

**Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986**  
(SR 1986/220)

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

These regulations are administered in the Ministry of Agriculture and Fisheries.

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PURSUANT to section 89 of the Fisheries Act 1983, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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1 Title, commencement, and application

- (1) These regulations may be cited as the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986.
- (2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

2 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

**Act** means the Fisheries Act 1996

Act: this definition was substituted, as from 1 October 2001, by regulation 3(1) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Albacore tuna**

[Revoked]

Albacore tuna: this definition was inserted, as from 8 May 1992, by regulation 2 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 12 (SR 1992/86).

Albacore tuna: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Anchovy**

[Revoked]

Anchovy: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Basking shark**

[Revoked]

Basking shark: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Bigeye tuna**

[Revoked]

Bigeye tuna: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Black coral** means a coelenterate of the Order *Antipatharia*

**Black shark**

[Revoked]

Black shark: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Blue cod** means the fish of which the scientific name is *Parapercis colias*

Blue cod: this definition was inserted by regulation 2 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 12 (SR 1992/86).

**Blue cod pot**—

- (a) Means any pot, whether baited or not, that is capable of catching or holding blue cod; and
- (b) Includes any other device capable of catching, holding, or storing blue cod; but
- (c) Does not include a rock lobster pot:

Blue cod pot: this definition was inserted by regulation 2 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 12 (SR 1992/86).

**Blue moki** means a fish of the species *Latridopsis ciliaris*

Blue moki: this definition was inserted by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 17 (SR 1993/283).

**Blue mussel** means the shellfish *Mytilus edulis aoteanus*

**Blue shark**

[Revoked]

Blue shark: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Broadbill swordfish**

[Revoked]

Broadbill swordfish: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Butterfish** means the fish that has the scientific name *Odax pullus* or *Odax cyanoallus*  
**cage**—

- (a) means a rock lobster holding pot that is used for holding or storing rock lobster; but
- (b) does not include any pot that is capable of catching rock lobster

**cage**: this definition was inserted, as from 30 June 2005, by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2005 (SR 2005/140).

**Cardinal fish**

[Revoked]

Cardinal fish: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Catsye** means a shellfish of the *Lunella spp.*

**Cockle** means the mollusc *Chione (Austrovenus) stutchburyi*

**Cod-end** means that end part of a net which is normally closed during fishing and is capable of holding fish while in the water; and includes, in respect of a net—

- (a) Carried on a vessel not exceeding 10 m overall length, not less than the last 3 m of net:
- (b) Carried on a vessel 10 m or more but less than 20 m overall length, not less than the last 5 m of net:
- (c) Carried on a vessel 20 m or more but less than 30 m overall length, not less than the last 10 m of net:
- (d) Carried on a vessel 30 m or more but less than 40 m overall length, not less than the last 15 m of net:
- (e) Carried on a vessel 40 m or more overall length, not less than the last 20 m of net:

**commercial fisher** means—

- (a) any person who takes any fish, aquatic life, or seaweed for the purposes of sale:
- (b) any person who is engaged in any capacity on a New Zealand fishing vessel:
- (c) any person who has a fishing permit issued under section 91 of the Fisheries Act 1996 entitling the person to take any species or class of fish, aquatic life, or seaweed.

Commercial fisher: this definition replaced the definition of the term commercial fisherman, as from 1 October 2001, by regulation 3(3) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Commercial fisherman**

[Revoked]

Commercial fisherman: paragraph (b) of this definition was amended, as from 26 July 2001, by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing)

Amendment Regulations (No 2) 2001 (SR 2001/150) by inserting the expression “; and”.

Commercial fisherman: paragraph (c) of this definition was inserted, as from 26 July 2001, by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/150).

Commercial fisherman: this definition was replaced by the definition of the term “commercial fisher”, as from 1 October 2001, by regulation 3(3) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Conger eel**

[Revoked]

Conger eel: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Cooks turban** means the shellfish *Cookia sulcata*

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

**Danish seine net** means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with or attached to the net) that—

- (a) Has a buoyancy system on the top edge; and
- (b) Is weighted on the bottom edge; and
- (c) Is operated, without the use of any horizontal net opening device, by surrounding any fish and being drawn over the bed of any waters, or through any waters, to one or more vessels:

**Day** means a period of 24 hours computed from midnight to midnight

**Deepwater crab** includes *Nectocarcinus*, *Jacquiniotia edwardsii*, family *Lithodidae*, *Leptomithrax spp.*, and *Paromola petterdi*

**Dog cockle** means the shellfish *Glycymeris laticostata*

**Dolphinfish**

[Revoked]

Dolphinfish: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Drag net or beach seine net** means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with, or attached to, the net) that—

- (a) Has a buoyancy system on the top edge; and
- (b) Is weighted on the bottom edge; and
- (c) Is operated by surrounding any fish and being drawn over the bed of any waters or through any waters to the shore:

**Dredge** means a device towed on or over or capable of being towed on or over the seabed primarily for the collection of shellfish; and includes a box dredge or ring-bag dredge

**Durvillea**

[Revoked]

Durvillea: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Ecklonia**

[Revoked]

Ecklonia: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Eel** means the shortfinned eel (*Anguilla australis*) and the longfinned eel (*Anguilla dieffenbachii*)

**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

Fiordland (Te Moana o Atawhenua) Marine Area: this definition was inserted, as from 30 June 2005, by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2005 (SR 2005/140).

**Fishing trip** means any period, during which fish are taken aboard or transferred to a vessel, that—

- (a) Commences when the vessel—
  - (i) Leaves any place at which that vessel is moored or berthed or launched; or
  - (ii) Enters the exclusive economic zone through the seaward boundary; and
- (b) Ends when the vessel—
  - (i) Returns from the sea to a place at which the permit holder using the vessel is permitted to land fish and any fish are removed from the vessel or the vessel with the fish on board is removed from the water; or
  - (ii) Having been granted permission under section 110 of the Act, leaves the exclusive economic zone by its seaward boundary;—

and in relation to any permit holder during the period when the permit holder is not using or does not have the use of a vessel, or operates otherwise than from a vessel, means any period

that commences when the permit holder begins to take fish under a permit and ends when the permit holder returns to a point of landing

Fishing trip: the definition of this term was inserted, as from 1 October 1995, by section 8 Fisheries Amendment Act 1995 (1995, No 51).

Fishing trip: paragraph (b)(ii) of this definition was amended, as from 1 October 2001, by regulation 3(4)(a) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the expression “section 110” for the expression “section 101”.

### **Flying fish**

[Revoked]

Flying fish: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**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 Oraka 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); then by mean high-water mark to Centre Island Lighthouse (at 46°27.8'S and 167°50.6'E); then by a straight line to the northernmost point of Codfish Island (at 46°45.2'S and 167°36.6'E); then by a straight line to North Red Head on the northwest coast of 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 of Stewart Island (at 47°0.9'S and 168°13.8'E):

### **Frost fish**

[Revoked]

Frost fish: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**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

### **Garfish**

[Revoked]

Garfish: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

### **Ghost shark**

[Revoked]

Ghost shark: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

### **Gracilaria**

[Revoked]

Gracilaria: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Green-lipped mussel** means the shellfish *Perna canaliculus*

**Grey mullet** means a fish of the species *Mugil cephalis*

Grey mullet: this definition was inserted by regulation 2 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 18 (SR 1994/29).

**Hagfish** means the common hagfish or blind eel that has the scientific name *Eptatretus cirrhatus*

**Hand-gathering** includes shore picking, diving, hand digging for shellfish, and hand cutting of seaweed, but does not include diving using underwater breathing apparatus

**Hapuku bass** means a fish of the species *Polyprion oxygeneios* or *Polyprion moene*  
Hapuku bass: this definition was inserted by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 17 (SR 1993/283).

**Horse mussel** means the shellfish *Atrina zelandica*

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

internal waters of Fiordland: this definition was inserted, as from 30 June 2005, by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2005 (SR 2005/140).

**Jack mackerel**

[Revoked]

Jack mackerel: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Jellyfish**

[Revoked]

Jellyfish: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Kahawai** means a fish of the species *Arripis trutta*

**Kina** means an echinoderm of the species *Evechinus chloroticus*

**King clam** means a shellfish of the Genus *Panopea*

**Lamprey**

[Revoked]

Lamprey: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Leatherjacket**

[Revoked]

Leatherjacket: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Length**, unless otherwise specified, means—

- (a) 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:
- (b) In relation to any scallop or queen scallop, the greatest diameter of the shell:
- (c) In relation to any paua (including any virgin paua), the greatest overall length of the shell measured on a plane parallel to the ventral surface of the paua:

**Lessonia**

[Revoked]

Lessonia: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Licensed concession fish packing house**

[Revoked]

Licensed concession fish packing house: this definition was revoked, as from 1 April 2004, by regulation 3(1) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2004 (SR 2004/70).

**licensed fish receiver's premises** means—

- (a) the premises of a licensed fish receiver located in the Southland region; or
- (b) the premises of a licensed fish receiver not located in the Southland region, if the chief executive has authorised the premises to receive and process Southland concession area rock lobster for export

licensed fish receiver's premises: this definition was inserted, as from 1 April 2004, by regulation 3(1) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2004 (SR 2004/70).

