

Reprint
as at 1 February 2014

**Fisheries (Southland and
Sub-Antarctic Areas Amateur
Fishing) Amendment Regulations
2005**

(SR 2005/141)

Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2005: revoked, on 1 February 2014, pursuant to regulation 161(1)(f) of the Fisheries (Amateur Fishing) Regulations 2013 (SR 2013/482).

Pursuant to section 297 of the Fisheries Act 1996, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this eprint. See the notes at the end of this eprint for further details.

These regulations are administered in the Ministry for Primary Industries.

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1 Title

- (1) These regulations are the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2005.
- (2) In these regulations, the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991¹ are called “the principal regulations”.

2 Commencement

These regulations come into force on 30 June 2005.

3 Interpretation

- (1) Regulation 3 of the principal regulations is amended by revoking the definition of **rock lobster pot**, and substituting the following definition:

“**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”.

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

“**dropline or dahn line** means a weighted line to which a number of hooks are attached to the bottom portion that is placed vertically for the purposes of taking fish

“**Fiordland (Te Moana o Atawhenua) Marine Area** means the area established by section 6(1) of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

¹ SR 1991/57

“**internal waters of Fiordland** means an area within the Fiordland (Te Moana o Atawhenua) Marine Area described in the Schedule

“**paua** means a shellfish of the following species

“(a) ordinary paua (*Haliotis iris*):

“(b) yellow foot paua (*Haliotis australis*):

“(c) virgin paua (*Haliotis virginea*)

“**rock lobster** means the fish that has the scientific name *Jasus edwardsii* (commonly known as the spiny or red lobster) or *Jasus verreauxi* (commonly known as the packhorse or green rock lobster)

“**sea perch or Jock Stewart** means a fish of the genus *Helicolenus*”.

4 New regulation 3A inserted

The principal regulations are amended by inserting, after regulation 3, the following regulation:

“3A Areas closed for taking of blue cod for 2-year period

“(1) This regulation applies to the following internal waters of Fiordland:

“(a) those waters of Milford Sound lying to the east of a line drawn from 44°35.99’S and 167°49.12’E to Dale Point (at 44°36.33’S and 167°48.71’E); and

“(b) those waters of Doubtful Sound lying—

“(i) to the east of a line drawn from 45°17.15’S and 166°53.01’E to Jamieson Head on Bauza Island (at 45°17.56’S and 166°52.68’E); and

“(ii) to the east of a line drawn from Bauza Island (at 45°16.81’S and 166°54.61’E) to Secretary Island (at 45°16.59’S and 166°55.21’E); and

“(iii) to the south of a line (being the boundary between Doubtful Sound and Thompson and Bradshaw Sounds) drawn from Common Head on Secretary Island (at 45°17.87’S and 167°00.18’E) to Pack Point (at 45°18.21’S and 167°01.02’E).

“(2) During the period referred to in subclause (3), no person may—

“(a) take any blue cod from within an area described in subclause (1); or

“(b) possess any blue cod taken from any of those areas.

“(3) The period referred to in subclause (2)—

- “(a) begins on 30 June 2005; and
“(b) expires with the close of 29 June 2007.
- “(4) A person contravenes this subclause if, during the period specified in subclause (3), the person—
“(a) takes any blue cod in an area described in subclause (1);
or
“(b) possesses any blue cod taken from an area described in subclause (1).”

5 Maximum daily number of fish

Regulation 4 of the principal regulations is amended by inserting, after subclause (3), the following subclause:

- “(3A) The total numbers referred to in subclause (3) include any hapuku/bass taken or possessed in accordance with regulation 4AA(2) or (3).”

6 New regulations 4AA and 4AAB inserted

The principal regulations are amended by inserting, after regulation 4, the following regulations:

“4AA Maximum daily number of fish in Fiordland (Te Moana o Atawhenua) Marine Area, including internal waters of Fiordland

- “(1) The following table sets out the maximum daily number of particular species of fish that may be taken or possessed in accordance with subclauses (2) and (3):

Species	Maximum daily number in Fiordland (Te Moana o Atawhenua) Marine Area	Maximum daily number in the internal waters of Fiordland
Blue cod	20	3
Hapuku/bass	5	3
Sea perch (Jock Stewart)	10	10

