



**THE FISHERIES (SOUTHLAND AND SUB-ANTARCTIC AREAS  
COMMERCIAL FISHING) REGULATIONS 1986, AMENDMENT  
NO. 11**

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 (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No. 11, and shall be read together with and deemed part of the Fisheries (Southland and Sub-Antarctic Areas 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. 1986/220

Amendment No. 1: S.R. 1986/255  
 Amendment No. 2: S.R. 1987/19  
 Amendment No. 3: S.R. 1988/16  
 Amendment No. 4: S.R. 1988/103  
 Amendment No. 5: S.R. 1988/313  
 Amendment No. 5: *(Revoked by S.R. 1989/199)*  
 Amendment No. 6: S.R. 1989/199  
 Amendment No. 7: S.R. 1989/323  
 Amendment No. 8: S.R. 1990/111  
 Amendment No. 9: S.R. 1990/216  
 Amendment No. 10: S.R. 1991/36

**2. Interpretation**—(1) The principal regulations are hereby amended by revoking regulation 2 (as substituted by regulation 2 of the Fisheries (Southland and Sub-Antarctic Areas 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:

“‘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*:

“‘Blue shark’ means a fish of the species *Prionace glauca*:

“‘Broadbill swordfish’ means a fish of the family *Xiphias gladius*:

“‘Butterfish’ means the fish that has the scientific name *Odax pullus* or *Odax cyanoallis*:

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

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

“‘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.*:

“‘Cooks turban’ means the shellfish *Cookia sulcata*:

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

“‘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*, *Jacquintia 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’ means a seaweed of the Genus *Ecklonia*:
- “‘Eel’ means the shortfinned eel (*Anguilla australis*) and the longfinned eel (*Anguilla dieffenbachii*):
- “‘Flying fish’ means a fish of the family *Exocoetidae*:
- “‘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 Oraka 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):
- “‘Frost fish’ 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 novaezealandiae*; and includes any other *Hydrolagus* spp.:
- “‘Gracilaria’ means a seaweed of the Genus *Gracilaria*:
- “‘Green-lipped mussel’ means the shellfish *Perna canaliculus*:
- “‘Hagfish’ means the common hagfish or blind eel that has the scientific name *Eptatretus cirrhatius*:

- “‘Hand-gathering’ includes shore picking, diving, hand digging for shellfish, and hand cutting of seaweed, but does not include diving using underwater breathing apparatus:
- “‘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 finfish, its length from the tip of the nose to the posterior end of the middle ray of the tail fin:
- “(b) In relation to any scallop or queen scallop, the greatest diameter of the shell:
- “(c) 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 concession fish packing house’ means a fish packing house or fish depot specified in the Schedule to these regulations:
- “‘Limpet’ means a shellfish of the Genus *Cellana* or *Notoacmea*:
- “‘Longfinned eel’ means a fish of the species *Anguilla dieffenbachi*:
- “‘Longimactra’ means the shellfish that has the scientific name *Longimactra elongata*:
- “‘Macrocyctis’ means a seaweed of the Genus *Macrocyctis*:
- “‘Mako shark’ means a fish of the species *Isurus oxyrinchus*:
- “‘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:
- “‘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’ or ‘swimming crab’ means the crab that has the scientific name *Ovalipes catharus*:
- “‘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 lobster; and includes any other device capable of catching, holding, or storing rock lobster:
- “‘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 rodgersii*, commonly known as the purple urchin, or of the genus *Pseudechinus*:
- “‘Sea hare’ means a shellfish of the Order *Aplysiomorpha*:
- “‘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*:
- “‘Slender tuna’ means a fish of the species *Allothunnus fallai*:
- “‘Southern bluefin tuna’ means the fish that has the scientific name *Thunnus maccoyi*:
- “‘Southern blue whiting’ means a fish of the species *Micromesistius australis*:
- “‘Southland Concession Area’ means the southern rock lobster fishery bounded—

