



THE FISHERIES (VESSEL, GEAR, AND METHOD) 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 (Vessel, Gear, and Method) 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,—

“Cod-end” means that end part of the net which is normally closed during fishing and is capable of holding fish while in the water, being for vessels—

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

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

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

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

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

shall be deemed to be the cod-end:

“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:

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

“Drag net” or “beach seine net” means any net or part thereof (not being a Danish seine net) that is operated by being drawn over the bed of any waters or through any waters:

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

“Dropline” and “dahn line” means a 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 trap net (set with or without leaders or wings) with the trap section having single or multiple throats and supported by hoops or rings with the leaders or the net being held in position by poles or anchoring devices or by both poles and anchoring devices:

“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:

“Longline” includes any line or lines (whether baited or not) which are set, moored, or placed, and that are capable of taking fish:

“Net” includes any net capable of being used to take fish; but does not include a whitebait net:

“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:

“Ring pot” or “hoop net” or “pullpot” means a circular frame across which netting is attached:

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

“Rock lobster pot” means any pot, whether baited or not, which is capable of catching or holding rock lobsters; and includes any other device capable of catching, holding, or storing rock lobsters:

“Self contained 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:

“Set net” includes a gill net, drift net, trammel net, or any other sort of net which acts by enmeshing 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 fish:

“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:

“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:

“Trawling” means the use of a trawl net.

(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.

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 1983 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.

Marking of Fishing Gear

8. Set or static fishing gear—No person may use for fishing or have on board any fishing vessel any fishing gear unless all the end surface floats are clearly, permanently, and legibly marked with the registered number of the vessel to which it is associated, and the permit number for fishing gear not associated with a registered fishing vessel.

9. Longlines and set nets—No person may use for fishing any longlines or set nets which are not marked by 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 the permit number for gear not associated with a fishing vessel, except that drop and dahn lines need be marked at one end only.

10. Fyke nets—No person shall use for fishing any fyke net which is not marked with a surface float bearing the permit number.

11. 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 pots not associated with a registered fishing vessel.

12. 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 fishing permit holder for methods not associated with a vessel.

Labelling of Containers

13. Shellfish to be placed in labelled containers—(1) Any shellfish (not including squid) landed from a registered fishing vessel, or transferred from such a vessel to another vessel, shall be contained in containers which are externally and legibly labelled. 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 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 shellfish (not including squid) taken by the holder of a fishing permit operating otherwise than from a fishing vessel shall be contained in containers which are labelled externally and legibly with his initials and surname, permit number, the date on 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.
- (4) In this clause, processing does not include the act of shelling or shucking only.

14. Rock lobsters to be placed in labelled containers—(1) It shall not be lawful for any person—

- (a) To transfer rock lobsters 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 lobsters or rock lobster tails; or
 - (c) After any such rock lobsters or rock lobster tails have been landed from a registered fishing vessel or from any other vessel, to convey the rock lobsters or rock lobster tails by any means whatever to any storing, processing, wholesaling, or retailing premises, or to receive any such lobsters or lobster tails into any such premises—
- unless the rock lobsters or rock lobster tails are contained in containers which are externally and visibly labelled to indicate clearly the name and registered number of the fishing vessel from which the rock lobsters were caught, the name of the consignor and the consignee, the date on which the rock lobsters were caught, and the signature of the master of the vessel.

(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 lobsters 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 lobsters or rock lobster tails that have been taken pursuant to a fishing permit authorising the taking of rock lobsters otherwise than from a vessel, to any storing, processing, wholesaling, or retailing premises, or to receive any such rock lobsters or rock lobster tails into any such premises, unless the rock lobsters or rock lobster tails are contained in containers which are externally and visibly labelled to indicate clearly 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 lobsters were 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 lobsters or rock lobster tails shall ensure that no person conveys in the conveyance any rock lobsters 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 lobsters 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 lobsters 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 lobsters or rock lobster tails pursuant to subclause (1) or subclause (3) of this notice, until the processing of the rock lobsters or rock lobster tails is commenced.

General Net Provisions

15. 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.

