



THE FISHERIES (FISH SPECIES RESTRICTIONS) NOTICE 1983

PURSUANT to section 89 of the Fisheries Act 1983, and 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 1983.

(2) This notice shall come into force on the 1st day of January 1984.

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

“Black coral” means a coelenterate of the genus *Aphanipathes*:

“Blue cod” means the fish of which the scientific name is *Paraperchis colias*:

“Blue moki” means the fish of which the scientific name is *Latridopsis ciliaris*:

“Box net” or “teichi net” means any trap net capable of taking finfish:

“Butterfish” means the fish of which the scientific names are *Odax pullus* and *Odax cyanoallix*:

“Danish seine net” means a net which has a wing on each side of a cod-end with a rope or fibrous warp attached to each wing and which is operated by being drawn over the bed of any waters or through any waters, the net being hauled to the vessel or to more than one vessel by a winch or other mechanical device or by hand:

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

“Elephant fish” means the fish of which the scientific name is *Callorhynchus milii*:

“Fish packing house” means a premises licensed pursuant to the Fish (Packing for Export) Regulations 1977:

“Flatfish” includes the following species:

(a) Sand flounder (dab, white, or square flounder) (*Rhombosolea plebeia*):

(b) Lemon sole (*Pelotretis flavilatus*):

(c) New Zealand sole (*Peltorhamphus novaezeelandiae*):

(d) Flounder (yellow belly) (*Rhombosolea leporina*):

(e) Brill (*Colistium guntheri*):

(f) Turbot (*Colistium nudipinnis*):

(g) Black flounder (*Rhombosolea retiaria*):

(h) Greenback flounder (*Rhombosolea tapirina*):

“Harbour” means those waters inside the seaward entrance to any harbour:

“Herring” means the yellow-eyed mullet (*Aldrichetta forsteri*); but does not include the 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 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 or measuring device than will hold the measuring device against the posterior side of the first calcified bar and will cause the ventral surface to just touch the measuring device; and

(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; and

(c) In relation to any shellfish, the greatest diameter of the shell:

“Measuring device”, in relation to the length of a rock lobster tail, means such measuring device as may be approved under clause 12 of this notice:

“Mechanically operated surrounding nets” means any method of fishing in which mechanical means are employed to set or retrieve nets used to encircle fish:

“Mullet” includes those fish of which the scientific names are *Mugil cephalus* (grey mullet), and *Upeneichthys porosus* (red mullet):

“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” means the fish of which the scientific name is *Sardinops neopilchardus*; and includes the fish of which the scientific name is *Sprattus antipodum*, commonly known as the sprat:

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

“Red moki” means the fish of which the scientific name is *Cheilodactylus spectabilis*:

“Rig” means the fish of which the scientific name is *Mustelus lenticulatus*:

“Rock lobster” means the fish of which the scientific names are *Jasus edwardsii* (commonly known as the spiny or red rock lobster), and *Jasus verreauxi* (commonly known as the packhorse or green rock lobster); and includes any part of such rock lobsters:

“Salmon” means the fish of which the scientific name is *Oncorhynchus tshawytscha*, commonly known as the Quinna salmon:

“Scallop” means the mollusc *Pecten novaezelandiae*:

“Snapper” means the fish of which the scientific name is *Chrysophrys auratus*:

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

“Tarakihi” means the fish of which the scientific name is *Nemadactylus macropterus*:

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

“Trawl net” means any net, or part thereof (not including a Danish seine net) that is used by being drawn over the bed of any waters or through any waters by one or more vessels or mechanical devices:

“Trevally” means the fish of which the scientific name is *Caranx georgianus*.

(2) Words and expressions in this notice which are defined in the Fisheries Act 1983 and 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 finfish species length, the minimum weight that may be taken, possessed, or conveyed, and the minimum net mesh size that may be used or possessed, for particular species, shall be as specified in the following table:

| Species | Min. Fish Length | Min. Weight | Min. Net Mesh Size |
|---------------------|------------------|-------------|--------------------|
| Blue cod | 30 cm | | - |
| Blue moki | 40 cm | | 115 mm |
| Butterfish | 35 cm | | 115 mm |
| Eels | - | 150 g | 12 mm |
| Elephant fish | - | | 165 mm |
| Flatfish | 25 cm | | 100 mm |
| Herrings | - | | 25 mm |
| Mullet | - | | 85 mm |
| Pilchard | - | | 25 mm |
| Red cod | 25 cm | | 100 mm |
| Red moki | 40 cm | | 115 mm |
| Rig | - | | 150 mm |
| Snapper | 25 cm | | 100 mm |
| Tarakihi | 25 cm | | 100 mm |
| Trevally | 25 cm | | 100 mm |
| All others | - | | 100 mm |

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

4. Use of certain nets prohibited—No person shall use a Danish seine net, trawl net, box or teichi net, or mechanically operated surrounding 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 notice or enactment.

