



**THE FISHERIES (COMMERCIAL FISHING) REGULATIONS 1986,
AMENDMENT NO. 2**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 16th day of May 1988

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

<p>Title</p> <ol style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Minimum finfish length, weight, and net mesh size 4. Size limits on shellfish 5. Taking and possession of toheroa prohibited 6. Restrictions on taking, possession, processing, and sale of certain rock lobster 	<ol style="list-style-type: none"> 27. Size limit on rock lobster 28. Method of measurement of rock lobster tail 29. Taking, possession, processing, and sale of certain rock lobster prohibited 7. Taking and possession of black coral prohibited 8. Offences 9. New First Schedule inserted Schedule
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 2, and shall be read together with and deemed part of the Fisheries

(Commercial Fishing Regulations 1986* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of June 1988.

2. Interpretation—(1) Regulation 2 of the principal regulations is hereby amended by revoking paragraph (a) of the definition of the term “length”.

(2) Regulation 2 of the principal regulations is hereby further amended by revoking the definition of the term “measuring device”.

(3) Regulation 2 of the principal regulations is hereby further amended by inserting, after the definition of the term “oyster”, the following definition:

“‘Packhorse rock lobster’ means the fish of which the scientific name is *Jasus verreauxi* (commonly known as the packhorse or green rock lobster), and includes any part thereof.”

(4) Regulation 2 of the principal regulations is hereby further amended by inserting, after the definition of the term “spear”, the following definition:

“‘Spiny rock lobster’ means the fish of which the scientific name is *Jasus edwardsii* (commonly known as the spiny or red rock lobster), and includes any part thereof.”

3. Minimum finfish length, weight, and net mesh size—Regulation 21 of the principal regulations is hereby amended by adding the following subclause:

“(3) No person shall sell or possess for sale or process for sale any finfish or eel that is less than the relevant length or weight specified in this regulation.”

4. Size limits on shellfish—Regulation 22 of the principal regulations is hereby amended by adding the following subclause:

“(3) No person shall sell or possess for sale or process for sale any shellfish or dredge oyster that is less than the relevant length or size specified in this regulation.”

5. Taking and possession of toheroa prohibited—Regulation 26 of the principal regulations is hereby amended by adding the following subclause:

“(2) No person shall sell or possess for sale or process for sale any toheroa.”

6. Restrictions on taking, possession, processing, and sale of certain rock lobster—The principal regulations are hereby amended by revoking regulations 27 to 29, and substituting the following regulations:

27. Size limit on rock lobster—(1) No commercial fisherman shall take or be in possession of any undersize rock lobster or the tail of any undersize rock lobster.

(2) No person shall sell or possess for sale or process for sale any undersize rock lobster or the tail of any undersize rock lobster.

“(3) A rock lobster is undersize for the purposes of this regulation if, in whatever state the rock lobster or tail is when it is measured (whether alive or dead, or cooked, frozen, or chilled),—

“(a) In the case of a female spiny rock lobster, the width of its tail is less than 58 mm when measured in accordance with regulation 28 (1) and (2) of these regulations:

“(b) In the case of a male spiny rock lobster, the width of its tail is less than 54 mm when measured in accordance with regulation 28 (1) and (2) of these regulations:

“(c) In the case of a packhorse rock lobster of either sex, the length of its tail is less than 216 mm when measured in accordance with regulation 28 (3) and (4) of these regulations.

“(4) In any proceedings for an offence against this regulation it is a defence if the defendant proves that—

“(a) The rock lobster or rock lobster tail in question was taken before the 1st day of June 1988; and

“(b) The defendant would not have been guilty of an offence relating to the tail length of the rock lobster or rock lobster tail under the provisions of these regulations as they were in force immediately before that date.

“28. **Method of measurement of rock lobster tail**—(1) The width of the tail of a spiny rock lobster shall, for the purposes of this regulation, be the distance measured in a straight line from the tip of one primary pleural spine on the second abdominal segment of the tail to the tip of the other primary pleural spine on that segment.

