



THE FISHERIES (AMATEUR FISHING) NOTICE 1983

PURSUANT to section 89 of the Fisheries Act 1983 and the Fisheries (Amateur Fishing) Regulations 1983, the Director-General of Agriculture and Fisheries hereby gives the following notice.

ANALYSIS

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NOTICE

1. Title, commencement, and application—(1) This notice may be cited as the Fisheries (Amateur Fishing) Notice 1983.

(2) This notice shall come into force on the 1st day of January 1984.

(3) This notice shall apply in respect of all persons taking any fish or aquatic life specified in the notice other than those persons, being commercial fishermen, authorised to take such fish or aquatic life under a permit, licence, or other authorisation issued or granted under the Fisheries Act 1983.

2. Interpretation—(1) In this notice, unless the context otherwise requires,—

“Black coral” means a coelenterate of the genus *Aphanipathes*:

“Blue cod” means the fish of which the scientific name is *Parapercis colias*:

“Blue moki” means the fish of which the scientific name is *Latridopsis ciliaris*:

“Butterfish” means those fish of which the scientific names are *Odax pullus* and *Odax cyanoallix*:

“Cockle” means the mollusc *Chione (Austrovenus) stuchburyi*:

“Drag net” or “beach seine net” means any net or part thereof that is operated by being drawn over the bed of any waters or through any waters:

“Eel” means the shortfin eel (*Anguilla australis*) and the longfin eel (*Anguilla dieffenbachii*):

“Elephant fish” means the fish of which the scientific name is *Callorhynchus milii*:

“Flatfish” includes the following species:

(a) Sand flounder (“dab”, “white”, or “square” flounder) (*Rhombosolea plebeia*):

(b) Lemon sole (*Pelotretis flavilatus*):

(c) New Zealand sole (*Peltorhamphus novaeseelandiae*):

(d) Flounder (“yellow belly”) (*Rhombosolea leporina*):

(e) Brill (*Colistium guntheri*):

(f) Turbot (*Colistium nudipinnis*):

(g) Black flounder (*Rhombosolea retiaria*):

(h) Greenback flounder (*Rhombosolea tapirina*):

“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 of which the scientific name is *Hyporhamphus ihi*:

“Groper” includes the fish species of which the scientific names are *Polyprion oxygenios* and *Polyprion moeone*:

“Herring” means the yellow-eyed mullet (*Aldrichetta forsteri*); but does not include the sardine or the species of mullet known as *Mugil cephalus* or *kanae*:

“Hinaki trap” means any trap capable of taking eels:

“Kahawai” means the fish of which the scientific name is *Arripis trutta*:

“Kina” means the shellfish of which the scientific name is *Evechinus chloroticus*, commonly known as the sea egg; and includes the purple urchin, of which the scientific name is *Centrostephanus rogersii*:

“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 in a middle straight line along the under side or ventral side using no more pressure applied to the rock lobster or measuring device than will hold 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 shellfish, the greatest diameter of the shell:

“Line” or “lines” means any line to which hooks, whether baited or not, are attached (whether the line is held in the hand or otherwise), which is set, moored, or placed, and that is capable of taking fish:

“Measuring device”, in relation to the length of a rock lobster tail, means such measuring device as may be approved under clause 21 of this notice:

- “Mullet” includes those fish of which the scientific names are *Mugil cephalus* (grey mullet) and *Upeneichthys porosus* (red mullet):
- “Mussel” means the green mussel (*Perna canaliculus*), the blue mussel (*Mytilus edulis aoteanus*), and the horse mussel (*Atrina zelandica*):
- “Net” means any net used or capable of being used to take fish; but does not include a whitebait net:
- “Open season” means that period of a year not prescribed under section 85 of the Act 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:
- “Paua” includes ordinary paua (*Haliotis iris*) and yellow foot paua (*Haliotis australis*):
- “Pilchard” means the fish of which the scientific name is *Sardinops neopilchardus*; and includes the fish of which the scientific name is *Sprattus antipodum*, commonly known as the sprat:
- “Pipi” means the mollusc *Paphies australis*:
- “Red cod” means the fish of which the scientific name is *Pseudophycis bachus*:
- “Red moki” means the fish of which the scientific name is *Cheilodactylus spectabilis*:
- “Rig” means the fish of which the scientific name is *Mustelus lenticulatus*:
- “Ring pot” or “hoop net” or “pull pot” means a circular frame across which netting is attached; and includes a hoop net and a pull pot:
- “River, stream, or channel” includes all waters that are contained by natural or artificial banks:
- “Rock lobster” means those 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 rock lobsters; and includes any other device capable of catching, holding, or storing rock lobsters:
- “Scallop” means the mollusc *Pecten novaezelandiae*:
- “Set net” includes a gill net, a drift net, or any other sort of net which acts by enmeshing or entangling any fish:
- “Snapper” means the fish of which the scientific name is *Chrysophrys auratus*:
- “Soft shell stage” means the state of a rock lobster following moulting where the exoskeleton has not reached full intermoult hardness:
- “Spear” means any device or implement capable of puncturing the flesh or exoskeleton of any fish; but does not include any gaff or similar device used solely for the landing of any fish:
- “Stalling” means the process whereby a net is set anywhere in such a manner that any fish enclosed or entangled by the net are left stranded by the falling tide or in such a manner that at any stage of the tide there is an insufficient depth of water at either end of the net to enable the fish to pass from the waters above the net to the waters below the net:
- “Tarakihi” means the fish of which the scientific name is *Nemadactylus macropterus*:

