



**THE FISHERIES (SOUTHLAND AND SUB-ANTARCTIC AREAS
COMMERCIAL FISHING) REGULATIONS 1986, AMENDMENT
NO. 6**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 10th day of July 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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| <ul style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. New regulations inserted relating to rock lobster <ul style="list-style-type: none"> 5b. Concession relating to female rock lobster taken between 1 August 1989 and 30 April 1990 5c. Concession relating to female rock lobster taken between 1 May 1990 and 30 April 1991 | <ul style="list-style-type: none"> 5d. Method of measurement of rock lobster tail 5e. Processing and sale of Southland Concession Area rock lobster 4. Oyster season and quotas 5. Restriction on squid jigging in Southern Islands Area removed 6. Schedule added
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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. 6, 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) Except as provided in regulation 4 (3) of these regulations, these regulations shall come into force on the 1st day of August 1989.

2. Interpretation—(1) Regulation 2 of the principal regulations is hereby amended by inserting, after the definition of the term “length”, the following definition:

“‘Licensed concession fish packing house’ means a fish packing house specified in the Schedule to these regulations:”.

(2) Regulation 2 of the principal regulations is hereby further amended by revoking the definition of the term “rock lobster”, and substituting the following definition:

“‘Rock lobster’ means the fish of which the scientific name is *Jasus edwardsii*, commonly known as the spiny or red rock lobster:”.

(3) Regulation 2 of the principal regulations is hereby further amended by adding the following definitions:

“‘Southland Concession Area’ means the southern rock lobster fishery as defined on Ministry of Agriculture and Fisheries Map No. 151 (File Reference 20/1/5) held in the Head Office of the said Ministry, bounded—

“(a) By the shoreline (commencing in a southerly direction) from Long Point (46° 34' 8" S and 169° 35' E) to Abut Head (43° 05' 9" S and 170° 16' 2" 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 317°:

“‘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

*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: S.R. 1989/55

“(e) When sold, is sealed with an unbroken seal fixed in accordance with the direction of a Fishery Officer.”

3. New regulations inserted relating to rock lobster—The principal regulations are hereby amended by inserting, after regulation 5A, the following regulations:

“5B. Concession relating to female rock lobster taken between 1 August 1989 and 30 April 1990—(1) Notwithstanding regulation 27 of the Fisheries (Commercial Fishing) Regulations 1986*, but subject to regulation 29 of those regulations, the holder of a current southern rock lobster controlled fishery licence may take or be in possession of or sell to a licensed concession fish packing house an undersize rock lobster that is a female, or the tail of an undersize female rock lobster, provided that—

“(a) The rock lobster is taken from the Southland Concession Area during the period commencing with the 1st day of August 1989 and ending with the 30th day of April 1990 (both days inclusive); and

“(b) The rock lobster was, or, if on board a fishing vessel, is to be, landed at a point lying within the Southland Concession Area; and

“(c) The rock lobster is, or, if on board a fishing vessel, is to be, delivered and sold to a licensed concession fish packing house; and

“(d) The width of the tail of the rock lobster is not less than 56 mm when measured in accordance with regulation 5D of these regulations.

“(2) Notwithstanding regulation 27 (2) of the Fisheries (Commercial Fishing) Regulations 1986*, but subject to regulation 5E of these regulations, a licensed concession fish packing house may sell or possess or process a female rock lobster, or female rock lobster tail, taken in accordance with subclause (1) of this regulation.

“5C. Concession relating to female rock lobster taken between 1 May 1990 and 30 April 1991—(1) Notwithstanding regulation 27 of the Fisheries (Commercial Fishing) Regulations 1986*, but subject to regulation 29 of those regulations, the holder of a current southern rock lobster controlled fishery licence may take or be in possession of or sell to a licensed concession fish packing house an undersize rock lobster that is a female, or the tail of an undersize female rock lobster, provided that—

“(a) The rock lobster is taken from the Southland Concession Area during the period commencing with the 1st day of May 1990 and ending with the 30th day of April 1991 (both days inclusive); and

“(b) The rock lobster was, or, if on board a fishing vessel, is to be, landed at a point lying within the Southland Concession Area; and

“(c) The rock lobster is, or, if on board a fishing vessel, is to be, delivered and sold to a licensed concession fish packing house; and

“(d) The width of the tail of the rock lobster is not less than 57 mm when measured in accordance with regulation 5D of these regulations.

