

Fisheries (Dunedin Commercial Fishing Restrictions) Notice 1984

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.

NOTICE

1. Title and commencement—(1) This notice may be cited as the Fisheries (Dunedin Commercial Fishing Restrictions) Notice 1984.

(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,—

“Authorised fish packing house” means Ferons Seafoods (Fishing Packing House Licence No. 5), Globe Fisheries (Fish Packing House Licence No. 51), Otakou Fisheries (Fish Packing House Licence No. 91), and Skeggs Fisheries (Fish Packing House Licence No. 87);

“Consumer Pack” means a container which—

(a) Complies with the requirements of the Food and Drug Regulations 1973; and

(b) Contains only whole rock lobsters or whole rock lobster tails; and

(c) Does not exceed 1 kg in net weight; and

(d) When sold, is sealed with an unbroken seal; and

(e) Is inscribed with the words “Crayfish Consumer Pack”, “Crayfish (Tails) Consumer Pack”, “Rock Lobster Consumer Pack”, or “Rock Lobster (Tails) Consumer Pack”, as the case may be, and the name of the proprietor of the packing house, the location of that packing house, and the net weight of the rock lobster or rock lobster tails therein; and

(f) Is packed at an authorised fish packing house situated in Otago;

“Culching” means the process of sorting, either manually or mechanically, the catch from an oyster dredge;

“Day” means a period of 24 hours computed from midnight to midnight;

“Dredge” means a device towed on or over the seabed capable of catching shellfish; and includes a box dredge or ring dredge;

“Finfish” includes the Classes Osteichthyes (boney fishes), Chondrichthyes (cartilaginous fishes), and Agnatha (jawless fishes);

“Fishing year” means a period of 12 months ending with the 30th day of September;

“Foveaux Strait Dredge Oyster Fishery” means the oyster fishery in Foveaux Strait within New Zealand fisheries waters, bounded—

(a) To the west, by a straight line drawn from Oraki Point in Block 2, Longwood Survey District (at 46° 23.6' S and 167° 52.52' E) to the easternmost point of Centre Island (at 46° 27.7' S and 167° 51.3' E); thence by mean high-water mark to Centre Island Lighthouse (at 46° 27.8' S and 167° 50.6' E); thence by a straight line to the northernmost point of Codfish Island (at 46° 45.2' S and 167° 36.6' E); thence by a straight line to North Red Head on the northwest coast to Stewart Island (at 46° 44.8' S and 167° 42.4' E); and

(b) To the east, by a straight line drawn from Slope Point in Block 9, Waikawa Survey District (at 46° 40.5' S and 169° 0' E) to the East Cape on Stewart Island (at 47° 0.9' S and 168° 13.8' E);

“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 underside 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;

(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 shellfish, the greatest diameter of the shell;

“Open season” means that period of a year not prescribed as a closed season;

“Oyster” includes the kinds of molluscs known as *Saxostrea glomerata* (formerly known as *Crassostrea glomerata* or

Saxostrea glomerata), and *Crassostrea gigas*, commonly known as the rock oyster and Pacific oyster respectively; and *Tiostrea lutaria* (formerly known as *Ostrea lutaria*), commonly known as the dredge oyster;

“Place or port of domicile”, in relation to any fishing vessel, means the place or port at which the vessel is based and from which fishing is substantially carried out, as specified in the fishing permit for the time being in force in respect of the vessel; and “domiciled” has a corresponding meaning;

“Place or port of registry”, in relation to a registered fishing vessel, means the place or port at which the fishing vessel is registered under Part IV of the Act;

“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);

“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.

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

Rock Lobsters

3. Taking of rock lobster subject to restrictions—(1) It shall be lawful to fish for rock lobsters, the tails of which are less than 152 mm but greater than 127 mm in length, in that part of the sea lying between a straight line between the Waitaki River South Head Aero Beacon (at 44° 56' 7" S and 171° 08' E) on a true compass bearing of 135°, and a straight line from Nugget Point Lighthouse (at 46° 27' S and 169° 49' E) on a true compass bearing of 135°, and within the New Zealand fisheries waters (the area commonly known as the Otago concession area).

(2) No person shall take from that part of the sea described in subclause (1) of this clause any rock lobster the tail of which is less than 152 mm in length, unless the rock lobster is taken during the period commencing with the 21st day of June in any year and ending with the 19th day of December in that year and its tail is not less than 127 mm in length.

(3) Without limiting the provisions of subclause (2) of this clause, no person operating from a fishing vessel shall take from that part of the sea described in subclause (1) of this clause any rock lobster the tail of which is less than 152 mm in length unless the following conditions are satisfied:

(a) A fishing permit authorising the taking of rock lobsters is in force in respect of the fishing vessel;

(b) The fishing vessel is registered at Dunedin and domiciled at a port or place lying between the Waitaki River South Head Aero Beacon (at 44° 56' 7" S and 171° 08' E) and Nugget Point Lighthouse (at 46° 27' S and 169° 49' E);

(c) All rock lobsters with tails less than 152 mm in length are landed at the said port or place of domicile.

