



## THE FISHERIES (VESSEL, GEAR, AND METHOD) NOTICE 1985

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

### ANALYSIS

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| <p>1. Title and commencement<br/>2. Interpretation</p> <p style="text-align: center;"><i>Marking of Registered Vessels</i></p> <p>3. All vessels<br/>4. Sea fishing vessels<br/>5. Figures to be painted<br/>6. Figures to be same height<br/>7. Name of vessel</p> <p style="text-align: center;"><i>Marking of Fishing Gear</i></p> <p>8. Longlines, static fishing gear, and set nets<br/>9. Fyke nets<br/>10. Rock lobster pots<br/>11. Ownership of marked gear</p> <p style="text-align: center;"><i>Labelling of Containers</i></p> <p>12. Shellfish to be placed in labelled containers<br/>13. Rock lobster to be placed in labelled containers</p> <p style="text-align: center;"><i>General Net Provisions</i></p> <p>14. Measurement of net mesh size<br/>15. Restrictions on nets in channels<br/>16. Stalling prohibited<br/>17. Use of poles or stakes<br/>18. Use of certain nets prohibited</p> <p style="text-align: center;"><i>Set Nets</i></p> <p>19. Length of set net</p> <p style="text-align: center;"><i>Drag Nets and Beach Seine Nets</i></p> <p>20. Length of drag net or beach seine net<br/>21. Method of hauling drag net or beach seine net</p> | <p style="text-align: center;"><i>Danish Seine Nets</i></p> <p>22. Danish seine net restrictions<br/>23. Provisions as to trawling<br/>24. Prohibitions on Danish seining</p> <p style="text-align: center;"><i>Trawl Nets</i></p> <p>25. Trawl net restrictions<br/>26. Provisions as to Danish seining<br/>27. Other methods of fishing prohibited</p> <p style="text-align: center;"><i>Fyke Nets</i></p> <p>28. Tubes to be incorporated in fyke nets<br/>29. Wings or leaders of fyke nets<br/>30. Fishing for eels prohibited except by certain methods</p> <p style="text-align: center;"><i>Underwater Breathing Apparatus</i></p> <p>31. Restrictions on use of UBA<br/>32. UBA allowed in certain circumstances</p> <p style="text-align: center;"><i>Tenders</i></p> <p>33. Use of tenders</p> <p style="text-align: center;"><i>Shellfish Dredges</i></p> <p>34. Shellfish dredge design and size</p> <p style="text-align: center;"><i>Rock Lobster Pots</i></p> <p>35. Apertures to be incorporated in rock lobster pots</p> <p style="text-align: center;"><i>Spears</i></p> <p>36. Use of spears prohibited</p> <p style="text-align: center;"><i>Revocation</i></p> <p>37. Revocation</p> |
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## NOTICE

**1. Title and commencement**—(1) This notice may be cited as the Fisheries (Vessel, Gear, and Method) Notice 1985.

(2) This notice shall come into force on the day after the date of its notification in the *Gazette*.

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

“Box net” or “teichi net” means any trap net capable of taking finfish; but does not include a fyke net:

“Channel, river, or stream” includes all waters that are contained by natural or artificial banks:

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

“Cod-end” means that end part of a net which is normally closed during fishing and is capable of holding fish while in the water; and includes, in respect of a net carried on a vessel—

(a) Up to 10 m overall length of vessel, not less than the last 3 m of net:

(b) Ten to 20 m overall length of vessel, not less than the last 5 m of net:

(c) Twenty to 30 m overall length of vessel, not less than the last 10 m of net:

(d) Thirty to 40 m overall length of vessel, not less than the last 15 m of net:

(e) Over 40 m overall length of vessel, not less than the last 20 m of net:

“Crab” means the paddle or swimming crab of which the scientific name is *Ovalipes catharus*:

“Danish 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, without the use of any horizontal net opening device, by surrounding any fish and being drawn over the bed of any waters or through any waters to one or more vessels:

“Danish seining” means the use of a Danish seine net:

“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:

“Dredge” means a device towed on the seabed primarily for the collection of shellfish; and includes a box dredge or a ring dredge:

“Dropline” or “dahn line” means any weighted line to which a number of hooks are attached to the bottom portion which is placed vertically for the purposes of taking fish:

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

“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:

“Handgathering” means the use of the hands to physically take fish; and includes shore picking, diving, and digging for shellfish:

- “Harbour” means those waters inside the seaward entrance to any harbour:
- “Hinaki trap” means any trap capable of taking eels:
- “Kina” means the shellfish of which the scientific name is *Evechinus chloroticus*, also commonly known as the sea egg; and includes the purple urchin of which the scientific name is *Centrostephanus rogersii*:
- “Longline” includes any line or lines (whether baited or not) which are set, moored, or placed, and that are capable of taking fish:
- “Mussel” means the green mussel (*Perna canaliculus*), the blue mussel (*Mytilus edulis aoteanus*), and the horse mussel (*Atrina zelandica*):
- “Net” includes any net or part thereof used or capable of being used to take fish; but does not include a whitebait net:
- “Octopus” means the shellfish of which the scientific name is *Octopus maorum*:
- “Otter board” means any device, including a paravane, used or capable of being used to keep a net or trawl net open while the vessel or vessels are underway:
- “Overall length” means the length of a vessel measured by a straight middle line from the extreme forward end to the extreme aft end of the hull of the vessel:
- “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 includes *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*):
- “Permit” means a fishing permit:
- “Pipi” means the mollusc *Paphies australis*:
- “Purse seine net” or “lampara net” means any net which is operated from a vessel to encircle fish and which is drawn together at the bottom to enclose the fish:
- “Ring pot” or “hoop net” or “pullpot” means a circular frame across which netting is attached:
- “Rock lobster pot” means any pot, whether baited or not, which is capable of catching or holding rock lobster; and includes any other device capable of catching, holding, or storing rock lobster:
- “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:
- “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 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:
- “Static fishing gear” means any fishing gear not drawn through the water by any mechanical means, or by hand:
- “Toheroa” means the mollusc of which the scientific name is *Paphies ventricosa*:

“Trammel net” means any net having more than one section of mesh each of which is attached to a common frame rope, and which catches fish by enmeshing, entrapping, or entangling them:

“Trawl 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 being drawn over the bed of any waters or through any waters by one or more vessels underway:

“Trawling” means the use of a trawl net:

“Underwater breathing apparatus” means any apparatus capable of being used for providing breathable gases underwater, and includes any part thereof; but does not include any snorkel:

“Whitebait net” means any net, contrivance, instrument, or device used or capable of being used to take whitebait.

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

#### *Marking of Registered Vessels*

**3. All vessels**—All fishing vessels, except as otherwise specified in clause 4 of this notice, shall be marked with the figures showing the registered number of the vessel, which shall be painted on the forward part of the hull so as to be clearly visible on a horizontal plane from a distance of 100 m, and each figure shall be not less than 25 cm in vertical height and 3 cm in breadth, with each figure being 3 cm apart, unless otherwise specified by the Director-General.

**4. Sea fishing vessels**—All fishing vessels operating pursuant to the Fisheries (Sea Fishing) Notice 1984† shall be marked with figures showing the registered number of the vessel, which shall be painted on the forward part of the hull so as to be clearly visible on a horizontal plane from a distance of 100 m, and each figure shall be not less than 1 m in vertical height and 10 cm in breadth, with each figure being 10 cm apart.

**5. Figures to be painted**—The figures of the registered number shall be painted in white colour on a black ground or in black colour on a white ground, whichever ground colour produces the greatest contrast with the colour of the hull.

**6. Figures to be same height**—In all cases the figures of the registered number shall be of the same height.

**7. Name of vessel**—The owner of a registered fishing vessel shall, within 7 days after the registration of the vessel, and in every case before the vessel is used in fishing, mark the name of the vessel in contrasting colours on the hull in letters not less than 25 cm in vertical height and 3 cm in width, with each letter being spaced 3 cm apart.

\*S.R. 1983/295  
Amendment No. 1: S.R. 1984/157  
Amendment No. 2: S.R. 1984/341

†S.R. 1984/328

*Marking of Fishing Gear*

**8. Longlines, static fishing gear, and set nets**—No person shall use for fishing or have on board any fishing vessel any longlines, static fishing gear, or set nets which do not have surface floats at each end which are clearly, permanently, and legibly marked with the registered number of the fishing vessel from which it was set or being carried, or the fishing permit number for gear not associated with a fishing vessel, except that droplines and dahn lines need be marked at one end only.