“(2) In the case of any dispute as to whether a spiny rock lobster is undersize or not, the width of the tail of the rock lobster shall be measured, and the matter thereby determined, as follows:

“(a) The width shall be measured by means of a tail-width measuring device supplied by the Director-General bearing a D.S.I.R. mark and an identifying number and consisting of a handle with an attachment comprising 2 sets of rigid caliper-type arms. Each such set has one arm that bears a raised L-shaped projection (hereinafter called the measuring bar) and a second arm that is marked with a line some 2 mm away from and parallel to the projected edge of the central column of the device, and either—

“(i) The expressions ‘58’ and ‘F’; or

“(ii) The expressions ‘54’ and ‘M’:

“(b) The tail width of a female rock lobster shall be measured by means of the set of caliper-type arms that contains the arm marked with the expressions ‘58’ and ‘F’. The tail width of a male rock lobster shall be measured by means of the set of caliper-type arms that contains the arm marked with the expressions ‘54’ and ‘M’:

“(c) The tail width shall be measured, using the relevant set of caliper-type arms, by—

“(i) Holding the rock lobster, or tail, with the ventral side uppermost; and

“(ii) Bringing the tip of one of the primary pleural spines on the second abdominal segment into contact with the inside face of the longer section of the measuring bar (Note: in this position

the measuring bar being used will not normally be visible to the person measuring); and

“(iii) While the tip of the spine is so in contact, rotating the measuring device to determine whether or not there is any position in which the tip of the other primary pleural spine on the second abdominal segment will reach that part of the inside edge of the other relevant arm of the device that extends from the line referred to in paragraph (a) of this subclause to the unattached end of the arm (which part is hereinafter called the measuring edge):

“(d) No pressure shall be applied to the tail or to the measuring device except such pressure as is necessary to—

“(i) Bring the tip of one of the primary pleural spines on the second abdominal segment into contact with the inside face of the longer section of the measuring bar; and

“(ii) Rotate the measuring device to determine whether or not the tip of the other such spine will reach the measuring edge of the other arm:

“(e) The rock lobster will be undersize if, when the tip of one such spine is in contact with the inside face of the longer section of the measuring bar, the tip of the other spine fails to reach the measuring edge of the other relevant arm of the measuring device.

“(3) The length of the tail of a packhorse rock lobster shall, for the purposes of this regulation, be the distance in a straight line, when the tail is laid flat, from the posterior side of the calcified bar on the underside of the first abdominal segment of the tail to the posterior edge of the telson of the tail fan.

“(4) In the case of any dispute as to whether a packhorse rock lobster is undersize or not, the length of the tail of the rock lobster shall be measured, and the matter thereby determined, as follows:

“(a) The length shall be measured by means of a tail-length measuring device supplied by the Director-General consisting of a rigid metal bar with a pin set in it:

“(b) The pin of the measuring device shall be placed against the mid-point on the posterior side of the calcified bar on the first abdominal segment of the tail:

“(c) With the pin kept in that position and the tail laid flat, the measuring device shall be brought into line with the posterior edge of the telson of the tail fan, and the length of the tail shall be the distance as indicated on the bar of the measuring device from the pin to that posterior edge:

“(d) When measuring that distance, no more pressure shall be applied to the tail and the measuring device than is necessary to—

“(i) Cause the calcified bars on the ventral surface of the tail to just touch the measuring device; and

“(ii) Bring the pin of the device and the bar of the device into contact with the relevant points of measurement.

“(5) Any measurement of the tail width of a spiny rock lobster shall be deemed not to be in accordance with subclause (2) of this regulation if it is carried out by means of a tail-width measuring device that, since having been supplied by the Director-General, has been altered or added to or

adapted in such a way as to decrease the distance between the relevant measuring bar and measuring edge.

“(6) The diagrams in the First Schedule to these regulations depict the tail-width measuring device and the parts of the body of a rock lobster referred to in this regulation (other than the exoskeleton), and also the physical features by which male and female spiny rock lobster may be distinguished.

“29. Taking, possession, processing, and sale of certain rock lobster prohibited—(1) This regulation applies to a rock lobster if—

“(a) The lobster is carrying external eggs; or

“(b) External eggs have been removed from the lobster by artificial means; or

“(c) Any egg-bearing appendage or pleopod or any part thereof has been removed from the lobster, or the tail is in such a state that the sex of the rock lobster cannot be determined; or

“(d) The lobster is in the soft-shell stage; or

“(e) The calcified bar or any part of the exoskeleton (the outer shell of the tail) of the first abdominal segment of the tail is fractured, or the rock lobster is in such a state that its tail cannot be properly measured as required under these regulations; or

“(f) In the case of a spiny rock lobster, the calcified bar or any part of the exoskeleton (the outer shell of the tail) of the second abdominal segment of the tail is fractured, or any part of any primary pleural spine of the second abdominal segment is broken.

