



THE FISHERIES (AMATEUR FISHING) NOTICE 1984

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

ANALYSIS

1. Title, commencement, and application	
2. Interpretation	
	<i>Shellfish</i>
	15. Quota and minimum size
	16. Shellfish to be measurable
	17. Use of underwater breathing apparatus prohibited for taking paua and mussels
<i>Finfish</i>	18. Toheroa
3. Net mesh size, species length, and maximum daily number	19. Oysters
4. Measurement of net mesh size	20. Scallops
5. Marking of nets	
6. Hauling of nets	<i>Rock Lobster</i>
7. Restrictions on nets in channels	21. Rock lobster
8. Stalling prohibited	
9. Use of poles or stakes	<i>Miscellaneous</i>
10. Set nets	22. Black coral
11. Drag nets	23. Return of unlawful fish
12. Fyke nets and Hinaki traps	24. Revocation
13. Line fishing	
14. Whitebait fishing	

NOTICE

1. Title, commencement, and application—(1) This notice may be cited as the Fisheries (Amateur Fishing) Notice 1984.

(2) This notice shall come into force on the 1st day of January 1985.

(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 order *Antipatharia*:

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

“Drag net” or “beach seine net” means any net or part thereof (including any warp, rope, chain, material, or device used in conjunction with, or attached to, the net) which has a buoyancy

system on the top edge and is weighted on the bottom edge and is operated by surrounding any fish and being drawn over the bed of any waters or through any waters to the shore:

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

“Fishing gear” includes any vessel, net, line, pot, trap, dredge, apparatus, device, or thing which is capable of being used for the purposes of taking fish:

“Fishing method” means the way in which any fishing gear is used to take fish or any other practice which is likely to result in taking fish:

“Fyke net” means any net, fish trap, or part thereof, which is used or is capable of being used to take eels; and includes a Hinaki trap:

“Garfish” means the fish of which the scientific name is *Hyporhamphus ihi* (commonly known as piper):

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

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

“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, by using a rigid rule or a measuring device, in a middle straight line along the under side or ventral side using no more pressure applied to the rock lobster, rule, or measuring device than will hold the rule or measuring device against the posterior side of the first calcified bar and will cause the ventral surface of the tail to just touch the rule or 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 shellfish:

“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* (commonly known as the grey mullet) and *Upeneichthys lineatus* (commonly known as the goatfish or red mullet); but does not include the yellow-eyed mullet (*Aldrichetta forsteri*):

“Mussel” means the green mussel (*Perna canaliculus*), the blue mussel (*Mytilus edulis aoteanus*), and the horse mussel (*Atrina zelandica*):

“Net” means any net or part thereof 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 this notice 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 or sardine” means the fish of which the scientific name is *Sardinops neopilchardus*; and includes the fish commonly known as sprats (*Sprattus* spp.):
- “Pipi” means the mollusc *Paphies australis*:
- “Red cod” means the fish of which the scientific name is *Pseudophycis bachus*:
- “Ring pot” or “hoop net” or “pull pot” means a circular frame across which netting is attached:
- “River, stream, or channel” includes all waters that are contained by natural or artificial banks:
- “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:
- “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:
- “Soft shell stage” means the state of a rock lobster following moulting where the exoskeleton has not reached full 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 finfish:
- “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:
- “Toheroa” means the mollusc of which the scientific name is *Paphies ventricosa*:
- “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 (commonly known as smelt) 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 or the Fisheries (Amateur Fishing) Regulations 1983* shall, unless the context otherwise requires, have the meanings so defined.

Finfish

3. Net mesh size, species length, and maximum daily number—The minimum net mesh size that may be used and the minimum fish species length and the maximum daily finfish number that may be taken, possessed, or conveyed by any one person shall, for the particular species of finfish specified in the column headed "Species of Fish", be as is specified in the columns opposite the name of such species in the following table:

Species of Fish	Min. Net Mesh Size	Min. Fish Length	Maximum Daily Number
	mm	cm	
Blue cod	-	30	30
Blue moki	115	40	30
Butterfish	108	35	30
Eels	12	-	no numerical limit
Elephant fish	150	-	30
Flatfish			
—(except sand flounder)	100	25	30
—Sand flounder	100	23	30
Garfish (piper)	25	-	no numerical limit
Groper	-	-	30
Herrings	25	-	no numerical limit
Kahawai	85	-	30
Mullet	85	-	no numerical limit
Pilchard	25	-	no numerical limit
Red cod	100	25	no numerical limit
Red moki	115	40	30
Rig	150	-	30
Snapper	100	25	30
Tarakihi	100	25	30
Trevally	100	25	30
All others	100	-	no numerical limit

4. Measurement of net mesh size—(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 or, where the mesh has no knots, the length between the inner edges 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 or join of the mesh to produce a fair strain or extension, and the mesh shall be measured while the weight is in position.

*S.R. 1983/294

Amendment No. 1: S.R. 1984/138

Amendment No. 2: S.R. 1984/342

(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 is 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, warp, or chain attached to, or used with, any such net, other than by hand.