**Limpet** means a shellfish of the Genus *Cellana* or *Notoacmea*

**Longfinned eel**

[Revoked]

Longfinned eel: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Longimactra** means the shellfish that has the scientific name *Longimactra elongata*

**low headline height trawl net** means a trawl net that—

- (a) has been manufactured or modified with the intention of having a net opening with a vertical height of no more than 1 metre; and
- (b) is fitted with a device (for example, a spreader bar, rope, or wire) that is no more than 1 metre long on the wing-end to constrain the wing-end height to below 1 metre; and
- (c) has buoyancy on the headline that does not exceed 60 kilograms

**Macrocystis**

[Revoked]

Macrocystis: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Mako shark**

[Revoked]

Mako shark: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Mud crab** means the crustacean *Helice crassa* and *Hemiplax hirtipes*

**Mud snail** means the shellfish *Amphibola crenata*

**Munida**

[Revoked]

Munida: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

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

**New Zealand cancer crab**

[Revoked]

New Zealand cancer crab: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Octopus** means the shellfish *Octopus maorum*

**Open season** means that period of a year not prescribed as a closed season

**Overall length** means the length of a vessel measured by a straight middle line from the extreme forward end to the extreme aft end of the hull of the vessel

**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 *Tiostrea chilensis* (formerly known as *Ostrea lutaria*), commonly known as the dredge oyster

Oyster: this definition was amended, as from 1 October 1994 by regulation 2 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 19 (SR 1994/176) by substituting the words “*Tiostrea chilensis*” for the words “*Tiostrea lutaria*”.

**Paddle crab** or **swimming crab** means the crab that has the scientific name *Ovalipes catharus*

**Paua** includes ordinary paua (*Haliotis iris*) and yellow foot paua (*Haliotis australis*); but does not include virgin paua (*Haliotis virginea*)

**Pilchard**

[Revoked]

Pilchard: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Pipi** means the shellfish *Paphies australis*

**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 pursuant to section 103 or section 105 of the Act

Place or port of registry: this definition was amended, as from 1 October 2001, by regulation 3(4)(b) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “section 103 or section 105” for the expression “section 57”.

**Porphyra**

[Revoked]

Porphyra: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Pterocladia**

[Revoked]

Pterocladia: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Queen scallop** means the mollusc *Chlamys delicatula*

**Rat tail**

[Revoked]

Rat tail: this definition was inserted by regulation 2 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 14 (SR 1992/235).

Rat tail: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Ray's bream**

[Revoked]

Ray's bream: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Red coral** means a hydrocoral of the Order *Stylasterina*

**Red rock crab** means a crab of the species *Plagusia carpense*

**Ribaldo**

[Revoked]

Ribaldo: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

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

**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

**Saury**

[Revoked]

**Saury:** this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Scallop**

[Revoked]

Scallop: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Scampi**

[Revoked]

Scampi: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**School shark** means a fish of the species *Galeorhinus australis*

School shark: this definition was inserted by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 17 (SR 1993/283).

**Sea cucumber** means a holothurian of the Genus *Stichopus*

**Sea egg other than kina** means an echinoderm of the species *Centrostephanus rodgersii*, commonly known as the purple urchin, or of the genus *Pseudechinus*

**Sea hare**

[Revoked]

Sea hare: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Sea horse**

[Revoked]

Sea horse: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Sea perch**

[Revoked]

Sea perch: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Sea slug** means a shellfish of the species *Aphysia dactylomela*

**Sea tulip** means the ascidian *Pyura pachydermatina*

**Set net** includes a gill net or any other sort of net which acts by enmeshing, entrapping, or entangling any fish; but does not include a fyke net or a hinaki trap

Set net: the original definition was amended by regulation 2(1) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 17 (SR 1993/283) by omitting the words “drift net, trammel net,”.

Set net: this definition was substituted, as from 30 November 1995, by regulation 2(1) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 20 (SR 1995/238).

**Shortfinned eel**

[Revoked]

Shortfinned eel: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Silverside**

[Revoked]

Silverside: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Skate and ray**

[Revoked]

Skate and ray: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Skipjack tuna**

[Revoked]

Skipjack tuna: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Slender tuna**

[Revoked]

Slender tuna: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Southern bluefin tuna**

[Revoked]

Southern bluefin tuna: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Southern blue whiting**

[Revoked]

Southern blue whiting: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Southland and Sub-Antarctic Fishery Management Areas** means the Southland Fishery Management Area and the Sub-Antarctic Fishery Management Area, as described in the Notice Declaring Fishery Management Areas (*Gazette*, 1986, at page 412); and includes any waters in either of those areas

Southland and Sub-Antarctic Fishery Management Areas: this definition was inserted by regulation 2 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 18 (SR 1994/29).

**Southland Concession Area** means the southern rock lobster fishery bounded—

- (a) By the shoreline commencing in a generally southerly direction from Abut Head (at 43°05'S and 170°16.2'E) to Long Point (at 46°34.8'S and 169°35'E); and
- (b) By a straight line from Long Point on a true compass bearing of 135°; and
- (c) By a straight line from Abut Head on a true compass bearing of 315°; and
- (d) By the outer limit of the Exclusive Economic Zone of New Zealand:

**Southland Concession Pack** means a container that—

- (a) Contains only whole rock lobsters or whole rock lobster tails; and
- (b) Does not exceed 25 kg in net weight; and
- (c) Is packed at a licensed fish receiver's premises; and
- (d) Is inscribed with—
  - (i) The words **Southland Concession Pack**; and
  - (ii) The name of the licensed fish receiver's premises at which it was packed; and
  - (iii) The location of the licensed fish receiver's premises house; and
  - (iv) The date on which the rock lobster or rock lobster tails were packed; and
  - (v) The net weight of the rock lobster or rock lobster tails in the pack; and
- (e) When sold, is sealed with an unbroken seal fixed in accordance with the direction of a Fishery Officer:

Southland Concession Pack: this definition was amended, as from 1 April 2004, by regulation 3(2) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2004 (SR 2004/70) by substituting the words “licensed fish receiver's premises” for the words “licensed concession fish packing house” in each place where they occur.

**Southland region** means The Southland Region as constituted by the Local Government (Southland Region) Reorganisation Order 1989 (Gazette, 1989, p 2430)

Southland region: this definition was inserted, as from 1 April 2004, by regulation 3(3) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2004 (SR 2004/70).

**Spiny dogfish** means a fish of the species *Squalus acanthias*

**Spiny sea dragon**

[Revoked]

Spiny sea dragon: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Sponge** means an animal of the Phylum *Porifera*

**Sprat**

[Revoked]

Sprat: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Squid** means—

- (a) The shellfish, commonly known as arrow squid, that has the scientific name *Nototodarus* sp; and
- (b) The shellfish, commonly known as broad squid, that has the scientific name *Sepioteuthis bilineata*:

**Squid jigging** means any type of fishing method for taking squid using a line

**Sunset** means a shellfish of the Genus *Gari*

**Surf clam** means a shellfish of the Genus *Mactra*, *Spisula*, *Dosinia*, or *Basina*, or of the species *Paphies donacina*

**Stokell-smelt**

[Revoked]

Stokell-smelt: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Surrounding net** includes a drag net, Danish seine net, drum seine net, purse seine net, lampara net, and all modes of fishing whereby fish are encircled

**Thresher shark**

[Revoked]

Thresher shark: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Trawl net** means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with or attached to the net) that—

- (a) Has a buoyancy system on the top edge; and
- (b) Is weighted on the bottom edge; and
- (c) Is operated, by being drawn over the bed of any waters, or through any waters, by one or more vessels underway—

but does not include a Danish seine net

**Trumpeter**

[Revoked]

Trumpeter: this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Tuatua** means the shellfish *Paphies subtriangulata*

**Ulva**

[Revoked]

**Ulva:** this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Undaria**

[Revoked]

**Undaria:** this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Venerupis** means a shellfish of the Genus *Venerupis largillierti*

**Virgin paua** means the shellfish that has the scientific name *Haliotis virginea*

**Whelk** means a shellfish of the Genus *Struthiolaria*, *Cominella*, *Haustrum*, *Buccinulum*, *Lepsiella*, or *Taron*

**Whitebait net** means any net, contrivance, instrument, or device used or capable of being used to take the fish commonly called whitebait

**Wrasse**

[Revoked]

**Wrasse:** this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Yellow-eyed mullet**

[Revoked]

**Yellow-eyed mullet:** this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Yellowfin tuna**

[Revoked]

**Yellowfin tuna:** this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Yellowtail kingfish**

[Revoked]

**Yellowtail kingfish:** this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

**Zostera**

[Revoked]

**Zostera:** this definition was revoked, as from 1 October 2001, by regulation 3(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

(2) In these regulations, a reference to a named quota management area is a reference to the area of that name as defined in Schedule 2 to the Fisheries (Quota Management Areas, Total Allowable Catches, and Catch Histories) Notice 1986 (SR 1986/267).

(3) For the purposes of authorising premises to receive and process Southland Concession Area rock lobster for export, the chief executive may grant an authorisation subject to such terms and conditions as the chief executive thinks fit.

Regulation 2 was substituted by regulation 2 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1989/323) and further substituted by regulation 2(1) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 11 (SR 1991/164).

Regulation 2(1) **low headline height trawl net:** inserted, on 1 October 2008, by regulation 4 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2008 (SR 2008/279).

Subclause (3) was inserted, as from 1 April 2004, by regulation 3(4) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2004 (SR 2004/70).