**9. Fyke nets**—No person shall use for fishing or have on board any fishing vessel any fyke net which does not have securely attached to it a surface float which is clearly, permanently, and legibly marked with the registered number of the vessel from which it was set or is being conveyed or, for such a net which is not associated with a fishing vessel, the permit number.

**10. Rock lobster pots**—No person shall use, or have on board any fishing vessel, any rock lobster pot unless each pot has its own surface buoy or float, and each pot and surface buoy or float is clearly, permanently, and legibly marked with the registered number of the vessel to which it is associated, or the permit number for any pot not associated with a registered fishing vessel.

**11. Ownership of marked gear**—Fishing gear that is set and marked in accordance with this notice shall be deemed to be set by the owner and master of that registered fishing vessel or, for fishing methods not associated with a vessel, the fishing permit holder.

*Labelling of Containers*

**12. Shellfish to be placed in labelled containers**—(1) Any cockle, crab, kina, mussel, octopus, oyster, paua, pipi, scallop, or tuatua landed from a registered fishing vessel, or transferred from such a vessel to another vessel, shall be contained in containers which are clearly and legibly labelled externally. The labels shall show the name and registered number of the vessel from which they were taken, the name of the consignor and consignee, the date on which and the area from which the shellfish were taken, and the signature of the master of the vessel from which they were taken or, if a different vessel, landed.

(2) Any cockle, crab, kina, mussel, octopus, oyster, paua, pipi, scallop, or tuatua taken by the holder of a fishing permit operating otherwise than from a fishing vessel shall be contained in containers which are clearly and legibly labelled externally with his initials and surname, permit number, the date on which and the area from which the shellfish were taken, and the signature of the permit holder.

(3) In respect of any container required to be labelled pursuant to subclause (1) or subclause (2) of this clause, no person shall—

- (a) Possess, convey, or cause to be conveyed any unlabelled or incorrectly labelled container; or
- (b) Sell, receive, or accept at any premises any unlabelled or incorrectly labelled container; or
- (c) Remove any label from the container before the processing of the shellfish is commenced at any processing premises.

**13. Rock lobster to be placed in labelled containers**—(1) It shall not be lawful for any person—

- (a) To transfer rock lobster or rock lobster tails from one registered fishing vessel to any other vessel; or
- (b) To land from any registered fishing vessel or any other vessel any rock lobster or rock lobster tails; or
- (c) After any such rock lobster or rock lobster tails have been landed from a registered fishing vessel or from any other vessel, to convey the rock lobster or rock lobster tails by any means whatever to any storing, processing, wholesaling, or retailing premises, or to receive any such lobster or lobster tails into any such premises—

unless the rock lobster or rock lobster tails are contained in containers which are clearly and legibly labelled externally with the name and registered number of the fishing vessel from which the rock lobster was caught, the name of the consignor and the consignee, the date on which the rock lobster was caught, and the signature of the master of the vessel and, in the case of the transfer of rock lobster under paragraph (a) of this subclause, the consent of the Director-General or a Fishery Officer is obtained in accordance with section 98 (1) of the Act.

(2) Both the owner and the master of a registered fishing vessel engaged in rock lobster fishing shall ensure that no person transfers or lands rock lobster or rock lobster tails in contravention of subclause (1) (a) or (b) of this clause.

(3) It shall not be lawful for any person to convey or cause to be conveyed by any means whatsoever any rock lobster or rock lobster tails that have been taken pursuant to a fishing permit authorising the taking of rock lobster otherwise than from a vessel, to any storing, processing, wholesaling, or retailing premises, or to receive any such rock lobster or rock lobster tails into any such premises, unless the rock lobster or rock lobster tails are contained in containers which are clearly and legibly labelled externally with the surname and initials of the holder of the fishing permit, the distinguishing letters of the port at which the permit was issued, the name of the consignor and consignee, the date on which the rock lobster was caught, and the signature of the permit holder.

(4) The operator or person in charge of any conveyance for the time being used in the conveying of rock lobster or rock lobster tails shall ensure that no person conveys in the conveyance any rock lobster or rock lobster tails in containers which are not labelled in accordance with this notice.

(5) The owner and manager (if any) of any premises where the business of storing, processing, wholesaling, or retailing rock lobster or rock lobster tails is carried on, or, where the premises are leased, the lessee of those premises, shall ensure that no person employed by him receives any rock lobster or rock lobster tails in contravention of subclause (3) or paragraph (c) of subclause (1) of this clause.

