



THE FISHERIES (AMATEUR 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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Black Coral

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Amateur Fishing) Regulations 1986.

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

2. Application—These regulations shall apply in respect of all persons taking or possessing any fish or aquatic life to which these regulations relate other than commercial fishermen taking or possessing the fish or aquatic life under a permit, licence, quota, or other authorisation issued or granted under the Act or any regulations made pursuant to the Act.

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

“Act” means the Fisheries Act 1983:

“Black coral” means a coelenterate of the order *Antipatharia*:

“Blue cod” means the fish of which the scientific name is *Paraperca 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) stutchburyi*:

“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:

“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*:

“Fishing gear” includes any net, line, pot, trap, dredge, apparatus, device, or thing that is used or 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 that is likely to result in taking fish:

“Flatfish” includes the following species:

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

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

(c) New Zealand sole (*Peltorhampus novaezeelandiae*):

(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 net, fish trap, or part of a net that 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):

"Groper" includes the fish species of which the scientific names are *Polyprion oxygeneios* and *Polyprion maeone*:

"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:

"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, 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:

"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 a device supplied by the Director-General and consisting of a rigid metal bar with a pin set in it:

"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 (*Mystilus edulis aoteanus*), and the horse mussel (*Atrina zelandica*):

- “Net” means any net or part of a 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 these regulations 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” means ordinary paua (*Haliotis iris*), yellow foot paua (*Haliotis australis*), and virgin paua (*Haliotis virginea*):
- “Pilchard or sardine” means the fish of which the scientific name is *Sardinops neopilchardus*; and includes the fish commonly known as spratt (*Sprattus spp.*):
- “Pipi” means the mollusc *Paphies australis*:
- “Quinnat salmon” (also known as chinook salmon) means the fish of which the scientific name is *Oncorhynchus tshawytscha*:
- “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:
- “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, that is capable of catching or holding 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:
- “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 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 is left stranded by the falling tide or is enclosed or entangled 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):
- “Underwater breathing apparatus” means any apparatus capable of being used for providing breathable gases underwater, and includes any part of the apparatus; but does not include any snorkel.
- “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 to take the fish commonly known as whitebait:

4. Conflict between these regulations and other regulations—In the event of any inconsistency between any of these regulations and any regulations made under the Act that relate to amateur fishing in any specified area of New Zealand fisheries waters, those regulations shall prevail over the inconsistent regulations in these regulations.

5. Measurement of net mesh size—(1) For the purposes of these regulations, 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.

(3) For the purposes of this regulation, 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 that is being measured.

6. 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 number of finfish that may be taken or possessed by any one person in any day 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	Minimum Net Mesh Size	Minimum 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 (excluding quinnat salmon)	100	-	no numerical limit

7. 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.

8. 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.

9. Restrictions on nets in channels—No person shall use or set any net that, either by itself or together 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.

10. 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.

11. 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 regulation 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.

12. Set nets—No person shall—

- (a) Use or possess in or adjacent to New Zealand fisheries waters a set net having a length exceeding 60 m; or
- (b) Use or possess in or adjacent to New Zealand fisheries waters more than one set net; or
- (c) Set a net within 60 m of any other net; or
- (d) Use or possess in or adjacent to New Zealand fisheries waters any baited set net.

13. Drag nets—No person shall—

- (a) Use or possess in or adjacent to New Zealand fisheries waters 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, use, or possess in or adjacent to New Zealand fisheries waters more than one drag net at any one time.

14. Fyke nets and Hinaki traps—No person shall set, use, or possess in or adjacent to New Zealand fisheries waters more than one fyke net or more than one Hinaki trap at any one time.

15. Line fishing—No person shall—

- (a) Use or possess in or adjacent to New Zealand fisheries waters 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 in or adjacent to New Zealand fisheries waters a line having more than 50 hooks;
- (c) Use or possess in or adjacent to New Zealand fisheries waters more than one line (other than hand lines or rod and reel lines).

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

- (a) Use 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 taken from the following places during the following periods is hereby prohibited:

- (a) 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 the Fisheries (West Coast Whitebait) Regulations 1985* or any other regulations made under the Act:
 - (b) 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.

17. Quinnat salmon fishing—(1) No person shall take quinnat salmon by any method other than a rod and running line.

(2) No person shall be in possession of any quinnat salmon taken in contravention of subclause (1) of this regulation.

(3) No person fishing for quinnat salmon shall be in possession or have control over more than one assembled rod and running line.

(4) No person shall use a rod and running line to take quinnat salmon unless that person is within 15 metres of the rod and has the rod under visual observation.

(5) No person shall take more than 4 quinnat salmon in any one day.

(6) This regulation shall apply only to the taking of quinnat salmon, and the possession of quinnat salmon taken, from areas that are not within an acclimatisation district.