**Part 1**  
**Southland area**

*Total prohibition*

3 Total prohibitions

- (1) No commercial fisher shall take any fish from, or have in possession any fish taken from, the following waters:
  - (a) the waters of Milford Sound and all those waters in the vicinity of Milford Sound lying inside a straight line drawn from St Anne Point (at 44°34.30'S and 167°46.98'E) to Stripe Point (at 44°33.06'S and 167°49.32'E):
  - (b) Those waters of Paterson Inlet lying inside a straight line drawn from Ackers Point (at 46°53.85'S and 168°09.76'E) to Bullers Point on Stewart Island (at 46°55.26'S and 168°11.45'E).
  - (c) the internal waters of Fiordland.
- (2) Despite subclause (1)(a) and (c), a commercial fisher may, in the internal waters of Fiordland,—
  - (a) hold live rock lobster, taken from outside the internal waters of Fiordland, in cages for up to 2 months; and
  - (b) store—
    - (i) cages, with all doors open; and
    - (ii) rock lobster pots, with all doors open.
- (3) Subclause (2) is subject to all prohibitions, restrictions, and conditions applying to any marine reserve established in the Fiordland (Te Moana o Atawhenua) Marine Area—
  - (a) by section 7(1) of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005; or
  - (b) under section 4(1) of the Marine Reserves Act 1971.
- (4) Nothing in subclause (2) permits—
  - (a) the taking of rock lobster in the internal waters of Fiordland; or
  - (b) the storage of baited rock lobster pots in the internal waters of Fiordland.
- (5) Subclause (4) is for the avoidance of doubt.

Regulation 3 was amended by regulation 2 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 3 (SR 1988/16) and substituted, as from 1 October 1994, by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 19 (SR 1994/176).

Regulation 3 was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Subclause (1)(a) was substituted, as from 30 June 2005, by regulation 4(1) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2005 (SR 2005/140).

Subclause (1)(c) was inserted, as from 30 June 2005, by regulation 4(2) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2005 (SR 2005/140).

Subclauses (2) to (5) were inserted, as from 30 June 2005, by regulation 4(3) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2005 (SR 2005/140).

*Certain fishing methods prohibited*

3A Certain fishing methods prohibited in defined areas

- (1) No commercial fisher shall use for taking fish a box or teichi net, purse seine net, Danish seine, trawl net, lampara net, or set nets of a total length exceeding 1000 m, within the following waters:
  - (a) *Bluff Harbour*: All those waters of Bluff Harbour enclosed within an area from Tiwai Point commencing at a point (at 46°36.23'S and 168°22.26'E) and across to Stirling Point at a point (at 46°36.83'S and 168°21.62'E):

- (b) *the Fiords*:
  - (i) *Bligh Sound*: all those waters of Bligh Sound to the east of a line drawn from Tommy Point (at 44°45.21'S and 167°29.61'E) to Chasland Head (at 44°46.38'S and 167°28.27'E):
  - (ii) *George Sound*: all those waters of George Sound to the east of a line drawn from a point on the coast (at 44°49.42'S and 167°21.34'E) to a point on the southern entrance to the sound (at 44°50.62'S and 167°19.54'E):
  - (iii) *Caswell Sound*: all those waters of Caswell Sound to the east of a line drawn from a point on the coast (at 44°59.43'S and 167°08.15'E) to McKerr Point (at 45°00.33'S and 167°07.65'E):
  - (iv) *Charles Sound*: all those waters of Charles Sound to the east of a line drawn from Islet Point (at 45°01.51'S and 167°05.53'E) to Hawes Head (at 45°03.21'S and 167°04.43'E):
  - (v) *Nancy Sound*: all those waters of Nancy Sound to the east of a line drawn from Burnett Point (at 45°06.16'S and 167°01.60'E) to Anxiety Point (at 45°06.37'S and 167°00.84'E):
  - (vi) *Thompson Sound*: all those waters of Thompson and Bradshaw Sounds to the east of a line drawn from Shanks Head (at 45°08.31'S and 166°58.45'E) to Colonial Head on Secretary Island (at 45°08.67'S and 166°57.65'E):
  - (vii) *Doubtful Sound*: all those waters of Doubtful Sound to the east of a line drawn from a point on the coast of Secretary Island (at 45°14.49'S and 166°52.08'E) to Febrero Point (at 45°16.59'S and 166°50.52'E):
  - (viii) *Dagg Sound*: all those waters of Dagg Sound to the east of a line drawn from Cast-Off Point (at 45°22.72'S and 166°46.32'E) to Towing Head (at 45°23.93'S and 166°45.41'E):
  - (ix) *Breaksea Sound*: all those waters of Breaksea Sound to the east of a line drawn from Oliver Point (at 45°34.49'S and 166°40.31'E) to a point on Resolution Island (at 45°36.17'S and 166°36.35'E):
  - (x) *Dusky Sound*: all those waters of Dusky Sound to the east of a line drawn from Five Fingers Point on Resolution Island (at 45°44.67'S and 166°26.70'E) to South Point (at 45°48.79'S and 166°27.40'E):
  - (xi) *Preservation and Chalky Inlets*: all those waters of Preservation and Chalky Inlets to the east of a line drawn from Cape Providence (at 46°00.78'S and 166°28.37'E) to Puysegur Point (46°09.45'S and 166°36.34'E):
- (c) *Paterson Inlet, Stewart Island*: All those waters of Paterson Inlet lying generally south and east of a line from the end of Sawyers Beach commencing at a point (at 46°49.85'S and 168°05.24'E), then across to Fish Rock at a point (at 46°51.55'S and 168°10.22'E), then across to Passage Island (Whero Rock) at a point at 46°54.83'S and 168°12.40'E, finishing at the eastern most tip of The Neck at a point (at 46°55.73'S and 168°12.02'E).

(2) No commercial fisher shall set any net within 60 metres of any other net in any of the waters defined in subclause (1) of this regulation.

Regulations 3A, 3B and 3C and headings were inserted by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 17 (SR 1993/283).

Regulation 3A was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Subclause (1)(b) was substituted, as from 30 June 2005, by regulation 5 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2005 (SR 2005/140).

3AB Set net fishing prohibited in defined area from Slope Point to Sand Hill Point

- (1) A commercial fisher must not use a set net for fishing in the waters lying within an area bounded by a line that—
  - (a) extends from Slope Point (at 46°40.50'S and 169°00.00'E); and

- (b) then proceeds west along the mean high-water mark to the eastern entrance of Toetoes Harbour (at 46°34.94'S and 168°47.94'E); and
  - (c) then proceeds in a straight line to the western entrance of Toetoes Harbour (at 46°34.87'S and 168°47.73'E); and
  - (d) then proceeds in a generally westerly direction along the mean high-water mark to Tiwai Point (at 46°36.13'S and 168°22.23'E); and
  - (e) then proceeds in a straight line to Stirling Point (at 46°36.73'S and 168°21.56'E); and
  - (f) then proceeds in a generally westerly direction along the mean high-water mark to the southern side of the New River Estuary mouth (at 46°31.00'S and 168°16.24'E); and
  - (g) then proceeds in a straight line to the northern side of the New River Estuary mouth (at 46°29.49'S and 168°16.24'E); and
  - (h) then proceeds in a generally westerly direction along the mean high-water mark to the northern entrance to Jacobs River Estuary (at 46°21.46'S and 168°01.34'E); and
  - (i) then proceeds in a straight line to Talls Point (at 46°21.60'S and 168°01.34'E); and
  - (j) then proceeds in a generally westerly direction along the mean high-water mark to Sand Hill Point (at 46°15.20'S and 167°19.05'E); and
  - (k) then in a straight line 4 nautical miles south-east from Sand Hill Point (at 46°19.29'S and 167°19.89'E); and
  - (l) then proceeds at a distance of 4 nautical miles from the mean high-water mark to a point (at 46°17.13'S and 167°25.38'E); and
  - (m) then proceeds in a straight line to a point (at 46°20.15'S and 167°35.97'E); and
  - (n) then proceeds in a generally easterly direction at a distance of 4 nautical miles from the mean high-water mark to a point on the Southland and Sub-Antarctic Fishery Management Area boundary (at 46°44.36'S and 169°03.57'E); and
  - (o) then proceeds in a straight line to Slope point (at 46°40.50'S and 169°00.00'E).
- (2) For the purposes of the area defined in subclause (1), a straight line joining the mean high-water marks at each side of a harbour entrance or, as the case may be, the natural entrance points of a river mouth must be treated as the inner boundary of that area if it extends seawards or as the outer boundary of that area if it extends landwards, except in the case of any harbours and rivers where specific co-ordinates are provided.

Regulation 3AB: inserted, on 1 October 2008, by regulation 5 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2008 (SR 2008/279).

*Minimum set net mesh size*

3B Minimum set net mesh size

- Notwithstanding regulation 31(1) of the Fisheries (Commercial Fishing) Regulations 2001, the mesh size of any set net used or possessed by any commercial fisher in the Southland and Sub-Antarctic Fishery Management Areas shall not be less than the appropriate size specified in the following table:

<i>Species of fish</i>	<i>Minimum Set Net Mesh Size (mm)</i>
Blue moki.....	114
Bluenose.....	160
Grey mullet.....	90
Hapuku/bass.....	160
Kahawai.....	90
School shark.....	150
Snapper.....	125

- Regulations 3A, 3B and 3C and headings were inserted by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 17 (SR 1993/283).

- Regulation 3B, the table was amended, as from 31 March 1994 by regulation 3(1) and 3(2) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 18 (SR 1994/29) by omitting the item relating to “Yellow-eyed mullet” and inserting the item relating “Grey mullet” respectively.
- Regulation 3B was further amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”. It was further amended, as from 1 October 2001, by regulation 15 of those Regulations by substituting the words “regulation 31(1) of the Fisheries (Commercial Fishing) Regulations 2001” for the words “regulation 21 of the Fisheries (Commercial Fishing) Regulations 1986”.