“(2) No commercial fisherman shall take or be in possession of any rock lobster to which this regulation applies.

“(3) No person shall sell or possess for sale or process for sale any rock lobster to which this regulation applies.”

7. Taking and possession of black coral prohibited—Regulation 37 of the principal regulations is hereby amended by adding the following subclause:

“(2) No person shall sell or possess for sale or process for sale any black coral.”

8. Offences—Regulation 57 of the principal regulations is hereby amended by adding the following subclause:

“(3) 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 21 (3), 22 (3), 23 (2), 26 (2), 27 (2), 29 (3), 30 (3), and 31 (2) of these regulations.”

9. New First Schedule inserted—(1) The principal regulations are hereby amended by inserting, after regulation 58, the First Schedule set out in the Schedule to these regulations.

(2) The heading of the Schedule to the principal regulations (as in force before the commencement of these regulations) is hereby amended by inserting, before the word “SCHEDULE”, the word “SECOND”.

(3) Regulation 56 of the principal regulations is hereby amended by inserting, before the word “Schedule” where it first occurs, the word “Second”.

Reg. 9

SCHEDULE

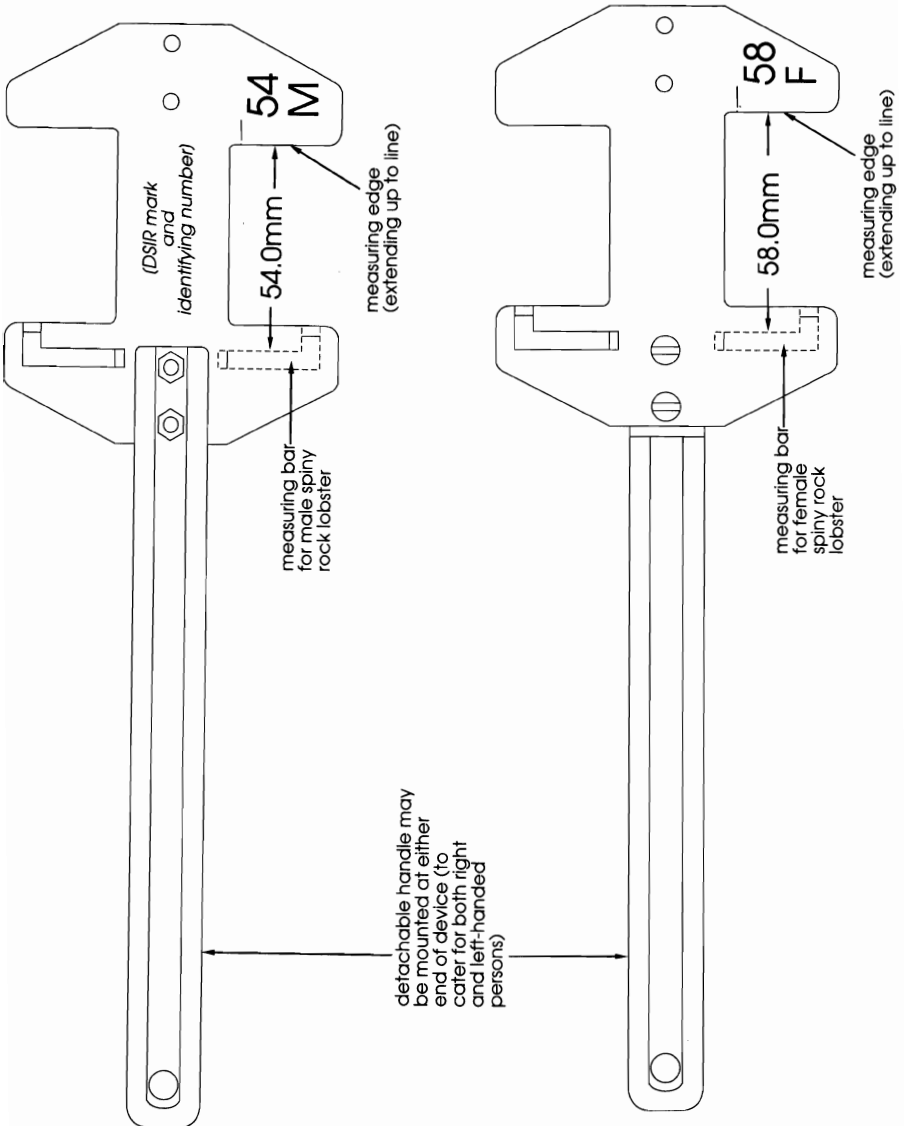
NEW FIRST SCHEDULE INSERTED

Reg. 28 (6)