5. Use of Danish seine net prohibited—No person shall use a Danish seine net in the following waters:

- (a) Within 3 nautical miles 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 of the mean high-water mark of the coast of the South Island.

Shellfish

6. Size limits on shellfish—(1) No person shall take, possess, or convey any shellfish less than the lengths set opposite that species in the following table:

| Species | Min. Length |
|----------------------------|-------------|
| Oysters (dredge) | 58 mm |
| 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.

7. Restrictions on opening shellfish—(1) Every person taking shellfish shall ensure that the shellfish remain unshelled until they are delivered to a shop or processing factory for which the shellfish are destined for sale or processing.

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

(3) In subclause (1) of this clause, processing does not include the act of shelling or shucking only.

8. Restrictions on taking oysters—(1) No person shall take any oysters from those areas of the North Island specified in the Schedule to this notice, being the Hauraki Gulf, Whangaruru Harbour, and the Bay of Islands (except Te Puna Inlet).

(2) 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.

9. Restrictions on taking scallops—Except as otherwise specified by separate notice, 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.

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

Rock Lobsters

11. Minimum length of rock lobsters—Except as otherwise specified by separate notice, 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.

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

13. Restrictions on taking rock lobsters—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) Is in the soft shell stage.

14. Rock lobsters to be landed and processed alive—Except as provided for by separate notice, no person shall land, tail, or commence processing any rock lobster unless the rock lobster is alive.

General Restrictions

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

16. Return of unlawful fish—Any person engaged in commercial fishing shall immediately return any finfish, shellfish, or aquatic life that is unlawfully taken into the waters from which the finfish, shellfish, or aquatic life was taken.

17. Handling of salmon by-catch—No person may retain or land any salmon accidentally taken while fishing for other species elsewhere than in the district of an acclimatisation society, unless, as soon as practicable after landing, that person delivers such salmon to a fish packing house approved for that purpose by the Director-General.

Clause 8

SCHEDULE

The areas from which the taking of oysters is prohibited are as follows:

1. *Hauraki Gulf*

Those waters lying inside a line drawn from Bream Tail (at 36° 03' S and 174° 35.3' E) to Needles Point (at 36° 01.6' S and 175° 24.5' E); thence by a straight line to the northernmost extremity of Great Barrier Island (at 36° 02.6' S and 175° 24.15' E); then around mean high-water mark of the western coastline of Great Barrier Island to Cape Barrier; thence from Cape Barrier (at 36° 20.9' S and 175° 31.8' E) by straight line to Cape Colville (at 36° 28.3' S and 175° 20.65' E).

2. *Whangaruru Harbour*

Those waters lying inside a straight line drawn from the northern entrance at North Head (at 35° 22.9' S and 174° 22.08' E), to an unnamed point (at 36° 23.09' S and 174° 20.85' E) inside Rugged Point.

3. *Bay of Islands*

Those waters lying inside the waters of the Bay of Islands lying inside a boundary commencing at the easternmost point of Cape Wiwiki (at 35° 4.9' S and 174° 6.69' E), and running thence in a straight line to the northern extremity of Red Head (at 35° 11.9' S and 174° 12.44' E), and thence in a straight line in a north easterly direction to the northern extremity of Cape Brett (at 35° 10.46' S and 174° 20.03' E), excluding the waters of Te Puna Inlet lying inside Tareha Point (at 35° 11.65' S and 174° 02.95' E), thence in a straight line to Poreanui Point (at 35° 11.71' S and 174° 04.05' E).

Dated at Wellington this 21st day of December 1983.

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

EXPLANATORY NOTE

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

Clause 2 defines terms used in the notice.

Clauses 3, 4, and 5 place restrictions on the taking of finfish.

Clauses 6 to 10 place restrictions on the taking of shellfish.

Clauses 11 to 14 set the requirements for rock lobster fishing.

Clause 15 prohibits the taking of black coral.

Clause 16 requires all fish unlawfully taken to be returned immediately to the water.

Clause 17 requires salmon accidentally caught at sea to be landed to an approved fish packing house.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 21 December 1983.

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