### 3BA Minimum net mesh for queen scallop trawling

- (1) A commercial fisher must not use or possess a trawl net for taking queen scallop in the Southland and Sub-Antarctic Fishery Management Area with net mesh less than 50 mm.
  - (2) Regulation 4 of the Fisheries (Commercial Fishing) Regulations 2001 ensures that subclause (1) overrides regulation 71 of those regulations.
- Regulation 3BA was inserted, as from 1 October 2002, by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 2) 2002 (SR 2002/278).

### *Set net soak times*

#### 3C Set net soak times

- No commercial fisher shall leave any set net within the Southland and Sub-Antarctic Fishery Management Areas for more than 24 hours without underrunning the net and removing any fish that have been caught.
- Regulations 3A, 3B and 3C and headings were inserted by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 17 (SR 1993/283).
- Regulation 3C was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.

#### 3D Restrictions on fishing in paua quota management areas

- (1) No commercial fisher shall take paua from more than one of the following quota management areas during the course of any fishing trip:
  - (a) *Quota management area PAU 5A—Fiordland*: All New Zealand fisheries waters within the Southland Fishery management Area enclosed by a line commencing at Awarua Point on the west coast of the South Island at 44°16'S and 168°03'E and proceeding due west to the outer boundary of the exclusive economic zone at a point at 44°16'S and 162°13'E; then proceeding in a generally southerly direction to a point at 49°00'S and 161°28'E; then proceeding due east to a point at 49°00'S and 166°05'E; then proceeding in a general north-easterly direction to the western bank of the Waiau River at 46°11.6'S and 167°36.85'E; then proceeding in a generally westerly and northerly direction along the mean high water mark to the point of commencement:
  - (b) *Quota management area PAU 5B—Stewart Island*: All New Zealand fisheries waters within the South-East and Southland Fishery Management Areas enclosed by a line commencing at a point in Foveaux Strait at 46°25.7'S and 167°29.0'E; then proceeding in a generally south-easterly direction to a point on the boundary of the South-East Fishery Management Area at 47°41.8'S and 172° 09.5'E and generally proceeding in a straight line to the point on the outer boundary of the Southland Fishery Management Area at 49°00'S and 169°00'E; then proceeding due west to a point at 49°00'S and 166°05'E; then proceeding in a generally north-easterly direction to the point of commencement:
  - (c) *Quota management area PAU 5D—Southland and Otago*: All New Zealand fisheries waters within the South-East and Southland Fishery Management Areas

enclosed by a line commencing at the Waitaki River south head aero beacon at 44°56.3'S and 171°08'E and proceeding in a straight line to the South-East Fishery Management Area to a point at 46° 55.1'S and 173°57.00'E; then proceeding in a south-westerly direction to a point at 47°41.8'S and 172°09.5'E; then proceeding in a north-westerly direction to a point in Foveaux Strait at 46°25.7'S and 167°29.00'E; then proceeding in a straight line to the western bank of the Waiau River mouth at 46°11.6'S and 167°36.85'E; then proceeding in a generally easterly and northerly direction along the mean high water mark to the point of commencement.

(2) No commercial fisher shall be in possession of paua taken in contravention of subclause (1) of this regulation.

Regulation 3D was inserted, as from 1 October 1995, by section 8 Fisheries Amendment Act 1995 (1995 No 51).

Regulation 3D was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.

### 3E Labelling of containers for paua taken in any PAU 5 quota management area

- (1) Every master of a fishing vessel shall ensure that all paua—
  - (a) Taken from the waters of any quota management area referred to in regulation 3D of these regulations; and
  - (b) Either—
    - (i) Held on board the vessel; or
    - (ii) Landed from the vessel; or
    - (iii) Transferred from the vessel to any other vessel—

are held in a container that complies with subclause (2) of this regulation.

(2) The label shall clearly and legibly state—

- (a) The name and registered number of the vessel from which the paua were taken; and
- (b) The date on which the paua were taken; and
- (c) The quota management area from which the paua were taken; and
- (d) The signature of the master of the vessel from which the paua were taken.

Regulation 3E was inserted, as from 1 October 1995, by section 8 Fisheries Amendment Act 1995 (1995, No 51).

### 3F Marking of blue cod pots and fish holding pots

- (1) No commercial fisher shall use for fishing or have on board any fishing vessel and fishing gear or any blue cod pot that does not have securely attached to it a surface float that is clearly, permanently, and legibly marked with the registered number of the vessel from which it is to be set or is being carried.

(2) No commercial fisher shall use, or have on board any fishing vessel, any pot, bag, or container capable of being used to hold or store fish at sea unless the pot, bag, or container has its own surface buoy or float, and each surface buoy or float is clearly, permanently, and legibly marked with the registered number of the vessel from which it is to be set or is being carried.

Regulation 3F was inserted, as from 1 October 1995, by section 8 Fisheries Amendment Act 1995 (1995, No 51).

Regulation 3F was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.

## *Trawling*

### 4 Trawling prohibited in Foveaux Strait

- [Revoked]  
Regulation 4 was substituted by regulation 2 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 2 (SR 1987/19).

Regulation 4 was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Regulation 4 was revoked, as from 11 July 2002, by regulation 3 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2002 (SR 2002/158).

#### 4 Trawling prohibited in defined area from Slope Point to Sand Hill Point

- (1) A commercial fisher must not use a trawl net for fishing in the waters lying within an area bounded by a line that—
  - (a) extends from Slope Point (at 46°40.50'S and 169°00.00'E); and
  - (b) then proceeds west along the mean high-water mark to the eastern entrance of Toetoes Harbour (at 46°34.94'S and 168°47.94'E); and
  - (c) then proceeds in a straight line to the western entrance of Toetoes Harbour (at 46°34.87'S and 168°47.73'E); and
  - (d) then proceeds in a generally westerly direction following a line by the mean high-water mark to Tiwai Point (at 46°36.13'S and 168°22.23'E); and
  - (e) then proceeds in a straight line to Stirling Point (at 46°36.73'S and 168°21.56'E); and
  - (f) then proceeds in a generally westerly direction along the mean high-water mark to the southern side of New River Estuary mouth (at 46°31.00'S and 168°16.24'E); and
  - (g) then proceeds in a straight line to the northern side of New River Estuary mouth (at 46°29.49'S and 168°16.24'E); and
  - (h) then proceeds in a generally westerly direction following a line by the mean high-water mark to Talls Point (at 46°21.60'S and 168°01.34'E); and
  - (i) then proceeds in a straight line to the southernmost point of the northern entrance to Jacobs River Estuary (at 46°21.46'S and 168°01.34'E); and
  - (j) then proceeds in a generally northerly direction following a line by the mean high-water mark to Sand Hill Point (at 46°15.20'S and 167°19.05'E); and
  - (k) then proceeds in a straight line in a south-easterly direction to a point (at 46°17.31'S and 167°19.49'E); and
  - (l) then proceeds easterly at a distance of 2 nautical miles from the mean high-water mark to a point along the Southland and Sub-Antarctic Fishery Management Area boundary (at 46°42.32'S and 169°01.68'E); and
  - (m) then proceeds in a generally northerly direction to Slope Point (at 46°40.50'S and 169°00.00'E).

(2) For the purposes of the area defined in subclause (1), a straight line joining the mean high-water marks at each side of a harbour entrance or, as the case may be, the natural entrance points of a river mouth must be treated as the inner boundary of that area if it extends seawards or as the outer boundary of that area if it extends landwards, except in the case of any harbours and rivers where specific coordinates are provided.

(3) This regulation does not apply to a commercial fisher who uses a low headline height trawl net.

Second regulation 4: inserted, on 1 October 2008, by regulation 6 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2008 (SR 2008/279).

#### 4A Use of 60mm mesh trawl net permitted south of 48°S at certain times

- (1) Notwithstanding regulation 31(1) of the Fisheries (Commercial Fishing) Regulations 2001 or any other regulation made pursuant to the Fisheries Act 1983 or the Act relating to net mesh sizes, any commercial fisher entitled to use a trawl net in the Southland Fishery Management Area (as defined in a notice published in the *Gazette* of 1986 at page 412) may use a trawl net with a mesh size of not less than 60mm in that Part of the area south of latitude 48°S (excluding the territorial sea) during the period commencing with the first day of January in any year and ending with the close of the 31st day of May in that year.
- (2) No commercial fisher shall have on board any fishing vessel in any waters other than those described in subclause (1) of this regulation or regulation 15A of these regulations any trawl

net permitted by those provisions unless the net is stowed in such a manner that it cannot readily be made available for fishing.

Regulations 4A and 4B were inserted, as from 1 October 1986, by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 1 (SR 1986/255).

Regulation 4A was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Subclause (1) was amended, as from 1 October 2001, by regulation 5 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by inserting the words “or the Act” after the words “Fisheries Act 1983”. It was further amended, as from 1 October 2001, by regulation 15 of those Regulations by substituting the words “regulation 31(1) of the Fisheries (Commercial Fishing) Regulations 2001” for the words “regulation 21 of the Fisheries (Commercial Fishing) Regulations 1986”.

4B Solander Trench closed to trawling and bottom-longlining by certain vessels

- No commercial fisher shall use—
  - (a) Any New Zealand fishing vessel over 46 m in overall length for trawling; or
  - (b) Any New Zealand fishing vessel over 30 m in overall length for bottom-longlining—

in the waters enclosed by a line commencing at point 46°45.2'S and 167°3.3'E; then proceeding generally northeast around the boundary of the territorial sea to a point 46°58.1'S and 167°15'E; then proceeding in a straight line to the point of commencement.

Regulations 4A and 4B were inserted, as from 1 October 1986, by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 1 (SR 1986/255).