“Toheroa” means the mollusc of which the scientific name is *Paphies ventricosa*:

“Trevally” means the fish of which the scientific name is *Caranx georgianus*:

“Tuatua” means the mollusc *Paphies subtriangulata* and the mollusc *Paphies donacina* (commonly known as southern tuatua):

“Whitebait” means those fish commonly called whitebait, being—

(a) The young or fry of the following *Galaxias* species:

(i) *Galaxias maculatus* (inanga):

(ii) *Galaxias brevipinnis* (koaro):

(iii) *Galaxias argenteus* (giant kokopu):

(iv) *Galaxias postvectis* (short jawed kokopu):

(v) *Galaxias fasciatus* (banded kokopu):

(b) The young or fry of the fish of which the scientific name is *Retropinna retropinna*:

“Whitebait net” means any net, contrivance, instrument, or device used or capable of being used for taking whitebait:

“Underwater breathing apparatus” means any apparatus capable of being used for providing breathable gases underwater, including any part of the apparatus; but does not include any snorkel.

(2) Words and expressions in this notice which are defined in the Fisheries Act 1983 and the Fisheries (Amateur Fishing) Regulations 1983 shall, unless the context otherwise requires, have the meanings so defined.

Finfish

3. Net mesh size, species length—The minimum net mesh size that may be used and the minimum fish species length that may be taken, possessed, or conveyed, shall, for the particular species of finfish specified in the column headed “Species of Fish”, be as is specified in the columns adjacent to that column:

Species of Fish	Min. Net Mesh Size	Min. Fish Length
	mm	cm
Blue cod	..	30
Blue moki	115	40
Butterfish	115	35
Eels	12	..
Elephant fish	165	..
Flatfish	100	25
Garfish	25	..
Groper
Herrings	25	..
Kahawai	100	..
Mullet	85	..
Pilchard	25	..
Red cod	100	25
Red moki	115	40
Rig	150	..
Snapper	100	25
Tarakihi	100	25
Trevally	100	25
All Others	100	..

4. Measurement of nets—(1) For the purposes of this notice, the size of mesh of a net shall be the size ascertained by measuring the length between the inner edges of the knots of opposite corners of the mesh, with the mesh closed.

(2) In cases of dispute or doubt, a weight of 1 kg shall be slung or attached to the lower knot of the mesh to produce a fair strain or extension, and the mesh shall be measured while the weight is in position.

(3) For the purposes of this notice, the inner edge, in relation to a knot, means the edge of the knot that is nearest to the knot of the opposite corner of the mesh which is being measured.

5. Marking of nets—(1) No person shall set or use any set net unless there is attached to each end of the net a surface float that is legibly and permanently marked with that person's initials and surname.

(2) No person shall set or use any fyke net unless there is a surface float attached to it that legibly and permanently marked with that person's initials and surname.

6. Hauling of nets—No person shall set, pull, haul, or retrieve any net, or pull or haul any rope or warp attached to, or used with, any such net other than by hand.

7. Nets in channels—No person shall use or set any net that extends more than one-third across the width of any channel, river, or stream measured at right-angles to the river, channel, or stream at that place at that time.

8. Stalling prohibited—No person shall set any net by the process known as "stalling", or use any net which is set by that process.

9. Use of stakes—Where any net is used in conjunction with stakes, the stakes are to be clearly visible and are to be removed at the cessation of fishing.