- “(a) By the shoreline commencing in a generally southerly direction from Abut Head (at 43° 05’ S and 170° 16’ 2” E) to Long Point (at 46° 34’ 8” S and 169° 35’ E); and
- “(b) By a straight line from Long Point on a true compass bearing of 135°; and
- “(c) By a straight line from Abut Head on a true compass bearing of 315°; and
- “(d) By the outer limit of the Exclusive Economic Zone of New Zealand:
- “‘Southland Concession Pack’ means a container that—
- “(a) Contains only whole rock lobsters or whole rock lobster tails; and
- “(b) Does not exceed 25 kg in net weight; and
- “(c) Is packed at a licensed concession fish packing house; and
- “(d) Is inscribed with—
- “(i) The words ‘Southland Concession Pack’; and
- “(ii) The name of the licensed concession fish packing house at which it was packed; and
- “(iii) The location of the licensed concession fish packing house; and
- “(iv) The date on which the rock lobster or rock lobster tails were packed; and
- “(v) The net weight of the rock lobster or rock lobster tails in the pack; and
- “(e) When sold, is sealed with an unbroken seal fixed in accordance with the direction of a Fishery Officer:
- “‘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* sp; 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:
- “‘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*:
- “‘Stokell-smelt’ means the fish that has the scientific name *Stokellia anisodon*:
- “‘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 called whitebait:

“‘Wrasse’ means a 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*:

“‘Yellowtail kingfish’ means a fish of the species *Seriola lalandi* formerly known as *Seriola grandis*:

“‘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) Regulation 2 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No. 7 is hereby revoked.

**3. Closed areas**—The principal regulations are hereby amended by revoking regulation 6, and substituting the following regulation:

“6. No commercial fisherman shall take any oyster or have in his or her possession any oyster taken from the following waters:

“(a) Those waters 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° 45.1’ S and 168° 35.8’ E); then to the westernmost point of Green Island (at 46° 46.2’ S and 168° 34.0’ E); then to Parangiaio Point on Ruapuke Island (at 46° 46.4’ S and 168° 32.6’ 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° 13.6’ 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).”

**4. Paua season and quotas**—(1) Regulation 15B of the principal regulations (as inserted by regulation 5 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No. 7) is hereby amended by omitting the words “(except *Haliotis virginea*)”.

**5. New regulations substituted**—The principal regulations are hereby amended by revoking regulation 15c (as inserted by regulation 6 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No. 7), and substituting the following regulations:

“15c. **Totally prohibited species**—No commercial fisherman shall take any black coral or any red coral from the waters of quota management area 5 or quota management area 6, or be in possession of any such coral if it has been taken from any of those waters.

“15cA. **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 from the waters of quota management area 5 or quota management area 6 any fish, aquatic life, or seaweed specified in the Table set out in subclause (5) of this regulation, 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 5 or quota management area 6, 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 (2) 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*

Blue mussel	Limpet	Sea egg (other than kina)
Catseye	Longfinned eel	Sea hare
Cockle	Longimactra	Sea horse
Cooks turban	Macrocystis	Sea slug
Deepwater crab	Mud crab	Sea tulip
Dog cockle	Mud snail	Shortfinned eel
Durvillea	Munida	Sponge
Ecklonia	New Zealand cancer crab	Stockell-smelt
Gracilaria	Oyster	Sunset
Green-lipped mussel	Pipi	Surf clam
Hagfish	Porphyra	Tuatua
Horse mussel	Pterocladia	Ulva
Jellyfish	Queen scallop	Undaria
Kahawai	Red rock crab	Venerupis
*Kina (QMA 6)	Scallop	Virgin paua
King clam	Scampi	Whelk
Lamprey	Sea cucumber	
Lessonia		

\* Prohibition applies to kina in QMA 6 only

*Part B—Totally Prohibited as Target Species*

1. Named species:
- |               |                  |
|---------------|------------------|
| Anchovy       | Pilchard         |
| Basking shark | Ray's bream      |
| Black shark   | Ribaldo          |
| Blue shark    | Saury            |
| Cardinal fish | Sea perch        |
| Conger eel    | Silverside       |
| Frost fish    | Spiny sea dragon |
| Garfish       | Sprat            |
| Ghost shark   | Threshen 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 15c or regulation 15CB of these regulations; or
  - (c) Fish, aquatic life, or seaweed specified in Part A of this Table.