Regulation 4B was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Paragraph (a) was amended, as from 5 November 1998, by regulation 2 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 1998 (SR 1998/298) by substituting the expression “46 m” for the expression “43 m”.

#### *Rock lobsters*

5 Tailing at sea permitted in specified area

- (1) Notwithstanding regulation 42 of the Fisheries (Commercial Fishing) Regulations 2001, it shall be lawful for the holder of a current southern rock lobster controlled fishery licence to tail at sea in the uncooked state any rock lobster taken from that part of the sea lying seaward of the mean high-water mark between a line following a true compass bearing of 135° from Long Point (at 46°34.1'S and 169°34.1'E) to the outer boundary of the exclusive economic zone; then along that boundary to meet a line following a true compass bearing of 315° from the south of Bruce Bay (Heretanewha Point) at 43°34.5'S and 169°34.7'E to the outer boundary of the exclusive economic zone.

(2) [Revoked]

Subclause (1) was amended, as from 1 October 2001, by regulation 15 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “regulation 42 of the Fisheries (Commercial Fishing) Regulations 2001” for the words “regulation 30 of the Fisheries (Commercial Fishing) Regulations 1986”.

Subclause (2) was revoked by regulation 3 Fisheries (Southland and Sub-Antarctic areas Commercial Fishing) Regulations 1986, Amendment No 4 (SR 1988/103).

5A Special provision relating to taking of female rock lobster between 1 January 1989 and 30 April 1989

- [Revoked]

Regulation 5A was inserted by regulation 2 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 5 (SR 1988/313).

Subclause (1) was amended, as from 1 October 2001, by regulation 15 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271), by substituting the words “regulation 37(1) of the Fisheries (Commercial Fishing) Regulations 2001” for the words “regulation 27(1) of the Fisheries (Commercial Fishing) Regulations 1986”.

Subclause (1) was amended, as from 1 October 2001, by regulation 15 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the expression “regulation 41” for the expression “regulation 29”.

Subclause (2) was amended, as from 1 October 2001, by regulation 15 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “regulation 37(2) of the Fisheries (Commercial Fishing) Regulations 2001” for the words “regulation 27(2) of the Fisheries (Commercial Fishing) Regulations 1986”.

Subclause (3) was amended, as from 1 October 2001, by regulation 15 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271), by substituting the words “regulation 41(1)(g) of the Fisheries (Commercial Fishing) Regulations 2001” for the words “regulation 29(1)(f) of the Fisheries (Commercial Fishing) Regulations 1986”.

Regulation 5A was revoked, as from 11 July 2002, by regulation 3 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2002 (SR 2002/158).

#### 5B Concession relating to female rock lobster taken between 1 August 1989 and 30 April 1990

- [Revoked]

Regulations 5B, 5C, 5D and 5E were inserted by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 6 (SR 1989/199).

Subclause (1) was amended, as from 1 October 2001, by regulation 15 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “regulation 37 of the Fisheries (Commercial Fishing) Regulations 2001” for the words “regulation 27 of the Fisheries (Commercial Fishing) Regulations 1986”.

Subclause (1) was amended, as from 1 October 2001, by regulation 15 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the expression “regulation 41” for the expression “regulation 29”.

Subclause (2) was amended, as from 1 October 2001, by regulation 15 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “regulation 37(2) of the Fisheries (Commercial Fishing) Regulations 2001” for the words “regulation 27(2) of the Fisheries (Commercial Fishing) Regulations 1986”.

Regulation 5B was revoked, as from 11 July 2002, by regulation 3 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2002 (SR 2002/158).

#### 5C Concession relating to female rock lobster

- (1) Notwithstanding regulation 37 of the Fisheries (Commercial Fishing) Regulations 2001, but subject to regulation 41 of those regulations, any person authorised to take rock lobster from Quota Management Area CRA8 - Southern (as defined in Part 3 of the First Schedule of the Fisheries Act 1996)) may take or be in possession of or sell to a licensed fish receiver's premises an undersize rock lobster, that is a female, or the tail of an undersize female rock lobster, provided that—
  - (a) The rock lobster is taken from the Southland Concession Area; and
  - (b) The rock lobster was, or, if on board a fishing vessel, is to be, landed at a point lying within the Southland Concession Area; and
  - (c) The rock lobster is, or, if on board a fishing vessel, is to be, delivered and sold to a licensed fish receiver's premises; and
  - (d) The width of the tail of the rock lobster is not less than 57 mm when measured in accordance with regulation 5D of these regulations.

(2) Notwithstanding regulation 37(2) of the Fisheries (Commercial Fishing) Regulations 2001, but subject to regulation 5E of these regulations, a licensed fish receiver's premises may sell or possess or process a female rock lobster, or female rock lobster tail, taken in accordance with subclause (1) of this regulation.

Regulations 5B, 5C, 5D and 5E were inserted by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 6 (SR 1989/199).

The heading to regulation 5C was amended, as from 1 October 2001, by regulation 6(1) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by omitting the words “taken between 1 May 1990 and 30 April 1991”.

Regulation 5C(1) was amended by regulation 2 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 9 (SR 1990/216) by substituting the words “any person authorised ... area 8 (as defined in Schedule 3 to the Maori Fisheries Act 1989)” for the words “the holder of a current southern rock lobster controlled fishery licence”.

Regulation 5C was amended by regulation 2(1) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 10 (SR 1991/36) by substituting the expression “1992” for the expression “1991”, and by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 12 (SR 1992/86) by substituting the expression “1993” for the expression “1992”.

Regulation 5C(1) was amended by regulation 2 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 16 (SR 1993/49) by substituting the words “31st day of March 1994” for the words “30th day of April 1993”, and by regulation 4(1) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 18 (SR 1994/29) by substituting the words “31st day of March 1996” for the words “31st day of March 1994”.

Regulation 5C(1)(a) was substituted, as from 1 April 1996, by regulation 2 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 21 (SR 1996/22).

Subclause (1) was amended, as from 1 October 2001, by regulation 6(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by omitting the words “under a quota”. Subclause (1) was further amended, as from 1 October 2001, by regulation 15 of those Regulations by substituting the words “regulation 37 of the Fisheries (Commercial Fishing) Regulations 2001” for the words “regulation 27 of the Fisheries (Commercial Fishing) Regulations 1986”. Subclause (1) was further amended by substituting the expression “regulation 41” for the expression “regulation 29”.

Subclause (1) was amended, as from 31 March 2003, by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2003 (SR 2003/24), by substituting the words “Quota Management Area CRA8 - Southern (as defined in Part 3 of the First Schedule of the Fisheries Act 1996)” for the words “quota management area 8 (as defined in the Third Schedule to the Maori Fisheries Act 1989)”.

Subclause (1) was amended, as from 1 April 2004, by regulation 4 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2004 (SR 2004/70) by substituting the words “licensed fish receiver's premises” for the words “licensed concession fish packing house” in both places where they occur.

Subclause (2) was amended, as from 1 October 2001, by regulation 15 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271), by substituting the words “regulation 37(2) of the Fisheries (Commercial Fishing) Regulations 2001” for the words “regulation 27(2) of the Fisheries (Commercial Fishing) Regulations 1986”.

Subclause (2) was amended, as from 1 April 2004, by regulation 4 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2004 (SR 2004/70) by substituting the words “licensed fish receiver's premises” for the words “licensed concession fish packing house”.

5D Method of measurement of rock lobster tail

- (1) For the purposes of regulation 5B of these regulations, the width of the tail of a rock lobster shall be measured in accordance with regulation 38 of the Fisheries (Commercial Fishing) Regulations 2001—
  - (a) As if references in that regulation to the expression “60” were read as the expression “56”; and
  - (b) Instead of by means of the tail-width measuring device referred to in that regulation, by means of a tail-width measuring device, supplied by the chief executive, of similar description to that depicted in the Schedule 1 of the Fisheries (Commercial Fishing) Regulations 2001, but showing the expression “56F” instead of the expression “58F” on the relevant arm of the device, and inscribed with the words “Invalid after 30 April 1990”.
- (2) For the purposes of regulation 5C of these regulations, the width of the tail of a rock lobster shall be measured in accordance with regulation 38 of the Fisheries (Commercial Fishing) Regulations 2001—
  - (a) As if the references in that regulation to the expression “60” were read as the expression “57”; and
  - (b) Instead of by the means of the tail-width measuring device referred to in that regulation, by means of a tail-width measuring device, supplied by the chief executive, of similar description to that depicted in the Schedule 1 of the Fisheries (Commercial Fishing) Regulations 2001, but showing the expression “57F” instead of the expression “60F” on the relevant arm of the device, and inscribed with the words “Invalid after 30 April 1991” or “Invalid after 30 April 1992”.

Regulations 5B, 5C, 5D and 5E were inserted by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 6 (SR 1989/199). Subclause (2) was amended, as from 1 July 1992, by regulation 4(a) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 12 (SR 1992/86) by substituting the expression “60” for the expression “58” in both places where it occurred.

Subclause (2) was further amended by regulation 4(b) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 12 (SR 1992/86), by inserting in reg 5D(2) the words “or ‘Invalid after 30 April 1992’”.

Subclauses (1) and (2) were amended, as from 1 October 2001, by regulation 7 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “chief executive” for the word “Director-General”. They were further amended, as from 1 October 2001, by regulation 15 of those Regulations by substituting the words “regulation 38 of the Fisheries (Commercial Fishing) Regulations 2001” for the words “regulation 28 of the Fisheries (Commercial Fishing) Regulations 1986”. They were further amended, as from 1 October 2001, by regulation 15 of those Regulations by substituting the words “Schedule 1 of the Fisheries (Commercial Fishing) Regulations 2001” for the words “Schedule 1 to the Fisheries (Commercial Fishing) Regulations 1986”.