“FIRST SCHEDULE

DIAGRAMS RELATING TO METHOD OF MEASUREMENT OF ROCK LOBSTER

I – TAIL-WIDTH MEASURING DEVICE

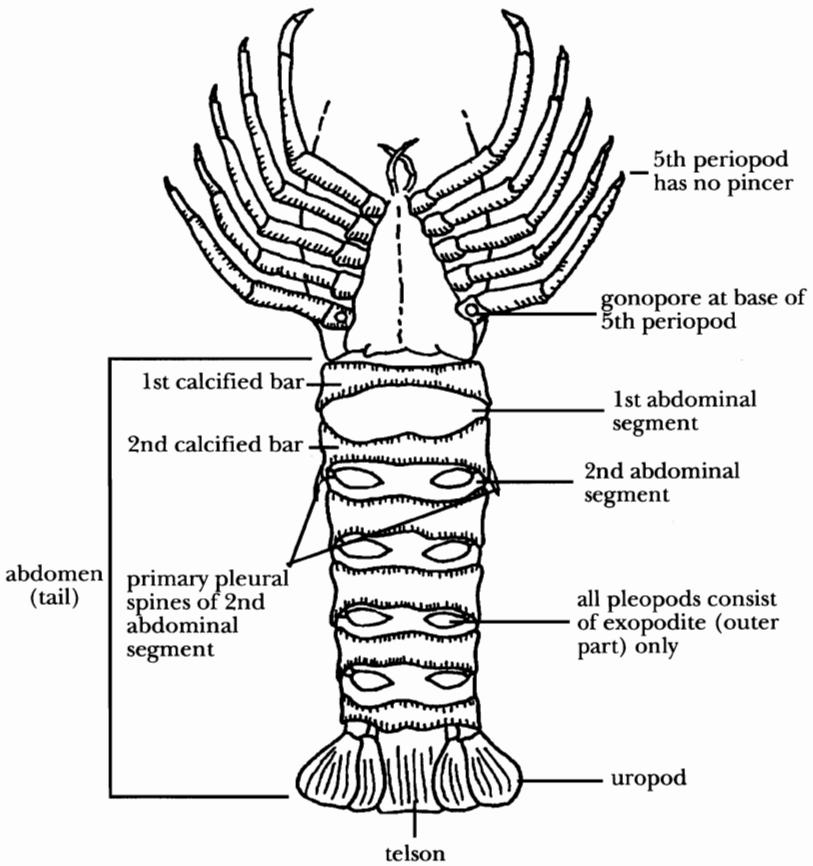


SCHEDULE—continued

II—MALE AND FEMALE SPINY ROCK LOBSTER

Spiny Rock Lobster (*Jasus edwardsii*)