“(2) Notwithstanding regulation 27 (2) of the Fisheries (Commercial Fishing) Regulations 1986*, but subject to regulation 5E of these regulations, a licensed concession fish packing house may sell or possess or process a female rock lobster, or female rock lobster tail, taken in accordance with subclause (1) of this regulation.

“5D. Method of measurement of rock lobster tail—(1) For the purposes of regulation 5B of these regulations, the width of the tail of a rock lobster shall be measured in accordance with regulation 28 of the Fisheries (Commercial Fishing) Regulations 1986*—

“(a) As if references in that regulation to the expression ‘58’ were read as the expression ‘56’; and

“(b) Instead of by means of the tail-width measuring device referred to in that regulation, by means of a tail-width measuring device, supplied by the Director-General, of similar description to that depicted in the First Schedule to the Fisheries (Commercial Fishing) Regulations 1986*, but showing the expression ‘56 F’, instead of the expression ‘58 F’ on the relevant arm of the device, and inscribed with the words ‘Invalid after 30 April 1990’.

“(2) For the purposes of regulation 5c of these regulations, the width of the tail of a rock lobster shall be measured in accordance with regulation 28 of the Fisheries (Commercial Fishing) Regulations 1986*—

“(a) As if the references in that regulation to the expression ‘58’ were read as the expression ‘57’; and

“(b) Instead of by means of the tail-width measuring device referred to in that regulation, by means of a tail-width measuring device, supplied by the Director-General, of similar description to that depicted in the First Schedule to the Fisheries (Commercial Fishing) Regulations 1986*, but showing the expression ‘57 F’ instead of the expression ‘58 F’ on the relevant arm of the device, and inscribed with the words ‘Invalid after 30 April 1991’.

“5E. Processing and sale of Southland Concession Area rock lobster—(1) Any person who sells or possesses or processes any rock lobster or rock lobster tail pursuant to the authority of regulation 5B (2) or regulation 5c (2) of these regulations shall ensure, as far as that person is able, that, except as otherwise authorised by these regulations,—

“(a) All tailing and processing of the rock lobster, or tails, is carried out in a licensed concession fish packing house; and

“(b) The rock lobster, or tails, are packed in a Southland Concession Pack; and

“(c) The rock lobster, or tails, are either exported directly from a licensed concession fish packing house, or are delivered to an export transshipment point approved by the Director-General pursuant to subclause (2) of this regulation in accordance with the relevant terms and conditions of any such approval; and

“(d) Before the removal of the rock lobster, or tails, from a licensed concession fish packing house, the licensed concession fish packing house has furnished to the District Compliance Manager of the Ministry of Agriculture and Fisheries at Invercargill full written particulars relating to—

“(i) The quantity of rock lobster or tails to be transported from the licensed concession fish packing house; and

“(ii) The intended transport mode and storage method of the rock lobster or tails so transported; and

“(iii) The name and destination of the ship, or the flight number and destination of the aircraft, on which they are to be exported from New Zealand.

“(2) The Director-General may, subject to such terms and conditions as the Director-General thinks fit, approve in writing any premises or point within New Zealand as an export transhipment point to which rock lobster or tails taken pursuant to regulation 5B or regulation 5c of these regulations may be sent by a licensed concession fish packing house.

“(3) Any licensed concession fish packing house processing rock lobster or tails taken pursuant to regulation 5B or regulation 5c of these regulations shall keep and maintain records in respect of such rock lobster, and tails, detailing—

“(a) The place and date of each purchase, and the purchase invoice number; and

“(b) The vessel name, registration number, and name of the Southern controlled licence holder or the licensed concession fish packing house from which the rock lobster or tail was purchased; and

“(c) The number of containers received; and

“(d) The greenweight in kilograms received; and

“(e) The unit price, including any advance or other form of payment per kilogram; and

“(f) The inventory of Southland Concession Packs held on the premises of the licensed concession fish packing house; and

“(g) In respect of all sales, the sales invoice number, the purchaser, the quantity sold, and the destination.”