#### 5E Processing and sale of Southland Concession Area rock lobster

- (1) Any person who sells or possesses or processes any rock lobster or rock lobster tail pursuant to the authority of regulation 5B(2) or regulation 5C(2) of these regulations shall ensure, as far as that person is able, that, except as otherwise authorised by these regulations,—
  - (a) All tailing and processing of the rock lobster, or tails, is carried out in a licensed fish receiver's premises; and
  - (b) The rock lobster, or tails, are packed in a Southland Concession Pack; and
  - (c) The rock lobster, or tails, are either exported directly from a licensed fish receiver's premises, or are delivered to an export transshipment point approved by the chief executive pursuant to subclause (2) of this regulation in accordance with the relevant terms and conditions of any such approval; and
  - (d) Before the removal of the rock lobster, or tails, from a licensed fish receiver's premises, the licensed fish receiver's premises has furnished to the District

Compliance Manager of the Ministry of Fisheries at Invercargill full written particulars relating to—

- (i) The quantity of rock lobster or tails to be transported from the licensed fish receiver's premises; and
- (ii) The intended transport mode and storage method of the rock lobster or tails so transported; and
- (iii) The name and destination of the ship, or the flight number and destination of the aircraft, on which they are to be exported from New Zealand.

(2) The chief executive may, subject to such terms and conditions as the chief executive thinks fit, approve in writing any premises or point within New Zealand as an export transshipment point to which rock lobster or tails taken pursuant to regulation 5B or regulation 5C of these regulations may be sent by a licensed fish receiver's premises.

(3) Any licensed fish receiver's premises processing rock lobster or tails taken pursuant to regulation 5B or regulation 5C of these regulations shall keep and maintain records in respect of such rock lobster, and tails, detailing—

- (a) The place and date of each purchase, and the purchase invoice number; and
- (b) The vessel name, registration number, and name of the Southern controlled licence holder or the licensed fish receiver's premises from which the rock lobster or tail was purchased; and
- (c) The number of containers received; and
- (d) The greenweight in kilograms received; and
- (e) The unit price, including any advance or other form of payment per kilogram; and
- (f) The inventory of Southland Concession Packs held on the premises; and
- (g) In respect of all sales, the sales invoice number, the purchaser, the quantity sold, and the destination.

Regulations 5B, 5C, 5D and 5E were inserted by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 6 (SR 1989/199).

Regulation 5E was amended, as from 1 October 2001, by regulation 7 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “chief executive” for the word “Director-General”.

Regulation 5E (except subclause (3)(f)) was amended, as from 1 April 2004, by regulation 5(1) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2004 (SR 2004/70) by substituting the words “licensed fish receiver's premises” for the words “licensed concession fish packing house” in each place where they occur.

Subclause (1)(d) was amended, as from 1 October 2001, by regulation 8 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by omitting the words “Agriculture and”.

Subclause (3)(f) was amended, as from 1 April 2004, by regulation 5(2) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2004 (SR 2004/70) by omitting the words “of the licensed concession fish packing house”.

### *Oysters*

#### 6 Closed areas

- No commercial fisher shall take any oyster or have in his or her possession any oyster taken from the following waters:
  - (a) Those waters which lie inside straight lines drawn from North Head on Ruapuke Island (at 46°44.3'S and 168°31.9'E) to Seal Rock (at 46°45.1'S and 168°35.8'E); then to the westernmost point of Green Island (at 46°46.2'S and 168°34.0'E); then to Parangiaio Point on Ruapuke Island (at 46°46.4'S and 168°32.6'E); then along the 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°14.4'E); then along the mean high-water mark to the southwesternmost point on Bench Island (at 46°54.9'S and 168°13.6'E); then by straight line to East Cape on

Stewart Island (at 47°00.9'S and 168°13.8'E); then along the 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).

The original paragraph (d) was inserted by Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 2 (SR 1987/16) and revoked by regulation 3(1) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 3 (SR 1988/16).

Regulation 6 was substituted by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 11 (SR 1991/164).

Regulation 6 was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.

#### 6A Trawling prohibited in Foveaux Strait Dredge Oyster Fishery

- [Revoked]

Regulation 6A was inserted by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1989/323).

Regulation 6A was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Regulation 6A was revoked, as from 11 July 2002, by regulation 3 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2002 (SR 2002/158).

#### 7 Oyster season and quotas

- [Revoked]

Regulation 7 was substituted by regulation 4 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 2 (SR 1987/19), amended by regulation 2 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 5 (SR 1989/55), substituted by regulation 4 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 6 (SR 1989/199), amended by regulation 2 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 8 (SR 1990/111), and further substituted by regulation 2 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 13 (SR 1992/204).

Regulation 7 was further substituted, as from 30 May 1996, by regulation 2 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 22.

Regulation 7 was revoked, as from 1 June 1997, by regulation 2(1) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 1997 (SR 1997/70).

#### 8 Oyster size limit

- [Revoked]

Regulation 8 was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Regulation 8 was revoked, as from 21 October 2004, by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 2) 2004 (SR 2004/335).

#### 9 Permitted times

- [Revoked]

Regulation 9 was revoked, as from 1 April 1998, by regulation 2 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 1998 (SR 1998/25).

#### 10 Oyster dredges

- (1) Notwithstanding regulation 78 of the Fisheries (Commercial Fishing) Regulations 2001 or any other regulations made pursuant to the Fisheries Act 1983 or the Act relating to shellfish dredges, any commercial fisher may have or permit to be on board any fishing vessel used by the fisherman and licensed to fish in the Foveaux Strait Dredge Oyster Fishery not more than 2 dredges at any one time, and each dredge may have a bar or bit not exceeding 3.35m in length.
  - (2) No commercial fisher shall carry any dredge or permit any dredge to be carried on board any fishing vessel during any period closed to the taking of oysters in the Foveaux Strait Dredge Oyster Fishery without the prior approval of a Fishery Officer.
- Regulation 10 was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.
- Subclause (1) was amended, as from 1 October 2001, by regulation 9 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by inserting the words “or the Act” after the words “Fisheries Act 1983”. It was further amended, as from 1 October 2001, by regulation 15 of those Regulations by substituting the words “regulation 78 of the Fisheries (Commercial Fishing) Regulations 2001” for the words “regulation 53 of the Fisheries (Commercial Fishing) Regulations 1986”.

#### 11 Culching

- Every commercial fisher shall ensure that—
  - (a) The culching of oysters is done at sea and in the area from which the oysters were taken:
  - (b) All undersize oysters are returned to the sea as soon as practicable.

Regulation 11 was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.

#### 12 Opening oysters

- 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.

#### 13 Labelling of oysters

- [Revoked]
- Regulation 13 was revoked, as from 1 April 1998, by regulation 2 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 1998 (SR 1998/25).

#### 13A Restriction on taking of queen scallops

- No commercial fisher shall take or be in possession of any queen scallop that has a shell of less than 50mm in length.

Regulation 13A was inserted by regulation 4 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1989/323).

Regulation 13A was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.

### *Shellfish*

#### 14 Restrictions on taking shellfish (other than rock lobsters, oysters, or crabs)

- No commercial fisher shall take from, or have in possession, any shellfish (except rock lobsters, oysters, or crabs) taken from the following waters:
  - (a) *Howells Point Light, Riverton to Waipapa Point, Otara*—All those waters lying within an area bounded by a line—
    - (i) commencing at Howells Point Light, Riverton (at approximately 46° 23.04'S and 168° 01.8'E); then
    - (ii) proceeding south-west on a true bearing of 240° for 0.5 of a nautical mile to an offshore position (at approximately 46° 23.3'S and 168° 01.2'E); then

- (iii) proceeding generally in an east and south-east direction at a distance of 0.5 of a nautical mile from the mean high-water mark from all points of the south coast of the South Island to an offshore position south-east of Waipapa Point (at approximately 46° 40.1'S and 168° 51.2'E); then
- (iv) returning due north to the shore for a distance of 0.5 of a nautical mile to a point (at approximately 46° 39.6'S and 168° 51.2'E), which is 0.3 of a nautical mile east of Waipapa Point Light; then
- (v) returning in a generally west and north-west direction along the mean high-water mark of the south coast of the South Island to the point of commencement:
  - (b) *Stewart Island*—Those waters adjacent to Stewart Island lying inside a straight line from Mamaku Point (at 46°51.8'S and 168°08.7'E) to Bullers Point (The Neck) (at 46°55.3'S and 168°11.5'E):
  - (c) *Ruapuke Island*—All those high waters lying within 1 nautical mile seaward of the mean high-water mark of the coasts of Ruapuke Island and of Green Island, which lies to the east of Ruapuke Island.

Regulation 14 was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271), by substituting the words “commercial fisher” for the words “commercial fisherman” wherever they occur.

Paragraph (a) was substituted, as from 26 July 2001, by regulation 4 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/150).

Paragraphs (b) and (c) were substituted, as from 5 March 1988, by regulation 5 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 3 (SR 1988/16).

#### *Blue cod pots*

#### 14A Blue cod pots to be covered in mesh

- No commercial fisher shall have on board any fishing vessel or use any blue cod pot unless the blue cod pot is constructed entirely of square steel mesh in which the spaces are not less than 48mm in width.

Regulation 14A was inserted, as from 1 October 1994, by regulation 5(1) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 18 (SR 1994/29).

Regulation 14A was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.