10. Set nets—(1) No person shall—

(a) Use or be in possession of a set net having a length exceeding 60 m;

or

(b) Set or be in possession of more than one set net; or

(c) Set a net within 60 m of the end of another net.

(2) No person shall leave any net set for a period exceeding 12 hours unless that net is lifted and cleared of fish caught within that period.

11. Drag nets—No person shall use or be in possession of a drag net that—

(a) Has a net length greater than 40 m; or

(b) Has a total warp length greater than 200 m.

12. Fyke nets and Hinaki traps—No person shall set or use more than one fyke net or more than one Hinaki trap at any one time.

13. Line fishing—No person shall—

(a) Use or possess any line unless all the surface floats attached to it are clearly and legibly marked with his surname and initials;

(b) Use or possess a line having more than 50 hooks:

- (c) Use more than one line at any one time (other than handlines or rod and reel lines).

14. Whitebait fishing—(1) No person shall, in fishing for whitebait:

- (a) Use or possess any whitebait net that has a net mouth in excess of 4.5 m in circumference or perimeter measured around the outside of the net frame, and which has an overall length greater than 3.5 m:
- (b) Set or use any fishing gear that—
- (i) Exceeds more than one-third of the width of a stream at that place at that time; and
 - (ii) Exceeds 6 m in total length:
- (c) Set or use more than one whitebait net at any time.
- (2) Every person who sets or uses a whitebait net shall remain within 10 m of any such net.
- (3) The taking or possession of whitebait from the following places during the following times is hereby prohibited:
- (a) In all waters and places in the North Island from the 1st day of December in every year to the 31st day of July in the following year (both days inclusive):
 - (b) In all waters and places in the South Island from the 15th day of November in every year to the 31st day of August in the following year (both days inclusive):
 - (c) In all waters and places in the Chatham Islands from the 1st day of March in every year to the 30th day of November in the same year (both days inclusive).
- (4) No person shall fish for whitebait during an open season between the hours of 8 p.m. and 5 a.m.

Shellfish

15. Quota and minimum size—The maximum daily number of shellfish which may be taken, possessed, or conveyed by one person, and the minimum length of shellfish which may be taken, possessed, or conveyed, shall be as set out in the following table:

Species of Shellfish	Maximum Daily Limit Per Person	Minimum Length
		mm
Cockles	150	..
Kina	50	..
Mussels	50	..
Oysters (dredge)	50	58
Paua—ordinary	10	125
—yellow foot	10	80
Pipi	150	..
Scallops	20	100
Toheroa	10	100
Tuatua	150	..

16. Opening of some shellfish below mean high water mark prohibited—No person shall open any shellfish (to which a minimum length restriction applies) seaward of the mean high water mark.

17. Use of underwater breathing apparatus prohibited for taking paua and mussels—No person shall—

- (a) Use any underwater breathing apparatus while taking paua or mussels:
- (b) Possess any paua or mussels while in possession of any underwater breathing apparatus:
- (c) Have any paua or mussels in or on any conveyance in or on which there is any underwater breathing apparatus:
- (d) Possess any paua or mussels that that person knows to have been taken when the person taking them was using underwater breathing apparatus.

18. Toheroa—(1) Except as otherwise specified by the Director-General from time to time by notice in the *Gazette*, the taking or disturbing of toheroa is prohibited.

(2) The use of any implement or device of any kind for the location or taking of toheroa is prohibited.

(3) Every undamaged toheroa extracted which is less than 100 mm in length shall be reburied below the mean high water mark; but where the shell of an undersized toheroa is broken or damaged, it shall be reburied above the mean high water mark.

(4) Where the shell of any toheroa over 100 mm in length is broken or damaged, the toheroa, when removed from the beach by any person, shall be counted as part of the maximum daily number for that person.

19. Oysters—(1) No person shall open any oyster while it still adheres to the object or substrata on which it grew, or discard the shell of the oyster on or near such object or substrata.

(2) No person shall take, possess, or convey any oysters in the North Island, in the areas defined in the Schedule to this notice, being the Hauraki Gulf, Whangaruru Harbour, and the Bay of Islands (except Te Puna Inlet).

(3) No person shall take, possess, or convey any oysters in the South Island during the period commencing with the 1st day of September in any year, and ending with the last day of February in the following year.

20. Scallops—There shall be a closed season for taking scallops from the 15th day of February to the 14th day of July in the same year (both days inclusive).