“15CB. **Species that may be taken subject to competitive or individual quotas, method restrictions, etc.**—Subject to the Act, any regulations or notice made under the 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 fisherman so authorises, take—

“(a) From the waters of quota management area 5 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 6 any fish, aquatic life, or seaweed specified in the first column or the third 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.*

From Both QMA 5 and QMA 6	From QMA 5 Only	From QMA 6 Only
Bigeye tuna	Butterfish	Paua
Jack mackerel	Kina	Southern blue
Skate and ray	Paddlecrab	whiting”
Skipjack tuna	Spiny dogfish	
Slender tuna	Yellow-eyed mullet	
Southern bluefin tuna		
Yellowfin tuna		

**6. Spiny dogfish season and quotas**—The principal regulations are hereby amended by inserting, after regulation 15H (as inserted by regulation 6 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No. 7), the following regulation:

“15HA. Where the Director-General is satisfied in respect of any fishing year that 3 600 tonnes of spiny dogfish have been taken from the waters of quota management areas 5 and 6 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 spiny dogfish from those waters during that fishing year.”

**7. Restrictions on fishing methods**—The principal regulations are hereby amended by revoking regulation 15I (as inserted by regulation 6 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No. 7), and substituting the following regulation:

“15I. (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 5 or quota management area 6 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, mud crab, paddle crab, red rock crab, octopus, or hagfish from the waters of quota management area 5 or quota management area 6 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 spiny dogfish from the waters of quota management area 5 or quota management area 6 by any method other than trawling or handlining, unless that method is specifically authorised by a fishing permit.

“(4) Nothing in subclause (2) of this regulation shall apply to any commercial fisherman who is lawfully fishing for rock lobster in the waters referred to in that subclause.”

**8. Offences**—(1) Regulation 16(1) of the principal regulations (as substituted by regulation 3 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No. 9) is hereby amended—

- (a) By omitting the expression “15c (1), 15c (2), 15c (3), 15c (4)”, and substituting the expression “15c, 15cA (1), 15cB (1)”;
  - (b) By inserting, after the expression “15H”, the expression “15HA,”;
  - (c) By inserting, after the expression “15i (2),”, the expression “15i (3),”.
- (2) The following regulations are hereby revoked:
- (a) Regulation 5 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No. 1;
  - (b) Regulation 7 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No. 7.

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 (Southland and Sub-Antarctic Areas 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 6 of the principal regulations, which sets out closed areas for oysters, and substitutes a new regulation 6 which incorporates revised co-ordinates in relation to Seal Rock, Green Island, and Bench Island, and substitutes a reference to Parangiaio Point on Ruapuke Island for the present reference to West Point.

*Regulation 4* amends regulation 15B of the principal regulations to remove a reference to virgin paua that is no longer necessary in light of the new definition of the term “paua”.

*Regulation 5* revokes regulation 15c of the principal regulations, which prohibits the taking of certain fish, aquatic life, and seaweed, and substitutes 3 new regulations that "grade" the level of prohibition in relation to all species and classes of fish, aquatic life, and seaweed.

The new *regulation 15c* repeats the existing total prohibition on the taking of black or red coral from quota management areas 5 and 6.

Part A of the Table in the new *regulation 15CA (5)* lists species and classes of fish, aquatic life, and seaweed that cannot be taken by a commercial fisherman other than under a special authorisation given by the Director-General under *subclause (3)* of the regulation.

Part B of the Table lists species and classes of fish, aquatic life, and seaweed that cannot be taken at all as target species. Included in this category are all fish, aquatic life, or seaweeds that are neither subject to a quota management system under Part IIA of the Act, nor listed in Part A of the Table or in new *regulations 15c* or *15CB*.

The new *regulation 15CB* lists the species and classes of fish, aquatic life, and seaweed that may be taken in quota management areas 5 and 6 without restriction other than those already imposed by or under the Act or regulations made under the Act in relation to competitive quotas, individual quotas, methods of fishing, and so on.

*Regulation 6* inserts a new *regulation 15HA* into the principal regulations that provides for a commercial quota for spiny dogfish in quota management areas 5 and 6. Where the Director-General is satisfied that 3 600 tonnes of spiny dogfish 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 spiny dogfish from that area during the remainder of the fishing year.

*Regulation 7* revokes regulation 15i of the principal regulations, which sets out restrictions on fishing methods for certain species, and substitutes a new *regulation 15i* that (a) includes extra species within the current restrictions, and (b) provides a new limitation on the taking of spiny dogfish by any method other than trawling or handlining, unless otherwise specifically authorised by a fishing permit.

*Regulation 8* consequentially inserts into regulation 16, which is the offence provision, references to the new *regulations 15c* to *15CB*, *15HA*, and *15i*.

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