



**THE FISHERIES (AMATEUR FISHING) REGULATIONS 1986,
AMENDMENT NO. 5**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 13th day of September 1993

Present:

THE RIGHT HON. D. C. MCKINNON PRESIDING IN COUNCIL

PURSUANT to section 89 of the Fisheries Act 1983, Her 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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| 1. Title and commencement | 5. Set nets |
| 2. Interpretation | 6. Quinнат salmon fishing |
| 3. Net mesh size and species length | 7. Daily allowances and minimum size |
| 4. Restrictions on nets in channels | 8. Open season for toheroa at Oreti Beach |

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Amateur Fishing) Regulations 1986, Amendment No. 5, and shall be read together with and deemed part of the Fisheries (Amateur Fishing) Regulations 1986* (hereinafter referred to as the principal regulations).

(2) Except as provided in subclause (3) of this regulation, these regulations shall come into force on the 18th day of September 1993.

(3) Regulations 2 to 7 of these regulations shall come into force on the 30th day of September 1993.

2. Interpretation—(1) Regulation 3 of the principal regulations is hereby amended by revoking the definition of the term “groper”.

(2) Regulation 3 of the principal regulations is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

“‘Hapuku/bass’ means a fish of the species *Polyprion oxygeneios* or *Polyprion moene*:

“‘Kingfish’ means a fish of the species *Seriola lalandi*”.

(3) Regulation 3 of the principal regulations is hereby amended by omitting from the definition of the term “set net” the words “drift net, trammel net,”.

3. Net mesh size and species length—(1) Regulation 6 of the principal regulations is hereby amended—

(a) By omitting the words “and the maximum number of finfish that may be taken or possessed by any one person in any day”:

(b) By omitting from the third column of the table the expression “30” where it occurs opposite the species blue cod, and substituting the expression “33”:

(c) By omitting from the table the species “Groper”, and substituting the species “Hapuku/bass”:

(d) By omitting from the table the fourth column (maximum daily numbers).

(2) Regulation 6 of the principal regulations is hereby amended by inserting in the table, in its appropriate alphabetical order and in the appropriate columns, the following item:

“Kingfish - 65 -”

4. Restrictions on nets in channels—(1) Regulation 9 of the principal regulations is hereby amended by omitting the expression “one-third”, and substituting the expression “one-quarter”.

(2) Regulation 9 of the principal regulations is hereby amended by adding, as subclauses (2) and (3), the following subclauses:

“(2) No person shall use or set any net that, at any time, either by itself or together with or in conjunction with any other net, wing, or leader extends more than one-quarter of the width of any arm of the sea, including any estuary, inlet, bay, or sound.

“(3) For the purposes of subclause (2) of this regulation, the width of any arm of the sea, including any estuary, inlet, bay, or sound, shall be the shortest line of any straight lines that may be drawn between any point on the water’s edge and any point on the opposing water’s edge, being a line that intersects the net at some point.”

5. Set nets—Regulation 12 of the principal regulations is hereby amended by adding, as subclauses (2) and (3), the following subclauses:

“(2) Subject to subclause (3) of this regulation, no person on board any vessel shall take fish by using a set net if there is on board the vessel more than one set net.

*S.R. 1986/221

Amendment No. 1: S.R. 1990/40

Amendment No. 2: S.R. 1990/217

Amendment No. 3: S.R. 1991/172

Amendment No. 4: S.R. 1992/114

“(3) Two set nets may be used from or possessed on board any vessel if one set net has a mesh size of less than 50mm and does not exceed 10m in length.”

6. Quinnat salmon fishing—Regulation 17 of the principal regulations is hereby amended by inserting, after subclause (3), the following subclause:

“(3A) Notwithstanding subclause (3) of this regulation, nothing in this regulation prohibits the use, by a person fishing for quinnat salmon, of another rod and running line to jig for sprat or other baitfish, so long as any salmon taken on that rod and running line is returned to the water immediately.”

7. Daily allowances and minimum size—Regulation 19 of the principal regulations is hereby amended by adding the following subclause:

“(3) In the case of shellfish not specified in the table set out in subclause (1) of this regulation, the total of shellfish (whether of the same species or of different species) that may be taken or possessed by any person on any day shall be 50.”

8. Open season for toheroa at Oreti Beach—(1) Notwithstanding regulation 22 of the principal regulations but subject to subclause (2) of this regulation, any person to whom the principal regulations apply may take toheroa from Oreti Beach, Southland, between the hours of 7 a.m. and 4 p.m. on the 18th day of September 1993.

(2) The right conferred by subclause (1) of this regulation is subject to the following provisions:

- (a) No person shall take or be in possession of more than 5 toheroa:
- (b) No person shall be in possession of any toheroa that is less than 100mm in length (whether entire, chipped, or broken):
- (c) No person shall use any implement or device of any kind for the purpose of locating or taking any toheroa, or be in possession of any such implement or device while in possession of any toheroa:
- (d) No person shall remove any toheroa from its shell or be in possession of any toheroa that has been removed from its shell, while within 2 km of Oreti Beach:
- (e) Every person who takes any toheroa that is less than 100mm in length shall immediately re-bury it, causing as little injury as possible, below the mean high water mark, provided that where the shell of any such toheroa is broken or damaged it shall be surrendered to a Fishery Officer as soon as practicable.

(3) For the purposes of this regulation, Oreti Beach means that part of Oreti Beach lying between the confluence of the Waimatuku Stream at 46° 21.80'S and 168° 9.25'E and a point of 46° 29.4'S and 168° 15.35'E, being approximately 1.8 kilometres north of Entrance Point at the New River Harbour entrance.

(4) Regulation 4 of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No. 2 is hereby consequentially revoked.

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, most of which come into force on 30 September 1993, amend the Fisheries (Amateur Fishing) Regulations 1986.

The principal changes are as follows:

- (a) Amateur daily bag limits are removed from the principal regulations (*regulation 3*);
- (b) Set nets in any channel, river, stream, bay, or sound are not to exceed one-quarter of the width of the channel, river, stream, bay, or sound (*regulation 4*);
- (c) As a general rule, not more than one set net is to be used or possessed on board any vessel, but 2 set nets may be used if one of them has a mesh size of less than 50mm and is not more than 10m in length (*regulation 5*);
- (d) Persons fishing for quinnat salmon are allowed to use a rod and running line to jig for sprat or other baitfish (*regulation 6*);
- (e) The maximum daily bag limit for non-specified shellfish is 50 (*regulation 7*);
- (f) An open season for toheroa at Oreti Beach is to be held between 7 a.m. and 4 p.m. on 18 September 1993 (*regulation 8*).

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 16 September 1993.

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