18. Prohibition on possession of fish in conjunction with unlawful nets, traps, or lines—No person shall be in possession of any fish together with any net, trap, or line that the person is not permitted to set or use by regulations 12 to 17 of these regulations, whether or not that net, trap, or line is being used in fishing.

Shellfish

19. Daily allowances and minimum size—(1) The maximum number of shellfish which may be taken or possessed by any person in any day and the minimum length of shellfish (whether entire, chipped, or broken) which may be taken or possessed by any person in any day 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
Cockles	150	mm
Kina	50	..
Mussels	50	..
Oysters—dredge	50	as in subclause (2) of this regulation
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 or possess any dredge oyster that can be passed through a rigid circular metal ring having a clear inside diameter of 58 mm.

20. 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.

21. 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 the person knows to have been taken when the person taking them was using underwater breathing apparatus.

22. Toheroa—The taking, possession, or disturbing of toheroa is prohibited.

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

(2) No person shall take or possess any oysters taken 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 (both days inclusive) in the following year.

24. Scallops—No person shall take or possess any scallops taken between the 15th day of February and the 14th day of July in the same year (both days inclusive).

Rock Lobster

25. Rock lobster—(1) No person shall take or possess—

- (a) More than 6 rock lobsters taken 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) 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 regulation;
 - (b) Remove any external eggs or egg bearing appendages, or part thereof, from any rock lobster;
 - (c) 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 any rock lobster that has been speared.

(5) No person shall use or have on any vessel or vehicle 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 that does not have at least one aperture (other than the mouth) of a size not less than 54 mm in height and 300 mm in width in any part of the pot except the bottom and in a position to enable undersize rock lobsters to escape.

(7) Nothing in subclause (6) of this regulation shall prohibit 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.

Black Coral

26. Black coral—No person shall take or possess any black coral.

Miscellaneous

27. Fish taken for hui or tangi—Nothing in these regulations or any other regulations made pursuant to the Act relating to amateur fishing imposing any restriction on the taking of fish shall apply where—

- (a) The fish are taken for the purposes of a hui or tangi; and
- (b) The intention to take the fish has been notified to a Fishery Officer by or on behalf of a council or committee representing any Maori community before the fish are taken; and
- (c) The fish are taken in accordance with any conditions relating to quantity, size, or methods of taking the fish, areas from where the fish may be taken, or persons who may take the fish that are imposed by the Director-General and considered by the Director-

General to be necessary for the overall conservation and management of the fishery.

28. Returning of unlawfully taken 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.

29. Offences—(1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who acts in contravention of, or fails to comply with, any of regulations 22, 25, and 26 of these regulations.

(2) 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 not referred to in subclause (1) of these regulations.

(3) In addition to the limitations specified in section 88 of the Act, and the defences available under section 101 of the Act and any other defence available to the defendant, it shall be a defence,—

(a) In the case of any person charged with being unlawfully in possession of more than the maximum number of any species of finfish, shellfish, or aquatic life that the person is entitled, if that person satisfies the Court that the number of finfish, shellfish, or aquatic life in excess of the maximum was not taken in breach of these regulations:

(b) In the case of any person charged with taking or being in possession of scallops during a closed season, if that person satisfies the Court that the scallops were washed ashore.

30. Revocations—The following regulations and notice are hereby revoked:

(a) The Fisheries (Amateur Fishing) Regulations 1983 (S.R. 1983/294):

(b) The Fisheries (Amateur Fishing) Regulations 1983, Amendment No. 1 (S.R. 1984/138):

(c) The Fisheries (Amateur Fishing) Regulations 1983, Amendment No. 2 (S.R. 1984/342):

(d) The Fisheries (Amateur Fishing) Notice 1984 (S.R. 1984/348).

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 the Fisheries (Amateur Fishing) Regulations 1983 and the Fisheries (Amateur Fishing) Notice 1984 and impose similar prohibitions and controls.

New controls are imposed in relation to quinnat salmon fishing outside acclimatisation districts.

Regulation 27, relating to the taking of fish for hui and tangi, is also new. The previous regulations 6 and 7 which could be used to deal with similar situations are not continued.

These regulations are of a general nature, and where they are inconsistent with other regulations relating to amateur fishing, the other regulations prevail. There are regulations relating to amateur fishing for most fishery management areas and these make specific provision for those areas and parts of those areas. At the time of the making of these regulations, those specific regulations are:

The Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986 (S.R. 1986/222):

The Fisheries (Central Area Amateur Fishing) Regulations 1986 (S.R. 1986/223):

The Fisheries (Challenger Area Amateur Fishing) Regulations 1986 (S.R. 1986/224):

The Fisheries (South-East Area Amateur Fishing) Regulations 1986 (S.R. 1986/225):

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.