- | | | |
|--------------|----|----|
| Paua | 10 | 10 |
| Rock lobster | 6 | 3 |
| Scallops | 10 | 10 |
- “(2) No person may, on any day,—
- “(a) take from within the Fiordland (Te Moana o Atawhenua) Marine Area any fish in excess of the maximum daily number specified in respect of that fish in the second column of the table set out in subclause (1); or
 - “(b) possess more than the specified maximum daily number of any such fish taken from within that area.
- “(3) No person may, on any day,—
- “(a) take from within any internal waters of Fiordland any fish in excess of the maximum daily number specified in respect of that fish in the third column of the table set out in subclause (1); or
 - “(b) possess more than the specified maximum daily number of any such fish taken from within those waters.
- “(4) The maximum daily numbers specified in the table set out in subclause (1) are subject to the following conditions:
- “(a) the maximum daily numbers of fish specified in the second column of the table includes any fish taken from the internal waters of Fiordland in accordance with subclause (3);
 - “(b) the maximum daily numbers specified in the third column of the table in respect of blue cod are subject to the prohibition set out in regulation 3A(2).
- “(5) A person contravenes this subclause if the person, on any day, takes or possesses more than the daily limit of fish (as specified in this regulation).
- “(6) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times the daily limit of fish (as specified in this regulation).

“4AAB Other restrictions relating to Fiordland (Te Moana o Atawhenua) Marine Area, including internal waters of Fiordland

- “(1) A person in charge of a vessel within the Fiordland (Te Moana o Atawhenua) Marine Area must ensure that—
- “(a) not more than 2 dahn lines are possessed on, or used or set from, that vessel on any day; and
 - “(b) no dahn line possessed on, or used or set from, that vessel has more than 5 hooks attached; and
 - “(c) not more than 3 rock lobster pots are possessed on, or used or set from, that vessel on any day; and
 - “(d) no dredge or set net is possessed on, or used or set from, that vessel at any time.
- “(2) No person may—
- “(a) use or set a blue cod pot within the internal waters of Fiordland; or
 - “(b) on any day possess, use, or set more than 3 rock lobster pots within the Fiordland (Te Moana o Atawhenua) Marine Area.
- “(3) A person contravenes this subclause if the person fails to comply with the limits or prohibitions specified in subclause (1) or subclause (2).”

7 Offences and penalties

- (1) Regulation 7(1) of the principal regulations is amended—
- (a) by inserting, after the word “regulations”, the expression “3A(4),” ; and
 - (b) by inserting, after the expression “4(7),” , the expression “4AA(5), 4AAB(3),” .
- (2) Regulation 7(2) of the principal regulations is amended by inserting, after the expression “4(8),” , the expression “4AA(6),” .
- (3) Regulation 7 of the principal regulations is amended by adding the following subclauses:
- “(4) Subject to subclause (5), subclause (3) does not apply to the maximum daily number of fish specified in regulation 4 or regulation 4AA if those fish were taken within the Fiordland (Te Moana o Atawhenua) Marine Area (including any internal waters of Fiordland).

- “(5) It is a defence to a charge of possessing more than the specified maximum daily number of rock lobster taken within the, Fiordland (Te Moana o Atawhenua) Marine Area if—
- “(a) not more than 15 rock lobster are possessed; and
 - “(b) the daily limit for rock lobster specified in regulation 4AA(2) was not exceeded; and
 - “(c) not more than 3 of the rock lobster possessed were taken from within the internal waters of Fiordland; and
 - “(d) the rock lobster are held in containers or bags that—
 - “(i) contain only rock lobster taken on a single day; and
 - “(ii) are clearly labelled to record—
 - “(A) the individual fisher’s full name; and
 - “(B) the date on which that fisher took the rock lobster; and
 - “(C) the number of rock lobster held in the container or bag; and
 - “(D) the number of those rock lobster (if any) taken from within the internal waters of Fiordland.
- “(6) Despite subclause (4), any fish taken in accordance with regulation 4AA must, for the purposes of the subclause (3) defence, be included in the total number of fish possessed.
- “(7) Subclause (6) is for the avoidance of doubt.”

8 New Schedule added

The principal regulations are amended by adding the Schedule set out in the Schedule of these regulations.