## **Part 2**

### **Sub-Antarctic area**

#### *Auckland Islands prohibitions*

#### 15 Taking of fish or aquatic life near Auckland Islands prohibited

- No commercial fisher shall take, or be in possession of any fish or aquatic life taken, within 12 nautical miles of the mean low-water mark of each island and rock of the Auckland Islands.
- Regulation 15 was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.

#### *Trawling and squid jigging*

#### 15A Use of 60mm mesh trawl net permitted

- (1) Notwithstanding regulation 31(1) of the Fisheries (Commercial Fishing) Regulations 2001 or any other regulations made pursuant to the Fisheries Act 1983 or the Act relating to net mesh sizes any commercial fisher entitled to use a trawl net in the Sub-Antarctic Fishery Management Area (as defined in a notice published in the *Gazette* of 1986 at page 412) may use a trawl net with a mesh size of not less than 60mm in that Area at any time.
- (2) No commercial fisher shall have on board any fishing vessel in any waters other than those described in subclause (1) of this regulation or regulation 4A of these regulations any trawl net permitted by those provisions unless the net is stowed in such a manner that it cannot readily be made available for fishing.

Regulations 15A and 15B were inserted by regulation 4 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 1 (SR 1986/255). Regulation 15A was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Subclause (1) was amended, as from 1 October 2001, by regulation 10 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by inserting the words “or the Act” after the words “Fisheries Act 1983”. It was further amended, as from 1 October 2001, by regulation 15 of those Regulations by substituting the words “regulation 31(1) of the Fisheries (Commercial Fishing) Regulations 2001” for the words “regulation 21 of the Fisheries (Commercial Fishing) Regulations 1986”.

#### *Paua*

15B

- [Revoked]  
Regulations 15A and 15B were inserted by regulation 4 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 1 (SR 1986/255). Regulation 15B was revoked by regulation 5 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 6 (SR 1989/199). A new regulation 15B was inserted by regulation 5 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1989/232) and revoked by regulation 8(1) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 12 (SR 1992/86).

### **Part 2A**

#### **General prohibitions, restrictions and quotas**

- Part 2A, comprising regulations 15C to 15K and heading, was inserted, as from 1 December 1989, by regulation 6 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1989/323).

15C Totally prohibited species

- No commercial fisher shall take any black coral or any red coral from the waters of quota management area 5 or quota management area 6, or be in possession of any such coral if it has been taken from any of those waters.

Part 2A, comprising regulations 15C to 15K and heading, was inserted, as from 1 December 1989, by regulation 6 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1989/323).

Regulation 15C was substituted by regulation 5 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 11 (SR 1991/164).

Regulation 15C was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.

15CA Targeting of certain fish, aquatic life, and seaweed prohibited, unless specially authorised

- [Revoked]

Regulations 15CA and 15CB were inserted by regulation 5 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 11 (SR 1991/164). Subclause (5) was amended by regulation 6 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 12 (SR 1992/86). Subclause (5) was substituted by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 14 (SR 1992/235). Subclause (5) was further amended by regulation 2 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 15 (SR 1992/302) by substituting the item “\*Kina” for the item “\*Kina (QMA 6)”, and by substituting the words “\*Prohibition applies only to kina in QMA 6 and to kina in the ... and Preservation Inlet” for the words “\*Prohibition applies to kina in QMA 6 only”. Subclause (5) was further amended, as from 30 September 1993, by regulation 4 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 17 (SR 1993/283) by inserting in Part A of the table the item “Garfish”, and by omitting from Part B of the table the item “Garfish”. Subclause (5) was further amended, as from 1 October 1998, by section 306(2) Ngai Tahu Claims Settlement Act 1998 (1998 No 97) by inserting in Part B of the table, as totally prohibited target species, the following items: “Kakahi/Koaru (Freshwater mussels—*Unio menziesi*); Kanakana/Ute (Southern lamprey—*Geotria australis*); Karengo (Karengo/Nori—*Porphyra columbina*); Karengo (Sea lettuce—*Ulva spp*); Rimurapa (Bull kelp—*Durvillea spp*); Toheroa/Tupehokura (Toheroa—*Paphies ventricosum*); and Waikoura (Freshwater crayfish—*Paranephrops spp*)”. See clause 2 Ngai Tahu Claims Settlement Act Commencement Order 1998 (SR 1998/295). Subclause (5) was further amended, as from 5 November 1998, by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 1998 (SR 1998/298) by omitting from Part B of the Table the items “Cardinal fish”, “Frost fish”, “Ghost shark”, “Ribaldo”, “Sea perch”, and “Trumpeter”. Regulation 15CA was revoked, as from 1 October 2001, by regulation 11 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

15CB Species that may be taken subject to competitive or individual quotas, method restrictions, etc.

- [Revoked]
 

Regulations 15CA and 15CB were inserted by regulation 5 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 11 (SR 1991/164). Regulation 15CB was amended by regulation 7 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 12 (SR 1992/86) by substituting, in column one of the table, the items “Albacore tuna” and “Spiny dogfish” for the item “Skate and ray”, by omitting from the second column the item “Spiny dogfish”, and by omitting from the third column “Paua”.

Regulation 15CB was further amended by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 15 (SR 1992/302) by substituting in the second column of the table the item “\*Kina” for the item “Kina”, and by inserting at the foot of the table the words “\*Authorisation applies to the waters of QMA6 ... of these regulations”.

Regulation 15CB was further amended by regulation 5(1) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 17 (SR 1993/283) by substituting the words “to subclause (2) of this regulation and any other regulation and any” for the words “any regulations or”.

Subclause (1) was amended, as from 27 September 1996, by regulation 2 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 22 (SR 1996/270) by omitting the words “Jack mackerel”.

Subclause (1) was further amended, as from 5 November 1998, by regulation 4 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 1998 (SR 1998/298) by omitting from the Table the item “Yellow-eyed mullet”.

Subclause (2) was inserted by regulation 5(2) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 17 (SR 1993/283).

Regulation 15CB was revoked, as from 1 October 2001, by regulation 12 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

#### 15D Butterfish season and quotas

- [Revoked]

Part 2A, comprising regulations 15C to 15K and heading, was inserted, as from 1 December 1989, by regulation 6 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1989/323).

Regulation 15D was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Regulation 15D was amended, as from 1 October 2001, by regulation 7 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “chief executive” for the word “Director-General” wherever it occurs.

Regulation 15D was revoked, as from 1 October 2002, by regulation 4 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 2) 2002 (SR 2002/278).

#### 15E Yellow-eyed mullet season and quotas

- [Revoked]

Part 2A, comprising regulations 15C to 15K and heading, was inserted, as from 1 December 1989, by regulation 6 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1989/323).

Regulation 15E was revoked, as from 5 November 1998, by regulation 5 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 1998 (SR 1998/298).

#### 15F Kina season and quotas

- (1) [Revoked]

(2) No commercial fisher shall take any kina or be in possession of any kina taken from those waters lying within half a nautical mile seaward of the mean high water mark of that part of the coast between Monkey Island (at 46°17.7'S and 167°43.5'E), and Old Man Rock (at 46°23.6'S and 167°47.0'E).

- (3) [Revoked]

Part 2A, comprising regulations 15C to 15K and heading, was inserted, as from 1 December 1989, by regulation 6 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1989/323).

Regulation 15F was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Subclause (1) was amended by regulation 4 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 15 (SR 1992/302) by inserting the words “(other than the waters described in the Table set out in regulation 15CA(5) of these regulations)”.

Subclause (1) was further amended, as from 1 October 2001, by regulation 7 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “chief executive” for the word “Director-General”.

Subclause (1) was amended, as from 1 October 2001, by regulation 13(1) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by omitting the words “(other than the waters described in the Table set out in regulation 15CA(5) of these regulations)”.

Subclause (1) was revoked, as from 1 October 2002, by regulation 5 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 2) 2002 (SR 2002/278).

Subclause (3) was inserted, as from 1 October 2001, by regulation 13(2) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

Subclause (3) was revoked, as from 21 October 2004, by regulation 4 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 2) 2004 (SR 2004/335).

#### 15G Paddle crab season and quotas

- [Revoked]

Part 2A (comprising regulations 15C to 15K and heading) were inserted, as from 1 December 1989, by regulation 6 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1989/323).

Regulation 15G was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Regulation 15G was amended, as from 1 October 2001, by regulation 7 of those Regulations by substituting the words “chief executive” for the word “Director-General”.

Regulation 15G was revoked, as from 1 October 2002, by regulation 6 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 2) 2002 (SR 2002/278).

#### 15H Taking certain paddle crabs prohibited

- (1) No commercial fisher shall take from the waters of quota management area 5 or quota management area 6 any paddle crab—
  - (a) That is carrying any external eggs; or
  - (b) From which any of the external eggs have been removed by artificial means; or
  - (c) From which the egg-bearing appendages have been removed; or
  - (d) That has a carapace width of less than 75 mm at its widest point.

(2) No commercial fisher shall be in possession of any such paddle crab if it has been taken from either of the waters referred to in subclause (1) of this regulation.

Part 2A, comprising regulations 15C to 15K and heading, was inserted, as from 1 December 1989, by regulation 6 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1989/323).

Regulation 15H was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.

#### 15HA Spiny dogfish season and quotas

- [Revoked]

Regulation 15HA was inserted by regulation 6 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 11 (SR 1991/164).

Regulation 15HA was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Regulation 15HA was amended, as from 1 October 2001, by regulation 7 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 by substituting the words “chief executive” for the word “Director-General”.

Regulation 15HA was revoked, as from 2 October 2003, by regulation 3 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 2) 2003 (SR 2003/227).