21. Rock Lobsters—(1) No person shall take, convey, or possess—

- (a) More than 6 rock lobsters in any one day:
- (b) Any spiny rock lobster the tail of which, or any spiny rock lobster tail which, is less than 152 mm in length:
- (c) Any packhorse rock lobster the tail of which, or any packhorse rock lobster tail which, is less than 216 mm in length:
- (d) Any rock lobster that is carrying external eggs:
- (e) Any rock lobster in the soft shell stage.

(2) No person shall—

- (a) Remove any external eggs or egg bearing appendages, or part thereof, from any rock lobster:
- (b) Convey or possess any rock lobster from which the external eggs, egg bearing appendages, or part thereof, have been artificially removed.

(3) No person shall set or use a baited net for taking rock lobsters, or possess any rock lobster taken with a baited net:

Provided that this subclause shall not apply to the use of ring pots.

(4) No person shall use any spear to take rock lobster.

(5) No person shall use or have on board any conveyance—

(a) More than 6 rock lobster pots, including ring nets:

(b) Any rock lobster pot, unless the pot and the buoy or float attached to the pot or float line is clearly and permanently marked with that person's surname and initials.

(6) No person shall possess or use any rock lobster pot unless there is incorporated in the pot at least one aperture 54 mm in height and 300 mm in width in any part of the pot (except the bottom and other than the mouth) which will enable undersized rock lobster to escape from it:

Provided nothing in this subclause shall restrict the use of a rock lobster pot which has spot welded mesh having apertures not less than 54 mm in height and 150 mm in width.

(7) In cases of dispute or doubt, to ascertain whether a rock lobster the tail of which, or the tail of a rock lobster, is shorter than the permitted length, it shall be measured with a measuring device of a type approved by the Director-General.

22. Black coral—No person shall take, sell, or possess any black coral.

SCHEDULE

Cl. 19

OYSTER FISHING PROHIBITION AREAS

The areas from which the taking of oysters is prohibited are as follows:

1. *Hauraki Gulf*

Those waters lying inside a line drawn from Bream tail (at 36° 03' S and 174° 35.3' E) to Needles Point (at 36°01.6 S and 175° 24.5' E); thence by a straight line to the northernmost extremity of Great Barrier Island (at 36°02.6' S and 175° 24.15' E); then around mean high water mark of the western coastline of Great Barrier Island to Cape Barrier; thence from Cape Barrier (at 36° 20.9' S and 175° 31.8' E) by a straight line to Cape Colville (at 36° 28.3' S and 175° 20.65' E).

2. *Whangaruru Harbour*

Those waters lying inside a straight line drawn from the northern entrance at North Head (at 35° 22.9' S and 174° 22.08' E) to an unnamed point (at 36° 23.09' S and 174° 20.85' E) inside Rugged Point.

3. *Bay of Islands*

Those waters lying inside the waters of the Bay of Islands lying inside a boundary commencing at the easternmost point of Cape Wiwiki (at 35° 4.9' S and 174° 6.69' E) and running thence in a straight line to the northern extremity of Red Head (at 35° 11.9' S and 174° 12.44' E) and thence in a straight line in a north easterly direction to the northern extremity of Cape Brett (at 35° 10.46' S and 174° 20.03' E). Except the waters of Te Puna Inlet lying inside Tareha Point (at 35° 11.65' S and 174° 02.95' E) thence in a straight line to Poreanui Point (at 35°11.71' S and 174° 04.05' E).

Dated at Wellington this 21st day of December 1983.

M. J. BELGRAVE,
Assistant Director-General of Agriculture and Fisheries.

EXPLANATORY NOTE

This note is not part of the notice, but is intended to indicate its general effect.

Clause 2 defines terms used in the notice.

Clause 3 fixes net mesh sizes and species length for a number of fish species.

Clauses 4 to 12 provide for restrictions on types of nets that may be used for amateur fishing.

Clause 13 imposes controls on line fishing.

Clause 14 sets out the requirements for whitebait fishing.

Clause 15 sets out maximum daily quotas and minimum sizes for shellfish.

Clauses 16 and 17 control opening of shellfish below high water mark, and prohibits the use of underwater breathing apparatus in certain circumstances.

Clauses 18 to 21 provide specific restrictions on taking toheroa, oysters, scallops, and rock lobsters.

Clause 22 prohibits the taking, selling, or possessing of black coral.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 21 December 1983.

This notice is administered in the Ministry of Agriculture and Fisheries.