(6) No person shall remove the label affixed to a container containing rock lobster or rock lobster tails pursuant to subclause (1) or subclause (3) of this clause until the processing of the rock lobster or rock lobster tails is commenced.

#### *General Net Provisions*

**14. Measurement of net mesh size**—(1) Net mesh size 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 4 kg for cod-end and 1 kg for static fishing gear 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 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.

**15. 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 channel, river, or stream measured at right-angles to the bank of that channel, river, or stream, at that place at that time.

**16. 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.

**17. Use of poles or stakes**—No person shall erect any pole or stake for use 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.

**18. Use of certain nets prohibited**—(1) No person shall use a Danish seine net, trawl net, box or teichi net, trammel net, purse seine net, or lampara net inside the seaward entrance to any harbour, or in any river, stream, lake, lagoon, or estuary not otherwise specifically provided for in any other enactment.

(2) No person shall set or use or possess a baited net other than a ring pot, hoop net, or pullpot.

#### *Set Nets*

**19. Length of set net**—(1) No person shall, inside the seaward entrance to any harbour, or in any river, stream, lake, lagoon, or estuary—

(a) Use any set net which exceeds 1000 m in length; or

(b) Tie or use together more than one set net unless the combined length of the nets does not exceed 1000 m in length; or

(c) Set any set net within 60 m of any other net.

(2) Nothing in this clause shall be construed to prohibit one person from using more than one set net within the waters specified in subclause (1) of this clause.

#### *Drag Nets and Beach Seine Nets*

**20. Length of drag net or beach seine net**—(1) No person shall use, or be in possession of, any drag net or beach seine net having a length exceeding 165 m.

(2) For the purposes of this clause, the expression “drag net” or “beach seine net” does not include any warp, rope, or chain attached to any such net.

**21. Method of hauling drag net or beach seine net**—Unless otherwise specified by a notice made under the Fisheries (Commercial Fishing) Regulations 1983\*, no person shall use any warp, rope, or chain in conjunction with or attached to any beach seine net or drag net which is pulled or hauled—

- (a) Through, by, or around any pulley, block, capstan, or such similar apparatus or mechanical device; or
- (b) By the use of any vessel, or any device attached to or used in conjunction with any vessel.

*Danish Seine Nets*

**22. Danish seine net restrictions**—(1) No person shall possess on board any fishing vessel or use for fishing a Danish seine net the mesh of which is less than 125 mm in the cod-end or which has—

- (a) More than one layer of mesh; or
- (b) Any liners or sleeves or flappers of any material whatever; or
- (c) Any mode of strengthening having centres of less than 1 m.

(2) No person shall use or convey any otter board or boards on any fishing vessel while such a vessel is engaged in Danish seining or carrying any Danish seine gear.

**23. Provisions as to trawling**—No person shall use or convey a Danish seine net on any fishing vessel while such a vessel is also conveying or using a trawl net.

**24. Prohibitions on Danish seining**—(1) No person shall use a Danish seine net in the following waters:

- (a) Within 3 nautical miles seaward of the mean high-water mark of the east coast of the North Island south of Cape Runaway (at 37° 32.3' S and 177° 59.4' E), the south coast of the North Island, and the west coast of the North Island south of the marine automatic light on Tauroa Point (at 35° 11.3' S and 173° 3.5' E); or
- (b) Within 3 nautical miles seaward of the mean high-water mark of the coast of the South Island.

(2) No person shall, in waters where Danish seining is forbidden, take fish by any other method from any vessel that has on board any Danish seine net.

*Trawl Nets*

**25. Trawl net restrictions**—(1) No person shall possess on board any fishing vessel or use for fishing a trawl net that has—

- (a) More than one layer of mesh; or
- (b) Any liners or sleeves or flappers of any material whatever; or
- (c) Any mode of strengthening having centres of less than 1 m; or
- (d) Mesh of which is less than 100 mm unless otherwise specified by a notice made under the Fisheries (Commercial Fishing) Regulations 1983\* or is a condition of the fishing permit.

(2) Nothing in this notice shall be construed to prohibit the use of any chafer gear on the underside of the trawl net, if the after end of any such chafer or chafing gear is, and remains, detached from the trawl net and is attached in such a manner that will readily permit the escape of small fish through the meshes of the cod-end.