(4) No person shall have in possession on board any fishing vessel, or use any rock lobster pot, within the waters described in subclause (1) of this clause, which does not have at least one aperture incorporated in any part of the pot except the bottom, of a size not less than 38 mm in height and 152 mm in width;

Provided that nothing in this subclause shall restrict the use of a rock lobster pot which has spot welded rectangular mesh having spaces not less than 38 mm in height and 152 mm in width.

4. Otago Concession Buffer Zone—No person shall fish for any rock lobster during the period commencing with the 1st day of June in any year and ending with the 19th day of December in the same year from any waters within New Zealand fisheries waters between a straight line from Nugget Point Lighthouse (at 46° 27' S and 169° 49' E) on a true compass bearing of 135° and a straight line from Long Point (at 46° 34' 8" S and 169° 34' 8" E) on a true compass bearing of 135°.

5. Tailing at sea permitted—(1) It shall be lawful to tail at sea in the uncooked state any rock lobster taken from the waters of the sea adjacent to the coast of the South Island (including Stewart Island) which lie within 12 nautical miles of mean high-water mark of each part of the mainland, islands, and rocks which lie between a true compass bearing of 135° from Long Point (at 46° 34' 8" S and 169° 34' 8" E) and a true compass bearing of 315° from the south of Bruce Bay (Heretanewhi Point) (at 43° 34.5' S and 169° 34.7' E)—

(a) By any fishing vessel with the port of registry as Bluff; or

(b) By any fishing vessel with port registry as Dunedin or Grey-mouth or Westport, if the master or person in charge, before leaving the port at which the vessel is registered to fish for rock lobsters in the above waters has notified the local fishery officer at the port of registry, of his intention to fish for rock lobsters in those waters, and notifies a fishery officer

immediately after the return of the vessel to the port of registry that the vessel has been engaged in fishing for rock lobsters in those waters.

(2) No person shall land from any vessel the tail of any rock lobster unless the tail is 152 mm or more in length.

(3) No person shall land any rock lobsters taken from the waters lying within 12 nautical miles of mean high-water mark of the coast of the South Island lying between Long Point (at 46° 31.8' S and 169° 34.8' E) and Heretanewha Point at Bruce Bay (at 43° 34.5' S and 169° 34.7' E) by a registered fishing vessel to which subclause (1) (b) of this clause applies, except at the port or place of domicile of the vessel or at any port or place lying between Puysegur Point (at 46° 09.5' S and 166° 36.6' E) and Bruce Bay (at 43° 34.5' S and 169° 34.7' E).

(4) After notifying the fishery officer as required by subclause (1) (b) of this clause, the master or person in charge of the fishing vessel shall not fish for rock lobsters from that vessel in any other waters until he has notified the Director-General of Agriculture and Fisheries or a fishery officer of the port or place at which the vessel is domiciled of his return to the port or place.

(5) After notifying a fishery officer as required by subclause (1) (b) of this clause, the master or person in charge of the vessel shall ensure that the tails of rock lobsters taken by the vessel are at no time aboard the vessel in waters other than those specified in this clause except while in transit between the place at which the rock lobsters were taken and the port or place of the vessel's domicile at Dunedin, Greymouth, or Westport, as the case may be.

6. Director-General may authorise tailing of rock lobster in Otago subject to certain conditions—In respect of rock lobsters (not being packhorse lobsters) taken in accordance with clause 3 (1) of this notice from the Otago concession area—

(a) Rock lobster tailing and processing shall be carried out in an authorised fish packing house;

(b) Rock lobsters or rock lobster tails authorised for export shall be packed in an authorised fish packing house and the containers containing rock lobster or rock lobster tails, the tail of which is less than 152 mm but greater than 127 mm in length, shall be sealed under the direction of a fishery officer, if he is satisfied that the conditions of catching and processing have been complied with;

(c) Prior to the removal of any container containing rock lobster or rock lobster tails of the size referred to in paragraph (b) above from the authorised fish packing house, the exporter of those rock lobster or rock lobster tails shall, in writing, give the Regional Fishery Officer, Ministry of Agriculture and Fisheries, Dunedin, full particulars relating to the transport and storage of the rock lobster or rock lobster tails between the authorised fish packing house and the ship or aircraft on which they are exported from New Zealand;

(d) Rock lobsters for export shall, to the satisfaction of a fishery officer, be alive immediately before tailing or processing is commenced in an authorised fish packing house;

(e) Rock lobster or rock lobster tails for sale in New Zealand shall be packed into consumer packs in an authorised fish packing house.

Fishing Prohibitions

7. All fishing methods prohibited in certain waters—No person shall take any fish by any fishing method in Milford Sound, being the waters of Milford Sound and all those waters in the vicinity of Milford Sound inside a straight line drawn from St. Anne's Point (at 44° 34.45' S and 167° 47.1' E) to Stripe Point (at 44° 32.37' S and 167° 48.8' E).

