fishery shall open any oyster while the vessel is at sea.

**13. Labelling of oysters**—(1) Every commercial fisherman on board any registered fishing vessel licensed to take oysters from the Foveaux Strait Dredge Oyster Fishery shall ensure that all oysters landed from that vessel are contained in sacks or other containers that are externally and legibly labelled with labels that show the name and registered number of the fishing vessel from which the oysters were caught, and the date on which they were caught.

(2) In respect of any sack or container required to be labelled under subclause (1) of this regulation, no commercial fisherman or other person possessing oysters for processing or sale shall—

- (a) Be in possession of any unlabelled or incorrectly labelled sack or container; or
- (b) Receive or accept at any premises any unlabelled or incorrectly labelled sack or container; or
- (c) At any processing premises, remove any label from any sack or container before the processing of the shellfish is commenced.

#### *Shellfish*

**14. Restrictions on taking shellfish (other than rock lobsters, oysters, or crabs)**—No commercial fisherman shall take from, or have in possession, any shellfish (except rock lobsters, oysters, or crabs) taken from the following waters:

- (a) *Waipapa Lighthouse to Howells Point*—All those waters lying within half a nautical mile seaward of the mean high-water mark of that part of the coast between the Waipapa Point Lighthouse (at 46°39.7'S and 168°51'E) and Howells Point, Riverton (at 46°23.5'S and 168°02.2'E):

- (b) *Stewart Island*—Those waters adjacent to Stewart Island lying inside a straight line from Mamaku Point (at 46°51.8'S and 168°06.3'E) to Bullers Point (The Neck) (at 46°55.5'S and 168°10.2'E):
- (c) *Ruapuke Island*—All those waters lying within 1 nautical mile seaward of the mean high-water mark of the coast of Ruapuke Island.

## PART II

## SUB-ANTARCTIC AREA

*Auckland Islands Prohibitions*

**15. Taking of fish or aquatic life near Auckland Islands prohibited**—No commercial fisherman shall take, or be in possession of any fish or aquatic life taken, within 12 nautical miles of the mean low-water mark of each island and rock of the Auckland Islands.

## PART III

## OFFENCES

**16. Offences**—Every person commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 who acts in contravention of, or fails to comply with, any of these regulations.

P. G. MILLEN,  
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 replace that part of the Fisheries (Dunedin Commercial Fishing Restrictions) Notice 1984 that relates to the Southland Fishery Management Area, and includes a new prohibition on the taking of fish or aquatic life from waters around the Auckland Islands that are within the Sub-Antarctic Fishery Management Area. Controls on the places where landing of rock lobsters is permitted have been removed.

These regulations should be considered in conjunction with the Fisheries (Commercial Fishing) Regulations 1986 (S.R. 1986/215) which impose prohibitions and controls of nationwide application.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 4 September 1986.

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