



THE FISHERIES (FISH SPECIES RESTRICTIONS) NOTICE 1984

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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NOTICE

1. Title and commencement—(1) This notice may be cited as the Fisheries (Fish Species Restrictions) Notice 1984.

(2) This notice shall come into force on the 14th day after the date of its notification in the *Gazette*.

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

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

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

“Garfish” means the fish of which the scientific name is *Hyporhamphus ihi*:

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

“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 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, 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 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:

“Measuring device”, in relation to the length of a rock lobster tail, means such measuring device as may be approved for the purposes of clause 10 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*):

“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*) 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.):

“Red cod” means the fish of which the scientific name is *Pseudophycis bachus*:

“Soft shell stage” means the state of a rock lobster following moulting where the exoskeleton has not reached full hardness:

“Tailing” means the process whereby the 6 abdominal segments and the tail fan are removed from the cephalothorax or head or body of any rock lobster; and “to tail” has a corresponding meaning:

“Toheroa” means the mollusc of which the scientific name is *Paphies ventricosa*.

(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.

Finfish

3. Minimum finfish length, weight, and net mesh size—(1) The minimum net mesh size that may be used or possessed, the minimum weight that may be taken, possessed, or conveyed, and the minimum finfish species length that may be taken or possessed, for particular species, shall be as specified in the following table:

*S.R. 1983/295

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

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

Species of Fish	Minimum Net Mesh Size	Minimum Weight	Minimum Fish Length
	mm		cm
Blue cod	-		30
Blue moki	115		40
Butterfish	108		35
Eels	12	150 g	-
Elephant fish	150		-
Flatfish—(except sand flounder)	100		25
Sand flounder	100		23
Garfish (piper)	25		-
Herrings	25		-
Kahawai	85		-
Mullet	85		-
Pilchard	25		-
Red cod	100		25
Red moki	115		40
Rig	150		-
Snapper	100		25
Tarakihi	100		25
Trevally	100		25
All others	100		-

(2) Nothing in subclause (1) of this clause shall apply to eel fishing in Lake Ellesmere.

Shellfish

4. Size limits on shellfish—(1) No person shall take, possess, or convey any species of shellfish the shell of which, whether entire, chipped, or broken, is less than the length set opposite that species in the following table:

Species	Minimum Length
Paua (ordinary)	125 mm
(yellowfoot)	80 mm
Scallops	100 mm

(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.

5. Restrictions on opening shellfish—(1) Every person taking or being in possession of any paua, scallop, oyster, or other shellfish shall, if the shellfish have been taken for sale or processing, ensure that they remain unshelled until they are delivered either to the first point of sale after being taken or to a processing factory.

(2) No person shall land or begin shelling, shucking, or processing any dead shellfish.

6. Restrictions on taking oysters—No person shall take any oysters from the waters of 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.

7. Restrictions on taking scallops—Except as otherwise specified in any other notice made pursuant to the Fisheries (Commercial Fishing) Regulations 1983* relating to prohibitions on the taking of scallops, no person shall take, possess, or convey any scallops during the period commencing with the 15th day of February and ending with the 14th day of July in any year.

8. Taking of toheroa prohibited—No person shall disturb, take, possess, or convey any toheroa.

Rock Lobster

9. Minimum length of rock lobster—Except as otherwise provided in any other notice issued pursuant to the Fisheries (Commercial Fishing) Regulations 1983*, no person shall take, possess, convey, process, or sell—

- (a) Any spiny rock lobster the tail of which, or any spiny rock lobster tail which, is less than 152 mm in length;
- (b) Any packhorse rock lobster the tail of which, or any packhorse rock lobster tail which, is less than 216 mm in length.

10. Measuring rock lobster—In cases of dispute or doubt, to ascertain whether a rock lobster or the tail of a rock lobster is undersized, the lobster or tail shall be measured with an approved measuring device.

11. Restrictions on taking rock lobster—(1) No person shall take, possess, convey, process, or sell any rock lobster—

- (a) That is carrying external eggs; or
 - (b) From which any of the external eggs have been removed by artificial means; or
 - (c) From which any egg-bearing appendages or part thereof have been removed; or
 - (d) That is in the soft shell stage; or
 - (e) That 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 properly measured.
- (2) No person shall use any spear to take rock lobster, or possess or convey any rock lobster that has been speared.

12. Rock lobster to be landed and processed alive—Except as otherwise provided in any other notice issued pursuant to the Fisheries (Commercial Fishing) Regulations 1983* relating to the landing and processing of rock lobsters, no person shall land, tail, or commence processing any rock lobster unless the rock lobster is alive.

General Restrictions

13. Taking of black coral prohibited—No person shall take, possess, convey, or sell any black coral.

14. Return of unlawful fish—Any person engaged in commercial fishing shall 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 they were taken, taking all reasonable care to ensure their survival.

*S.R. 1983/295

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

15. Revocation—The Fisheries (Fish Species Restrictions) Notice 1983* is hereby revoked.

Dated at Wellington this 18th Day of December 1984.

M. J. BELGRAVE,
Assistant Director-General of Agriculture and Fisheries.

° S.R. 1983/308

EXPLANATORY NOTE

This note is not part of the notice, but is intended to indicate its general effect.

This notice continues certain restrictions on fishing for particular fish species imposed by the Fisheries (Fish Species Restrictions) Notice 1983, but some changes have been made to minimum mesh sizes and restrictions on taking rock lobsters.

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.