7. Restrictions on nets in channels—No person shall use or set any net that, either by itself or together with or in conjunction with any other net, extends more than one-third across the width of any river, stream, or channel measured at right-angles to the bank of that river, stream, or channel at that place at that time.

8. Stalling prohibited—No person shall set any net whereby stalling occurs; and every person who sets a net shall ensure that stalling does not occur while such a net is set.

9. Use of poles or stakes—No person shall erect any pole or stake for using in conjunction with any fishing net or use in conjunction with any fishing net any erected pole or stake; but nothing in this clause shall apply to the use of any pole or stake used in conjunction with a fyke net if the pole or stake is clearly visible at all stages of the tide and is removed at the cessation of fishing.

10. Set nets—No person shall—

- (a) Use or be in possession of a set net having a length exceeding 60 m;
or
- (b) Use or be in possession of more than one set net; or
- (c) Set a net within 60 m of any other net; or
- (d) Use any baited set net.

11. Drag nets—No person shall—

- (a) Use or be in possession of a drag net unless—
 - (i) The net length does not exceed 40 m; and
 - (ii) The total warp length does not exceed 200 m;
- (b) Set or use more than one drag net at any one time.

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 that person's 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 any river, stream, or channel at that place at that time; or
 - (ii) In conjunction with any fishing gear set or used by any other person, will exceed more than one-third of the width of the river, stream, or channel at that place at that time; or
 - (iii) 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 periods is hereby prohibited:
- (a) In all waters and places in the North and South Islands from the 1st day of December in any year to the 31st day of July in the following year (both days inclusive), except as otherwise specified in any other notice issued pursuant to the Fisheries (Amateur Fishing) Regulations 1983:
 - (b) In all waters and places in the Chatham Islands from the 1st day of March in any 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—(1) 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 specified in the columns opposite the name of such species in the following table:

Species of Shellfish	Maximum Daily Limit Per Person	Minimum Length
		mm
Cockles	150	..
Kina	50	..
Mussels	50	..
Oysters—dredge	50	As in subclause (2) of this clause
Oysters—Pacific or rock	250	..
Paua—ordinary	10	125
—yellow foot	10	80
Pipi	150	..
Scallops	20	100
Tuatua	150	..

(2) No person shall take, possess, or convey any dredge oyster that can be passed through a rigid circular metal ring having a clear inside diameter of 58 mm.

16. Shellfish to be measurable—No person shall—

- (a) Possess seaward of the mean high-water mark; or
 - (b) Land from any fishing vessel—
- any shellfish (to which a minimum length restriction applies) in such a state that it cannot be measured.

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—Except as otherwise specified by the Director-General from time to time in a notice issued pursuant to the Fisheries (Amateur Fishing) Regulations 1983, the taking, possession, conveying, or disturbing of toheroa is prohibited.

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 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).

*Rock Lobster***21. Rock lobster**—(1) No person shall take, convey, or possess—

- (a) More than 6 rock lobster 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) Convey or possess any rock lobster, or rock lobster tail which has the calcified bar of the first abdominal segment fractured or is in such a state that the length of the rock lobster or the rock lobster tail cannot be measured in accordance with this clause:
- (b) Remove any external eggs or egg bearing appendages, or part thereof, from any rock lobster:
- (c) 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; but this prohibition shall not apply to the use of ring pots.

(4) No person shall use any spear to take rock lobster, or possess or convey any rock lobster that has been speared.

(5) No person shall use or have on board any conveyance any rock lobster pot, unless the pot and the buoy or float attached to the pot or float line are 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 of not less than 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; but 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.

Miscellaneous

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

23. Return of unlawful fish—Any person engaged in amateur fishing shall, taking all reasonable care to ensure their survival, immediately return any finfish, shellfish, or aquatic life that is unlawfully taken or is of an unlawful state or size back into the waters from which the finfish, shellfish, or aquatic life was taken.

24. Revocation—The Fisheries (Amateur Fishing) Notice 1983* is hereby revoked.

Dated at Wellington this 18th day of December 1984.

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.

This notice continues the restrictions on amateur fishing imposed by the Fisheries (Amateur Fishing) Notice 1983, but makes the following major changes:

Clause 3 changes the minimum net mesh sizes for butterfish, elephant fish, and kahawai to 108 mm, 150 mm, and 85 mm respectively. The minimum length for sand flounder has been reduced to 23 cm, and a maximum daily limit of 30 per person has been imposed on 12 species of finfish.

Clause 8 clarifies the wording of the previous restriction on stalling so that it is clear that net fishing in tidal areas is not prohibited.

Clause 10 changes the wording to make it clear that a net may not be set within 60 m of any other net.

Clause 11 clarifies the wording of the previous drag net restriction.

Clause 14 prohibits persons fishing for whitebait from either side of a stream from blocking off more than one-third of the stream. The South Island whitebait season is now the same as the North Island season.

Clause 15 imposes a new quota of 250 per day on taking Pacific and rock oysters.

Clause 21 imposes a new prohibition on the possession of rock lobsters which have the first abdominal segment fractured, or are in a state where the length of the lobster or lobster tail cannot be measured.

Clause 23 requires all fish which do not comply with the requirements of the notice to be returned immediately to the water.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 21 December 1984.

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