#### 15I Restrictions on fishing methods

- (1) No commercial fisher shall take any blue mussel, catseye, cockle, cooks turban, dog cockle, dredge oyster, *green-lipped mussel*, kina, king clam, limpet, longimactra, mudsnail, Pacific oyster, paua, pipi, rock oyster, sea egg (other than kina), sea slug, sea tulip, sponge, sunset, surf clam, tuatua, virgin paua, whelk or venerupis from the waters of quota management area 5 or quota management area 6 by any method other than hand-gathering, unless that other method is specifically authorised by a fishing permit.
- (2) No commercial fisher shall take any cancer crab, mud crab, red rock crab, octopus, or hagfish from the waters of quota management area 5 or quota management area 6 by any methods other than hand-gathering or the use of a pot (not being a rock lobster pot), unless that method is specifically authorised by a fishing permit.
- (3) No commercial fisher shall take any spiny dogfish from the waters of quota management area 5 or quota management area 6 by any method other than trawling or handlining, unless that method is specifically authorised by a fishing permit.

(4) Nothing in subclause (2) of this regulation shall apply to any commercial fisher who is lawfully fishing for rock lobster in the waters referred to in that subclause.

Part 2A, comprising regulations 15C to 15K and heading, was inserted, as from 1 December 1989, by regulation 6 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1989/323).

Regulation 15I was substituted by regulation 7 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 11 (SR 1991/164).

Regulation 15I was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Subclause (1) was amended, as from 1 April 2004, by regulation 6(1) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2004 (SR 2004/70) by omitting the words “horse mussel,” and the words “sea cucumber,”.

Subclause (2) was amended, as from 1 October 2002, by regulation 7 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 2) 2002 (SR 2002/278), by omitting the words “paddle crab”.

Subclause (2) was amended, as from 1 April 2004, by regulation 6(2) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2004 (SR 2004/70) by omitting the words “deepwater crab,”.

#### 15J Restrictions on use of nets and dredges

- (1) No commercial fisher shall use any trawl net, set net, Danish seine net, purse seine net, or drag net to take any fish or aquatic life from the waters of quota management area 5 or quota management area 6, unless that method of netting is specifically authorised by a fishing permit held by that commercial fisher.
- (2) No commercial fisher shall use any dredge to take any fish or aquatic life from the waters of quota management area 5 or quota management area 6, unless that method is specifically authorised by a fishing permit held by that commercial fisher.
- (3) No commercial fisher shall set any net in the waters of quota management area 5 or quota management area 6 if the upper edge of the net is within 2 metres of the surface, unless the distance from the top of the net to its bottom is no more than 50 times greater than the relevant net mesh size and that commercial fisher remains within 100 metres of the net while it is set.
- (4) For the purpose of subclause (3) of this regulation, **relevant net mesh size** means the minimum legally permitted mesh size for the fish the commercial fisher is fishing for.

Part 2A, comprising regulations 15C to 15K and heading, was inserted, as from 1 December 1989, by regulation 6 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1989/323).

Regulation 15J was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.

#### 15JA Trawling prohibited in certain seamount areas

- (1) No person may use a trawl net for fishing in any closed seamount area.
- (2) In this regulation, **closed seamount area** means all waters within the following areas:
  - (a) the area located in fisheries management area 5 that is bounded by—
    - (i) the latitudes 48° 00'S and 48° 45'S; and
    - (ii) the longitudes 162° 10'E and 162° 50'E:
  - (b) the area located in fisheries management area 6 that is bounded by—
    - (i) the latitudes 48° 30'S and 51° 00'S; and
    - (ii) the longitudes 175° 00'W and 179° 00'W:
  - (c) the area located in fisheries management area 6 that is bounded by—
    - (i) the latitudes 50°30'S and 51°25'S; and
    - (ii) the longitudes 163°35'E and 165°00'E:
  - (d) [Revoked]
  - (e) the area located in fisheries management area 6 that is bounded by—
    - (i) the latitudes 54° 57'S and 55° 06'S; and
    - (ii) the longitudes 169° 00'E and 169° 20'E.

Regulation 15JA was inserted, as from 10 May 2001, by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2001 (SR 2001/68).

Regulation 15JA(2)(c): substituted, on 15 November 2007, by regulation 4(1) of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2007 (SR 2007/310).

Regulation 15JA(2)(d): revoked, on 15 November 2007, by regulation 4(2) of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2007 (SR 2007/310).

#### 15K Taking eels from waters of National Parks restricted

- (1) No commercial fisher shall use a fyke net to take any eel from the waters of any National Park within quota management area 5 or quota management area 6.
  - (2) For the purposes of this regulation, **National Park** means any area declared to be a National Park pursuant to the provisions of the National Parks Act 1980.
- Part 2A, comprising regulations 15C to 15K and heading, was inserted, as from 1 December 1989, by regulation 6 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1989/323).
- Subclause (1) was amended, as from 1 October 2001, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271) by substituting the words “commercial fisher” for the words “commercial fisherman”.

### Part 3 Offences

#### 16 Offences

- (1) A person commits an offence and is liable on summary conviction to a fine not exceeding \$20,000 if the person acts in contravention of, or fails to comply with, any of regulations 3C, 3F, 5C, 5E, 10, 15A(2), or 15I.
  - (2) A person commits an offence and is liable on summary conviction to a fine not exceeding \$100,000 if the person acts in contravention of, or fails to comply with, any of regulations 3, 3A, 3AB, 3B, 3BA, 3D, 3E, 4, 4A, 4B, 6, 11, 12, 13A to 15, 15C, 15F(2), 15H, or 15J to 15K.
- Regulation 16 was substituted by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 9 (SR 1990/216).
- Regulation 16 was amended by regulation 8(1) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 11 (SR 1991/164) by substituting the expression “15C, 15CA(1), 15CB(1)” for the expression “15C(1), 15C(2), 15C(3), 15C(4)”.
- Regulation 16 was amended by regulation 8(1) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 11 (SR 1991/164) by inserting the expressions “15HA” and “15I(3)”.

Regulation 16 was amended, as from 1 October 1995, by section 8 Fisheries Amendment Act 1995 (1995, No 51) by inserting the expressions “3D, 3E, and 3F”.

Subclause (1) was amended, as from 10 May 2001, by regulation 4 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2001 (SR 2001/68) by inserting, after the expression “15J(3),” the expression “15JA,”.

Regulation 16 was substituted, as from 1 October 2001, by regulation 14 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/271).

Subclause (1) was amended, as from 11 July 2002, by regulation 4(a) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2002 (SR 2002/158) by omitting the expression “5A, 5B,”.

Regulation 16(2): amended, on 1 October 2008, by regulation 7 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2008 (SR 2008/279).

Subclause (2) was amended, as from 11 July 2002, by regulation 4(b) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2002 (SR 2002/158) by omitting the expression “6A,”.

Subclause (2) was amended, as from 1 October 2002, by regulation 8(a) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 2) 2002 (SR 2002/278) by substituting the words “3 to 3BA, 3D, 3E, 4 to 4B,” for the words “3 to 3B, 3D to 4B,”.

Subclause (2) was amended, as from 1 October 2002, by regulation 8(b) Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 2) 2002 (SR 2002/278) by substituting the words “15F(2) and (3), 15H, 15HA” for the words “15F to 15HA”.

Subclause (2) was amended, as from 2 October 2003, by regulation 4 Fisheries (Southland And Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 2) 2003 (SR 2003/227) by omitting the expression “15HA,”.

Subclause (2) was amended, as from 21 October 2004, by regulation 5(a) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 2) 2004 (SR 2004/335) by omitting the expression “8,”.

Subclause (2) was amended, as from 21 October 2004, by regulation 5(b) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations (No 2) 2004 (SR 2004/335) by omitting the expression “and (3)”.

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## Schedule

Reg 2

### Licensed concession fish packing houses

[Revoked]

- This Schedule was inserted by regulation 6 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 6 (SR 1989/199), and amended by regulation 8 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1989/323) by inserting the items “Westland Processors Ltd” and “Lobline Partnership”, and amended by regulation 4 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1990/216) by inserting the item “Barn Bay Fishing Company Ltd”.
- This Schedule was substituted, as from 23 October 1996, by regulation 3(1) Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No 22 (SR 1996/270).
- This Schedule was substituted, as from 5 November 1998, by regulation 6 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 1998 (SR 1998/298).
- This Schedule was revoked, as from 1 April 2004, by regulation 7 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2004 (SR 2004/70).

## Schedule

r 2

### Description of internal waters of Fiordland

- The Schedule was inserted, as from 30 June 2005, by regulation 6 Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2005 (SR 2005/140).
- 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.

P G MILLEN,  
Clerk of the Executive Council.

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### Explanatory note

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations replace that part of the Fisheries (Dunedin Commercial Fishing Restrictions) Notice 1984 that relates to the Southland Fishery Management Area, and includes a new prohibition on the taking of fish or aquatic life from waters around the Auckland Islands that are within the Sub-Antarctic Fishery Management Area. Controls on the places where landing of rock lobsters is permitted have been removed.

These regulations should be considered in conjunction with the Fisheries (Commercial Fishing) Regulations 1986 (SR 1986/215) which impose prohibitions and controls of nationwide application.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 4 September 1986.

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## Notes

### 1 General

- This is an eprint of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986. It incorporates all the amendments to the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986 as at 1 October 2008. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

### 2 About this eprint

- This eprint has not been officialised. For more information about officialisation, please see “Making online legislation official” under “Status of legislation on this site” in the About section of this website.

### 3 List of amendments incorporated in this eprint (most recent first)

- Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2008 (SR 2008/279)  
Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2007 (SR 2007/310)