Schedule

r 8

New Schedule added

Schedule

r 3

**Description of internal waters of
Fiordland**

- 1 Those waters of Long Sound lying to the east of a line drawn from 46°05.16'S and 166°42.67'E to 46°03.67'S and 166°41.41'E.
- 2 Those waters of Chalky Inlet lying to the east of a line drawn from 45°58.22'S and 166°35.74'E to 45°58.99'S and 166°37.69'E.
- 3 Those waters of Dusky Sound lying to the east of lines drawn—
 - (a) from 45°45.06'S and 166°36.83'E to 45°46.38'S and 166°36.45'E; and
 - (b) from 45°46.38'S and 166°36.45'E to 45°47.72'S and 166°35.77'E.
- 4 Those waters of Acheron Passage lying to the east and to the south of a line drawn from 45°36.76'S and 166°42.40'E to 45°36.15'S and 166°43.38'E.
- 5 Those waters of Breaksea Sound lying to the east of a line drawn from 45°35.85'S and 166°43.74'E to 45°34.91'S and 166°42.73'E.
- 6 Those waters of Dagg Sound lying to the east of a line drawn from 45°23.81'S and 166°48.44'E to 45°23.44'S and 166°48.52'E.
- 7 Those waters of Doubtful Sound lying—
 - (a) to the east of a line drawn from 45°17.15'S and 166°53.01'E to 45°17.56'S and 166°52.68'E; and
 - (b) to the east of a line drawn from 45°16.81'S and 166°54.61'E to 45°16.59'S and 166°55.21'E.
- 8 Those waters of Thompson and Bradshaw Sounds lying to the east and to the south of a line drawn from 45°11.33'S and 166°58.32'E to 45°10.60'S and 166°57.90'E.
- 9 Those waters of Nancy Sound lying to the east of a line drawn from 45°07.98'S and 167°04.43'E to 45°06.77'S and 167°02.38'E.

- 10 Those waters of Charles Sound lying to the east of a line drawn from 45°04.68'S and 167°06.21'E to 45°04.41'S and 167°06.66'E.
- 11 Those waters of Caswell Sound lying to the east of a line drawn from 45°01.23'S and 167°10.23'E to 45°00.58'S and 167°08.95'E.
- 12 Those waters of George Sound lying to the east and to the south of a line drawn from 44°53.10'S and 167°23.11'E to 44°53.43'S and 167°21.99'E.
- 13 Those waters of Bligh Sound lying to the east and to the south of a line drawn from 44°48.05'S and 167°32.29'E to 44°47.88'S and 167°32.43'E.
- 14 Those waters of Sutherland Sound lying to the east of a line drawn from 44°44.31'S and 167°35.61'E to 44°44.36'S and 167°35.64'E.
- 15 Those waters of Milford Sound lying to the east of a line drawn from 44°35.99'S and 167°49.12'E to 44°36.33'E and 167°48.71'E.

Martin Bell,
Acting for 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 30 June 2005, amend the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991 (“the principal regulations”) by—

- revoking the existing definition of **rock lobster pot**, and substituting a new definition of that term:
- inserting definitions of **dropline** or **dahn line**, **Fiordland (Te Moana o Atawhenua) Marine Area**, **internal waters of Fiordland**, **paua**, **rock lobster**, and **sea perch** or **Jock Stewart** (regulation 3):
- inserting, as new regulation 3A, a prohibition on the taking of blue cod from certain areas of Milford and Doubtful Sounds during the period commencing on 30 June 2005 and ending on 29 June 2007 (both dates inclusive) (regulation 4):

- requiring any hapuku/bass taken or possessed in accordance with new regulation 4AA to be included as part of the total number of fish referred to in regulation 4(3) of the principal regulations (regulation 5):
- imposing, in new regulation 4AA, limits on the numbers of certain species of fish that may be taken or possessed in the Fiordland (Te Moana o Atawhenua) Marine Area, including the internal waters of Fiordland (regulation 6):
- specifying, in new regulation 4AAB, restrictions and prohibitions on the possession, use, or setting of certain fishing equipment in the Fiordland (Te Moana o Atawhenua) Marine Area, including the internal waters of Fiordland (regulation 6):
- updating and modifying the offences and penalties specified in regulation 7 of the principal regulations, including—
 - removing the regulation 7(3) defence in relation to fish taken within the Fiordland (Te Moana o Atawhenua) Marine Area, including the internal waters of Fiordland; but
 - permitting the accumulation of up to 15 rock lobster taken within those areas, provided certain specified conditions are complied with (regulation 7):
- adding a Schedule to the principal regulations, describing the areas of the internal waters of Fiordland (regulation 8).

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 2 June 2005.

Eprint notes

1 *General*

This is an eprint of the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2005 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *About this eprint*

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this eprint*

Fisheries (Amateur Fishing) Regulations 2013 (SR 2013/482): regulation 161(1)(f)