4. Oyster season and quotas—(1) The principal regulations are hereby amended by revoking regulation 7 (as substituted by regulation 4 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No. 2, and as amended by regulation 2 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No. 5*), and substituting the following regulation:

“7. (1) No commercial fisherman shall take or be in possession of any oyster taken from the Foveaux Strait Dredge Oyster Fishery between the 1st day of September in any year and the last day of February in the next year.

“(2) There shall be a seasonal limit of 92,000 sacks of oysters that may be taken from the Foveaux Strait Dredge Oyster Fishery in any period beginning with the 1st day of March and ending with the last day of August in any year; and no commercial fisherman shall take any oyster from the Foveaux Strait Dredge Oyster Fishery once 92,000 or more sacks of oysters have been taken from that fishery during that period.

“(3) No commercial fisherman shall use any fishing vessel to take any oyster from the Foveaux Strait Dredge Oyster Fishery if the vessel has been used by that or any other commercial fisherman to take 4,000 or more sacks of oysters from that fishery in that fishing year.

“(4) No commercial fisherman shall use any fishing vessel to take any oyster from the Foveaux Strait Dredge Oyster Fishery during any day in the month of March or April in any year if the vessel has been used by that or any other commercial fisherman to take 105 or more sacks of oysters from that fishery on that day.

“(5) No commercial fisherman shall use any fishing vessel to take any oyster from the Foveaux Strait Dredge Oyster Fishery during any day in the months of May, June, July, or August in any year if that vessel has been used by that or any other commercial fisherman to take 85 or more sacks of oysters from that fishery on that day.

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

“(7) It shall be a defence to any proceedings for any offence of acting in contravention of subclause (2) of this regulation if the Court is satisfied that the defendant did not know and could not reasonably be expected to know that the appropriate maximum permitted number of sacks of oysters had already been taken.”

(2) The following regulations are hereby revoked:

(a) Regulation 4 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No. 2:

(b) The Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No. 5 (S.R. 1989/55).

(3) This regulation shall come into force on the day after the date on which these regulations are notified in the *Gazette*.

5. Restriction on squid jigging in Southern Islands Area removed—The principal regulations are hereby amended by revoking regulation 15B (as inserted by regulation 4 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No. 1).

6. Schedule added—The principal regulations are hereby amended by adding the Schedule set out in the Schedule to these regulations.

1989/199

*Fisheries (Southland and Sub-Antarctic Areas
Commercial Fishing) Regulations 1986, Amendment
No. 6*

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SCHEDULE

Reg. 6

SCHEDULE ADDED TO PRINCIPAL REGULATIONS

“SCHEDULE

Reg. 2

LICENSED CONCESSION FISH PACKING HOUSES

Fish Packing House	Licensed Packing House Number
Bapobs Limited	118
Big Glory Seafoods Limited	148
Bluff Seafoods Processors Limited	145
Fiordland Lobster Company Limited	263
H. G. & H. M. Cave	190
Johnson and De Rijk Packing Company Limited	146
Live Lobster Southland Limited	W9
Riverton Fishermen's Co-op Limited	139
Sea Regal Limited	163
Stewart Island Fishermen's Co-op Limited	108
Urwin & Co. Limited	168.”

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 amend the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986 to the following effect:

- (a) In relation to female rock lobster taken in the Southern Concession Area—
 - (i) A concessional tail-width measure of 56 mm will apply to rock lobster taken between 1 August 1989 and 30 April 1990:
 - (ii) A concessional tail-width measure of 57 mm will apply to the period 1 May 1990 to 30 April 1991:
 - (iii) Special provision is made for the processing of rock lobster taken under these concessions in licensed concession fish packing houses, with detailed requirements as to packaging, keeping of records, etc.
- (b) In relation to the Foveaux Strait dredge oyster fishery, the seasonal limit for the 1989 year is reduced from 115,000 to 92,000 sacks, and the individual boat limit is reduced from 5,000 to 4,000 sacks.
- (c) In relation to squid, the existing restriction on jigging in the Southern Islands area is removed.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 13 July 1989.

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