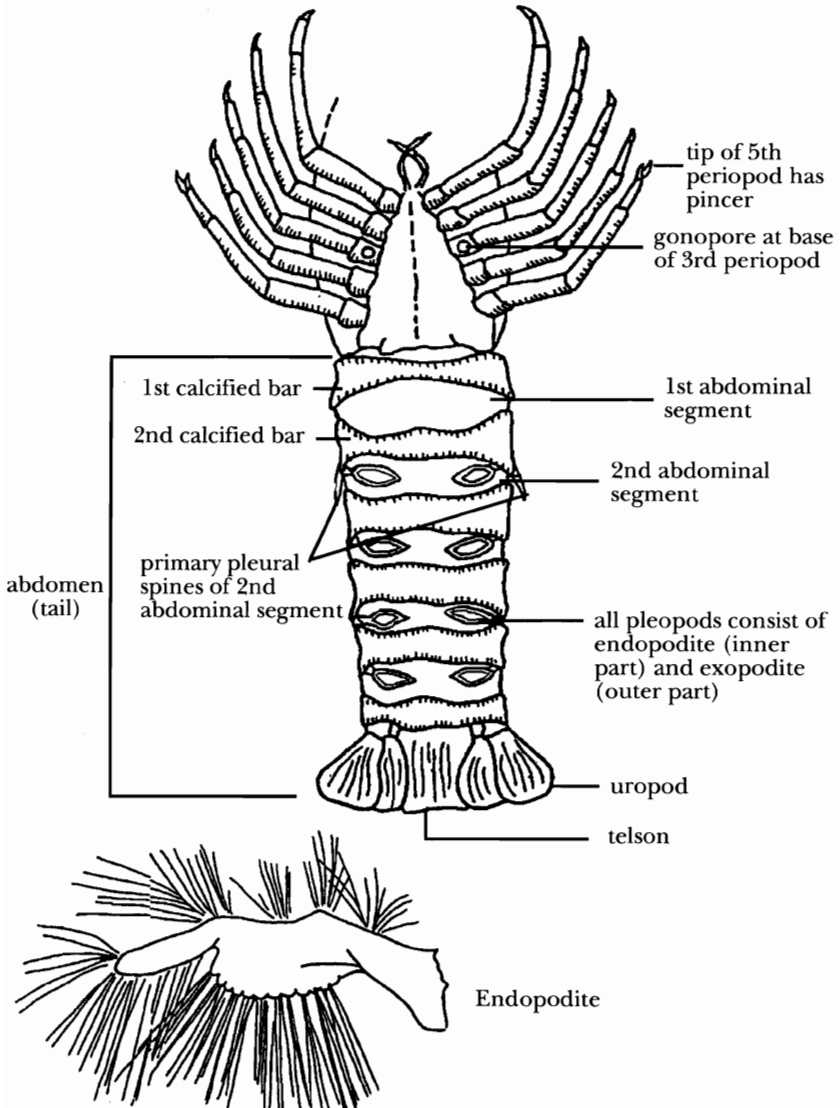
Male (ventral view)



SCHEDULE—continued

Spiny Rock Lobster (*Jasus edwardsii*)

Female (ventral view)



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 1 June 1988, amend the Fisheries (Commercial Fishing) Regulations 1986.

The amendments effected by *regulations 2, 6, and 9* relate to the size limits for rock lobster. In the case of packhorse rock lobster, the size limits are to remain unchanged at a minimum tail length of 216 mm. The method of measurement is set out in new *regulation 28 (4)*. In the case of spiny rock lobster, the size limits are now to be determined by reference to tail width.

The new spiny rock lobster size limits are as follows:

(a) For female spiny rock lobster a minimum tail width of 58 mm:

(b) For male spiny rock lobster a minimum tail width of 54 mm.

The new measurements do not apply to the Otago Concession Area.

The tail width of spiny rock lobster is to be measured as follows:

- (i) The width is to be the distance measured in a straight line from the tip of one primary pleural spine on the second abdominal segment of the tail to the tip of the other spine on that segment.
- (ii) In case of dispute, the measurement is to be carried out by a rigid caliper-style measuring device (which is depicted in the Schedule to these regulations) supplied by the Director-General. One side of the device is to be used for measuring females and the other side for measuring males.
- (iii) The basic method of measuring involves one of the spines being lodged against a raised L-shaped projection (called the measuring bar) on one arm of the device, and then the device being rotated to see if the other spine will reach the edge of the other arm on that same side of the device. If it doesn't, the rock lobster will be undersize.
- (iv) No pressure may be applied directly to the tail when measuring, except to the extent necessary to place the first spine against the measuring bar.

The present regulations provide that it is an offence to take, possess, process, sell, or possess for sale any rock lobster that (amongst other things) has the calcified bar of the first abdominal segment fractured or is in such a state that the tail length cannot be properly measured. This provision is amended so that it also applies to a spiny rock lobster if the calcified bar or the exoskeleton (the outer shell of the tail) or any part of a primary pleural spine of the second abdominal segment is fractured or broken, to cater for the new tail-width measurement.

Rock lobster in this state will have to be returned immediately to the water, alive and unharmed.

Regulations 3, 4, 5, 7, and 8 make it a specific offence for any person to sell, possess for sale, or process for sale any toheroa or black coral, or any fish or shellfish that does not meet the relevant minimum size requirements of the regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 19 May 1988.

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