\*S.R. 1983/295

Amendment No. 1: S.R. 1984/137

Amendment No. 2: S.R. 1984/341



**26. Provisions as to Danish seining**—No person shall use or convey a trawl net on any fishing vessel while such a vessel is also conveying or using a Danish seine net.

**27. Other methods of fishing prohibited**—No person shall, in waters in which trawling for fish is for the time being forbidden, take fish by any other method from any fishing vessel that has on board any trawl net.

#### *Fyke Nets*

**28. Tubes to be incorporated in fyke nets**—Every fyke net shall incorporate behind the last trap or throat and before the last part of the net capable of holding finfish while in the water, 2 escapement tubes that are—

- (a) Not less than 22 mm in inside diameter, except that both ends of the tube shall be not less than 26 mm in inside diameter; and
- (b) Not less than 35 mm in length; and
- (c) Placed so as not to project inside the net more than 10 mm.

**29. Wings or leaders of fyke nets**—Any fyke net and wing or leader shall not extend across more than one-third of any channel, river, or stream, at that place at that time.

**30. Fishing for eels prohibited except by certain methods**—Unless a person holds a permit expressly authorising him to take eels using a fyke net, Hinaki trap, or set net, no person shall take eels by any method or be in possession of or sell any eel unlawfully taken.

#### *Underwater Breathing Apparatus*

**31. Restrictions on use of UBA**—Except as provided in clause 32 of this notice, no person shall use or be in possession of any underwater breathing apparatus when taking any fish, aquatic life, or seaweed, or be in possession of any underwater breathing apparatus while in possession of any fish, aquatic life, or seaweed, or have any underwater breathing apparatus on board any registered fishing vessel.

**32. UBA allowed in certain circumstances**—(1) Notwithstanding clause 31 of this notice, underwater breathing apparatus may be carried on board and used from a registered fishing vessel where—

- (a) The underwater breathing apparatus is sealed on the fishing vessel by a Fishery Officer and only carried or used—
  - (i) For the retrieval of lost fishing gear that cannot be effectively recovered by any other means; or
  - (ii) For emergencies such as emergencies involving the preservation of life or the safety of the vessel or other vessels; and
- (b) In any case where underwater breathing apparatus has been used for a purpose specified in paragraph (a) of this subclause, the master shall, as soon as practicable and by radio, where the vessel has a radio which is in working order, inform a Fishery Officer of the circumstances involving the use of the apparatus and in no case shall he permit his vessel to put to sea again after entering any port or refuge until the apparatus has been re-sealed by a Fishery Officer.

(2) The underwater breathing apparatus may be used for other purposes, including occasions when the vessel is to be chartered for the purposes of amateur fishing parties, if the use is first authorised in writing by a Fishery Officer, who may impose such conditions as he thinks fit on the use.

#### *Tenders*

**33. Use of tenders**—(1) Only one tender may be used in conjunction with each registered fishing vessel; but a Fishery Officer may, by notice in writing upon application made to him in that behalf, specify the size and conditions pursuant to which more than one tender may be operated in conjunction with a registered vessel.

(2) Every tender operated pursuant to section 58 (2) of the Act shall be marked in accordance with clause 3 of this notice.

#### *Shellfish Dredges*

**34. Shellfish dredge design and size**—Not more than one dredge having a bar or bit exceeding 2.5 m in length, or not more than 2 dredges either of which has a bar or bit exceeding 1.4 m in length, may be operated from a fishing vessel with a permit specifying the method of dredging.

#### *Rock Lobster Pots*

**35. Apertures to be incorporated in rock lobster pots**—No person shall have on board any fishing vessel or use any rock lobster pot, unless there is incorporated in the rock lobster 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:

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

#### *Spears*

**36. Use of spears prohibited**—No person shall use any spear to take any fish, or possess, convey, or sell any fish that has been speared.

#### *Revocation*

**37. Revocation**—The Fisheries (Vessel, Gear, and Method) Notice 1983\* is hereby revoked.

Dated at Wellington this 14th day of January 1985.

M. L. CAMERON,  
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 certain restrictions on the use of fishing vessels, gear, and fishing methods imposed by the Fisheries (Vessel, Gear, and Method) Notice 1983. Some changes have been made to the provisions relating to the ownership of marked gear, the use of fishing gear, and the methods of using fishing gear. The prohibition on the use of underwater breathing apparatus is clarified, as is the use of tenders.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 17 January 1985.

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