8. Prohibition on fishing around the Auckland Islands—No person shall take, possess or convey any fish or aquatic life from within 12 nautical miles of mean low-water mark of each island and rock of the Auckland Islands.

Oysters

9. Closed areas for dredging oysters—No person shall dredge for oysters in the following areas:

(a) Those waters of the Ministry of Agriculture and Fisheries research area which lie inside a line drawn from North Head on Ruapuke Island (at 46° 44.3' S and 168° 31.9' E) to Seal Rock (at 46° 45.2' S and 168° 35.7' E); thence by straight line to the westernmost point of Green Island (at 46° 46.2' S and 168° 34.1' E); thence by straight line to West Point on Ruapuke Island (at 46° 46.4' S and 168° 32.8' E); thence by mean high-water mark to the point of commencement;

(b) Those waters of Patersons Inlet lying inside a straight line drawn from Ackers Point (at 46° 53.8' S and 168° 09.8' E) to Sprat Point on Bench Island (at 47° 54.2' S and

168° 13.3' E); thence by mean high-water mark to the southwestern most point on Bench Island (at 46° 54.9' S and 168° 13.9' E); thence by straight line to East Cape on Stewart Island (at 47° 0.9' S and 168° 13.8' E); thence by mean high-water mark to the point of commencement;

(c) Those waters of Port William lying inside a straight line drawn from West Head (at 46° 50.4' S and 168° 05.6' E) to Bob's Point on Stewart Island (at 46° 51.4' S and 168° 07.7' E).

10. Prohibition on taking oysters—No person shall take, have on board, or land from any fishing vessel, any oyster from the waters of the Foveaux Strait Dredge Oyster Fishery during the closed season. For the purposes of this clause "closed season" means the months of October, November, December, January, February, and September in any fishing year.

11. Quotas—(1) There shall be a seasonal quota of 115 000 sacks of oysters to be taken from the Foveaux Strait Dredge Oyster Fishery in any fishing year.

(2) There shall be an individual seasonal fishing vessel quota of 5 000 sacks of oysters to be taken from the Foveaux Strait Dredge Oyster Fishery in the open season of any fishing year.

(3) For the period commencing with the 1st day of March 1984 and ending with the 30th day of April 1984, there shall be a maximum daily fishing vessel quota of 105 sacks.

(4) For the period commencing with the 1st day of May 1984 and ending with the 31st day of August 1984, there shall be a maximum daily fishing vessel quota of 85 sacks.

(5) For the purposes of this clause, a sack of oysters shall not exceed a maximum weight of 79 kg, sack inclusive.

(6) All oysters in sacks found on board or landed from any fishing vessel shall be counted as part of that fishing vessel's daily quota.

12. Permitted times—No person shall dredge for oysters in the Foveaux Strait Dredge Oyster Fishery within the hours between sunset on any day and sunrise on the following day.

13. Oyster dredges—(1) Notwithstanding the provisions of any other notice made pursuant to the Fisheries (Commercial Fishing) Regulations 1983, no fishing vessel licensed to fish in the Foveaux Strait Dredge Oyster Fishery shall—

(a) Have on board, or use any dredge which contains any bit or bar which exceeds 3.35 m in length; or

(b) Carry or use more than 2 dredges at any one time.

(2) No dredge shall be carried on board any fishing vessel during the closed season of the Foveaux Strait Dredge Oyster Fishery without the prior approval of a fishery officer.

14. Culching—(1) The culching of oysters must be done at sea in the area from where the oysters were taken.

(2) All oysters which are less than a minimum length of 58 mm are to be returned to the sea as soon as practicable.

15. Opening oysters—Notwithstanding the provisions of any other notice made pursuant to the Fisheries (Commercial Fishing) Regulations 1983 relating to the opening of shellfish, no person on board or engaged on any vessel licensed to take oysters from the Foveaux Strait Dredge Oyster Fishery shall open any oyster while the vessel is at sea.

16. Labelling of oysters—(1) Notwithstanding the provisions of any other notice made pursuant to the Fisheries (Commercial Fishing) Regulations 1983 relating to the labelling of shellfish containers, all oysters landed from any registered fishing vessel licensed to take oysters from the Foveaux Strait Dredge Oyster Fishery shall be contained in sacks or other containers which are externally and legibly labelled. Such labels must show the name and registered number of the fishing vessel from which the oysters were caught and the date on which they were caught.

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

(a) Possess, convey, or cause to be conveyed, any unlabelled or incorrectly labelled sack or container; or

(b) Receive or accept at any premises any unlabelled or incorrectly labelled sack or container; or

(c) Remove any label from any sack or container before the processing of the shellfish is commenced at any processing premises.

17. Revocation—The Fisheries (Dunedin Commercial Fishing Restrictions) Notice 1983* is hereby revoked.

Dated at Wellington this 28th day of February 1984.

M. J. BULLGRAVE,
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.

This notice continues certain restrictions on commercial fishing in the Dunedin district imposed by S.R. 1983/316, but makes some changes to the conditions of the Foveaux Strait Dredge Oyster Fishery.