(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 of the mesh to produce a fair strain, 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.

16. Limitation on nets in channels—No person shall set or place or allow to be set or placed, any net that extends more than one-third across the width of any channel, river, or stream measured at right angles to the direction of the channel, river, or stream, at that place at that time.

17. Use of poles or stakes—All poles or stakes used in conjunction with any net shall be removed at the cessation of fishing.

18. Prohibition on stalling—No person shall set any net whereby stalling occurs or could eventuate.

Set Nets

19. Length of set net—(1) No person shall use, possess, or convey any set net which exceeds 1000 m in length.

(2) No person shall tie together separate set nets less than 1000 m in length, unless the combined length of the separate nets does not exceed 1000 m in length.

(3) Nothing in this clause shall be construed to prohibit the use of more than one 1000 m set net by one person.

20. Distance between set nets—No person shall set any set net within 60 m of either end of any other net.

Drag Nets and Beach Seine Nets

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

22. Method of hauling drag net or beach seine net—No person shall use any warp or rope pulled or hauled through any pulley, block, capstan, or such similar apparatus or mechanical device in conjunction with or attached to any beach seine net or drag net.

Danish Seine Nets

23. Prohibition on use of otter boards—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.

24. Size of Danish seine net—No person shall use a Danish seine net the mesh size of which is less than 125 mm in the cod-end.

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

26. Other methods of fishing prohibited—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

27. 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 notice under the Act 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.

28. 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.

29. 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

30. 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 diameter, except that the extreme end of the tube inside the fyke net shall be no less than 26 mm in 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.

31. Use of poles—Persons using poles or anchors in conjunction with a fyke net shall ensure that the net is marked, the pole or stake protrudes from the water at all times during its use so that it can be clearly seen, and the pole or stake is removed at the cessation of fishing.

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

Underwater Breathing Apparatus

33. SCUBA allowed in certain circumstances—(1) Self contained 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 for the retrieval of lost fishing gear which cannot be effectively recovered by any other means, or emergencies such as the preservation of life or for the safety of the vessel or other vessels; and
- (b) In any case where underwater breathing apparatus has been used for the purpose specified pursuant to the preceding paragraph, 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 self contained 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 authorised in writing by a Fishery Officer, who may impose such conditions as he thinks fit on the use.

Tenders

- 34. Use of tenders**—(1) Only one tender may be used in conjunction with each registered fishing vessel; but the Director-General may, by separate notice, specify the size and conditions pursuant to which more than one tender may be operated in conjunction with a registered vessel, or in circumstances where the use of tenders is prohibited.
- (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

- 35. 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 Lobsters

- 36. Apertures to be incorporated in rock lobster pots**—No person shall have in possession on board any fishing vessel, or use any rock lobster pot, unless there is incorporated in the rock lobster pot at least one aperture 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 lobsters 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.

- 37. Prohibited methods of taking rock lobsters**—(1) No person shall set or use a baited net to take rock lobster, or possess any rock lobster taken with a baited net; but this prohibition shall not apply to the use of hoop nets and ring pots.
- (2) No person shall use any spear to take rock lobster.

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 is the interpretation clause.

Clauses 3 to 7 set the requirements for registered fishing vessels.

Clauses 8 to 12 set the requirements for marking fishing gear.

Clauses 13 and 14 require shellfish and rock lobsters to be placed in labelled containers.

Clauses 15 to 18 provide for the measurement of net mesh size, and general restrictions on netting.

Clauses 19 and 20 place restrictions on the use of set nets.

Clauses 21 and 22 place restrictions on the use of drag nets or beach seine nets.

Clauses 23 to 26 place restrictions on the use of Danish seine nets.

Clauses 27 to 29 place restrictions on the use of trawl nets.

Clauses 30 to 32 place restrictions on the use of fyke nets.

Clause 33 places restrictions on the use of underwater breathing apparatus.

Clause 34 restricts the use of tenders.

Clause 35 specifies shellfish dredge design and size.

Clauses 36 and 37 restrict the taking of rock lobsters.

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.